

**MINUTES
CITY OF FARMINGTON HILLS
ZONING BOARD OF APPEALS
CITY HALL – COUNCIL CHAMBER
SEPTEMBER 9, 2014**

CALL MEETING TO ORDER:

Chair Seelye called the meeting to order at 7:30 p.m. and made standard introductory remarks explaining the formal procedure, courtesies and right of appeal.

ROLL CALL:

The Recording Secretary called the roll.

Members present: Barringer, Rich, Seelye, Stevens, Vergun

Members Absent: Lindquist, White

Others Present: Attorney Morita, Zoning Division Representative McGuire

SITE VISIT SEPTEMBER 7, 2014

Chair Seelye noted when the Zoning Board of Appeals members visited the sites.

The Sunday site visit begins at 9:00 a.m. at City Hall. It is an advertised open, public meeting under the Open Meetings Act, is only for informational purposes; the Board members abstain from any action, hearing testimony, or any deliberations.

APPROVAL OF AGENDA

There were no changes to the agenda.

MOTION by Stevens, support by Barringer, to approve the agenda as published.

MOTION CARRIED, 5-0

NEW BUSINESS:

- A. ZBA CASE: 9-14-5538
LOCATION: 35415 Fourteen Mile
PARCEL I.D.: 23-05-230-001
REQUEST: The following special exceptions are requested for a proposed free standing sign in an RA-1 Zoning District: **1.** A 43 foot exception to the 50 foot setback requirement from Fourteen Mile Road. **2.** A 15 foot exception to the 50 foot setback requirement from Drake Road.
CODE SECTION: 34-5.5.3.B.A.ii., 34-4.4.2.
APPLICANT: Huron Sign Co.
OWNER: Faith Covenant Church

Zoning Representative McGuire discussed the location of the property and presented a location map and photos of the church and existing sign. She stated that the reason behind the 50 foot setback requirement is because churches are big and allowed in residential districts, therefore, churches are required to be setback farther than houses so that they are not in front yards or front yard viewpoints. She added that the signs

have the same setback requirements in order to protect the neighboring residences and in this case, there are no residences that are impacted by this property or by this sign, nevertheless, the special exception would bring the sign closer to 14 Mile and Drake Roads.

Steve Ames, Huron Sign Company, 663 Mansfield, explained that the primary reason they are asking for these exceptions is due to the mature cluster of trees that blocks the sign from view of the traffic heading east on 14 Mile Road and seriously diminishes the effectiveness of what Faith Covenant Church is trying to accomplish.

Chair Seelye asked if there was consideration of putting the replacement sign in the current sign location. Mr. Ames responded stating that the current sign is outdated and it does not face any of the main thoroughfares and it is only visible from an awkward position.

Mr. Ames stated that the church is a very community oriented church and they conduct a lot of outreach and are looking for a more effective way to communicate the content of the church, not only to their current members but to prospective church members and they believe that the new sign will help achieve that.

Member Stevens stated that there was not much information on the sign itself provided to the Board.

Mr. Ames provided the Board with drawings of the proposed sign. He explained that the proposed sign is a monument style sign which will require foundation and footings; the primary portion of the sign is a digital electronic sign with a total square footage of just under 32 feet and there will be a permanent custom top cabinet indicating the name of the church. He added that the proposed sign is smaller than the current sign in many ways and far more modern and effective for the church.

Member Rich questioned that given the proposed sign is a digital sign, is it an LCD or LED sign and what are the colors of the lights. Mr. Ames stated that the sign is an LED full color sign and the church will primarily be communicating text messages ranging from service times to holiday greetings to sermon topics and community events.

Member Rich asked if, in addition to eliminating the current permanent sign, they would also be eliminating the current temporary signs. Mr. Ames stated that was correct, that the proposed sign will allow the church to remove all temporary signs.

Chair Seelye opened the public portion of the meeting. There being no public comments, Chair Seelye closed the public portion of the meeting.

Secretary Stevens confirmed there was an affidavit of mailing on file with no returned mailers.

Member Rich asked if the City ordinance were to change as far as the frequency of changing of the text on a digital sign, would this sign need to comply with that or would it be grandfathered into the 30 second period. Attorney Morita responded stating it depends on where the City put that amendment, if it was part of the zoning ordinance she believes it would be grandfathered in, but if it were part of the City's regular regulations it would be effective at that point.

MOTION by Rich, support by Vergun, in the matter of ZBA Case 9-14-5538, to GRANT the petitioner's requests for the following special exceptions: 1)A 43 foot exception to the 50 foot setback requirement from Fourteen Mile Road and 2)A 15 foot exception to the 50 foot setback requirement from Drake Road; because the petitioner did demonstrate that the requirements

existed in this case, and there are circumstances or features exceptional to the subject property that are not self-created, specifically the general requirement for setbacks for churches, as identified, in order to make them more compatible with a general residential area; in this case the church is located at the intersection of two major roads and there are not any homes immediately adjacent or at least within a close proximity.

The sidewalks which identify the start of the setback requirement are already a significant distance from the streets, therefore, we are not looking at clutter from the streets; and that also requires that the signs be closer to the sidewalk so that they are closer to the street so they can actually be seen by cars driving by.

Further, the church is not responsible for the fact that the trees have grown to a beautiful size and block the sign, at least along 14 Mile Road heading eastbound, if the sign were not allowed to be placed pursuant to the exception required.

Failure to grant relief would result in substantially more than mere inconvenience and without the special exception it would unreasonably prevent or limit the use of the property and preclude the visibility or identification of the building.

The special exception will not result in the sign, or condition, being incompatible with or unreasonably interfering with adjacent properties.

Substantial justice would be done both to the applicant and to surrounding property owners.

Also, when taken on its own or in combination with other existing conditions on the property, the special exceptions will not result in a sign or condition having an adverse effect on the essential character or aesthetics of the building or surrounding area, it is not detrimental or negatively effecting the character of the surrounding residential areas and it certainly does not compromise public health, safety or welfare.

SUBJECT to the following conditions: 1) elimination of the current permanent sign, 2) no temporary signs will be allowed on the premises, and 3) the sign and placement must be approved by all necessary governmental departments.

MOTION CARRIED, 4-1 (Stevens opposed)

- B. ZBA CASE: 9-14-5539
LOCATION: 30440/30444 Eight Mile
PARCEL I.D.: 23-35-377-045
REQUEST: The following special exceptions are requested for a proposed free standing sign in a B-3 Zoning District: **1.** A 2 foot exception to the 15 foot front yard setback requirement from Eight Mile Road. **2.** A 2 foot height exception to the 8 foot height limit.
CODE SECTION: 34-5.5.3.B.M.
APPLICANT: Prosign and Awning
OWNER: Hani Kassab for 8 & Tuck Properties, L.L.C.

Zoning Representative McGuire discussed the location of the property and presented a location map, photos of the strip center, the proposed sign and a temporary sign in the proposed location. She noted that free standing signs in a B-3 district are required to be installed at a 15 foot setback from the right-of-way

and may not exceed a height of 8 feet; the applicant is proposing that the sign be located at a 13 foot setback and a height of 10 feet.

Hani Kassab, 8 & Tuck Properties, 6242 Berwick Dr, and Huss Fardous, Prosign and Awing, 17627 W. Warren, came forward to represent the case. Mr. Kassab explained that they previously were approved by the Board for a 2 foot height variance, however, that sign had never been built.

Mr. Kassab stated that they are back now with a new sign company and requesting a setback exception to allow the sign to be closer to 8 Mile Road because their business cannot be seen when traveling 8 Mile Road due the high speed limit of 50 mph and the mature trees. He added that their business has increased since I-96 closed because the traffic has grown and is now traveling much slower which made them decide to come back to the Board for these exceptions.

Mr. Kassab explained that they had approval from the Board before for 10 feet (a 2 foot variance) but they feel that the sign needs to be closer to the road in order to be seen. He stated that they have driven up and down 8 Mile Road and there are other signs that are 13 feet or closer and their biggest concern is making sure that their sign can be seen from the road.

Mr. Kassab indicated that he has owned the liquor store for four years and it has turned hands twice, the pizza place has turned hands twice, Subway just opened and the nail salon does great. He added that the landlord will not pay for the sign so it has to be financed by the tenants, which they are willing to do.

Chair Seelye asked why they need the exception when the stores already have great signs on the building. Mr. Kassab stated that he agrees that those are great signs but when you are traveling at 50 MPH people do not look at the buildings. He noted that they only have one approach from 8 Mile Road so once people pass they keep going and if the speed limit was slower it may not be such a problem.

Chair Seelye commented that he does not see much difference between a 13 foot and 15 foot setback. Mr. Kassab responded stating that the trees are also an issue, as soon as you pass the trees the building is there and at 50 MPH many people pass the property. He added that they spoke to the neighbors about taking the trees down or cutting them back but they did not want to do that as they like the privacy.

Chair Seelye opened the public portion of the meeting. There being no public comments, Chair Seelye closed the public portion of the meeting.

Secretary Stevens confirmed there was an affidavit of mailing on file with 3 returned mailers.

Zoning Representative McGuire questioned the height of the temporary sign placed to show the proposed location. Mr. Fardous stated that it was an A Frame sign that measures 4 feet tall by 4 feet wide and it is flush with the ground.

Member Rich commented that the square footage of the proposed sign is calculated to be 63.33 square feet, therefore, it is within the square footage limitation of 64 square feet.

Attorney Morita noted that staff has looked at the square footage of the sign and it does meet the ordinance requirement. She noted that there was an issue with the base of the sign, however, because the base is black and only has the address on it, it is not considered to be part of the signage for the purposes of calculating the space of the sign. She noted that if the Board does chose to make an exception they can condition it on the base remaining black in color with only having the address on it.

Member Stevens questioned why the applicant cannot fall within the requirements of the ordinance since they are only asking for a couple feet for the height and for the setback, and he asked if they have done any sort of perspective view. Mr. Fardous responded stating that they built a similar version of the sign and put it in the exact location of the proposed sign then drove back and forth on 8 Mile Road and found that the sign at the required setback lacked exposure. He noted that an inspector came to the site and they had to take the sign down.

Member Stevens asked if the replica sign was put at the 13 feet setback. Mr. Fardous stated that the sign was put at both 13 feet and at 15 feet and they drove back and forth to see how long it took to see the sign and they found that at the 13 foot setback the business names can actually be seen when driving. He added that the height issue comes from the parking lot, if there are cars parked in the spaces closer to 8 Mile Road, the sign cannot be seen at 8 feet in height.

Mr. Fardous commented that the sign next door has a similar 13 foot setback.

Zoning Representative McGuire indicated that she did research on the neighboring sign with a 13 foot setback and that sign is grandfathered.

Member Rich questioned what the required number of parking spaces for the strip center is in contrast with the number that is actually there. Zoning Representative McGuire responded that she did not have that information.

Member Rich commented that if there was a concern that the sign will be blocked from traffic heading eastbound because of a car parked in the space next to the sign, if that parking space was vacant then that might not be as big of an issue, if there is room to reduce the number of parking spaces.

Member Rich stated he is concerned with the size of the proposed sign and it being even 2 feet closer to the sidewalk as there might be a tendency for cars leaving the parking lot to not inch forward to make sure that there is not anyone heading eastbound on the sidewalk, as we all know that people need to accelerate to get onto 8 Mile Road where the speed limit is 45 mph.

Request #2

MOTION by Stevens, support by Rich, in the matter of ZBA Case 9-14-5539, to GRANT the petitioner's request for a special exception for a 2 foot height exception to the 8 foot height limit based upon the following:

- The sign is in character with the area as there is a sign of similar size and setback immediately adjacent to the property
- The applicant did extensive analysis on the setback of the sign and the height of the sign in determining to ensure that there is proper visibility of the sign from a fairly high speed road of 45mph
- The sign will not be a detriment based upon the character of the area on 8 Mile Road

SUBJECT to the condition that the sign be as presented in the application materials provided to the Board.

MOTION FAILED, 3-2 (Seelye, Vergun opposed)

Request #1

MOTION by Barringer, support by Vergun, in the matter of ZBA Case 9-14-5539, to DENY the petitioner's request for a 2 foot exception to the 15 foot front yard setback requirement from Eight Mile; primarily on the grounds of a health, safety and welfare issue due to the proximity of the proposed sign to the sidewalk and the chance that traffic coming out of the strip center would be traveling too fast and not be able to see pedestrian or cyclist traffic, especially traveling eastbound on the sidewalk.

MOTION CARRIED, 4-1 (Stevens opposed)

C. ZBA CASE: 9-14-5540
LOCATION: 31805/31807 Middlebelt
PARCEL I.D.: 23-02-426-015, -016, -017, -018, -019, -020, -024, -025, -026, -027
REQUEST: The following special exceptions are requested for a free standing sign in an OS-1 Zoning District: **1.** A one foot exception to the 6 foot height limit. **2.** A 16 square foot area exception to the 32 square foot limit.
CODE SECTION: 34-5.5.3.B.G.
APPLICANT: Harmon Sign, Inc.
OWNER: The Pines Office Condominiums

Zoning Representative McGuire discussed the location of the property and presented a location map, photos of the office condominium, proposed sign and the location of the proposed sign. She stated that the applicant is asking for a one foot exception to the 6 foot height limit and a 16 square foot area exception to the 32 square foot limit.

Tony Hall, ISG Staffing, 31805 Middlebelt, and President of the Pines Office Condominium Association, and Trevor Fuller, Harmon Sign Co, 46587 Grand River Ave., came forward to represent the case. Mr. Hall explained that the original developer would not spend money on a sign and now the complex is struggling terribly to direct people to the complex and in 2009-2010 they had 40% vacancy. He added that in 2011 the occupancy increased, the owners renovated the property and the complex won a beautification award and currently the 13 business suites are now 100% occupied.

Mr. Hall stated that since there are 13 business suites if they were to follow the existing limits for a sign, the business names would be so small they cannot be read. He noted that there are grandfathered signs in the area like the Mai Kai Cleaners sign which stands 20 feet in the air and causes a distraction, therefore, they felt they needed a substantial sign. He stated that they want the sign perpendicular to the road so drivers can see it.

Mr. Hall explained that after several association meetings they came up with this proposed sign concept having The Pines Office Condominium in large letters on the top so they can tell visitors to look for The Pines Office sign. He stated that there are two staffing companies in the complex, one is ISG of which he is the owner, and together they have approximately 70-80 visitors a week and spend a lot of time on the phone explaining how to get to the office. He added that the suites are numbered 100, 200 and 300 which is similar to the numbers on the building directly to the north and many of their visitors end up at that complex because those signs are so large.

Mr. Hall stated that at the last board meeting they estimated as a group 200 visitors a week, 5 visitors every hour and every 12 minutes someone is trying to explain where their office is located, so they came

up with this proposed sign as the best solution; the smaller companies agreed to have The Pines Office on top in large letters and colorful logos for the two staffing companies that have the most business.

Mr. Hall explained that they did consider other alternatives, including taking down the large trees and having a sign on the front of the building that would be 10% of the building area but after having won a beautification award they felt they would rather not take that route, they would rather go with this proposed sign if possible.

Mr. Hall commented that they would like to have the proposed sign located where the current horizontal address sign is.

Zoning Representative McGuire asked if the location of the stakes identifying the location of the proposed sign was accurate. Mr. Hall stated it was not, they want the sign to be located where the current street number sign is and that is where they requested it to be located because if it is further in towards the pine tree there is a potential for parked cars to block the sign.

Chair Seelye commented that the case was not advertised with a setback exception.

Attorney Morita confirmed that there has been no setback exception advertised for this case, therefore, that issue is not before the Board at this time.

Chair Seelye commented that there was no street address on the sign. Mr. Hall explained that they discussed that and the reason is because the complex has three addresses and they went through many different versions of this sign and they all agreed that if the address was put on, then the business names and numbers would be too small. He stated that all the businesses agreed and went with The Pines Office being the most visible.

Chair Seelye commented that he would look for a street number, not a business name. Mr. Hall stated that they have a right and importance of having logo and business name recognition because it is very important with staffing companies and most of their visitors have already seen their logo on e-mails and other correspondence so it gives them an opportunity for a colorful sign just as with any other company.

Member Stevens questioned the height of the lettering on the non-colored logos. Mr. Hall stated he believes it is 3.5 inches.

Mr. Fuller commented that the main letters would be 3 to 3.5 inches with the exception of 202 which is closer to 2 inches.

Member Stevens questioned which business names would be 2 inches. Mr. Hall stated that the height of the lettering depends on how many characters are in the business name since they had to go with a font size that fits in the available width for each business.

Member Stevens commented that typically one inch high lettering can be read at approximately 30 to 40 feet away, therefore, if you have 3 inch lettering people really will not be able to read it unless they are 120 feet or closer, which when looking at the position of the sign and the position of the roadway, the business names will not be seen until you are right on top of the approach to the complex. He then questioned the need for the business names on the sign because with 3 inch lettering they cannot be read until you are 100 to 150 feet away.

Mr. Hall stated that trying to compromise with nine owners has been a challenge and what they agreed on was the concept of having The Pines Office in large letters on the top of the sign and the two companies that have the majority of the visitors having colored logos.

Member Stevens questioned that if the small business names cannot be seen why not remove those names and then the area of the sign can shrink. Mr. Hall responded that the business owners that own one suite should not be allowed to hold back the other companies that have invested significantly in the buildings and it is their right to have a colorful sign of the appropriate size. He added that most of the streets in the area have large colorful signs and he feels it is an option they should be allowed to have. He stated that the reason he bought this building was because of the location and he did not anticipate any of the problems he has had guiding people to his office. He added that the offices next to his have massive letters because they can use 10% of their building space which causes issues for people trying to get to his building and if the City had to explain every 12 minutes how to get to the building, they would share his pain as it is an unbelievable amount of time spent on the phone. He stated that there are only businesses around them and he does not feel that the proposed sign would hurt anyone but rather improve locating the offices tremendously.

Mr. Fuller commented that in regard to the letter height and due to the setback of the sign, especially heading north on Middlebelt Road as you pass Northwestern Highway, there is not a great opportunity to view the sign from a distance, whereas in other cases that would be a bigger issue where the sign is visible for more than 150 feet. He stated that the sign would be approximately 50 feet set back from the street and their standards are 50 feet of visibility per every upright inch letter height, so given that and due to the setback there would be an opportunity to view those smaller tenants and more importantly the name of the office complex.

Member Vergun asked if the sign reflected every office in the center. Mr. Hall responded stating that it did and all the business are located at the bottom of the sign so when people pull into the parking lot they can look to see that they are in the right place.

Member Vergun stated that perhaps some of the smaller businesses could have their name and suite number on signs located on the building itself. Mr. Hall responded stating that the building sits perpendicular to the road so it would not be visible to the road.

Member Vergun commented that there are buildings similar to this complex that have tenants who do not have their business names out on a sign near the roadway. Mr. Hall responded stating that may be, however, it was not easy to get nine businesses to agree to a sign and this proposed sign is what they all agreed to and they considered that with the other signs in the area this would be an innocuous sign. He added that the other option would be to take out the trees at the end of the building and put a bigger sign up, that being 10% of the building area.

Discussion was held regarding the size and color of some of the signs in the area and which of the signs were grandfathered.

Chair Seelye opened the public portion of the meeting. There being no public comments, Chair Seelye closed the public portion of the meeting.

Secretary Stevens confirmed there was an affidavit of mailing on file with 24 returned mailers.

Member Rich questioned that the applicant mentioned if they cut down trees they would be allowed a larger sign. Zoning Representative McGuire responded stating that they can put a sign on their building at

10% of the building façade so if they cut down the trees it would be a large sign, however, it is not just a matter of cutting down trees since they would need to get a tree permit and permission to cut those trees down which would likely not happen.

Member Rich asked if that type of sign would allow for all the occupants to be listed. Zoning Representative McGuire stated that the only standard is the size and they do not regulate what is on the sign.

Member Rich questioned if there is a difference in how adjoined condominiums are treated versus a large commercial building where they are allowed huge signs and typically there is one or two major tenants in the building that have their name on the sign. Zoning Representative McGuire stated that the regulations for signs are based on zoning lot and this particular site is one zoning lot. She added that the rules for one zoning lot apply regardless if the site is condominium units or under single ownership.

Attorney Morita stated that a similar situation with a condominium site has come before the Board in the past, the two restaurants on Northwestern Highway and because that site was one zoning lot even though there were two restaurants on it, they had to apply for a variance in order to have two signs, therefore, it does not matter how many condominiums there are on the property, it is considered one zoning lot for purposes of signage.

Mr. Hall commented that as a group of owners they like the area and they have spent a lot of money on the landscaping to make the building look nice and the reason they came up with the proposed sign was because they thought it would look better than a big sign on the side of the building.

Zoning Representative McGuire stated she wanted to clarify the standard; in the case of an OS-1 District for an accessory wall sign without a free standing sign, wall signs should be limited to an area equal to not more than 10% of the aggregate of the area of the building façade, not to exceed 75 square feet in area, therefore, it could not be 10% of a huge wall it would be limited to 75 square feet without a free standing sign.

Mr. Hall stated that the proposed sign is 48 square feet so they could go significantly bigger on the side of the building and still meet ordinance requirements, however, they would rather go with the proposed sign.

Member Stevens questioned the size and height of the rectangles with the smaller tenants. Mr. Fuller responded stating they are 6.5 inches tall.

Member Barringer commented that the larger letters that say The Pines Office would be seen but there is a lot of other wording, especially the names on the bottom of the sign that will go unseen by most people driving up and down the road.

Mr. Hall stated that the majority of visitors are looking for the two staffing companies hence the colorful logos and the smaller tenants have accepted having The Pines Office in large letters.

Member Barringer asked if the smaller tenants were by appointment. Mr. Hall responded stating they were and they tend to be repeat clients with a series of appointments so they have less of an issue finding the office but for the staffing companies that have 50 unique visitors a week, locating the office becomes a real problem.

Member Barringer stated that the smaller business names are unnecessary since they will not be seen by most drivers. Mr. Hall responded that the problem has been trying to get all the owners to agree on the

sign since they all wanted their names on it and the association spent almost a year having meetings to get approval on the proposed sign.

Member Rich asked if there was a photo from Middlebelt directly facing the property. Zoning Representative McGuire stated there was not.

Mr. Hall explained that there is a large maple tree in front of the most visible portion of the two buildings and that tree would have to be removed for a wall sign.

Member Stevens commented that when looking at the design of the sign there is a blank space for suite 202 and in the lower right it states there are suites available, if those areas were removed and the applicant found two willing tenants that do not need their name on the sign, the sign could shrink about 1 foot in height and then they would only need a variance for a smaller portion of area which he would be willing to grant as it would accomplish the applicant trying to meet the requirements of the ordinance.

Mr. Hall stated that at the time they put the drawing together for the sign suite 202 was in a transaction of sale and it is now occupied by a laser hair removal business and they will want their name in that space.

Member Stevens stated that there are many complexes all over the City where all tenants are not listed on the monument sign and it is more common for the tenants leasing in these complexes not to have their names on the sign.

Mr. Hall explained that they could remove the tree and put a sign on the building that would be 50% bigger than the proposed sign and not need a variance but the association thought this was the better way to go but if it is necessary, they can revisit removing the trees.

Member Rich commented that the wall sign would be parallel to Middlebelt Road and Mr. Hall has mentioned that there is a concern that the prior sign was parallel to Middlebelt Road and people were not seeing it because they were looking down the road and not looking toward the building, therefore, the issue is whether a larger colored sign that is parallel would be better than a smaller sign that is perpendicular.

Zoning Representative McGuire stated that she needs to make it a matter of the record in regard to the tree; it may have been a site plan requirement when originally approved by the Planning Commission and, therefore, may not be removable. Mr. Hall stated that they will certainly follow the City rules.

MOTION by Rich, support by Barringer, in the matter of ZBA Case 9-14-5540, to DENY the special exceptions being requested in that while there are some circumstances unique to the subject property, failure to grant the relief requested would not unreasonably prevent use of the property for the purpose for which it is intended and, in conjunction with the statements by the other Board members, the relief requested is not the minimum relief that would give the applicants what they need.

The sign for The Pine Office Condominium is large enough such that those words The Pine Office Condominium is visible, therefore providing sufficient direction and identification of the property so that visitors would know where it is

Further, considering the size of the sign, it is understood that the tenants want their name on the sign whether people driving by can see it or not, however, it is not something that the Board should take into account when determining whether the building itself can be identified.

Member Stevens questioned that if this motion is voted on and approved is there an option for an additional motion for a different variance. Attorney Morita stated that the motion on the table now is to deny the exceptions, therefore, if it is voted on and approved the case has been denied.

Member Stevens explained that since there is a motion on the table to deny, if the applicant would like the Board to entertain it, he would be willing to grant an area variance of a smaller relief based upon essentially four of the small individual offices coming off of the sign which would lower the height of the sign to within the requirements and then the applicant would only need an 8 square foot variance. Mr. Hall stated that he may be the President of the association but he does not have the authority to remove four of the owners from the sign and he is certain that he would not get the approval to do so.

Member Stevens stated that the Board can proceed with the motion that is on the table otherwise they can try to see if Member Rich would consider amending his motion to allow for a lesser relaxation of the ordinance.

Mr. Hall commented that if it keeps the same number of owners with an 8 foot exception rather than a 16 foot exception then he can agree to the lesser relaxation.

Member Stevens asked if Member Rich would consider amending his motion so that the only request that would be granted is an 8 square foot variance request.

Member Rich clarified that the Board would then deny request 1 and modify request 2 such that the variance would only be for 8 square feet.

Member Vergun commented that if the Board were to allow the sign only if four businesses were removed and the applicant gets four businesses to remove their name then the sign will be allowed, however, if he cannot get them removed then he would proceed as if the Board had denied the request.

Member Rich stated that when the Board grants a variance the applicant is entitled not to act on it, they have the option to abandon the variance. He added that the applicant does not think that he can get four of the businesses to remove their names, however, he may be able to get everyone to agree to reduce the size of the sign as long as they are all still on it, such that it would be equivalent to removing the businesses.

Attorney Morita stated she wanted to clarify that the Board is discussing a special exception and not a variance and that the motion on the floor, that has been seconded, is to deny both requests and it is not based on the content of the sign but on the fact that the allowed signage that would be permitted would not unreasonably prevent or limit the use of the property or would not unreasonably preclude visibility or identification of a building, which is the standard.

Member Rich asked if, now that there has been discussion with the applicant, he is able to withdraw his motion. Attorney Morita responded stating that he can vote against his own motion or if Member Barringer is willing to withdraw his second, then the motion can be withdrawn. She added that the Board must keep in mind that the standard is not visibility or identification of a tenant, it is the visibility or identification of a building and the content of the sign is not of concern.

Discussion was held in regard to adjourning the case and the process for the applicant to come back before the Board if changes were made to their request.

Mr. Hall stated that he was confident that he could get the owners to accept an 8 square foot increase versus the 16 square foot increase but it would be almost impossible to get four business names off the sign.

Member Barringer withdrew his second to the motion and Member Rich withdrew his motion.

MOTION by Stevens, support by Rich, in the matter of ZBA Case 9-14-5540, to GRANT an 8 square foot area exception to the 32 square foot limit based on the following:

- The proponent has demonstrated that due to the nature, character, alignment and orientation of the building, the existing mature trees and the character of the area, that the building is difficult to identify for visitors
- The sign is in character with the area in that there are existing signs, albeit nonconforming, that are significantly larger and taller than the sign proposed
- This exception will do substantial justice to the property owner in the fact that visitors will be able to better identify the property; and

FURTHER, to DENY the petitioner's request for a special exception for a one foot exception to the 6 foot height limit based upon the Board's comments that there are alternatives that would allow some relief to the property owner in that the denial of the one foot height request would still allow the petitioner adequate signage for visitors.

SUBJECT to the condition that the sign be of similar character as proposed, only smaller in area, and within the requirements of the ordinance for height.

MOTION CARRIED, 5-0

PUBLIC QUESTIONS AND COMMENTS:

There were no public comments

APPROVAL OF AUGUST 12, 2014 MINUTES:

MOTION by Rich, support by Vergun, to approve the August 12, 2014, Zoning Board of Appeals as submitted.

MOTION CARRIED, 5-0

ADJOURNMENT

MOTION by Stevens, support by Vergun, to adjourn the meeting at 9:26 p.m.

MOTION CARRIED, 5-0

Respectfully submitted,

James Stevens, Secretary
Zoning Board of Appeals

/ceh