

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS VIRTUAL REGULAR MEETING MINUTES *APPROVED*
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, JUNE 10, 2020 6:30 PM
TOWN HALL ROOM**

PRESENT: Chair Mansour, Members Field-Foster, Hendrickson, Kulhanek
ABSENT: Members Wisinski
STAFF: Director of Community Planning and Development Mark Kieselbach, Principal Planner Peter Menser, Assistant Planner Keith Chapman

1. CALL MEETING TO ORDER

Chair Mansour called the meeting to order at 6:32 p.m.

2. APPROVAL OF AGENDA

MEMBER FIELD-FOSTER MOVED TO APPROVE THE AGENDA.

SECONDED BY MEMBER HENDRICKSON

VOICE VOTE: Motion carried unanimously.

3. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

None

4. UNFINISHED BUSINESS

None

6 NEW BUSINESS

A. ZBA CASE NO. 20-06-10-1 (Metro Detroit Signs), 11444 Kaltz Avenue, Warren, MI, 48098

LOCATION: 2085 Grand River Avenue
PARCEL ID: 21-276-011
ZONING DISTRICT: C-2 (Commercial)

The applicant is requesting a variance from the following section of the Code of Ordinances:

- Section 86-687(3)(d), Wall signs. Where several tenants use a common entrance in a multitenant structure, wall signs shall be permitted for those tenants having an individual means of public access up to a size equivalent to one square foot for each one square foot of building frontage occupied.

The variance request is to install an additional wall sign on the west façade and a wall sign that exceeds the allowable square footage on the north facade at 2085 Grand River Avenue.

Principal Planner Menser outlined the case for discussion.

Chair Mansour asked the applicant or the applicant's representative if they would like to address the Zoning Board of Appeals (ZBA).

Paul Deters, Metro Detroit Signs, 11444 Kaltz Avenue, Warren, MI, representing the applicant Aspen Dental, stated Aspen Dental was trying to establish their brand in Michigan. They are trying to comply with local ordinances but would like the design of the sign to fit the architectural features of the building. Identical signs are proposed on the north and west elevations.

Member Hendrickson stated the three items the ZBA would consider were 1) the size of the wall sign on the north elevation; 2) allowing a wall sign on the west elevation; and 3) the size of the wall sign on the west elevation. He asked staff if the ZBA could vote on each item separately.

Director Kieselbach replied yes.

Member Hendrickson asked staff what signage on the building would be allowed by right.

Director Kieselbach replied one wall sign up to 47 square feet in size on the north elevation along Grand River Avenue.

Member Hendrickson stated he would not be in favor of granting a variance for the size of the wall sign on the north elevation but would be in favor of granting a variance for a wall sign on the west elevation along Okemos Road.

Member Field-Foster stated she did not believe there was a practical difficulty preventing a sign of the appropriate size.

Mr. Deters replied due to the shape and scale of the building, they would like signage of the same size on both facades.

1. Size of wall sign on north elevation.

Chair Mansour read review criteria one from Section 86-221 of the Code of Ordinances which states unique circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district. She stated she could not determine there was a unique circumstance for the increase in the size of the sign.

MEMBER FIELD-FOSTER MOVED TO DENY THE VARIANCE FOR THE INCREASE IN SIZE OF THE WALL SIGN ON THE NORTH ELEVATION OF THE GRAND RIVER AVENUE PORTION OF THE BUILDING.

SECONDED BY MEMBER HENDRICKSON

ROLE CALL TO VOTE:

YES: Members Field-Foster, Hendrickson, Kulhanek, Chair Mansour

NO: None

Motion carried unanimously.

2. Wall sign on the west elevation

Chair Mansour read review criteria one from Section 86-221 of the Code of Ordinances which states unique circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district. She stated she could support the request because the building was on the corner of two streets.

Member Hendrickson stated the sign would provide better visibility for the tenant.

Chair Mansour read review criteria two which states these special circumstances are not self-created. She stated the circumstance was not self-created because of the location of the building on a corner lot.

Chair Mansour read review criteria three which states strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties. She stated she would support the request because the building was on a corner lot.

Chair Mansour asked if there will be other signage on the premises.

Principal Planner Menser replied the current free standing sign will become a multi-tenant free standing sign.

Member Field-Foster read review criteria four which states that the alleged practical difficulties which will result from a failure to grant the variance would unreasonably prevent the owner from using the property for a permitted purpose. She stated there was nothing to prevent the applicant from using the building. The applicant will also have signage on the free-standing sign.

Mr. Deter stated due to the speed limit on Grand River Avenue and Okemos Road, it makes finding the location difficult at times. He also stated the building's aesthetics will be improved with a sign on each elevation.

Member Hendrickson stated he supported the sign on the west elevation as it will assist traffic going north.

Member Hendrickson asked the applicant if the sign would be illuminated.

Mr. Deters replied yes.

Chair Mansour stated the applicant would not be prevented from using the property for its permitted use without a sign on the west elevation. There is no public entrance on the west side of the building.

Mr. Hendrickson stated a sign on the west elevation would help patients coming from the south.

Member Field-Foster stated she could support the variance as it would enable patients to find the location.

Chair Mansour read review criteria five which states granting the variance is the minimum action that will make possible the use of the land or structure in a manner which is not contrary to the public interest and which would carry out the spirit of this zoning ordinance, secure public safety, and provide substantial justice. She stated the sign was a public safety issue and the minimum action necessary.

Chair Mansour read review criteria six which states granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property. She stated the site will be aesthetically pleasing and it matches the character of buildings on the other corners in the area.

Chair Mansour read review criteria seven which states the conditions pertaining to the land or structure are not so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable. She stated this building is on a corner lot and the request for additional signage is in keeping with the businesses on the other three corner lots in this area.

Chair Mansour read review criteria eight which states granting the variance will be generally consistent with public interest and the purposes and intent of this Chapter. She stated this criteria had been met.

MEMBER HENDRICKSON MOVED TO APPROVE THE VARIANCE ALLOWING FOR A SIGN ON THE WEST ELEVATION OF THE BUILDING WITH THE CONDITION IT BE OF THE EQUIVALENT SIZE TO THE SIGN ON THE NORTH ELEVATION.

SECONDED BY MEMBER FIELD-FOSTER.

Member Field-Foster offered a friendly amendment: "THE SIGN ON THE WEST ELEVATION IS CONSISTENT WITH THE REQUIREMENT OF THE SIGN ON THE NORTH ELEVATION RATHER THAN STATING IT IS OF EQUAL SIZE."

Member Hendrickson accepted the friendly amendment.

Member Hendrickson asked if the Zoning Ordinance would allow a larger sign on the west elevation than on the north elevation.

Director Kieselbach replied a wall sign on the north elevation is allowed by right up to a maximum of 47 square feet. Based on the motion, the wall sign on the west elevation could be a maximum of 47 square feet.

ROLE CALL TO VOTE:

YES: Members Field-Foster, Hendrickson, Kulhanek, Chair Mansour

NO: None

Motion carried unanimously.

B. ZBA CASE NO. 20-06-10-2 (Buddy's Rendezvous-Pizzeria LLC), 31800 Northwestern Hwy. Ste. 206, Farmington Hills, MI, 48334

DESCRIPTION: 2010 Grand River Avenue

TAX PARCEL: 21-226-010

ZONING DISTRICT: C-2 (Commercial)

The applicant is requesting a variance from the following section of the Code of Ordinances:

- Section 86-687(3)(a), Wall signs. One wall sign shall be permitted and may be located flat against the building's front facade or parallel to the front facade on a canopy. For businesses with frontage on more than one public street, two signs may be permitted. In no case shall more than one wall sign be located on a facade and no wall sign shall be located on a rear facade.

The variance to install three wall signs not located on frontage to a public street is requested at 2010 Grand River Avenue.

Principal Planner Menser outlined the case for discussion.

Chair Mansour asked the applicant or the applicant's representative if they would like to address the Zoning Board of Appeals (ZBA).

Shawn Irish, Aria Group Architects, Inc., 830 North Boulevard, Oak Park, IL 60301, representing the applicant Buddy's Rendezvous-Pizzeria, asked to address other signage options, including the carryout and vintage projection signs that was not mentioned in the current request.

Chair Mansour asked if the ZBA would prefer a presentation on all of the signage proposed for the site.

Director Kieselbach stated if the applicant would like to be heard on all of the signage at one time, then the request should be tabled to a later meeting to allow for public notification. The ZBA could proceed to hear the request as listed for this meeting.

Mr. Irish stated he was willing to table the request in order for the ZBA to hear the entire sign package.

Director Kieselbach suggested the ZBA could open the hearing then adjourn it to a future meeting. If the request is tabled, it cannot be discussed.

Shawn Baxter, Buddy's Rendezvous-Pizzeria, 31800 Northwestern Highway, Ste 206, Farmington Hills, MI, stated he was not aware there were issues with the sign request. The signage is part of their brand.

Chair Mansour asked if he wanted to proceed with the request as presented by staff or table the request to a future meeting.

Mr. Baxter stated he would like to proceed with the request as submitted.

Member Field-Foster stated she would like to review all of the signage for the site at one time.

Chair Mansour agreed it would be better to review the signage as a whole since it is a new development.

Chair Mansour asked how many signs were in the initial request.

Principal Planner Menser replied the mural, the directional sign, the projection sign, the carryout sign and two wall signs for a total of five.

Mr. Baxter replied the mural did not need to wrap around the building and the neon carryout sign could be moved to inside the window.

Director Kieselbach stated without an amendment to the Sign Ordinance, the ZBA did not have the authority to grant a variance for a projection sign.

Chair Mansour stated the ZBA would consider four variances: 1) directional sign with a logo as a second freestanding sign; 2) the neon carry out sign on the north elevation; 3) the wall sign on the north elevation; and 4) a wall sign on the west elevation.

Mr. Baxter stated he would remove the request for the directional sign with a logo as a freestanding sign.

1: Wall sign west elevation:

Chair Mansour asked the applicant about the orientation of the building.

Mr. Irish replied the building orientation has an entrance on the west side of the building along the service drive.

Chair Mansour read review criteria one from Section 86-221 of the Code of Ordinances which states unique circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district. She stated the request met this criteria.

Chair Mansour read review criteria two which states these special circumstances are not self-created. She stated the orientation of the building on the site does create a special circumstance since the entrance does not face Grand River Avenue.

Chair Mansour read review criteria three which states strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties. She stated with the building's orientation, there would be a practical difficulty if there was no signage at the main entrance.

Chair Mansour read review criteria four which states that the alleged practical difficulties which will result from a failure to grant the variance would unreasonably prevent the owner from using the property for a permitted purpose. She stated there needs to be signage at the main entrance.

Chair Mansour read review criteria five which states granting the variance is the minimum action that will make possible the use of the land or structure in a manner which is not contrary to the public interest and which would carry out the spirit of this zoning ordinance, secure public safety, and provide substantial justice. She stated the request was the minimum action and provides substantial justice to the applicant.

Chair Mansour read review criteria six which states granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property. She stated the wall sign would not affect adjacent land.

Chair Mansour read review criteria seven which states the conditions pertaining to the land or structure are not so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable. She stated the orientation of the building was unique to the property.

Chair Mansour read review criteria eight which states granting the variance will be generally consistent with public interest and the purposes and intent of this Chapter. She stated the wall sign met this criteria.

MEMBER HENDRICKSON MOVED TO APPROVE THE VARIANCE FOR THE SIGN ON THE WEST ELEVATION OF THE BUILDING.

SECONDED BY MEMBER KULHANEK.

ROLE CALL TO VOTE:

YES: Members Hendrickson, Kulhanek, Field-Foster, Chair Mansour

NO: None

Motion carried unanimously.

2. Wall sign north elevation

Chair Mansour asked the applicant about using text for the wall sign on the north elevation.

Mr. Irish replied the sign brings back what is truly inherent about Buddy's such as the proposed text: "Buddy's Original Square Pizza Since 1946". Having the text on this façade would capture the visitors' attention from the mall.

Chair Mansour read review criteria one from Section 86-221 of the Code of Ordinances which states unique circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district. She stated the request met this criteria.

Chair Mansour read review criteria two which states these special circumstances are not self-created. She stated the special circumstances were not self-created.

Chair Mansour read review criteria three which states strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties. Chair Mansour stated she had an issue with using text for the sign versus a sign with a logo in this location as it pertains to visibility.

Commissioner Hendrickson stated the logo would be helpful to address visibility concerns.

Director Kieselbach reminded the ZBA they should be looking at the request as a "content neutral sign". Granting a variance is not based on the wording on the sign. The wording on the sign could change in the future.

Member Hendrickson stated he supported the additional sign on the north elevation to address traffic coming from the mall.

Chair Mansour read review criteria four which states that the alleged practical difficulties which will result from a failure to grant the variance would unreasonably prevent the owner from using the property for a permitted purpose. She stated the wall sign would address the traffic coming onto the site.

Chair Mansour read review criteria five which states granting the variance is the minimum action that will make possible the use of the land or structure in a manner which is not contrary to the public interest and which would carry out the spirit of this zoning ordinance, secure public safety, and provide substantial justice. She stated the size of sign as presented is within what the Zoning Ordinance would allow if the sign had faced the road and was the minimum action necessary.

Chair Mansour read review criteria six which states granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property. She stated it will not affect the adjacent land and could improve traffic flow.

Chair Mansour read review criteria seven which states the conditions pertaining to the land or structure are not so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable. She stated orientation of the building was a unique circumstance.

Chair Mansour read review criteria eight which states granting the variance will be generally consistent with public interest and the purposes and intent of this Chapter. She stated the sign met this criteria.

Member Hendrickson asked how the carryout sign differs from the variance for the wall sign.

Principal Planner Menser replied the ZBA would need to grant a variance to allow two wall signs on the north elevation.

MEMBER HENDRICKSON MOVED TO APPROVE THE SIGN ON THE NORTH ELEVATION OF THE BUILDING.

SECONDED BY MEMBER FIELD-FOSTER.

Director Kieselbach stated, to clarify the motion, the size of the wall sign of 40.33 square feet should be included.

Member Hendrickson agreed to incorporate the size of the sign into the motion.

Member Field-Foster accepted the amendment.

Chair Mansour re-stated the motion to read: “MOVE TO APPROVE THE VARIANCE FOR THE WALL SIGN ON THE NORTH ELEVATION AS DETAILED IN THE BOARD PACKET AT 40.33 SQUARE FEET IN SIZE.

ROLE CALL TO VOTE:

YES: Members Hendrickson, Field-Foster, Kulhanek, Chair Mansour

NO: None

Motion carried unanimously.

3. Carryout sign

Chair Mansour asked the applicant if the carryout sign needed to be on the wall instead of in the window.

Mr. Baxter stated he would put the carryout sign in the window and withdraw the variance request.

7. OTHER BUSINESS

None

8. PUBLIC REMARKS

Chair Mansour opened the floor for public remarks and seeing none closed public remarks.

9. BOARD MEMBER COMMENTS

Member Hendrickson introduced himself as the Planning Commission representative and expressed appreciation for everyone's patience in this learning process.

Chair Mansour welcomed Members Hendrickson and Kulhanek and expressed appreciation to the staff for their hard work.

Member Field-Foster expressed appreciation to Mr. Baxter and Mr. Irish for being flexible on the variance requests for the Buddy's Rendezvous-Pizzeria.

Chair Mansour and IT Director Stephen Gebes thanked HOM-TV staff with televising the virtual meeting.

10. ADJOURNMENT

Meeting adjourned at 9:19 p.m.

Respectfully Submitted,
Robin Faust, Administrative Assistant II