

BOARD OF ZONING APPEALS MINUTES

A regular meeting of the Farmington Board of Zoning Appeals was held on Wednesday, April 7, 2010, in Council Chambers, 23600 Liberty Street, Farmington, Michigan. Notice of the meeting was posted in compliance with Public Act 1976.

Chairperson Buyers called the meeting to order at 7:00 p.m.

ROLL CALL

PRESENT: Buyers, Buck, Bennett, Christiansen, Kmetzo.

ABSENT: Dompierre, Majoros.

CITY OFFICIALS PRESENT: Building Official Gushman, Building Inspector Koncsol.

MINUTES OF PREVIOUS MEETINGS

MOTION by Bennett, supported by Buck, to approve the minutes of the previous meeting of March 3, 2010. Motion carried, all ayes.

APPEAL OF: William Hantin
Yesterday's Coney Island
37125 Grand River
Farmington, MI 48335

Chairperson Buyers stated Mr. Hantin was requesting three variances to Table 25-09 in order to display a 32 s.f. temporary promotional sign:

- The owner is proposing a 32 s.f. sign; city code limits this type of sign to 16 s.f.
- The location of the sign is required to be on the wall of the building; the owner is proposing to attach the sign to the support pylons on the existing ground sign.
- Subsection (G) states that the sign may be erected for a maximum of 15 days every 6 months; the owner is requesting a 9 month display period.

Mr. Hantin, owner of Yesterday's Coney Island, located 500 feet off of Grand River in the Grand River-Halsted Plaza, explained that K-Mart had been the anchor store for the plaza. However, since they are no longer at that location, they have no draw to bring in customers. To make matters worse, the existing signs on the buildings are not large enough for people to see to bring in business.

Chairperson Buyers clarifies the appeal, asking Hantin why he is requesting temporary sign.

Mr. Hantin states they are requesting a temporary one since they are asking the landlord to erect a permanent new sign where the current K-Mart one exists.

Chairperson Buyers questions that in the appeal the request asks to "install a temporary sign until such time as the land owner installs a permanent sign"; and that the time requested is nine months; he asks if there is parallel between the time requested and when land owners are expected to respond.

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Mr. Hantin explains his rationale for choosing the nine month time period, saying he has no commitment from the landlord as to if or when they will erect a new sign. It was an arbitrary time period and if necessary, the issue could be re-addressed at the end of nine months.

Ms. Kmetzo questions if the pictures in the packet for tonight's meeting are what he is proposing to install.

Mr. Hantin responds that the pictures were done with the anticipation that two of the other tenants in the plaza would agree to participate in the signage appeal. But he has since found out that they may not participate so he would have no problem in amending the size of the sign.

Mr. Bennett inquires how many current tenants there are in the plaza.

Mr. Christiansen asks Mr. Koncsol if the existing sign at the plaza, the pylon sign, is also nonconforming due to recent changes in the sign ordinance. Was it grandfathered in for K-Mart? And if a new anchor tenant were to occupy the space, would a variance have to be granted?

Mr. Koncsol responds in the affirmative.

Mr. Bennett asks what material is to be used for the proposed sign and a discussion was held concerning same.

Mr. Christiansen comments that he's not averse to a temporary sign for 9 months. That would take us to January and would give a clear indication if the sign could withstand seasonal changes. He also hopes that in today's economic times, his business will pick up with the new signage but details the wear and tear problems that exist for a temporary sign. He also suggests that perhaps 6 months would be a better time frame. Petitioner responds. Brad Legion, an employee of petitioner, responds about the material of the sign.

Mr. Gushman describes the banners used in downtown Farmington have slashes through them to allow wind to flow through them and deter wear and tear.

Mr. Christiansen stated he is aware of the banners but indicated they are usually in place for a shorter duration and states his concern for the material used.

Mr. Bennett asks the petitioner if he is requesting 32 sq. ft. for the temporary sign.

Petitioner responds that his request was made with the intention of including more storeowners in the signage but since they have backed out, he would be fine with a 16 sq. ft. sign, a 4 by 8 panel.

Chairperson Buyers wants clarification as to whether the petitioner is withdrawing his original request for a 32 sq. ft. promotional sign and changing it to 16 sq. ft. sign.

Petitioner responds in the affirmative.

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Mr. Bennett comments that if that's the case, it does not require a variance and Mr. Gushman responds in the affirmative. But Mr. Bennett expresses concerns about material used for the sign.

Mr. Legion responds that they could use a stronger Dura grade material and if that does not withstand the elements, they would take it down to repair or replace it.

Mr. Gushman states that from an enforcement standpoint, the city doesn't allow those to stay up. If a sign, whether temporary or permanent, falls into disrepair, it has to be replaced or repaired. If that happens, they can deal with it administratively regardless of the material used. He would just ask that the sign be professionally done.

Mr. Christiansen responds that that is not unreasonable but still expresses his concern that a banner type sign for nine months will be challenging to maintain and thus, his request for a more durable material.

Chairperson Buyers asks Mr. Koncsol if he is aware of a more durable material.

He responds that he is aware of it and its utilization; he has seen instances where the heavier material has withstood the test of time.

Chairperson Buyers inquires if anyone is aware of the "big plan" picture for this property.

Mr. Christiansen responds that as a planning commissioner, they went through a master planning process over the last year. Part of their focus was small area plans or redevelopment plans and this site was one of the areas looked at. However, even though he is not aware of any plans that have been submitted, the city has been focused this area as one for redevelopment. But first they'd like to see the existing users remain viable.

Mr. Buck states he doesn't believe there are any specific plans in the works. The city is waiting for the transition to a potential new ownership or new energy to create a redevelopment activity.

Mr. Bennett asks Chairperson Buyers what kind of sign could be attached to the building which would not require a variance so that it would be visible.

Mr. Koncsol responds that ultimately, per the ordinance, they can have a 16 sq. ft. sign but he admits that is pretty hard to see from 500 feet away. He indicates he has had discussions with the petitioner to perhaps doing a larger sign on the building itself as an alternative. But the petitioner wants to have a sign closer to the road rather than depend on people to see something set further back and that is the reason of the appeal.

Mr. Bennett indicates that he drove into the plaza looking for the petitioner's business and stated his concerns that present signage on the building is not helpful in finding the establishment. He comments that as far as the sign on the building, he couldn't read the sign driving by. He feels more consideration should be given to promoting the business before going to a street sign when the actual sign on the building is not clearly apparent.

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Petitioner responds as well as Mr. Legend that their business did increase when they were allowed the temporary sign for 30 days last year and are convinced that would help bring in more business.

Mr. Buck echoes the comment of Mr. Bennett concerning ongoing patronage of petitioner's business and expresses his concerns that without the K-mart anchor drawing in customers, approval of a sign by the Board may be a moot point. Perhaps looking for another location for the business might be a better plan and hopes the petitioner has included that thought in his plans for the future success of his business.

Mr. Legend responds that the establishment has always been a restaurant and in that location for 37 years. He has a longstanding clientele and they would be missed if they moved out of the plaza. He is hoping this sign will help increase business and would like to try this first before entertaining the thought of moving.

Mr. Bennett wishes them success but suggests they may need to find other ways to promote the business, such as distributing flyers to local office buildings and the like. He asks for further clarification on the size of the sign, where and how it's attached and how long it would stay.

Mr. Christiansen asks the petitioner, with confirmation from Mr. Koncsol, as to whether there was a sandwich board or A-frame sign on Grand River and the petitioner responds in the affirmative. Mr. Christiansen further asks if they would eliminate that with the erection of this sign, again answered in the affirmative.

MOTION by Christiansen to approve petitioner's request for Yesterday's Coney Island located at 37125 Grand River, to attach a sign on the existing pylons on the existing grounds of the Grand River-Halsted Plaza on the following conditions:

1. That the sign be limited to 16 sq. ft. as indicated by the petitioner.
2. That the sign is attached to the existing pylon as shown in the submitted materials in packet.
3. That the material for the sign be coordinated between petitioner and staff.
4. That the sign be erected for a maximum period of nine months.
5. That in the event the center undergoes a redevelopment process, and approval for redevelopment is given prior to the nine month period expiring, the temporary sign be removed.

Chairperson Buyers queries for support or discussion on the motion.

Ms. Kmetzo is in support.

Mr. Buck asks city officials if this will in any way become a precedent that allows that particular style of sign to remain if a new anchor tenant comes in and therefore, regaining their rights to the pylon sign rather than having them move to a new sign.

Mr. Gushman responds that if the property is redeveloped, the sign will have to be

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reconfigured. It can't stay as it is and at that point in time, it will have to conform to the new ordinance so that concern would be eliminated.

Mr. Christiansen would like to amend the motion in light of Mr. Buck's comments to include:

1. That the variance for the temporary sign be for Tuesday's only.
2. The basis for the variance request is that the existing use is located a significant distance from Grand River, approximately 500 feet, only has an existing small wall sign at present; and that the anchor tenant as well as the majority of tenants at the center have moved out.

Mr. Hantin corrects Mr. Christiansen by indicating the establishment's name to be "Yesterday's", not Tuesday's.

Mr. Christiansen apologizes for the error.

Chairperson Buyers has question to the amended motion stating that Mr. Christiansen indicated that it would be specific to this petitioner, Yesterday's, and that the material in the packet contains Lim's and Gifts of India. Is there contemplation of additional petitioners coming in?

Mr. Christiansen reiterated this is specific to this use and this particular petitioner and that is the motion.

Mr. Buyers asks Ms. Kmetzo if she is in support of the amended motion as she was for the prior and she indicates in the affirmative.

Mr. Bennett is inclined to give his support of the motion but he would like to test the amendment that it be limited to six months. If he obtained a second to that, that could convince him to give it a whirl.

Mr. Christiansen states no objection to the amendment of the motion to go from nine months to six months per Mr. Bennett's request.

Mr. Buyers asks if he so amends the motion and Mr. Christiansen responds in the affirmative.

Motion carried, all ayes.

Chairperson Buyers stated that the amended motion as stated by Mr. Christiansen is granted.

PUBLIC COMMENT

No public comments were heard.

COMMISSION COMMENTS AND ANNOUNCEMENTS

The Board discussed procedural issues related to discussions with Petitioners and addressing questions through the Chair.

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ADJOURNMENT

MOTION by Buck, seconded by Bennett, to adjourn the meeting. Motion carried, all ayes.

The meeting adjourned at 7:50 p.m.

John D. Koncsol, Building Inspector