

CITY OF NORTHVILLE
Board of Zoning Appeals
January 4, 2017 – 7:30 PM
City of Northville – Council Chambers
215 W. Main Street

I. CALL TO ORDER:

Chair Silvestri called the meeting to order at 7:30 p.m.

II. ROLL CALL:

Commissioners: Present: Michelle Aniol
John Callahan
David Marold
Ryan McKindles
Dominic Silvestri
Jay Wendt
Lou Ronayne - alternate

Absent: Patti Mullen – excused

Also present: Sally Elmiger, Planning Consultant

III. APPROVAL OF THE AGENDA:

Motion McKindles, support by Marold, to approve the agenda as published.

Voice vote: Ayes: All. Nays: None. Motion unanimously carried.

IV. MINUTES OF PREVIOUS MEETING: November 2, 2016

Member McKindles and Alternate Ronayne said they would abstain from this vote, as they were not present at the November 2, 2016 meeting.

Motion Marold, support by Callahan, to approve the November 2, 2016 meeting minutes as published.

Voice vote: 5-0-2 (McKindles, Ronayne abstained). Motion carried.

V. CASES TO BE HEARD – BY CASE:

- A. Case is called.
- B. Appellant presents case.
- C. Board questions & comments.
- D. Public comments on the case.

- E. A motion (usually to grant the variance) is made and seconded; discussed then voted upon; the results are announced by the Chair.

**VI. CASE #16-08
FIRST UNITED METHODIST CHURCH
777 EIGHT MILE ROAD**

The applicant is seeking two variances to erect a new sign on premises zoned R1-A First Density Residential District, parcel number 48-002-99-0001-000. The City's Building Official evaluated the proposal, and has determined that the maximum sign area allowed for this sign is 40 square feet, and located 10 feet from the property line. The applicant is proposing to erect a sign of 75.53 square feet, and locate the sign seven feet seven inches from the property line. Therefore, variances for 35.53 square feet in area and two feet five inch distance from the property line are needed from Article 21 of the Zoning Ordinance to allow erection of the new sign.

Secretary Callahan called the case. He noted that the BZA Board Members had each received a packet regarding this application. Notification had been made per legal requirements.

Robert Holshouser, Chair of the Finance Committee and Sign Committee for First United Methodist Church, 777 Eight Mile Road, was present on behalf of this application. Judy Dore and Max Gibbs were also present, along with Sr. Pastor Rev. Marsha Woolley, and two other Church members.

Mr. Holshouser described the two variances requested and briefly reviewed the packet materials. The Church had existed since 1836 and had been in its present location since 1970. The present sign was from the 1970-71 time period and was now antiquated. It no longer represented the vitality of the church or its community outreach. More than being a house of worship, the Church hosted many community activities, including a not-for-profit daycare, AA meetings, Boy Scouts, etc. The sign was important to the community at large, communicating events that were sponsored by non-church groups.

Mr. Holshouser noted that the existing sign was nonconforming in terms of height, setback, and area. Tonight's proposal would reduce the nonconformities, with the requested variances representing a smaller nonconformity regarding setback and size. The proposed sign would eliminate the height nonconformity completely.

Regarding the setback, the drivers from 8 Mile Road were the target audience for this sign. With the 10-foot setback requirement, their sign was required to be 45 feet from the edge of 8 Mile Road. The existing sign was in the same location as the proposed sign; both extended into the parking lot. If the sign were placed 10 feet from the property line, the full sign would be in the parking lot, and would be blocked by parked cars, thus defeating the purpose of having a sign. The proposed sign would have a setback of 7.58 feet from the property line; the existing sign was only 6 feet from the property line.

Mr. Holshouser distributed email correspondence from Richard Crawford of the United States Sign Council. Mr. Crawford had written that the lateral offset (the distance from 8 Mile Road) was excessive, and the sign should be moved closer to the road for it to be readable. However, the ordinance would not permit a closer location, so they were attempting to live with what was possible.

The Church was interested in keeping the sign at its present location. There was already electrical connection there, people were used to seeing the sign there, and it was a good overall location. There

was not a better location on the property. They wanted to attract readers, especially those going westbound on 8 Mile Road. Moving it to the other side of the church would result in a sign that practically no one could see.

Again, the existing sign was 6 feet from the property line; their proposal was to go to 7.58 feet from the property line. While they were not eliminating the nonconformity, they were reducing it.

Regarding the sign area, the sign would be perpendicular to the road, and the two sign faces combined formed the total sign area. The proposed sign was 75.5 square feet, which was about 2.25 square feet smaller than the existing sign. Again, the proposed sign met the height requirement and would be smaller than the existing sign.

Mr. Holshouser said the object of a sign was to communicate with the public. The research in Mr. Crawford's email showed that if an 8-second Viewer Reaction Distance were assumed on a 40-mile-per-hour road, a 15.68" letter size would provide adequate legibility. If a 5-second Viewer Reaction Distance were assumed, a 9.8" letter size would be needed. The current lettering of 6" was below that minimum. The proposed sign would have a font size of 5.5 inches, which was smaller than the current lettering. They were not asking for more than they needed.

Member Aniol asked what the font size was for "United Methodist Church." Planning Consultant Elmiger said that it appeared those letters were approximately 10 inches tall.

Member Aniol said that they were looking at the entire sign, not just the electronic messaging center. If the words "United Methodist Church" were 10 inches, and the word "First" was some combination, what was the size of the changeable copy?

Mr. Holshouser said the illustration was showing 4 lines of 5.5-inch letters. This was changeable, however, and could be changed to 3 lines with larger letters.

Mr. Holshouser said that the expert assessment was that the sign should be increased, not decreased. They were not taking his advice because the Ordinance did not allow a larger sign, but what they were requesting was certainly not out of line with what was necessary.

Per Mr. Crawford's assessment, the sign was also too low. They were not asking to make it higher, but they were pointing out that the request was not out of line to what was needed on this property.

Chair Silvestri asked of what value was Mr. Crawford's report if the Church was not going to follow his advice. Mr. Holshouser said they were demonstrating that they were trying to remain within ordinance standards as much as possible.

Member Marold said that a sign with black lettering did not cause him any issues, but if the signs were to flash or have more brightly colored lettering, he would be concerned. Could the BZA require a black on white sign?

Planning Consultant Elmiger said the ordinance for an electronic message sign prohibited flashing, scrolling or moving lights. There were lighting limits and often a white sign with black letters would exceed the maximum light than was allowed, which was why most electronic signs had a black background with white letters.

Mr. Holshouser said their preference would be amber on black, but the colors were flexible. He understood there were rules about how often a sign's message could change. The sign had an automatic dimming feature. There were no residential properties that would be affected by the light.

Mr. Holshouser concluded by asking approval for the two variances requested. Again, they were reducing nonconformities with this request.

Chair Silvestri asked if Mr. Holshouser wanted both variances acted on concurrently, or did he prefer to have each variance acted on separately. Mr. Holshouser said their request depended on both variances being granted.

Chair Silvestri asked if a site plan had been provided. Church member Judy Dore displayed a site plan to the Board.

Chair Silvestri was concerned with the green space area from 8 Mile to the property line. Ms. Dore explained the configuration of the property further, emphasizing that there was 35 feet from the edge of 8 Mile Road to their property line. The proposed sign would be over 40 feet from the road.

Member Aniol asked if the site plan was the approved site plan. Was the existing sign part of the original site plan approval? Chair Silvestri said the site plan actually appeared to be for an addition dated 1995.

Chair Silvestri asked the applicants to address the practical difficulty requirement.

Mr. Holshouser pointed out that the Mobil Station kitty corner from this location had a sign that was about 12 feet from the road. Compared to other properties on 8 Mile Road, the Church's property had a very large right of way, and was much further away from their target audience – people driving 8 Mile Road – than other properties. The large right of way on their side of 8 Mile Road was nothing the Church created, but did cause a hardship in terms of sign location.

During discussion, Member Wendt and Planning Consultant Elmiger said that the Mobil station had been allowed to replace the interior of the sign with an electronic sign. The sign itself was nonconforming in terms of size, and the nonconformance was allowed to remain. The Mobile sign was set back 15 feet from the property line.

Mr. Holshouser said that the Church's sign would be set back 42 feet from the road.

Member Aniol asked the size of the existing sign. Ms. Dore said the current sign was 98 x 48 inches. Planning Consultant Elmiger said the part of the sign devoted to "The First United Methodist Church" was approximately 25 x 48 inches.

Mr. Gibbs distributed another schematic to the Board and made some further explanatory remarks regarding the size and placement of the proposed sign.

Member Aniol asked what was the predominate message of the sign? Was "The First Methodist Church" and its logo predominate, or the electronic messaging?

Mr. Holshouser said the Cross and Flame was very important to them as it was a recognizable symbol of their denomination. The electronic messaging was also very important. Mr. Holshouser spoke to the ease of changing the messaging via an electronic sign.

Reverend Wooly agreed that the name and identity of The United Methodist Church was very important. The message communicated via the electronic sign also mattered a great deal and communicated the vibrancy of who they were. The building itself did not identify them as it was set far back. They had been working hard on the beautification of the property – both internal and external. The sign was a part of that beautification, and they were trying to improve the look for the community as well.

Member Aniol said that with the new sign it did not appear that the Church identification was going to be as prominent as the current sign. The size of the font and the size of the Cross and Flame symbol was still not in line with Mr. Crawford’s information in his email. They needed a certain size of font in order for the investment to be worth it. She would like to see more detail on the proposed sign, including the size of the letters, and also the dimensions of the existing sign.

Planning Consultant Elmiger explained that the question in the Dec. 6, 2016 review letter had been if the Church could live with a smaller cabinet if the font size that they needed at 40 mph could be accommodated. From the expert’s opinion, it appeared that the Church could not live with a smaller cabinet because this could not accommodate the recommended font sizes. This appeared to address the criteria of practical difficulty for the size, and also the minimum variance necessary for the request. The font size for the electric message could get larger or smaller depending on the message size the Church wanted to communicate, and the City could not regulate content. The only thing before the Board was the location and size of the sign itself.

Chair Silvestri indicated he was ready for a motion.

Member McKindles offered the following findings of fact:

1. Compliance with the strict letter of the restrictions as described in the application would create practical difficulties, unreasonably prevent the use of the property for a permitted purpose or render conformity with such restrictions unnecessarily burdensome.
2. The granting of a requested variance or appeal would do substantial justice to the applicant as well as to the other property owners in the district.
3. The problem and resulting need for the variance did not result from the actions of the applicant or the applicant’s predecessor.
4. The variance requested is the minimum necessary to permit reasonable use of the land.
5. This request would not have an impact on public safety or create a public nuisance.

MOTION Ronayne, support Marold, to incorporate the findings of fact and to grant the two variance requests as stated in the application.

Chair Silvestri asked for a roll call vote:

Wendt	yes
Callahan	yes
Aniol	no
Silvestri	yes
McKindles	yes

Marold yes
Ronayne yes

Therefore *the motion carried.*

VII. PUBLIC COMMENTS:

None.

VIII. ELECTION OF OFFICERS

The current officers indicated that they were willing to continue to serve. These included: Member Callahan as Secretary, Member McKindles as Vice Chair, and Member Silvestri as Chair.

MOTION by Aniol, support by McKindles, that the current slate of officers continue.

Voice vote: Ayes: All. Nays: None. Motion Unanimously Carried.

IX. DISCUSSION:

Planning Consultant Elmiger said that the City Council approved the BZA by-laws.

X. ADJOURNMENT:

Motion McKindles, support by Aniol, to adjourn the meeting at 8:16 p.m.

Voice vote: Ayes: All. Nays: None. Motion Unanimously Carried.

Respectfully submitted,

Cheryl McGuire, Recording Secretary

Approved as published 02/01/2017