

**CITY OF SOUTH LYON
ZONING BOARD OF APPEALS
November 19, 2009**

Chairman Weipert called the meeting to order at 7:02 p.m.

PRESENT: Chairman Weipert and Commissioners James Herman, Bill Rodman, Keith Bradley and Joe Rzyzi. Also present, Director of Building Safety and Engineering, Joe Veltri and City Attorney Jennifer Hill.

Absent: Ron Morelli, excused. One vacancy.

APPROVAL OF MINUTES:

ZBA 11-19-09 APPROVAL OF MINUTES – August 20, 2009

Motion by Rodman, supported by Bradley

To approve the minutes with no corrections of August 20, 2009.

VOTE:

MOTION CARRIED UNANIMOUSLY

Chairman Weipert – There is still one (1) vacancy on the board.

OLD BUSINESS

None

NEW BUSINESS

Pinz Bowling Center, Inc. – 700 N. Lafayette

Chairman Weipert – Can the applicant come up and state your name and tell us what the practical difficulty is. The Stus' introduced themselves.

Caty Stus – Pinz Bowling Center 700 N. Lafayette.

Troy Stus - Pinz Bowling Center 700 N. Lafayette.

Mrs. Stus – We changed the sign face on our sign shortly after we purchased the bowling center back in August. A week later we got a visit from Joe saying that we were not

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complying with the sign ordinance. So, I apologized for that. We did not realize we were in violation of the sign ordinance. We actually did read the ordinance before we did it and did not change anything structurally on the sign. We put on a new sign face and wanted everyone to know the new name and ownership. We thought that was considered a changeable part of the sign.

The reason we are here, we want a short term variance. Our parking lot and our facility is not visible from the road due to the berm. The berm was required by the City when the original site plan was approved back in the early 1980's. It is our intention to go ahead and replace the sign, but we are asking for a short term variance so we can check into the possibilities and the options of how a ground sign is going to work in our location.

Chairman Weipert – Can they do that?

Inspector Veltri – I met with them and we discuss the ordinance and explained it to them and she did apologize like she said. They did not understand the ordinance the same way I interpret the ordinance. We talked about options and I explained they could always go to the Zoning Board and we discussed it, they came in and they are here asking for a short term variance since pylon signs are not allowed.

Chairman Weipert – What is with the berm and the site plan issue?

Inspector Veltri – That was something that was done 20 years ago and there is no way we can respond to that.

Chairman Weipert – Would the ground sign not be visible?

Inspector Veltri – In its location a ground sign would be visible there. The pylon sign has been there ever since the bowling alley was built. The issue is not whether it is visible; the issue is changing a pylon sign. We are trying to work with a new business and help get them established. We recently saw a pylon sign removed in front of South Lyon Center where Alexander's Center is going to be.

Chairman Weipert – Jennifer, can we grant a variance for time? They are requesting we do it for two (2) years.

Attorney Hill – You can make it conditional.

Mrs. Stus – One thing we want to investigate is what will be the best location for the new sign. Our concern with the ground sign is if we put it where the current sign is, it is pretty close to the road and it will get damaged from snow plows. It is only five (5') foot off the ground. They will just bury it with snow. I'm thinking that may not be the best location for it. Our other option is going up on the berm and because that is much further

back from the road it will be harder to see. That is why we are requesting the time so we can look into what will be the best option.

Inspector Veltri – They could go further from their driveway. We talked about looking for a location and she said we don't know yet we just got to town. They are trying to do what they can; they have pulled permits for some renovations inside. They have called; we have had meetings and they have asked for City information.

Commissioner Rodman – Is the definition of a pylon sign that it is elevated off the ground by a poles or stand?

Inspector Veltri – Yes.

Commissioner Rodman – The other pylon signs that are in the community such as Real Estate One and Health Styles. Are they non-conforming too?

Inspector Veltri – They are not pylon. The only other pylon signs in town are the car wash, Kings Plaza, Parkside Market, Browns Root Beer and the old South Lyon Auto Sales.

Commissioner Rodman – So it is not only supported by a pole. Height.

Inspector Veltri – Elevated, correct, more than 60" above established grade the ground sign maximum.

Chairman Weipert – We are getting rid of all those pylon signs over time in the community.

Commissioner Bradley – I question the need for two (2) years as a time frame, how did you come up with that?

Mrs. Stus – When we first filed for a variance request, we had just gotten in there in August. We would like to see what the first bowling season brings financially and see if there other types of renovations we may have to do next summer. However, if you feel like that is too long of a time period, we definitely will be agreeable to a shorter time frame.

Commissioner Herman – Have you started looking at different signs.

Mr. Stus – We talked to some sign people but have not heard back yet.

Commissioner Rodman – Are you going to talk to the same people who did your sign? They obviously did not tell you that you needed a permit.

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Mr. Stus – Actually, we are in the sign business but not the same kind of signs. More of promotional signs. It was a misinterpretation of the ordinance. We thought it would be changeable. It was our mistake.

Mrs. Stus – We did not do anything structurally. We did not paint it, fix anything on it, we knew we were not suppose to do anything to prolong the life of the sign. We were just trying to get the new name out.

Attorney Hill – If you are going to grant the variance with a time condition on it, there is a problem that arises that if you grant the variance, essentially that you have found that there is a practical difficulty which means they would have basis to come in and ask for another extension because there is a practical difficulty. The problem has arisen before, so if you are going to grant the variance with a condition, make sure that your decision is fact specific and state something; what the financial hardship is at this point and what the burden is, they just moved in, they are trying to get their business going. It has been three (3) months since they bought their business so that fact will change at the end of two (2) years. After this time, the hardship should not be there any longer.

Chairman Weipert – Who gives the extension, us?

Attorney Hill – Yes. The variance would expire and Joe could go back and say they are not in compliance.

Commissioner Bradley – So, if we grant it and change it to a year, they can still come back at the end of the year.

Commissioner Rodman – What you are asking us to do is tie the practical difficulty to the variance and state that in the facts of the variance.

Attorney Hill – Is it a fact that constitutes a practical difficulty.

Commissioner Rodman – Be very explicit on what the practical difficulty is.

Attorney Hill – Yes.

Commissioner Rodman – I would like to say that you need to research and get the right people out to look at your coverage, placement and eye site line to the road for good placement. I know you want to make sure you have a viable business but we can't grant this on a monetary issue. Your site does deem a variance but in this instance two (2) years is too long.

Commissioner Bradley – I think a year would give you enough time.

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Commissioner Rodman – In a year you would experience all the seasons to see how that affects your sign.

Mrs. Stus – That would be a great help to get past the winter.

Commissioner Rzyzi – One (1) year would be long enough.

ZBA 11-19-09 – PINZ BOWLING CENTER – 700 S. LAFAYETTE

Motion by Rodman, supported by Weipert

Based on the practical difficulty of past site management and the possibility of not knowing the proper placement of the ground sign due to weather conditions, adverse conditions of possible damage due to snow plowing and such. Grant a one (1) year variance per Chapter 7-08 which states that a non-conforming sign cannot be changed in any way without removing it and erecting a conforming sign under sub section 102-85 (a,b, c or d). After the one (1) year, the sign must be removed and replaced with a conforming sign or just removed.

VOTE:

MOTION CARRIED UNANIMOUSLY

Mrs. Stus – Thank you.

STAFF REPORTS:

Inspector Veltri – You have next month off. No December meeting.

ZBA 11-19-09 – ADJOURNMENT

Motion by Bradley, supported Rzyzi

To adjourn the meeting at 7:19 P.M.

VOTE:

MOTION CARRIED UNANIMOUSLY

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Respectfully Submitted,

Philip Weipert, Chairman

Marianne Jamison, Recording Secretary