

**CITY OF BRIGHTON
ZONING BOARD OF APPEALS
MINUTES
January 8, 2015**

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

David Chaundy – Absent
Russ Gottschalk – Absent
Doug Angst – Present
Ricci Bandkau - Present
Dave Senak – Present
David McLane – Absent
Alicia Urbain – Present
Amy Cyphert
Lauri French
Audience – 7

Motion by Board Member Urbain, seconded by Bandkau, to excuse the absences of board members Chaundy, Gottschalk and McLane. **Motion carried 4-0-3.**

3. Approval of the October 9, 2014 Meeting Minutes

Motion by Board Member Bandkau, seconded by Urbain, to approve the meeting minutes of October 9, 2014. **Motion carried 4-0-3.**

4. Approval of the January 8, 2015 Meeting Agenda

Motion by Board Member Senak, seconded by Bandkau, to approve the January 9, 2015 agenda as presented. **Motion carried 4-0-3.**

Old Business

New Business

- 5. Karen Gill, 822 E. Grand River, Parcel ID (18-31-204-001)**, is proposing a ground sign 6 feet wide by 5 feet tall, a total sign area of 24 square feet per side. The proposed ground sign will have an animated, full color LED digital message center component. **Article IV, Section 66-91 (a)(14)(a)** states no sign shall be permitted which is animated by means of flashing, scintillating, blinking or traveling lights or any other means not providing constant illumination (unless specifically permitted in special sign districts). A variance to allow an animated full color LED digital message center sign at 822 E. Grand River is being requested.

Chairperson Angst reviewed the application for variance and asked the applicant to address the board to explain their request for variance. Karen Gill and Terry Gill from Coldwell Banker, 822 E. Grand River, and Mike Giacomantonio from W4 Signs, 8200 Grand River, Brighton, were present. Ms. Gill noted they are here tonight to ask permission to install a new sign at the building they purchased at 822 E. Grand River. She noted their business was formerly located in downtown Brighton and that they have been in the community and supporting the community for a long time. She stated that digital signs are the future and they want to be ahead of the curve with their new sign. She also noted that the Chamber has the exact sign that they want to put up. Mr. Giacomantonio noted that other communities' ordinances allow digital signs, such as Brighton Township, and Brighton's ordinance states that electronic message centers such as this sign are permitted. Mr. Gill noted that the purpose of the digital sign will be to inform the public with statistics such as how many homes were sold in Livingston County on a daily basis. He also believes that digital signs will also be allowed when or if Brighton's ordinance gets updated and they want to be ahead of the game. In his opinion, the requested sign will look professional. In response to a question from Chairperson Angst, Ms. Gill stated that the messages on the sign will be static, not scrolling, since people driving by won't be able to read a scrolling sign.

Chairperson Angst closed the regular meeting and opened the meeting for public comments at 7:40. He read two letters into the record. One was from Sally Witt in support of the sign variance. The other was from David McLane, who is a member of the ZBA Board who could not be present tonight, who expressed his concern that the applicant seems to believe they should be granted the variance due to the fact the Chamber's sign variance request was approved. In Mr. McLane's email, he stated that the Chamber sign variance approval had several restrictions mandated by the ZBA and met the hardship criteria because their building sits so far back from Grand River. He stated that he did not see why a hardship existed in the case of this applicant's request and that they have not demonstrated why the sign variance should be granted due to a hardship. Hearing no further comments from the audience, he reopened the regular meeting at 7:45 p.m.

There was discussion by the board members about the proximity to the traffic light and that distracted drivers could possibly cause accidents and that the board will not have control over what will be put on the sign once it is approved. Ms. Bandkau expressed a concern about the number of driveways into businesses on Grand River and the amount of traffic. There was discussion about the language in the ordinance and who makes the determination whether a sign is considered a digital sign or a message board. In response to a question by a board member, Ms. Cyphert reminded the board that any variance stays with the property, not the business, so the variance would apply to any business in that building in the future. She also noted that the board can put restrictions on the variance approval if the applicant meets the grounds for the variance.

Chairperson Angst allowed the applicant to provide additional comments. Mr. Gill responded that they would be willing to accept the ZBA's restrictions if they approve the variance and that the traffic at their location is the same as near the Chamber and Champ's area of Grand River, where there are also traffic lights. Ms. Gill noted that digital signs seem to be everywhere in the City such as gas station price signs that change frequently. Mr. Giacomantonio noted that the townships' ordinances are different and that in Highland Township, they issue tickets for sign infractions. In response to a question by Mr. Senak, Mr. Giacomantonio noted that the signs can be programmed to put restrictions on it so the sign can't be changed and that they would abide by any restrictions that may be mandated if the variance request is approved. Ms. Urbain stated that she believes the ordinance is probably out of date and needs to be changed but that the ZBA has to follow the current ordinance and cannot subordinate City Council.

Chairperson Angst explained that due to absence of three board members at tonight's meeting, the applicant may request that a decision on their variance application be tabled until the February 12 ZBA meeting. Ms. Cyphert noted that this would give the board members a chance to digest all the information they heard tonight and will give the applicant more time to put together more specific information in support of the grounds for variance. Ms. Gill requested that the request be tabled until the February 12 meeting when more board members will be present and to give the board to review the information presented at tonight's meeting and the applicant more time to determine why they meet the requirements to grant a variance. Mr. Senak noted that the applicant should provide information that speaks to the four grounds for variances included in the information provided by Ms. Cyphert in the report.

Motion by Board Member Senak, seconded by Bandkau, to table the request for variance to allow an animated full color LED digital message center sign at 822 E. Grand River until the February 12, 2015 ZBA Board meeting. **The motion carried 4-0-3.**

6. Staff Updates

Ms. Cyphert advised that there will be a ZBA meeting on February 12 that will include the variance that was tabled tonight and a request from Steve Davis for a soil removal permit. She noted that the City Attorney will be present at the February meeting if the board has any questions.

7. Call to the Public

Chairperson Angst made a Call to the Public at 8:10 p.m. Hearing no response, call to the public was closed.

8. Adjournment

Motion by Board Member Bandkau, seconded by Urbain, to adjourn the meeting at 8:10 p.m. **Motion carried 4-0-3.**

Respectfully submitted,

Lauri French, Deputy Director
Community Development, Planning & Zoning
January 9, 2015