

**ZONING BOARD OF APPEALS MEETING
CITY OF WIXOM
49045 PONTIAC TRAIL
MONDAY, APRIL 14, 2008 – 7:30 PM**

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

PRESENT:

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

CITY STAFF:

Todd Arnold, Building Inspector

RECORDING SECRETARY:

Jennifer Garrett

ABSENT:

Mary Baumgartner (excused)

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

APPROVAL OF MINUTES:

February 11, 2008

MOTION and second by Mr. Caplan and Mr. Berry to accept the February 11, 2008 minutes as published.

VOTE:

MOTION CARRIED

CORRESPONDENCE:

There was no correspondence received for this meeting.

RULES OF CONDUCT:

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

TABLED MOTIONS:

There were no tabled motions listed on the agenda for tonight's meeting.

NEW BUSINESS:

ZBA CASE #001-08: VARSITY LINCOLN MERCURY, 48600 TWELVE MILE, WIXOM, MI

48393: The applicant is seeking a sign variance. The Wixom Municipal Code, Chapter 18.100 requires approval from the Zoning Board of Appeals for this request. The property is located at 48600 Twelve Mile and zoned B-3, General Business. The tax parcel number is 22-08-376-010.

Anthony Skeltos, 44144 Molson, Novi, MI 48375, stated we are trying to put up a little sign there, partially (the way he sees it) so we can keep that grass cut instead of having weeds and everything there. We will have a nice stone wall, probably about as high as the desk there (dais) and then Varsity Lincoln Mercury Wixom.

Chairman Mogridge asked if he was looking for a variance because he needs it big enough to be seen from the freeway, and Mr. Skeltos replied yes.

Mr. Reinhardt asked how high that sign is and said what he really means is how high is it where the cars are parked there from the freeway surface. How high up is that?

Mr. Skeltos stated that is the natural elevation of it, and he would say it is probably like ten feet in height.

Mr. Reinhardt commented there are no dimensions on this sign and asked what the size of the sign is.

Mr. Skeltos stated he was not too sure. Like he said, it is about the height of this desk here; and then at the very ends we have two bolsters on either end for looks.

Chairman Mogridge indicated we visited this a couple years ago when you were looking to do this, and Mr. Skeltos said he believes so.

Chairman Mogridge stated he knows we are looking at it, and there is some question as to whether or not the whole façade is a sign or not. Basically the ordinance kind of says it is, and there are other people that feel it is kind of just landscaping. But either way he understands where he is coming from, especially now will be a great time to do it since it is kind of closed down there. He'd kind of like to get some dimensions on it so we just don't do a carte blanche thing here; the general width, the height, what the towers are going to be and the size of the letter on the sign and the actual height of the letters.

Mr. Skeltos said yes and that he knows what Mr. Mogridge was saying. It should be put on there, and in fact he's sure if we went back to the property and took measurements of the existing one and measured that as-is for the scale. We are not trying to block anything. We are trying to keep it low and everything like that.

Chairman Mogridge doesn't think there is anything there to block, but it is just like he said. Just to go in and work on an approval on something we don't have any measurements on, and if we grant something and the sign is 12 inches high it might look way out of proportion. He asked when they are looking to do this.

Mr. Skeltos told him this summer.

Mr. Veros stated he noticed in the Building Official comments it states Planning and Engineering are reviewing for the underground water retention. He asked if dimensions had been supplied for this.

Mr. Arnold responded as far as the overall elevation not at this point.

Mr. Veros remarked so they are in the same situation we are in right now.

Mr. Arnold stated yes, they will be bringing the engineering plans in. They are preparing those documents right now. The lay of the land there is about four feet to five feet from the freeway up to their parking lot, and they are just going to project it out. There is a six or seven-foot retention pond that is between the expressway and their current parking lot, and they are planning on filling that in and putting all the storm water under the parking lot and just project it out at the same elevation and put these two decorative turrets on the end. Per sign or where it says Wixom it looks to be around 80 square feet and the same with Varsity.

Chairman Mogridge asked 80 square feet, and Mr. Arnold replied yes.

Mr. Veros commented he just brought up an interesting point then. He inquired if the turrets we are seeing here and the stone is more parking lot than sign.

Mr. Arnold said yes, that is actually parking lot.

Mr. Veros stated that makes a difference then because we had this case in front of us a couple years ago and was presented to us before, and this was almost going to be a platform like what was in the front of the Wixom Plant and not part of the parking lot.

Mr. Arnold told him that was correct.

Mr. Veros stated so this is a little bit different case now.

Mr. Caplan said he thinks what he would like to see is clarification of what is really going to be the sign. He thinks what we are trying to look at here is the sign which is what is in the middle.

Mr. Veros indicated he was not interpreting it that way.

Mr. Caplan stated he doesn't see this whole platform to be the sign.

Mr. Veros commented unless Mr. Arnold didn't say something. He doesn't look at this that way.

Mr. Caplan said he wants a clarification on that.

Mr. Veros stated what is being presented right now he is looking at this as being part of the entire sign.

Mr. Reinhardt indicated he asked the question of how far off of the freeway the parking lot was, and he has heard two figures now. He has heard four feet and ten feet.

Mr. Veros commented that was elevation, not the distance off the freeway.

Mr. Skeltos stated the height.

Mr. Arnold remarked the height you could actually see right into their parking lot as you are driving down the road.

Mr. Reinhardt said he did go into their parking lot and did drive all the way back, and it didn't look like that was ten feet that is why he asked the question.

Mr. Arnold asked if he was saying ten feet horizontally or vertically, and Mr. Reinhardt replied vertically.

Mr. Arnold indicated it is real close to matching the elevation of the freeway.

Mr. Caplan thinks they are going to keep it as low as possible so you can see the cars.

Chairman Mogridge stated you said this is going to be even with the elevation of the parking lot.

Mr. Arnold told him exactly. It is just going to project further out towards the expressway. That whole wall is a retaining wall, and they want to put the word Varsity and the word Wixom on that part of the wall.

Chairman Mogridge stated you said that each of those words is going to be about 80 square feet.

Mr. Arnold indicated he would say at the most, potentially 4 x 20.

Chairman Mogridge mentioned that he says the wall is going to be about 4 feet high

Mr. Arnold stated it could be 2 x 20 or 3 x 20. Conceptually it is there, but to see it you need at least 18 to 24 inch letters and as you space them out you figure at the most. He said as he is sitting here doing some calculations if it is four feet high (and it looks like that is only like a third of that) we can speculate; but he thinks what they are looking for is approximately two-foot lettering, and to cover the Wixom area he would say that is about at most nine feet long. Then the Varsity would be the same thing.

Chairman Mogridge commented so you are looking at 18 to 20 square feet per piece.

Mr. Arnold stated he would say 40 given his figures. He thinks if you go 80 total that would be more than generous.

Chairman Mogridge remarked that would be huge too.

Mr. Reinhardt made a motion at this point to table ZBA Case #001-08 until we get more information on the size of the sign and so forth.

Mr. McMillan asked if these are back lit, lit letters or just fixed letters. He would add again more detail because he knows how we can react to this without that kind of information.

Mr. Caplan stated he would like to make sure too that we are looking at the sign only to be what is in the middle here and not this whole piece; it is just a retaining wall. So we are all agreeing that this is a retaining wall, and we are not going to call this whole thing a sign.

Chairman Mogridge asked Mr. Skeltos if he knew where we were going and what we would like to get. If we can just get a general idea; he doesn't know if he can maybe stake something out and give us an idea of where this is going to be so we can walk out there or drive by and take a look and just get a general feel for what it is going to be for the next meeting.

Mr. Skeltos said he didn't see why not.

Chairman Mogridge stated a lot of times when we get people coming before us requesting sign variances what we prefer they do is get a piece of plywood and set it where the sign is going to be so we can come through. Not so much with you guys, but so we can see if it is going to be a safety concern or anything like that.

Mr. Veros indicated the other thing too we probably haven't mentioned is that for a ground sign you are allowed 40 square feet. We don't know if that is going to fall within that number (which he doesn't think it will), so we need to know how much above that 40 square feet in order to write the variance.

Mr. Skeltos commented once we get the dimensions we can see where we have to go from there. He then asked when the next meeting would be.

Mr. Veros advised it is May 12th.

Mr. Berry noted that we have a call to the public and have to close that before we can vote.

Chairman Mogridge 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 #001-08 was closed at 7:47 pm.

MOTION and second by Mr. Reinhardt and Mr. Caplan to table ZBA Case #001-08 until they come back with dimensions and more details of the sign.

VOTE:

MOTION CARRIED

ZBA CASE #002-08: BERNARD LES, 1294 SOUTH CREEK, WIXOM, MI 48393: The applicant is seeking a variance in order to construct a screen porch on a deck. The Wixom Municipal Code, Section, 18.16.040 B requires that such additions have a perimeter wall foundation. The property is located at 1294 South Creek and zoned RA-1A, Single Family Residential. The tax parcel number is 17-28-353-020.

Bernard Les, 1294 South Creek, Wixom, MI 48393, stated we would like permission to build this deck in our backyard without the concrete perimeter wall. He understands that the thinking is the three-season room can be converted into a four-season room very easily, so the concrete footing would make sure that the four-season room is up to code. He guesses the one thing he wants to stress to the board is that he has no intentions at all of turning a three-season room into a four-season room. The only reason for the screened-in porch is mosquitoes in our backyard. The difference in cost between our job as planned and the job that includes a concrete perimeter wall is about \$3,500 to \$4,500 he supposes. He and his family have been saving for about three years now and want to do this cash, and that is significant to us.

Chairman Mogridge asked how high the deck is off the ground.

Mr. Les told him it is about 2.5 to 3 feet.

Mr. Reinhardt asked if he was right in saying there is no door wall on the back of his house where this deck is going to go.

Mr. Les stated correct. There is just a regular door that would go into the screened-in porch. There is no sliding doorwall, but there is a hinged door.

Mr. Reinhardt asked if there are just windows on the back of his house and no actual door.

Mr. Les indicated there is a door.

Mr. Reinhardt mentioned that he was there today and didn't see it.

Mr. Les stated it is at a 45 degree angle which would lead into the proposed screened-in porch.

Mr. Caplan commented when they ask for these he knows we have approved these quite a bit. He doesn't know if the foundation was just like to keep animals or things from underneath there or if it is for

structural. He told Mr. Arnold he wonders if you insure when they put a structure like this on a deck that the structure is up to snuff and not to collapse.

Mr. Arnold stated he does; he makes sure. The other problem is that it doesn't rip the structure off in a high wind situation as well. So they are secured, and the footings are typically a little larger to prevent them from getting pulled out of the ground. We are pretty particular about how all that goes together.

Mr. Caplan asked so that is not a concern we should have that the foundation is something structural, and Mr. Arnold replied no.

Chairman Mogridge commented that he did discuss this with Mr. Lipchik a number of times, and his feeling was that this was put into effect so long ago that decks were around but were not as prevalent as they are now. Part of it was that they needed the foundation so they didn't move separate from the house. But with the fact that you have the support beams and they are down below the frost, he asked if that is not really concerning; and Mr. Arnold replied no.

Chairman Mogridge said he didn't think they have changed this. He knows they are going to address this in the new ordinances. He asked if he knew if that was something that was changed.

Mr. Arnold answered that is something they are working on right now.

Chairman Mogridge stated that is what he kind of thought because we have had a number of these. He 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.

Bill Henning, 1195 South Creek, Wixom, MI 48393, stated he is a member of the Architectural Controls Committee for Loon Lakes Woodlands #3. He is also on the Planning Commission for the City of Wixom. He came to support Mr. Les. He has done a lot of good work working with Mr. Lipchik on this, and he also has a very good reputable builder which is Coy Construction which has done a lot of good work in the City. He doesn't think this would deface the property but will actually add to the looks of the neighborhood, and he fully supports what he is doing.

Mr. McNeff asked if his association rules address this at all with decks.

Mr. Henning stated we have not had anyone looking for a variance on this before with the gazebo or screened-in porch. We did talk about it when we were going over the ordinances, and it briefly came up. But again he believes the concern that you have the structure behind it was probably the consideration for a foundation and if someone else were to take this and build a four-season room out of it, but the foundation is pretty solid. It is a newer home.

Ed Hennessey, 1274 South Creek, Wixom, MI 48393, indicated we have a very similar three-season room. Just to address the structural issues, he said we have been in our house five years and it does not have that concrete perimeter wall and there is absolutely no issues with it.

Chairman Mogridge asked how long he has had your porch.

Mr. Hennessey replied we have been in the house five years, and he believes the home was built two years before we moved in so it is about a seven to eight year old home.

Chairman Mogridge asked if there was anyone else from the audience that would like to address this case. There being no further comments from the audience, the public hearing for ZBA Case #002-08 was closed at 7:56 pm.

MOTION and second by Mr. Caplan and Mr. Dewar on ZBA Case #002-08 to grant the applicant a variance to construct a screened-in porch on a deck without having to construct a perimeter wall foundation.

VOTE:

MOTION CARRIED

CALL TO THE PUBLIC:

There was no public present at this point for public comment.

BOARD MEMBER COMMENTS:

Mr. McMillan stated he guesses the only comment he has is just to ask about the zoning ordinance and how that is coming along.

Chairman Mogridge indicated he was at the last meeting. There was discussion on it, and there are a few things that apparently they are going to work on and going to change. They were trying to work out when they were going to bring it to the public, whether or not they are going to have a meeting to discuss the changes and have the public come in all at the same time. He asked if we know what the Planning Commission is going to do as far as the ordinance changes because they were talking about three different things at the meeting.

Mr. Arnold said he can't bring any information to the board at this time because he was not part of that, but he can get back with the board members with some information on that.

Mr. Reinhardt stated he thinks they are trying to get it as soon as possible. He thinks by June they will have it to the Council.

Mr. McNeff commented he would suggest going. He learned a lot from those sessions and found out how some of these ordinances were made. He said if you have any questions look through that book and show up to that meeting.

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. Caplan and Mr. Dewar at 8:02 pm.

Jennifer Garrett
Recording Secretary
April 15, 2008