

ZONING BOARD OF APPEALS
CITY OF LIVONIA
MINUTES OF MEETING HELD TUESDAY, DECEMBER 13, 2022

A Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, DECEMBER 13, 2022.

MEMBERS PRESENT: Gregory G. Coppola, Chairman
James Baringhaus, Vice Chairman
Martha Ptashnik
Christopher Boloven
Michael Testa

MEMBERS ABSENT: Timothy Klisz
Tamara Oliverio

OTHERS PRESENT: Jim Albus, Director of Building & Planning
Leo Neville, Assistant City Attorney

The meeting was called to order at 7:02 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 Vice 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 ten (10) people present in the audience.

(7:00)

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APPEAL CASE NO. 2022-08-02 (Tabled on August 30 and October 11, 2022): An appeal has been made to the Zoning Board of Appeals by Intercity Neon, 12950 Eckles, Livonia, MI 48150, seeking to erect a tenant identification wall sign on the exterior of a multi-tenant industrial building, resulting in excess wall sign area

Wall sign area:

Allowed: 10 sq. ft

Proposed: 141 sq. ft

Excess: 131 sq. ft

The property is located on the east side of Eckles (12950), between Amrhein and Schoolcraft, Lot No.118-99-0001-004, M-2 "General Manufacturing," Rejected by the Inspection Department under City of Livonia Vision 21, Section 11.08 (4) "Zoning District Regulations, Sign Regulations in Industrial Districts."

BARINGHAUS Calling appeal case number 2022-08-02, tabled on August 30 and October 11, 2022. An appeal has been made to the Zoning Board of Appeals by Intercity Neon, 12950 Eckles, Livonia, Michigan, seeking to erect a tenant identification wall sign on the exterior of a multi-tenant industrial building, resulting in excess wall sign area. Wall side area: Allowed 10 square feet; Proposed: 141 square feet; Excess 131 square feet.

COPPOLA Thank you. Mr. Albus, anything you'd like to add?

ALBUS Nothing at this time, Chairman.

COPPOLA Any questions for the Inspection Department? Seeing none, the petitioner can step up, please. Name and address, first. I'd appreciate it.

HOLKE I'm Donna with Intercity Neon.

BARINGHAUS Excuse me, one moment, just a procedural thing. Mr. Chairman? Motion to remove appeal case 2022-08-02 from the table.

BARINGHAUS Support.

COPPOLA I have a motion to remove the table. All in favor?

MEMBERS: Aye.

COPPOLA Okay, now, I apologize. Last name too, please.

HOLKE Donna Holke, Intercity Neon, address: 23920 Amber, Warren, Michigan 48089.

LEPOROWSKI Good evening. Laura Leporowski from Penske Logistics, address: 12950 Eckles Road, Livonia, Michigan.

FUNK And Sharane Funk, with Ashley Capital, 2575 South Haggerty, Canton, Michigan.

BARINGHAUS I'm sorry, last name again?

FUNK Funk. F-u-n-k.

COPPOLA All right. So I think this is our third time now. I believe last time, we asked for some clarity and some documentation in regards to the request - I see that there are some documents that have been provided. But why don't you just give us an overview about what you're asking for. If there's been any changes to what you're looking for, and then if you can just briefly describe what you've provided and what has been provided as trying to display.

HOLKE So there is the page of the lot plot that shows the different tenants and where there will be other directional signs and the monument sign. And then we also have the sign details where we did, instead of the 140 square feet that we're looking for, we've now reduced it down to 50 square feet so that we can split it up, and it shows potential square footage for the other two tenants.

COPPOLA I'm sorry, where was that?

HOLKE This is the first page of it.

COPPOLA Okay, I apologize. Keep going, I'm sorry.

HOLKE So we show the 140 square feet, but then we also show to propose it down to 50 square feet. And then the other two tenants, we show a little bit of a mockup of the other two possible tenants that would be going in there and what signage, we have no idea what they would want as their signage.

COPPOLA One second. Did anybody else see that?

TESTA I'm looking forward.

BARINGHAUS As you can understand, we lost our clerk and we're still a little bit of disarray. She was she was really good. Can you share a copy with us?

HOLKE Yeah.

COPPOLA So we can look at that real quick because it's all news to us. I thought, you know, based on the documentation I had, you were coming back with the same exact thing. So I do think... I remember seeing something like that.

BOLOVEN That's on page 12.

COPPOLA Page 12 of new docs or old docs?

BOLOVEN Old docs.

BARINGHAUS Okay, I apologize, I just wanted to make sure that we were on the same page. So, take us through this document because it looks like this is the most important one.

HOLKE So on the second page of that document was basically what we originally came in, in August, with that 100 square foot, 140 square foot. So, then the next page, the option two - it's 50 square feet. Because we were going off, if it was a single tenant, it would allow 100 square feet. So, we're just gonna take half of that since we're... even though that's not what's allowed if you're multi-tenant.

COPPOLA Yeah, I think we're missing that page. Can you come back up? I think we have a page like that, but it doesn't have that information on it.

FUNK I think this is page three.

BOLOVEN We don't have that. We're missing the even number pages.

HOLKE Page 5 shows the 50 square foot in detail as far as the size of that image.

BOLOVEN No, we don't have it.

HOLKE Oh, because maybe it's an even number page.

BARINGHAUS You know, it goes two sided.

BOLOVEN Our page five has 96.75 square feet, not 50 square feet. So, we don't have this.

FUNK I think what you guys have are the originals, and this is greatly reduced. Additional pictures too.

BARINGHAUS There's a signage map in here, but it's a colored one, it doesn't have the red sign, but it's an update. Ok, so you're proposing to reduce the Penske sign, same design basically, just down to 50 feet. In regards to the

facilities, because there's other tenants now, or at least one other tenant that you know of?

HOLKE Right, there's one other tenant who has not come to us about building signage; that doesn't mean that they won't, which is why conversations with Penske... he said, "hey, you guys have half the building. You can have 50% of the available signage. And we don't have the last suite leased yet.

COPPOLA And I think actually the wall signage is very, very small.

HOLKE If there was only one tenant, they could have 100 of them.

COPPOLA Right. So okay, so then she wouldn't even take it down. And that's on the north facing side of it?

HOLKE South.

COPPOLA I think the original said "north."

HOLKE Right, it did and that was a mistake. Yes. It should be on the south side.

COPPOLA Right, because the north didn't make any sense to me whatsoever.

HOLKE Yes, I agree.

COPPOLA Okay. Is that the only request now that you're asking. I just make sure because that's all we have. Okay. Because we asked you to come with a comprehensive package, I understand. So you really don't have tenants to do that? But I think, at least from my perspective, we're setting a standard that probably will work. I'm not sure exactly if we can approve anything beyond what's been petitioned at this point, Mr. Neville?

NEVILLE You'd have to go based on what's been...

BARINGHAUS So, down to 50 feet. I apologize, anything else?

HOLKE That's really it. We did provide some other signage throughout. Most of it throughout Livonia, that we have, especially the size of our buildings versus a lot of other buildings is just enormous compared to some of the Roush signage that is shown is on a million square foot building. So we get the various, proportionate allowances, but I think Penske came to the table with greatly reducing what they asked for, and there's not a lot of residential around there, which is nice. Just to be very candid, which Laurie and I have had several conversations about with DHL there, there are trucks going...

COPPOLA That, plus Amazon plus...

HOLKE Yeah. So I get that having Penske up there, there is some directional signage that has gone in for a permit. But it is a lot of truck traffic between Amazon, DHL and Penske, a lot of it.

LEPOROWSKI Yes, that absolutely would help us.

COPPOLA Questions for the petitioner?

BARINGHAUS Yeah, Mr. Chairman, in your last meeting, we had asked for examples of the wall signs, which you provided. Do you have any samples of the monument signs, I think you had requested two at that point.

HOLKE Yes, there's one that has Roush on it that's on Plymouth Road and it also has a Mastronardi. And then there is the one that's on Schoolcraft that shows several tiers of a monument sign that is right behind where Costco is and Home Depot on Schoolcraft. So to take everybody back through there. And then the last one is, is up in Sterling Heights, but that's a picture of what our normal, our new standard monument sign looks like, for the Liberty Park signage that you have. Okay, thank you.

COPPOLA Other questions?

TESTA Mr. Chair, just to clarify, the proposal on the table is a 50 square foot sign that says Penske Logistics, correct?

COPPOLA That is the revised proposal. Of course, the public notice still says 141. So that would be... we'd be approving a compromise to what was on the public notice. But yeah, they're asking for... they've reduced it from 141 to 50 square feet. Again, we have a copy of what they're proposing. So, we can say to two plan... you can take a look at it if you like.

TESTA Question for Mr. Neville. I know, I know, it's kind of asked one way, but maybe more specifically, could we approve 100 square feet, knowing that they're only going to use 50 square feet over right now. And later, they can fill in the rest of it. And if they don't go over that amount, they don't have to come back?

NEVILLE There would probably be acceptable if you're going to grant them a variance for up to the 141.

COPPOLA I mean, they petitioned it for a tenant. So, it's just because of the tenant, that's your limit that's a tenant. So if we gave them 100, they can only use 100 for the tenant. They couldn't use it for the building. So let's say DHL came back and wanted 50 square feet, they have to come back for approval for that 50 square feet.

HOLKE And we would only allow 25, just to be clear, even on that just in deference to...

COPPOLA It'd be a lot quicker and shorter discussion, probably.

HOLKE Yes. I'm just trying to say we won't go over that 100, even in the future.

COPPOLA I understand. So, any other questions? Great. Just real quick, is there anybody in the audience that would like to speak for or against this petition? Seeing that there's none. Is there any correspondence? Any final statements before we close?

FUNK I think that they made it a nice concession and coming back with what about a third of what the original ask was. And on the building that the size it is, hopefully we can come to a conclusion on that and agreement.

HOLKE Yeah. It's still big enough that people can see it from the road and get to the right end of the building.

LEPOROWSKI From Penske, we just appreciate your reconsideration.

COPPOLA Right, I'm gonna close the public portion of the case and open the board's comments with Mr. Testa.

HOLKE And I can email a digital file too, in the morning if you want.

COPPOLA Okay, I'll let you know someone specific you can email it to...

ALBUS I don't know.

COPPOLA Is there a Zoning Board [email]?

ALBUS I guess, Sara.

HOLKE Okay. Perfect. All right. I can call in the morning.

TESTA Thanks for coming back and clarifying. The other pictures were helpful too to show what is your standard, and I did drive by this past weekend, I drove by the last time you were here before us. I do think a 50 square foot sign is suitable. And I also appreciate your comments. And you'd keep future tenants at 25 and 25, so to speak, which would be 100 max overall. So I will be in support of this.

BOLOVEN I just gotta laugh. You know, you come into a meeting, you think you're gonna go one way like, I thought we're gonna send you guys on the road again. I will say, I do see the hardship. I do appreciate the concessions.

You did listen to the Board's comments from the last two meetings, and I would be in support as presented...as presented with the 50 square foot.

BARINGHAUS I agree with my colleagues, I did visit the site, and you do have a very heavy flow of truck traffic in a very contained area. So signage will be beneficial. I agree. And also, I think your compromise is very sensible. And it allows for future expansion for future tenants as well. So based on that I support the variance.

PTASHNIK Like my colleagues, I also agree. Thank you for your compromise and your foresight with keeping it under max, and I would also be in support.

COPPOLA I, too, am in support. I appreciate your patience, and coming in and listening to us and welcome to Penske to Livonia. I'm glad to see that. My one side comment is if you really wanted visibility and you take the 50 square feet and make Penske bigger, skip the logistics.

HOLKE I don't think that they could because it has to say "Logistics" on it. That's what I was told.

COPPOLA That's a corporate decision. If you really wanted visibility. But that's truly up to you guys. With 50 square feet, you could do whatever you want with it. All right, I will go ahead and open the floor for motion.

BOLOVEN Resolved the variance sought in appeal case number 2022-08-02, filed by Intercity Neon, be granted in part for the following reasons and findings of fact. Uniqueness requirement is met due to the size of the building, location of the building and traffic that the building has. Denial of the variance will have severe consequences for the petitioner because of visibility, as well as directional traffic flow for trucking coming in. The variance is fair in light of its effect on neighboring properties in spirit of the zoning ordinance, due to no neighbor complaint or opposition against the petition, as well as other commercial buildings that have variants for signage as well. This property is classified as M-2 under the Master Plan, and the proposed variance is not inconsistent with that classification. Further, the variance be granted with the following conditions: that it be built as presented this evening with the 50 square foot proposal that Petitioner presented at the meeting.

COPPOLA Any discussion? Seeing none, we can take a vote.

RESOLVED: APPEAL CASE NO. 2022-08-02 (Tabled on August 30 and October 11, 2022): An appeal has been made to the Zoning Board of Appeals by Intercity Neon, 12950 Eckles, Livonia, MI 48150, seeking to erect a tenant identification wall sign on the exterior of a multi-tenant industrial building, resulting in excess wall sign area

Wall sign area:

Allowed: 10 sq. ft

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Excess: 131 sq. ft

The property is located on the east side of Eckles (12950), between Amrhein and Schoolcraft, Lot No.118-99-0001-004, M-2 "General Manufacturing," Rejected by the Inspection Department under City of Livonia Vision 21, Section 11.08 (4) "Zoning District Regulations, Sign Regulations in Industrial Districts" **be granted.**

ROLL CALL VOTE

AYES: Testa, Ptashnik, Boloven, Baringhaus, Coppola.

NAYS: None.

ABSENT: Oliverio, Klisz.

PASSES: 5-0.

APPEAL CASE NO. 2022-10-30: An appeal has been made to the Zoning Board of Appeals by Community Financial Credit Union, PO Box 8050 Plymouth Road, Plymouth MI, 48170, seeking to erect a ground sign resulting in deficient setback from the property line.

Ground Sign Setback Required:

Required: 10 feet

Proposed: 2 feet

Deficient: 8 feet

The property is located on the west side of Middlebelt (15251), between Five Mile and Linda Street, Lot No.089-01-0075-002, C-2 "General Business District," Rejected by the Inspection Department under City of Livonia Vision 21, Section 11.08 (3) Zoning District Regulations (Sign Regulations)."

BARINGHAUS Calling appeal case number 2022-10-30. An appeal has been made to the Zoning Board of Appeals by Community Financial Credit Union, 8050 Plymouth Road, seeking to erect a groundside resulting in deficient setback from property line. Ground side setback required: 10 feet; Proposed: 2 feet; Deficiency is 8 ft. Anything to add, Mr. Albus?

ALBUS Nothing at this time.

COPPOLA Any questions for the Inspection Department? The setback is in essence, in this case, it's from the sidewalk, realistically that's the property line? Not from the roadway?

ALBUS Correct. When I visited the site, the drawing is pretty accurate to the description of where the sign is going to be located. And then I measured from the curb line of the driveway to the base of the sign and it was approximately 21 feet. There are concerns about people walking on the sidewalk and getting involved with traffic with a car pulling out in the parking lot with a 20-foot, 21-foot cushion. You don't really have a concern about pedestrians, but with a bicycle coming north out on that sidewalk, that would be my only concern.

COPPOLA Okay, do we have any type of written opinion anything from the Safety Department or Police Department or anything? I know how they do like a corner lots with the fences and stuff, but we didn't ask them to look at this... we got nothing from them?

ALBUS Nothing from them. No issues with traffic-to-traffic issues or southbound pedestrian and bicycles. It's only northbound bicycles that might be a concern. So, that's what my assessment was of the site.

COPPOLA Any other questions?

PTASHNIK Actually, when I looked at it, I was concerned a little bit about snow removal... if that was going to be an issue with that time where it was, but no?

ALBUS It's not really an issue with the snow removal. Yeah, I don't like the approach with that little island in it because every time we get more than four to six inches of snow people are launching their cars over top on that entrance island.

PTASHNIK From a City standpoint? I was worried if there was a safety issue with snow and snow removal.

ALBUS It should not be an issue.

COPPOLA Thank you. We've can start with names - names and addresses, please.

BARKER Ted Barker, Sharp Construction Management - 13980 Farmington Road, Livonia, Michigan.

SHORT Kevin Short, Johnson Sign Company - 663 South Mansfield Street, Ypsilanti.

COPPOLA Does anyone want to hear from the petitioner?

BARKER No, I actually filled it out with his input and I'm actually... what would you call, an agent? I think I filed that paperwork with you guys.

BARINGHAUS Okay, so why don't you tell us about the requested variance, so we can understand the hardship and anything else you'd like to provide that can help us understand it?

BARKER Well, first of all, I apologize on my behalf. There was a misunderstanding - it's been aired out with Mark Taormina and Mr. Abrahamson. We wouldn't have built it if we knew it was an issue. We did agree that the verbiage in the approval through the site plan it was misleading in some regards. We still are not up to the open. We acknowledge that as well. So first and foremost, we wouldn't have put it in if we knew this was an issue, so we apologize on behalf of Shark Construction. But again, it also led to a lot of conversations behind the scenes of where to located it, if not, and that's where the hardship really has come in - is for us trying to find that space. It's not misleading to where traffic can enter that space; it was brought to our attention that you know, a separate entrance was made that piece of property was put off from the mall. And there's a lot of entrances into that mall, and also the gas station next door so to limit confusion that's really where that landed. Anything else you want to add, Kevin?

SHORT Yeah, so the parking lot setback is unusually close to the sidewalk, only 10 feet. So there wouldn't be any room for a 10 foot setback sign, period. And to be close enough to the entranceway to identify the entranceway also. They added a right turn lane, which makes if you measure all the way out from there, you know, like you said the distance is further out. And it's adequate between the grassy area to the sign and the sidewalk they can show a picture of what a simulated look of the sign in place would look if the car was there, and then somebody walking, approaching the sign, if you guys want to see it.

COPPOLA Is that something you submitted with your packages?

SHORT No, I took photos, so I'll pass it around. And also the original sign design was 10 feet wide. And they downsized it to 8 ft. Originally what would be allowed by the city would be a 10 foot wide sign. So they downsized the sign to start the appeal.

COPPOLA And how tall would the sign be?

SHORT Six foot overall.

COPPOLA So the idea of the placement of a sign is to put it as close to the entrance as possible for people to enter, I would assume, correct? So, moving it to the south, there's lots more space, you could get yourself 10 feet. It wouldn't move it into the sign from your perspective.

SHORT That would also lead you into the other parking lot, into the neighbors.

COPPOLA How about to the north?

SHORT There's no real entrance up there, up to the gas stations and entrance. There's confusion and [you could] also get lost within the landscape.

COPPOLA What type of signage is on the building? There will be no signage on the building?

SHORT There will be no signage on the building. This will be the only sign that's proposed.

COPPOLA That's unique, generally. Usually they're coming in or asking for extra signs on a building.

SHORT Well, if they do wall signs then it's going to be a conforming sign, of course.

COPPOLA So that was my question. Will there be any other sign?

SHORT Not to my knowledge, no. They haven't asked, and I haven't designed anything for the wall.

BARKER They're all sort of looking at a brand new change, so, but if there was one idea I could tell you probably where it was gonna sit.

COPPOLA Alright, questions for the petitioner?

BARINGHAUS Mr. Chairman? Can you repeat the traffic flow into the parking lot again? Is it just one main driveway on Middlebelt, or are there several?

BARKER Correct, it's a right right. So it's right in or right out, right there, where Mr. Neville described. That's your main entrance off of Middlebelt, between Five Mile and Mid 5's entrance to the south of there. On the backside, we do have two entrances that roll into Mid 5's parking lot, so there is that building and two other exits or entrances, you could say.

BARINGHAUS But the primary entrance is from the one driveway? And just to clarify you've indicated that the total overall height is six feet.

BARKER Yes.

BARINGHAUS Ok, thank you very much.

TESTA Mr. Chair? Question for the petitioner - I think you've touched upon in your opening comments about apology, and taking some responsibility. I didn't quite follow. Can you re-explain why you're in this situation? I think you assumed originally based on the site plan that was submitted Planning that we're allowed to put a sign here...?

BARKER Right, it was on the site plan. It was the verbiage didn't lead to.... or whatever word that... didn't lead.... there was some confusion on what was the next step if there was any next step, and it was under the impression that it was approved.

TESTA Okay, so you came before Planning and the City Council, there wasn't a discussion that you needed to come before the Zoning Board for Approval? Okay, when did you realize the sign was not conforming?

BARKER Mr. Albus came and wrote us up [laughs]. I mean, it's fair to say it was somebody from the department. We got a letter from Mr. Abrahamson.

TESTA So, the sign's already in?

BARKER Just five minutes. We stopped right there. It was one of our one of our random buildings.

TESTA Basically the brickwork is there?

BARKER We stopped right away.

TESTA I did drive there on Saturday, and you can enter through the same business entrance, going by a Mexican restaurant? That's correct. You can certainly come in, however. I obviously noticed there are no signs on the building. I am surprised by the comment that there currently is a plan to add signs to the end of the building. Do you know if that is common with Community Financial?

BARKER No, that's not common. But he is correct. There's no direction right now. Typically, it would be to the right of the door. Very similar to another branch, that's in Westland.

TESTA The building is not too far off the street. I'm wondering if a sign on the building is going to be meeting your purpose better than a sign, a monument sign, right there at the entrance?

SHORT Well, the setback on the parking lot to the building is... more than 50 feet. So, we're talking almost 100 feet from the road and driving the southbound, you probably wouldn't see it until you pass it.

TESTA Yeah, I'm worried about the size of this sign, and more so the height. As Mr. Albus explained, and I did notice when I was pulling out when I left that it could block the view of someone coming northbound on the sidewalk there. But I do understand the hardship with the packaging space, so to speak, for the layout that you're left with. Thanks for the explanation on how you're currently in this situation. What you, you alluded to it as well, that you had some discussion about an alternative? You mentioned what those might be....

BARKER The only way to really make the setback or make it work would be... by the Mexican restaurant, way up that entrance, or by the gas station, up and off by the setback distance, which is going to set back.... because the way that parking lot configures, it comes out stays tight to the setback and then it gets grows a little bit as it goes right and left. So you're really pitching this, you're putting this thing out into no man's land.

SHORT And if you put it by the gas station, then it doesn't really identify where it's at. If you put it by the Mexican restaurant, and then all the traffic goes through the mall.

TESTA I'm assuming you have enough parking spots to not be here for a variance on parking? Couldn't you take one of the spots and convert it to an island for the sign there?

BARKER I don't know how that would work because there's no immediate spots to the right or left. And there's a spot that would take away. I don't see how we can make that work. We didn't discuss, but I don't see how we'd make that work.

SHORT It's a lower elevation at that point. And you'd have to get a variance to raise a sign up, probably 10 feet higher. And again that would bring you to the Mexican restaurant entrance or mall entrance, again. That's where that would lead all the traffic.

TESTA I thought there was parking just north and south of that entrance?

COPPOLA It's against the building.

TESTA Okay. I understand. Thank you.

COPPOLA Let me expand on Mr. Testa's question. So, if you had known that that was a required variance at the time of the design, what would you have done differently? If anything?

BARKER Fought for a variance.

COPPOLA Okay. Any other questions?

BARINGHAUS Mr. Chairman? Is it possible to reduce the height of the design from six feet? I noticed that it sits elevated from the brick pedestal, that that spacing could be eliminated and drop the sign down basically on the pedestal itself. I mean, if you kept the sign, the width of the sign, but instead of 60, dropping it lower? I don't know what the actual dimension is, this or that.

COPPOLA Yeah, they could do a couple inches, where the reveal is at, I guess. To reduce the reveal.

BARINGHAUS Can the sign be moved in that area that it's in, can it be moved further back towards the curb?

BARKER We moved it all the way to the curb. It backs up into the curb.

BARINGHAUS Because in the diagram, it seems like it has a little space.

BARKER If the drawing showed space, we'd push it back all the way.

BARINGHAUS Okay, thank you.

COPPOLA Any other questions?

BARINGHAUS Mr. Chairman. I'm sure you've surveyed other similar signage in the area, like at Taco Bell and the gas station. And there's other pedestal signs along Middlebelt. How does this sign compare to those in terms of the setback from sidewalks? Just general observations.

BARKER It's interesting because the pole sign for Mid 5 is out further ahead. I mean, it's actually closer to the road than our sign. But again, it's a full sign. It stands tall, so I don't recall the Speedway or... the Taco Bell, I believe, is probably within the setback to where they set that up because it has a shoehorn parking lot space, so they're able to have that space. So in the immediate area, nothing sticks out that would be comparable.

BARINGHAUS Okay, thank you. Question for the Inspection Department. I noticed Thursday a streetlight through the parking lot. What are the setbacks on those? If you look out at this one picture here, the one streetlight that's in the parking lot. How far back is that setback?

ALBUS There's no standard on that.

BARINGHAUS Thank you.

COPPOLA Any other questions? Seeing there's none, if there anybody in the audience who would like to speak for against this petition? Seeing none, is there any correspondence?

BARINGHAUS No correspondence.

COPPOLA Okay, final statement before we close and take our vote.

BARKER I appreciate you letting us tell our story about how we got here. We typically didn't we don't like to be in these situations. We appreciate your time and consideration.

BARINGHAUS I'll close the public portion of the case, and start with the Board's comment.

BOLOVEN Thank you, Mr. Chair. I'd be in support of this petition. I frequent that intersection often, I would say, and I see the hardship. It is a very, very busy intersection, and I know directionally some signage there, especially if that's going to be the only signage taking for word, what the petitioner is saying, that's going to be the only signage. There's going to be a need for some direction into the credit union. My worry is what exactly Mr. Albus said at the beginning is the safety at that intersection though, or at the entrance to the credit union. So my one condition would be subject to approval of public safety regarding inspection, if that approved sign would cause any potential safety concerns for Public Safety Department. Thank you.

BARINGHAUS I agree with Mr. Boloven. I would be in support of this this variance as well, for a number of reasons. One, you really don't have a lot of space to work with in that area. And I agree that it's a very busy road. And I think that identification would be beneficial to you until you decide on the branding that may include a sign on the building as well. Also, I tend to feel that a lot of the monument signs in that particular area are almost very close to the setbacks as well, there's not a lot of wiggle room regardless of the woods. So, the one thing that one stood out in my mind is if you go by to the gas station, it's amazing, like you indicated I agree - the pole sign it's almost identical to where you wanted to sign. There's also a power box up there that's like, right up on the sidewalk as well, which kind of struck me the same way. And then the third thing is, if it was a streetlight, you'd be okay, because there's no standards. But yeah, so I do see your hardship. And just based on those observations, again, I would support the variance.

PTASHNIK Actually, I'm going to disagree with my colleagues. My public safety was my concern when I drove by this property. And in talking to some officers with summer that has been one of the biggest problems we had in the city is people on bicycles on sidewalks in this area being hit. When I drove by, that's the first thing I thought of. And so that is a concern to me, that there's going to be a blind spot there as far as -- and Mr. Evils kind of confirmed that -- that northbound bicycle traffic. It's a shame that was already kind of built before knowing what requirements would be. I don't understand, I guess why there can't be signage on the building and a smaller sign, perhaps right here. So I guess that would be my concern. So at this point, because of the safety issue, I don't think I will be in support.

TESTA Thank you, Mr. Chair. I have the same concerns regarding safety. I would not want to move forward with this until we have someone from the safety department take a look at this. If we get their approval, I could support this. Obviously, if they don't, I would not be in support of this.

COPPOLA Thank you. I'm struggling with the safety factor of this, especially with a six-foot tall sign that's 10 foot wide or whatever, and sitting right in the entrance. I think that's a big issue. As for signage on the building, there will be signage on that building one day. I'm pretty confident of that. So I'm not I'm not really concerned about that. Alternatively, in my perspective, you could do a couple of things. You could make the sign less tall, or move it further away from the entrance. So there's time for drivers to see pedestrians and bikes, so maybe if you move it down another 10 feet to the south or something like that. So I guess from my perspective, I would be open to the tabling motion to give the petitioner an opportunity to come back with... listen to what has been said in the comments and come back with an alternative that addresses the concerns. So I'll open the floor for a motion.

BARINGHAUS Mr. Chairman? Motion to table appeal case number 2022-10-30 for Community Finance Credit Union to allow them the opportunity to come back with an alternative plan that considers either relocating the sign, reducing the size of the sign and also obtaining the opinion of the Livonia Public Safety Department as to the safety of the location.

COPPOLA I have a motion by Mr. Baringhaus, supported by Ms. Ptashnik. We'll take a vote.

COPPOLA Tabling the vote passes. So, I think you've probably been with this before, so you know what's been done and what we're asking you. I don't think you have the votes at least today to get it approved as it's been presented. So this gives you an opportunity; there's no additional fees or charges. This gives you a chance to kind of digest what we've mentioned to adjust the proposal that addresses the concerns. Now alternatively, you can come back with the same exact thing and we have two more members, maybe you'll have some luck. That's up to you - you don't have to change anything, but as I mentioned earlier, our next meeting is the 10th of January and you'd have to get that in by I think it would I say the 23rd of December. Otherwise, the next meeting would be in February. Any questions?

BARKER Yeah, I do have one question. How do you obtain the opinion of public safety?

COPPOLA That's something that the Inspection Department would help with. I know we've done that with fencing type of issues.

ALBUS Yeah, it might be Sara now. Sara made contact with Livonia Police Department.

COPPOLA It's Mike. Mr. Fisher would send an email over and ask them and they would respond, they inspect the site with the email.

BARKER This seems to have a heavy weight, this conversation, with all of you leaning towards that opinion.

COPPOLA What I would suggest you do is call the Building Department in the morning.

ALBUS Yeah, just give me a call. I'll check with code enforcement and see how they've handled similar cases.

BARKER I appreciate that. Thank you.

COPPOLA Thank you for your time.

RESOLVED: APPEAL CASE NO. 2022-10-30: An appeal has been made to the Zoning Board of Appeals by Community Financial Credit Union, PO Box 8050 Plymouth Road, Plymouth MI, 48170, seeking to erect a ground sign resulting in deficient setback from the property line.

Ground Sign Setback Required:

Required: 10 feet

Proposed: 2 feet

Deficient: 8 feet

The property is located on the west side of Middlebelt (15251), between Five Mile and Linda Street, Lot No.089-01-0075-002, C-2 "General Business District," Rejected by the Inspection Department under City of Livonia Vision 21, Section 11.08 (3) Zoning District Regulations (Sign Regulations)," **be tabled.**

ROLL CALL VOTE

AYES: Testa, Ptashnik, Boloven, Baringhaus, Coppola.

NAYS: None.

ABSENT: Oliverio, Klisz.

PASSES: 5-0.

APPEAL CASE NO. 2022-11-31: Sheldon Center, LLC, 33351 Plymouth Road, seeking to erect wall and ground signs (menu order drive-thru and directional signs), resulting in excess sign area and number of signs.

Wall Signs:

Allowed: 2
Proposed: 3
Excess: 1

Wall sign area:

Allowed: 105 sq. ft
Proposed: 115.9 sq. ft.
Excess: 10.9 sq. ft.

Menu Board Ground Signs:

Allowed: 1
Proposed: 2
Excess: 1

Directional sign area:

Allowed: 2 sq. ft
Proposed: 7 sq. ft.
Excess: 5 sq. ft

Directional sign height allowed:

Allowed: 3 ft.
Proposed: 4 ft.
Excess: 1 ft.

The property is located on the south side of Plymouth Road (33351), between Farmington Road and Woodring Avenue, Lot No.134-99-0033-004, C-2 "General Business District," Rejected by the Inspection Department under City of Livonia Vision 21, Section 11.06 (8) (Directional Signs) and 11.08 (3) (Sign Regulations in C-2, C-3 and C-4 Districts).

BARINGHAUS Calling appeal case number 2022-11-31, Sheldon Center, LLC, 33351 Plymouth Road, seeking to erect a wall sign and ground sign (menu order drive-thru and directional signs), resulting in excessive sign area and number of signs. Wall Signs: Allowed: 2, Proposed: 3, Excess: 1. Wall sign area: Allowed: 105 sq. ft., Proposed: 115.9 sq. ft., Excess: 10.9 sq. ft. Menu Board Ground Signs: Allowed: 1, Proposed: 2, Excess: 1. Directional sign area: Allowed: 2 sq. ft., Proposed: 7 sq. ft., Excess: 5 sq. ft. Directional sign height allowed: Allowed is 3 ft., Proposed: 4 ft., Excess: 1 ft.

BOLOVEN Nothing at this time.

COPPOLA Any questions for the Inspection Department? Alright, seeing none. The petitioner can step forward. Name and address, please.

GONZALEZ Leo Gonzales. I am Managing Member of LM Livonia, LLC. They're also the applicant. We are the future owners and operators and the Lee's Chicken that is currently under construction at that location. We are here before you this evening to request a variance on the signs that we would like to place on the building. I'll start with the menu board sign first, just maybe as a clarification. It was my understanding on the menu board - it's a single panel. menu board. Do you have that in your dock, in your plans? A picture the menu board?

COPPOLA Yes.

GONZALEZ Okay. That current menu board, the specs on that - is it that it is not permitted, or is it the size of it? Because it was also mentioned that it was a double menu board. This is a single board. It's two panels, because of the way we lay our menu out, we have our package, we have our package products. We have our larger like 12 piece or 24 piece on the right side. And on the left side, we have our smaller offerings.

COPPOLA Okay, so you're gonna only have one lane for the drivers, so you're only gonna have one menu board is what you're saying?

GONZALEZ That's correct.

COPPOLA And there's not another like pre-stage menu... you know when you've been to places where they have a pre-stage menu board, and they have an ordering menu board, and they have one on the wall...

GONZALEZ We pulled it. So what happened is we originally started off with a static board and under the static board, they have these signs - it's basically a second menu board. We said, well first of all really the strategy is - let's go digital. So we went digital, we scrapped that. So that's not the ask. If it was put on that applications, that was because when I originally presented the menu board, the first time we submitted it, we hadn't been made aware of that this digital board was available.

COPPOLA Okay, so when I'm looking at a picture here that was submitted, you can see that there's a digital menu board and there's like this little menu board right next to it.

GONZALEZ That's actually a static board.

COPPOLA And that's been removed?

GONZALEZ No, we'll still have the menu board -- it looks like that -- but it's a digital.

COPPOLA Right. So Mr. Albus, was it that things changed and we didn't update or...?

ALBUS No, the documents I have still have a drawing with a pre-sale menu board, static, 33 inch. And then the other menu board that he was just describing on a separate picture -- drive-through system, LED illuminated, canopy, static menu board.

COPPOLA So the case of let's say, there's a static menu board, if you were to remove the static menu board - the little one and you kept the large one, that large one is still within code?

ALBUS Yes, that would be in code.

COPPOLA So you're only going to have the one menu board now instead, and it will be the digital board instead? So I think that never got transitioned internally here. So from our perspective, while the petition still had the two menu boards if we deny that you still have your one menu board?

BOLOVEN Mr. Chair, it's electric sign, which could be another issue based on the size of that. So what was examined here and what was noticed here was two ground signs that were static and what was reviewed by -- I don't know who reviewed it -- but what was reviewed was two static signs, not one electric sign.

COPPOLA Is there a different standard, Mr. Albus?

ALBUS I'm not that well versed in the sign ordinance.

COPPOLA Well, why don't you research that while we continue on.

GONZALEZ I did put this by, ran this by Matt Stierna from the Building Code, and that differs from that static board, because of the function of it. At this point, that's just a well, that's a prototype that they didn't have turned on. But of course, when that's turned on, it'll look like a menu board or the static one that you're looking for. So it doesn't change the look, just gives us the flexibility to change prices. And the optics are much better. And we hope that the durability will be much better than the static menu board. This thing is a very durable piece of equipment that can withstand cold and hot weather, rain, etc.

COPPOLA So I think again, we could probably deny this and then you can go ahead and try to pull the permit for the Board's approval, and we'll see where it goes. So in regards to the menu board, he only wants one. So addressing the petition, we can deny that portion of it and he can go ahead and apply for a permit for this.

BOLOVEN If he denies, it's done, according to Mr. Fisher in the past.

COPPOLA Yeah, he only wants one.

BOLOVEN Yeah, I think it's a totally different issue. I don't think the notice is right. He's not coming from.

COPPOLA We have no idea whether this complies or doesn't comply. This notice states that he wanted two and the packages originally submitted asked for two; he only wants one. So, denying that portion of it doesn't mean he can't have a menu sign. He still can have one, but it has to comply, or he can come back if it doesn't comply, and we would have to give a variance for one menu board that complies.

BOLOVEN So you wouldn't want to deny in front of the table? If you deny, then he said he would reapply and start over the petition.

TESTA So to Mr. Boloven's point, maybe denying two.

COPPOLA He can come in for one; we've only denied the two. We haven't denied one. And if this one complies, he doesn't need to go through this again.

BOLOVEN But if it doesn't comply, then he's got a repetition and reapply and re-fee... which, that's not fair if he...

COPPOLA Let's continue, and we'll circle back to this. Let's talk about the wall signs. You've asked for three. Two are allowed. I see no changes to that that you originally provided.

GONZALEZ The front sign is 38 square feet. The original ask was... I don't think we may have modified that.

COPPOLA When you say "front," you're talking about the left side?

GONZALEZ Facing... well. So I look at in totality. I'm only coming before... I submit the whole sign package. My sign facing Plymouth Road is 38 square feet. The sign facing Farmington Road is 28 square feet, and the sign facing the interior aisle way is 30 square feet, because I was recommended that if we're going to submit this that we should just submit the whole sign package because the Board will want to see everything - how the whole entire package looks together.

COPPOLA Correct.

GONZALEZ So here's the logic behind the ask. I've had Jimmy John's who has, I've kind of modeled my sign package after Jimmy John's. I've got a curb cut coming off of Farmington Road that leads into the shopping center. The customer has to make a right and a left to get into my driveway. I want the customer to be able to see my building from a far enough distance so they can respond and do the necessary moves in order to queue up into my drive-through. This allows my customer coming on Plymouth Road to be able to see the lease coming from westbound going east -- be able to see the least sign so that they can queue in the... because sometimes a chicken product like this is very impulsive purchases, more than 50% of the time it's an impulse purchase, okay? So I want to be able to appeal to that customer. And when nobody knows who we are initially to the marketplace, we're gonna have to do a real good job putting our name out there front and center. So that sign on the west side facing Farmington gives that ability; actually, it gives the ability for a customer to make those turns and get into our drive-through or come into our dining room. The customer that pulls into the shopping center, maybe didn't see

any my signage; maybe they thought they were going to Chris's Furniture, going to Rite Aid, didn't even plan on buying chicken. But here once again, I get to expose them to the product by having this sign on the back of the building. I just got kind of want to be on the same playing field as a Jimmie John's is. And from what I understand the Dairy Queen asked for the same signage package to kind of match up with Jimmy John's. Directional sign - maybe I'll fall into that. The directional sign is a way of just making sure that the flow of traffic gets into my drive-through smoothly. I don't want them to stop have to figure out where the drive-through is, because obviously the net slows up traffic that's coming in and out of that shopping center. That point where my customers coming in off Farmington that is the key entrance for that shopping center. I would say that the number of cars coming in from that side versus the numbers of cars coming into Jimmy John's side might be every bit of 10 or 20% more. That being said, I want my customer to be able to see my drive-through signs well placed so that they can queue up and get into the into the drive-through. That's kind of the thought process behind the signs. I think there was a photo over on the driveway of the directional signs. We did take the chip, we did take the strips off the back of the sign that goes on the back of the building, because we felt at that point, true, maybe some customers didn't even plan to buy chicken, and I got them in my back door. And they'll say, "Well, where does Lee's mean?" And I hope they're curious enough to pull in there, but I just couldn't make this sign, in good conscience, I couldn't make that sign any bigger and add the chicken strips on there. So that was kind of the logic behind that.

- COPPOLA** Okay. So tell us a little bit about your logic on the oversizing of the directional signs and the overall height of the directional signs.
- GONZALEZ** The size on the directional - where it's one square foot over.
- COPPOLA** On height, yes.
- GONZALEZ** On one, on height.
- COPPOLA** Right. And that's five square feet larger than is allowed. We allow two square feet and you're asking for seven square feet.
- GONZALEZ** So my spec on that's four feet high.
- COPPOLA** Yes. So what's the logic behind going an extra foot from your perspective, from the hardship that would allow that?
- GONZALEZ** I think three feet is fine. That wouldn't be an issue. I think the most levels even at three feet, people would be able to see it. Because that sign is gonna be on your right-hand side. You see on the...so when I come there,

yeah, no, that's gonna be fine. Three feet would be fine. I wouldn't have a problem reducing it to that amount.

COPPOLA How about the size?

GONZALEZ Size is seven square feet.

COPPOLA Correct. What's your logic on the excess there? It's almost... well, it's over three times larger than what's allowed.

GONZALEZ Your requirement is two square feet.

COPPOLA Yeah. We allow up to two square feet of...

GONZALEZ One by two foot. You know when you're driving and you're distracted.... I want the visibility of the sign to be as clear as possible. I don't want people to have to look twice to see it if it's so small that... it is not noticeable enough for them to read. So by putting it there is one thing. Them not being able to read it... listen, if all the cars are standing still probably a moot point. But they're not all these cars are moving, they're in motion and although two feet, I understand the ordinance... I'd consider that we can compromise on that. Between seven square feet and two square feet, we could end up at five square feet. That puts it at... that's five square feet that would put that sign because that sign is one foot eight inches high. So, to put it by one foot by eight inch by three feet. See my spec says those signs are three by three.

COPPOLA But you haven't included... because there's also actually a true directional sign. This is really signage. There is a true directional sign that has an arrow on it, and that's six inches by -- it doesn't see how wide it is.

GONZALEZ Yeah, I see it.

COPPOLA So that's what we would call the directional sign generally; this is almost a side sign at the size that it is. And that's the intent of the ordinance is... yeah, we can do the directional sign that says 'exit,' 'enter,' that type of thing. This really is more of a sign. I mean, the directional is kind of an afterthought almost with this sign.

GONZALEZ The most important one is zero, of course, because this is key to get customers into the into the drive-through. I would ask if the Board would consider allowing me to take that sign down to four square feet.

COPPOLA Okay. Questions for the petitioner?

GONZALEZ And I don't know if it matters if I may - we're gonna change the wording on there. We're probably just gonna say "Lee's." Does that matter? The lettering? You don't care what I say within that box? [laughs]

COPPOLA To an extent, yes, we all would care what you say in that box. But we would want to see what it would look like. If we're gonna prove a variance, we want to make sure that it's something that meets the standards of the of the community.

BOLOVEN Mr. Chair? Question for Mr. Albus. On 33299 Plymouth Road, what variances have been granted for that building? That's the Jimmie John's is in, while you're looking up, we can continue on, Mr. Chair.

COPPOLA Mr. Neville, did you have any luck on the menu?

NEVILLE Well, as far as the origin that's in the menu sign, you see two... so, I know the ordinance menu board maximum number one area is 30 square feet, which is roughly...

COPPOLA So it makes no difference as to whether it's electric or static?

NEVILLE Well, electric obviously has been expected by a past electrician... I'm not seeing anything with respect to... Because usually when it's electric we're talking about illumination as opposed to messaging.

COPPOLA Okay.

TESTA Questions for the petitioner. I'll start with the directional signage, where we left off, I think we were talking about changing it to just say only "Lee's" and dropping the "chicken strips" on the directional signage?

GONZALEZ I guess that is the thought, but I'd certainly like to see that before I do that... when I see the mockup of it.

TESTA Yeah, I think that's one way to get your square footage down. I think obviously, Jimmy John's is already there. Their signs up - the got an advantage on you by a couple of letters to make a smaller sign. But getting rid of the "chicken strips" I think helps you. I think also once the customer is in that parking lot, they see more signs on the building. They're gonna look for the yellow and the red. They'll either think Lee's or Hulk Hogan. And they got Jimmy John's and Dairy Queen's a different color. So I think when you, I drove in there today, it was a bit of a challenge to find my way back to your building... because the way the parking lot and the roadway curbs there. So, signage is definitely needed, but from the color scheme, it's not gonna get confused with Dairy Queen or Jimmy John's. I think just having "Lee's" there would be one way to get your square footage down. So I'd like you to consider that. Regarding the

wall signage - based on when you handed out to us it looks like you're at 96 square feet total. Is that correct? You got 38 + 28 + 30.

GONZALEZ 30 + 28 + 30.

COPPOLA I think the measurements... the Building Department measures it differently. So, the 38 one - they're measuring it at 47 and 88. I can see there are notes on the side of...so we can go back to the green sheet, and it will show you.

TESTA Yeah, this schematic handed out an updated version to get less square footage, or is this what you originally proposed?

GONZALEZ No, this is what we submitted originally. Now, whether they calculate it, they took the specs of the signs I actually submitted, which I have those too.

COPPOLA Where they calculated the Plymouth facing, so the north facing in 47... the 47.88 square feet, so the other two seem to measure out but that one measured larger. So it's not...

ALBUS When you have a sign like that, the sign ordinances say you have to go to the outer edges of the sign itself.

COPPOLA They were saying that the ones facing Farmington are 28 and 38. So that's where your difference is.

TESTA Okay, thank you. Question for the petitioner. Jimmy John's has signs on the northeast and west side of the building, not on the south side. It looks like you're proposing the "Lee's" sign on the south side. Is there a reason you wanted it on the south and not the east side?

GONZALEZ We just felt the ask was too much. I recognize that after we submitted the application, we probably could have asked for it over the drive-through. But I felt it was more important that if the customer was coming in off the Farmington driveway that to have "Lee's" on the back of the building, then to give up that sign and put the sign over the top of the drive-through.

TESTA Your driver coming off of Farmington would have the advantage of the directional sign. I guess I'm worried about your customer at Plymouth Road headed westbound. Is he gonna see "Lee's" until he sees the north facing side, whereas Jimmy John's, they have a sign on the east side of the building.

GONZALEZ They do. I've been there. It was a nice sign. And that's actually where I got the idea was I went there. I said, "Well, they gotta sign and I didn't

ask." But I knew that would have also taken us up into more square footage.

TESTA But they don't have anything on the back, on the southside.

GONZALEZ I know - I really felt that we want... I talked to my partners. I mean, it's a valid point. We haven't solved all of our potential issues with people being able to see our building from every direction that they're driving. I think you just kind of weigh out everything and do the best you can.

TESTA Okay. Impulse buy. I laughed at that. My neighbor is a big fan of your chicken and he is not an impulse buyer. He plans a lot of his party's around this. Will you have an awning above your drive-through that has a logo on it? Or Lee's on it?

GONZALEZ No. The awning's red, so a little accent that goes over the top of that kind of matches up with a little accent that goes across the top of the building.

TESTA And it won't have "Lee's" on it? And the menu board - obviously the digital portion of it will probably say "Lee's" somewhere.

TESTA But you won't have like a "Lee's" logo on the backside of it, or the side that's attached...

GONZALEZ All over it. [laughs] It's only a single face. No, I won't. I won't have it. Well, the digital - it's only one side digital.

TESTA Yeah, but on the backside, you're not gonna put a Lee's logo?

GONZALEZ No.

TESTA Okay. And more just out of curiosity, what is the traffic flow? Coming from Farmington and coming off Plymouth, you kind of have to go west and then turn east to get into your drive-through, so to speak. It's not very naturally setup, it's better to come off of Farmington is maybe what I'm getting at.

GONZALEZ It is. But, you know, we could also have... the parking lots do have some twists and turns. And I'm okay with that sometimes, because we've got a lot of kids coming and going in these restaurants, Dairy Queen. We don't need to have long legs. I mean, it will make some of the sequence of how people get into our parking lots a little bit harder. But I think the benefits far outweigh to slow that traffic down. And I think that customer can easily come across that Dairy Queen and make their way into the parking lot because we share a parking lot, that while there's parking spots there they're not just exclusive to us either. And we will certainly trade customers with them. Or maybe we'll have an event where one side of

the family's eating DQ and the other side is going to be eating Lee's, and we'll be sitting on our respective parameters.

TESTA Thank you, Mr. Chair.

COPPOLA Mr. Albus, were you able to find that?

ALBUS Oh, yeah. So you had me researching a handful of things. Section 1110 of the Sign Ordinance talks about illumination of electronic signs. And it has time restrictions for flashing and changing of the message board. So the new ordinance does not differentiate on the menu board sign whether it's static or electronic. Now the variants that you had asked me to research on the Jimmy John's was appeal case 2017-06-34 and approved in part, the approval is for the proposed sign height of 13 feet and the sign size at 50 square feet. The sign only illuminated during operating hours and consistent with the surrounding areas. The electronic reader board is denied in its entirety and that the same must be constructed in the location otherwise designed as proposed.

COPPOLA Yeah, it doesn't seem like that's the right... yeah, that's not the...

BOLOVEN So Jimmy John's has four wall signs. Three directional signs. Originally, they had a static sign and now they have an electronic sign. So that's kind of funny if that matches up to Jimmy John's... now there is a magic electronic sign that popped up for them, but...

COPPOLA No, I think that had to do with the monument sign. It was 13 feet tall, so that would suggest that it had nothing to do with Jimmy John's. I think that had to do with the... that one's probably six feet, maybe six and a half.

ALBUS That's the monument sign probably located that 33111.

GONZALEZ That sign's 58.5 inches wide by 75 inches high.

COPPOLA I've never seen a 15-foot menu board before.

TESTA Mr. Albus, you said Jimmy John's has four signs? I think driving there today [I saw] it only had three.

BOLOVEN I just said that - there's four, there's one on each side.

TESTA I don't see one on the backside.

BOLOVEN And then there's three directional signs, which...

TESTA It's a small JJ's sign.

BOLOVEN Which one's? The directional, or the..."

COPPOLA Yeah, I guess that was that. I remember three... I don't know, that was a long time ago.

BOLOVEN The directional is both the logo, and very similar to... they have a logo plus the direction on there.

ALBUS Wasn't the Dairy Queen in front of this Board recently? I don't have anything in my computer about that variance.

BOLOVEN The Dairy Queen or the Jimmy John's?

ALBUS Dairy Queen. I'm looking at the BSNA system.

BARINGHAUS I think that was writs.

BOLOVEN I wasn't here for that one.

BARINGHAUS Mr. Chairman. Can you tell me the completion date for your project?

GONZALEZ January 15. We are hoping to do a soft open in training, well let me correct that - January 15, we're open to begin soft training in anticipation of an opening seven days later. Knowing that it could fall anywhere between January 15 to January 30. We got a backorder on some equipment, no surprises. So what I want... I did submit the menu board as a variance because I only submitted it initially just because as I repeated the Board wanted to see the entire package. Of course, I swapped it out for this digital board. I want to be comfortable that this digital board is permitted. I ordered it already, because I got an email from Matt Stierna who did the research on the sign because I sent it to him and he said, "yes, based upon 50.5 inches by 75 inches, sign area, this will be permitted." Now having said that, I was still going to talk about it anyways because it's just part and parcel for the same package anyways.

COPPOLA Question - what did we approve for the Dairy Queen? How many signs did they have?

TESTA We'll have to look back through the meeting minutes. I was here for that meeting too.

ALBUS Wall sign of 47 square feet, a wall sign of 24 square feet. I'm just going by the permits that were issued here - another wall sign of 26 square feet. New illuminated wall sign at 28 square feet.

ALBUS Illuminated wall sign - Grill and Chill, west elevation 25 square feet.

COPPOLA Say that again.

ALBUS New illuminated wall sign - "Grill and Chill," west elevation - 25 square feet.

BARINGHAUS Here it is. Appeal case number 2021-03-02...

TESTA I think it was the August case or July 26 meeting.

BOLOVEN Do we have Jimmy John's, Mr. Albus?

ALBUS The only thing I could find under the Jimmy John's was that 2017. I can tell you what signs were permitted on the Jimmy Jones, if that would help. Wall sign - Jimmy John's, size two by 20, total area: 80 Square Feet. Two signs: two by 40, north and west elevation, so I have a ZBA... well, 2016-04-26 on that. Ground signs - three of them. Drive-through directional signs - one and a half feet by three and a half; total area - 15 square feet; setback - three foot; height - 10 foot. Wall sign Jimmy John's sign - 3.5 by 10.8 total of 30 square foot area, east elevation. Illuminated ground sign side A thank you side; b - exit only side. Total area - four square feet setback plus or minus 10 feet; height - four feet. The marks replaced directional sign.

BOLOVEN So the four wall signs - I got a 30 square foot. I got an 80 square foot. I got another 80 square foot. Am I saying that right?

GONZALEZ Yes.

BOLOVEN 80, 80, 30 and I missed one?

ALBUS I think that was part of that first permit because it says, "wall side," Jimmy John's sides - 2 by 20 and then total area - 80 - 2 signs 2 by 4.

BOLOVEN That's two 40 square footers?

ALBUS Two signs too. It's weird how it's written. North and west elevation.

COPPOLA I have a case number if that helps.

ALBUS 2016.

COPPOLA 2022-06-01. Is that right?

BOLOVEN So I got 190 square foot approval wall signs. Does that seem right?

ALBUS Yeah, I'm working off of previously approved signage.

BOLOVEN And the directionals were four square foot monument signs?

ALBUS Correct.

BOLOVEN There's three of those. Total - 190 square foot wall signs, and then and then three directional signs at four square footage.

COPPOLA Okay. So any other questions for the petitioner? I guess we have what we have at this point. Is there anyone in the audience that would like to speak for or against this petition? Nope. Any correspondence?

BARINGHAUS No letters, Mr. Chairman.

COPPOLA Okay, Mr. Baringhaus. Any final statement from the petitioners?

GONZALEZ You know, the essence of this ask is really to minimize the confusion of people getting into our drive-through. Drive-through does take about 65% of the business through this the source across the country. There's around 130 of them; they've been around for about 60 years in 12 states. We want to encourage people to go in the drive-through, but we also have a dining room that people can see and sit down and come in and eat. Plymouth Road's traffic moves fast, we all know that. So, although I'm at some point, you're gonna be a planned purchase, because connected with my customer, you know, my product, but until then, this is sort of my billboard, so to speak. And the best way I can get my name out in front of theirs is for people be able to see me. I hope our goals and the net result of that is that we have a smooth transition of customers that come in and out. And it's so important to this essence that... I think the problem with some of these QSRs is they don't do a good enough job getting the people in and out of the drive-through. And that's why you see these long stacking lanes. I've got my menu boards set in such a manner by the time that customer orders and he gets up to the window, the product's done. I'm not holding up the line. So whatever way I can make that process a little bit more seamless to get the customer queued in through my line. And I hope this signage is one aspect. Obviously getting them through there quickly is operations too. But every one of those aspects has their own role into making that process as seamless as possible, as well as improving the experience. Having the customer have a good experience of being able to come to our store and continue to come back. So we've kind of looked at what other stores have done around the country - successful stores, high volume stores - Tennessee; Loveland, Kentucky, and kind of looked at their sign packages and they said, "hey, these are the type of volumes that we have, and this is the type of sign package we have," and modeled it after that and presented it to the Board here tonight.

COPPOLA Okay, thank you. I'm going to close the public portion of the case and start the Board's comments with Mr. Baringhaus.

BARINGHAUS Looking at the signage package, there's a number of areas and variations that we've discussed tonight. We addressed the menu board has been reduced to one sign. Generally, I'm fine with the number of wall signs and even the wall size area, but I think we still need some clarification on the directional sign's area and the directional sign heights. I don't think they even need to be that large, given the fact that your signage has a very strong color palette. Seeing how there's been so many variations to this case that have been discussed this evening, I'd like to see the case tabled and come back with a clean and complete plan that we can review. Thank you.

PTASHNIK I tend to agree with Mr. Baringhaus. I actually am in favor generally with this packages presented but other than the directional signs, I'm a little concerned about them -- the size of them -- and just some inconsistencies as we've been talking tonight on what we can do and what we're going to do. I would like to see a finalized plan before approving but I will tend to be in approval of this variance.

TESTA I'm in spirit in favor of this, but the directional signage I would like to see come down in height and in size. I think there's room to shrink that down. So I would be in favor of table motion. I would be also willing to entertain a proven part and table part but that could get messy, especially if he's planning to open in early January, middle of January. It might be challenging for him to get back before us and have no signage, but he would be able to put up something temporarily, I believe, so maybe we can work around that. But in spirit, I do support this. But I would like to see the directional signage come down in size.

BOLOVEN I really do think we could get this cleared up tonight rather than tabling it with the Board. I hope the Board listens to the comments on the basis of... this project has been delayed a long time. And anybody that's been a citizen of Livonia knows how long this project has taken. And with the January opening date, they're not going to be back in front of this body until January, it would be disheartening to see this tabled at this point in time, but we're taking that all aside why I think we can get it cleared up. The petitioner already acknowledged that he's willing to reduce the directional sign down to four square feet. Those four square feet is the exact size as the three directional sizes of Jimmy John's. I'm okay with the wall signs, as is the rest of the fellow Board members. Again, looking at Jimmy John's 190 square feet, four wall signs. That's excessive again. The Board before my time approved that, but looking what's before us today, we've got three wall signs well within that range. And then three directional signs. The petitioner is willing to come within those four square feet that is the same as Jimmy John's. So, with that condition that the

directional sites be brought to four square feet or under, I would be in supportive of approving this evening.

COPPOLA Thank you. Yeah. I definitely am in line with everybody's thoughts and concerns. But I do agree with Mr. Boloven - I think we can probably bring this to a conclusion today. The petitioner I believe agreed to go to four feet on the direction of square feet on the directional sign and only three feet high, so we can make that as a condition. We can confirm that if we would like and move forward. I think we can table the menu board wall, I think we'll be kosher on that either way, and the wall signs - we've already opened the door on that one. I think actually the petitioner's request is relatively reasonable compared to some of the others that have been approved. So, my recommendation would be is to go ahead and try to get this done tonight. But let me confirm. We have a lot to process here. It's protocol to confirm with the petitioner - you're willing to reduce your directional sign area from seven feet to four feet?

GONZALEZ That's correct.

COPPOLA And you're willing to reduce the directional sign height from four feet to three feet?

GONZALEZ That's correct.

COPPOLA So with that, I'm hoping maybe we can just bring this to a conclusion, because I like to see, I think everybody's anxiously awaiting the opening of this place. I've seen more comments online. Everybody asked me for at least three months. So did you want to make a comment before I...?

TESTA Yeah, I want to make a comment. I think there is enough votes to add a fourth sign to match Jimmy John's, give him something square footage similar to one of the other elevations, give him four signs like the other Dairy Queen and Jimmy John's to keep it kind of...

COPPOLA I have no idea what we're approving. So, if he does want a fourth sign, he has a pretty strong case that he wants to come before us for a fourth sign.

TESTA That's a good point. Okay.

COPPOLA No, that was good idea. I'm sure the petitioner was listening. Alright, so I'm gonna go ahead and open up the floor for motion.

BOLOVEN Mr. Chair? Resolved that the variance sought in appeal case number 2022-11-31 filed by Sheldon Center, LLC be granted in part and denied in part for the following reasons and findings of fact. The uniqueness requirement is met due to the location of the building along with the high

congestion for the center that it's located. Denial of the variance would have severe consequences for this petitioner due to lack of signage and lack of directional requirements for this high capacity location area. The variance is fair in light of its effect on neighboring properties and in the spirit of the Zoning Ordinance due to approvals of past Boards for neighboring properties as well as no opposition to the requested variance. This property is classified as C-2 under the Master Plan and the proposed variance is not inconsistent with that classification. Further the variance will be granted with five conditions. So I did do a ranking - I would do a denial of the signage excess for two signs. The approval in part would be for the three wall signs as well as access area on those three wall signs... so, the approval would be for three wall signs over a dining area of 115 square feet excess of 10 square feet and the conditions would be on the directional signs that the directional signs be limited to four square feet with a height of three feet as presented this evening with a total of three directional signs. So I'll repeat that again because they don't get a little confusing so it's a denial of the menu board groundside variance.

BOLOVEN Denial of installed menu board.

BOLOVEN Number two - approval of the wall sign, three wall signs - excess one. Number three - approval of the wall sign area - 115.9 square feet. Excess -10.9 square feet. Number four - approval of directional sign area of four square feet. Excess - two square feet. Approval of directional sign height allowed. I guess I'm sorry. I just noticed that as you just said that. It's actually denial of variance because it was its allowed us three square feet. So we have three feet Sorry. So it's a denial of the directional sign height allowed. Requested was four square feet, and that's being denied. So, two denials, three approvals. Condition - directional signage limited to three total square or three total directional signs

GONZALEZ Before you take a vote, may I just ask a question for clarification? The motion to deny the menu board is not a motion to deny it, because it was shown as an exhibit?

COPPOLA You asked for two, and he's denying the excess.

BOLOVEN Other conditions - be built as presented with the exception of the directional signs. When do you plan on putting up the signs?

GONZALEZ I've waited. I've only made the one most important [on] Plymouth Road.

BOLOVEN So you don't need a five-day waiting period waived? You're not doing it in the next five days?

GONZALEZ I'd like to get them made.

BOLOVEN Not made, put up.

GONZALEZ No, they won't go in in the next five days.

COPPOLA Vice Chair Baringhaus, why don't you recite what the motion is that presented by Mr. Testa? I am sorry, Mr. Testa supported, is that correct?

BARINGHAUS Yes. Okay, motion to approve the variance, Mr. Boloven, supported by Mr. Testa on conditions for menu board, approval of the three wall sides, which is in excess of one. Approval of wall signs, approval of directional signs –

BOLOVEN Excess - two square feet. Four square feet.

COPPOLA Four square feet, excess - two square feet. If I could read my writing. Denial of directional sign, height: limited to three directional signs. And then seven, build as presented. Limit to three directional signs.

BOLOVEN I went based off with Jimmy John's. I thought there was three.

COPPOLA And build as presented. Except for the condition on directional signs. All right, good. Would you please take approval? [TAKES VOTE].

COPPOLA Mr. Gonzales, do you understand?

GONZALEZ I do. Who can I talk to regarding this digital sign that we want to put up?

COPPOLA The Building Department.

ALBUS Randy Abrahamson the one who did the original review on...

GONZALEZ Oh, did the rear? Yes. Okay. I will submit that tomorrow. Now, on the chance that this digital sign is too big. Although I have a letter from Mr. Stierna, revealing the information said it was acceptable. I was understanding that, but if it doesn't meet -- someone else is going to review it -- if it doesn't mean the code then I in essence have to come back to you in January? Now, digital signs are a little different. They're pre-made, there's three different standard sizes and they have some more some factory. So not time sensitive on a production. However, I gotta get it ordered and shipped. When would I get that information into you, by the 23rd of this week? In order to come back from May 13, January 10th's meeting?

ALBUS So instead of calling Randy, call Matt. Apparently Matt did the review on the menu board side. Call him tomorrow morning.

GONZALEZ All right. Very good.

COPPOLA It says the deadline was on Monday. That seems awful short. But we can always make exceptions. So if it becomes an issue, I'll have the special zoning board office call me and I can make an exception and document a case if need be.

GONZALEZ Great and we will be back on January 10.

COPPOLA Correct. So get your information in there. You may want to just try to pull your permits so it makes it official. And then they'll tell you whether it's whether it can be permitted as is or if it needs approval of a variance. I'm pretty confident we'll be okay.

GONZALEZ Let me just give you a little background on our company. So we bought the rights to all of southeastern Michigan. Yours will be the first store open in our one of 12. So we're excited to be here. My operating partners own and operate 11 Leo's Coney Islands in the Detroit metro area.

BOLOVEN So are you guys connected to the one in Plymouth?

GONZALEZ Yeah, so Nomen lyesh is my operating partner. So we've been looking for a concept to kind of bring online and this Lee's been around a long time and [it's] got great, great, loyal customers throughout the entire country and we hope this will be a success for everybody here.

COPPOLA Good luck.

RESOLVED: APPEAL CASE NO. 2022-11-31: Sheldon Center, LLC, 33351 Plymouth Road, seeking to erect wall and ground signs (menu order drive-thru and directional signs), resulting in excess sign area and number of signs.

Wall Signs:

Allowed: 2
Proposed: 3
Excess: 1

Wall sign area:

Allowed: 105 sq. ft
Proposed: 115.9 sq. ft.
Excess: 10.9 sq. ft.

Menu Board Ground Signs:

Allowed: 1
Proposed: 2
Excess: 1

Directional sign area:

Allowed: 2 sq. ft.
Proposed: 7 sq. ft.
Excess: 5 sq. ft.

Directional sign height allowed:

Allowed: 3 ft.
Proposed: 4 ft.
Excess: 1 ft.

The property is located on the south side of Plymouth Road (33351), between Farmington Road and Woodring Avenue, Lot No.134-99-0033-004, C-2 "General Business District," Rejected by the Inspection Department under City of Livonia Vision 21, Section 11.06 (8) (Directional Signs) and 11.08 (3) (Sign Regulations in C-2, C-3 and C-4 Districts)," be granted in part and denied in part.

ROLL CALL VOTE

AYES: Testa, Ptashnik, Boloven, Baringhaus, Coppola.

NAYS: None.

ABSENT: Oliverio, Klisz.

PASSES: 5-0.

APPEAL CASE NO. 2022-11-32: John Beshi, 38141 Ann Arbor Road, seeking to erect a directional sign and additional wall (awning) sign, resulting in the directional sign being excess in area and the wall sign being excess in amount and area.

Directional Sign Area:

Allowed: 2 sq. ft
Proposed: 4.5 sq. ft
Excess: 2.5 sq. ft

Wall Signs:

Allowed: 1
Proposed: 2
Excess: 1

Wall Sign Area:

Allowed: 21 sq. ft
: additional 10 sq. ft
(28 sq. ft. existing)
Excess: 17 sq. ft.

The property is located on the south side of Ann Arbor Road (38141), between Hix Road and Ann Arbor Trail, Lot No.121-99-0010-001, C-1 "Local Business District," Rejected by the Inspection Department under City of Livonia Vision 21, Section 11.06 (8) "Exempt Signs," "Directional Signs" and 11.08 (2) "Sign Regulations for C-1 Districts."

BARINGHAUS Calling appeal case number 2022-11-32, John Beshi, 38141 Ann Arbor Road, seeking to erect a directional sign and additional wall (awning) sign, resulting in the directional sign being excess in area and the wall sign being excess in amount and area. Directional Sign Area: Allowed: 2 sq. ft., Proposed: 4.5 sq. ft., Excess: 2.5 sq. ft. Wall Signs: Allowed: 1, Proposed: 2, Excess: 1. Wall Sign Area: Allowed: 21 sq. ft., Proposed: Additional 10 sq. ft., (28 sq. ft. existing), Excess: 17 sq. ft.

COPPOLA Okay, questions for Mr. Albus? On the wall size it's really the only issue and the awning, that's my understanding and it's because they're putting a logo on the awning?

ALBUS Correct.

COPPOLA So the awning itself, it had no long logo. Could it be put up? There's no restrictions in regards to just an awning?

ALBUS Correct.

COPPOLA Does anybody else have any questions? All right. Just for the record, Mr. Beshi, your name and address.

KEMPPAINEN I'm Calvin Kemppainen from Cal Sign Company, 35059 Glenwood. John... I'm not sure how to pronounce his last name, he said he was gonna be here. I don't know if he had an issue or something. But he couldn't make it.

BARINGHAUS But why don't you tell us about the project? The variances and the hardship or practical difficulties that would have us consider approval.

KEMPPAINEN The source is back in the back corner of the shopping center. The drive-through window was approved, and the easiest way for people to access that would be through the back of the property. It's dark there, it's not going to be an illuminated sign; it does have to meet the 10 foot setback. It is slightly above what is approved for the directional drive-through sign. And he does have a small logo on the awning. The awning is 3 by 10, I think the logo takes up a two by five-foot area on that. And they mean they do need an awning for that and lighting, and the other reason that they want to bring the traffic down through the back of the property because they come in and have to do the turnaround to get to the window in that back corner, especially during heavy snows. They push now in there, it really does add a lot of difficulty for their customers to try to drive up to the window. And if they're not aware of that back entrance, then it's just going to be a traffic issue. And we think that for the ease of the whole shopping center and people the directional sign - we'd hope to be approved. It is not a live site. So a little larger site makes it a lot easier to see.

COPPOLA So are you replacing the wall sign? The wall sign - not the awning sign, but the wall signs are going to be replaced?

KEMPPAINEN So there's no replacing of any signs.

COPPOLA So the only thing you're doing is adding a directional sign and adding the awning with a sign?

KEMPPAINEN That is correct.

COPPOLA So tell me about the directional sign and why you believe it requires a variance?

KEMPPAINEN Well, two feet is pretty hard to see... like some of the other people have described, you're on a curve. It is at the back of the building and could actually use a lot larger sign than that to make it easy for the customers to realize the drive in behind the buildings to reach the drive-through window. We're already being set back 10 foot behind the sidewalk. Makes it a little more difficult and there's a big tree too that can also cause difficulty in locating.

COPPOLA Okay, you're the prior case where we compromise to four feet. Is that something that the petitioner would be willing to just take it down half a foot, so we can be kind of consistent across the board with these directional signs?

KEMPPAINEN That I couldn't say. I'm not sure whether or not the sign is also a standard sign that comes from the company. We would have to remake the sign if that's necessary.

COPPOLA Questions for the petitioner?

BARINGHAUS Mr. Chairman. Is the awning approved by Little Caesars as a franchise... I guess building identification piece. Is Mr. Beshi the franchisee from Little Caesars?

KEMPPAINEN Yes.

BARINGHAUS I just find the drive-through is very challenging, and this drive-through route was approved by Little Caesars?

KEMPPAINEN Yeah, I would assume that when they when they approved the window they understood that there would have to be you know access to it and to access [it] the easiest way is behind the buildings instead of coming down through, trying to do a turnaround, especially with heavy snows that can be difficult.

BARINGHAUS Has Mr. Beshi proposed any other types of identification like maybe arrows painted on the asphalt identifications that say "drive-through."

KEMPPAINEN No, the snow and all that, it's very difficult to see. It's not really a reasonable way to direct traffic.

BARINGHAUS Has Mr. Beshi considered an awning that would not be illuminated?

KEMPPAINEN Well, it is a backlit sign. I don't think the expense of bringing the electric out to it... it would be quite a bit. We'd have to probably pull electric from one of the other buildings. His building is way at the back of the property; it would be quite a run to light that sign and the trench underneath or cut through the pavement or blacktop there to get the electric to the sign.

BARINGHAUS And customers finding the drive-through window, would that be an illuminated awning?

KEMPPAINEN It is illuminated, yes.

BARINGHAUS No, I'm saying: Are they currently finding the drive-through window without the benefit of an illuminated awning? Are they able to pick up pizzas from that window today, without the awning?

KEMPPAINEN I apologize. Can you repeat?

BARINGHAUS Yes. Are customers able to find the drive-through window without the illuminated awning?

KEMPPAINEN No, I don't think so. Because not facing the road, they wouldn't be able to locate it for that. But they do need the light. I mean, somebody's trying

to cut money out or give them a credit card or whatever. It doesn't need to be illuminated. But it's not visible from the road at the main road or from the interior of the center. Okay, thank you.

BOLOVEN Mr. Albus, one more for the books tonight here. I believe it's a coffee shop at the end. Maybe that's what it is. Do they currently have any variances that have been approved?

ALBUS Let me see. Keep going on.

TESTA Mr. Chair, question for the petitioner. Is the drive-through open today? Is it functioning?

KEMPPAINEN I cannot tell you there, because I didn't - I only own Cal Sign Company. My son initiated it with him and so I'm here to represent. It's already put in, so whether they're using or not, I couldn't tell you.

TESTA Okay, yeah, I saw the window today. In the pictures there is a sign there right now that says "Little Caesars" above the window?

KEMPPAINEN Well, a customer may have put that up. I mean, that would be removed, of course.

TESTA Okay, that's following up with an earlier question. And then the I do understand the flow even though I messed it up myself when I drove over there today, so if I was trying to use that window, I would have not been able to. That's why I was asking if it was open today and how traffic was flowing.

KEMPPAINEN I couldn't answer that, but I can guarantee you if you're having a problem the customers are also having a problem too.

TESTA Okay, so just to clarify one more time - it's the directional signs and then the petition says a wall sign, so you weren't replacing a sign you're but you're adding a sign, correct?

KEMPPAINEN Yes.

TESTA Okay. Thank you

PTASHNIK Mr. Chair. I guess my concern today is that Mr. Beshi isn't here, and I feel like we have a lot of questions that need answers and without the owner actually here to answer them, I'm not sure that we have the full information. So, I'm wondering how far we really need to go into this questioning without the presence of Mr. Beshi?

KEMPPAINEN Yeah, I'm not sure if something happened on the way, maybe an accident or something, but he did say he would be here.

COPPOLA Do you have his phone number?

KEMPPAINEN I probably have it here somewhere.

ALBUS Bigby Coffee has a variance that was a damaged ground sign, and they replaced the ground sign with a new ground sign, increasing the number of ground signs back in January of 2020.

BOLOVEN Nothing regarding wall signs or anything?

ALBUS Wall sign - did not seek a variance. Bigby Coffee drive-through size - total area 33 square feet, 33.42 square feet. The illuminated ground side in 2022, and being menu board behind building, but there were no variances requested on those.

TESTA Mr. Chairman, Mr. Beshi's phone number is on the sheet.

COPPOLA We have this phone number.

KEMPPAINEN Want me to try calling him?

COPPOLA Yeah, that would be great.

KEMPPAINEN Yeah, this is Calvin from Cal Sign Company. Yeah. I'm at the Zoning Board of Appeals. I think we have questions for you on your awning and your directional sign. It's for the Ann Arbor Road, 38141. Are you not coming to the Zoning Board tonight? Well, we're at Livonia City Hall for the ZBA to get the directional sign and awning approved. Are you talking about Daniel? Well, let me call him - thank you. No, I'll call him, but thank you. Apparently it's Daniel Wanshon who is actually the proprietor.

BOLOVEN Oh, and John's the building owner?

KEMPPAINEN Yes. I got a voicemail.

COPPOLA Okay. All right.

BARINGHAUS Mr. Chairman, I agree with Ms. Ptashnik's suggestion. I'm going to make a motion to table this case until Mr. Wanshon can appear before us.

COPPOLA Okay, so why don't I just go ahead and make my way through the procedure and protocol. So, for the Board's questions, is there anybody in the audience who would like to speak for or against this petition? Yeah, so you can step forward. Give me a name and address first.

KOROL

My name is George Korol. I live at 9467 Lamont Street. My concern about the signage for the Little Caesars is that with all the signage that it's going to make the area look poor. As you already know, there's already signage there, and there's a free flow of traffic already. I walk that neighborhood each day with my golden retriever. So I see who comes and goes from that area. I've lived over in that area for 28 years now. And the drive-through is open. So they have been using it. And there is signs there already on the wall. If you put more signage on the area, all it does is look like to me, it reminds me of a flea market. I don't even believe there's any use for any additional signage. And with the flow of traffic, with the amount of snow that's plowed there, that's false. There'll be plenty of room for the people to turn around there as long as the snow is plowed correctly in that area and salted, which they do a poor job of by the way, but that's a different situation. My concern is that with being a resident of Livonia, and when you have more signage there -- there's plenty of signage and anybody that goes to Little Caesars would know -- they know the direction of flow through there even if you go around the building or come in off of Ann Arbor Road. And I think what they already have now is sufficient, and I don't think they need anything additional in that area. Thank you.

GRAY

My name is Darcella Gray. I live at 38049 West Chicago. So the front of my house faces the back of Little Caesars. I'm concerned -- I'm not sure I still never really had come head to tails that there's going to be lights on the awning, which would really cause issues with them coming into our houses, the lights. I also feel the same as he does - I just don't it's going to be appealing to our subdivision. And then I do have a note here from a lady who was gonna be here tonight but her husband is in the hospital, and I don't know if I can give it to you guys. She was supposed to be here with us, and she's opposing it too. She doesn't want it. And then also there's a couple of houses -- there's a rental that's right across the street from there too, which obviously if someone rents a house they're probably not really going to care a whole lot except for maybe the owner who doesn't live there and then there's another house down just a couple houses down from that that's a vacant, which is obviously not able to be here to say anything against it either.

COPPOLA

Okay, so you can see the drive-through from your from your house?

GRAY

Yes. And not only that. If those cars, right now, if you walk through that - the mall part - it's a mess back there. The dumpster is overflowed. There is trash all back in there that's not even up kept now, so if there's traffic coming through there, is that going to cause more? That's just my concern. And how is the awning on the back of the building going to show anything up in the front on Ann Arbor Road? Do you know what I'm saying?

COPPOLA Anything else?

GRAY Nope, that's it.

BARINGHAUS I would like to say two more things if I could, please.

COPPOLA Sure.

KOROL That Little Caesars has been there for years, and there's a sign out front there that the people know that - you have a large Little Caesars sign. Everybody knows what it looks like. And there's not any need for any larger signage for what is there. There's signage already over on the building; I can understand putting some arrows in the direction, but the people that visit that place - either the majority of them go inside and I understand the management and drive-through, but it's pretty self-explanatory, and common sense tells you a direction of which way you need to come in from a parking lot. Or you can turn around there and there's plenty of space there in the back there to turn around, which will cause no flow of traffic or distinct of any nature. Thank you. Sorry about the raspy voice.

COPPOLA Just so I understand. You're against both signs: the directional sign and the awning over the drive-through or just the directional sign?

KOROL I understand the awning, but any other additional directional signs. There are signage already there, which is plenty large and from also the backside of the parking lot, there is signage there. My concern is what it's going to make the neighborhood look like. I mean, if you go back there on any occasion -- I don't know if you've gone back there -- but there's trash overflowing back there from the dumpster and it looks absolutely terrible when you drive down West Chicago Street. We get rats infesting in there and stuff and garbage piles in the corner on any given day when the wind's blown you get napkins, cardboard boxes, all kinds of debris from that property over there. I just don't want anything additional to make that area look bad. And I'm against any other additional larger signage besides what is already there. Thank you.

BARINGHAUS Mr. Chairman. Question for Mr. Neville. Should that note be read into the record tonight?

NEVILLE I would say that if she was to submit it, or receiving the filing and you can... is the lady's name and address...?

GRAY Everything's on here.

NEVILLE I don't see any reason why it can't be submitted.

BARINGHAUS Mr. Chairman, we have one letter this evening from Tina Hensley, 37949 West Chicago. I live at 37949 West Chicago. My living room and bedroom face the back and side of the Little Caesars. Please do not allow any more lighting back there. Even with blinds closed the light is irritating and bothersome. I don't want to invest in more curtains. Just imagine a light was shining in the living room or bedroom all the time. Thank you.

COPPOLA Mr. Calvin, is there anything else you'd like to add in closing?

KEMPPAINEN I can certainly, one appreciate them. You know about the trash, but that really has no issue to do with the drive-through. The drive-through window was approved by the City, and an awning is very necessary, a lit awning. It is not where it's a direct light shining onto them. I'm sure there's many parking lot lights that probably shine a lot brighter than they normally would. If it's a matter of removing the lettering off the awning, I'm sure that can be taken care of.

COPPOLA You say removing the signage off the awning?

KEMPPAINEN We could have the awning redone and have no signage, but you definitely have to have an awning, some type, for customers when they come up to your window. Gas stations do it all the time and put the big awnings up. They learned that a long time ago. And the directional sign, I don't think is intrusive at all, and it is not a big sign. I would imagine if he wants to go smaller then you may want to have that lit, and I disagree with the traffic flow as this gentleman indicated. You know, it would be a lot easier for people, whether there's always new people moving in and not just local residents that buy there all the time. If it's a matter of him not being here, then I guess it has to be tabled because he couldn't be here.

COPPOLA Alright, thank you very much. We'll close the public portion of the case and start with the board's comments, with Ms. Ptashnik.

PTASHNIK So I guess my biggest concern is that the building owner and the franchise owner are not here, and we have a lot of questions for them before proceeding. So I'm going to be in favor of tabling this. And if it doesn't want to be tabled, then I will not be in support.

BARINGHAUS Thank you. Mr. Testa.

TESTA Thank you, Mr. Chair. I'm also in favor of tabling until the owner or owner's rep is here. And I'm assuming people who made public comments tonight will not be back at another meeting. So I want to give a brief comment, maybe, for their understanding. I likely will be in support of something. I do understand the directional signage and the need for it. Regarding the awning, I see the need for the awning, and I do need see the need for

some identifications back there. Once you drive back, if you don't know where you're going to be able to find the Little Caesars it's just a brick building back there. You don't know what that window is for. So there needs to be some type of ID there. I do understand the concerns from the people who live nearby about adding additional lighting and making the size too big. Hopefully, with this table, the sign package can be relooked at, and the lighting really looked at in terms of minimizing the size and how much lighting is emitted out.

BOLOVEN I agree with my colleagues about tabling due to the petitioner being here, but I will say the most humorous part of the petition so far should be a note that nobody can find a Little Caesars because it's tucked back in a corner. And as the resident said, first thing I thought - there's a huge Little Caesars figurine right there on Ann Arbor Road. So I don't buy that argument. And I'd rethink that when this gets back on the table. But I support to table.

BARINGHAUS I agree with my colleagues, I support tabling as well for all the reasons that they mentioned. Thank you.

COPPOLA I, too, support on tabling. I'd like the petitioner to be here so he can answer questions, specifically on the directional signs. I do sympathize with the audience speakers and specifically in regards to the lit awning, but I do understand that the only thing that's precluding the shop owner from adding an awning at this point is he wants to put signage up and if he removed the signage he could put the awning up tomorrow. There's no restrictions for that awning. So that's unfortunate; it just comes down to is there a sign on it or not a sign on it? But [for] the directional signing, we definitely want to have the conversation with ownership. So I will go ahead and open up the floor for a motion.

BOLOVEN Resolved and appeal case number 2022-11-32 by John Beshi be tabled in order for the petitioner to be able to appear and answer the Board's questions.

COPPOLA Okay, so the next scheduled meeting that they could get into would actually be in February at this time, but what I can do to accommodate them I'll need Mr. Albus's helped on this. If they call the Building Department's Zoning Office and ask them to put onto the.... So Mr. Albus, if you receive a call or the office gets an email for this petition to be put on the meeting on the 10th, we'll waive the deadline and it will be placed on as is. Unless we get lots of fish wants to make a big amount of fish within today's time, and we'll do. Is everyone ok with that? I think we have only had one fixed right now.

KEMPPAINEN What date would that be?

COPPOLA That would be the 10th of January. Yeah, January 10. You can get at the deadline. If you call tomorrow. You can say that. The deadline for our January 10 meeting was yesterday, December 12. But I believe that deadline can be extended for one day, two days, if your petitioner calls in tomorrow and asks to be put on the January 10 meeting. We'll waive the deadline for a day.

KEMPPAINEN I understand that.

KOROL Could you briefly explain just take a few minutes to explain the reasoning for the signage that that you allow inside of that ordinance?

COPPOLA I'm not sure what your question is in regards to this petitioner.

KOROL Just like what the standard size is for building.

COPPOLA It all depends on the type of building - what it's zone for, is it a commercial, is it an office. So you can go on to the website and I think our all of our zoning ordinances - there's lots of different types of signs and requirements. It's actually rather complicated. But in the case of this particular petition, it's based on the frontage of that unit. So let's say it's 20 feet long, you got 20 square feet of signage.

KOROL Because there already is signage there. If you were to drive by, there's small sigs. And there's a sign on the side of the building that is already posted there.

COPPOLA Yeah. My understanding is that was a temporary sign for the drive-through, I may have misunderstood what sign you're talking about, but we would take that -- if there is actual sign in there, that would have been taken into consideration as part of the excess. They're only allowed one sign. So, they're only allowed right now one sign, it has to be on the frontage, and it's based on how much linear feet you have, your unit is, for retail, that's what that is. But as you sat through all the issues... every one of them is a little bit different, it depends on how it's zoned.

BARINGHAUS I would like to make one last request. If you could take that signage into consideration of what the residents see on that side of the building when they're driving through the neighborhood.

COPPOLA Yeah, I understand. But as I mentioned before, and I hope you understand, if he were to take the sign off the awning -- and the reason right now we're talking about as a sign on the awning -- if he decides to just put up an awning, he can do that.

KOROL I understand the awning for the business, but the directional signs on the building...

COPPOLA I'm not aware of directional signs on the building. We'll have to look into that.

BARINGHAUS Mr. Chairman, I believe there's one sign on the same wall as the drive-in – it's small, it's just an arrow that says "one way."

KOROL On the west side of that building also directing the traffic through that area.

COPPOLA And I think you're allowed to have directional signs as long as they fit. You heard us talking about directional signs. They can't be taller than three feet. They can't be larger than two square feet. So if the business owners complying with those ordinances, they can put up directional signs. Now, attached to a building? I'm not sure how that works. So I'm not I'm not sure about that. That would be something again, our Building Inspection Department goes around and looks at.

KOROL Okay, thank you for your time, I appreciate it.

COPPOLA And if you have questions or an issue with that, call the Building Department, and they can explain it to you or they'll go out and look at it to make sure that it's compliant.

KOROL Okay, thank you.

COPPOLA You're welcome.

RESOLVED: APPEAL CASE NO. 2022-11-32: John Beshi, 38141 Ann Arbor Road,
seeking to erect a directional sign and additional wall (awning) sign, resulting in the directional sign being excess in area and the wall sign being excess in amount and area.

Directional Sign Area:

Allowed: 2 sq. ft
Proposed: 4.5 sq. ft
Excess: 2.5 sq. ft

Wall Signs:

Allowed: 1
Proposed: 2
Excess: 1

Wall Sign Area:

Allowed: 21 sq. ft
: additional 10 sq. ft
(28 sq. ft. existing)
Excess: 17 sq. ft.

The property is located on the south side of Ann Arbor Road (38141), between Hix Road and Ann Arbor Trail, Lot No.121-99-0010-001, C-1 "Local Business District," Rejected by the Inspection Department under City of Livonia Vision 21, Section 11.06 (8) "Exempt Signs," "Directional Signs" and 11.08 (2) "Sign Regulations for C-1 Districts," **be tabled.**

ROLL CALL VOTE

AYES: Testa, Ptashnik, Boloven, Baringhaus, Coppola.

NAYS: None.

ABSENT: Oliverio, Klisz.

PASSES: 5-0.

BARINGHAUS We have some administrative items to take care of tonight.

TESTA Mr. Chair. Move to approve the meeting minutes November 15, 2022.

BARINGHAUS So that one passed. So now we have the calendar for the meeting scheduled for next year. This is a little different than we've done before. As long as I can remember that I've been here, we've always had to scheduled meetings -- and I'm using the word "schedule" a little loosely bit because the second meeting generally called a scheduled meeting -- there's a regular meeting and then there's a scheduled meeting, or sometimes it's called an "alternative meeting," depending on what you're looking at. And we've always had two a month, but we're not required to have two a month. Pursuant to the rules, we have to have at least one meeting a month. And number of cases have been dropping significantly, especially this last year, for submissions to why we were canceling meetings with cases and such. So after discussion with Vice Chair, Baringhaus and Secretary Klisz and Mr. Fisher, we decided that what we're going to do is we're going to have a meeting scheduled each month, that will be scheduled, that will be posted. There'll be an alternative meeting or an additional meeting that'll be scheduled as needed. And the way we've done that as needed is the primary condition is we have five cases on the regular meeting, we get the case six, it gets kicked to an additional meeting. So we never have more than five meetings because it gets to be, you know, really too much to prepare for. We can also call an additional meeting, if necessary. We will hold a regular meeting if there's one case. We will always have a meeting in a month. So right now, we have just these 12 meetings that are hard scheduled, that will definitely be held, and additional meetings will be held as needed. And again, one condition is we will not exceed five cases in a night that will be kicked to additional meeting. We may have an additional meeting with only one case. But once it gets over five, it's just too much. Even five is too much. So this is the calendar, the schedule that's being proposed, we just need to formally approve it. So, I'm gonna go ahead and offer it up for approval.

BARINGHAUS Mr. Chair. Motion to approve the 2023 meeting calendar as presented.

PTASHNIK Support.

BARINGHAUS I have a motion by Vice Chair Baringhaus, supported by Ms. Ptashnik. All in favor?

MEMBERS Aye.

COPPOLA No opposed. It passes. The other item on here is we've been circulating, and some have responded, some have not. And I know that people used up a lot of your time. But Mr. Fisher taking some time to overlook our

Rules of Procedure. It's been a while since it's been updated. Actually we're supposed to, I think, vote on it. Correct, Mr. Neville? Every January, we're supposed to vote on it again. We're supposed to review it and decide to make any changes. And if not, then that's the Rules of Procedure for the next year. We haven't done that. It's in there. And it actually says on the January meeting we're supposed to. And there's actually a special rule for swimming pools, by the way, just in case you're curious. So please, if you would look at it. If you have any comments, mark it up. It's a Word doc, you know, mark that mark that up in Word doc, whatever comments you have. Get it over to Mr. Fisher. He's going to compile those, I'll ask him to circulate a markup, consolidate and mark it one last time. We'll review that and vote on that in the next meeting. And then we'll have an update. There were some changes made to really kind of modernize it in some sense and make it more applicable to what we're doing. And also to match up to what you know what I just said in regards to our schedule, how we're going to manage your schedule going forward.

PTASHNIK I have a question. I was reading it, and it keeps referring to the Secretary. Are they talking about Mr. Klisz' position or are they talking about where Sara is concerned?

COPPOLA I agree. That's for housekeeping.

PTASHNIK And it goes back and forth. I think sometimes it's referring to the one in one way or the other. So is there a way we can really designate the difference? Because obviously if you are just reading it...

COPPOLA That's one of my goals. But yeah, mark that up. They usually define the secretary as the kind of the administrative system.

PTASHNIK They did. And then it switched halfway through.

COPPOLA So yeah, and I see here, the new secretary section for the Secretary in the context of Secretary Klisz's position, Chairman, Vice Chair and Secretary. So, and I don't think actually the word "Secretary" as administrative assistant is no longer appropriate. So, we'll have to come up with the proper terminology, so it's not as confusing.

TESTA Mr. Chair. Someone made the comment, I think Mr. Baringhaus, about roll call. So maybe a question to Mr. Neville - I don't know of any public body that doesn't take roll call. Do you know why we don't take roll call? It's in there as if we do.

NEVILLE I know Council, and I know some of the other boards, and especially at the Committee of the Whole Meetings and other than Regular meetings, there's a form and whoever the... Sara would take attendance.

COPPOLA What we would do is we'd have Secretary Klisz take the roll right in the beginning. It's actually on a procedural basis something we shouldn't be doing. We do take roll every time we do a vote, but we probably should do a roll at the beginning. And so, we'll probably add that procedure; it doesn't take very long, and it probably makes sure that we're in compliance with whatever needs to be complied with for public meetings. So that's on the record. So what you're doing is you're taking role and it's being recorded and it's on the record. It's always been in the minutes, but it's only been based on the fact that we probably didn't talk. And the Secretary used to be here and if she could actually be here, she could actually say.

TESTA So, the plan is to vote at the January 10th meeting?

COPPOLA The plan is to vote on it at the January 10th meeting, a final version. Anything else?

TESTA I do have a question on the calendar; I couldn't find the documents. I was cheating off of Mr. Boloven's screen. I did notice there's a column for regular meetings and then petitioner deadline, and then the additional meeting dates. When will we be notified if we will have an additional meeting that month? Like, for example, at the January 10 meeting will we come to a conclusion that we'll have a meeting January 24?

COPPOLA There will be a notice if I remember correctly. But once it fills up, we'll have sort of a process where we're notified that that meeting is full, and the next case has been pushed to allow an additional meeting. The rule basis is that I'm supposed to call that meeting. So realistically, the office should call me and say we've got a number six, we need to move it, or there's a hot item that needs to be addressed. And we'll call an additional meeting for that. But I think it could be called with relatively short notice. I have no intention of doing that. But because you've got to a list periods you have to have at least 14 days beforehand.

TESTA So yeah, in theory, at that regular meeting we would know at that point...

COPPOLA We should know at that point if we're going to have another meeting, but that's only 14 days away and we've already had to put up a notice.

NEVILLE Assuming that the case comes in in sufficient time.

BOLOVEN Okay, one final thing, Mr. Chair, if the Board could join me in congratulating Vice Chair Baringhaus on the birth of this new grandson, Theodore Jet Baringhaus, born on Sunday.

COPPOLA With that, motion to adjourn.

There being no further business to come before the Board, the meeting was adjourned at 9:45 p.m.

Gregory G. Coppola, Chairman

Timothy Klisz, Secretary