

A MEETING OF THE ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:00 PM, TUESDAY, NOVEMBER 13, 2018 AT THE PUBLIC SAFETY BUILDING BY CHAIR EVANS. UNOFFICIAL MINUTES

PRESENT: Steve Allen Greg Butts Scott Emmons
 Paul Evans Ryan Gesund Sue McAlpine
 Miles Uhlar

ALSO PRESENT: Timothy McLean, Community Development Director
 Ross Gavin, City Council Liaison
 Robert Brand, Applicant
 Mary Jo Kokochak, Applicant

APPROVAL OF AGENDA

It was moved by Ms. McAlpine and supported by Mr. Emmons to approve the agenda as written.

AYES: Allen, Butts, Emmons, Gesund, McAlpine, Uhlar, Evans
NAYS: None

Motion Carried.

APPROVAL OF MINUTES

It was moved by Mr. Allen to approve the minutes of October 8, 2018 with one spelling correction, and supported by Mr. Gesund.

AYES: Butts, Emmons, Gesund, McAlpine, Uhlar, Allen, Evans
NAYS: None

Motion Carried.

1. PBA-09-18—27745 Woodward: The applicant is requesting a variance to install a sign on the building not fronting a street.

Community Development Director McLean gave a brief summary of the variance request. Mr. McLean stated that the property had received a variance in 1993 for a sign not fronting a street. However, the sign had been removed in the past few years. Installing a new sign would create a new non-conformity.

Mary Jo Kokochak (Applicant) stated that the previous sign is not larger than the previous sign. She believes the size would be the same.

Mr. Butts asked if the previous sign had a frame.

Ms. Kokochak responded that the previous sign did have a frame.

Mr. Uhlar asked if the applicant remembered the size of the old sign.

Ms. Kokochak responded that she did remember and believes it to be the same size as the proposed new sign.

Chair Evans asked for an interpretation of Sec.94-7(a) of the Code of Ordinances

Mr. McLean responded that the ordinance states that one sign per side of street frontage is permitted and that signs not fronting a street would not be permitted.

Ms. Kokochak stated that the signage on the front of the building is lettering and not really a sign.

Chair Evans opened the Public Hearing at 7:13PM

No comments during the Public Hearing

Chair Evans closed the Public Hearing at 7:13PM

Discussion

Ms. McAlpine asked if the ordinance specifies a time limit on expiration of variance once the sign was removed.

Mr. McLean responded that the ordinance does not specify a time frame and that this is a gray area.

Mr. Uhlar stated that he believes the size of the sign would be the same as the previous sign.

Mr. Gesund asked about the reasons for the variance in 1993.

Mr. Allen stated that he can't see the name of the business when driving southbound on Woodward.

It was moved by Ms. McAlpine and seconded by Mr. Gesund to approve PBA-11-18 on the grounds that a practical difficulty was proven, with BA-10-93 as precedent.

AYES: Emmons, Gesund, McAlpine, Uhlar, Allen, Butts

NAYS: Evans

Motion Carried.

- 2. PBA-10-18—2600 Twelve Mile:** The applicant is requesting variances to place signage on an awning not fronting a street and to install a second sign on the side of the building fronting Twelve Mile Rd.

Community Development Director McLean gave a brief summary of the variance request. The applicant is installing new signage facing Twelve Mile Rd. The property at 2600 Twelve Mile Rd. is located on the corner of Twelve Mile and Kenmore. The applicant is proposing signage on the west facing wall of the building that does not have street frontage.

Ms. McAlpine stated that in her profession, she has received donations from Tootie & Tallulah's in the past.

After brief deliberation, it was the consensus that the Zoning Board of Appeals that there was not a conflict of interest and that Ms. McAlpine could remain impartial.

Mr. Evans asked about old signage on the side of the building fronting Kenmore.

Robert Brand (Applicant) stated that he believes this property has a unique circumstance, similar to that of Bagger Dave's restaurant that had previously received a variance. Mr. Brand stated that motorists traveling east on Twelve Mile Rd would be unable to see the signage on the building without signage on the west facing wall.

Chair Evans opened the Public Hearing at 7:33PM

No comments during the Public Hearing

Chair Evans closed the Public Hearing at 7:33PM

Discussion

Mr. Allen asked if the southeast elevation would be the location of the proposed second sign fronting Twelve Mile Rd.

Mr. McLean responded that this was correct.

Mr. Gesund stated there are options to consider; approve as written, could approve sign on west wall, or just the southeast elevation.

Mr. Allen stated that he visited the site and likes the existing awning sign. He stated he did not like the look of an illuminated box sign.

Mr. Evans stated it was difficult to find a practical difficulty in this case. He stated he would favor signage on the southeast elevation but not the west. He asked about window signage.

Mr. McLean responded that window signage not exceeding 50% of the glass is generally exempt from the sign ordinance.

Mr. Evans stated he believes the southeast elevation could be a practical difficulty.

Mr. Gesund stated that traffic heading west could see the southeast elevation.

Mr. Brand stated that the circumstances are similar to the variance granted for 27745 Woodward. He expressed concerns about traffic headed east not being able to see any of the signage.

Mr. Butts asked about the main entrance to the building.

Mr. Brand responded that there is a door to the building fronting Twelve Mile Rd, but that it was used for emergencies. The main entry point is on the west side of the building.

Mr. Evans asked if the applicant has considered placing signage on the Kenmore frontage.

Mr. Brand responded that he had not.

Mr. Uhlar stated he believes there is a legitimate argument for unique circumstances.

It was moved by Ms. McAlpine and supported by Mr. Butts to approve PBA-10-18 as proposed citing that a practical difficulty had been proven.

AYES: Gesund, McAlpine, Uhlar, Butts, Emmons
NAYS: Allen, Evans

STAFF COMMENTS

N/A

BOARD COMMENTS

Mr. Evans voiced appreciation for Mike Kerby's long record of service on the ZBA.

Mr. Butts reminded everyone that the Department of Public Safety has a drop-off for old prescription medication.

Mr. Gesund stated that he attended the Downtown Master Plan Open House.

Council Liaison Ross Gavin stated that there is a City Council Work Session scheduled for November 16, 2018.

PUBLIC COMMENTS

N/A

With no further business, Chair Evans adjourned the meeting at 7:51 PM.