

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:32 A.M., on Wednesday, November 3, 2004 in the Lower Level Conference Room of City Hall.

PRESENT: Ted Dziurman
Rick Kessler
Bill Nelson
Tim Richnak
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Ginny Norvell, Inspector Supervisor
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF OCTOBER 6, 2004

Motion by Kessler
Supported by Richnak

MOVED, to approve the minutes of the meeting of October 6, 2004 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUESTED. GARTH LEWIS, 6989 FREDMOOR, for relief of Chapter 83 to install a 6' high privacy fence in the front yard along South Blvd. at 6989 Fredmoor.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to install a 6' high privacy fence. This property at the southwest corner of Fredmoor and South Blvd. is a double front corner lot. As such it has front yard requirements along both Fredmoor and W. South Boulevard. Chapter 83 limits the height of fences in front yard setbacks to 30 inches. The site plan submitted indicates a 6' high wood fence in the front setback, 5' from the property line along W. South Boulevard.

This item first appeared before this Board at the meeting of October 6, 2004 and was postponed to allow the petitioner to present a landscaping plan, which will screen this fence from the traffic along South Boulevard. Mr. Stimac also explained that the petitioner did in fact present a new landscaping plan, which would make this fence line less visible from traffic along South Boulevard.

Mr. Lewis was present and stated that Mr. Stimac had come out to his property and made suggestions as how the fence line could be changed. Mr. Lewis indicated that he now only wants to run the fence to the back corner of the garage. Mr. Stimac also contacted Ron Hynd and he provided a suggested list of plantings that would screen

ITEM #2 – con't.

this fence. Mr. Lewis stated that he had taken Mr. Hynd's list to Wilkop Landscaping and they had come up with what they believe will be appropriate screening for this fence. Mr. Lewis further provided a picture of the proposed fencing he plans to use. Mr. Dziurman thanked the petitioner for the information that he provided to the Board.

There are two (2) written approvals on file. There are no written objections on file.

Motion by Richnak
Supported by Nelson

MOVED, to grant Garth Lewis, 6989 Fredmoor, relief of Chapter 83 to install a 6' high privacy fence in the front yard along South Boulevard.

- Fence will be screened with additional landscaping.
- Variance will not be contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #3 – VARIANCE REQUESTED. ART ONE SIGN, 3330 ROCHESTER ROAD, for relief of Chapter 78 to install additional wall signs, totaling 68 square feet where signage is limited to 40 square feet.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to install two (2) additional wall signs, each 30 square feet in size to the already existing two (2) wall signs that are each 4 square feet in size. These signs are located on one of the tenant spaces of a new shopping center at the northeast corner of Rochester Road and Torpey Drive. The two existing signs are part of the building identification. The new signs are tenant identification signs. The combined square footage of these signs would total 68 square feet. Section 9.02.04, B of the Ordinance limits this location to 40 square feet of wall signage based on the front wall of the tenant space.

A representative from Art One Sign was present and stated that they are asking for this variance because they do not believe this site is visible to traffic heading north on Rochester Road because it is a corner location and also because of the speed that cars use heading down Rochester. He also explained that both signs will be the same size.

Mr. Dziurman stated that he thought a sign placed on the south side of the building would eliminate the need for a sign on the west side of the building. The petitioner stated that they do need a sign of the front of the building in order to further identify this site, especially to traffic heading southbound on Rochester Road.

ITEM #3 – con't.

Mr. Kessler stated that he felt the petitioner did not demonstrate a hardship and said that he could support a variance of 8 square feet to allow for the building emblems, but could not support a larger variance.

Mr. Richnak said that he agreed with Mr. Kessler and felt that the size of the proposed signs could be reduced to 20 square feet each.

Mr. Dziurman said that he did not like the fact that the sign in the center of the building, "Shops at Torpey" and felt that the petitioner was being penalized because of this sign. Mr. Richnak agreed with Mr. Dziurman and felt that this identification sign was an anchor to this tenant.

The Chairman opened the Public Hearing.

Mr. Dennis Torpey was present and stated that his family had a business on this corner for fifty-one years and the original plan called for a plain circle of cement on this location of the building. Mr. Torpey said this was a very emotional issue and he changed the plan to include a piece of limestone and wanted his family name as part of the identification of this area. Mr. Torpey also said that Rochester Road weaves in this area and he does not believe this area is very visible to on coming traffic.

No one else wished to be heard and the Public Hearing was closed.

There is one (1) written objection on file. There are no written approvals on file.

Motion by Kessler
Supported by Richnak

MOVED, to grant Art One Sign, 3330 Rochester Road, relief of Chapter 78 to install additional walls signs, totaling 48 square feet where signage is limited to 40 square feet.

- 40 square feet of signage to be used as tenant identification.
- 8 square feet intended for the two disc spaces.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUESTED. AARON VAN DEMARK, 888 W. BIG BEAVER, for relief of the Sign Ordinance to install three (3) tenant wall identification signs, totaling approximately 64 square feet, where one sign, 20 square feet is permitted.

Mr. Stimac explained that the petitioner represents a new restaurant locating in the existing building at 888 W. Big Beaver. As part of their occupancy they are installing a

ITEM #4 – con't.

canopy at their entrance on the east side of the building. They are proposing to install three (3) tenant wall identification signs, 23 square feet, 7.3 square feet, and 33.5 square feet in size. The 33.5 square foot sign is proposed to be installed on the south side of the existing building. The 23 square foot sign and 7.3 square foot sign are proposed for the south and east sides of the canopy. Section 9.02.03 D of the Ordinance permits one tenant wall identification sign, a maximum size of 20 square feet on this building.

Mr. Chuck Zarkis from Aver Sign Company, and Mr. Aaron Van DeMark were present. Mr. Zarkis explained that although this is a franchise restaurant, it is brand new to Michigan and the reason they would like these extra signs is because of the distance of the building to Big Beaver Road. Two of the proposed signs would be in the east parking lot on the canopy, which he believes is less intrusive than a sign on the front of the building. The petitioner has signed a ten-year lease for this space and wants every opportunity to have this restaurant succeed. Mr. Van DeMark also indicated that he would like to add additional restaurants in the future in other locations.

Mr. Zarkis also said that even though it appears this a large variance request, they would actually take up less than 1.4% of the front of the building, and feels that this request is very small compared to the size of the building.

Mr. Dziurman asked if this request was the same as Item #3 and Mr. Stimac explained that building is zoned as Office space and not commercial. Under this Zoning District, tenants in a building are allowed 20 square feet of identification signage each, although the sign has to be placed on the space occupied by the tenant and cannot be placed above the first floor.

Mr. Richnak asked who the other tenants in the building were. Mr. Van DeMark stated that presently the first floor, has a cafeteria, a salon and a marketing firm. Mr. Van DeMark said that his business will take up approximately 6000 square feet of the first floor.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written objection on file. There are no written approvals on file.

Mr. Kessler stated that he did not feel there was a hardship, which would justify three (3) signs. Mr. Kessler also stated that he felt that if signage exposure was that critical, the petitioner should have looked at other sites in commercial districts to put this restaurant. Mr. Zarkis said that the hardship is the distance of the building to the road and believes that with the upcoming plans for a new building next to this building, visibility will be reduced even further. Mr. Kessler said that he could understand the need for one (1) additional sign, but does not believe three (3) signs are needed.

ITEM #4 – con't.

Mr. Nelson said that he could understand the need for a larger sign at the front of the building, and would be inclined to approve it. Mr. Nelson also said that he thought this location would be difficult to be seen from the parking lot.

Mr. Van DeMark said that he feels they need to have a sign on the front canopy to aid in directing customers to this location. Mr. Zarkis explained that the sign would be on a different location from where you enter this building and they would use it as a directional sign.

Mr. Nelson asked if they could put up an awning without signage. Mr. Stimac replied that they could install the awning as long as it did not include signage. Mr. Zarkis stated that they felt it was very important to put some type of identification on the canopy.

Mr. Richnak asked about the entrances to this area. Mr. Zarkis stated that the entrance to the east would be one that customers would use after hours.

Mr. Zuazo asked if the logo of the fondue pot would be considered signage and Mr. Stimac said that it would.

Mr. Richnak stated that he did not see a hardship that would justify the request for three (3) signs, and felt that they could put up a larger sign on the front of the building and just the symbol of the restaurant on the awning that faces the east parking lot.

Motion by Richnak
Supported by Kessler

MOVED, to grant Aaron Van DeMark, 888 W. Big Beaver, relief of the Sign Ordinance to install two (2) tenant wall signs, totaling 40.8 square feet, where one sign, 20 square feet is permitted.

- Wall sign on the south side of the building would be 33.5 square feet.
- Canopy of the east side of the building would include the symbol of the Melting Pot Restaurant and the tag line, but must stay within 7.3 square feet.

Yeas: All – 5

MOTION TO GRANT VARIANCE WITH STIPULATIONS CARRIED.

ITEM #5 – VARIANCE REQUESTED. JOHN DETERS, OF METRO DETROIT SIGNS, 1821 MAPLELAWN, for relief of the Sign Ordinance to have a 192 square foot sign, 24 feet in height and setback 23 feet from the right of way where a 30' setback is required.

ITEM #5 – con't.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to replace the existing 175.5 square foot ground sign with a 192 square foot sign, 24 feet in height. The signs are setback 23 feet from the right of way at 1821 Maplelawn. Section 9.02.05, A of the Ordinance requires a sign over 100 square feet in size and 20 feet in height be placed a minimum of 30 feet setback from the right of way.

Mr. Paul Deters of Metro Detroit Signs, and Mr. David Fischer, the owner of the property were present. Mr. Deters explained that Toyota is in the process of changing the corporate logo and this new sign would be in keeping with this change. If they are required to move this sign farther back, they would have to put it in the parking lot. Mr. Deters said that they plan to use the current slab, which would place the proposed sign adjacent to other signs in this area.

Mr. Fischer stated that presently there are two (2) franchises operating out of the same location and slowly but surely this business is growing. Mr. Fischer also stated that this proposed sign reflects Toyota's new image. Mr. Fischer said that they could put up a split sign but it would not be in keeping with the other signs in this area.

Mr. Richnak asked what size the existing sign was and Mr. Deters said that it is 18' wide and the proposed sign would be 8' wide.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Kessler said that he feels this request is consistent with other signs in the area.

Motion by Kessler
Supported by Richnak

MOVED, to grant John Deters, of Metro Detroit Signs, 1821 Maplelawn, relief of the Sign Ordinance to have a 192 square foot sign, 24 feet in height and setback 23 feet from the right of way where a 30' setback is required.

- No verbiage to be placed on the lower 10' of the sign.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

The Building Code Board of Appeals meeting adjourned at 9:17 A.M.



Ted Dziurman, Chairman



Pamela Pasternak, Recording Secretary