PROPOSED AGENDA

CHARTER TOWNSHIP OF BRIGHTON
ZONING BOARD OF APPEALS
4363 BUNO ROAD
BRIGHTON, MI 48114

AUGUST 24, 2016
REGULAR MEETING
7:00 P.M.
(810) 229.0562

A. CALL TO ORDER
B. PLEDGE OF ALLEGIANCE
C. ROLL CALL
D. CALL TO THE PUBLIC
E. AGENDA
F. MINUTES

1. **JUNE 22, 2016 REGULAR MEETING**

G. BUSINESS

1. **ZBA APPLICATION#: 16/09; LOCATION: 8436 WOODLAND SHORE DRIVE; TAX ID#: 12-18-304-012; OWNER AND APPLICANT: ROBERT SAVAGE; ZONING: R-5 (WATERFRONT RESIDENTIAL)**
   Lot coverage variance, a variance from *Article 3, Sec. 3-03(a), District Regulations* of the Zoning Ordinance

2. **ZBA APPLICATION#: 16/10; LOCATION: 9968 E. GRAND RIVER AND 5771 BORDERLINE; TAX ID#'s: 12-32-300-061 and 062; OWNER AND APPLICANT: THE KROGER COMPANY OF MICHIGAN; ZONING: B-2 (GENERAL BUSINESS)**
   a. Aisle width variance, a variance from *Article 15, Sec. 15-01(e)(2) Off-Street Parking Requirements* of the Zoning Ordinance

   b. Ground signage variance, a variance from *Article 17, Sec. 17-04(j), Prohibited Signs, off-premises signs*

   c. Ground signage variance, a variance from *Article 17, Sec. 17-05(d)(2), General Requirements for Permitted Signs* of the Zoning Ordinance, *distance from right-of-way*

   d. Ground signage variance, a variance from *Article 17, Sec. 17-06(13), Specific Sign Requirements, height of signs*

   e. Wall signage variance, a variance from *Article 17, Sec. 17-06 (24) d and g, Specific Sign Requirements* of the Zoning Ordinance, *exceeding 10% maximum aggregate surface display area on east wall and exceeding 120 sq. ft. total aggregate amount of wall signage*

H. REPORTS AND CORRESPONDENCE
I. CALL TO THE PUBLIC
J. ADJOURNMENT

The Charter Township of Brighton will provide the necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting to individuals with disabilities at the meeting upon 10 days' notice to the Charter Township of Brighton, Attn: Township Manager. Individuals should contact the Charter Township of Brighton by writing or contacting the following: Kelly Mathews, 4363 Buno Road, Brighton, MI 48114. Telephone: 810-229-0562 or e-mail at.....planner@brightontwp.com.

PROPOSED MINUTES

CHARTER TOWNSHIP OF BRIGHTON
ZONING BOARD OF APPEALS
4363 BUNO ROAD
BRIGHTON, MI 48114

JUNE 22, 2016
REGULAR MEETING
7:00 P.M.
(810) 229.0562

Chairperson F. Grapentien called the meeting to order at 7:00 P.M. The Pledge of Allegiance was said.
Present: F. Grapentien, J. Dorset, D. Hawk, J. Cogley, J. Gibbons, J. McKeon
Absent: R. Doughty

CALL TO THE PUBLIC
None

AGENDA
F. Grapentien moved and D. Hawk seconded **to approve the agenda as amended adding a tribute to Ron Doughty.**
Motion carried.

MINUTES
J. Dorset moved and J. McKeon seconded **to approve the April 27, 2016 regular meeting minutes as presented.**
Motion carried (F. Grapentien abstained).

BUSINESS
TRIBUTE TO RON DOUGHTY
F. Grapentien spoke about Ron Doughty, a long time member of the Planning Commission and ZBA, and his wife Cathy Doughty, a long time Township Trustee.

ZBA APPLICATION # 16/06; LOCATION: 9404 EDWARD DRIVE; TAX ID # 12-20-202-016; OWNER AND APPLICANT: MAUREEN HILL; ZONING: R-2 (RESIDENTIAL SINGLE FAMILY)

a. Addition to Non-Conforming Buildings and Lots, a variance from Zoning Ordinance *Article 21, Sec.'s 21-04* and *21-05*
b. Side Yard Setback Variance, a variance from Zoning Ordinance *Article 3, Sec. 3-03, District Regulations*

Applicant Representative Terry Adams, builder, summarized the variance request for the addition of an attached garage stating that a twenty (20) ft. by twenty-four (24) ft. attached garage is planned. Maureen Hill, Owner, bought the home and it had non-conforming setbacks on the north and south sides and most of the garage had been converted without permits into living space. Therefore, essentially no garage exists. A six (6) ft. variance to allow an attached garage to be located six (6) ft. versus the required twelve (12) ft. setback on the northerly side is proposed. He explained that there is no other location for an attached garage due to well and septic locations and underground utility line placement.

PUBLIC HEARING
The public hearing opened at 7:20 p.m.
None.
The public hearing closed at 7:20 p.m.

J. Dorset moved and J. Gibbons seconded **to approve a variance from Zoning Ordinance *Article 21, Sec.'s 21-04 and 21-05* to allow an attached garage to be constructed on a non-conforming building for ZBA Application # 16/06; Location: 9404 Edward; Tax ID # 12-20-202-016; Owner and Applicant: Maureen Hill, for the following reasons: based on the Township Planner's report dated May 27, 2016 there is a practical difficulty to not allow the variance request and substantial justice to allow the variance request;**

the variance does not affect public safety or welfare; there is no negative impact on the neighborhood; the impact is positive; and there are extraordinary circumstances.
Ayes: F. Grapentien, J. Dorset, D. Hawk, J. Gibbons, J. McKeon
Nayes: J. Cogley
Motion carried.

J. Dorset moved and J. Gibbons seconded **to approve a variance from Zoning Ordinance *Article 3, Sec. 3-03* for ZBA Application # 16/06; Location: 9404 Edward; Tax ID # 12-20-202-016; Owner and Applicant: Maureen Hill, to allow an attached garage to be located six (6) ft. from the northerly side yard setback for the following reasons: based on the Township Planner's report dated May 27, 2016 there is a practical difficulty to not allow the variance request and substantial justice to allow the variance request; the variance does not affect public safety or welfare; there is no negative impact on the neighborhood; the impact is positive; and there are extraordinary circumstances.**
Motion carried.

REPORTS AND CORRESPONDENCE
D. Hawk - Township Board update.
F. Grapentien - Woodland Lake update: goose round-up.

CALL TO THE PUBLIC
None.

J. Cogley moved and J. Dorset seconded **to adjourn.**
Motion carried.

The meeting adjourned at 7:35 p.m.

Respectfully submitted,

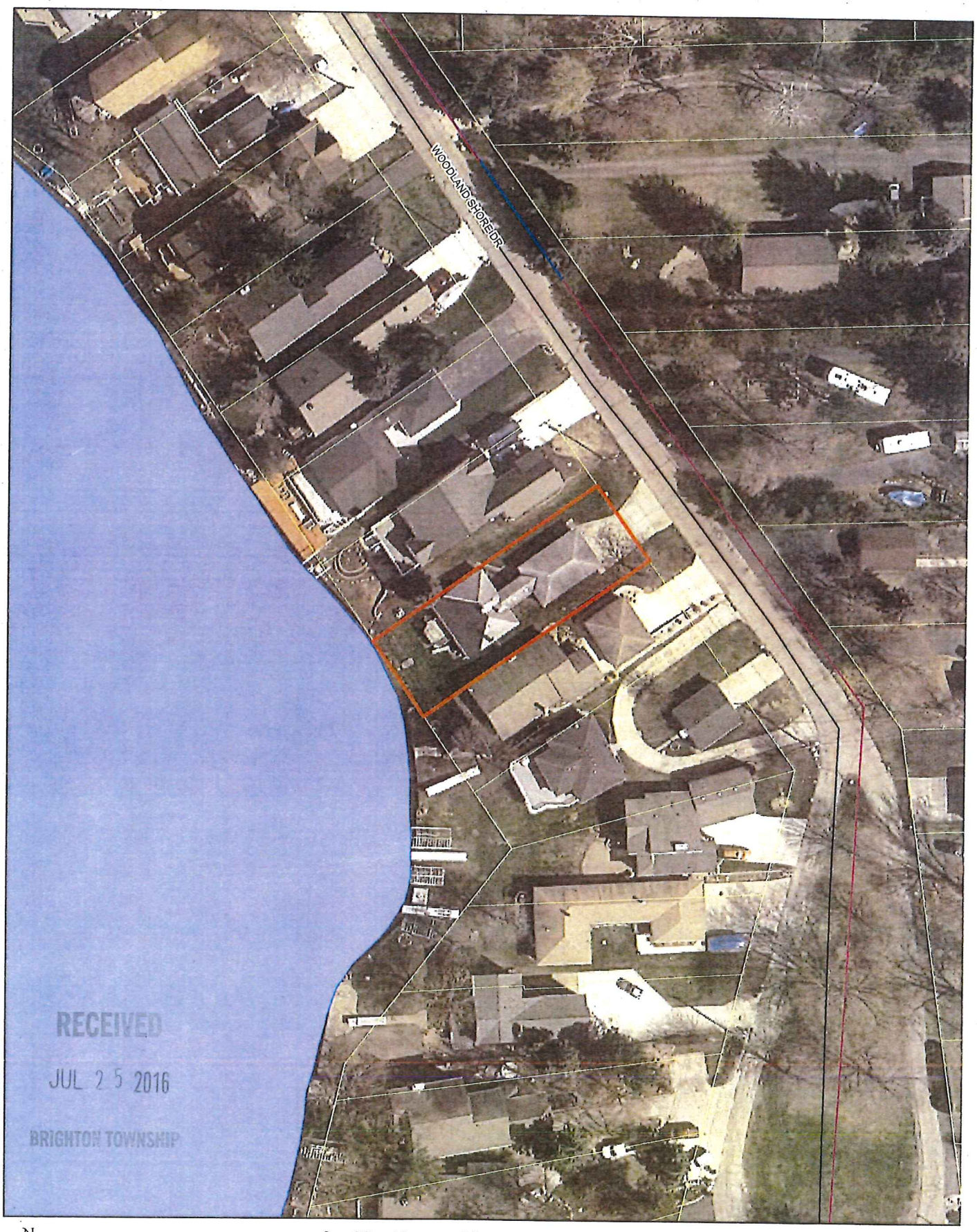
_____
Frank Grapentien, Chairperson

_____
John Gibbons, Secretary

_____
Kelly Mathews, Recording Secretary

_____
Ann M. Bollin, CMC, CMMC, Clerk

8436 Woodland Shore Drive



RECEIVED
JUL 25 2016
BRIGHTON TOWNSHIP

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0 20 40 80 120 160 Feet

CHARTER TOWNSHIP OF BRIGHTON

4363 Buno Rd. • Brighton, Michigan 48114-9298. • Telephone: (810)229-0550 Fax: (810) 229-1778
www.brightontwp.com

ZONING BOARD OF APPEALS APPLICATION

1. **Date Filed** July 25, 2016
3. **ZBA Number** _____
2. **Meeting Date** Aug 24, 2016
4. **Fee Paid** $1,150 —

5. **Applicant Information**

Name: Robert J. SAVAGE
Address: 8436 WOODLAND SHORE DR
City/State/Zip: BRIGHTON, MI 48114
Phone: 248-321-4225 Fax: —
Email: bsavage@oktq.com
Interest in the Property (e.g. fee simple, land option, etc.)
☒ Property Owner ☐ Other (Specify) _____

6. **Current Property Owner Information**

Name _____
Address "SAME AS ABOVE"
City/State/Zip _____
Phone _____ Fax _____
Length of Ownership 5 YRS

7. **Location of Property for which the Variance is Requested**

Address "SAME"
Cross Streets _____
Tax I.D. # 4712-18-304-012

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BRIGHTON TOWNSHIP

8. **Property Information**

Zoning District R-5
Area (Acreage) _____ Width 50' Depth 151' 3"
Current Use Residential, lake front

9. Variance Request

Total Number of Variances Requested 1

Describe your Request I AM REQUESTING 29% LOT COVERAGE VS. 25% LOT COVERAGE FOR A NEW BUILD

I AM ACTUALLY IMPROVING MY SETBACK FROM 44' TO 58' AND REDUCING EXISTING LOT COVERAGE AND REDUCING THE LENGTH OF BUILDING BY ALMOST 20 FEET

Section(s) of the Zoning Ordinance SEC 3-03 (a)

10. Criteria for a Dimensional Variance

Please respond to the following statements. The application must meet all criteria in order to obtain a variance.

a. How would the strict compliance with the area, setbacks, frontage, height, bulk, density, or other non-use matters unreasonably prevent the owner from using the property for a permitted purpose or render the conformity unnecessarily burdensome?

I LIVE IN THE EXISTING HOME AS A SINGLE PERSON. THE BUILDING IS THE OLDEST, NON-IMPROVED STRUCTURE IN NEIGHBORHOOD. I HAVE RECENTLY ENGAGED AND WANT TO BUILD A HOUSE TO ACCOMODATE TWO "WORK FROM HOME" PEOPLE

b. How would a variance do substantial justice to the applicant as well as to other property owners in the district?

(1.) JUSTICE TO APPLICANT - PROVIDE A MODERN HOME TO LIVE TOGETHER W/ FIANCE THAT IS COMPARABLE OR NEARLY COMPARABLE TO NEIGHBORS

(2.) JUSTICE TO OTHER PROPERTY OWNERS - IT WOULD BRING MY HOME MORE IN-LINE WITH THE SIZE, VALUE & MODERNIZATION OF MY NEIGHBORS

c. Would a lesser variance than the requested give substantial relief to the applicant and or be more consistent with justice to other properties? If not, please explain why?

IT WOULD NOT - AS LESSER WOULD NOT BRING THE HOME TO THE NEEDS OF THE APPLICANT "OR" TO THE VALUE/SIZE OF THE NEIGHBORS

d. Have the special conditions and circumstances relating to the variance request resulted from the actions of the applicant?

NO

e. Is the variance requested the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty?

YES.

f. Will the granting of the variance materially impair the intent and purpose of this ordinance?

NO. - especially because of following

(1) Length of home reduced
(2) setback improved 14'
(3) footprint reduced
(4) significantly improves neighborhood

11. Criteria for a Use Variance

Please respond to the following statements. The application must meet all criteria in order to obtain a variance.

a. Can the site be reasonably used for any of the uses allowed within the current zoning designation?

No

b. Are there unique circumstances peculiar to the property and not generally applicable in the area to other properties in the same zoning district?

No

c. Was the need for a variance self-created by either the applicant or the applicant's immediate predecessor?

No

I, Robert J. Savage (applicant), do hereby swear that the above statements are true.

I, Robert J. Savage (property owner), hereby give permission for the Charter Township of Brighton officials, staff, and consultants to go on the property for which the above referenced petition is proposed for purposes of verifying information provided on the submitted application.

RJ.J 7/25/16
Signature of Applicant Date

RJ.J 7/25/16
Signature of Property Owner Date

Brighton Township Zoning Board of Appeals Action

Approved/Denied _____
Date _____

Conditions of Approval _____
_____
_____

BRIGHTON TOWNSHIP
ZONING BOARD OF APPEALS (ZBA)
FILING PROCEDURE

1. The applicant must consult with the Building and Zoning Official relative to the subject matter, in person, prior to filing any application. In addition, the applicant must receive an administrative review, in writing, from the Building and Zoning Official.

2. The applicant must be the property owner or his authorized agent. If the property owner is represented by an agent, the agent must provide a **NOTARIZED LETTER OF AUTHORIZATION** from the property owner. A copy of said authorization to be filed with application.

3. The applicant must submit fifteen (15) copies of the site plan (if available), or a sketch plan that includes the following information, where applicable:

   a. Application must be filled out completely.

   b. Property identification (Sidwell) number, scale, north point, and dates of submission and revisions.

   c. Zoning classification of petitioner's parcel and all abutting parcels.

   d. Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within fifty (50) feet of the site.

   e. For variances requested from any dimensional standard of this ordinance, the sketch plan shall include verified measurements of existing conditions and the proposed dimensions or calculations regarding the specific standards from which the variance is sought.

   f. Any additional information required by the Building Official or the ZBA to make determination requested herein.

   g. The applicant or his designated agent **MUST BE PRESENT AT ANY AND ALL MEETINGS**.

FAILURE TO COMPLY WITH THE FOREGOING,
SHALL RESULT IN THE DENIAL OF THE PETITION.

4. Fees: $1150.00/$1300 road (non-refundable)

5. Fifteen (15) sets of picture or color copies of picture depicting the applicant's property and adjacent properties where the variance(s) are proposed.

6. NOTE: An evaluation of water & sewer REU'S will be part of the review.

IMPORTANT NOTICE

All petitions and fee payments incidental thereto must be filed with the Planning Department **THIRTY DAYS (30)** prior to the scheduled meeting.

PRESENTATION

While the manner in which the applicant presents his/her case to the ZBA is a matter of individual choice, it is recommended the applicant be familiar with Article 22 and especially Section 22-06 Standards for ZBA action, and address those standards in the presentation. While there is no prescribed method to the presentation, it is obvious that the applicant should be prepared to provide all available proofs to support the request for a variance at the hearing. Building plans, photographs, witnesses and/or any other tangible evidence to support the validity of the request for variance, will be accepted and considered by the ZBA.

NOTE: USE VARIANCE REQUESTS REQUIRE A PRE-HEARING CONFERENCE.

PLEASE NOTE

a. Sec. 22-05 (e) **Approval Period**. If construction has not commenced within twelve (12) months after the ZBA grants a variance to allow the erection or alteration of a building, then the variance becomes null and void. The period of approval may be automatically extended by twelve (12) months if the variance was sought in conjunction with a site plan for which approval has been extended by the Planning Commission.

b. Sec. 22-07 (a) **Building Permit Required**. No order of the ZBA allowing the erection of a building or other structure shall be valid for a period longer than twelve (12) months unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

c. Sec. 22-07 (b) **Use Establishment**. No order of the ZBA allowing the use of a building premises shall be valid for a period longer than twelve (12) months unless such a use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building or structure, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with their terms of such permit.

d. On any tabled item, if petitioner fails to return to the ZBA for proper disposition, within ninety (90) days, the variance shall be considered denied.

Date: July 26, 2016

To: Zoning Board of Appeals
Charter Township of Brighton

From: Kelly Mathews

Subject: Variance Request

Location: 8436 Woodland Shore Drive

Requests: Lot Coverage

Zoning: R-5, Waterfront Residential

Tax ID#: 12-18-304-012

Applicant: Robert Savage

Owner: Robert Savage

Dear ZBA Members:

The Zoning Board of Appeals (ZBA) application submitted by Robert Savage has been reviewed. The review is based upon the standards contained in the Zoning Ordinance and a review of the application materials. The following comments are offered for your review. The applicant is proposing a new two story home and attached garage of 2,204 sq. ft. and the existing one story home, breezeway and garage is 2,221 sq. ft. The existing home, breezeway, and garage will be demolished. The new home will become more conforming with a greater distance to the lake to meet the average in the area, and a smaller footprint (length of building on the lot). The home will meet all Zoning Ordinance requirements except for lot coverage which will remain at twenty-nine (29%) percent, same as it is currently. The lot is small; it is only .173 acres, where if creating a new lot in this district, it would require .29 acres.

VARIANCE REQUEST

Lot Coverage (*Article 3, Section 3-03, Lot Coverage*). The maximum lot coverage in the R-5 zoning district is twenty-five percent (25%). The applicant is requesting a twenty-nine (29%) percent lot coverage, same as existing, a four (4%) percent variance increase.

STANDARDS FOR ZBA ACTION

The ZBA should only grant a variance to the Zoning Ordinance when circumstances of practical difficulty, unnecessary hardship unique to a particular property, or extraordinary circumstances are present. *Article 22, Section 22-06* outlines a number of criteria applicable to variances that the ZBA should review in order to determine the need for the requested.

1. Practical Difficulty/Substantial Justice. *Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would unreasonably prevent the use of the property. Granting of the requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and vicinity of the subject parcel.*

The applicant is requesting a lot coverage of twenty-nine (29%) percent, same as the existing lot coverage. The applicant is making the new home more conforming than the existing home. The new home will become more conforming with a greater distance to the lake (58 ft. v. 44 ft.) to meet the average of fifty-six (56) ft. in the area, and a smaller footprint (87'4" v. 67'6"). The home will meet all Zoning Ordinance requirements except for lot coverage which will remain at twenty-nine (29%) percent, same as it is currently. The lot is small; it is only .173 acres, where if creating a new lot in this district, it would require .29 acres.

Compliance with the strict letter of the restrictions governing lot coverage for the home would unreasonably prevent the use of the property. Granting of the requested variance would do substantial justice to the applicant as well as to other property owners in the district and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and vicinity of the subject parcel. A lot coverage variance is required in order to allow a new home and garage to be built similar in size to the existing home and garage. The applicant is making the lot more conforming in terms of the waterfront (lakefront setback and footprint).

2. Public Safety and Welfare. *The requested variance does not interfere with the public safety and welfare, increase the hazard of fire, impair the adequate supply of light and air, or create nuisances.*

The applicant would like to construct a new home and garage and have the same lot coverage as the existing home and garage. The requested variance does not substantially interfere with the public safety and welfare, increase the hazard of fire, impair the adequate supply of light and air, or create nuisances. The applicant is making the lot more conforming in terms of the waterfront (lakefront setback and footprint).

3. Impact on Surrounding Neighborhood. *The variance will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.*

The lot coverage variance will not substantially interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood. The applicant is making the lot more conforming in terms of the waterfront (lakefront setback and footprint).

4. Extraordinary Circumstances. *There are exceptional circumstances or conditions applicable to the property or the intended use that do not generally apply to other properties or uses. The need for the variance was not self-created by the applicant.*

The applicant would like to maintain what was previously allowed as far as lot coverage for the site. There are exceptional circumstances or conditions applicable to the property i.e. lot size and the intended use that do not generally apply to other properties or uses. The applicant is making the lot more conforming in terms of the waterfront (lakefront setback and footprint).

RECOMMENDATION

It is recommended that the variance as proposed is approved. Specifically, the following variance.

Lot Coverage (*Article 3, Section 3-03, Lot Coverage*). The maximum lot coverage in the R-5 zoning district is twenty-five percent (25%). The applicant is proposing a lot coverage of twenty-nine (29%) percent, a variance increase of four (4%) percent.

PLOT PLAN FOR BOB SAVAGE

8436 WOODLAND SHORE DR

Dated July 25, 2016

Available for viewing in the

Planning and Clerk's Department

Kroger's Expansion

N

0 50 100 200 300 400 Feet

Date: August 23, 2016

To: Zoning Board of Appeals
Charter Township of Brighton

From: Kelly Mathews

Subject: Variance Requests

Location: 9968 E. Grand River and 5771 Borderline

Request: Parking Aisle Width and Wall and Ground Signage Variances

Zoning: B-2 (General Business)

Tax ID#: 12-32-300-061 and 062

Applicant: The Kroger Company of Michigan

Owner: The Kroger Company of Michigan

Dear ZBA Members:

At your request, the Zoning Board of Appeals (ZBA) application submitted by the Kroger Company of Michigan has been reviewed. The review is based upon the standards contained in the Zoning Ordinance and a review of the application materials. The following comments are offered for your review.

VARIANCE REQUESTS:

The applicant is requesting a smaller parking aisle width for the internal aisle widths of the parking lot, additional wall signage, higher ground signage, additional ground signage, and location of ground signage other than what the Zoning Ordinance allows. For two-way traffic circulation, a twenty-four (24) ft. aisle width is required and the proposal for the internal aisle width throughout the parking lot is 23.65 ft. The aisle width around the perimeter of the parking areas exceeds the minimum twenty-six (26) ft. wide aisle width that the Fire Department requires. The current parking lot has internal aisle widths of between twenty-three (23) and twenty-five (25) ft. wide. The parking lot is not being enlarged; the applicant is adding islands throughout the parking lot which will improve the circulation throughout the parking lot. The parking lot could be enlarged to meet the Zoning Ordinance but would reduce landscape buffering for the site and would require the relocation of light poles. The Fire Department and Township Engineer have stated that the 23.65 ft. internal parking lot aisle width is acceptable for circulation since the perimeter of the parking lot and the front and the back of the building have proper widths for fire truck access.

As far as ground signage, the existing signs along Whitmore Lake Rd. and E. Grand River are two-sided 16.5 sq. ft. signs but are too high and too close to the R.O.W. per the Zoning Ordinance. The Zoning Ordinance requires forty-two (42) inch high signage. Along Whitmore Lake Rd., the signage is forty-nine (49) inches high and the signage along E. Grand River is seventy-two (72) inches high. They are existing signs but are being refaced. Details of the ground signage needs to be submitted. Additionally, the two (2) signs are located too close to the R.O.W. of Whitmore Lake Rd. and E. Grand River; they are existing and are proposed to remain in their current locations. The Whitmore Lake Rd. sign is located between 3.2 and 7.6 ft. from the R.O.W. line and the E. Grand River sign is located between 4.1 and 5.2 ft. from the R.O.W. line. Additionally, the Whitmore Lake Rd. sign is an off-premises sign which is not allowed per the Zoning Ordinance.

As far as wall signage, total aggregate allowable wall signage is 120 sq. ft. on up to three (3) sides of a building. The current wall signage for Kroger's and the adjacent retail center greatly exceed the Zoning Ordinance as depicted in the charts provided by the applicant. The proposed wall signage is slightly smaller than the existing wall signage per the calculations provided. However, three (3) elevations verses two (2) elevations is proposed. Additionally, the east elevation exceeds the ten (10%) percent wall coverage; it is existing and is not proposed to be changed. A break-down of each sign and details of each sign plus elevation drawings are depicted for review. Photometrics must be submitted for the proposed signage. The Zoning Ordinance requires a sign calculation by boxing in the entire lettering, logo, etc. The total square footage of existing signage for the Kroger's grocery store and adjacent retail building is 1,140 sq. ft. and the proposed signage is 1,135.8 sq. ft. As depicted on the elevation drawing and in the chart, some of the existing signage is to be removed, some is to be replaced, and some are new signs. Per our Zoning Ordinance, when it was two (2) buildings, the grocery and retail building each could have 120 sq. ft. of signage for a total of 240 sq. ft. However, with Kroger's being one building they are now only allowed 120 sq. ft. of signage. Our Zoning Ordinance does not distinguish between single tenant and multi-tenant buildings as far as the 120 sq. ft. maximum on up to three (3) sides of a building. The sizes of the proposed signage on the individual sign drawings verses the elevation drawing verses the chart are different. Clarification on the exact sizes of the proposed signs is requested.

The current sign ordinance is the same as when both site plans for the Kroger's building and the retail building were approved. The only new part to the signage ordinance was the addition of allowing movable LED signage in 2009.

The history of signage for the Kroger's building is as follows. The planner's letter in the file did not address signage for the Kroger's building. However, the original site plan from 1997 depicted a wall sign stating "Kroger's Food and Pharmacy" on both the front and east elevations which measures approximately 195 sq. ft. on the plan. Additionally, on the front elevation for the original site plan, a twenty-four (24) sq. ft. "full service bank" sign was allowed. The original site plan also allowed two (2) ground signs at both the Whitmore Lake Rd. and E. Grand River locations. Both ground signs depicted the Zoning Ordinance requirements of forty-two (42) inches high and were 16.5 sq. ft. double

faced signs located ten (10) ft. out of the R.O.W. However, the ground signs ended up being too high and too close to the R.O.W. As time went on, additional wall signage was allowed to be added to the Kroger's building on both the front and east elevations. No ZBA variances were attained.

As far as the retail center, which was approved in 2003, the planner's letter in the file depicted seven (7) tenants with seventeen (17) sq. ft. of signage for each tenant on the front elevation for a total of 120 sq. ft. However, as each tenant came in for permits, the total aggregate signage of 120 sq. ft. was not adhered to and each sign was allowed ten (10%) percent or forty (40) sq. ft. whichever was larger of the wall that they were on resulting in approximately 250 sq. ft. of signage. No ZBA variances were attained for the retail center.

In the past, the building department reviewed signage on buildings in the same way as the retail center adjacent to Kroger's, by allowing each individual tenant ten (10%) percent or forty (40) sq. ft. whichever was larger of the wall that they were on and did not adhere to the 120 sq. ft. maximum with ZBA variances. Recently constructed buildings in the Township have either adhered to the Zoning Ordinance requirement of 120 sq. ft. or attained ZBA variances.

Off-Street Parking Requirements (*Article 15, Sec. 15-01(e)(2)*). The variance request is a request for an aisle width variance, a variance from *Article 15, Sec. 15-01(e)(2), Off-Street Parking Requirements,* of the Zoning Ordinance. The proposal is for 23.65 ft. aisle widths for the internal aisle ways of the parking lot, a variance of .35 ft. for each of the eight (8) aisle ways.

Signage (*Article 17, Prohibited Signs, Section 17-04(j)*). The variance request is to allow an off-premises ground sign which is existing at Whitmore Lake in the Victor Drive easement to remain; the sign is being refaced.

Signage (*Article 17, Specific Sign Requirements, Section 17-06*). The variance request is for two (2) ground signs which are too high according to the Zoning Ordinance to remain; they are being refaced. Our Zoning Ordinance has a requirement of forty-two (42) inches high. The sign along Whitmore Lake Rd. is forty-nine (49) inches so it is seven (7) inches over the allowable height and the signage along E. Grand River is seventy-two (72) inches high which is thirty (30) inches over the allowable height. Therefore, the variance request is for a maximum of thirty (30) inches.

Signage (*Article 17, Sec. 17-05(d)(2), General Requirements for Permitted Signs*). The variance request is for a variance from the distance from the right-of-way for two (2) ground signs. The maximum variance required for the Whitmore Lake Rd. sign is 6.8 ft. and the maximum variance required for the E. Grand River sign is 5.9 ft. Each sign varies in distance from the R.O.W. Therefore, the maximum variance request is for 6.8 ft.

Signage (*Article 17, Specific Sign Requirements, Section 17-06(24)d and g.* The variance request is for a wall signage variance, a request from *Article 17, Sec. 17-06* of the Zoning Ordinance. The commercial zoning districts allow a maximum for the three (3) walls of 120 sq. ft. The existing signage for the combined Kroger's building and retail building is 1,140 sq. ft. and the proposal is for 1,135.8 sq. ft. The existing signage for the combined Kroger's building and retail building is 1,140 sq. on two (2) walls and the proposal is for 1,135.8 sq. ft. on three (3) walls. The existing signage is 522 sq. ft. on the east elevation; 321 sq. ft. on the front elevation of Kroger's; was approximately 250 sq. ft. on the front elevation of the retail center; and no signage on the west elevation. The proposal is for 522 on the east elevation; 414 sq. ft. on the front elevation; and 200 sq. ft. on the west elevation. The east elevation exceeds the ten (10%) percent aggregate surface display area for that wall. The existing and proposed signage, which is not being changed, is 522 sq. ft. (422 sq. ft. for Kroger's and forty-two (42) sq. ft. for Citizen's Bank) on the east wall. The wall signage is 12.28% v. 10% wall signage allowed, if measuring by wall without the maximum of 120 sq. ft. The variance request is for an additional 1,015.8 sq. ft. over the allowable 120 sq. ft. of wall signage.

STANDARDS FOR ZBA ACTION:

The ZBA should only grant a variance to the Zoning Ordinance when circumstances of practical difficulty, unnecessary hardship unique to a particular property, or extraordinary circumstances are present. *Article 22, Section 22-06* outlines a number of criteria applicable to variances that the ZBA should review in order to determine the need for the requested.

1. Practical Difficulty/Substantial Justice. *Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would unreasonably prevent the use of the property. Granting of the requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and vicinity of the subject parcel.*

The Fire Department and Township Engineer do not feel that the slight reduction in aisle width will significantly affect the internal circulation of the parking lot. The applicant has proposed new landscaping islands throughout the parking lot which improves the traffic circulation on the site and the applicant has increased the minimum aisle width from twenty-three (23) ft. in some locations and reduced the aisle width of twenty-five (25) ft. in some locations so that they are all 23.65 ft. As the applicant has stated, he could reduce the aisle width further, but that reduces the landscaping buffers for the site and would require relocating three (3) light poles.

The Zoning Ordinance does not allow off-premises signs. The Whitmore Lake sign is located off-premises in the Victor Drive easement. The variance request is to allow an off-premises sign on Whitmore Lake Rd. to remain which is being refaced.

The Zoning Ordinance allows a maximum ground signage height of forty-two (42) inches. Currently the ground signage along Whitmore Lake Rd. is forty-nine (49) inches high and the ground signage along E. Grand River is seventy-two (72) inches high. The applicant is requesting a variance to allow the additional height as it is currently, no changes to the signage other than a sign reface. Since the signage has been existing in the current state for a while and is not being proposed to be changed, granting the variance request does not significantly change the existing conditions of the site. Additionally, the two (2) signs are located too close to the R.O.W. of Whitmore Lake Rd. and E. Grand River but they are existing and are proposed to remain in their current location.

The Zoning Ordinance allows a maximum of 120 sq. ft. of wall signage for an entire building on up to three (3) sides. The new Kroger's building was previously two (2) buildings, the grocery and the retail building, so according to the Zoning Ordinance, each building would have been allowed 120 sq. ft. for a total of 240 sq. ft. for both buildings. The existing combined building has 1,140 sq. ft. of signage and the proposal is for 1,135.8 sq. ft. The easterly elevation exceeds the ten (10%) percent wall signage if applying that percentage but not the 120 sq. ft. maximum allowable. It is 522 sq. ft. and 12.28%.

Since the aisle width for the internal parking lot is being improved by making it closer to the Zoning Ordinance requirements, compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would unreasonably prevent the use of the property. Granting of the requested variances would do substantial justice to the applicant as well as to other property owners in the district and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and vicinity of the subject parcel. However, the wall signage needs to be reduced from what exists currently and additional signage on a third wall is not recommended. Additionally, lowering the height of the two (2) ground signs to forty-two (42) inches high and moving them back to meet the ten (10) ft. outside of the R.O.W.is recommended.

2. Public Safety and Welfare. *The requested variance does not interfere with the public safety and welfare, increase the hazard of fire, impair the adequate supply of light and air, or create nuisances.*

The Fire Department and Township Engineer do not feel that the slight reduction in aisle width within the internal parking lot will significantly affect the circulation of the site. The applicant has proposed new landscaping islands in the middle of the parking lot which improves the circulation within the site. The aisle width around the perimeter of the parking areas exceeds the minimum twenty-six (26) ft. wide aisle width that the Fire Department requires. The current parking lot has internal aisle widths of between twenty-three (23) and twenty-five (25) ft. wide so the site overall is being made more conforming due to increasing the twenty-three (23) ft. aisle width and reducing the twenty-five (25) ft. aisle width.

The Zoning Ordinance allows a maximum ground signage height of forty-two (42) inches. Currently the ground signage along Whitmore Lake Rd. is forty-nine (49) inches high and the ground signage along E. Grand River is seventy-two (72) inches high. The applicant is requesting a variance to allow the additional height as it is currently, no changes to the signage other than a sign reface. Since the signage has been existing in the current state for a while and is not being proposed to be changed, granting the variance request does not significantly change the existing conditions of the site. Additionally, the number of ground signs to remain is the same as exists currently, with one of the ground signs being an off-premises sign located in the Victor Drive easement. Additionally, the location of the ground signs is not being proposed to be changed as it has existed in this condition for a while.

The Zoning Ordinance allows a maximum of 120 sq. ft. for an entire building on up to three (3) sides. The new Kroger's building was previously two (2) buildings, the grocery and the retail building, so according to the Zoning Ordinance, each building would have been allowed 120 sq. ft. for a total of 240 sq. ft. for both buildings. The existing combined building has 1,140 sq. ft. of signage and the proposal is for 1,135.8 sq. ft. The easterly elevation exceeds the ten (10%) percent wall signage allowable. It is 522 sq. ft. and 12.28%.

Since the aisle width for the internal parking lot is being improved by making it closer to the Zoning Ordinance requirements, the ground signage height is the same as existing, the location of the ground signage is the same as existing, the number of ground signs is the same as existing, and the location of the ground signage is the same as existing, the proposed variances do not significantly interfere with the public safety and welfare, increase the hazard of fire, and impair the supply of light or create nuisances any more than exists in the current condition. The proposal is for the wall signage to be reduced slightly from the existing conditions; however, it is a new site plan with a large addition and the signage needs to be become more conforming with the Zoning Ordinance and the original site plans for the property. Additionally, lowering the height of the two (2) ground signs to forty-two (42) inches high and moving them back to meet the ten (10) ft. outside of the R.O.W.is recommended.

3. Impact on Surrounding Neighborhood. *The variance will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.*

The Fire Department and Township Engineer do not feel that the slight reduction in aisle width will significantly affect the internal parking lot circulation. The applicant has proposed new landscaping islands in the middle of the parking lot which improves the circulation throughout the site and more conforming due to increasing the twenty-three (23) ft. aisle width and reducing the twenty-five (25) ft. aisle width.

The Zoning Ordinance allows a maximum ground signage height of forty-two (42) inches. Currently the ground signage along Whitmore Lake Rd. is forty-nine (49) inches high and the ground signage along E. Grand River is seventy-two (72) inches high. The

applicant is requesting a variance to allow the additional height as it is currently, no changes to the signage other than sign reface. Since the signage has been existing in the current state for a while and is not being proposed to be changed, granting the variance request does not change the existing conditions of the site. Additionally, the number of ground signs to remain is the same as exists currently, including one off-premises sign. Additionally, the two (2) signs are located too close to the R.O.W. of Whitmore Lake Rd. and E. Grand River but they are existing and are proposed to remain in their current locations.

The Zoning Ordinance allows a maximum of 120 sq. ft. for an entire building on up to three (3) sides. The new Kroger's building was previously two (2) buildings, the grocery and the retail building, so according to the Zoning Ordinance, each building would have been allowed 120 sq. ft. for a total of 240 sq. ft. for both buildings. The existing combined building has 1,140 sq. ft. of signage and the proposal is for 1,135.8 sq. ft. The easterly elevation exceeds the ten (10%) percent wall signage allowable. It is 522 sq. ft. and 12.28%.

Since the aisle width for the internal parking lot is being improved by making all of it closer to the Zoning Ordinance requirements, the ground signage height is the same as existing, the number of ground signs is staying the same as existing, and the location of the ground signage is staying the same as existing, the proposed variances do not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood. The proposal is for the wall signage to be reduced slightly from the existing conditions; however, it is a new site plan with a large addition and the signage needs to be become more conforming with the Zoning Ordinance and the original site plans for the property. Additionally, lowering the height of the two (2) ground signs to forty-two (42) inches high and moving them back to meet the ten (10) ft. outside of the R.O.W.is recommended.

4. Extraordinary Circumstances. *There are exceptional circumstances or conditions applicable to the property or the intended use that do not generally apply to other properties or uses. The need for the variance was not self-created by the applicant.*

The Fire Department and Township Engineer do not feel that the slight reduction in aisle width will significantly affect the internal parking lot circulation of the site. The applicant has proposed new landscaping islands which improves the circulation throughout the site and has made the site more conforming due to increasing the twenty-three (23) ft. aisle width and reducing the twenty-five (25) ft. aisle width.

The Zoning Ordinance allows a maximum ground signage height of forty-two (42) inches. Currently the ground signage along Whitmore Lake Rd. is forty-nine (49) inches high and the ground signage along E. Grand River is seventy-two (72) inches high. The applicant is requesting a variance to allow the additional height as it is currently, no changes to the signage other than a sign reface. Since the signage has been existing in the current state for a while and is not being proposed to be changed, granting the variance request does not change the existing conditions of the site. Additionally, the number of

ground signs to remain is the same as exists currently which includes one off-premises sign which is not allowed per the Zoning Ordinance. Additionally, the two (2) signs are located too close to the R.O.W. of Whitmore Lake Rd. and E. Grand River but they are existing and are proposed to remain in their current location.

The Zoning Ordinance allows a maximum of 120 sq. ft. for an entire building on up to three (3) sides. The new Kroger's building was previously two (2) buildings, the grocery and the retail building, so according to the Zoning Ordinance, each building would have been allowed 120 sq. ft. for a total of 240 sq. ft. for both buildings. The existing combined building has 1,140 sq. ft. of signage and the proposal is for 1,135.8 sq. ft. The easterly elevation exceeds the ten (10%) percent wall signage allowable. It is 522 sq. ft. and 12.28%.

Since the aisle width for the internal parking lot is being improved by making all of it closer to the Zoning Ordinance requirements, the ground signage height is the same as existing, the number of ground signs is staying as existing, the locations are the same as existing, the need for the variances are self-created by the applicant but are staying the same as currently exists on the site. There are exceptional circumstances or conditions applicable to the property or the intended use that do not generally apply to other properties or uses. The wall signage is being reduced slightly from the existing, however, the site needs to become more conforming to the Zoning Ordinance and the original site plan for the building. Additionally, lowering the height of the two (2) ground signs to forty-two (42) inches high and moving them back to meet the ten (10) ft. outside of the R.O.W.is recommended.

RECOMMENDATIONS:

Off-Street Parking Requirements (*Article 15, Sec. 15-01(e)(2)*). The variance request is a request for an aisle width variance, a variance from *Article 15, Sec. 15-01(e)(2), Off-Street Parking Requirements,* of the Zoning Ordinance. The proposal is for 23.65 ft. aisle widths for the internal aisle ways of the parking lot, a variance of .35 ft. for each of the eight (8) aisle ways.

Signage (*Article 17, Prohibited Signs, Section 17-04(j)*). The variance request is to allow an off-premises ground sign for the site which is being refaced which is existing at Whitmore Lake in the Victor Drive easement to remain.

Signage (*Article 17, Specific Sign Requirements, Section 17-06*). The variance request is for two (2) ground signs which are too high according to the Zoning Ordinance to remain; they are being refaced. Our Zoning Ordinance has a requirement of forty-two (42) inches high. The sign along Whitmore Lake Rd. is forty-nine (49) inches so it is seven (7) inches over the allowable height and the signage along E. Grand River is seventy-two (72) inches high which is thirty (30) inches over the allowable height. Therefore, the variance request is for a maximum of thirty (30) inches.

Signage ***(Article 17, Sec. 17-05(d)(2), General Requirements for Permitted Signs).*** The variance request is for a variance from the distance from the right-of-way for two (2) ground signs. The maximum variance required for the Whitmore Lake Rd. sign is 6.8 ft. and the maximum variance required for the E. Grand River sign is 5.9 ft. Each sign varies in distance from the R.O.W. Therefore, the maximum variance request is for 6.8 ft.

Signage ***(Article 17, Specific Sign Requirements, Section 17-06(24)d and g.*** The variance request is for a wall signage variance, a request from *Article 17, Sec. 17-06* of the Zoning Ordinance. The commercial zoning districts allow a maximum for the three (3) walls of 120 sq. ft. The existing signage for the combined Kroger's building and retail building is 1,140 sq. ft. and the proposal is for 1,135.8 sq. ft. The existing signage for the combined Kroger's building and retail building is 1,140 sq. on two (2) walls and the proposal is for 1,135.8 sq. ft. on three (3) walls. The east elevation exceeds the ten (10%) percent aggregate surface display area for that wall. The existing and proposed signage, which is not being changed, is 522 sq. ft. (422 sq. ft. for Kroger's and forty-two (42) sq. ft. for Citizen's Bank) on the east wall. The wall signage is 12.28% v. 10% wall signage allowed if measuring by wall but not the 120 sq. ft. maximum.

The applicant is requesting a smaller aisle width throughout the parking lot. For two-way traffic circulation, a twenty-four (24) ft. aisle width is required and the applicant has proposed 23.65 ft. internal parking lot aisle widths throughout the parking lot. The existing aisle width for the internal aisle widths are between twenty-three (23) and twenty-five (25) ft. The Fire Department and Township Engineer have commented on the circulation throughout the parking lot and are okay with the smaller aisle width throughout the internal aisle ways of the parking lot. The variance request is a request for an aisle width variance, a variance from *Article 15, Sec. 15-01(e)(2), Off-Street Parking Requirements,* of the Zoning Ordinance. The applicant has proposed new landscaping islands in the middle of the parking lot which improves the circulation currently on the site.

The applicant has proposed leaving the two (2) ground signs which are too high, too close to the R.O.W. of E. Grand River, and allowing an off-premises sign located along Whitmore Lake Rd. to remain as is; they are refacing the signs. This is not recommended except for the off-premises sign. It is recommended that the bring the two (2) ground signs to the forty-two (42) inch high and ten (10) ft. out of the R.O.W. requirements.

The existing wall signage is 522 sq. ft. on the east elevation; 321 sq. ft. on the front elevation of Kroger's; was approximately 250 sq. ft. on the front elevation of the retail center; and no signage on the west elevation. The proposal is for 522 on the east elevation; 414 sq. ft. on the front elevation; and 200 sq. ft. on the west elevation. The applicant is requesting additional wall signage than what is allowed per the Zoning Ordinance. Is recommended that the proposed 200 sq. ft. "Kroger" sign on the west elevation not be allowed since no signage was approved for that wall previously and additional signage for the building brings the site further out of compliance; that the forty-two (42) sq. ft. "Citizen's Bank" sign and the 151 sq. ft. "Food and Pharmacy" sign

on the east elevation be removed bringing the signage to the original plan of 200 sq. ft. for that elevation; and that the new drive-thru pharmacy sign for the front elevation not be allowed since there is already a pharmacy sign on the front elevation and without adding that sign, the front elevation is reduced to 370 sq. ft. from the proposed 414 sq. ft. according to the elevation drawing. A discrepancy exists between the individual sign drawings, elevation drawing, and chart, so the exact sizes of the proposed signage needs to be clarified.

ARCHITECTS. ENGINEERS. PLANNERS.

OHM Advancing Communities

August 9, 2016

CHARTER TOWNSHIP OF BRIGHTON
4363 Buno Road
Brighton, MI 48114

Attention: Kelly Mathews, Township Planner

Regarding: Kroger Expansion
ZBA Variance Review #1
OHM Job Number: 0024-16-1088

Dear Ms. Mathews:

We have reviewed the material, received by this office on August 4, 2016 for the above-referenced project based on the Township's Zoning Standards. Plans were prepared by LSG Engineers and Surveyors, and have a latest revision date of July 22, 2016. The applicant is requesting variance approval for the drive aisle width of the parking lot. A general summary of the variance review request, followed by our review comments and recommendations, is noted below.

GENERAL

The existing site is located at 9968 East Grand River Avenue. The project site is comprised of an existing 78,668 square foot Kroger grocery store with parking lot, along with an attached 1-story commercial building comprises of 7 retail units. The Kroger Company is proposing to demolish the 1-story commercial retail building and construct a 40,872 square foot addition to the current supermarket. The parking lot design included for the building expansion project is being kept within the original limits of the existing parking lot.

OFF STREET PARKING STANDARDS 15-01.2

The parking lot drive aisle widths are proposed to be 23.65 feet to fit within the existing parking lot area. The variance review was requested due to the drive aisle widths affected by the limits. We understand the ordinance calls for a minimum 24 feet wide standard drive aisle for 90-degree parking. This review was requested to determine if the proposed width allows for safe access and maneuverability of standard passenger vehicles and the practicality of the requested variances. The verification process was completed by using turning templates from the State of Michigan Department of Transportation, Traffic and Safety Division, to determine if the proposed 23.65-foot aisle widths allow for the appropriate turning radius for a standard design passenger vehicle. Based on our review of the parking lot, the proposed aisle widths of 23.65 feet appear to allow for unimpeded access and maneuverability of a passenger vehicle.

RECOMMENDATIONS

Based on the information submitted we take no exception to the request presented and recommend the Zoning Board of Appeals consider approval of the variance request.

If you have any questions regarding this review or any of the comments presented, feel free to contact us at (734) 522-6711 or jacob.rushlow@ohm-advisors.com.

OHM Advisors
34000 PLYMOUTH ROAD
LIVONIA, MICHIGAN 48150
T 734.522.6711
F 734.522.6427
OHM-Advisors.com

Sincerely,
OHM ADVISORS

Jacob Rushlow, P.E.
Client Representative

Rhett Gronevelt, P.E.
Client Principal

cc: Brian Vick, Township Manager (via e-mail)
Michael Evans, Deputy Fire Chief, Brighton Area Fire Department (via email)
Adam Krane, Kroger Co. (via e-mail)
Alan Boyer, PE, LSG Engineers & Surveyors (via e-mail)
File

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Planner

From: Richard Boisvert <rboisvert@brightonareafire.com>
Sent: Tuesday, July 26, 2016 12:14 PM
To: Planner
Subject: Re: Kroger Expansion

If the proposal to the ZBA changes the aisle widths along the front and rear (north and south) sides of the store then yes I will make additional comments and stand in firm opposition of a reduction to anything less than the 26' width for fire access and operations around the building. Victor and Borderline are pre-existing private drives that they are not impacting the width of so they are okay there.

As for the north-south running parking area aisles; 24' would be the minimum that I would recommend as we can navigate them (very cautiously due to turning primarily and poor parking by patrons), however the code only requires access roads and fire lanes at 26' therefore I can only enforce the access drives onto and fire lanes around.

I do see that all but two aisles are at 23' and two are at 25'. If the ZBA is okay with 23.65', and keeping the two 25' aisles I think that would be a reasonable compromise, that would give us additional access through the middle thirds of the lot.

I hope that makes sense.

Do you have an electronic or a scan you can send me of what they dropped off yesterday?

Capt. Rick Boisvert
Fire Inspector
Brighton Area Fire Authority
615 W. Grand River
Brighton, MI 48116
Office: (810)229-6640
Fax: (810)229-1619
Cell: (248)762-7929
rboisvert@brightonareafire.com

On Tue, Jul 26, 2016 at 11:50 AM, Planner <planner@brightontwp.com> wrote:

> They need to go to the ZBA for the aisle width – they sent me a drawing yesterday which changes all of the aisle width to 23.65 ft. – does that change your opinion?
>
> **From:** Richard Boisvert [mailto:rboisvert@brightonareafire.com]
> **Sent:** Tuesday, July 26, 2016 11:33 AM

To: Planner <planner@brightontwp.com>
Subject: Re: Kroger Expansion

Kelly,

With the access entrances coming directly off Victor Dr. and Borderline Dr. on the east and west ends of the building and a minimum fire lane of 26' provided along the north and south sides of the building; we would not have a need for use of the aisles except for maybe the aisle that crosses the north edge of the property which I believe is at 30' on the drawing. with that being said, i guess the answer is no there is no comment regarding the aisle width.

On a side note regarding this and not fire code related; it was always explained to me from talking with civil engineers that two-way requires a minimum 24'. It comes up a lot because the fire code requires 26' minimum for two-way.

Capt. Rick Boisvert

Fire Inspector

Brighton Area Fire Authority

615 W. Grand River

Brighton, MI 48116

Office: (810)229-6640

Fax: (810)229-1619

Cell: (248)762-7929

rboisvert@brightonareafire.com

On Tue, Jul 26, 2016 at 8:15 AM, Planner <planner@brightontwp.com> wrote:

> Do you have any comments regarding the smaller aisle width 23 ft. in some places instead of the minimum 24 ft. width for 2 way traffic throughout the parking lot?

From: Richard Boisvert [mailto:rboisvert@brightonareafire.com]
Sent: Monday, July 25, 2016 4:51 PM
To: Planner <planner@brightontwp.com>
Subject: Kroger Expansion

Kelly,

attached is the review letter for the Kroger expansion.

Capt. Rick Boisvert

Fire Inspector

Brighton Area Fire Authority

615 W. Grand River

Brighton, MI 48116

Office: (810)229-6640

Fax: (810)229-1619

Cell: (248)762-7929

rboisvert@brightonareafire.com

CHARTER TOWNSHIP OF BRIGHTON

4363 Buno Rd. • Brighton, Michigan 48114-9298. • Telephone: (810)229-0550 Fax: (810) 229-1778
www.brightontwp.com

ZONING BOARD OF APPEALS APPLICATION

1. **Date Filed** _____
2. **Meeting Date** _____
3. **ZBA Number** _____
4. **Fee Paid** _____

RECEIVED
JUL 25 2016
BRIGHTON TOWNSHIP

5. **Applicant Information**

Name: The Kroger Co. of Michigan
Address: 40393 Grand River Avenue
City/State/Zip: Novi, MI 48375
Phone: 248-536-1500 Fax: 248-957-2277
Interest in the Property (e.g. fee simple, land option, etc.)
☒ Property Owner ☐ Other (Specify) _____

6. **Current Property Owner Information**

Name: The Kroger Co. of Michigan
Address: 40393 Grand River Avenue
City/State/Zip: Novi, MI 48375
Phone: 248-536-1500 Fax: 248-957-2277
Length of Ownership: Approximately 19 years

7. **Location of Property for which the Variance is Requested**

Address: 9968 East Grand River Avenue
Cross Streets: Grand River and Borderline Drive
Tax I.D. #: 4712-32-300-061

8. **Property Information**

Zoning District: B-2 General Business
Area (Acreage): 14.3 Acres Width: Varies Depth: Varies
Current Use: Kroger and Retail Shops

9. Variance Request

Total Number of Variances Requested 5

Describe your Request

The variances are requested for the drive aisle widths in the existing parking lot, for the height and number of freestandingsigns at the drive entrances and for the wall signage for proposed store expansion. The variance requests are to maintain or slightly reduce the dimensions, areas, etc. that currently existing at the premises.

Section(s) of the Zoning Ordinance

Table 15-01.2
Table 17-06
Section 17-06(13)
Section 17-06(24)d
Section 17-06(24)g

10. Criteria for a Variance

Please respond to the following statements. The application must meet all criteria in order to obtain a variance.

a. How would the strict compliance with the area, setbacks, frontage, height, bulk, density, or other non-use matters unreasonably prevent the owner from using the property for a permitted purpose or render the conformity unnecessarily burdensome?

See the attached sheet.

b. How would a variance do substantial justice to the applicant as well as to other property owners in the district?

See the attached sheet.

c. Would a lesser variance than the requested give substantial relief to the applicant and or be more consistent with justice to other properties? If not, please explain why?

See the attached sheet.

d. Have the special conditions and circumstances relating to the variance request resulted from the actions of the applicant?

See the attached sheet.

e. Is the variance requested the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty?

See the attached sheet.

f. Will the granting of the variance materially impair the intent and purpose of this ordinance?

See the attached sheet.

11. Criteria for Appeals and Interpretations

The Zoning Board of Appeals is bound by the same rules, procedures, and standards of the Ordinance. The Zoning Board of Appeals should uphold the original decision unless the record clearly shows that the original decision body or official was one of the following:

a. Arbitrary and capricious; or
b. Filled to ensure consistency with ordinance standards; or
c. Made an error, such as relying on false or inaccurate information, or
d. Constituted an abuse of discretion; or
e. Was based upon erroneous interpretation of the zoning ordinance or zoning law.

Please describe how your appeal meets one of these criteria: Not applicable.

I, Adam Crane for The Kroger Co. of Michigan (applicant), do hereby swear that the above statements are true.

I, Adam Crane for The Kroger Co. of Michigan (property owner), hereby give permission for the Charter Township of Brighton officials, staff, and consultants to go on the property for which the above referenced petition is proposed for purposes of verifying information provided on the submitted application.

7/25/16

Signature of Applicant Date

7/25/16

Signature of Property Owner Date

Brighton Township Zoning Board of Appeals Action

Approved/Denied _____
Date _____
By _____
Conditions of Approval _____

Kroger Store D-638
Brighton, MI

VARIANCES REQUESTED

OFF STREET PARKING STANDARDS Table 15-01.2

Requirement: For 90°parking, the standard aisle width is 24 feet.

Variance Request: Allow the proposed drive aisle widths of 23.65 feet in order to fit within the limits of the existing parking lot. The current aisle widths in the existing drive aisles vary from 23 to 25 feet.

Criteria for a Variance:

a. Full compliance with the ordinance will require making the lot approximately three feet wider. Widening the parking lot reduces the landscape green space and will require relocating three additional light poles on the western perimeter of the parking lot.

b. Because of the past history of litigation between the applicant and neighboring owner(s), the applicant believes that granting the variance offers less disturbance within the existing parking lot, particularly with the site lighting, and therefore does substantial justice to the applicant and other property owners in the district.

c. No. A lesser variance would not give substantial relief to the applicant or other properties.

d. No. The applicant is asking for the variance in order to continue to use the existing parking lot footprint as is.

e. Yes

f. No. The existing parking lot presently operates with aisle widths slightly narrower than the standard 24 feet. Safe access and maneuverability is maintained. Granting the variance for aisle drives slightly narrower than 24 feet no way impairs the purpose of the ordinance.

SIGN REGULATIONS Table 17-06 & 17-07 Specific Sign Requirements

Requirement: Table 17-06 Freestanding Signs - height

Freestanding sign maximum height is 42 inches.

Variance Requested: Allow the two (2) existing freestanding signs on the premises (one (1) at the Victor Drive entrance on Whitmore Lake Road at 49 inches high, and, one (1) at the Victor Drive entrance on Grand River Avenue at 72 inches high) to remain.

Criteria for a Variance: a. Full compliance with the ordinance will require replacing the freestanding signs which would reduce visibility and the ability of Kroger to inform passing motorists of the location of the store. The existing Kroger store sits well back from both Grand River Avenue and Whitmore Lake Road and is not visible by traffic moving at speed along those roadways.

b. The existing Kroger store sits well back from both Grand River Avenue and Whitmore Lake Road and is not visible by traffic moving at speed along those roadways. The two (2) existing signs provide motorists advance notification of the location of the store and bank; and, therefore would do substantial justice to the applicant and other property owners in the district. The 72 inch sign on Grand River is on a slope such the west face of the sign is difficult to see when approached from the west by eastbound traffic.

c. No. A lesser variance would not give substantial relief to the applicant or other properties since the signs currently exist.

d. No. The special conditions and circumstances relating to the variance request are due to the location, topography and surrounding land use. The sign location, particularly along Grand River Avenue is screened from the view of motorists by topography. The existing height of the freestanding signs assist in informing motorists coming from different locations along different routes.

e. Yes. There are two (2) entrances and the sign at each entrance currently serve to inform motorists/patrons.

f. No. This site has special circumstances (location, topography and surrounding land use) which reduce visibility beyond what would be normally anticipated by the ordinance. Granting a variance for these reasons will not impair the intent or purpose of the ordinance.

Requirement: 17-06(13) Freestanding Signs - number

One (1) on-premises freestanding sign may be allowed for those premises have at least fifty (50) feet of arterial road frontage.

Variance Requested: Allow the two (2) existing freestanding signs on the premises; one (1) at the Victor Drive entrance on Whitmore Lake Road; and, one (1) at the Victor Drive entrance of Grand River Avenue.

Criteria for a Variance: a. Full compliance with the ordinance will require removing one of the freestanding signs which would reduce the ability of Kroger to inform passing motorists of the location of the store. The existing Kroger store sits well back from both Grand River Avenue and Whitmore Lake Road and is not visible by traffic moving at speed along those roadways. The two (2) signs provide motorists advance notification.

b. The existing Kroger store sits well back from both Grand River Avenue and Whitmore Lake Road and is not visible by traffic moving at speed along those roadways. The two (2) existing signs provide motorists advance notification of the location of the store and bank; and, therefore do substantial justice to the applicant and other property owners in the district.

c. No. A lesser variance would not give substantial relief to the applicant or other properties.

d. No. The special conditions and circumstances relating to the variance request are due to the location, topography and surrounding land use. The store location is screened from the view of motorists by vegetation, residences and other buildings. The freestanding signs inform motorists coming from different locations along different routes.

e. Yes. There are two (2) entrances each having its own freestanding sign.

f. No. This site has special circumstances (location, topography and surrounding land use) which reduce visibility beyond what would be normally anticipated by the ordinance. Granting a variance for these reasons will not impair the intent or purpose of the ordinance.

Requirement: 17-07(24)d Wall Signs – Single Wall

The maximum aggregate surface display area shall be ten percent (10%) or forty (40) square feet, whichever is greater, of the total area of the wall on which it is displayed.

Variance Requested: To allow the existing signage on the east wall of the Kroger store, which is determined to be 12.28% of the area of the wall on which it is displayed, to continue.

Criteria for a Variance: a. Full compliance with the ordinance will require reducing the existing sign area on the east wall by approximately 20%. This will limit the ability of Kroger to convey the store and bank location to patrons seeking the store.

b. The existing Kroger store sits about 775 feet back from the centerline of Whitmore Lake Road and is not visible by traffic moving at speed along that roadway. The scale and location of the existing signs on the east wall inform patrons of the location of the store and draw them into an area where other businesses are located. This does substantial justice to the applicant as well as to the other property owners in the district.

c. No. A lesser variance would reduce the visibility of the existing signs on the east wall.

d. No. The special conditions and circumstances relating to the variance request are due to the location, topography and surrounding land use. The store location is screened from the view of motorists by vegetation, residences and other buildings and is approximately 775 feet back from the centerline of Whitmore Lake Road.

e. Yes. The variance would simply allow the existing signage on the east wall to continue.

f. No. This site has special circumstances (location, topography and surrounding land use) which reduce visibility beyond what would be normally anticipated by the ordinance. Granting a variance for these reasons will not impair the intent or purpose of the ordinance.

Requirement: 17-07(24)g Wall Signs – Aggregate Area

The maximum aggregate total of the surface display area of all wall signs on any premises is one hundred twenty (120) square feet for any premises

Variance Request: To allow the maximum aggregate signage on the surface display area of all wall signs to exceed 120 square feet.

Criteria for a Variance: a. Full compliance with the ordinance will require removing nearly 90% of the existing/proposed signage from the store which would reduce the ability of Kroger to inform passing motorists and patrons of the location of the store and services offered at the store.

b. Yes. The existing Kroger store and adjoining store fronts have/had an aggregate total of 1140 square feet of signage on the east and north walls. The proposed signage would result in a slight reduction to 1135.8 square feet. Since the existing and proposed areas are nearly equal, there is no substantial change and, therefore the variance does substantial justice to the applicant and other property owners in the district.

c. No. A lesser variance would not give substantial relief to the applicant or other properties. It would reduce the applicant's ability to inform patrons of the services available.

d. No. The special conditions and circumstances relating to the variance request are due to the location, topography and surrounding land use. The store location is screened from the view of motorists by vegetation, residences and other buildings. The store is approximately 775 feet back from the center line of Whitmore Lake Road and 675 feet back from the centerline of Grand River Avenue. The aggregate of wall signs inform motorists coming from different locations along different routes as to the stores services.

e. Yes. The Brighton Township Zoning Ordinance determines that this property has three (3) front yards: on the east along Victor Drive; on the north along Victor Drive in the front parking lot; and, on the west along Borderline Drive. As such patrons will be coming from three directions. The aggregate of wall signs inform motorists coming from different locations along different routes as to the stores services.

f. No. This site has special circumstances (location, topography and surrounding land use) which reduce visibility beyond what would be normally anticipated by the ordinance. Granting a variance for these reasons will not impair the intent or purpose of the ordinance nor would it expand the aggregate area of the currently existing signage.

FREESTANDING SIGN AREA VARIANCE REQUEST
Tab. 17-06 Sec. 17-07(13)

LSG Engineers & Surveyors

Location	Existing Height	Existing Area	Comment
Victor Drive @ Whitmore Lake Rd.	49 inches	16.5 sf	Existing double face interior lit sign is proposed to remain. The sign will be reconditioned with new sign materials.
Victor Drive @ Grand River Ave.	72 inches	16.5 sf	Existing double face interior lit sign is proposed to remain. The sign will be reconditioned with new sign materials.
			The height of the freestanding signs exceeds the maximum height of 42 inches allowed by the Ordinance per Table 17-06.
			The number of freestanding signs exceeds the maximum number of one (1) allowed by the Ordinance per Table 17-06 and 17-06(13)
Note: All areas are in square feet.			

KROGER D-638 BRIGHTON
WALL SIGN AREA VARIANCE REQUEST
Sec. 17-06(24)d

LSG Engineers & Surveyors

Location	Sign	Ordinance Section 17-06(24)d		
		Ex./Prop. Sign Area	Ex./Prop. Wall Area	Comment
East Wall	Kroger Food & Pharmacy	480		Existing to remain
	Citizens Bank	42		Existing to remain
	Totals	522	20.67' x 205.5' = 4248 sf	**The existing east wall signage is 12.28 % of the wall area and exceeds the 10% maximum aggregate surface display area.**
North Wall	Kroger	200		New/Relocated
	Citizens Bank	42		Existing to remain
North Wall	Rx Drive Thru	43.91		New sign
	Pharmacy	39.27		New sign
	Starbucks	54.62		New sign
	Murray's	34		New sign
	Totals	413.8	20.67' x 479' = 9,901 sf	Aggregate surface display area is 4.18 % of the total wall area not including parapets
West Wall	Kroger	200		New sign
	Total	200	20.67' x 216.4' = 4,473 sf	Aggregate surface display area is 4.47 % of the total wall area.

Note: All areas are in square feet.

KROGER D-638 BRIGHTON
TOTAL SIGN AREA VARIANCE REQUEST
Sec. 17-07(24)g

LSG Engineers & Surveyors

Location	Sign	Existing Area	Proposed Area	Comment
East Wall	Kroger Food & Pharmacy	480	480	Existing to remain
	Citizens Bank	42	42	Existing to remain
North Wall	Kroger	200	200	New sign to replace existing
	Citizens Bank	42	42	Existing to remain
	Rx Drive Thru	0	43.91	New sign
	Pharmacy	79	39.27	New sign to replace existing
	Hallmark	48	0	To be removed
	Big League Haircuts	40	0	Already removed
	Vacant	30	0	Estimated & Already removed
	Martha's Original Mackinaw Island Fudge	47	0	Estimated & Already removed
	Vacant	30	0	Already removed
	Jasmine Nails & Day Spa	32	0	To be removed
	Jazzercise	70	0	To be removed
	Starbucks	0	54.62	New sign - separate business
	Murray's	0	34	New sign - separate business
West Wall	Kroger	0	200	New sign
Totals		1140	**1135.8**	**The proposed total sign area of 1135.8 sf exceeds the requirement of 17-07(24)g the maximum aggregate total of the surface display area of all wall signs on any premises is 120 sf.**
Note: All areas are in square feet.				

EXISTING WALL SIGN PACKAGE

AT

KROGER D-638
9968 EAST GRAND RIVER AVE
BRIGHTON, MI

PREPARED BY

LSG Engineers & Surveyors
3135 Pinetree Road, Suite D
Lansing, MI 48911

RECEIVED
JUL 25 2016
BRIGHTON TOWNSHIP

Project Number 1379

Date: July 22, 2016

KROGER D-638 EXISTING WALL SIGNS

200 square feet
Kroger
Pharm

79 square feet

4' x 12' = 48 square feet
4' x 10' = 40 square feet
Hallmark
5763
WE MOVE
NO PARKING FIRE LANE

Google earth

feet 10

meters 5

3' x 10' = 30 square feet
5773
BORDERLINE
FUDGE MADE DAILY
We now have
Gelish gel

Jasmine Nails
& DAY SPA
32 square feet
jazzercise
5.67' x 12.33' = 70 square feet

Kroger
Food &
Pharmacy
480 square feet

Citizens Bank
42 square feet

PROPOSED WALL SIGN PACKAGE

AT

KROGER D-638
9968 EAST GRAND RIVER AVE
BRIGHTON, MI

PREPARED BY

LSG Engineers & Surveyors
3135 Pinetree Road, Suite D
Lansing, MI 48911

Project Number 1379

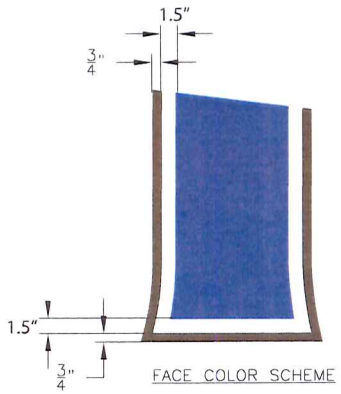
Date: July 22, 2016

RECEIVED
JUL 25 2016
BRIGHTON TOWNSHIP

060-00005074 (120V)
060-00005073 (277V)

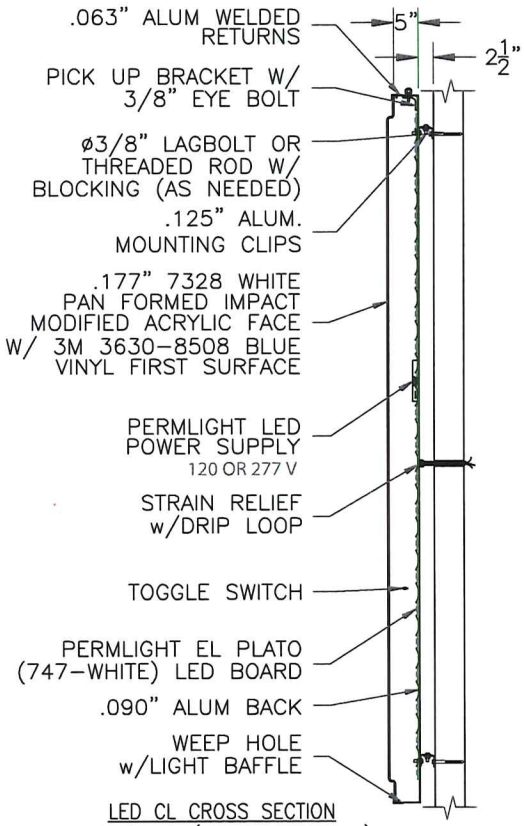
KROGER CHANNEL LETTER SET - SELF-CONTAINED TRANSFORMER

SCALE: 3/8" = 1'-0"



FACE COLOR SCHEME

- 3M 3630-8508 BLUE
- RETAINER: AKZO TO MATCH MATTHEWS 313 DARK BRONZE (Gloss Level T.B.D.)
- FILLER: AKZO TO MATCH MATTHEWS P&L 2530 CATTAIL GRAY (Gloss Level T.B.D.)



LED CL CROSS SECTION
SCALE: NTS (REFERENCE ONLY)
EQUIPMENT GROUNDED

ACTUAL SQ. FT.: 71.82

403-CL96-KRG-SC120
403-CL96-KRG-SC277

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The International Sign Service

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CUSTOMER APPROVAL: _____

DATE: _____

	DATE	BY		DATE	BY
Rev. #1			Rev. #4		
Rev. #2			Rev. #5		
Rev. #3			Rev. #6		

Kroger

DRAWING NO: 52602 ASC

DATE: 6-30-09

S. Hawke

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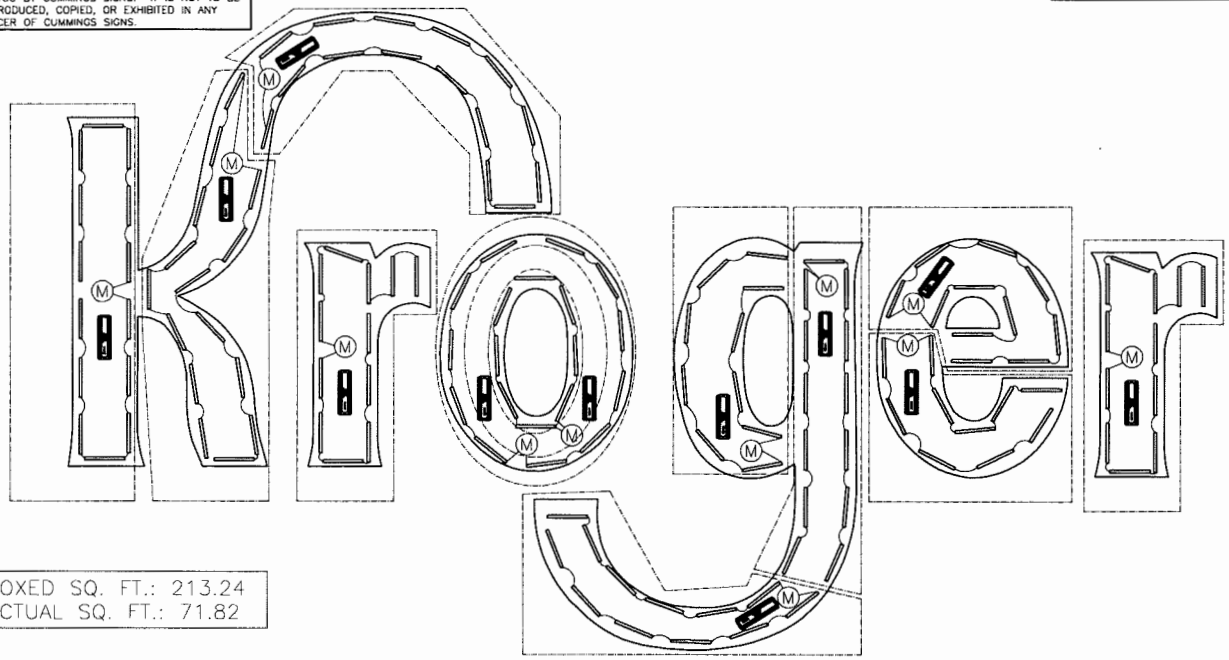
ECR	REV	REVISIONS	DATE	BY



BOXED SQ. FT.: 213.24
ACTUAL SQ. FT.: 71.82

LED MODULE	PERMLIGHT EL PLATO 747-WHT-A8 WHITE												
LETTERS	K			R	O		G			E		R	
LED TOTAL	44			12	19		35			21		12	143 TOTAL LEDS
LEDS PER SUPPLY	14	15	15	12	8	11	10	13	12	11	10	12	
POWER SUPPLIES	60-12D	60-12D	60-12D	60-12D	60-12D	60-12D	60-12D	60-12D	60-12D	60-12D	60-12D	60-12D	
	(12) PERMLIGHT 60-12D 120V (0.65 AMPS EA) - 17 MAX MODULES EACH												7.80 TOTAL AMPS

(M) CONNECT INPUT WIRES TO THE MIDPOINT OF EACH LED RUN

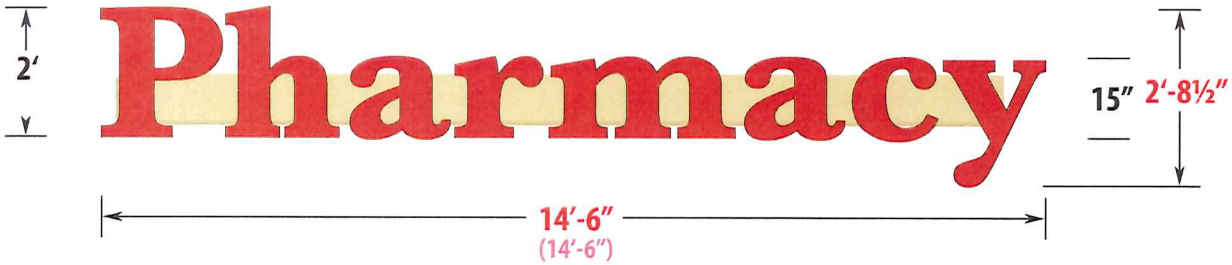
NOTES:

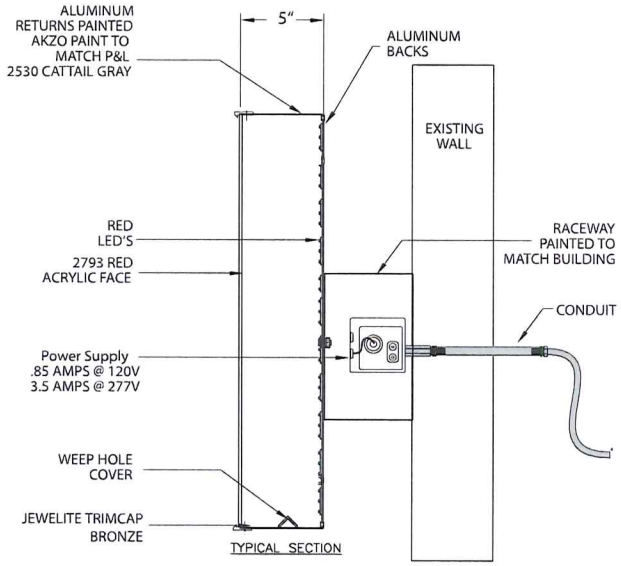
CUMMINGS SIGNS.
4255 NAPIER FIELD RD
DOTHAN, AL 36303
PHONE: (334) 983-8000
FAX: (334) 983-1379

CUSTOMER	KROGER		
CODE	PAGE LAYOUT	ASSEMBLY	
ITEM DESCRIPTION	8' KROGER LETTER SET (120 VOLT) SELF CONTAINED PERMLIGHT POWER SUPPLIES		
DRAWING APPROVED / BY			
PROGRAM APPROVED / BY	LOCATION: VARIOUS		DRAWN BY: WALTON
RELEASED FOR: PROTOTYPE / BY	SCALE: 1:24	ENGINEER: WELLS	ACCOUNT REPRESENTATIVE: CUMMINGS
1st RUN / BY	SHEET: 2 OF 9	BOXED SQ FT	ITEM NUMBER: KR210202
PRODUCTION: 6/25/2009 / BY: WALTON	WIND LOAD (MPH)	EST WEIGHT (LBS)	REV: -

ITEM NUMBER: KR210202

WALL LETTERS





FOR PLACEMENT INDICATION ONLY

- 3630-157
- 2793 RED
- WHITE
- TRIMCAP: BRONZE
- RETURNS: AKZO TO MATCH MATTHEWS P&L 2530 CATTAIL GRAY (Gloss Level T.B.D.)

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CUSTOMER APPROVAL: _____

DATE: _____

	DATE	BY		DATE	BY
Rev. #1		S.H.	Rev. #4		
Rev. #2			Rev. #5		
Rev. #3			Rev. #6		

Kroger

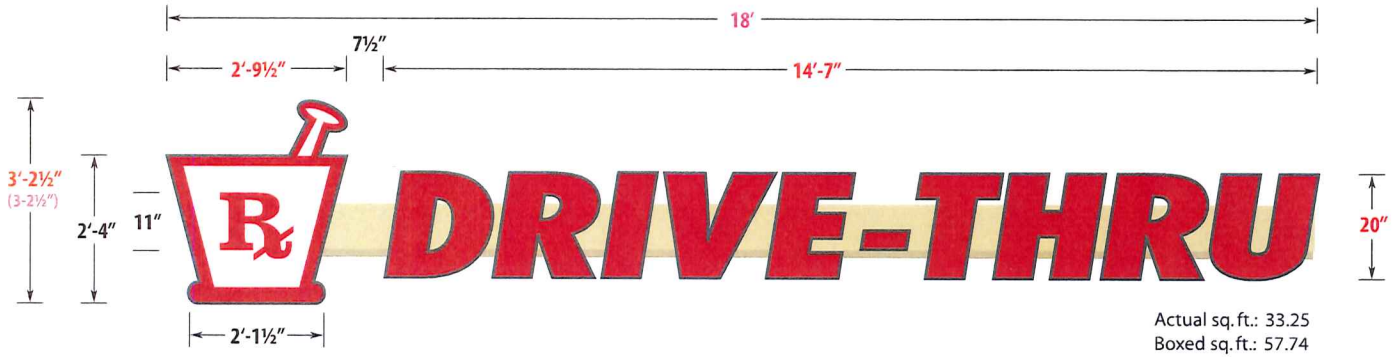
DRAWING NO: 56739

DATE: 9-4-09

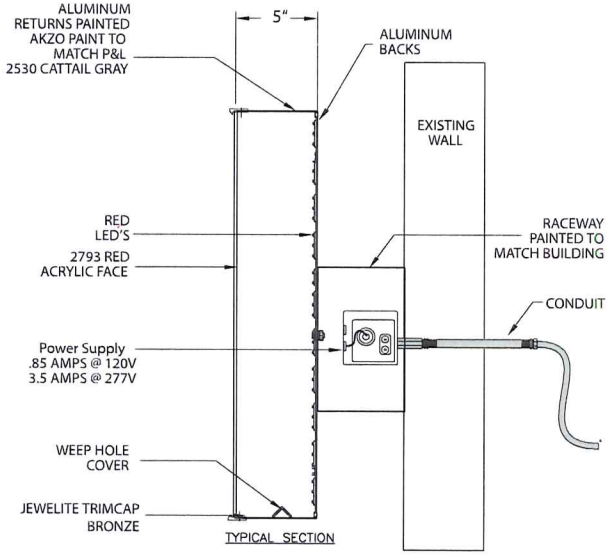
S. Hawke

060-00015010 (120v)
060-00005184 (277v)

CHANNEL LETTER SET - RACEWAY MOUNT



Actual sq. ft.: 33.25
Boxed sq. ft.: 57.74



2793 RED ACRYLIC FACE

JEWELITE TRIMCAP BRONZE

FILLER:
AKZO TO MATCH MATTHEWS P&L 2530 CATTAIL GRAY
(Gloss Level T.B.D.)

FOR EXAMPLE PLACEMENT INDICATION ONLY

403-CL20-RXDT-RW120
403-CL20-RXDT-RW277

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CUSTOMER APPROVAL: _____

DATE: _____

	DATE	BY		DATE	BY
Rev. #1			Rev. #4		
Rev. #2			Rev. #5		
Rev. #3			Rev. #6		

Kroger

DRAWING NO: 53154.24
DATE: 2-7-09
S. Hawke

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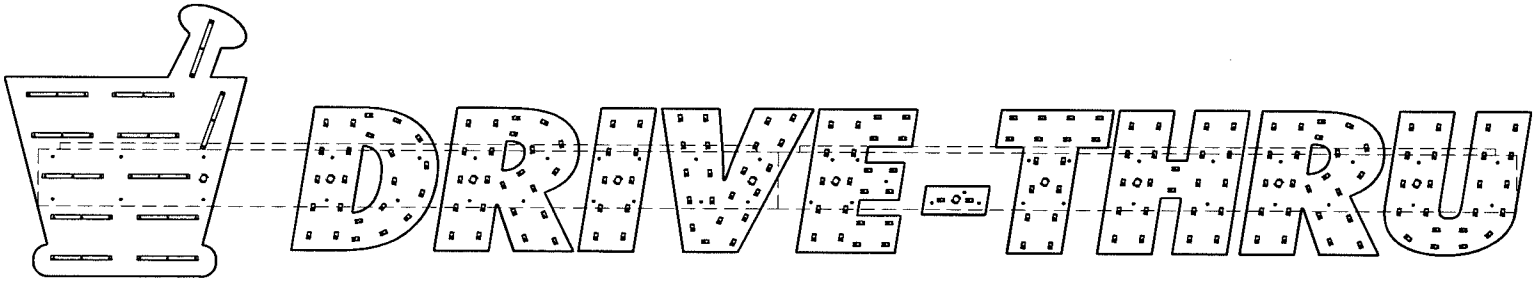
ECR	REV	REVISIONS	DATE	BY



BOXED SQ. FT.: 56.30
ACTUAL SQ. FT.: 22.65

LED MODULE	PERMLIGHT EL PLATO 747-WHT-A8 WHITE	PERMLIGHT TWISTER 752-R630-B RED										
LETTERS	RX LOGO	D	R	I	V	E	–	T	H	R	U	12 TOTAL 747 LEDS 184 TOTAL 752 LEDS
LED TOTAL	12	23	23	10	21	22	2	16	22	23	22	
LEDS PER CHANNEL	12	56			61				67			
POWER SUPPLIES	CHANNEL 1	CHANNEL 2			CHANNEL 3				CHANNEL 4			
	(1) PERMLIGHT 250-12D 120V (3.00 AMPS) (RED) 120 PER CHANNEL MAX (WHITE) 17 PER CHANNEL MAX											3.00 TOTAL AMPS

NOTES:

CUMMINGS SIGNS.
4255 NAPIER FIELD RD
DOTHAN, AL 36303
PHONE: (334) 983-8000
FAX: (334) 983-1379

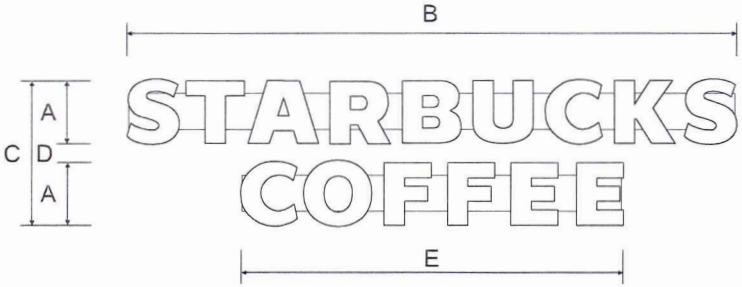
CUSTOMER	KROGER		
CODE	PAGE LAYOUT	ELECTRICAL	
ITEM DESCRIPTION	3'-2" LOGO 1'-8" DRIVE-THRU RACEWAY CHNL LTRS FACE LIT WITH LEDS		
LOCATION	VARIOUS	DRAWN BY	ERIC ELLENBURG
SCALE	1:16	ENGINEER	JEFF WELLS
ACCOUNT REPRESENTATIVE			
SHEET	2 OF 6	BOXED SQ FT	56.3
WIND LOAD (MPH)	EST WEIGHT (LBS)	ITEM NUMBER	KR206402
REV	–		

RELEASED FOR		BY
	PROTOTYPE	
	1st RUN	
	PRODUCTION 05/14/2009	EE

DRAWING APPROVED BY
PROGRAM APPROVED BY

ITEM NUMBER KR206402

STACKED FACE-LIT LETTER ON EXPOSED RACEWAY LAYOUT SPECIFICATIONS



S ___ W

S ___

Tag Number	A	B	C	D	E	Sq.Ft. 1	Sq.Ft. 2	Sq.Ft. 3	Volts	Amps
S445	10"	8'-0 3/4"	1'-11 1/4"	3 1/4"	5' - 0"	15.62	13.9	11.47	120	6.1
S440	12"	9' - 8"	2' - 4"	4"	6' - 0"	22.53	17.65	13.76	120	8
S441	14"	11' - 3 1/2"	2' - 8 3/4"	4 3/4"	7' - 0"	30.82	23.95	18.81	120	8
S442	16"	12' - 10 1/2"	3' - 1 1/4"	5 1/4"	8' - 0"	39.9	31.28	24.92	120	8
S443	18"	14' - 6"	3' - 5 3/4"	5 3/4"	9' - 0"	50.46	39.57	32.19	120	10
S444	24"	19' - 4"	4' - 7 1/2"	7 1/2"	12' - 0"	89.3	70.1	54.62	120	10

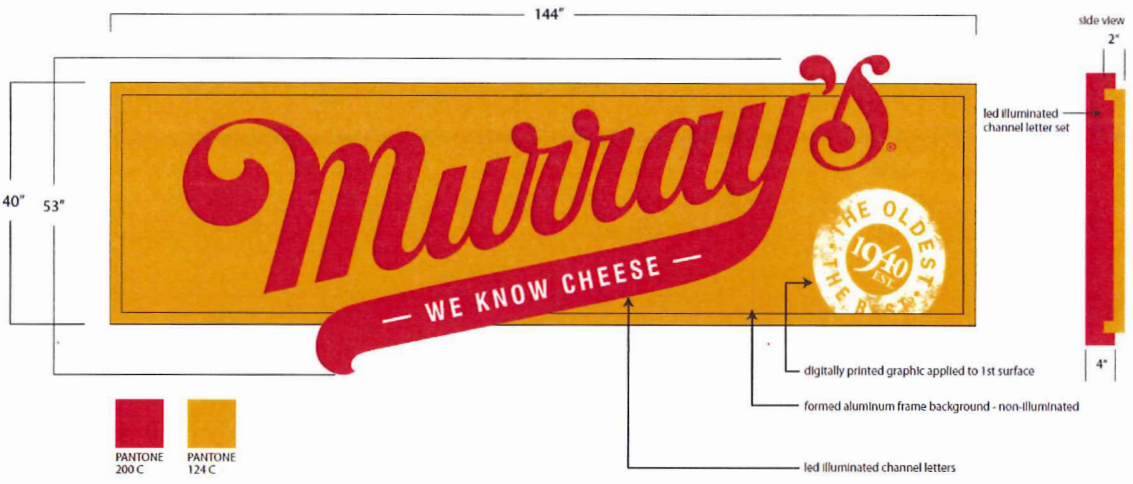
1 : Figured as one rectangular area
2 : Figured as extreme perimeter of copy area
3 : Figured as individual letter areas

February 2, 2000
DATE
November, 27, 2000

REVISIONS
7

RCYSTSPEC

SINGLE FACE WALL SIGN



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CUSTOMER APPROVAL: DATE:

	DATE	BY		DATE	BY
Rev #1			Rev #4		
Rev #2			Rev #5		
Rev #3			Rev #6		

Kroger

DRAWING NO: 63270.01B
DATE: 11-29-2010
S. Hawke

CUMMINGS SIGNS. The International Sign Service

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CUSTOMER APPROVAL: DATE:

	DATE	BY		DATE	BY
Rev #1			Rev #4		
Rev #2			Rev #5		
Rev #3			Rev #6		

Kroger

DRAWING NO: 70015A
DATE: 3-15-2012
S. Hawke

SINGLE FACE WALL SIGN

CUMMINGS SIGNS. The International Sign Service

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CUSTOMER APPROVAL: DATE:

	DATE	BY		DATE	BY
Rev #1			Rev #4		
Rev #2			Rev #5		
Rev #3			Rev #6		

Kroger

DRAWING NO: 63270.01A
DATE: 11-29-2010
S. Hawke

SITE PLAN-DRIVE AISLE WIDTH VARIANCE FOR KROGER STORE #D-638 EXPANSION

Dated July 22, 2016

Available for viewing in the

Planning and Clerk's Department

SITE PLAN-SIGN VARIANCE FOR KROGER STORE #D-638 EXPANSION

Dated July 22, 2016

Available for viewing in the

Planning and Clerk's Department

WALL SIGN VARIANCES FOR KROGER STORE #D-638 EXPANSION

Dated July 7, 2016

Available for viewing in the

Planning and Clerk's Department

LETTER OF TRANSMITTAL

LSG Engineers & Surveyors

Date: July 29, 2016	Job No. 1379
Re: Kroger D-638	Sent Via: US Mail

TO:

Kelly Mathews, Planner
Charter Township of Brighton
4363 Buno Rd.
Brighton, MI 48114

RECEIVED
AUG 01 2016
BRIGHTON TOWNSHIP

WE ARE SENDING YOU: Revisions to the Zoning Variance Application

THESE ARE BEING TRANSMITTED FOR THE PURPOSE OF: Review and Approval

Quantity	Description
15	Revised Page 2 of the application (1 page)
15	Revised Freestanding Sign Variance spreadsheet (1 page)
15	Revised Variances Requested narrative (6 pages)
15	Revised Sheet V1.2 (1 sheet)

REMARKS:
Kelly

The revisions are related to the review comments regarding the off-premise sign and freestanding sign setback.

These revised sheets/pages are for replacement of the original sheets. Please call if you have questions.

CC: 1379 File **BY** **Alan Boyer, PE**

9. Variance Request

Total Number of Variances Requested 6

Describe your Request

The variances are requested for the drive aisle widths in the existing parking lot, for the height, location off premise and setback of freestanding signs at the drive entrances and for the wall signage for proposed store expansion. The variance requests are to maintain or slightly reduce the dimensions, areas, etc. that currently existing at the premises.

Section(s) of the Zoning Ordinance

Table 15-01.2
Section 17-04(j)
Section 17-05(d)(2)
Table 17-06
Section 17-07(24)d
Section 17-07(24)g

10. Criteria for a Variance

Please respond to the following statements. The application must meet all criteria in order to obtain a variance.

a. How would the strict compliance with the area, setbacks, frontage, height, bulk, density, or other non-use matters unreasonably prevent the owner from using the property for a permitted purpose or render the conformity unnecessarily burdensome?

See the attached sheet.

b. How would a variance do substantial justice to the applicant as well as to other property owners in the district?

See the attached sheet.

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FREESTANDING SIGN AREA VARIANCE REQUEST
Sec. 17-04(j), Sec. 17-05(d)(2), Tab. 17-06

LSG Engineers & Surveyors

Location	Existing Height	Existing Area	Existing Setback	Comment
Victor Drive @ Whitmore Lake Rd.	49 inches	16.5 sf	Bet. 3.2' & 7.6' from ROW	Existing double face interior lit sign is proposed to remain. The sign will be reconditioned with new sign materials. This sign is located off-premises but within an easement as part of a Reciprocal Easement Agreement recorded in Liber 2215, Page 0902 which specifically includes a Grant of Sign Easement.
Victor Drive @ Grand River Ave.	72 inches	16.5 sf	Bet. 4.1' & 5.1' from ROW	Existing double face interior lit sign is proposed to remain. The sign will be reconditioned with new sign materials.
		RECEIVED		**The off premise sign is not allowed by the Ordinance per 17-04(j).**
		AUG 0 1 2016		**The setbacks of the freestanding signs are closer than the 10 minimum setback required by the Ordinance per 17-05(d)(2)**
		BRIGHTON TOWNSHIP		**The height of the freestanding signs exceeds the maximum height of 42 inches allowed by the Ordinance per Table 17-06.**
Rev. 20160729				
Note: All areas are in square feet.				

VARIANCES REQUESTED

OFF STREET PARKING STANDARDS Table 15-01.2

Requirement: For 90°parking, the standard aisle width is 24 feet.

Variance Request: Allow the proposed drive aisle widths of 23.65 feet in order to fit within the limits of the existing parking lot. The current aisle widths in the existing drive aisles vary from 23 to 25 feet.

Criteria for a Variance: a. Full compliance with the ordinance will require making the lot approximately three feet wider. Widening the parking lot reduces the landscape green space and will require relocating three additional light poles on the western perimeter of the parking lot.

b. Because of the past history of litigation between the applicant and neighboring owner(s), the applicant believes that granting the variance offers less disturbance within the existing parking lot, particularly with the site lighting, and therefore does substantial justice to the applicant and other property owners in the district.

c. No. A lesser variance would not give substantial relief to the applicant or other properties.

d. No. The applicant is asking for the variance in order to continue to use the existing parking lot footprint as is.

e. Yes

f. No. The existing parking lot presently operates with aisle widths slightly narrower than the standard 24 feet. Safe access and maneuverability is maintained. Granting the variance for aisle drives slightly narrower than 24 feet no way impairs the purpose of the ordinance.

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SIGN REGULATIONS Table 17-06 & 17-07 Specific Sign Requirements

Requirement: 17-04(j) Freestanding Signs – off premise

Off-premise signs are prohibited.

Variance Requested: Allow the existing freestanding off-premise sign in the Kroger access easement for the Victor Drive entrance on Whitmore Lake Road to remain.

Criteria for a Variance: a. Full compliance with the ordinance will require removing the freestanding sign which would reduce the ability of Kroger to inform passing motorists of the location of the store. The existing Kroger store sits well back from Whitmore Lake Road and is not visible by traffic moving at speed along those roadways. The sign provides motorists advance notification.

b. The existing Kroger store sits well back from Whitmore Lake Road and is not visible by traffic moving at speed along those roadways. The existing off-premise sign provides motorists advance notification of the entrance to the store and bank; and, therefore does substantial justice to the applicant and other property owners in the district.

c. No. A lesser variance would not give substantial relief to the applicant or other properties.

d. No. The special conditions and circumstances relating to the variance request are due to the location and the way in which the development took place. The Victor Drive access from Whitmore Lake is owned by the original site developer (C & S Investment Co.). A Reciprocal Easement Agreement between the owner and Kroger grants Kroger the right of access and includes utilities and signs.

e. Yes. This entrance is the main access to the Kroger store from Whitmore Lake Road and allowing the existing sign to remain will continue to inform potential patrons as to the location of the store.

f. No. This site has special circumstances beyond what would be normally anticipated by the ordinance, namely shared use of a separate parcel as an entrance drive. Granting a variance for the off-premise sign, but on an agreed to easement for the use of Kroger, will not impair the intent or purpose of the ordinance.

Requirement:	Table 17-05(d)(2) Freestanding Signs - setback Freestanding sign minimum setback dimension is 10 feet from the street right-of-way.
Variance Requested:	Allow the two (2) existing freestanding signs on the premises to remain in their existing locations. The edge of the sign at the Victor Drive entrance on Whitmore Lake Road is between 3.2 to 7.6 feet from the right-of-way line. The edge of the sign at the Grand River Avenue entrance the sign edge between is 4.1 and 5.2 feet from the right-of-way line.
Criteria for a Variance:	a. Full compliance with the ordinance will require replacing the freestanding signs which would reduce visibility and the ability of Kroger to inform passing motorists of the location of the store. The existing Kroger store sits well back from both Grand River Avenue and Whitmore Lake Road and is not visible by traffic moving at speed along those roadways. b. The existing Kroger store sits well back from both Grand River Avenue and Whitmore Lake Road and is not visible by traffic moving at speed along those roadways. The two (2) existing signs provide motorists advance notification of the location of the store and bank; and, therefore would do substantial justice to the applicant and other property owners in the district. The sign on Grand River is on a slope such that moving the sign away from the right-of-way would place it behind a slope making it difficult if not impossible to see when approached from the west by eastbound traffic. c. No. A lesser variance would not give substantial relief to the applicant or other properties since the signs currently exist. d. No. The special conditions and circumstances relating to the variance request are due to the location, topography and surrounding land use. The sign location, particularly along Grand River Avenue is screened from the view of motorists by topography. The existing location of the freestanding signs assist in informing motorists coming from different locations along different routes. e. Yes. There are two (2) entrances and the sign at each entrance currently serve to inform motorists/patrons. f. No. These signs have existed in these locations for approximately 20 years. Granting a variance for these reasons will not impair the intent or purpose of the ordinance.

Requirement:	Table 17-06 Freestanding Signs - height Freestanding sign maximum height is 42 inches.
Variance Requested:	Allow the two (2) existing freestanding signs on the premises (one (1) at the Victor Drive entrance on Whitmore Lake Road at 49 inches high, and, one (1) at the Victor Drive entrance on Grand River Avenue at 72 inches high) to remain.
Criteria for a Variance:	a. Full compliance with the ordinance will require replacing the freestanding signs which would reduce visibility and the ability of Kroger to inform passing motorists of the location of the store. The existing Kroger store sits well back from both Grand River Avenue and Whitmore Lake Road and is not visible by traffic moving at speed along those roadways. b. The existing Kroger store sits well back from both Grand River Avenue and Whitmore Lake Road and is not visible by traffic moving at speed along those roadways. The two (2) existing signs provide motorists advance notification of the location of the store and bank; and, therefore would do substantial justice to the applicant and other property owners in the district. The 72 inch sign on Grand River is on a slope such the west face of the sign is difficult to see when approached from the west by eastbound traffic. c. No. A lesser variance would not give substantial relief to the applicant or other properties since the signs currently exist. d. No. The special conditions and circumstances relating to the variance request are due to the location, topography and surrounding land use. The sign location, particularly along Grand River Avenue is screened from the view of motorists by topography. The existing height of the freestanding signs assist in informing motorists coming from different locations along different routes. e. Yes. There are two (2) entrances and the sign at each entrance currently serve to inform motorists/patrons. f. No. This site has special circumstances (location, topography and surrounding land use) which reduce visibility beyond what would be normally anticipated by the ordinance. Granting a variance for these reasons will not impair the intent or purpose of the ordinance.

Requirement:	17-07(24)d Wall Signs – Single Wall The maximum aggregate surface display area shall be ten percent (10%) or forty (40) square feet, whichever is greater, of the total area of the wall on which it is displayed.
Variance Requested:	To allow the existing signage on the east wall of the Kroger store, which is determined to be 12.28% of the area of the wall on which it is displayed, to continue.
Criteria for a Variance:	a. Full compliance with the ordinance will require reducing the existing sign area on the east wall by approximately 20%. This will limit the ability of Kroger to convey the store and bank location to patrons seeking the store. b. The existing Kroger store sits about 775 feet back from the centerline of Whitmore Lake Road and is not visible by traffic moving at speed along that roadway. The scale and location of the existing signs on the east wall inform patrons of the location of the store and draw them into an area where other businesses are located. This does substantial justice to the applicant as well as to the other property owners in the district. c. No. A lesser variance would reduce the visibility of the existing signs on the east wall. d. No. The special conditions and circumstances relating to the variance request are due to the location, topography and surrounding land use. The store location is screened from the view of motorists by vegetation, residences and other buildings and is approximately 775 feet back from the centerline of Whitmore Lake Road. e. Yes. The variance would simply allow the existing signage on the east wall to continue. f. No. This site has special circumstances (location, topography and surrounding land use) which reduce visibility beyond what would be normally anticipated by the ordinance. Granting a variance for these reasons will not impair the intent or purpose of the ordinance.

Requirement: 17-07(24)g Wall Signs – Aggregate Area

The maximum aggregate total of the surface display area of all wall signs on any premises is one hundred twenty (120) square feet for any premises

Variance Request: To allow the maximum aggregate signage on the surface display area of all wall signs to exceed 120 square feet.

Criteria for a Variance: a. Full compliance with the ordinance will require removing nearly 90% of the existing/proposed signage from the store which would reduce the ability of Kroger to inform passing motorists and patrons of the location of the store and services offered at the store.

b. Yes. The existing Kroger store and adjoining store fronts have/had an aggregate total of 1140 square feet of signage on the east and north walls. The proposed signage would result in a slight reduction to 1135.8 square feet. Since the existing and proposed areas are nearly equal, there is no substantial change and, therefore the variance does substantial justice to the applicant and other property owners in the district.

c. No. A lesser variance would not give substantial relief to the applicant or other properties. It would reduce the applicant's ability to inform patrons of the services available.

d. No. The special conditions and circumstances relating to the variance request are due to the location, topography and surrounding land use. The store location is screened from the view of motorists by vegetation, residences and other buildings. The store is approximately 775 feet back from the center line of Whitmore Lake Road and 675 feet back from the centerline of Grand River Avenue. The aggregate of wall signs inform motorists coming from different locations along different routes as to the stores services.

e. Yes. The Brighton Township Zoning Ordinance determines that this property has three (3) front yards: on the east along Victor Drive; on the north along Victor Drive in the front parking lot; and, on the west along Borderline Drive. As such patrons will be coming from three directions. The aggregate of wall signs inform motorists coming from different locations along different routes as to the stores services.

f. No. This site has special circumstances (location, topography and surrounding land use) which reduce visibility beyond what would be normally anticipated by the ordinance. Granting a variance for these reasons will not impair the intent or purpose of the ordinance nor would it expand the aggregate area of the currently existing signage.

SITE PLAN-SIGN VARIANCE FOR KROGER STORE #D-638 EXPANSION

Dated July 22, 2016

Available for viewing in the

Planning and Clerk's Department

MEMORANDUM

TO: BRIGHTON TOWNSHIP RESIDENTS

FROM: ANN M. BOLLIN, CLERK

SUBJECT: ZONING BOARD OF APPEALS ELECTRONIC PACKETS

DATE: MAY 6, 2016

Packets for the Brighton Township Zoning Board of Appeals meetings posted to the website contain scanned original documents. These electronic packets are subject to change based on meeting material presented to the Zoning Board of Appeals throughout the course of the meeting. For a complete original packet following the Zoning Board of Appeals meeting contact the Clerk's Office at 810-229-0560 or via email: clerk@brightontwp.com