

**CITY OF BRIGHTON
ZONING BOARD OF APPEALS
MINUTES
September 13, 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 - Absent
Dave Senak – Present
David McLane - Present
Amy Cyphert
Lauri French

Motion by Board Member Conedera, seconded by Senak, to excuse Board member Cooper from tonight's meeting. Motion carried 6-0-1.

An audience of two was also present.

3. Approval of the September 13, 2012 Meeting Agenda

As noted in Blue Sky, the agenda should be amended to read:

3. Approval of the September 13, 2012 Meeting Agenda
4. Approval of the July 12, 2012 Meeting Minutes

Motion by Board Member McLane, seconded by Conedera, to approve the September 13, 2012 agenda as amended. Motion carried 6-0-1.

4. Approval of the July 12, 2012 Meeting Minutes

Motion by Board Member McLane, seconded by Angst, to approve the meeting minutes of July 12, 2012 as presented. Motion carried 6-0-1.

Old Business

New Business

5. **TBC of Brighton, LLC – 8491 W. Grand River, Suite 100-300 (18-90-300-024)**, is proposing a wall sign at 46.90 square feet in area on the east elevation of the building. The east elevation abuts Best buy Drive, a private road. **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 to allow a 46.90 square foot wall sign on the east elevation.

Ashley Israel, Brighton Mall Associates, 5640 W. Maple, Ste. 101, W. Bloomfield, MI, spoke on behalf of the tenant, James Rotche from TBC, as the property's landlord. He noted that this TITLE Boxing Club (TBC) location in Brighton is the franchise's first store in Michigan and is one of 15 planned in the state. They have 297 stores in 32 other states currently. The store is approximately 6,000 square feet and will not have signage on the pylon sign visible from I-96 but will have space on the pylon sign off Grand River. 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 he provided for tonight's meeting. The tenant's business is a large, double-fronted corner unit with half of the building not readily visible from Best Buy Drive. This hardship would be alleviated by an additional sign on the side of the building. He also noted this is a busy commercial district and there is no negative impact to surrounding property. As he has stated in prior requests to the Board, Brighton Mall is a unique property with a layout unlike any other, with the Annex set back from Grand River. He stated that the requested signage is not obtrusive, will not create clutter and will fit in with existing signage of the current tenants.

Board Member Senak expressed concern about too many signs creating clutter at Brighton Mall. Mr. Israel was asked what the criteria were for being included on pylon signs. He responded that the six largest tenants in the mall are on the I-96 sign and there is no space on the sign for TBC.

Chairperson Rahilly opened the public hearing at 7:50 p.m. Hearing no response, the public hearing was closed. He noted that he believed other recent variance requests by Brighton Mall that were approved by the ZBA had taken care of signage and circulation issues. He stated that since Brighton is a small city and everyone knows where Brighton Mall is, that it shouldn't be that difficult to find a business in the mall even without the requested signage. He is not inclined to approve the variance for these reasons.

Board Member Angst does not agree that clutter is an issue and that the sign would fit in and help to direct people to TBC's business. He noted that Best Buy, PetSmart and Marshall's are all visible with their signage. Board Member Conedera mentioned that if people are coming into the mall from Grand River and Orndorf that a sign is needed on that side of the building off Best Buy Drive. He asked if there might be alternatives available such as using smaller signs or signage in the windows of the building. Ms. Cyphert noted that under the ordinance, 25% of each window could be used for signage or the allowable signage for each window could be added together and used to create one larger window sign per the interpretation made by the ZBA. This could create more clutter than the requested building sign. She reminded the board members that they could approve the variance with conditions if they choose to do so.

Motion by Board Member Gottschalk, seconded by Angst, to approve the requested variance to Section 66-94 (4) (b) to allow a 46.90 square foot wall sign on the east elevation with the condition that no signage is allowed in the east windows off Best Buy Drive. 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 due to the building's present location on a private drive, their design will not be detrimental to adjacent tenants, the unique layout of the Brighton Mall property and the location of the building therein, and that 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 – Absent; Mr. Rahilly – No; Mr. Conedera – Yes; Mr. Senak – No; Mr. Angst – Yes; Mr. Gottschalk – Yes. Motion carried 4-2-1.

6. Staff Updates

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.

7. Call to the Public

Chairperson Rahilly made a Call to the Public at 8:08 p.m. Hearing no response, call to the public was closed.

8. Adjournment

Motion by Board Member Conedera, seconded by Mr. Gottschalk, to adjourn the meeting at 8:08 p.m. Motion carried 6-0-1.

Respectfully submitted,

Lauri French, Deputy Director
Community Development, Planning & Zoning
September 14, 2012