

**CITY OF BRIGHTON
ZONING BOARD OF APPEALS
MINUTES
July 12, 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 – Present
David McLane - Present
Amy Cyphert
Lauri French

An audience of two was also present.

3. Approval of the May 10, 2012 Meeting Minutes

Ms. Cyphert noted that she had inadvertently omitted the May 10, 2012 minutes from the packets for tonight's meeting. She stated she can make copies if the board would consider moving this item to later in the meeting. Motion by Board Member McLane, seconded by Conedera, to move this item under Staff Updates, item 6.a. The motion passed 7-0.

4. Approval of the June 14, 2012 Meeting Minutes

Motion by Board Member McLane, seconded by Angst, to approve the meeting minutes of June 14, 2012 as presented. Motion carried 5-0-2, with Board Members Cooper and Senak abstaining.

New Business

- 5. ALDI, Inc – 8385 W. Grand River (part of 18-19-300-024)** is proposing a 75 square foot wall sign at the principal entrance of a tenant space that is occupying 98 feet of building frontage. The proposed wall sign has a vertical dimension of 9'5.5" at the principal entrance on a building. **Section 66-94 (4) (g)** states that the vertical dimension of a wall sign shall not be in excess of six feet. A variance of 3'5.5" is being requested.

The applicant is also proposing a 30.7 square foot wall sign on the rear of the building that abuts a public right-of-way. The proposed wall sign has a vertical dimension of 6'0.5". **Section 66-94 (4) (g)** states that the vertical dimension of a wall sign shall not be in excess of six feet. A variance of .5" is being requested.

The applicant is also proposing a 21.3 square foot canopy sign at the principal entrance of the tenant space. **Section 66-94 (7)** states marquee and/or canopy signs are permitted with the same restrictions as apply to wall signs. However, wall signs and marquee or canopy signs shall not be permitted on the face of the same building. A variance to allow a 21.3 square foot canopy sign at the principal entrance is being requested.

Chairperson Rahilly reviewed the applicant's request and noted that each of the three requests would be handled on an individual basis. He asked if the applicant would like to speak to the board about the request. Chris

Grzenkowicz from Desine, Inc. introduced himself and David Kapusansky from Aldi, Inc. Mr. Grzenkowicz reviewed the Aldi location in relation to the other retail stores in the Brighton Mall. He noted that the requested variances are for the Aldi logo over the front entrance, the canopy sign and the Aldi logo sign on the improved rear façade. Mr. Grzenkowicz reviewed the primary sign variance request of 3'5.5" and noted that the sign is within the square footage allowable per the ordinance. He explained that the front parapet was designed with the other mall businesses in mind to break up the front façade of the building with increasing-height parapets. He noted that the front Aldi sign is proportional to the parapet height, which is 31 feet. He also showed the board a rendering of what the sign on the front of the building would look like if they are not granted a variance. The distance that the building is located from Grand River would make it difficult to see a smaller sign. He referenced the other businesses' sign heights and noted that the Aldi sign will not be detrimental to the adjoining businesses. The parapet with the larger sign is designed to flow well, will not have a negative impact and is not contrary to the intent of the sign ordinance.

Mr. Grzenkowicz reviewed the rear sign variance request of .5" and noted that the sign was designed to fit the rear parapet and be visible from the freeway. He noted that the sign is almost 10 square feet less than the total allowed. The proposed sign is a standard production size and if a variance is not granted a sign would have to be special ordered. He also stated that if the sign was damaged, a replacement would have to also be special ordered. Lastly, the Aldi sign on the rear of the building is smaller than adjoining businesses' rear signs.

The third variance request for a 21.3 square foot canopy sign at the principal entrance was also addressed by Mr. Grzenkowicz. He noted that most of the Aldi stores are stand-alone locations and the "Food Market" canopy sign would normally wrap around on the side of a stand-alone building, which is not the case at the location in Brighton Mall. He again noted that this is a standard corporate sign which is smaller than adjoining businesses' signs and would be easy to read from Grand River. He noted that the "Food Market" canopy sign is necessary so that people unfamiliar with the area and/or the Aldi brand would know what the store was since it is located among mostly retail businesses. Finally, he stated that all three of their signs total 126 square feet, which is less than most tenants in Brighton Mall.

Chairperson Rahilly opened the public hearing at 7:55 p.m. Hearing no response, the public hearing was closed. He read a letter dated June 29, 2012 from Ashley Israel, Authorized Agent for Brighton Mall, that stated Brighton Mall is in agreement with the Applicant's request for variances. Chairperson Rahilly asked the board members if there were any questions of the applicant. Board Member Angst asked if the Aldi signs and canopy are illuminated. Mr. Grzenkowicz responded that the wall signs and the "Food Market" letters are internally lit and that the canopy will not be lit. Mr. McLane asked if Aldi will also have a sign on the pole sign. Ms. Cyphert responded that there will be a sign on the pole but that it would be one-quarter the size of others since Aldi will be sharing the space with another tenant. Mr. Conedera asked why "Food Market" is on the canopy rather than elsewhere, and Mr. Grzenkowicz stated that is the standard and does not typically go under the Aldi logo.

Motion by Board Member Cooper, seconded by Conedera, to approve the requested variance to Section 66-94 (4) (g) of .5" and allow a 30.7 square foot wall sign on the rear of the building that abuts a public right-of-way with a vertical dimension of 6'0.5". The variance is granted based on meeting the "Requirements for Granting Sign Variances" criteria, section d(1-4) by causing undue hardship to the applicant by being outside the standards of their design causing them to special order the signs, it will not be detrimental to adjacent tenants and the nature of the design of the sign is not contrary to the ordinance. A roll call vote was taken as follows:

Mr. McLane – yes; Mr. Cooper – yes; Mr. Rahilly – yes; Mr. Conedera – yes; Mr. Senak – yes; Mr. Angst – yes; Mr. Gottschalk – yes. Motion carried 7-0.

Motion by Board Member Cooper, seconded by Gottschalk, to approve the requested variance to Section 66-94 (4) (g) of 3'5.5" and allow a 75 square foot wall sign with a vertical dimension of 9'5.5" at the principal entrance of a building. The variance is granted based on meeting the "Requirements for Granting Sign Variances" criteria, section d(1-4) based on the applicant's request being in line with facades at other tenants, the unusual condition with the building's location and proximity from Grand River, not being contrary to the ordinance, and the fact that the sign still meets the square footage requirements in the ordinance. A roll call vote was taken as follows:

Mr. Cooper – yes; Mr. Senak – yes; Mr. Gottschalk – yes; Mr. Angst – yes; Mr. Rahilly – yes; Mr. Conedera – yes;

Mr. McLane – yes. Motion carried 7-0.

Board Member Angst noted that his reservations about granting the variance for the canopy sign had been alleviated with the answer to the illumination question. Motion by Board Member Angst, seconded by Senak, to approve the variance to Section 66-94 (7) to allow a 21.3 square foot canopy sign at the principal entrance of the building. The variance is granted based on meeting the “Requirements for Granting Sign Variances criteria, sections e(1) and e(2) as the sign is of particularly good design and good taste and due to the unique nature of the Brighton Mall site and its proximity from Grand River.

Board Member Cooper noted that he doesn’t believe the requested variance meets the criteria under e(1) or e(2) and doesn’t see how it adds value to the community. Board Member Senak noted that this is a good location for this sign for people who come from outside of Brighton. Board Member Conedera asked to amend the motion to add “the sign is a directional service advising that it is a food market and a unique use among retail stores”. A roll call vote was taken as follows:

Mr. Angst – yes; Mr. McLane – yes; Mr. Conedera – yes; Mr. Cooper – no; Mr. Gottschalk – yes; Mr. Senak – yes; Mr. Rahilly – yes. Motion carried as amended 6-0-1.

6. Staff Updates

a. Approval of the May 10, 2012 Meeting Minutes

Motion by Board Member Cooper, seconded by Conedera, to approve the May 10, 2012 meeting minutes as presented. Motion carried 5-0-2, with Mr. Angst and Mr. McLane abstaining.

Ms. Cyphert advised that as of today she does not have any items for next month and she will let the board members know if that changes. Mr. Conedera asked whether Staff had received any direction from Council to review the language in the LIP District ordinance to make it clearer and he suggested we might want to change the language from what is prohibited to what is permitted to bring it in line with other districts’ ordinances. Ms. Cyphert advised that the ZBA board can make a motion and vote to have their Council liaison, Mr. Cooper, take this item to Council to direct Staff and Planning Commission to rewrite the LIP district ordinance or could direct Staff to work directly with Planning Commission and then take it to Council.

Motion by Board Member Conedera, seconded by Senak, to direct staff to work with the Planning Commission to bring the LIP District ordinance in line with other ordinances in terms of definitions and permitted uses. Motion carried 5-2.

7. Call to the Public

Chairperson Rahilly made a Call to the Public at 8:25 p.m. Hearing no response, call to the public was closed.

8. Adjournment

Motion by Board Member Cooper, seconded by Mr. Conedera, to adjourn the meeting at 8:25 p.m. Motion carried 7-0.

Respectfully submitted,

Lauri French, Deputy Director
Community Development, Planning & Zoning
July 13, 2012