

**ZONING BOARD OF APPEALS MEETING
CITY OF WIXOM
49045 PONTIAC TRAIL
MONDAY, FEBRUARY 12, 2007 – 7:30 PM**

**APPROVED
03/12/2007**

Chairman Mogridge called the meeting to order at 7:31 pm.

PRESENT:

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

CITY STAFF:

John R. Lipchik, Building Official

RECORDING SECRETARY:

Jennifer Garrett

There being a quorum, the meeting was declared in session.

APPROVAL OF MINUTES:

January 8, 2007

MOTION and second by Mr. McMillan and Mr. Berry to approve the January 8, 2007 minutes as published.

VOTE:

MOTION CARRIED

RULES OF CONDUCT:

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

NEW BUSINESS:

ZBA CASE #003-07: TOM MOSS AND ASSOCIATES, 1893 BIRCHWOOD DRIVE, TROY, MI

48083: The applicant is seeking a 16-foot front yard setback variance. The Wixom Municipal Code, Section 18.76.101 requires approval from the Zoning Board of Appeals. The property is located at 46914 Magellan and zoned M-1, Light Industrial. The tax parcel number is 22-09-102-001.

Tom Moss, 1893 Birchwood Drive, Troy, stated he is representing the Carrier Family that owns this property and owns the building next door. They are asking for a relief on the front yard setback due to the curvature of the road of Magellan Drive. The development interconnections to the west neighbor at the rear site is made difficult by the existing storm water detention pond and encroaching into the property at the northeast corner of the neighbor's lot. The concave curve of Magellan Drive right-of-way into the site actually imposes a greater than normal building setback along the western half of the site reaching up to 64 feet along the west end of the building. The 20-foot water main and sanitary sewer public easements along the east property line prevents the building from being located there in an effort to make use of the area of the property that is lease impacted by the concave front yard setback. He indicated this is the last site on Magellan Drive in Wixom to be developed, and the Carrier Family Properties purchased the building next door and this vacant property. The said property has easements on both sides, storm water to the west and sanitary and water to the east. Like all last lots to be developed they are always the ones that are the toughest to try to figure out how to put a building on and such as the case here. Again, this is the last lot before you cross the line into Novi. He said they have gotten around the curvature of the rear

of the property for large semis and fire trucks to meet their ordinances, and they have some inquiries on the building and two proposed that are serious if they can maintain this amount of square footage in the building. The building has a side main entrance, and it is designed for two tenants or for one tenant taking the entire building.

Chairman Mogridge asked if that lot covers the part that is mowed and the part that is overgrown.

Mr. Moss replied that it does not cover the part that is overgrown. That is where the boundary line is for Wixom and Novi. It is just the one that is mowed and maintained. He also added that in this proposal that they have on the east property they have shown an 8.9 foot green belt where the ordinance allows you to go right to the property line for parking, but the owner wants to maintain a nice landscaped area between the neighbor to the east and this proposed site.

Chairman Mogridge asked if the neighbor to the east isn't the overgrown lot, so whoever builds there is in Novi and the one next to him is the dog center.

Mr. Moss answered yes and said by the way that building has been dressed up by Mr. Carrier and has been a great tenant and look for them to stay there for some time.

Chairman Mogridge inquired if someone is set to move in there as soon as it is done then.

Mr. Moss indicated it is pending on the approval for this amount of square footage, and they are hoping that yes he would sign up; but of course they are not committing until they know whether they can have this amount of square footage. He said they have twisted and turned this building quite a few times to try to make it work and get the proper parking, the loading zones and the right amount of landscaping.

Chairman Mogridge was curious and didn't think this had any bearing on it but in the back of the lot it says X lawn. He asked if the lot line goes to the back of the parking spots or the existing lawn.

Mr. Moss explained that is existing lawn, and the lot line is the darker line at the rear of the parking spaces.

Mr. Berry questioned whether, just in general upon building this structure and entertaining a client, there were specifics that would preclude them from shortening this building up by 20 feet based on the fact that the plat was already laid out prior to purchase and the intent for all the easements were already in the lot itself. He asked if there is a reason why they feel they need to build a building this big.

Mr. Moss stated that was the requirement because they had not proposed anything at the beginning, and what started off this proposal was this tenant coming along saying if he can have 16,000 square feet. This is what got them into this. If he went back and asked if they would settle for 14,000 square feet they would not do that because he is saying he needs the 16,000.

Chairman Mogridge asked if there are sidewalks through there.

Mr. Lipchik said no there are not. When that condo went in there was no plan to have sidewalks.

Mr. Moss added that he hoped they made it clear on their plan that the west corner of the building is at the 50 foot setback, and that it is the east corner that is protruding out.

Chairman Mogridge said right and by the looks of it even if someone builds to the east that is not going to block that at all because the road starts to curve back a little bit there anyway.

Mr. Berry stated basically what he is stating then is the hardship for the request for their variance is based on an odd shaped lot.

Mr. Moss told him yes and the number of easements that are going through it. He said he cannot deny that they knew those easements were there when they bought it, but being the last lot you always run into this in a development. That is why no one has tried to do anything with it he guesses.

Chairman Mogridge asked if there were any other questions for the applicant. He then asked if there was anyone from the audience who would like to address this case. There being no comments from the audience, the public hearing for ZBA Case #003-07 was closed at 7:43 pm.

Mr. Berry commented that obviously the Planning Commission has already gone through this and basically will approve based on us granting the applicant a variance, and Mr. Lipchik stated that was correct.

Mr. Berry then said and they basically agree with all the changes that have been made.

Mr. Lipchik replied that as far as this issue they have not said anything at all about this issue, but the building does have site plan approval.

Mr. Caplan remarked that he thinks it will look nice. He is really keeping it in line with all the other buildings that are there anyways. It just happens to be the road that is causing the problems. When it is all said and done, like we said it is only the one corner.

Chairman Mogridge stated the building that is going to be to the east of it is separated by parking lot, so it is not like it is going to be in the front yard or anything.

MOTION and second by Mr. Caplan and Mr. Dewar on ZBA Case #003-07, Tom Moss and Associates, to grant the applicant a 16-foot front yard setback variance due to the odd sized lot and the easements he has on the east and west.

VOTE:

MOTION CARRIED

ZBA CASE #004-07: STYL-RITE DEVELOPMENT, 29445 BECK ROAD, SUITE A-206,

WIXOM, MI 48393: The applicant is seeking a variance to allow parking within 20 feet of the lot line. The Wixom Municipal Code, Section 18.76.010 (K) requires approval from the Zoning Board of Appeals. The property is located at 47705 West Road and zoned M-1, Light Industrial. The tax parcel number is 22-08-227-031.

Jerry Lynn, 29445 Beck Road, Suite A-206, Wixom, stated he has two buildings of his complex that he put up in the past year and a half. Basically the building facing West Road has limited parking for the high profile tech building that he put up. All his tenants in the first building are approximately 50% office and 50% warehouse. The tenants that have considered this building have very limited parking. In the front of the building as they put up he has now 12 parking spaces plus three handicap parking spaces, and the three handicap accessible limit this to people to park in the rear only. He has a tenant, Mother Hubbard's Cupboard, who has in the front zero parking spaces. The adjoining unit has a handicap space accessible for that handicap space and one parking space. They have proposed having 20 parking spaces along the north end so the people in the office sections will have some parking space instead of parking all in the rear. Unfortunately the first building leased out as they were putting up the shell. They had two deposits that backed out because of no parking. They have another tenant, Mother Hubbard. The realtor

has the initial deposit subject to him getting some parking spaces there. If he receives zip then Mother Hubbard will be out if they can't give them parking. As he said, they have zip in front now.

Chairman Mogridge asked Mr. Lynn if he knew. Looking at it, it seems like if you pull into the parking spots he is looking to build on the north side, it will be about 20 feet between the edge of the parking spot and the road itself. He knows he didn't see anything on there. He just basically took the fact that an inch equaled 20 feet and got pretty close to that.

Mr. Lynn stated there is space where they will be putting the sidewalk in that space eventually.

Chairman Mogridge said right, a six foot sidewalk; and then he thinks it would be about 14 feet out to the road there. His other concern was that between those parking spots and the parking spots on the south side up by the building, how much room is there going to be between those two for a drive through?

Mr. Moss stated it would be 20 feet which he believed satisfies the requirement for the space in between parking on both sides.

Chairman Mogridge asked if that was wide enough for emergency vehicles and everything else.

Mr. Lipchik indicated it is and said the code actually states 18 feet.

Chairman Mogridge said he knows every once in a while he is zipping around in a van and trying to get into some places, and it is difficult.

Mr. Lipchik commented it is like the pickup truck he is driving. It is real long, and it gets real tough getting in certain spots.

Chairman Mogridge stated you get an area in there that he imagines 18 feet would even be difficult to start swinging with a couple cars close. That was his only concern on the whole thing and that the setback going out of the driveways, but that seems sufficient because he parked in the driveway about where the parking would be just to see what kind of blockage it was and he didn't see any.

Mr. Lipchik stated the radius for getting in and out of the parking lot is set up for 30 feet.

Chairman Mogridge indicated the first parking spots were far enough from the drive that it didn't seem like it was going to impair any vision or anything.

Mr. Lipchik said no and added that actually we sent this to HRC who looked at it and were good with it.

Mr. Caplan asked how many parking spots his tenant gets in the back of the building.

Mr. Lynn stated they do have the required number in the back.

When Mr. Caplan asked how many that is, Mr. Lynn told him he could check the site plan.

Mr. Caplan told him no, that's okay but asked also how many units are in that building.

Mr. Lynn replied there are six, approximately 30,000 square foot building.

Mr. Reinhardt was curious what he plans to do with the mailboxes.

Mr. Lynn stated the mailboxes will have to be moved further west, although they could be moved anywhere on the site; but it is their thought (and they have gone over this with the post office) to move them a few feet further west.

Chairman Mogridge asked if there were any other questions for the applicant. He then asked if there was anyone from the audience that would like to address this case. There being no comments from the audience, the public hearing for ZBA Case #004-07 was closed at 7:55 pm.

Chairman Mogridge stated his major concern was just being able to see pulling out of the driveway if someone was parked there; but like he said he parked a van in the drive, took a look and didn't see any real concern.

Mr. Caplan agreed and said he was a little concerned with the width of the road, but if 20 feet is what they look at then it sounds good.

Mr. McMillan indicated he was just wondering if we need a secondary variance because of the greenbelt.

Mr. Lipchik replied yes he believed you probably would.

Mr. Berry asked in reference to this property if we had any relief from any parking or green space before.

Mr. Lipchik answered yes, it was all science.

Chairman Mogridge stated we didn't have any other variances as far as structural, parking, trees or bushes. He thinks he has always been right there with everything.

Mr. Berry said so basically just the nature of his business has changed in regard to the number of parking spaces that he needs now.

Mr. Lipchik commented that he doesn't know that he needs more parking; he needs more parking *out front*.

Chairman Mogridge stated this came before us for a variance on use for the Mother Hubbard. Because of the fact that it is that type of business where they are going to have people walking in and out, they can't have them park out back because they would probably not find the back door.

Mr. Caplan asked if that would be considered self-created.

Mr. Dewar stated self-created until Mother Hubbard shows up. You have to make allowances to rent buildings. If Mother Hubbard's leaves, then you are going to have a lot of parking spaces for nothing.

Chairman Mogridge stated apparently they are all set. As soon as this goes, they are in.

Mr. Dewar commented that from what he recalled they are not going to be a short term tenant, and Chairman Mogridge agreed that it didn't sound like it.

Mr. Caplan said he thought the hardship can also be a change in economic climate. He needs to look at other possibilities for tenants, and that is why he was in here the last time. He thinks the additional wording just might be to allow him more than 25% of front yard parking, and he doesn't know if we have to address the greenbelt.

Mr. Berry stated you still have the issue with the green space requirement because he is going to have to eliminate that in order to put the spots in.

Mr. Caplan mentioned that in our letter from LSL it says that now they are looking for a zero front yard setback for the parking. He asked where those trees are going to go that he is going to plant.

Mr. Lipchik replied it would be one foot on the south side of the sidewalk that is going to go in.

Mr. Berry stated in regard to 18.76.010 it kind of stipulates two things. One, that a 20 foot setback from the front lot line is required. It also stipulates about the 25%, so we have to address both of those issues at the same time in order to satisfy that portion of the code.

Mr. Lipchik said yes because parking isn't supposed to be more than 25% in the front yard.

Chairman Mogridge asked if the greenbelt he is going to have is only the one foot, and Mr. Lipchik responded that it is actually three feet.

In regard to the 25%, Mr. Berry asked how much we would theoretically be talking about eliminating.

Mr. Lipchik told him all of it.

Mr. Caplan questioned if we could just make a motion saying that we allow more than 25%, and Mr. Lipchik replied you could.

Mr. Berry asked how much more is it.

Mr. Lipchik stated it would be real hard to determine because it is a complex with shared parking so it would be real hard for him to take a stab at that. He thinks a motion could be worded by saying you are going to allow X amount of parking spaces in the front yard and just eliminate the 25% requirement.

Mr. Caplan stated one note in the front yard setback. He only really needs at this time an 18 foot variance because they gave him a two foot (he believed it said in the letter) when he got the site plan approved. They already let him go to 18 feet, so if he is going to go down to zero his variance today would really only be an 18-foot variance.

Mr. Berry said theoretically he is going right to the line, so it is basically a zero front yard setback.

Mr. Caplan indicated so what you say is how much of a variance and tell him you allow zero front yard setback.

Mr. McMillan asked what the hardship is.

When Mr. Berry offered that in this case it is financial burden, Mr. Lipchik said you can't use that.

Mr. Berry stated the actual intended use hasn't changed for the building but based on the tenant and the clientele he has moving into the building.

Chairman Mogridge commented that maybe the hardship is more the tenant requirements or something like that.

MOTION and second by Mr. McMillan and Mr. Berry on ZBA Case #004-07, Styl-Rite Development to grant the applicant a zero front yard setback variance as well as a seven foot variance on the required ten foot greenbelt to allow the addition of 20 parking spaces with the hardship being a change in tenant requirements.

VOTE:

MOTION CARRIED

ZBA CASE #005-07: SIGNATURE ASSOCIATES, ONE TOWNE SQUARE, SUITE 1200,

SOUTHFIELD, MI 48076: The applicant is seeking a 42 square foot variance per sign face and a 2 foot height variance in order to erect a For Sale or Lease sign. The Wixom Municipal Code, Section 18.100.020 (F) and 18.08.455 (5) requires approval from the Zoning Board of Appeals. The property is located at 49800 Martin and zoned M-2, Heavy Industrial. The tax parcel number is 22-06-400-003.

Jim Montgomery, One Towne Square, Suite 1200, Southfield, stated they would like to erect a larger sign on the southwest corner of Martin Drive and Wixom Road to help identify the building that has been vacant for awhile at the end of Martin Drive. Actually Martin Drive is one big vacancy right now. It is essentially to highlight their property and advertise. The previous broker on this site had a large sign as well, and they would just like to keep up the pace.

Mr. McNeff asked who the prior broker was, and Mr. Montgomery replied Grovenelle.

Mr. Caplan believed we gave him a variance for that.

Chairman Mogridge stated yes because we had a big one on one side of the street and a small one on the other side.

Mr. McNeff stated he wanted two and we gave him one, but he thought it was Signature.

Mr. Montgomery said no.

Chairman Mogridge asked if this is going to be a single or double-sided sign, and Mr. Montgomery stated it will be double and will run perpendicular with Wixom Road.

Mr. McMillan commented there is another sign there currently on the north side of Martin.

Mr. Montgomery stated there is one on the northwest corner, a little 2' x 3' which is in keeping of the standards. That is primarily for all the other buildings on Martin Drive. They have in excess of 180,000 square feet of vacant buildings down there.

Mr. McMillan asked if they are all Signature properties, and Mr. Montgomery told him for the most part everything on Martin Drive is Signature at this point.

Mr. McMillan asked if they could be combined into one sign.

Mr. Montgomery said it gets too busy, and no one is for sure what you are talking about. Because of the magnitude of the job ahead of them they were asking to have a separate sign indicating that particular property because that is particularly difficult in its size, even height, access, data building, difficulty to separate the spaces.

Chairman Mogridge stated so you have 30, 45 and 100 total.

Mr. Montgomery said he thought it is 101 and some change; 35 on one side and 45 on the other. There is some difficult access, vacant rooms in the back plus 8,000 square feet of office; and all adds up to about 101,000 square feet in just that building. Then you have the other multi-tenant buildings along Martin Drive which are also predominately vacant.

Chairman Mogridge asked if there were any other questions for the applicant. He then asked if there was anyone from the audience that would like to address this case. There being no comments from the audience, the public hearing for ZBA Case #005-07 was closed at 8:20 pm.

Mr. McNeff asked if we have given two foot height variances on all of these.

Chairman Mogridge replied that he knows we have done some height on a couple of them. He doesn't know if they were all two feet.

Mr. Lipchik indicated he thought they were, all over the board.

Mr. Reinhardt mentioned he had a problem and asked where this sign is going to be located.

Chairman Mogridge said he believed it is going to be where the other one was before on the south side of Martin Drive, and Mr. Lipchik stated yes.

MOTION and second by Mr. Caplan and Ms. Baumgartner on ZBA Case #005-07, Signature Associates to grant the applicant a 42 square foot per sign face and a two foot height variance to erect a For Sale or Lease sign for one year with the hardship to increase visibility due to the speed of the traffic on Wixom Road.

VOTE:

MOTION CARRIED

CALL TO THE PUBLIC:

There was no public present for public comment.

BOARD MEMBER COMMENTS:

Mr. Berry stated we have seen a number of sign cases in the last year, and he thinks it is time we request a change in the ordinance. He bets we have hit at least 50 or 60 sign cases in the last two years; and they all have to do with visibility, square footage and the number of sides.

Mr. Lipchik advised that we are working on changing the zoning ordinance; and as soon as we get our first draft the ZBA will receive a copy for input. So, anything they see in there that they don't like we can play with it back and forth and figure it out. He knows they are looking very hard at the sign ordinance portion of the zoning ordinance because of things like this.

Mr. McNeff said he thinks if they look at pretty much what has been requested (6' x 8' and two foot height variance) that seems pretty reasonable, and he thinks that is what most realtors want anyways. He thinks that would be a good guideline.

Mr. Caplan stated or compromise in between. If they feel 4 x 8 and lets stick with that, but somewhere a little better than 2 x 3.

Mr. Lipchik indicated he knows that was put in the ordinance a number of years ago because of abuses by some of these outfits. You used to drive down Wixom Road, and it used to look like a movie theater because they had all these really huge signs that went in and blocked everything from view and didn't

look very good. So it went totally in the other direction to the 2 x 3 which is great if you are driving around with a magnifying glass at 50 mph.

Mr. McNeff asked if it would be possible to get a code new binder, and Mr. Lipchik told him he could do that for him.

Chairman Mogridge advised that four were needed before he mentioned the letter about Abdelnour.

Mr. Lipchik stated the Abdelnours entered into a consent agreement with the City, and since the ZBA members were all involved with them he figured he would provide a copy for their information.

STAFF COMMENTS:

There were no comments made by staff.

ADJOURNMENT:

This meeting of the Wixom Zoning Board of Appeals was adjourned on motion and second by Mr. Dewar and Mr. McMillan at 8:27 pm.

Jennifer Garrett
Recording Secretary
February 13, 2007