

**CITY OF BRIGHTON
ZONING BOARD OF APPEALS
MINUTES
February 10, 2011**

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

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

An audience of nine was also present.

Motion by Board Member Conedera, seconded by Senak, to excuse Board Members Cooper and Gottschalk from tonight's meeting as they contacted Ms. Cyphert to advise they would not be able to attend. Motion carried 5-2.

3. Approval of the December 9, 2010 Meeting Minutes

Chairperson Rahilly reminded the Board members that as discussed in tonight's Blue Sky session, the December 9, 2010 meeting minutes showed Mr. McLane as "absent" and have to be amended to reflect that Mr. McLane was actually present. Motion by Board Member McLane, seconded by Conedera, to approve the December 9, 2010 minutes as amended. The motion passed 4-2-1, with Mr. Hanna abstaining.

New Business

- 4. Colin, Mac & Mond Miller of 307 W. Main Street** are proposing a projecting sign (9 sq ft per side) on 307 W. Main Street. **Section 66-95 (6)** states a single projecting sign shall be permitted not exceeding 20 square feet provided no other sign exists on the same building. A variance is being requested to allow a projecting sign while maintaining the ability to have wall signage.

The applicant is proposing a projecting sign that extends 4 feet into the public right-of-way. **Section 66-95 (6) (c.)** states no projecting sign may project a distance closer than 12 inches to the public right-of-way. A variance of 4 feet is being requested to allow the sign to project 4 feet into the right-of-way.

Colin Miller, 307 W. Main Street, representing Heirloom (soon to be called Artisan's Bench) spoke to the Board and reviewed the items in his report dated December 25, 2010 in tonight's packet. He addressed each of the criteria in the "Grounds for Variance" used by the ZBA to consider sign variances. Hearing no questions from the ZBA members, Chairperson Rahilly closed the regular session of the ZBA meeting and opened up the public hearing portion of the meeting at 7:35 p.m.

Keith Karp, Oh My Lollil!, 421 Mill Pond Lane, stated that he is in support of the sign variance for Artisan's Bench and that he had come before the ZBA for a similar variance when he wanted to put up a projecting

sign for his business. He noted that before the ZBA approved his sign variance it was difficult for people to find his business without the projecting sign since it is located off Main Street at the back of another building. The new sign has also attracted walk-in customers who noticed the sign and made it a point to walk back to check it out. He believes the Artisan's Bench sign is very tasteful and that projecting signs will encourage walkability in the City, a stated goal of City Council. Mr. Karp is also in support of the Bagger Dave's sign variance request on the agenda tonight.

Claudia Roblee, 423 Mill Pond Lane, stated that she is a building owner, resident, member of City Council and the Principal Shopping District and is also the City's Main Street representative. She noted that Council endorsed the Michigan Municipal League's "Eight Assets for a 21st Century Community", and that projecting signs support the Physical Design and Walkability asset in that program. In addition, the Michigan Main Street program and its Select communities support projecting signs in that they encourage walkability in downtowns. She noted that projecting signs are very common in Main Street Select communities and it is her belief they help to promote businesses.

Chairperson Rahilly closed the public hearing at 7:40 p.m. to go back to regular session, but a late arrival to the audience expressed a wish to speak on behalf of the Artisan's Bench variance request, so he closed the regular session and opened the public hearing at 7:40 p.m. Laurie Ball, 11333 Roberts Road, Stockbridge, spoke in support of the sign variance for Heirloom/Artisan's Bench. She noted the Millers are a very hardworking family and their business is an asset to the Brighton community. She also believes that downtown Brighton brings a uniqueness to the area.

Chairperson Rahilly read a letter from Dr. Samuel Daniels, 305 W. Main Street. He is concerned that if ZBA approves the Artisan's Bench variance that more and more business owners will request these variances which will result in Main Street Brighton losing its warm, cozy feel and look like Bill Board City.

Chairperson Rahilly closed the public hearing at 7:45 p.m. and reconvened the regular meeting. Mr. Senak asked the applicant if the structural support for the sign is permanent, and Colin Miller noted it is steel rods, which are permanent and weight bearing. Mr. Hanna has a concern about the size of the sign and asked if it has already been made. Colin Miller responded that the logo and letters had to be a certain size in order to be readable but that the sign is still within the sign ordinance limits for size. He also noted the sign is in the process of being done; it is hand-carved by a local artist which takes longer to complete. Mr. Conedera asked who would be liable if the projecting sign fell on a pedestrian in the right-of-way. Ms. Cyphert responded that the motion could include a condition that the applicant and City execute a license agreement similar to the agreement with Oh My Lolli!

Motion by Mr. Conedera, supported by Mr. Senak, to approve the applicant's request to allow a projecting sign while maintaining the ability to have wall signage and for a variance to allow the sign to project 4 feet into the right-of-way with the condition that a license agreement be executed between the applicant and the City of Brighton, as the requested sign meets all of the criteria under Sections (d) and (e) for granting a sign variance. Mr. Hanna commented that he disagrees that the four items under Section (d) have all been met since the situation is not as unique as that with Oh My Lolli! He is not certain whether the conditions of item 2 under Section (e) have been met. Chairperson Rahilly noted that the sign ordinance would have to be addressed if the ordinance is not compatible with downtown. Chairperson Rahilly asked for a roll call vote, which was as follows:

Board Member McLane – Yes
Board Member Cooper – Absent
Board Member Rahilly – Yes
Board Member Conedera - Yes

Board Member Senak - Yes
Board Member Hanna - No
Board Member Gottschalk - Absent

Motion carried 4-1-2.

5. **Metro Detroit Signs for Bagger Dave's at 108/110 E. Grand River** is proposing a projecting sign (1.77 sq ft per side) on 108/110 W. Main Street. **Section 66-95 (6)** states a single projecting sign shall be permitted not exceeding 20 square feet provided no other sign exists on the same building. A variance is being requested to allow a projecting sign while maintaining the ability to have wall signage.

The applicant is proposing a projecting sign that extends 2 feet into the public right-of-way. **Section 66-95 (6) (c.)** states no projecting sign may project a distance closer than 12 inches to the public right-of-way. A variance of 2 feet is being requested to allow the sign to project 2 feet into the right-of-way.

Paul Deters, Metro Signs, 23544 Hoover Road, Warren, spoke on behalf of Bagger Dave's. He noted that other communities such as Birmingham, Royal Oak and Ferndale are very supportive of these types of projecting signs and they are using them to encourage an old-time feel to their signage. He stated the small sign for which they are requesting a variance will be backlit and will hang over the front door to help indicate the entrance to the Bagger Dave's location. He noted that neighboring buildings, Champ's and American Awards & Engraving, also have much larger projecting signs than the one Bagger Dave's is requesting.

Chairperson Rahilly closed the regular meeting and opened the meeting for public comment at 8:02. Mac Miller, 307 W. Main St., noted that projecting signs favor walkable communities and he is in support of granting the sign variance to Bagger Dave's. Keith Karp, 421 Mill Pond Lane, also supports the variance for Bagger Dave's projecting sign. He understands the importance of everyone playing by the rules and complimented the ZBA members for their work. Chairperson Rahilly read a letter from Mark Binkley, Cooper & Binkley Jewelers, 105 W. Main St. in which he stated his support for both of the variance requests on tonight's ZBA agenda.

Chairperson Rahilly closed the public hearing at 7:45 p.m. and reconvened the regular meeting. Mr. Conedera stated that the circumstances for the Bagger Dave's variance request is different than for the Artisan's Bench request in that he believes Bagger Dave's is already more readily visible from Main St. Mr. Hanna noted that he believes the applicant meets items (2), (3) and (4) of Section (d) and meets both standards in Section (e). He also stated it would be difficult for walking traffic on Grand River to see the Bagger Dave's building without the projecting sign. Mr. Senak agreed that the applicant meets the criteria in Section (e) and Mr. McLane noted that the sign is tastefully done and will attract walking traffic.

Motion by Mr. Hanna, supported by Mr. McLane, to approve the applicant's request to allow a projecting sign while maintaining the ability to have wall signage and for a variance to allow the sign to project 2 feet into the right-of-way with the condition that a license agreement be executed between the applicant and the City of Brighton, as the requested sign meets all of the criteria under Section (e) for granting a sign variance. Chairperson Rahilly noted that he likes the idea of a small sign to direct people to the entrance. He called for a roll call vote, which was as follows:

Board Member Cooper – Absent	Board Member Rahilly - Yes
Board Member Senak – Yes	Board Member Conedera - Yes
Board Member Gottschalk – Absent	Board Member McLane - Yes
Board Member Hanna – Yes	

Motion carried 5-0-2.

6. Staff Updates

Ms. Cyphert stated she might be receiving an application tomorrow and, if so, there will be a meeting held on March 10, 2011. She will let everyone know as soon as possible. Staff was directed to begin work on a downtown sign ordinance since it was based on C-2 and not DBD zoning.

7. Call to the Public

Chairperson Rahilly made a Call to the Public at 8:15 p.m. Mond Miller, Heirloom/Artisan's Bench, 307 W. Main St. thanked the ZBA for listening to the applicants' requests tonight and approving their variance. Chairperson Rahilly closed the Call to the Public at 8:16 p.m.

8. Adjournment

Moved by Board Member Conedera, seconded by Senak, to adjourn the meeting at 8:17 p.m. **The motion carried 5-0-2.**

Respectfully submitted,

Lauri French, Administrative Assistant
Community Development & Planning Department
February 11, 2011