

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

1. Call to Order

Vice-Chairperson Conedera 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 – Absent
Kirk Hanna – Present
Chad Cooper - Present
Dave Senak – Present
David McLane - Present
Amy Cyphert
Lauri French

An audience of two was also present.

An email from Board Member Rahilly requesting he be excused from tonight's meeting was read by Vice-Chairperson Conedera. Motion by Board Member Hanna, seconded by Senak, to excuse Board Member Rahilly from tonight's meeting. The motion passed 6-0-1.

3. Approval of the September 8, 2011 Meeting Minutes

Mr. Senak requested that the September 8, 2011 meeting minutes be changed to show that he was present at the meeting.

Motion by Board Member Cooper, seconded by McLane, to approve the September 8, 2011 minutes as amended. The motion passed 6-0-1.

New Business

4. **Brighton Mall Associates, LP – 8471 W. Grand River #6000, 8467 W. Grand River #5000 and 8451 W. Grand River #4000** is proposing a 256 square foot wall sign at the principal entrance of a tenant that is occupying 158.8 feet of building frontage. **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. A variance of 124 square feet is being requested.

The applicant is proposing a wall sign that has a vertical dimension of 8 feet 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 2 feet is being requested.

The applicant is also proposing a 144 square foot wall sign on the rear of the building that abuts a public right-of-way. **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. A variance of 78 square feet is being requested.

Vice-Chairperson Conedera reviewed the applicant's request and asked the applicant to present why they believe the variances should be approved by the ZBA. Ashley Israel, Owner, Brighton Mall Associates, 5640 W. Maple Road, W. Bloomfield, MI, stated that he and Martin Renel were present on behalf of their proposed tenant, Bed, Bath & Beyond. Mr. Israel advised that Brighton Mall had undergone a lot of changes over the past few years, notably that Dress Barn had vacated their space and that Sears will be vacating shortly. The front of the tenant space that will be occupied by Bed, Bath & Beyond will be redesigned, and the signage is critical to the design of the parapet. Mr. Israel does not believe the sign variance for the front of the building will be a detriment to the adjacent tenants, and there was some discussion about the mailing sent out by the City for tonight's public hearing. He believes the proposed sign will fit in with other signs at the mall (i.e., Marshall's). He explained that the design of the sign with two lines requires a vertical dimension of 8 feet and that the rear signage has to be of sufficient size to see it from I-96. He also noted that Bed, Bath & Beyond is a first step in a critical redevelopment for Brighton Mall.

There was discussion about financial hardship not being one of the criteria that the ZBA could consider when granting a variance. Vice-Chairperson Conedera asked Mr. Israel to explain why he believes the Board should grant the requested variances and how they meet the requirements for granting a sign variance. Mr. Israel referred to Mr. Renel's February 17, 2012 letter wherein he detailed why this meets the requirements for granting a sign variance.

Vice-Chairperson Conedera closed the regular meeting and opened the meeting for the public hearing at 7:58 p.m. Hearing no public comments, he closed the public hearing and opened the meeting back up to the board at 7:58 p.m.

Vice-Chairperson Conedera suggested the board consider the applicant's request in two motions, one for the variance of 124 square feet for the 256 square foot wall sign at the principal entrance and the variance of 2 feet for the vertical dimension of 8 feet for that sign, and the other for the 78 square foot variance requested for the rear sign. The board discussed the sign design and the reasons for the variance and whether they met the requirements for a sign variance.

Motion by Board Member Hanna, seconded by Senak, to grant the variance of 124 square feet under Section 66-94 (4) (b) for the 256 square foot wall sign at the principal entrance and to grant the variance of 2 feet under Section 66-94 (4) (g) for the vertical dimension of 8 feet for the wall sign at the principal entrance to the building. The variances are granted based on meeting the four "Requirements for Granting Sign Variances" criteria due to the Brighton Mall being a gateway shopping center, its setback from Grand River, it will not be detrimental to adjacent tenants and the nature of the design of the sign. A roll call vote was taken as follows:

Mr. McLane – yes; Mr. Cooper – yes; Mr. Rahilly – absent; Mr. Conedera – yes; Mr. Senak – yes; Mr. Hanna – yes; Mr. Gottschalk – yes. The motion carried 6-0-1.

The Board discussed the variance request for the sign at the rear of the building. Mr. Israel noted that

while the front signage variance was critical, Bed, Bath & Beyond could go smaller on the rear sign. He has not received any concerns about the size of this sign from other tenants, who are more concerned with empty spaces in the mall than the size of signage. There was discussion about how large the sign would have to be in order to be seen from the expressway and the fact that the speed limits are different now than when the ordinance was written. It was noted that there are two pole signs at the mall and a question was asked about how much space Bed, Bath & Beyond would occupy on those pole signs in addition to their other front and rear signs. Mr. Israel responded that they are currently negotiating the space on the pole signs with Bed, Bath & Beyond. Board Member Hanna noted that if the variance for the rear sign was granted, that sign would be twice as large as any other tenant at Brighton Mall. Several board members expressed a concern regarding the size of the rear sign. Mr. Israel presented a smaller sign design to address the board's concerns. The new sign square footage is 87.5 square feet and would require a variance of 21.5 square feet.

Motion by Board Member Cooper, seconded by Hanna, to grant a sign variance of 21.5 square feet for a 87.5 square foot wall sign on the rear of the building under Section e(1) of "Requirements for Granting Sign Variances" as the sign is of particularly good design and good taste. A roll call vote was taken as follows:

Mr. Hanna – yes; Mr. McLane – yes; Mr. Conedera – yes; Mr. Cooper – yes; Mr. Gottschalk – yes; Mr. Senak – yes; Mr. Rahilly – absent. The motion carried 6-0-1.

5. Staff Updates

Ms. Cyphert advised that as mentioned in the Blue Sky session, there will be a ZBA meeting on April 12, 2012. She asked that if anyone was not going to be at that meeting that they let her know in advance.

6. Call to the Public

Vice-Chairperson Conedera made a Call to the Public at 8:25 p.m. Hearing no response, Call to the Public was closed at 8:25 p.m.

7. Adjournment

Motion by Board Member Cooper, seconded by Mr. Senak, to adjourn the meeting at 8:25 p.m. Motion carried 6-0-1.

Respectfully submitted,

Lauri French, Administrative Assistant
Community Development Department
March 9, 2012