

MINUTES

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

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, C. Moran (alt).

CALL TO THE PUBLIC

Bob Potocki, 8420 Woodland Shore Drive - Stated that the ZBA fee is too high for applicants; he stated that sewers are an issue and that people aren't doing additions because of sewer costs; and there is a dispute over the Township's ability to enforce zoning in their neighborhood.

AGENDA

J. Dorset moved and J. McKeon seconded to approve the agenda as presented.

Motion carried.

MINUTES

J. Cogley moved and J. Gibbons seconded to approve the June 22, 2016 regular meeting minutes as presented.

Motion carried.

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

Robert Savage, Applicant, presented his variance application for a lot coverage variance of four (4) percent, over the allowable twenty-five (25%) percent. He is planning on demolishing the existing home and breezeway and garage and replacing it with a new home and attached garage that will be more conforming from the lake/waterfront and is a smaller footprint (i.e. length of the building on the site). The square footage of the existing home versus the new home are almost the same.

K. Mathews reviewed her report dated July 26, 2016.

PUBLIC HEARING

The public hearing opened at 7:25 P.M.

No comments.

The public hearing closed at 7:25 P.M.

C. Moran moved and J. Cogley seconded to approve a variance from Zoning Ordinance *Article 3, Sec. 3-03, District Regulations, lot coverage*, for ZBA Application # 16/09; Location: 8436 Woodland Shore Drive; Tax ID # 12-18-304-012; Owner and Applicant: Robert Savage, to allow a home and attached garage to have a lot coverage of twenty-nine (29%) percent, a variance of four (4%) percent over the allowable twenty-five (25%) percent, for the following reasons: the new structure is no larger than the current structure; it gives the applicant an equitable size in keeping with the neighbors; and the new home will become more conforming to meet the average waterfront/lake setback in the area by decreasing the length/footprint of the building.

Motion carried.

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

Applicant Representative Alan Boyer, LSG Engineers & Surveyors, and Applicant Adam Crane, Kroger's, were in attendance. Mr. Boyer explained the need for the aisle width variance. He explained they are working within the existing footprint of the parking lot and are adding islands through the parking lot and modifying the aisle width from the current twenty-three (23) ft. to twenty-five (25) ft. wide to make them all the same at 23.65 ft. The Fire Department and OHM provided an e-mail and letter, respectively, supporting the variance request and stating that the small reduction in aisle width would not affect the internal circulation for the site.

K. Mathews reviewed her report dated August 23, 2016.

PUBLIC HEARING

The public hearing opened at 7:42 P.M.

No comments.

The public hearing closed at 7:42 P.M.

J. Cogley moved and J. Gibbons seconded to approve a variance from Zoning Ordinance *Article 15, Sec. 15-01(e)(2), Off-Street Parking Requirements*, for 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, to allow an aisle width of 23.65 for the aisle width for the eight (8) aisle ways within the internal portion of the parking lot per the letter from the Township Engineer dated 8/9/16 and the e-mail from the Fire Department dated 7/26/16 respectively. Additionally, suggested that there is coordination of the closing of Borderline Dr. with Brighton Area Schools when the project is under construction since the bus garage is located adjacent to this property.

Motion carried.

b. Ground signage variance, a variance from *Article 17, Sec. 17-04(j), Prohibited Signs, off-premises signs* Applicant Representative Alan Boyer, LSG Engineers & Surveyors, overviewed the request for a variance to allow an off-premises sign located at the Whitmore Lake Road entrance to Kroger's in the Victor Drive easement. The applicant has an easement for the sign and would like the signage to remain in its current location which is located too close to the R.O.W. and is also too high. The Zoning Ordinance requires ten (10) ft. outside of the R.O.W. and forty-two (42) inches high. The applicant is planning to reface the sign which includes rebuilding the cabinet with new backlit lighting and a new panel since the sign is outdated and past its useful life. K. Mathews reviewed her report dated August 26, 2016.

PUBLIC HEARING

The public hearing opened at 7:59 P.M.

Julie Clore, 9956 E. Grand River - Doesn't object to what Kroger's is proposing at this time and stated that Kroger's owns Victor Drive and they have an easement to utilize Victor Drive. She stated that there were problems with the proposed parking going back to the original site plan approval in 1997 because Kroger's didn't specify their easement rights in regards to the parking and some parking had to be removed; she is concerned about the increase of foot candles/lighting with the new signage. She also felt that the Township should place a note in the record that both the E. Grand River and Whitmore Lake signs violate the Zoning Ordinance in terms of height and distance from the R.O.W.

The public hearing closed at 8:05 P.M.

K. Mathews reviewed her report dated August 26, 2016.

J. Gibbons moved and J. Dorset seconded to approve a variance from Zoning Ordinance *Article 17, Sec. 17-05(d)(2), Prohibited Signs, off-premises signs*, for 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, to allow an off-premises sign located along Whitmore Lake Rd. in the Victor Drive easement to be allowed since it is not changing a current condition; it directs persons to the store;

the original site plan for the property allowed an off-premises sign; and they are just refacing an existing sign. It was additionally stated that the off-premises sign shall meet all other Zoning Ordinance requirements including illumination levels (foot candles), height and distance from the R.O.W.
Motion carried.

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

Applicant Representative Alan Boyer, LSG Engineers & Surveyors, overviewed the request for a variance to allow two (2) ground signs to be higher than the Zoning Ordinance requirement of forty-two (42) inches high. The Whitmore Lake Rd sign is forty-nine (49) inches high and the Grand River sign is seventy-two (72) inches high and since they are just refacing the sign they would like to leave the signage as is. It was suggested that the E. Grand River sign needs to be at seventy-two (72) inches high due to the sloping topography which makes the sign difficult to see. The Whitmore Lake Rd. sign does not have grading/topography issues. It was also stated that due to the settlement agreement with the Clore's, that Kroger's does not want to change the sign on E. Grand River.

K. Mathews reviewed her August 23, 2016 report.

PUBLIC HEARING

The public hearing opened at 8:15 P.M.

Julie Clore, 9956 E. Grand River - Stated that due to litigation, Kroger's needs to show them the proposed signage changes for them to okay.

The public hearing closed at 8:17 P.M.

J. Cogley moved and J. Gibbons seconded to table the variance requests from Zoning Ordinance *Article 17, Sec. 17-06(13), Specific Sign Requirements, height of signs, and Sec. 17-05(d)(2) General Requirements for Permitted Signs, distance from right-of-way, for 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, for the height and distance from the R.O.W. for the E. Grand River ground sign in order to receive a legal opinion regarding the settlement agreement for Kroger's and the Clore's.*

Motion carried.

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*

Applicant Representative Alan Boyer, LSG Engineers & Surveyors, overviewed the request for a variance to allow the ground sign at Whitmore Lake Rd. to be located closer to the R.O.W. than the Zoning Ordinance requirement of ten (10) ft. from the R.O.W. since they are just refacing the sign. It was discussed that the Whitmore Lake Rd. sign does not have grading/topography issues.

K. Mathews reviewed her August 23, 2016 report.

PUBLIC HEARING

The public hearing opened at 8:25 P.M.

No comments.

The public hearing closed at 8:25 P.M.

J. Dorset moved and C. Moran seconded to deny the variance requests from Zoning Ordinance *Article 17, Sec. 17-06(13) Specific Sign Requirements, height of signs and Sec. 17-05(d)(2) General Requirements for Permitted Signs, distance from right-of-way, for 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, for the height and distance from the R.O.W. for the Whitmore Lake Rd. ground sign due to no proven hardship. The applicant will meet all Zoning Ordinance requirements other than it being an off-premises sign.*

Motion carried.

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*

Applicant Representative Alan Boyer, LSG Engineers & Surveyors, overviewed the request for wall signage which far exceeds the Zoning Ordinance requirement of a maximum of 120 sq. ft. on up to three (3) sides of a building. He also stated that Kroger's is proposing to leave the east elevation untouched which exceeds the ten (10%) percent allowance on that wall.

K. Mathews reviewed her August 23, 2016 report.

PUBLIC HEARING

The public hearing opened at 8:40 P.M.

No comments.

The public hearing closed at 8:40 P.M.

J. Dorset moved and J. Cogley seconded to approve the variance request from *Zoning Ordinance Article 17, Sec. 17-06(g) exceeding 120 sq. ft. total aggregate amount of wall signage* for 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, to allow the front elevation signage as proposed by Kroger's and to allow the "Kroger's" and the "Bank" sign on the east elevation to remain. Kroger's will remove the "Food and Pharmacy" sign in order to have the east elevation meet the ten (10%) percent wall coverage allowance in the Zoning Ordinance. The cumulative wall signage will exceed the 120 sq. ft. building allowance but is being allowed due to the fact that the Zoning Ordinance does not distinguish between large or small buildings or multi-tenant or single tenant buildings, and on such a large building, that the amount of signage needs to exceed 120 sq. ft. in order for the owner to have sufficient signage for their building. Additionally, the building sits back a distance from Grand River and Whitmore Lake Rd., so it needs additional signage. (Since both walls will meet the 10% wall coverage, no variance was needed from *Sec. 17-06 d. exceeding 10% maximum aggregate surface display area.*)

Motion carried.

REPORTS AND CORRESPONDENCE

D. Hawk - Township Board update.

CALL TO THE PUBLIC

None.

J. Dorset moved and C. Moran seconded to adjourn.

Motion carried.

The meeting adjourned at 8:55 p.m.

Respectfully submitted,

Frank Grapentien, Chairperson

John Gibbons, Secretary

Kelly Mathews, Acting Secretary

Ann M. Bollin, CMC, CMMC, Clerk