

**CITY OF BRIGHTON
ZONING BOARD OF APPEALS
MINUTES
June 12, 2014**

1. Call to Order

Chairperson Angst called the meeting to order at 7:30 p.m. and the following members were present:

2. Roll Call

Gino Conedera – Present
Russ Gottschalk – Present
Doug Angst – Present
Ricci Bandkau - Present
Dave Senak – Present
David McLane – Present
Alicia Urbain – Absent
Amy Cyphert

Motion by Board Member Conedera, seconded by Gottschalk, to excuse Board Member Urbain. **Motion carried 6-0-1.**

3. Approval of the February 13, 2014 Meeting Minutes

Motion by Board Member Bankdau, seconded by Conedera, to approve the meeting minutes of February 13, 2014. **Motion carried 4-0-1-2** with Board Members Gottschalk and Senak abstaining and one absence.

4. Approval of the May 8, 2014 Meeting Minutes

Motion by Board Member Conedera, seconded by Gottschalk, to approve the meeting minutes of May 8, 2014. **Motion carried 4-0-1-2** with Board Members Senak and McLane abstaining and one absence.

5. Approval of the June 12, 2014 Meeting Agenda

Motion by Board Member Conedera, seconded by Senak, to approve the June 12, 2014 agenda as amended to move item #8 to #5a. **Motion carried 6-0-1.**

New Business

5a. **Euko Design Signs, Inc. on behalf of Gardner White, 8393 W. Grand River (18-19-300-024)** is proposing a 223.5 square foot wall sign at the principal entrance of a tenant that is occupying 131 feet of building frontage. Section 66-94 (4) (b) states each occupant, tenant or user of space whose principal entrance is such that a public entrance is provided directly from the outside into the store shall be permitted one wall sign not exceeding 32 square feet in area at that primary entrance or within the plane of the wall where the public entrance is located. Businesses which have in excess of 50 lineal feet of building frontage on a public street, alleyway or parking area, to which there is a public or primary entrance, the wall sign area may be increased by one square foot for each one lineal foot of frontage between 50 and 150 feet not to exceed a total of 132 square feet. In addition, if a wall of the building which does not have a public entranceway or is a secondary entrance, is adjacent to a public right-of-way, one wall sign not exceeding 50 percent of the total surface area of the above primary wall sign shall be permitted. A variance of 110.5 square feet is being requested.

The applicant is proposing a wall sign that has a vertical dimension of 9.38 feet at the principal entrance on a building. Section 66-94 (4) (g) states that the vertical dimension of a wall sign shall not be in excess of six feet. A variance of 3.38 feet is being requested.

Chairperson Angst reviewed the applicant's request. Ashley Israel, Brighton Mall Associates, 5640 W. Maple, W. Bloomfield, MI, advised that while the Gardner White sign is taller than Michael's, the variance requested is smaller than Michael's sign variance. The Gardner White sign is proportionate to existing signs and is very important to the tenants. He introduced Gene Diachenko, the sign designer, if the Board has any technical questions about the

sign. Mr. Israel also thanked Amy Cyphert for all her assistance with the Brighton Mall projects; she does a fantastic job for the City.

In response to questions from board members, Mr. Israel noted that there is going to be a sign on the back of the building and on the pylon sign that will conform to the ordinance. He confirmed that the Gardner White sign is less than Michael's but Gardner White is a larger store with a larger frontage and that the variance was smaller than Michael's. Mr. McLane asked if this is a typical Gardner White sign, and Mr. Diachenko noted that it is just plastic, illuminated (backlit) channel letters.

Chairperson Angst closed the regular meeting and opened the public hearing at 7:38. Hearing no comments from the public, he reopened the regular meeting.

Motion by Mr. McLane, supported by Ms. Bandkau, to grant a variance of 110.5 square feet to allow a 223.5 square foot wall sign at the principal entrance of a tenant that is occupying 131 feet of building frontage and to also approve a variance of 3.38 feet for a wall sign at the principal entrance on a building that has a vertical dimension of 9.38 feet at 8393 W. Grand River based on Grounds for Variance (e)(1)(2) as the variance is in line with and in proportion to other signs at Brighton Mall and fits with the surrounding building signs. The motion was amended by Mr. McLane, supported by Ms. Bandkau, to include the letter submitted by the applicant and to be included as an attachment to these minutes. A roll call vote was taken as follows:

Board Member Conedera – Yes	Board Member Gottschalk - Yes
Board Member Angst – Yes	Board Member Urbain - Absent
Board Member McLane – Yes	Board Member Bandkau - Yes
Board Member Senak – Yes	

The motion carried 6-0-1.

6. **Brightland Properties LLC, 1014 E. Grand River (4718-31-200-073)**, is proposing to construct an accessory building. The proposed accessory building is located in the front yard of the property near the western property line. Section 98-36 states a detached garage or other legal accessory building or use, shall be located only in the rear yard. A variance to allow the accessory building in the front yard is being requested.

The proposed accessory building is 20.25 feet tall. Section 98-260 (c) states no accessory buildings shall exceed 15 feet in height measured from the lowest point on the perimeter building grade. A variance of 5.25 feet is being requested to allow for a 20.25 foot tall accessory building.

The proposed accessory building is 30' x 56'. Section 98-261 (2)(c) states that accessory buildings other than garages may not have a maximum length greater than 30 feet. A variance of 26 feet is being requested to allow the 30' x 56' accessory building.

The applicant is also proposing the accessory building have a 10 foot front yard setback. Section 98-261 (3) states each lot or development site shall have a front yard setback of not less than 35 feet. A variance of 25 feet is being requested to allow the 10 foot front yard setback for the accessory building.

The accessory building is proposed to have a 10 foot side yard setback. Section 98-261 (4) states the minimum distance between any principal or accessory building and the nearest point on the perimeter of the lot or development parcel shall be a minimum of 30 feet for one-story structures. A variance of 20 feet is being requested to allow a 10 foot side yard setback for the accessory building.

Chairperson Angst reviewed the applicant's request. Thom Dumond from Boss Engineering, 3121 E. Grand River, Howell, MI, and Jaime DeAngelo from Caretel, 702 S. Laurel St., Royal Oak, MI, spoke on behalf of the applicant. Mr. Dumond reviewed the site and noted they are looking to the future and expansions. They would have preferred to place the building in the rear of the property but there is no room at the rear due to the detention basin. He explained that the accessory building is not a garage and will be used for storage of lawn and other equipment. It

will be a single story to match the existing building and will be tucked into a corner near the adjacent apartment complexes parking lots. In response to questions from the board members, Mr. Dumond stated there is existing vegetation and they will be adding pines and the structure will be located 56-60 feet from the adjacent apartment buildings. He noted they will be adding a drive to the building and that the detention basin is required for the site. The height of the building is measured from the bottom to the very top is per the City ordinance. Ms. Cyphert explained that the placement of the existing Caretel Inns building was due to vegetation and they moved the parking closer to the apartments for a buffer to the homes. She also noted that any expansion at Caretel would have to go through site plan approval. The accessory building will also have to go through site plan approval but they came to the ZBA first to get the variances approved before going forward.

Chairperson Angst closed the regular meeting and opened the public hearing at 7:58 p.m. Hearing no comments from the public, he reopened the regular meeting.

Mr. Conedera noted that the driveway being added is beneficial for emergency vehicles. He noted that the property has been through a lot of review, moved closer to the apartment building and that the detention basin was sized for the site. There is no better location for the accessory building. Chairperson Angst noted that the building cannot be put in back and is tucked out of sight. He stated that a site and complex this size needs a maintenance building.

In response to board members' questions, Mr. DeAngelo noted that they will pre-start equipment at the accessory building, which they do now on the service drive, and that the maintenance building will be large enough to accommodate any future site expansions.

Motion by Mr. Senak, supported by Ms. Bandkau, to approve the following variances as a package due to hardship. The variances are approved due to the location being the best place possible on the property and the proximity of the building to the overall structure, the building design is in good taste and is obscured from view by the pine trees, the design is well-planned with adequate fire access and is away from residential view of the houses on Kissane. A roll call vote was taken as follows:

Board Member Urbain – Absent	Board Member McLane - No
Board Member Gottschalk – Yes	Board Member Senak - Yes
Board Member Conedera – Yes	Board Member Angst - Yes
Board Member Bandkau - Yes	

The motion carried 5-1-1.

- 7. Signs by Tomorrow on behalf of the First United Methodist Church, 400 E. Grand River (4718-31-100-003)**, is proposing a 107 square foot wall sign on the building. The property currently has a ground sign. Section 66-91 (a) (12) states churches are permitted to erect a sign not to exceed 18 square feet in area or any over-all height of six feet. A variance of 107 square feet is being requested to allow the wall sign on the building.

Chairperson Angst reviewed the applicant's request. Steve Coleman, Signs by Tomorrow, 2150 Pless Dr., Brighton, MI, spoke on behalf of the applicant. He told the board there is an existing monument sign on Grand River for the church and that the parishioners wanted to add a cross and flame sign, which is a landmark for the church that was established in 1854. He noted that people driving on Grand River frequently confuse the Methodist and Presbyterian churches. They are requesting the variance under the hardship provision of the ordinance. The cross and flame would be an architectural visual effect and would create a landmark at the intersection.

Dan Weltor, First United Methodist Church, 400 E. Grand River, Brighton, MI, noted that the cross and flames represents the Methodist Church. He cited the close proximity to the Presbyterian Church and stated that the City's ordinance is very restrictive to churches. He stated the sign would not result in further "clutter" due to the cross and flame design which will be flush to the building with just a 10" stand-out. The sign would not affect ingress or egress and would not affect the neighboring properties. He noted that putting the sign at another location would require removal of landscape to make it visible.

There was discussion by the board members about whether the sign would be lit and whether the ground sign would remain in place if the variance is granted. Mr. Coleman responded that the cross and flame will be backlit to create a halo effect. The ground sign will remain in place and the wall sign will be an additional feature. He also responded that the wall sign should have been included as an architectural feature in the original design and that the cross and flames is a typical design for a Methodist church.

Chairperson Angst closed the regular meeting and opened the public hearing at 8:17 p.m. Hearing no comments from the public, he reopened the regular meeting.

There was further discussion and comments from the board members including that the wall sign will give the church more exposure on Grand River and it should have been put up in the first place because the cross and flames denotes that it is a Methodist Church. The sign is tasteful and the blank area where the sign will be installed is appropriate for the sign. Responding to a board member question about the wall sign lighting, Mr. Coleman noted that the Presbyterian Church lighting is actually brighter; the cross and flames will only be backlit and then only from dawn to dusk. The proportion of the sign is dictated by the denomination and was designed to fit the area.

Motion by Mr. Conedera, supported by Mr. Senak, to grant a variance of 107 square feet to allow a wall sign on the building at 400 E. Grand River based on Grounds for Variance (d)(1-4)) as the sign is part of the church's recognition, the variance is not detrimental to neighboring parcels, the lighting is not extra bright, the unusual property where the smaller Methodist Church is overpowered by the building to its right, and the variance is not contrary to the general objectives of the zoning chapter. A roll call vote was taken as follows:

Board Member Conedera – Yes	Board Member Gottschalk - Yes
Board Member Angst – Yes	Board Member Urbain - Absent
Board Member McLane – Yes	Board Member Bandkau - Yes
Board Member Senak – Yes	

The motion carried 6-0-1.

9. Staff Updates – Ms. Cyphert informed the Board that does not have any Staff updates.

10. Call to the Public

Chairperson Angst made a Call to the Public at 8:25 p.m. Hearing no response, call to the public was closed.

11. Adjournment

Motion by Board Member Conedera, seconded by Gottschalk, to adjourn the meeting at 8:25 p.m. Motion carried 6-0-1.

Respectfully submitted,

Lauri French, Deputy Director
Community Development, Planning & Zoning
June 23, 2014