

ZONING BOARD OF APPEALS
TUESDAY, DECEMBER 16, 2014 @ 7:00P.M.

CALL TO ORDER: 7:02 p.m.

COMMISSIONERS: Chairman - Mr. Lee Todd
Mr. Ahmad Taylor
Mr. Sam Anderson, Jr.
Ms. Elcine Kirkendolph
Mr. Joseph Sinclair
Mr. Carlos Bueno
Mr. William Carrington

CHAIRMAN TODD: I will call the meeting to order. Roll call, please.

MR. SABO: Anderson?

MR. ANDERSON: Here.

MR. SABO: Chairman Todd.

MR. TODD: Here.

MR. SABO: Taylor?

MR. TAYLOR: Here.

MR. SABO: Kirkendolph?

MS. KIRKENDOLPH: Here.

MR. SABO: Carrington?

MR. CARRINGTON: Here.

MR. SINCLAIR: (Arrived at 7:09)

MR. BUENO: (Arrived at 7:35)

ALSO PRESENT: Mr. James Sabo, Professional Planner
Mr. Gordan Bowdell, Associate Planner

Mr. Sabo stated a quorum was present.

COMMUNICATIONS: None.

ADOPTION OF MINUTES: November 18, 2014.

COMM. TAYLOR MADE A MOTION FOR APPROVAL OF THE MINUTES FOR November 18, 2014 AND COMM. ANDERSON SUPPORTED.

CHAIRMAN TODD: Roll call, please.

VOTE: AYES: Taylor, Anderson, Kirkendolph, Carrington, Chairman Todd.

NAYS: None.

ABSTAIN: None.

Motion passes 5-0-0.

OLD BUSINESS: None.

NEW BUSINESS:

PUBLIC HEARING NUMBER: ZBA-14-19

Finding of facts presented by Mr. Bowdell.

Address: 250 N Telegraph Road

Variance Request: Section 5.105(C)(d) – To increase the maximum area of building mounted signs.

Present Use & Occupancy: Vacant

Proposed Use & Occupancy: Forman Mills

Dimensional Variance Request:

Section 5.105(C)(d) – Building Mounted Signs C-1, C-3, and C-4 districts: 2 square feet per linear foot of ground floor frontage or 100 square feet, whichever is less. Buildings or uses with more than one street frontage may have additional wall signs with an area equal to 50 percent of that permitted in the primary frontage.

Claimed Practical Difficulty:

The applicant stated: *“Forman Mills is unique in that they have entrances on two elevations (Telegraph Rd. & Elizabeth Lake Rd.). Also, the neighboring Toys R Us store partially blocks their visibility from Telegraph Rd. Forman Mills is a 78,000 sq. ft. space & one of the shopping center’s largest tenants. Furthermore, the building is set back far off of Telegraph Rd. For these reasons, we feel the request for extra wall signage is not excessive.”*

Staff Findings:

1. The property is zoned C-4, Suburban Business.
2. According to Section 5.105(C)(d), one building sign is permitted at 2 sq. ft. per lineal foot of building frontage or 100 sq. ft., whichever is less.
3. The proposed signs are internally-illuminated channel letters with a colored background. The yellow colored background has a LED stripe on the edge.
4. The applicant is proposing three signs on the primary frontage (Telegraph), totaling 125 sq. ft.
5. The applicant is proposing one sign on the second street side (Elizabeth Lake Rd.), totaling 960 sq. ft.
6. According to Section 5.102(C)(1) of the Zoning Ordinance – Measurement of a sign includes the entire area within a circle, triangle, parallelogram, or polygon enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material of color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. This excludes the necessary supports or uprights on which the sign is placed but includes any sign tower.
7. The Telegraph side has a building frontage of approximately 287 feet. The Elizabeth Lake side has a building frontage of approximately 287 feet.

AUTHORIZATION: Section 6.407 Dimensional Variance

Authority – The Zoning Board of Appeals may grant a dimensional (nonuse) variance to provide relief from a specific standard in this Ordinance relating to an area, a dimension or a construction requirement or limitation, upon the concurring vote of a majority of the members of the Zoning Board of Appeals.

Practical Difficulty – A nonuse variance shall not be granted unless the Zoning Board of Appeals finds that there is a practical difficulty in the way of carrying out the strict letter of this ordinance. In determining whether a practical difficulty exists, the Zoning Board of Appeals must find that:

1. Compliance with strict letter of the restrictions governing area, setback, frontage, height, bulk, lot coverage, density or other dimensional or construction standards will

unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with such restrictions unnecessarily burdensome.

Meets the standard – To conform to the regulations of the sign ordinance would not prevent the owner from using the property for a permitted use; however, due to the size of the building and building setback, to conform to the area restrictions would be unnecessarily burdensome.

2. A grant of the variance will do substantial justice to the applicant as well as to the other property owners in the district, and a lesser variance will not give substantial relief to the applicant as well as be more consistent with justice to other property owners in the zoning district.

May/May not meet the standard – The site has a very large frontage. The building could accommodate a sign larger than 100 sq. ft. Although a larger sign could be accommodated, the proposed number of signs and square footage appears to be excessive for the location, especially on the primary frontage.

3. The plight of the applicant is due to the unique circumstances of the property.

Meets the standard – The property is unique to the fact that it has a large frontage on Telegraph and Elizabeth Lake Rd. There is also a building (Toys R Us) that obstructs part of the frontage on Telegraph Rd.

4. The problem is not self-created.

Meets the standard – The uniqueness of the site (size of the building & location) is not self-created. However, it appears the requested sign variances are excessive and a lesser variance would be more appropriate.

5. The spirit of the ordinance will be observed, public safety and welfare secured, and substantial justice done.

May meet the standard – The intent of the sign ordinance is to regulate outdoor signs to enhance aesthetics within the city, as well as enhance traffic safety. Although it appears that larger signs are needed, three signs on the front of the primary frontage of the building appear to be excessive. The Planning Department would recommend that if a variance is granted for size, it should limit the number of signs to (1) one on the primary frontage.

6. There is compliance with the standards set forth in *Sec 6.401.B*.

Meets the standard

7. Compliance with standards for discretionary decisions contained in *Sec 6.303*.

Not Applicable

RECOMMENDATION:

To approve a lesser variance (ZBA-14-21) for Section 5.105(C)(d) of the Zoning Ordinance to increase the maximum sign area for the primary frontage from 100 SF to 500 SF (400 SF variance) and increase the maximum sign area of the additional frontage (Elizabeth Lake Rd.) from 50 SF to 125 SF (75 SF variance) subject to the following condition:

1. Only one Building Mounted Sign shall be permitted on each frontage.

Paul Leaders, 23544 Hoover Rd., Warren, of Metro Signs stated he appreciates the work from staff and would like the Board to consider not only the size of the space but the fact that even though Forman Mills is well-established on the East coast, they are fairly new to the area. The extra signs would help establish the fact that Forman Mills is a discount clothing store rather than a regular mill.

CHAIRMAN TODD DECLARED PUBLIC HEARING OPEN.

Timothy Honnell, OPM Telegraph LLC, representing the landlord of property, stated the space has been vacant for some time due to the size. It is difficult to find a tenant of that capacity to fill a 78,000 sq. ft. space. Anything that can be done to help the tenant to be successful would be a benefit to the city and its residence, as well as the other businesses in the complex.

CHAIRMAN TODD DECLARED PUBLIC HEARING CLOSED.

COMM. TAYLOR MADE A MOTION TO APPROVE A LESSER VARIANCE (ZBA-14-21) FOR SECTION 5.105(C)(D) OF THE ZONING ORDINANCE TO INCREASE THE MAXIMUM SIGN AREA FOR THE PRIMARY FRONTAGE FROM 100 SF TO 500 SF AND TO ALLOW TWO ADDITIONAL WALL SIGNS ON THE PRIMARY FRONTAGE OF THE BUILDING (92.82 SF AND 85.35 SF) A 578.10 SF VARIANCE. AND TO APPROVE A VARIANCE TO INCREASE THE MAXIMUM SIGN AREA OF THE ADDITIONAL FRONTAGE (ELIZABETH LAKE RD.) FROM 50 SF TO 125 SF, A 75 SF VARIANCE; SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE TWO ADDITIONAL WALL SIGNS ON THE PRIMARY FRONTAGE ARE RESTRICTED TO CHANNEL LETTERS ONLY.

COMM. KIRKENDOLPH SUPPORTED.

VOTE: AYES: Taylor, Kirkendolph, Anderson, Sinclair, Chairman Todd.

NAYS: Carrington.

ABSTAIN: None.

Vote 5-1-0 motion passes.

PUBLIC COMMENT: None.

MISCELLANEOUS: 2015 – Zoning Board of Appeals Schedule

COMM. TAYLOR MADE A MOTION TO ADOPT THE FOLLOWING ZONING BOARD OF APPEALS REGULAR MEETING SCHEDULE FOR JANUARY THROUGH DECEMBER 2015 ON THE THIRD TUESDAY OF EACH MONTH AT 7:00 PM:

JANUARY 20, 2015

FEBRUARY 17, 2015

MARCH 17, 2015

APRIL 21, 2015

MAY 19, 2015

JUNE 16, 2015

JULY 21, 2015

AUGUST 18, 2015

SEPTEMBER 15, 2015

OCTOBER 20, 2015

NOVEMBER 17, 2015

DECEMBER 15, 2015

COMM. SINCLAIR SUPPORTED.

VOTE: AYES: Taylor, Sinclair, Kirkendolph, Anderson, Carrington, Chairman
Todd.

NAYS: None.

ABSTAIN: None.

Vote 6-0-0 motion passes.

ADJOURNMENT: MOVED BY COMM. ANDERSON TO ADJOURN. COMM. SINCLAIR SUPPORTED.

All in Favor: Ayes: All Nays: None Abstain: None

7:37 p.m.