

ZONING BOARD OF APPEALS

CITY OF LIVONIA

MINUTES OF MEETING HELD TUESDAY, MAY 10, 2022

A Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, May 10, 2022.

MEMBERS PRESENT: James Baringhaus, Vice Chairman
Timothy Klisz, Secretary
Christopher Boloven
Tamara Oliverio
Martha Ptashnik
Michael Testa

MEMBERS ABSENT: Gregory G. Coppola, Chairman

OTHERS PRESENT: Harry Ramsden, Inspection Department
Leo Neville, Legal Department

The meeting was called to order at seven p.m. Vice Chairman Baringhaus explained the Rules of Procedure to those interested parties. Each petitioner must give their name and address and declare hardship for appeal. Appeals of the Zoning Board's decisions are made to the Wayne County Circuit Court. The Chairman advised the audience that appeals can be filed within 21 days of the date tonight's minutes are approved. The decision of the Zoning Board shall become final within five (5) calendar days following the hearing and the applicant shall be mailed a copy of the decision. There are four decisions the Board can make: to deny, to grant, to grant as modified by the Board, or to table for further information. Each petitioner may ask to be heard by a full seven (7) member Board. Five (5) members were present. No one chose to reschedule. Secretary then read the Agenda and Legal Notice to each appeal, and each petitioner indicated their presence. Appeals came up for hearing after due legal notice was given to all interested parties within 300 feet, petitioners, and City Departments. There were four (4) people present in the audience.

(7:00)

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Appeal Case No. 2021-11-44: An appeal has been made to the Zoning Board of Appeals by Nu-Vue Livonia, LLC (Rafi Rayes), 14300 Michigan Avenue, Dearborn, MI 48126, seeking to erect a ground sign, resulting in deficient sign setback, excess height, area and an electronic message center, which is not allowed on non-conforming ground signs and the area of the message center. The existing ground sign is to be removed.

Ground Sign Setback:

Required: 10 feet
Proposed: 3 feet
Deficient: 7 feet

Sign Height:

Allowed: 6 feet
Proposed: 10 feet
Excess: 4 feet

Ground Sign Area:

Allowed: 30 sq. feet
Proposed: 80 sq. feet
Excess: 50 sq. feet

Electronic Message Center Board Area:

Allowed: 15 sq. feet
Proposed: 30 sq. feet
Excess: 15 sq. feet

The property is located on the west side of Farmington (16975), between Bloomfield and Six Mile, Lot. No. 061-02-0177-004, C-1 Zoning District. Rejected by the Inspection Department under Livonia Vision 21 Ordinance, Section 11.08(2), "Sign Regulations for C-1 Districts," and Section 11.10(2), "Sign Illumination; Standards."

Baringhaus Mr. Secretary, before we begin, the case is currently tabled. Can I have a motion to remove the case from the table?

Boloven Motion to remove case number 2021-11-44 from the table.

Testa Support.

Baringhaus Support. Motion by Mr. Boloven, supported by Mr. Testa, which will remove the case from the table. Any discussion? All those in favor say aye.

Board Aye.

Baringhaus Okay. Thank you. The case is removed from the table. Mr. Secretary, will you please read the case. Are there any questions for the Law department from the Board? Any questions for the Building Inspection department? Okay. Thank you. Sir, if you can please come to the podium over here. Good evening.

Rayes Good evening.

Baringhaus Can you please state your name and address for the record, please.

Rayes Rafi Rayes, 14300 Michigan Avenue, Dearborn, Michigan 48126.

Baringhaus Okay. Thank you very much. You've been before us once before regarding your variance request. Can you please describe for the Board what revisions or updates you request this evening?

Rayes So we actually made some updates to the monument sign. We removed the electronic message board, as was recommended by your Board and then we went lower on the square footage, a little higher than what's allowed, just for visibility reasons. We also, we made a mockup and made like any safety concerns as far as pedestrians walking behind it. The square footage right now, we're proposing 60 square feet, both signs. We agreed last time that we do need a better sign for visibility of the plaza. I think it's fairly reasonable. I do have something that I did not include when I submitted. It's just a mockup to see how the sign will look from the street while people are driving by. Can I submit that?

Baringhaus Yeah, sure. Please. Did you want to give us a brief description of your hand out?

Rayes So it does have a lot better visibility than the existing one. We're pushing it a few feet towards Farmington Road, will be higher than the existing one. It will be illuminated, but it will kind of attract attention and people can see the name of the businesses and they can notice the plaza.

Baringhaus Okay. Just, again, just kind of refresh everybody. Can you restate your current hardship and why you're requesting the sign?

Rayes So the problem is that the building is very hard to notice, you know, whoever's driving north or south of Farmington can barely see the building in general. We had a hard time attracting new tenants to the building. We still have four buildings vacant in there. We're hardly getting any calls, although there's a big sign that says for lease. So, the sign is crucial to actually have businesses going over there. I mean anybody would agree that it's very hard to notice that building.

Baringhaus How many tenants do you have in the building now?

Rayes Two.

Baringhaus Two. Okay and then ideally how many tenants would you like?

Rayes Seven. Well, if it's six, because one of them is actually having to find two addresses. There's one right now is just temporary, a month-to-month. Really six can be in there.

Baringhaus In terms of the sign, one thing I noticed is that the actual name of the building I think Nu-Vue Medical?

Rayes Yes.

Baringhaus It's vertical on the sign. Can you explain the rationale on that?

Rayes Well, just to give more space for the business names, more visible. Mostly people looking for the business than looking for the whole plaza name in general. So, it would be vertical. It will still be with LED and backlit. So still show, but the main focus is on the businesses occupying the building.

Baringhaus Will the lighting be on a timer?

Rayes Yes.

Baringhaus In terms of the signage, will those be a signage on the building as well as monument sign, or what are your identification plans?

Rayes For the buildings?

Baringhaus Yes.

Rayes We'll be just each one we will plan to do uniform signage next to each business main door, just identify the businesses. Something won't exceed two by three, I would say.

Baringhaus But there's no plans for additional illuminated signage on the building.

Rayes No, just general.

Baringhaus No detail on the door that states the name of the business?

Rayes Correct. Yes. No illumination.

Baringhaus Any other questions?

Boloven Mr. Chair?

Baringhaus Mr. Boloven.

Boloven Question for the Petitioner. In your packet that you presented, not the one that you just handed out, the original packet for the revised plans. Page four of that document has sight lines. It's looking, it's showing a vehicle moving in from the north side of the property, then coming around and shows the blind spots.

Rayes Right.

Boloven What's the intention of this when you're putting in here the directionals? Is that to show if this setback is going to cause some sight obscuring, or is it intended just for how the sign's going to look and where somebody's going to see the sign?

Rayes You're talking about this one here, or this?

Boloven I can't see from there. I'm sorry.

Rayes Because the both of them will have –

Boloven It's that one.

Rayes Okay. So just to show that as far as safety for people passing by, it won't change from the existing one to the proposed one, because it's still cars going up because still see who is passing by behind the sign. As far as thickness, it won't be that much different between the new one and that one. So, for this one to show to see who's passing by just to show as far as safety issues, there's no concerns about that.

Klisz Question for Mr. Ramsden. Is this something if presented, would it need to go through public safety for potential issues on those sight lines, or is this sufficient enough? Would your department be able to okay it?

Ramsden I don't think this rises to that level.

Klisz My concern obviously is having something if we're going to give, I know it's four feet deficient, besides the fact it's a highly traveled sidewalk going into a school area, you also got high vehicle traffic right there at that corner. Is that sign potentially going to cause some hardship there of either missing a pedestrian, God forbid a student, you know, or any pedestrian, let alone the traffic going southbound?

Ramsden That would concern the Livonia Police Department, may have a different opinion than mine.

Klisz Thank you, Mr. Chair.

Testa Mr. Chair.

Baringhaus Mr. Testa.

Testa Mr. Rayes, on that same page that you just showed us, it looks like you're removing the front, the closet parking spots to the sidewalk, is that correct?

Rayes It will still be within -- there's nothing that's actually going to be eliminated. There parking is a parking spot over there.

Testa In the picture you provided and passed out, it looks like there is a parking spot right next to you, are going to keep that front parking spot?

Rayes Yes. Yes, yes. This is just a mistake, but there is a parking spot.

Testa So you are going to keep that front parking spot?

Rayes Yes.

Testa So you are going to keep that front parking spot?

Rayes That's fine, because hardly anybody will actually park over there.

Testa Yeah, that's true.

Rayes And actually, it's not -- for safety concerns, it's not actually safe to park there, so it's going to block the view.

Testa Yeah, I was also thinking it might be wise for you to give up that parking space, also so people have a better view of your sign.

Rayes Well, we have a schedule. Well, actually, we should be scheduled this month or next month for resurfacing this driveway, so it will be an issue, we can eliminate those.

Baringhaus Any other questions for the petitioner? I'd like to follow up. Can you describe basically the colors that will be utilized in your proposed sign?

Rayes So the colors will be beige, beige and brown, dark brown color, kind of matching the building on the outside. I'll say dark brown and beige.

Baringhaus And those colors match the building?

Rayes Yes.

Baringhaus Okay. I'm curious about the setback. I mean the current sign sets 16 feet away.

Rayes Right now?

Baringhaus Yes.

Rayes Yes, right now it's at 16.

Baringhaus Right. Now you're proposing only six feet, yet the ordinance is ten feet. I'm wondering why you can't go back another four feet.

Rayes Well, the problem with that, if you notice here, we have 23 feet before you get to just the sidewalk. Zou still have six feet, and then another six feet. So even with that, the sign is still deep inside, and you can hardly see unless you're like before the edge of the building. I mean we don't want to go too crazy, we just, you know, we're four feet deficient as far as what's allowed. Just to, I mean, work with safety issues and won't propose any harm to anybody. I know just moving it, sorry, moving it four feet is not much. It makes a little difference when it comes to visibility from different angles.

Baringhaus Okay. Mr. Boloven.

Boloven Another question for the petitioner. That four feet I hear you saying is the minimum, but if that four-feet is going to end up requiring an inspection by our public safety department, would you be willing if you got this sign height and ground sign area, would you be willing to move it back the extra four feet in order to avoid having us to do a study from the police department? I'm fine with that if that's what it is.

Boloven Okay. Thank you, Mr. Chair.

Testa Mr. Chair.

Baringhaus Yes, Mr. Testa.

Testa Sorry I have to keep dwelling on the same concern regarding sight lines. It looks like, I didn't notice this when I drove over, that you have directional flow of traffic, right? Are there arrows painted on the parking lot or will there be arrows? The picture you're showing here is that you can only enter from the north and exit from the south.

Rayes No. This just to show that whoever's entering the site, you know, as far as visibility to show different angles. But it's not -- I mean currently it's not lined to show direction like in or out, but if that's something needs to be done, we can still do it. And I'm not sure if it's actually required because the parking lot is very big.

Testa If sight lines are an issue, if you did have a directional as drawn here, anyone entering from the north side has a good view of pedestrian walking. The sign is not going to bother, it's really your concern someone pulling out on the south side, and they got a good view from any pedestrian coming from the south, and if you get rid of that parking spot, you have a decent view of anyone coming from the north.

Rayes I agree.

Testa So currently today people can drive in and out on either side, is that correct?

Rayes On both sides.

Testa Both directions.

Rayes I think going in from any entrance is fine. People can see whoever's walking. Now, coming out, to be honest with you, it's not going to make a big difference, still on the same line. Imagine that you're looking at the side view of the sign, you're pushing a little bit four feet, but you still see it as a

column, you know, coming from far. As far as when you start coming closer, you're still going to see who's passing by because it's not really -- it's still four feet difference. That's all.

Testa Mr. Chair.

Baringhaus Yes, Mr. Testa.

Testa So if we do push this over, kind of a police doing a traffic study, someone doing a traffic study, what happens if they judge the proper setback, ten feet?

Baringhaus I would say that's a question for Mr. Neville.

Neville I'm sorry. I missed the question.

Testa So if we have a traffic study done, or if someone looks at this from a sight line visibility standpoint, what if they judge that even if at ten feet, the proper setback is no good? Are we still okay to approve that or are we now stuck in a position that we have a judgement from someone that sight lines are poor?

Neville Well, you raise a very interesting question because under the ordinance, any sign that creates any type of a safety hazard or visual impediment is subject to being cited. So I would, in looking at the ordinance, setback is more like guidance, you know, as to what they're looking for, but if there's an impediment for any reason or sight limitation in the police department or the statutes or the ordinances of traffic engineer, I'm not sure if we have a traffic engineer, but if the LPD looks at it and feels that it might be a visual impediment or create a hazard, then maybe petitioner would have to work towards complying with what LPD's opinion would be on that.

Testa Okay. Thank you.

Neville You're welcome.

Baringhaus Ms. Oliverio.

Oliverio One question. I'm curious about, I mean is there a reason or a hardship in your mind as to why you could not move it back four feet?

Rayes Well, as I explained, now here's the problem. If you're driving north of Farmington and you're already on the right side, the far right, you'll know what I'm talking about. You have between that lane, I think the two or three lanes, I forgot, on each one. So, you have those two lanes and the lanes on the left, and you still have 23 feet, another six feet, another ten feet which

the sign is going to be really deep in there and it's so hard to see. If you drive by there, you'll know what I'm talking about and still the sign is so tiny that it's so hard to see it. I mean this one it taller, and it's a little bigger where you can see it. But, you know, four feet is going to make a little difference. Now if that imposes any safety concerns or any issues, we're going to work with that. But I mean anything that we can do to push a little bit to the front is going to help us.

Oliverio One more question, actually. How many tenants do you have in there now?

Rayes Right now I have two, but one of them is month to month, so will be out in a month or so, and the other one is a dentist. They're existing ones from before. I bought the building back in August last year. We're going to put it on the market for lease after we do some renovation. But still, I don't see the response, to be honest with you. For the past few months, I had two calls for interest for lease. But other than that, visibility is the problem. So hard to see the sign.

Oliverio Okay. Thank you.

Baringhaus Okay. Any other questions for Mr. Rayes? Okay. Thank you, sir. I'll just have you step aside. Just stand right there. Anybody from the audience wishes to make a comment on this case? Step over to the podium, please. Thank you. If I can just have you take a seat next to the podium, that be great. Good evening.

Cheney Hello. How are you doing?

Baringhaus Good. If you'd just state your name for the record.

Cheney Zachary Cheney. 15521 Merriman, Livonia, Michigan, 48154. Is there a chance that I could take a quick look at the diagram that you provided today?

Baringhaus Certainly. Mr. Neville, I don't see a problem with that. Do you?

Cheney Yes. I just wanted to say that looking at this I agree with Mr. Rayes that putting the focus on the businesses there is a good idea. I do like the way that looks. As long as the Police Department I can support that. Of course, we need to keep in mind the considerations for pedestrian safety, especially with the schools, but I do like the design and how it matches the building. That's all I have.

Baringhaus Okay. Very good. Thank you very much. Appreciate it. Mr. Secretary, do we have any letters?

Klisz We do. We have a letter of objection from AJ Lahser, DDS, 33521 6 Mile. "A sign that size will influence people on all four corners to want the same. I feel it is in very poor taste and detracts from the area. Letter of objection, Richard Ochmanski, 16812 Farmington Road. "Commercial and residential balance along Farmington Road near 6 Mile would be adversely affected to the detriment of residents near said signage. The parameters in place should prevail, or why have them." A letter of objection from Christos Constantinides, 17016 Farmington Road. "Not only this ground sign will result in deficient sign setback, excess height, and the area would also degrade the aesthetics of the neighborhood and the rest of the area." Letter of objection, Patricia Loftis, 16806 Farmington Road. "Let's keep Livonia beautiful and clutter free. No signs. Let's keep this a neighborhood, not a business district. This isn't Michigan Ave." A letter of objection, Sue E. Griggs, 17008 Farmington Road. "1. Traffic distraction on busy road. 2. Light pollution. 3. Area is residential." That's the letters.

Baringhaus Thank you, Mr. Secretary. Mr. Rayes, would you please approach the podium, and we'll ask you to make a closing statement regarding the variance request.

Rayes You know, as I was driving down Farmington today, I saw so many signs that can actually impose safety issues. A lot of them existing, grandfathered, but they do have beautiful signs. You can actually see them. You can see what kind of business. And a lot of them, whether they're safe or not, I mean the business has the right to be visible. I mean we're asking for a little bit. I think these objections are just too much, and we're not changing. You know, and, in fact, we made a lot of changes to make the area look more beautiful. We removed a lot of shrubs, trees. We're putting new trees on the side between us and the residential to make it look nice, and a nice sign like that will make the whole area look better.

Baringhaus Very good. Thank you, very much. I'm sorry, Mr. Testa.

Testa I'm sorry, sir, you touched on landscaping. Can you maybe in more detail explain what you've done to the landscaping so far and what you plan to do?

Rayes So we had trees overgrown, you know, to our side like three on the south side. There's one on the north. There's a bunch of bushes on the side. And there was a bunch of trees and bushes between us and the residential on the north side -- south side, actually. We cut those, we removed them, and we're going to plant new arborvitaes between us and then to look nicer. And I believe just with everything we're going to do, we're actually going to resurface the parking lot. We already patched the holes, we painted the building, and I think a new sign a nice professional sign like that will make the whole site look better.

Testa Thank you. When did you cut those trees and shrubs out?

Rayes Probably in the fall.

Testa Before or after the last time you were here?

Rayes Before.

Testa Okay. Okay, thank you.

Rayes You're welcome.

Baringhaus Thank you, sir. If you can just have a seat. Okay. The public portion of the meeting is now closed. I'll begin the Board's comments with Mr. Testa.

Testa Yes. Thank you, Mr. Chair. So normally I don't go against the strong comments of objection. I know there were several of them, maybe four or five. But in this case, I've been out to the site, it was in November, and from the pictures showing here, he did cut down a considerable amount of shrubs and trees that were actually impacting the two sight lines, so he's improved sight lines by doing that. The existing sign that is there is very dated. It makes us look like the '70s, if not the '60s. I think the sign itself is a huge upgrade aesthetically. I don't think it's going to become an issue from a sight line standpoint for pedestrians or for traffic. So, I'm going to support this.

Baringhaus Okay. Thank you. Ms. Ptashnik.

Ptashnik Kind of an echo of what Mr. Testa is saying. I agree that the current look is very dated. That area was almost blightful. I drove by as well, and I do appreciate the upgrades that you've done since in recent times. I also will be supporting this.

Baringhaus Okay. Thank you. Mr. Boloven.

Boloven I echo partially Mr. Testa and Ms. Ptashnik's comments. I wasn't here for the last hearing. I did read the minutes thoroughly, was up to date on the suggestions given by the Board. I think the Board's giving a lot with the excess sign height and sign area. I think in order to avoid for such a busy intersection, you're turning into Stevenson High School going west at that corner. That corner is packed every single day with traffic, pedestrian traffic. My fear is that a study would be needed if you accepted and approved as presented. The petitioner was asked whether they would be willing to go back the extra four if they were given the sign height and the ground sign area. They obliged and said yes, they would, which means that they could do in theory within our ordinance. So, I would approve the sign height and

the sign area and just have the caveat that the setback have to be the ten feet which petitioner has approved he said he's willing to do. Thank you.

Baringhaus Okay. Thank you. Ms. Oliverio.

Oliverio Thank you. I'm going to echo pretty much what Mr. Boloven said. And I do want to add one other thing. Just a thought around just because of the parking spot, I know that's the current status with the signage, but with the parking spot being there made me think about if somebody were in a truck parked in front of that sign, and the bottom two or three tenants would not have any visibility. So, moving it back I think might be, you know, or moving it back and/or getting rid of those two parking spots, assuming that that's within ordinance code from a parking spot quantity requirement might help out as well. But I agree with everything else. I think you already said you would be open to do that. Might even make good marketing sense to do it too so you're not opening up to block signs. That's all.

Baringhaus Okay. Thank you. Secretary Klisz.

Klisz I don't have much else to add. I think everyone's made some very good points here. One thought I had would be to table it to have the police department issue a report, but I don't know that that's going to be needed, and there's already a sign there that's higher and bigger, but it really doesn't change that much in terms of what we're looking at. So, I think maybe conditions should be to maybe remove those front two parking spots since the petitioner's going to be redoing the parking lot anyhow, that that's part of the conditions and then moving it back, as Mr. Boloven suggested, and the petitioner had no problem with. I think that than I could probably be on board with it as presented today.

Baringhaus Okay. Thank you. I agree with my colleagues. I would be in support of a variance as well. I think petitioner, Mr. Rayes, had made an excellent case for the hardship. It is an unusual property because the fact that the building is set so deep in a very rectangular property layout. Now, the sign itself is obviously it's very old, dated, and definitely needs a refresh. I appreciate Mr. Rayes efforts to reduce the square area of the signage maybe to 60 square feet. In addition to that, I just think it would give you better curve appeal and more visibility from the road itself. I do agree that we should have two conditions on the variance as well, one is that the sign have a setback of ten feet so it's in compliance with the city ordinance. And the second, which you mentioned independently, is to eliminate the two parking spots in front so you're currently like an island type setup, and Ms. Oliverio's point by increasing the lines of sight in the sign as well. So, with that, the Chair is open for a Motion.

Klisz Mr. Chair.

Baringhaus Secretary Klisz.
Klisz Resolve that the variance sought in appeal case number 2021-11-44 filed by Nu-Vue Livonia, LLC be granted in part and denied in part for the following reasons and findings of fact: The uniqueness requirement is met because of the visibility of this particular area and the setback of the building from the road, and the obviously oldness and out-of-datedness of the original sign. Denial of the variance would have severe consequences for the Petitioner because of the inability for customers and future tenants to find the property where it's located. The variance is fair in light of its effect on neighboring properties in the spirit of the Zoning Ordinance due to some neighbor support and some opposition that also seems to be just against signs in a residential/business area. This property is classified C-1 corridor commercial under the Master Plan. The proposed variance is not inconsistent with that classification. Further, that the variance be granted with the following conditions: That upon the resurfacing of the parking lot that the Petitioner removes the parking spots from the very front of the parking area as discussed here tonight, and obviously the denial in part is the ground sign setback, therefore, the Petitioner can build the sign as presented as to height, and area, and look, but it needs to be set back the required ten feet.

Boloven Support.

Baringhaus Motion by Secretary Klisz, support by Mr. Boloven for the approval of the variance with the following conditions: That the front parking spaces around the sign be removed and then that the setback will be set at ten feet according to Ordinance. Any discussion? Okay. Very good. Secretary Klisz, will you please take a vote?

ROLL CALL VOTE

AYES: Testa, Ptashnik, Oliverio, Boloven, Klisz, Baringhaus

NAYS: None

ABSENT: Coppola

Klisz Passes 6-0.

Baringhaus Thank you very much. Mr. Rayes, your variance has been approved. So just get in touch with the building inspection department for any final discussion and arrangements. So, thank you for your improvements and good luck to you. Secretary Klisz, do we have some minutes?

Klisz We do. Minutes for approval of the meeting of April 19, 2022.

Testa Support.

Klisz I will make a motion to approve those minutes.

Baringhaus Motion by Secretary Klisz, support by Mr. Testa to approve the minutes. All those in favor.

Board Aye.

Baringhaus Any other final comments from the Board? Yeah. I just have one. I, again, would like to welcome Martha Ptashnik to the Zoning Board of Appeals. This was her first meeting, and I'm sure I speak for everybody on the Board. Congratulations. We look forward to working with you.

Ptashnik Thank you, Mr. Chair.

Baringhaus And with that, the last motion, please.

Boloven Mr. Chair.

Baringhaus Yes, Mr. Boloven.

Boloven Motion to adjourn.

Testa Support.

Baringhaus Okay. Motion by Mr. Boloven to adjourn, support by Mr. Testa. Those in favor say aye.

Board Aye.

Baringhaus Meeting adjourned. Thank you, everyone.

There being no further business to come before the Board, the meeting was adjourned at 7:30 p.m.

Gregory G. Coppola, Chairman

Timothy Klisz, Secretary