

**ZONING BOARD OF APPEALS MEETING
CITY OF WIXOM
49045 PONTIAC TRAIL
MONDAY, OCTOBER 11, 2004**

Chairman Mogridge called the meeting to order at 7:30 pm.

PRESENT:

Dave Berry
Mary Baumgartner
Jeff Caplan
David Dewar
Jim McNeff
Jon Mogridge, Chairman
Bill Reinhardt
Louis K. Veros

CITY STAFF:

John R. Lipchik, Building Official

RECORDING SECRETARY:

Jennifer Garrett

Because there was a quorum the meeting was declared in session. However, the recent resignation of Russ Miner has created a vacancy on this board.

Chairman Mogridge supposed that since there are eight of us now we would need a majority of eight rather than nine since we don't have nine.

Mr. Lipchik stated no and advised that it is still a majority of nine because the board is based on nine members.

APPROVAL OF MINUTES:

Regular Board of Appeals Minutes – September 13, 2004

Mr. Reinhardt noted that on page 9, the sixth paragraph down, "site" should be "sight".

Mr. Berry mentioned that on page 2, the fourth paragraph down, it stated "He believed believe a short letter was included." It should be only believed.

MOTION and second by Mr. McNeff and Mr. Caplan to approve the September 13, 2004 minutes as corrected.

VOTE:

MOTION CARRIED

RULES OF CONDUCT:

Recording Secretary, Jennifer Garrett, read the Rules of Conduct.

CORRESPONDENCE:

Russ Miner's resignation

Chairman Mogridge indicated that Russ Miner sent in a resignation letter due to his health and stated we will miss him a lot. He has always had a lot of input in this and brought up a lot of good points. He said he has been on the board for about 15 years.

TABLED MOTIONS:

ZBA CASE #027-04 – EDWARD AND KATHLEEN SCHLAFF, 937 RIKKI ANN COURT,

WIXOM, MI 48393: The applicant is seeking a variance in order to construct a sunroom enclosure on an existing deck. The Wixom Municipal Code, Section 18.16.040 B requires such additions to have a permanent perimeter foundation. The property is located at 937 Rikki Ann Court and zoned RA-1, Single Family Residential. The tax parcel number is 17-32-227-032.

Edward Schlaff, 937 Rikki Ann Court, Wixom, MI 48393, stated he is asking for a variance for the perimeter wall for a sunroom and said he is replacing a portion of his deck, foundation and everything. It is an engineered package. He does not want to be required to have a perimeter wall around it. He explained there is a severe slope in the back yard so the perimeter wall would be about six feet tall, and the co-owners in the association do not want that. The original plans were approved by the board of directors of the condo association. The perimeter wall is not structurally required because structurally the submitted plans were fine. It is more aesthetics than anything else. So he is just asking that he not be required to do this perimeter wall seeing that it would be quite a massive structure. He does have lattice around the deck right now.

Chairman Mogridge inquired if the lattice is what he is planning to have there.

Mr. Schlaff answered yes. He is leaving part of the deck in place and just reconstructing the other half.

Chairman Mogridge asked if the highest part of his deck is where his enclosure is going.

Mr. Schlaff stated it is two levels, and it is going to be on the upper part. He thought the board had a letter from Bill Nader (the president of the association) and said he was here tonight if he needs to speak. The contractor was present as well if the board had any technical questions.

Chairman Mogridge asked Mr. Lipchik if he had seen this and if everything structurally is fine and it is just the aesthetics.

Mr. Lipchik said yes.

Chairman Mogridge asked if there was anyone in the audience that would like to address this case.

Tom Panek, 4621 South Saginaw Street, Flint, MI 48507, stated he was the contractor for the sunroom and just wanted to clarify something. He said they wanted to make sure the board knows the whole existing deck is coming out. It did say in the notes in the agenda that it is an existing deck that they are trying to work with. They really are not. The whole portion where the sunroom is going is coming out entirely, and a new foundation is going in its place.

Chairman Mogridge inquired if they are taking out the higher part and then just putting in new pillars to support it, and Mr. Panek said yes exactly. It is completely structural and engineered for this system, but it is going in place where the old deck was.

Bill Nader, 1049 Yorick Path, Wixom, MI 48393, stated he just wanted to say this wasn't something that just came about. They have been studying this for almost two years. They really got into this to make sure they keep their subdivision looking good and keep everything conformed. This structure that is going on is going to match the roof line, and the walls are going to be connected to the main house. There is going to be nothing that is going to look obscene on this, and no one in their subdivision can build one that is going to be obscene. Everything has to be approved by them as well as the City. He just wanted to tell the board that this is not a piece of junk going up. It is a nice addition.

Chairman Mogridge asked if there was anyone else in the audience that would like to address this case. There being no further comments from the audience, the public hearing for ZBA Case #027-04 was closed at 7:40 pm.

Mr. Dewar stated all we are talking about is a concrete wall to a foundation installed by an engineered contractor.

When Chairman Mogridge stated they are trying to get away from putting a foundation all the way up so you don't walk into the back yard and see a solid wall of concrete six feet high just to support it, Mr. Dewar agreed.

MOTION and second by Mr. Caplan and Mr. Dewar on ZBA Case #027-04 to grant the applicant a variance from the requirement to have a permanent perimeter foundation underneath his sunroom addition to keep the aesthetics constant throughout the subdivision.

Mr. Berry suggested that we might want to add the word "wall" to the statement for the record, because the way it states it requires such additions to have a permanent perimeter foundation. He thinks in this case what we were discussing in the meeting before was the necessity of that wall as to whether it added to the structural integrity. He thinks the board has decided what the applicant is trying to do here is to make sure that the sunroom addition is structurally sound, and he thinks that pretty much proves the case.

MOTION and second by Mr. Caplan and Mr. Dewar on ZBA Case #027-04 to grant the applicant a variance from the requirement to have a permanent perimeter foundation wall underneath his sunroom addition to keep the aesthetics constant throughout the subdivision, and it would be predicated on the fact that the City approves the plan as structurally sound.

VOTE:

MOTION CARRIED

When Mr. Nader asked if every person would have to come before the board for this, Chairman Mogridge answered yes.

UNFINISHED BUSINESS:

There was no unfinished business on the agenda.

NEW BUSINESS:

Chairman Mogridge asked if the board members would like to go over the next three cases together since they were pretty much all the same. The board had agreed.

ZBA CASE #028-04: HOWARD FRIEDLAENDER, 5138 VILLAGE COMMONS, WEST

BLOOMFIELD, MI 48322: The applicant is seeking a 15' setback variance in order to erect a ground sign. The Wixom Municipal Code, Section 18.100.020 A 3 indicates that no ground sign shall be located nearer than fifteen feet to any existing or proposed right-of-way line. The property is located at 46921 Enterprise Court and zoned M-1, Light Industrial. The tax parcel number is 22-09-300-039.

ZBA CASE #029-04: HOWARD FRIEDLAENDER, 5138 VILLAGE COMMONS, WEST

BLOOMFIELD, MI 48322: The applicant is seeking an 8'6" setback variance in order to erect a ground sign. The Wixom Municipal Code, Section 18.100.020 A 3 indicates that no ground sign shall be located nearer than fifteen feet to any existing or proposed right-of-way line. The property is located at 46943 Enterprise Court and zoned M-1, Light Industrial. The tax parcel number is 22-09-300-039.

ZBA CASE #030-04: HOWARD FRIEDLAENDER, 5138 VILLAGE COMMONS, WEST BLOOMFIELD, MI 48322:

The applicant is seeking an 8' 6" setback variance in order to erect a ground sign. The Wixom Municipal Code, Section 18.100.020 A 3 indicates that no ground sign shall be located nearer than fifteen feet to any existing or proposed right-of-way line. The property is located at 46985 Enterprise Court and zoned M-1, Light Industrial. The tax parcel number is 22-09-300-039.

Howard Friedlaender, 5138 Village Commons, West Bloomfield, MI 48322, stated this is a follow up to a situation that began in 1998 to 1999. This parcel is adjacent to another parcel, both long and narrow parcels. At the request from the City, he arranged to have a road built down the property line so both properties could be serviced by the road. That project is complete, and the road has been dedicated to the City. As a result of that project, because the road would be public, when he had his site plan initially approved he was granted several variances that would allow him to develop the property as if that road were a private road. At that point he wanted to satisfy the City's request but he didn't want to be prejudiced because of that, and the City was very cooperative in working with him. At that time had he thought through about the signage he would have brought this up then. The site is now developed; and they have three building shells up, going through the process of attempting to lease them out. Ground signs are very important to prospective tenants.

Mr. Friedlaender went on to say he was here in July and at that time had several issues. They had how many signs could be on the property, the size of the signs, as well as the setbacks. He explained that as a result of that meeting he came into the City and met with Mr. Lipchik and two of the representatives from LSL to discuss how to go about this to make it as simple as possible. As a result of that he has followed the recommendations of LSL and is in the process of creating separate ownership for each of these buildings by way of establishing a site condominium that is underway. So each building will be on its own unit and be a separate legal entity, and then the development ground sign would be a shared common element. So the ownership issue takes care of how many signs would be permitted under the ordinance. The sign structures themselves were modified. His architect and structural engineer reworked those and resubmitted the design so the signs and their sizes are now in compliance with the ordinance as well. So what we have before us this evening is the setback issue, and the setbacks he is requesting are consistent with the original site plan that was approved and the variances that were granted concerning that site plan.

Mr. Friedlaender showed the board where everything was on his plans and then stated that in the write-up it said that he was seeking an 8' 6" variance for those two locations. It is actually 8.6 feet. He just noticed that today. That should be corrected to reflect the request for 8.6 foot variance in each of those cases. The other one is requesting a 15 foot variance.

When Chairman Mogridge commented that he is going to essentially be on the back curb of that little island area, Mr. Friedlaender stated the sign would be at the right-of-way.

Chairman Mogridge noted that he shows three foot from the back curb to the back of the sign, and Mr. Friedlander stated it would be five feet to the back of the foundation.

Mr. Reinhardt remarked that he went out to the property yesterday and did not see any mock signs up so he has a problem with this case regarding that. On the sketches that came in his packet, he has to disagree with the applicant when he says he meets the sign ordinance with respect to the area of the sign. He sees an area that exceeds our 40 square foot. He sees an area of 60 square feet on each one of these sketches.

Mr. Veros agreed.

Chairman Mogridge mentioned that the base is also included as part of the sign even though the sign above it is four feet, and then he has a two-foot base.

Mr. Reinhardt indicated we explained this last month.

Mr. Veros commented that he made mention in our closing remarks that maybe we need to make sure that is included in the sign ordinance.

Mr. Reinhardt stated those were the two questions he had on all these cases.

Chairman Mogridge stated we would be looking at a variance for the square footage also then.

Mr. Friedlaender stated he was sorry if the signs were the wrong size. He met with the City and LSL, and what they changed is supported structurally by the two poles that go into the ground. The masonry underneath is a skirt.

Mr. Reinhardt indicated that is still part of the sign.

Mr. Caplan commented that we did ask for an interpretation on that, and maybe we are interpreting that a little too tough.

When Mr. Reinhardt asked if we got the interpretation yet, Mr. Lipchik answered no, he hasn't received it yet.

Mr. Reinhardt didn't think we ever considered that actual construction, and he said it is on two poles.

Mr. Caplan stated we have always considered the base as part of the sign. In the last meeting we were having a discussion whether or not we were interpreting that improperly and maybe should be only looking at the sign and not the base that it sits on even though we always have.

Mr. Berry said he could remember numerous cases where we considered the base as part of the sign, and Mr. Dewar stated that is the way we have always done it.

Mr. Friedlaender told the board if it will help to expedite this, the gentlemen from LSL believed what the board was seeing was the correct interpretation. Perhaps they are incorrect. He said if that is the case he will modify the sign to whatever it needs to be. This was not intended to try to pull a fast one, but rather he came in and met with these gentlemen and asked them what the ordinance means and how do we interpret this. They advised him that by adding the pole supports that takes the masonry skirt out of the sign and suggested that he do so. He stated if that is not the way things should be happening, then the sign can be modified.

Chairman Mogridge said we appreciate that he has gone through all the proper channels to get to this point, and he thinks maybe we just need to get with Mr. Avantini to make sure we're all talking about apples and apples as far as we have always dealt with the base structure as part of the sign. If it does come out that we do grant a variance to include the extra 20 square feet, then maybe that would work.

Mr. Friedlaender indicated he would appreciate that. He was at a loose end wondering if you don't have the sign face itself (the display portion) raised off the ground, how do you see it and what happens when there is a couple feet of snow?

Ms. Baumgartner stated back when we did this in July (the development ground sign) one of the things we were concerned about was the fact that it wouldn't be put in the right-of-way.

Mr. Friedlaender stated based on his discussion with LSL they went through that, and something that was not on the sketch in July was two light poles right up to the right-of-way.

Ms. Baumgartner said so he is not proposing any different placement for the development ground sign, and Mr. Friedlaender stated in the submission it is 15 feet from the setback.

Chairman Mogridge commented that we are going to work on the development ground sign after these three.

When Mr. Berry brought up location of his truck wells in general terms and said on each property he would assume truck traffic for the first building would go down the first road around the back of the building, Mr. Friedlaender explained how the truck traffic would flow.

Mr. Caplan asked why he didn't put up the temporary mock signs.

Mr. Friedlaender explained they now have landscaping, irrigation, and electric for the signs; and he didn't want to puncture anything. The curbing is in, and he thought that would make it easier to see where the signs would be.

Chairman Mogridge remarked it is just normally easier for us when we're driving in and out to get an idea with a sign there how high that six feet is and how wide the ten foot is. Even though they are on an angle and are only going to catch a part of it, we would like to see where the sight line is. He said he was driving a smaller car today and did notice going out that the pine trees seem to be further out and are going to be blocking more than any other sign would as far as he could tell.

Mr. Berry asked if in building three (on the cul-de-sac behind the sign) the little circular driveway is going to be marked as one way.

Mr. Friedlaender answered no and said the Fire Chief asked that they mark it no parking, fire lane.

Mr. Berry said he is not worried about parking. He is worried about congestion problems right at that intersection if you have people trying to enter and exit at both directions.

Mr. Friedlaender stated this is more for a drop off.

Mr. Berry indicated the only reason he was stating this is because based on the size of the sign and the fact that he is going to drop that right in the middle in front of that building, if someone were to be coming in each direction (from the west side of the building around the front and from the east side) and they both have to cut in at that intersection, he is going to be having two cars facing each other right behind that sign. That is why he was asking if he was going to be marking that one way.

Mr. Friedlaender stated he hadn't planned on it.

Chairman Mogridge asked if there was anyone in the audience that would like to address this case. There being no comments from the audience, the public hearing for ZBA Cases 028-04, 029-04 and 030-04 was closed at 8:10 pm.

Mr. Reinhardt commented that if we do vote, he is going to vote against it because he would like to see the mock signs up so he really understands what it looks like. If you read the minutes of the last meeting, he really thought he was going to change the size of the sign or conform to the 40 square feet. That is what he thought was going to be done.

Chairman Mogridge mentioned that it sounds like he had discussion with the City and LSL.

Mr. Reinhardt understood that but said our ordinance is 40 square feet and he is 60.

Chairman Mogridge stated that is what we are wondering--if Mr. Avantini has a different idea of the signs.

Mr. Reinhardt remarked the sign could be 8 feet by 5 feet, and he has 10 feet by 6 feet.

When Chairman Mogridge said he was wondering if Mr. Avantini feels those two feet at the bottom are not part of the sign, Mr. Reinhardt said that's the reason why he wanted to see the mock up before he would decide.

Mr. Caplan thought the size was a moot point because if we didn't give him that variance and did give him the other distance variance, then it would be up to the City to yea or nay it anyway.

Mr. Reinhardt stated he needs the mock up.

Mr. Berry thought from a logical standpoint, based on what we've done in the past in considering the foundation as part of the sign, we have to consider that. Theoretically, if you didn't consider it then there would be nothing stopping anyone from making a sign that was ten feet off the ground.

Chairman Mogridge said he was just wondering if Mr. Avantini was speaking with him on this and sent him in this direction and has all this information from them. He said maybe Mr. Avantini doesn't allow that two feet as part of the sign, and commented he was just throwing in things here.

In defense of not seeing the mocks up today, Mr. Caplan mentioned that we did see them a couple months ago. When he drove through there and did see them, he didn't feel they were a sight problem.

When Chairman Mogridge asked Mr. Reinhardt if he had a chance then to see them, Mr. Reinhardt said yes but he really doesn't remember what he saw. That is why he would like to see them again.

Mr. Berry offered that one of the things we could consider would be to hold him to his physical dimensions on the foundations and look at it terms of whether at that point he needs to vary the size of the sign. We are basically looking at this from total overall square footage including the base, and in this case it is 6 x 10.

Chairman Mogridge said if we were to make a motion on this and include the base on it, the setback and the square footage.

Ms. Baumgartner stated another option is to give him a variance for setback and state that he must comply with the ordinance for the square footage, and that needs to be checked and approved by the City; and then the ordinance needs to be interpreted and communicated to us at the next meeting.

MOTION and second by Ms. Baumgartner and Mr. Caplan on ZBA Case #028-04 to grant a 15-foot setback variance to erect a ground sign that is sized according to the City of Wixom ordinance. On ZBA Case #029-04 and #030-04 to grant a 8.6 foot variance for both of those signs, and the sign size must be in accordance with the City of Wixom ordinance and that the Building Department clarify the interpretation of the section on sizing for signs, whether or not it includes the base and the 40 foot allowance and that they give that interpretation to us at the next meeting.

ROLL CALL VOTE:

YEAS (7)	Berry, Baumgartner, Caplan, Dewar, McNeff, Mogridge, Veros
NAYS (1)	Reinhardt
MOTION PASSED	

ZBA CASE #031-04: HOWARD FRIEDLAENDER, 5138 VILLAGE COMMONS, WEST BLOOMFIELD, MI 48322:

The applicant is seeking a 15’ setback variance in order to erect a Development ground sign. The Wixom Municipal Code, Section 18.100.020 A 3 indicates that no ground sign shall be located nearer than fifteen feet to any existing or proposed right-of-way line. The property is located at 46985 Enterprise Court and zoned M-1, Light Industrial. The tax parcel number is 22-09-300-039.

Chairman Mogridge stated he wanted to keep this one separate because he’s got some concerns. He was by the Building Department today and guesses we don’t have any answers as far as what’s going to happen with Beck Road. He has to feel that Beck is going to be four or five lanes within the near future and is just concerned. He noted that you have the future 60 line that runs right up to it. Would this be the right-of-way line? Would that line allow a four or five-lane roadway?

Mr. Lipchik answered yes.

Chairman Mogridge asked if he knows how far that will be from the curb of the new road, and Mr. Lipchik replied that it depends if that road goes three or five lanes. He has no way of telling.

Chairman Mogridge asked how wide five lanes would be; and Mr. Lipchik stated each lane is 12 feet, so it would be 60 feet wide if we had a five lane road.

Chairman Mogridge asked if it would be right up to that line or 60 feet from the center line.

Mr. Lipchik stated it is from the center line so it would be 30 feet from the road if we had five lanes go through.

Chairman Mogridge commented that the worst case scenario would be that sign would be 30 feet off the road. He asked if the sign is the same size.

Howard Friedlaender, 5138 Village Commons, West Bloomfield, MI 48322, told him yes but slightly different shape. It is not quite as tall and is a little bit longer. The ordinance allows it to be taller than the others. Someone said they could have signs ten feet tall or 20 feet tall. The ground sign maximum height is six feet, and the development ground signs could be eight feet. He thought this ground sign would be 6 foot 8.

Chairman Mogridge believed all ground signs are going to have the maximum of eight feet and said he didn’t know why they would give him two different scenarios.

Mr. Friedlaender thought ground signs can be as tall as development ground signs.

Mr. Reinhardt pointed out there is a separate section on development ground signs, B 2.

Mr. Friedlaender stated development ground signs can exceed eight feet, and a ground sign cannot exceed six feet. It is in a different part of the ordinance. Sign definition A 5 gives the ground sign at six feet, and the height of the development ground sign is under section 18.100.020 B 1.

Mr. Veros stated it is 72.76 square feet per side.

Mr. Caplan asked if we are going to worry about the square footage on this sign and commented that we could do as we did on the last one.

Mr. Reinhardt advised he got 79.92 square feet per side, which is twice the normal. Again, he would like to see the mock up before he would vote to approve the variance.

Chairman Mogridge stated on Beck Road, he would agree with him on this one. He could see where the other ones were.

Mr. Caplan mentioned another thing about the mock up. It looks beautiful right now, but he is going to have look into the future and imagine where the road might end up.

Chairman Mogridge said that was his other concern. He supposed we could mark off 30 feet from the sign.

When Mr. Dewar asked if it is anywhere near those three signs that are already there, Chairman Mogridge indicated the ones that are out there now are about where that sign is going to go.

Mr. Friedlaender said yes and all signs down Beck Road.

Mr. Berry commented that we can't really worry about the future road right now. We have to deal with it as it is now.

Mr. Caplan thought, as the applicant pointed out, if his sign becomes a problem, his parking lot and light poles are going to be a problem too.

Mr. Berry mentioned that in reality, if things were to expand out as we've been talking about, the rest of the signs that exist down Beck Road on the east side are going to all have to receive some sort of variance if they stay in position.

Mr. Lipchik stated no, they wouldn't have to because they were there before the road was widened.

Mr. Berry said in the City's eyes then, we deal with this situation as it exists right now; and Mr. Lipchik indicated yes, because we don't know when road funds are going to be available for an expansion of Beck Road.

Mr. Friedlaender offered that he would be comfortable if the board wishes to deal with the size of the sign the same way as the others.

Chairman Mogridge asked if there was anyone in the audience that would like to address this case. There being no comments from the audience, the public hearing for ZBA Case #031-04 at 8:30 pm.

Ms. Baumgartner asked Mr. Lipchik if he would be able to indicate where the proposed sidewalk/bike path would be on this plan.

Mr. Lipchik responded that they are always one foot in from the right-of-way line.

MOTION and second by Ms. Baumgartner and Mr. Reinhardt to table ZBA Case #031-04 to allow the applicant the opportunity to put up a mock sign in the exact location and exact size that he is requesting because of the safety issues on a busy road.

ROLL CALL VOTE:

YEAS (6)	Berry, Baumgartner, Caplan, Mogridge, Reinhardt, Veros
NAYS (2)	Dewar, McNeff
MOTION PASSED	

ZBA CASE #032-04: LAKESIDE OAKLAND DEVELOPMENT, 30295 EMBASSY DRIVE, BEVERLY HILLS, MI 48025:

The applicant is seeking 1’8” Building Height variance and a variance of 175 spaces from the Parking Space requirements. The Wixom Municipal Code, Section 18.76.010 indicates that the maximum height of a structure shall not exceed 30 feet, and Section 18.96.040 indicates that a total of 388 spaces would be required using the ordinance formula for calculating spaces. The property is located at 49575-849 Grand River and zoned B-3, General Business. The tax parcel number is 22-04-351-015.

Brian Wiggins, 11315 San Jose, Redford, MI, stated he is the project architect. The two items they were here for were the parking requirement and the height of the building. He said they want to put a raised canopy, which would bring more light in; so they would need a variance for 1’ 8”. The parking requirements they worked out with LSL, and the numbers that they came up with proposing a breakdown of uses. According to LSL the ordinance written as of now is excessive in the parking, and they were comfortable with the number we came up with.

Chairman Mogridge stated there was a note under the Building Official comments that the applicant (as well as the City planning consultant) was requesting that the Board of Appeals consider the request because it is their feeling that our parking regulations are excessive. The 1’8” building height variance will still enable the efficient screening of roof top units. He asked if that would be a problem with Fire, and Mr. Lipchik answered no.

Mr. Reinhardt referred to usable floor area and said he was looking at the parking calculations and was just wondering if the 85% they figure is the usable. He asked if that is the normal figure the Planning Commission uses, and Mr. Lipchik told him yes.

Mr. Caplan asked with the space up top where the height limitation is if there is any offices up there or anything or if it is just open ceiling space.

Mr. Wiggins advised there is no second floor in the building. The corner was lifted up to bring in more light and to make it look more attractive in the corridor.

Chairman Mogridge asked if he has any idea of what type of retail will be going in there.

Mr. Wiggins stated whatever is permitted under the ordinance, and the owner wants to minimize restaurants. Currently there are no tenants lined up.

Mr. Berry said in general let’s say all the stores are filled with tenants and you basically filled each of the stores up to its maximum allowable capacity. He asked if they would have enough parking spaces in the lot.

Mr. Wiggins indicated the way they broke it down they can't guarantee. They took their best guess, and they are tight in there.

Mr. Lipchik commented if you look at the Christmas shopping season, the Meijer's half of the parking lot has no use.

Mr. McNeff thought that was the case in all of ours. If you look at any of these developments we have here, it is massive parking; and he doesn't know where they come up with the calculations. He doesn't know what is considered excessive, but he thinks we have too much parking.

Mr. Dewar thought it was time we take LSL's suggestion. We know what our ordinance has done to us. We have acres and acres of asphalt with nothing on them.

Mr. Caplan asked what their hardship was on the parking issue; and Mr. Wiggins stated they were at their balancing point, and LSL was in agreement with them.

Chairman Mogridge asked if there was anyone in the audience that would like to address this case. There being no comments from the audience, the public hearing for ZBA Case #032-04 was closed at 8:49 pm.

MOTION and second by Mr. Dewar and Mr. Reinhardt on ZBA Case #032-04 to grant the applicant the one foot eight inch building height variance and a variance for 175 spaces from the ordinance, due to acreage problems and based on the excessive hardship that the land requirements in the ordinance are excessive.

VOTE:

MOTION CARRIED

ZBA CASE #033-04: SIGNATURE ASSOCAITES, ONE TOWN SQUARE, SUITE 1200,

SOUTHFIELD, MI 48076: The applicant is requesting a size variance to erect a 24 square foot double sided real estate sign. The Wixom Municipal Code, Section 18.100.020 F indicates that these signs shall not exceed 6 square feet. The property is located at 46892 West Road and zoned M-1, Light Industrial. The tax parcel number is 22-04-351-015.

George Ross, One Town Square, Suite 1200, Southfield, MI 48076, referred to a photo that was delivered to the board and said basically the issue is they have complied with the zoning ordinance on this since September 2001. The property has been on the market for quite some time, and it has been a slow market. Unfortunately, there are two issues that are apparent with that particular location with the sign. The City requires a 6 square foot sign; and when you have a larger building, some times it fades into the landscaping. In this particular case, it is not a side street where it is 25 mph. It is a main road which is 40 mph. The second issue is that you are at the intersection of West Road and the railroad so if you are driving down the road, you are focused on the railroad whether there are any trains coming going east or west. So the sign at that point virtually disappears. In three years he hasn't received enough phone calls to fill two hands. In an effort to do an adequate job it appears that they need a bigger impact on the sign so people can actually see it. So, he is asking the ZBA to understand the issues here and to work with them. They have complied throughout the City, but this is one situation where it is a hardship to them. Typically, a wing sign requires a corner location; and this is a corner for the City line and West Road. The sooner he can take that sign down and say the job is well done, the better for everybody. So that is what he would like to do.

Mr. Reinhardt asked how far off the right-of-way the current sign is, and Mr. Lipchik stated it is 15 feet.

Chairman Mogridge asked if there was anyone in the audience that would like to address this case. There being no comments from the audience, the public hearing for ZBA Case #033-04 was closed at 8:58 pm.

Mr. Caplan commented that he thought we should put a time limit on this sign.

Chairman Mogridge agreed, saying yes, a 12-month limit.

MOTION and second by Mr. Veros and Ms. Baumgartner on ZBA Case #033-04 to grant the applicant a 36 square foot variance to erect a wing sign for the duration of 12 months due to the practical difficulty of the location of the property and that the sign be removed two weeks after sale or lease of the building.

VOTE:

MOTION CARRIED

ZBA CASE #035-04: STYL-RITE DEVELOPMENT, 29445 BECK ROAD, SUITE A206,

WIXOM, MI 48393: The applicant is seeking to erect a 12'x5' Banner on the second floor wall of his building to advertise office space. The Wixom Municipal Code, Section 18.100.020 G2 allows for temporary sign for three months unless otherwise permitted by the Zoning Board of Appeals. The property is located at 29445 Beck Road and zoned M-1, Light Industrial. The tax parcel number is 22-08-227-028.

Jerry Lynn, 4375 Cherry Hill, Orchard Lake, MI, stated primarily he has a piggy back building. His architect has put up a lot of buildings, and they lease very well on the east side. He said office in the front is usually only eight or nine feet high, and the warehouse is twenty feet. A piggy back building has an elevator and stairway in the center. You go up the stairs; and you have office down for the office / warehouse, and you have office upstairs that is quiet because it is over the other office not the warehouse. It is a very good idea. It utilizes the foundation for two floors and utilizes one roof. However, in this area he has had difficulty and needs the board's help. He said he fully leased the office/warehouse downstairs. He has site plans for four buildings, and his bank says he has to go and lease at least 80% to 85% before he can go ahead with his second building. He would like to let people know that they have office upstairs. This is not the east side, and it is a good idea if he could put a banner up there that he believes people will notice.

Chairman Mogridge asked if he will maintain the existing sign along with the banner.

Mr. Lynn said yes, he will maintain the existing sign; and it is hard to read. He would like a banner until he can get the upstairs leased. He has no tenants other than an office he is using for himself upstairs.

Mr. Dewar asked how many offices are there upstairs, and Mr. Lynn replied there will be approximately ten offices unless someone wants to take the whole thing.

Mr. Dewar asked what is on the backside of the upstairs. If the downstairs backside is the warehouse, what is the backside of the upstairs?

Mr. Lynn indicated have a corridor, and that prevents noise coming in from the warehouse.

Mr. Reinhardt pointed out that on the last page under disposition it says does not meet setback. He asked Mr. Lipchik if he knew what Mr. Arnold means by that.

Mr. Lipchik responded that he had no idea why he wrote that, other than being overworked.

Mr. Dewar commented it looks like it was just the second page of the sign permit and that the banner that he wants to put up doesn't meet the ordinance.

Mr. Reinhardt stated he said setback, and he is referring to 18.100.020 A3 and 18.100.020 F.

Mr. Caplan thought he was referring to the existing sign and asked if there is a permit for the existing sign.

Mr. Lynn stated absolutely.

Mr. McNeff asked if this banner sign is a fabric type sign or a plastic/vinyl sign.

Mr. Lynn stated it is an outdoor plastic, and he would like to put it up until he can get the upstairs leased. They use an outdoor material; it is attached outdoors. It is attached by a combination of grommets and a special Minneapolis two-sided tape. The grommets are every 4 or 5 feet, and the two sided tape is in between the grommets. This is a special tape used for conditions like this.

Mr. Berry questioned if he would be asking for a sign on the east side of the building as well as the north side of the building so he can catch both corners.

Mr. Lynn stated the sign they have asked for would be on the corner. It shows Beck Road. He still feels cars running east and west, enough of them would see the sign. Although the traffic is on the other side, he does believe that since this is a head corner, half the people at any one time are going see it coming on West Road anyway.

Chairman Mogridge asked if any one in the audience would like to address this case. There being no comments from the audience, the public hearing for ZBA Case #035-04 was closed at 9:12 pm.

Mr. Veros asked Mr. Lipchik if he has any issues with the sign blowing off the building; and Mr. Lipchik answered no, he hasn't had any instances of banners.

Mr. Berry inquired if we want to set a time limit on this banner, and Mr. Veros offered that he thought another thing we need to specify is to make sure that no prices are mentioned on this banner.

Ms. Baumgartner was looking for clarification on some of the concerns about the quality of the sign since we just have a hand written proposal.

Mr. Lipchik assured her that we will make sure it is professional looking and asked Mr. Lynn if he would bring in a sample of what this banner is going to look like before he hangs it.

Mr. Lynn offered that they can come out and look at it before they hang it.

Mr. Berry asked if the applicant's current signs they conform, and Mr. Lipchik said to his knowledge they do.

When Mr. Reinhardt stated the ordinance calls for a surface or facing of non-combustible material, Mr. Lipchik mentioned this is a temporary banner, not a wall sign.

MOTION and second by Mr. McNeff and Ms. Baumgartner on ZBA Case #035-04 to grant the applicant's request to erect a 12' x 5' temporary banner sign for a maximum of one year to face Beck Road, not to display any pricing according to the ordinance and to be inspected by the Building Department.

VOTE:

MOTION CARRIED

CALL TO THE PUBLIC:

There was no public present at this time.

BOARD MEMBER COMMENTS:

Chairman Mogridge indicated he would miss Russ, saying we didn't always agree but he was always good input. He wished him the best and hopes he gets around better.

Mr. Veros commented that a couple months back we had Static Control in here for a reader sign. He noticed that their sign is moving, and we stated it was going to be a 24-hour period of a constant message.

Mr. Lipchik indicated he would have a discussion with them.

Mr. Caplan remarked that we were worried about safety with changing those signs; and as he sees that sign change, he doesn't think it distracts him whatsoever because he has seen that sign change.

Mr. Dewar stated it doesn't change fast, and it doesn't flash. It is a nice sign.

Chairman Mogridge asked with the reader signs if anything has happened at Council. He then asked if for the parking spaces and signs we need to just go to one of the meetings.

Mr. Lipchik told him not yet. It is all depending on him first of all getting permission to spend his time on changing ordinances through the City Manager's office. Then once that is okayed he has to write reports and then has to take those to Council.

Mr. Caplan thought sooner or later Council is going to see as much as we are giving variances on these items. If they read our minutes, they are going to have to see that there is something not right. Like the sign issue, if they give us a limitation in height, then the face of the sign shouldn't be the support. If your height is six feet on some signs and eight feet on development signs, then you are limited on how high you can go. Then your sign should be the size.

Ms. Baumgartner thought this was the first time the parking lot issue has come up since she has been on the board, but she tended to agree too. She would rather have the retailer or the businesses that are here use the space to bring more tax revenue to the City or have more green space instead of massive parking lots. She thinks a lot of businesses have not come to us for variances for the parking lot thing because they are trying their best to comply.

Mr. Lipchik mentioned that has been one of the pet peeves of LSL since they came here, and the reason you haven't seen more of it is because they have only been here for two years. Our former planner thought since he wrote the ordinance it was fine.

Mr. Berry asked just in general how their guidelines differ from the way the parking lot ordinance figures are written.

Mr. Lipchik said their thought is that our ordinance needs to be amended.

Mr. Berry indicated he understood that, but he was just asking in general how their figures differ from the way our ordinances dictate you need to calculate parking lot space based on square footage.

Mr. Lipchik told him theirs is based on use just like ours. Theirs would be very similar but just less.

Mr. Reinhardt commented that he learned at the annual conference at Kalamazoo that some communities have a separate sign ordinance. He asked if ours is separate or just part of our ordinance.

Mr. Lipchik advised it is a separate ordinance. Everything you have in your zoning ordinance is all separate ordinances because they all have a different number.

Mr. Reinhardt said because as part of zoning (and the way that was explained to him and the way he took it) it was a separate ordinance altogether from the sign ordinance.

Mr. Lipchik indicated that is the way he has seen every other community.

STAFF COMMENTS:

Mr. Lipchik commented he would like the board's permission to get a plaque made for Russ Miner. He said he would talk to the City Manager and see if we can invite him maybe to a Council meeting and present it.

The board agreed it would be a good idea.

Ms. Baumgartner requested that he let the board know when that Council meeting is and then maybe some of us could be in attendance if we are able to.

ADJOURNMENT:

The meeting was adjourned on motion and second by Ms. Baumgartner and Mr. Dewar at 9:26 pm.

Jennifer Garrett
October 13, 2004