

Present: Chairperson Tillman; Vice-Chair Schafer; Members: Delaney, Donnelly, Fox, Grinnan, Mueller, Rass, Verdi-Hus,

Absent: Eifrid

Also Present: Village Manager, Chris Wilson

Chairperson Tillman called the meeting to order at 7:30 p.m. in the Village municipal building at 18500 W. Thirteen Mile Road.

**APPROVE MINUTES OF ZONING BOARD MEETING HELD JANUARY 13, 2014**

Motion by Fox, second by Mueller, that the minutes of the regular Zoning Board of Appeals meeting held on January 13, 2014 be approved as submitted.

Motion passed.

**CASE NO. 1260**

**Petitioner:** Metro Signs for (Northbrook Presbyterian Church)  
23544 Hoover Road, Warren, MI

**Property:** 22055 W. 14 Mile Road

**Village Ordinance 22.32.091:** Prohibits changeable electronic message signs.

**Deviation requested:** The petitioner requests a variance from the ordinance to allow changeable electronic 30 percent illumination sign.

Manager Wilson stated that the representatives for Northbrook Presbyterian Church at 14 Mile and Lahser Roads would like to replace the current sign that is in a state of disrepair with a changeable electronic message sign. This type of sign is not allowed by the Village sign ordinance. Wilson said that signs are allowed to be 30% internally illuminated under the new sign ordinance regulations. There is a question as to whether or not the proposed sign will meet that standard.

Wilson stated that the application to petition the Zoning Board for a variance from the sign ordinance was received by the Village, and surrounding property owners were properly noticed. This sign request has not been reviewed by the Village planning consultant or the Planning Commission. Because area residents have been notified, Wilson thought that it was appropriate that the Board receive comments on this request for variance. However, a vote on this petition would be premature prior to Planning Commission review of the sign application.

It is the recommendation of Administration that the Zoning Board hear the case and table it in order to allow an opportunity for the Planning Commission to review the sign request. Wilson noted that the Planning Commission may come to an agreement with the applicant to modify the sign. If not, this case may come back before the ZBA next month.

Members are in receipt of a letter from Metro Detroit Signs dated January 6, 2014 as well as an attachment with a photograph of the current sign and rendering of the proposed sign. The existing sign is a changeable message sign of the type where letters are changed manually. The new cabinet will be the same size and have the same setback as the existing marquee sign.

Chairperson Tillman said that the Zoning Board will discuss the proposal and hear comments from the public. Village legal counsel will be requested to render a determination on whether this is a use or dimensional variance.

Paul Deters with Metro Detroit Signs was present with Marjorie Wilhelmi, Pastor of Northbrook Church, and Brian Long, director of facilities for the church. Deters stated that the church is proposing to replace its existing sign, which is at the end of its useful life. They would like to upgrade the sign and improve its appearance. It is cumbersome to change the message on the existing sign. Deter did not think that an internally illuminated fluorescent sign would be a better option for the community than a digital sign.

The proposed changeable electronic sign will be tastefully done and will not flash, blink, or scroll. The sign is intended for informational purposes. The church is willing to work with the Village in determining how often the message may change. Electronic message unit (EMU) signs are practical, energy efficient, and easier to operate. Deters commented that the fluorescent illumination that many current signs use will be phased out in the future.

Rev. Marjorie Wilhelmi addressed inquiries about the purpose of the sign, which is to inform the community of church services and activities. She estimated that the sign will be changed once or twice a week. There is no desire to have the sign look flashy or distracting in any way. It will be tasteful and respect the character of the Village. The church is looking for a practical sign that is easier to change. The existing sign is falling apart and will need to be replaced.

Deters attempted to answer concerns of the Board and the community about these EMU signs. Topics included compliance of sign dimensions including brick base, whether the internal illumination meets the 30% standard, the residential nature of the area and negative reaction of some neighbors, the choice of colors proposed for the sign, compelling reasons to change the law, conditions on variance approval, recent sign ordinance revisions, and whether a lesser variance could be requested.

In answer to an inquiry, Deters indicated that the level of illumination could be controlled by the Village's ordinance. It was noted that the Village sign regulations require that illumination be turned off in residential areas at 10 p.m. Deters will provide the Village with examples of similar church or school signs in the area.

The point was made by Zoning Board members that the Village revisited and adopted a revised sign ordinance less than a year ago and chose not to change the prohibition on electronic message signs. There needs to be a reason to change the law for a petitioner. There were several members of the Board who did not have an issue with a electronic message sign for the church if it were used precisely as the current sign is used without flashing or scrolling. The suggestion

was made that the applicant meet with neighbors to explain the sign proposal and address their concerns.

Letters were received in opposition to the requested digital sign by the following residents:

Marcia (and John) Morad	Residents and President of Valley Oaks Condominiums
John and Ann Crawford	32856 Lahser Road
Pamela J. Smith	22085 Valley Oaks Drive
Shirley C. Fitzgerald	Lahser Road

A neighbor in West Valley Woods was present and said that he would not have a problem with the sign if it was used in a respectful manner.

Bill Rondello of 32920 Lahser Road stated that he and his wife live directly across the street from the church. They were opposed to an electronic sign because they did not know what to expect based on the hearing notice received from the Village. Rondello suggested that church representatives meet with area residents to present their sign proposal.

Chairperson Tillman thanked the applicants for presenting their case. She proposed that the Zoning Board table this case to allow for a recommendation on the sign proposal from the Planning Commission. Rev. Wilhelmi agreed to tabling the case and expressed appreciation for the Board's consideration.

Motion by Schafer, second by Delaney, to table Case No. 1261.

Motion passed.

#### **CASE NO. 1262**

**Petitioner/Property:** James Whitehead  
20650 Smallwood Court  
24-03-202-012

**Village Ordinance Section 22.24.010:** RA single family residential district requires minimum side yard setbacks of 15 feet and 20 feet.

**Deviation requested:** The petitioner requests a dimensional variance from the ordinance to allow an 8-ft. side yard setback in order to build an attached garage.

Manager Chris Wilson stated that the minimum required side yard setbacks in the R-A zoning district are 15 and 20 feet. He referred to photographs submitted by the petitioner showing the existing house and garage on the lot and the location of the proposed garage. The location of the side lot line is clearly indicated on the drawings. The petitioner is proposing to convert the existing garage into a family room and build a new garage that would extend to within 8 ft. of the side lot line. The proposed garage would open toward the street and use the existing asphalt drive. There is a pool and pool house in the rear yard. The petitioner has indicated that the addition would maintain the architectural standards of the current house.

Fox referred to subdivision deed restrictions that require a side facing garage in this area. Wilson affirmed that the Village does not enforce deed restrictions but will take them into consideration.

The petitioner James Whitehead explained that he and his wife are trying to rearrange some of their living space to create more room for their family. They determined that the most economical way to accommodate their needs was to convert their garage into living space and build a new garage to gain about 600 sq. ft. of living space. Above the existing garage is a finished space that will one day be a mother-in-law suite.

Whitehead stated that approval of the variance requested will provide him with the guidance necessary to hire an architect to draw a complete set of plans. They are looking for a plan that will meet the aesthetic value of the house as well as being functional. He is asking for a variance to encroach 7 ft. into the side yard setback. Whitehead indicated that he does not want to put a garage forward of the front of the house nor does he want a detached garage.

Whitehead talked about the layout of the existing house and how that would affect the location of a garage. Building an addition at the rear of the house would involve reworking their entire kitchen. He cannot get what he needs out of the house without changing the layout and altering useful square footage.

Whitehead related that his neighbor to the east has reviewed the plans and is in support of the proposal. A letter of support from Theresa A. Rizer of 20600 Smallwood Court was submitted to the Board. The Board has received a letter from William and Betty Sturley of 20705 Smallwood Court indicating that they have no objection to the variance requested.

Bob Walsh of 20655 Smallwood commented on the original house and a new home rebuilt in 1997. He distributed a Southfield Township information sheet including evaluation information on the property with lot and house size, square footage, etc. Walsh commented on the house, property and the proposed addition. He thought that the best approach with regard to the request for variance was to consider other alternatives.

Questions from Board members regarding the proposed addition were addressed by the petitioner. Some members were not convinced that the proposed plan was the only way the property owner could obtain the needed living space. It was suggested that the homeowner could contact an architect to determine if there is a way to obtain the needed living space with a lesser variance.

The applicant James Whitehead asked that his case be tabled.

Motion by Fox, second by Schafer, that Case No. 1262 be tabled.

Motion passed.

## **PUBLIC COMMENTS**

None

**ZONING BOARD COMMENTS**

An inquiry from the Board on the extent of notification for Zoning Board cases was addressed by Manager Wilson.

**MANAGER COMMENTS**

Wilson commented on the current practice of notifying Beverly Hills homeowner associations of Zoning Board of Appeals cases.

Wilson provided background information on the site plan submitted to the Village for use of the former McDonald's property as a mixed retail use and storage facility. He updated members on the current status of the proposal. Wilson, Attorney Ryan and representatives from LSL Planning spent time considering how to proceed with this application, which is not an allowable use in the district. As Village zoning administrator, Wilson made the decision not to forward the site plan to the Village Council for consideration or referral to the Planning Commission. The petitioner objected to this decision through their attorney.

Wilson informed the Board that Nolan Realty representing the property owner Philip Vestevich submitted an application today to appear before the Zoning Board of Appeals. They will be challenging the Village Manager's decision not to bring the site plan request before Council. Wilson forwarded the request for variance to Attorney Ryan and LSL Planning. The applicants are not asking for an interpretation on whether or not the proposal is an allowable use; they are asking for an interpretation of the Manager's decision as zoning administrator on whether the site plan has to go before Council. Wilson assumes that this case will come before the Zoning Board next month.

Motion by Fox, second by Rass, to adjourn the meeting at 9:17 p.m.

Motion passed.

**Michele Tillman, Chairperson**  
**Zoning Board of Appeals**

**Ellen E. Marshall**  
**Village Clerk**

**Susan Bernard**  
**Recording Secretary**