

**CITY OF BRIGHTON
ZONING BOARD OF APPEALS
MINUTES
September 8, 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

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

An audience of five was also present.

3. Approval of the June 9, 2011 Meeting Minutes

Motion by Board Member Cooper, seconded by Senak, to approve the June 9, 2011 minutes as presented. The motion passed 6-0-1 with Board Member Hanna abstaining.

New Business

4. Brighton Area Chamber of Commerce, 218 E. Grand River, is proposing a 41.5 square feet per side ground sign. The proposed ground sign will have an animated, full color LED digital message center component. **Article IV, Section 66-91 (a)(14)(a)** states no sign shall be permitted which is animated by means of flashing, scintillating, blinking or traveling lights or any other means not providing constant illumination (unless specifically permitted in special sign districts). A variance to allow an animated full color LED digital message center sign at 218 E. Grand River is being requested.

Ms. Cyphert reviewed the applicant's request and advised that a majority vote of the seven members present will be required to grant the variance as discussed in the Blue Sky session. Ms. Cyphert provided a summary of the variance request and noted that the applicant was in the audience if the Board had any questions.

Pam McConeghy, President & CEO of the Greater Brighton Area Chamber of Commerce, explained why they are requesting a variance. The Chamber's new building is set back 175 feet from Grand River and sits on a hill, which makes it difficult to see the building from Grand River. With the addition of a conference center, they anticipate large groups of people in their building on a regular basis, some who are not from the Brighton area. Approval of the sign variance would allow them to promote Brighton events and welcome out-of-town guests to the conference center. There will be no blinking or scrolling on the sign and it will not be like the one at Brighton High School. The sign itself is a monument-type, very tasteful design, and a landscaping and seating area is being designed by Piet Lindhout. The Chamber wants the building, including the sign, to be high-tech. Ms. McConeghy stated she anticipates one message per day for the sign.

Ms. McConeghy introduced Mike Fabaretto from Sign-A-Rama. He explained the sign is an LED display rather than a message center type sign. The more advanced technology promotes a more progressive

image of Brighton and he believes that a good first impression from visitors makes a lasting impression. There will be no flashing on the sign; it will deliver information and event messages. He noted that the sign might take the place of the static yard signs that currently have to be up for event publicity. He explained that the brightness of the display is controllable and there will be some internal illumination for the remainder of the sign. The sign design coincides with the construction of the building and he believes it will blend in.

Mr. Fabaretto answered several questions from the Board members. He noted that the sign would be like a video in response to Chairperson Rahilly's question about whether the sign would scroll. Mr. Hanna asked about programming the sign, and Mr. Fabaretto stated it could be programmed in advance for future events. In response to a question about whether the brilliance could be controlled and whether pedestrians will be able to see vehicles turning into the driveway, Mr. Fabaretto responded the sign would be brighter during the day and less bright at night.

Chairperson Rahilly closed the regular meeting at 7:50 p.m. and opened up the public hearing portion of the meeting.

Susan Walters-Steinacker, 907 Brighton Lake Road, stated that she is opposed to the Zoning Board of Appeals approving the variance request because she doesn't see where the Chamber qualifies for a hardship since they already have a sign. She also noted the letters in support of the variance request from the DDA and PSD were not valid because they were not written by those boards. She stated that a complaint has been filed to remove Ms. McConeghy from the DDA board due to a conflict of interest. Board Member Cooper attempted to ask a question of Ms. Steinacker. Chairperson Rahilly told him he was out of order and that Mr. Cooper could ask the Chairperson the question and he would relay the question to Ms. Steinacker. Mr. Cooper and Mr. Senak requested that Chairperson Rahilly ask Ms. Steinacker if she would provide the name of who filed the complaint; Chairperson Rahilly asked the question but Ms. Steinacker responded no.

Pete Eichinger, Brighton Township, noted that a year ago he came to the Zoning Board of Appeals for a variance for a sign that was going to show the time, temperature and Dow Jones information. He noted that his sign was half the size of the proposed Chamber sign and one color, and his variance was denied. He said the sign ordinance has not changed since and it would be disingenuous for the Board to approve this variance request after denying his. On the other hand, he thinks we need these types of signs and that the ordinance needs to be changed.

Chairperson Rahilly closed the public hearing at 7:58 p.m. and reopened the regular meeting.

There was considerable discussion about the variance request, including a question as to whether a variance request was even required since it will contain constant illumination and doesn't scroll or travel. Mr. Senak noted that the sign is not oversized, and he thinks it complies with our basic ordinance since it falls into public use sign parameters with the Chamber being a non-profit and its purpose is to promote the City. Mr. Rahilly noted that while there is a need for a sign to identify the building, he believes that is the worst spot to divert drivers' attention. Mr. Hanna questioned whether the Chamber would also promote events in the surrounding townships, since the Chamber is not just representing the City, which would detract from the City's businesses. Mr. Cooper suggested putting limitations on the sign (non-scrolling, etc.) and pointed out the uniqueness of the Chamber's sign versus those approved for gas stations. Mr. McLane noted that he personally doesn't like these types of signs but he believes they are good for promoting the City. He asked Mr. Fabaretto if the lumens are settable to a maximum and he responded that there is a controller for day and night use and that both the signs below will be illuminated. Mr. Rahilly and Mr. Conedera expressed concerns that approving the sign variance would encourage others to ask for a variance. Mr. Senak noted that the Chamber doesn't target a specific group of people like churches do. Mr. Hanna believes this gives the Chamber a competitive advantage over other businesses in the City.

Chairperson Rahilly noted that he wanted to correct an oversight in the public hearing portion of tonight's

meeting where he should have noted that three letters had been received in support of the Chamber's variance request from the Downtown Development Authority signed by Bob Herbst, the Principal Shopping District signed by Mark Binkley and Leaf, Barley and Vine signed by Greg Strouse.

Motion by Mr. Cooper, seconded by Mr. McLane, to grant the variance from Article IV, Section 66-91 (a)(14)(a) as requested by the applicant to allow an animated full color LED message center sign at 218 E. Grand River with constant illumination since the sign is of particularly good design and in particularly good taste as noted in Grounds for Variance, Section (e) (1), with the following conditions - no blinking, animation, flashing, video, scrolling permitted, limited to one (1) change of message per day and illuminated at a non-nuisance level to the surrounding area – per Section (e)(2) in the Grounds for Variance.

A roll call vote was taken as follows:

Mr. McLane – Yes; Mr. Cooper – Yes; Mr. Rahilly – No; Mr. Conedera – No; Mr. Senak – Yes; Mr. Hanna – No; Mr. Gottschalk – No. Motion failed 3-4.

Motion by Mr. Hanna to deny the variance request as the Chamber of Commerce has not met the conditions in the Grounds for Variance, Section (d)(3) and (4). Motion failed due to lack of support.

Chairperson Rahilly noted that the Board must take action on the variance request, or the applicant could ask for the request to be tabled until the next meeting.

There was further discussion on the requested variance regarding whether a hardship exists and the intent of the ordinance. Mr. Hanna suggested a limit of one message change per day and to limit the hours the sign could be illuminated.

Motion by Mr. Hanna to deny the variance request because the request does not meet the requirement of Section (d)(4) under Grounds for Variance. Motion failed due to lack of support.

Motion by Mr. Conedera, supported by Mr. Hanna, to approve the variance request with the condition that the sign could only say "Welcome to Brighton" and have no changing of the message and no scrolling. A roll call vote was taken as follows:

Mr. Cooper – No; Mr. Senak – Yes; Mr. Gottschalk – Yes; Mr. Hanna – No; Mr. Rahilly – No; Mr. Conedera – No; Mr. McLane – Yes. Motion failed 3-4.

Chairperson Rahilly asked the applicant if they wanted to request their variance be tabled until the next meeting. Ms. McConeghy indicated she did not want to table the request.

Motion by Mr. McLane, supported by Mr. Senak, to approve the variance under Section (e) of the Grounds for Variance due to the hardship of the building being set back from Grand River with the stipulation that the sign contain no flashing or scrolling, that it display static information only and that the luminosity be no greater than than the signs below it. There was further discussion by the Board to clarify the intent of the motion, with an amendment to the motion being required.

Motion by Mr. McLane, supported by Mr. Senak, to approve the variance under Section (e) of the Grounds for Variance due to the hardship of the building being set back from Grand River with the stipulation that the Chamber control the luminosity based on the illumination of the signs below, that there be no video flashing, and that the display be static with one (1) change per hour allowed. A roll call vote was taken as follows:

Mr. Conedera – No; Mr. Hanna – No; Mr. McLane – Yes; Mr. Senak – Yes; Mr. Gottschalk – Yes; Mr. Rahilly – No; Mr. Cooper – Yes. Motion carried 4-3.

5. Staff Updates

Ms. Cyphert advised that she had no updates. Mr. Cooper apologized for speaking out of turn at the Call to the Public earlier in the meeting.

6. Call to the Public

Chairperson Rahilly made a Call to the Public at 8:55 p.m. Ms. McConeghy thanked the Board for their approval of the sign variance. Hearing no further response, Call to the Public was closed at 8:56 p.m.

7. Adjournment

Motion by Mr. Cooper, seconded by Mr. Hanna, to adjourn the meeting at 8:56 p.m. Motion carried 7-0.

Respectfully submitted,

Lauri French, Administrative Assistant
Community Development Department
September 12, 2011