

**CITY OF SOUTH LYON
ZONING BOARD OF APPEALS
April 19, 2012**

Chairman Weipert called the meeting to order at 7:08 p.m.

PRESENT: Commissioners Bill Rodman, T.J. Connolly, James Herman and Chairman Phil Weipert. Also present Dave Murphy, City Manager and Julie Zemke, City Clerk/Treasurer

Chairman Weipert – Any phone calls from anyone?

Julie Zemke – There were a couple who said they wouldn't make it and Keith Bradley called late in the day saying he would not make it.

Keith Bradley, Joe Rzyzi and Frank Fogarty – Absent

ZBA 04-19-12 APPROVAL OF ABSENCES

Motion by Rodman, supported by Connolly

To excuse absences.

Ron Morelli attended meeting and sat in the audience.

APPROVAL OF MINUTES:

ZBA 04-19-12 APPROVAL OF MINUTES – September 15, 2011

Motion by Rodman, supported by Herman

To approve the minutes of September 15, 2011 with no changes.

VOTE:

MOTION CARRIED UNANIMOUSLY

OLD BUSINESS

None

ZBA 04-19-12 APPROVAL OF AGENDA

Motion by Rodman, supported by Connolly

VOTE:

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

Chairman Weipert – Would you like to wait for a full board?

City Clerk/Treasurer Zemke – No.

City of South Lyon – McHattie Park near entrance at Pontiac Tr. And Dorothy St.

Chairman Weipert – State your name and address for the record.

Julie Zemke, City Clerk/Treasurer, 335 S. Warren – What we are trying to accomplish with the proposed sign is to remove the old sign which is useful to many people in the community since it is difficult to read. Also, we would like to make the sign a little bit more fitting in with the historical buildings. I provided a couple different documents for you; one being a letter from our City Planners and the discussion on the fear of setting a precedent. It is a unique situation and is for governmental use. I put in a copy of the sign ordinance – which talks about ground signs, residential zoning and exceptions. I referred to the second page which talks about publically owned and operated signs. It is a unique situation and we are asking for 1'-9" variance. The reason we have the dimension of the caps on top of the pillars is at that time we did not know the dimension and still don't. Although it says 1'-9" it will probably be more like 1'-6" but I wanted to give a little leeway there. The 1'-9" would be the max. I wanted to make sure we were asking for enough just in case. Basically, the grade of the road is 2' higher than where the post line is. The post is exactly where the existing sign is now. It will be somewhat smaller but we are looking to accomplish more with less. The way the sign is now, today it is difficult to see. With the digital you will be able to see it more clearly.

Commissioner Connolly – Mrs. Zemke, do you know how wide the old sign is?

City Clerk/Treasurer Zemke – I do. The sign itself width wise is 6'-10". The current sign is at the very top 8'-5" tall so we are actually bringing it down instead of having the 8'-5" we are asking for the 6'-9".

Commissioner Connolly – What I am trying to figure out is the square footage. I know the square footage of customizable signs on the proposed sign is 11.33 sq. ft.; the custom

letter board area is 18" on the sign that is out there now. What I want to know is the width so I compare the square footage.

City Clerk/Treasurer Zemke – It is 6'-10" wide. I also received a letter supporting the City's request. That is the only feedback I got.

Commissioner Rodman – I would like to make one point here, Section 70-5 General Exceptions – Sub-section (4). I would like this board to take this into account and let the public know that we have taken this into account. Sub-section (4) states that signs erected by the city, state or federal governments, for any of the following reasons:

- a. Street identification or general traffic control.
- b. Legal notices, identifications, or other informational signs.

The City is erecting an informational sign. That is where it should end. You guys should not be in front of us.

City Manager David Murphy - The reason we are Mr. Rodman is because we ask the residents to follow the ordinance and we want to follow the same rules although we do not have to, it is more of a courtesy. If you want we can "kill" it here and we will put it up. I don't mean "kill" it by denying it.

Commissioner Connolly – I have a couple questions. I really appreciate the transparency and accountability. Ordinances are put into place I imagine to protect property values. The City coming is asking for a 1'-9" (approximate since we don't know how tall the caps are) variance. They are looking for a variance to exceed the 5' height of what the ordinance states. This current proposal has a customizable square footage of 11.33 sq. ft. I am assuming it is probably just the height of the font. Your customizable square footage on the old sign is 12.5 sq. ft. So you are actually going down in size in the customizable area. It is very legible.

City Clerk/Treasurer Zemke – This sign also serves two purposes. It is not only to inform important community events but also to identify. It is identifying our park and does serve dual purposes. I understand where you are coming from. The current sign although larger, is not technologically what we are looking for but it is used for identification.

Commissioner Connolly – There are three others identification signs besides that sign. Look left see the caboose, you have the blue star and you have a flag that is lit up and you also have the parking lot signs

Commissioner Rodman – Mr. Murphy the City Manager stated that he wants to be held accountable just like our residents would be. In that case, this board needs to hear a hardship why this sign has to be bigger. So far I haven't heard any.

City Clerk/Treasurer Zemke – I still go back to the argument that the road is 2' ft. higher than where the sign's location is going to be.

Commissioner Connolly – The customizable current size stands at a height above the ground at 3'-9". The new proposed sign; the customizable portion of the sign is at 24" so if the elevation is a concern along with visibility; having it lower to the road is not a concern.

City Clerk/Treasurer Zemke – I can turn that around with the argument that as it stands now, the sign is not very readable and lacks technology. Maybe we should ask for a larger variance and make it higher. We are trying not to do that.

Commissioner Connolly – I really like the fact that you are trying to come down to what the business owners would have to follow.

City Clerk/Treasurer Zemke – Absolutely and I think the ZBA hears request's on a case-by-case basis. If somebody had a similar situation, a unique entity versus the business owner, but if they had a 2' drop from the road to the grade where the sign is going; to me that would be an argument that could be presented to the ZBA at the time.

Commissioner Connelly - That is an excellent point. I also want to say that by coming before the board the City is trying to bring the sign more into compliance. If you got rid of the top portion on this current proposal it is right now maximum 15" we are looking at roughly; 1'-9" over the top of the sign that is the variance you are looking for correct? If you brought that down to where the level of the sign is now you are talking about 6". Eliminating this, you are talking about a much smaller difference and more into compliance. You are going from 8' to 6'-9" and it is very easy to chop this top portion off.

Chairman Weipert – It needs some style.

City Clerk/Treasurer Zemke – It will be similar to what the existing sign has. It will say City of South Lyon Community Events; that kind of thing. We just had not gotten that far.

Commissioner Connolly – I am sure you are familiar with the Catholic Church's sign. That sign actually is basically right on the ground; it is much smaller in the customizable square footage. The technology aspect you bring up is totally correct. That sign maxes out at 5'-8" on the back-side. The sign itself stops at 5' at the top. This shows some type of common standard between the City and the tax payers.

Commissioner Rodman – I think if the City just goes by the ordinances that are on the book which allow them to build this sign, they can build this sign as it is. It is a beautiful sign and is thousand percent better than the one that sits there now. If we sit here and

bicker over what it should be, what it should not be, we are going to get something that is not going to be to everybody's liking. Go by the ordinance. I will make a motion.....

Chairman Weipert – We have not heard from the public yet.

Mr. Bailo – 21388 Winding Creek, South Lyon, MI. – I got a notice in the mail and thought I would come down and see what this sign is all about. On the way here I counted there are 20 signs between Nine Mile Rd., and the sign location. There are 4 that are obviously grandfathered in. My sign is compliant at the car wash. Frankly, this sign is ugly. The ones that are compliant are a lot nicer looking. I understand Julie's concern about being below the road surface. I don't know if I would propose a higher sign, but lift the ground elevation by 2'. Then build a sign to fit within those requirements. I think that can be done. I don't think the City really needs to request a variance. I think there is a way to solve the problem and make everybody happy and for it to not be a real issue here. Either you come before the board and decide you are going to by-pass this process and do it administratively or you make it compliant. If you give the City a variance the next person down the street is going to ask for a variance.

Chairman Weipert – You.

Mr. Bailo – Exactly. I think there is a way to fix it and get everything that you are looking for without actually going through the variance process. The first things would be to lift the elevation up. The other sign is too low and this sign is too ugly. Raise it up 2' and make it compliant and then you have everything that you want. That's all I have. Thank you.

City Clerk/Treasurer Zemke – Can I point out a couple of things? I want to refer to the letter from Carmon. Again, this is a unique situation that will not set a precedent. That is the opinion from our City planners, which I think we can rely on.

Chairman Weipert – Anybody else want to talk?

Ron Morelli, 179 Eaglecrest Dr., South Lyon, MI –Mr. Bailo is right and Julie you are 100% right. The City does not need a variance and never should have brought it in front of the board and I would suggest that you do absolutely nothing with this. The last sign (this sign current in McHattie Park right here) came before us and we denied it. The next day, because Rod Cook thought let us do what the citizens have to do, we denied it and the next day it was planted in the ground. That is something that the citizen's can't do, but the City can. The City should not be here in front of you with this because regardless of whether it sets a precedent or not, they don't have to be here. I love this sign it looks great and I can't wait for it to come since I cannot read the current sign. The ordinance will not let you raise the elevation. Rhino is a perfect example, they were in front of us for their sign and we denied them and they tried exactly the same thing. Pinz came before us with the sign that was there and we denied them but gave them an extension

which is now gone – past. There is time and time again that businesses have been here for variances on sign ordinances and very few get through. You have to turn the City down and they are going to put it in anyway. The sign you saw is going to be installed in a couple of days. I guarantee it. They don't have to be here. Just let it die, they should not be here in the first place. I understand they want to do what the citizens have to do. They will get permits and they will get inspected and they will do everything the way it is suppose to be done but they should not be here. You are going to have to deny it and then they are going to put it there anyway. That is what every citizen cannot do and the City can. Don't let them do that, let them just put it in like they are supposed to. It is an informational sign; they did not come before you to put the public parking signs up which are in the right-of-ways since they are informational signs. They don't have to be here. That's all I have to say.

Chairman Weipert – Anyone else?

City Clerk/Treasurer Zemke – Ron is rights, we don't have to be here. Part of the process is to inform everyone within 300'. We received no negative input. We had one positive input. It raises the awareness whether it is good or bad.

Commissioner Connolly – How many residences are around 300' in that location?

City Clerk/Treasurer Zemke – Since the park is one parcel we went 300' all the way around - down McMunn and all the condos at Hampton Square. We went 300' from the entire park; we notified a lot of people.

Commissioner Rodman – Based on what I am hearing here, I would like to make a motion.

ZBA 04-19-12– City of South Lyon – MCHATTIE PARK NEAR ENTRANCE AT PONTIAC TR. AND DOROTHY ST.

Motion by Rodman, supported by Herman

Motion to table this and allow it to be handled administratively based on Section 70-5 General Exceptions – Sub-section 4.

City Manager – David Murphy – You don't want to table it.

Commissioner Rodman – I will amend my motion to:

Motion to remove agenda item due to Sub-section that allows it to be handled administratively based on Section 70-5 General Exceptions Sign Ordinance - Sub-section 4.

Commissioner Connolly – In the paper work here, the building permit states that this is going to be a cost of \$19,610. They put the sales tax figure on there.

City Clerk/Treasurer Zemke – That has already been handled.

Commissioner Herman – It is a good thing you came to us when the next person comes we have something to fall back on.

Chairman Weipert – Any more discussion?

VOTE:

3 YEAS, 1 NAY

City Manager, David Murphy – Thank you.

STAFF REPORTS:

Chairman Weipert – Anything coming up?

City Clerk/Treasurer Zemke – Nothing.

ZBA 04-19-12 – ADJOURNMENT

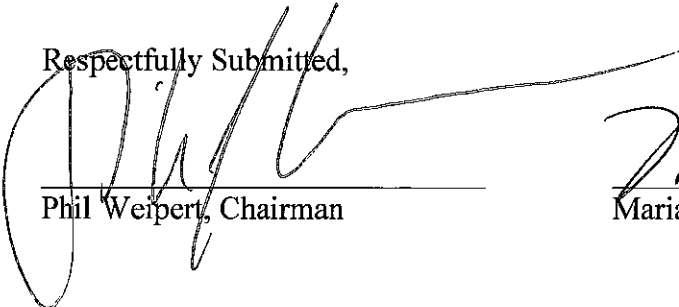
Motion by Rodman, supported by Herman

To adjourn the meeting at 7:35 pm

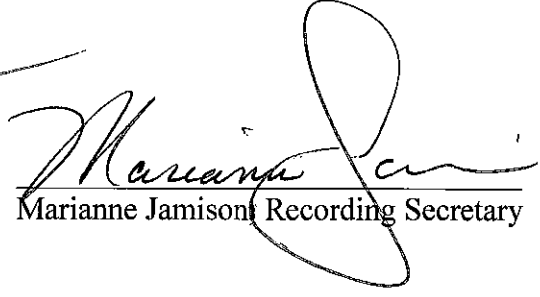
VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,



Phil Weipert, Chairman



Marianne Jamison, Recording Secretary