

**CITY OF BRIGHTON  
ZONING BOARD OF APPEALS  
MINUTES  
November 8, 2012**

**1. Call to Order**

Chairperson Rahilly called the meeting to order at 7:30 p.m. and the following members were present:

**2. Roll Call**

Gino Conedera – Present  
Russ Gottschalk – Present  
Patrick Rahilly – Present  
Doug Angst – Present  
Chad Cooper - Present  
Dave Senak – Absent  
David McLane - Absent  
Amy Cyphert  
Lauri French

Motion by Board Member Cooper, seconded by Conedera, to excuse Board member Senak from tonight's meeting.  
Motion carried 5-0-2.

An audience of five was also present.

**3. Approval of the September 13, 2012 Meeting Minutes**

Motion by Board Member Angst, seconded by Gottschalk, to approve the meeting minutes of September 13, 2012 as presented. Motion carried 4-0-3, with Board member Cooper abstaining and two absences.

**4. Approval of the November 8, 2012 Meeting Agenda**

Motion by Board Member Angst, seconded by Gottschalk, to approve the November 8, 2012 agenda as presented.  
Motion carried 5-0-2.

**Old Business**

**New Business**

- 5. St. Paul's Episcopal Church – 200 W. St. Paul Street (18-30-304-074)** is proposing to demolish a portion of the existing church and build an addition. The proposed addition and the remaining portion of the building require 89 parking spaces per Section 98-85 of the Zoning Ordinance. Five parking spaces will be provided on site. **Section 98-82 (g)** states uses within the defined downtown business district boundary that are required by this section to provide less than 65 parking spaces, shall be exempt from providing any parking spaces required by this section. For uses which exceed the parking exemption set forth herein, the parking requirements shall be calculated by deducting 65 parking spaces from the parking calculation set forth in sections 98-83 through 98-85 of this article. A variance of 19 parking spaces is being requested.

The proposed addition and remaining portion of the building will result in a building height that exceeds 30 feet. The height of the remaining portion of the existing building is 31.65 feet tall and the proposed building addition will be 36.97 feet tall. **Section 98-462 (c) (1)** states no building in the DBD shall exceed thirty feet. A variance of 6.97 feet is being requested.

Ms. Cyphert reminded the board that an affirmative vote by 5 of the 7 board members is required for the variance requests. Since there are two board members absent tonight, the applicant may wish to table their request until

next month. The applicant decided to present the variance requests at tonight's meeting and reserved the option to request the board to table a decision until next month.

Jeff Smith from Professional Engineering Associates reviewed the options that St. Paul's building committee considered for the church which included moving out of the city to a new location, tearing down the 1881 structure and building a new facility, and the currently proposed option which preserves the 1881 structure while tearing down the current addition and rebuilding a new worship area. He explained that parking has never been an issue even at peak time on Sunday mornings. Mr. Smith reviewed the drawings of the proposed expansion and noted that there is a hardship due to the topography of the site. He explained that they wanted a building addition that would complement the old church. In response to board members' questions, Mr. Smith noted that the existing building is taller than 30 feet and that it precedes the DBD ordinance. He noted that the lower level is a community area with a kitchen, bathrooms and elevator area. He also noted that the church had worked with the City to provide access to the new cemetery parking lot that was built last year.

Chairperson Rahilly closed the regular meeting and opened the public hearing at 7:50 p.m. Sherry Huff, 409 E. Clinton Street in Howell, spoke in favor of the variance as a church member and a member of the building committee. She noted that the committee worked very hard to come up with a solution that would work for the church and that approval of tonight's variance requests, particularly the height variance, is important to the community as it will allow the church to remain in Brighton.

Reverend Deon Johnson, 217 Woodfield Square Lane, Brighton, spoke on behalf of the church in favor of the variance requests. He noted that a lot of thought went into the design of the new addition so it would not overpower the 1881 building and noted on the rendering that the roof of the new building actually slopes away from the older structure so the eye is drawn to the older building.

Hearing no further comment, Chairperson Rahilly closed the public hearing and resumed the regular meeting at 7:55 p.m.

There was additional discussion regarding future use of the lower area of the addition and whether it would cause any parking problems. Ms. Huff noted that future use will be for church youth groups and they also plan to serve local youth. There are currently two groups that meet at the church at night and they have not experienced any parking problems. Mr. Cooper noted that they are constrained due to their proximity to the Millpond and cemetery which is unique to this property. Ms. Cyphert reported that there are several easements currently in effect between the church and the City and noted that the gazebo area seating is actually on church property.

Motion by Board Member Cooper, supported by Gottschalk, to approve the requested parking variance of 19 spaces under Section 98-82 (g) due to the limitation for creation of additional parking due to the site's unique location next to the Millpond and Village Cemetery and also the availability of nearby public parking. A roll call vote was taken as follows:

Mr. Cooper – yes; Mr. Rahilly – yes; Mr. Conedera – yes; Mr. Angst – yes; Mr. Gottschalk – yes; Mr. Senak – absent; Mr. McLane – absent. Motion carried 5-0-2.

There was additional discussion regarding the height of the original building and whether the bell tower was included in the height; Ms. Cyphert noted that it was not considered a structural part of the building so the height is only measured to the top of the roof. It was again noted that the original building and the addition pre-date the DBD ordinance. Ms. Cyphert also noted that there are exceptions in the ordinance for buildings taller than 30 feet.

Motion by Board Member Cooper to approve the requested height variance of 6.97 feet under Section 98-462 (c) (1) for the proposed addition and remaining portion of the building due to the property being bounded by the cemetery and Millpond which prohibits other development options and unique physical conditions of the site that do not exist in other parts of the City. The proposed addition is in harmony with the existing building and preserves the integrity of the historic church. Chairperson Rahilly noted that approval of the variance will keep the church downtown and that it blends nicely there. A roll call vote was taken as follows:

Mr. Cooper – yes; Mr. Gottschalk – yes; Mr. Angst – yes; Mr. Rahilly – yes; Mr. Conedera – yes; Mr. Senak – absent; Mr. McLane – absent. Motion carried 5-0-2.

The board members thanked the applicants for their hard work over the past year to come up with a good design for their building addition and that keeps the church in the downtown.

6. **Allied Signs, Inc. representing Aspen Dental – 8379 W. Grand River (18-19-300-024)**, is proposing a wall sign at 60.79 square feet in area on the north elevation of the building at their primary entrance and a wall sign at 30.88 square feet on the west elevation along Grand River. **Section 66-94 (4) (b)** states each occupant, tenant or user of space whose principal entrance is such that a public entrance is provided directly from the outside into the store shall be permitted one wall sign not exceeding 32 square feet in area at that primary entrance or within the plane of the wall where the public entrance is located. Businesses which have in excess of 50 lineal feet of building frontage on a public street, alleyway or parking area, to which there is a public or primary entrance, the wall sign area may be increased by one square foot for each one lineal foot of frontage between 50 and 150 feet not to exceed a total of 132 square feet. In addition, if a wall of the building which does not have a public entranceway or is a secondary entrance, is adjacent to a public right-of-way, one wall sign not exceeding 50 percent of the total surface area of the above primary wall sign shall be permitted. The applicant is requesting a variance of 17.19 square foot for the primary wall sign on the north elevation and a variance of 9.08 square feet for the wall sign on the west elevation.

Ashley Israel, Brighton Mall Associates, 5640 W. Maple, Ste. 101, W. Bloomfield, MI, spoke on behalf of the tenant, Aspen Dental, as the property's landlord. He noted that Aspen Dental is a national company and brings a new business to Brighton. He spoke in support of the sign variance request and noted that the north end of Brighton Mall where Aspen Dental will be located sits low with the Grand River road grade above it which presents a hardship to the location due to visibility lines. He stated that they have lowered the berm and re-landscaped to maximize sight lines but they can't really do anything about the topography of the site. Mr. Israel noted that he believes a variance should be granted based on meeting the four hardship criteria in item (d) of the sign ordinance as outlined in the document provided by Allied Signs for tonight's meeting.

Kerry Howe, Allied Signs, 33650 Giftos, Clinton Township 48035, spoke on behalf of Aspen Dental. She reviewed the sign drawings and noted the sign design of the top of the "A" and the bottom of the "p" take up a lot of the allowable square footage. She noted that the setback and angle of the building in addition to that end of the mall sitting lower will make it difficult for Aspen's clients, many of whom are senior citizens due to the nature of Aspen's business, to see their location. As noted in their variance application, studies have shown that the extra height makes it easier to see the sign.

In response to board members' questions, Ms. Howe noted that the sign is Aspen Dental's corporate logo and that they use the same size sign at all their locations. Mr. Israel noted that if Aspen goes on the pylon sign, they would be at the bottom of the sign since their square footage is small in comparison to other tenants and that a small sign would not be adequate for retail. Also, Aspen is asking for a sign variance in order to keep within company sign parameters. Mr. Cooper stated he is concerned about safety with too many signs to look at from Grand River that could cause accidents. Ms. Howe noted that their studies show that larger signs give people 8 additional seconds of viewing time so they don't have to make last-minute maneuvers in traffic.

Chairperson Rahilly opened the public hearing at 8:25 p.m. Hearing no response, the public hearing was closed. He noted that he does not agree with Mr. Cooper that approving Aspen's sign variance request would be a safety issue and that the sign is of good design and is not overpowering. Ms. Cyphert noted that the board can add conditions to the variance approval to only allow certain types of signs such as channel letter signs such as this one. There was discussion about why the sign could not be designed to fit within the ordinance and whether it would be visible from Grand River if it was smaller. Mr. Israel noted that the sign ordinance does not take into account that the mall area is low and this sign variance partially alleviates the lack of elevation at that end of the mall. Mr. Conedera expressed concern that future tenants in that end of the mall will also be requesting variances so their signs can be seen and he does not think the variance request meets the parameters for approval under Section (d), Items 1-4.

Motion by Mr. Cooper, supported by Conedera, to approve the requested variance under Section 66-94 (4)(b) of 17.19 square feet for the primary wall sign on the north elevation to allow a 60.79 square foot sign and a variance of 9.08 square feet for the wall sign on the west elevation to allow a 30.88 square foot sign based under the criteria of Section (e), Items 1 and 2 in that the channel letter sign is of particularly good design and taste and it will add to the betterment of occupancy at the location and upholds the spirit of the Chapter.

Board Member Angst noted that the mall was not designed for the current usage and that the sign variance will create clutter. He doesn't believe a variance should be granted and will be voting "no" on the request. A roll call vote was taken as follows:

Mr. Conedera – yes; Mr. Angst – no; Mr. Gottschalk – yes; Mr. Rahilly – yes; Mr. Cooper – yes; Mr. Senak – absent; Mr. McLane – absent. Motion carried 4-1-2.

#### **7. Election of Chairperson and Vice Chairperson**

Ms. Cyphert advised that this is a requirement in the ordinance. Chairperson Rahilly noted that elections should probably be delayed until all board members are present. Motion by Mr. Cooper, supported by Conedera, to table the election of a Chairperson and Vice Chairperson until the next meeting. Motion carried 5-0-2.

#### **8. Appointment of Secretary of the Board**

Ms. Cyphert noted that this is also a requirement in the ordinance and that a motion should be made to appoint Lauri French as the ZBA secretary or her replacement in the case of her absence. Motion by Mr. Cooper, supported by Conedera, to appoint Lauri French as the ZBA secretary or her replacement in the case of her absence. Motion carried 5-0-2.

#### **9. Staff Updates**

#### **10. Call to the Public**

Chairperson Rahilly made a Call to the Public at 8:58 p.m. Hearing no response, call to the public was closed.

#### **11. Adjournment**

Motion by Board Member Cooper, seconded by Conedera, to adjourn the meeting at 8:58 p.m. Motion carried 5-0-2.

Respectfully submitted,

Lauri French, Secretary  
November 9, 2012