

**CITY OF BRIGHTON
ZONING BOARD OF APPEALS
MINUTES
October 12, 2017**

1. Call to Order

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

2. Roll Call

David Chaundy - Present
Russ Gottschalk – Present
Doug Angst – Present
Dave Senak – Absent
David McLane – Present
Alicia Urbain – Present
Renee Pettengill – Present

Michael Caruso, Zoning Administrator

Audience – 6

Moved by Board Member Pettengill, seconded by Board Member McLane, to excuse the absence of Board Member Senak. The motion passed unanimously.

3. Approval of the September 14, 2017 Meeting Minutes

Moved by Board Member Chaundy, seconded by Board Member Gottschalk, to approve the meeting minutes of September 14, 2017 as presented. The motion passed unanimously.

4. Approval of the October 12, 2017 Agenda

Moved by Board Member Pettengill, seconded by Board Member Chaundy, to approve the agenda as presented. The motion passed unanimously.

Old Business

New Business

5. (ZBA 17-016) Mike Johnson, 300 Brookside Ln. (I Love Kickboxing) is requesting a variance from Chapter 66, Article IV, Section 66-95 (4)(b) which 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 50 square feet in area at that primary entrance or within the plane of the wall where the public entrance is located.”

A variance to install an additional sign to the west side of the building is being requested.

Board Member Pettengill excused herself from this item.

Lisa Johnson, 6683 Alta Dr., stated her business is allowed to have one sign on the building per the ordinance and they are looking to add another on the side of the building. Currently the sign on the entrance does not face Grand River and is not visible from the street. They are a new business and she is concerned people will not be able identify them. A sign cannot be added to the existing tenant sign on Grand River due to lack of space.

Mr. Caruso stated there is a consent judgement between the City and Brookside Mall which prohibits the owner from increasing the size of that sign. He is limited to 80 square feet and is currently maxed out. Unless the owner requests to change the consent judgement, the sign cannot be changed.

Ms. Johnson stated their proposed sign will be 30 square feet, which will be less than the 50 square feet the ordinance allows. She stated it will be illuminated and read black during the day and white at night.

Chairman Angst asked if it was possible to put a sign at Best Buy Drive.

Mr. Caruso stated the property owner is allowed another pole sign on his property but has not chosen to add secondary sign on Best Buy Drive.

Board Chairman Angst opened the call to the public at 7:40 p.m. Hearing and seeing none, the call to the public was closed at 7:40 p.m.

Moved by Board Member McLane, seconded by Board Member Chaundy, to approve the variance for a secondary sign on the side of the building due to the hardship of not having space on the current tenant sign and owner not adding another sign. The motion passed unanimously with a roll call vote.

6. (ZBA 17-015) Eberspaecher North America Inc, 2035 Charles Orndorf is proposing to construct an additional outdoor storage area located along the westerly side yard and southerly rear yard of the property. The additional storage area will increase the lot coverage from 70% to 74.5%. Chapter 98, Article XXVI, Section 98-725 (a) states, "Materials, equipment or finished product shall be located in the rear yard, adjacent and as close to the principal building as possible." Chapter 98, Article XXVI, Section 98-724 (b) states, "Buildings, together with accessory buildings, parking and loading areas shall not cover more than 70 percent of the site."

A variance to allow for an outdoor storage area within the side yard is being requested.

A variance to increase the allowable lot coverage amount to 74.5% is being requested.

Wayne Perry, Design Engineering, stated they were the original civil engineers for Eberspaecher and its 3 subsequent expansions which have brought the building size to 308,000 square feet. Mr. Perry stated the lot coverage for the site is now at 70 percent and the variance request is needed to develop an area for outdoor storage. Currently, racks are being stored in the proposed areas but they sit on dirt. Mr. Perry also discussed drainage, stating surface water runoff goes to the detention basin which has a capacity of double the amount needed, therefore, increasing coverage will not create negative impacts. The proposed storage area will be located in the side yard and will encroach in the side yard setback.

Board Member Pettengill, asked if the racks by the loading dock were sitting on dirt or cement.

Robert Lawrence, Business Unit Director, stated those were on concrete.

Mr. Perry stated they will be saw cutting the curb along the drive to build a concrete pad behind it so that the racks are no longer on the road side.

Mr. Caruso stated their truck stacking is almost out to Charles Orndorf Drive, and the location where the racks are currently would be truck staging area.

Board Member Chaundy asked what the purpose of the racks were.

Mr. Lawrence stated they are customer owned racks which are used for shipping products. Mr. Lawrence discussed changes in their business which will require more floor space and add jobs. He stated the racks are designed for an outdoor environment, which will make room inside the plant due to the increasing volume.

Mr. Perry discussed the drainage, stating runoff from the concrete pad will drain into the road and be picked up into the detention system.

Board Chairman Angst opened the call to the public at 7:58 p.m. Hearing and seeing none, the call to the public was closed at 7:58 p.m.

Board Chairman Angst asked why the curb needed to be removed.

Mr. Perry stated they need to use forklifts to pick up the racks so the forklifts need to be able to go from the road to the storage area.

Moved by Board Member McLane, seconded by Board Member Urbain, to grant a variance to allow an outdoor storage area within the side yard and to increase lot coverage with the hardship of the safety issue caused by not doing it. The motion passed unanimously with a roll call vote.

Mr. Lawrence stated he is arranging a tour of the facility for the City and will be in touch with the City Manager.

7. (ZBA 17-014) Tony Tohme, 750 W Grand River (Jimmy Johns Subs) is requesting a variance from Chapter 66, Article IV, Section 66-95 (4)(b) which 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 50 square feet in area at that primary entrance or within the plane of the wall where the public entrance is located." A variance to install two additional logo signs to the building with each measuring 35 square feet is being requested.

Scott David, Quality Signs, stated the trees in front of the building create a hardship which makes it difficult to see the sign from Grand River. He stated he passed up the building when going out to do a survey due to the trees blocking visibility.

Tony Tohme, owner of Jimmy John's, stated the main sign cannot be seen and they are requesting to add two disc signs to the sides of the building which will be easily seen from the road.

Board Chairman Angst if there will be directional signs on the property.

Mr. Caruso stated directional signs are being discussed. They are allowed to have directional signs but he will have to determine the proper location for them on the site.

Board Member Pettengill asked if the directional signs would be in the right of way.

Mr. Caruso discussed the possible areas where they may be putting the signs.

Board Chairman Angst asked if the directional signs will say "drive thru" as well as the disc signs.

Board Member Urbain asked about other tenants wanting signs on the property.

Board Member Chaundy asked why they need the disc sign to say "drive thru" if the directional signs will also say it.

Mr. Tohme stated they want to give it more exposure since a lot of Jimmy John's do not have a drive thru.

Board Chairman Angst opened the call to the public at 8:11 p.m. Hearing and seeing none, the call the public was closed at 8:11 p.m.

Board Member Gottschalk discussed the hardship of visibility for the business stating without the signs no one will be able to find them.

Mr. Caruso stated directional signs are exempt from permits but the location will have to be decided. He researched other properties which have 2 or 3 directional signs on the ground, but there is no language dictating how many signs are allowed. He stated they may put one sign at the entrance and one on the back of the property.

Moved by Board Member Urbain, seconded by Board Member McLane, to approve the signs as requested based on the hardship of building sightline being difficult to see from Grand River. The motion passed unanimously with a roll call vote.

8. Election of Officers

Moved by Board Member Chaundy, seconded by Pettengill, to keep the current positions as they are. The motion passed unanimously with a roll call vote.

9. Staff Updates

Mr. Caruso stated the meeting for next month may be cancelled if no submissions are received by next Wednesday.

10. Call to the Public

Chairperson Angst opened the call to the public at 8:18 p.m. Hearing and seeing none, the call to the public closed at 8:18 p.m.

11. Adjournment

Moved by Board Member McLane, seconded by Gottschalk, to adjourn the meeting. The motion passed unanimously. Board Chairman Angst closed the meeting at 8:18 pm.

Respectfully submitted,

Wendy Ayala
Recording Secretary