

ZONING BOARD OF APPEALS
CITY OF LIVONIA
MINUTES OF MEETING HELD TUESDAY, JANUARY 10, 2022

A Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, JANUARY 10, 2023.

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

MEMBERS ABSENT: NONE

OTHERS PRESENT: Leo Neville, Assistant City Attorney
David Popp, Inspection Department

The meeting was called to order at seven p.m. Vice Chairman Baringhaus explained the Rules of Procedure to those interested parties. Each petitioner must give their name and address and declare hardship for appeal. Appeals of the Zoning Board's decisions are made to the Wayne County Circuit Court. The 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. Seven (7) 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 6 people present in the audience.

(7:00)

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APPEAL CASE NO. 2023-01-01: An appeal has been made to the Zoning Board of Appeals by Kelly Denha, 13971 Middlebelt, Livonia, MI 48154, seeking to replace the existing ground sign, resulting in the new sign being at a deficient set back, excess in height of overall sign area and the area of the electronic message center (EMC) contained with the new sign.

<u>Ground sign set back:</u>	<u>Sign height:</u>	<u>Ground sign area:</u>	<u>EMC sign area:</u>
Required: 10 feet	Allowed: 6 feet	Allowed: 30 sq. ft.	Allowed: 15 sq. ft.
Proposed: 5 feet	Proposed: 7 feet	Proposed: 39 sq. ft.	Proposed: 27 sq. ft.
Deficient: 5 feet	Excess: 1 foot	Excess: 9 sq. ft.	Excess: 12 sq. ft.

KLISZ Calling appeal case number 2023-01-01. An appeal has been made to the Livonia Zoning Board of Appeals by Kelly Denha, 13971 Middlebelt Road, Livonia, seeking to replace the existing ground sign, resulting in the new sign being a deficient setback. Access and height of overall sign area and the area of the electronic message center contain within the new sign. Ground sign set back: Required: 10 feet, Proposed: 5 feet, Deficient: 5 feet. Sign height: Allowed: 6 feet, Proposed: 7 feet, Excess: 1 foot. Ground sign area: Allowed: 30 sq. ft., Proposed: 39 sq. ft., excess: 9 sq. ft. EMC sign area: Allowed: 15 sq. ft., Proposed: 27 sq. ft., Excess: 12 sq. ft.

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

POPP No, nothing at this time.

BARINGHAUS Mr. Chairman? Yeah. A question for Mr. Popp. When it comes to calculating the square footage of the electronic message center, is that based on the screen size, or is it based on the cabinet size?

POPP I believe the screen size. It may be the cabinet size if it has a large area. But most of those LED signs are pretty full size; they don't have much of a frame around them. Usually the sign size, it doesn't include the bottom section like the pillar, if you will, pedestal.

COPPOLA Ok, thank you. Any other questions? Seeing there is none, the petitioner may step up. Name and address first. Go ahead up to the podium right here.

SITTO Hi, good evening. My name is Haitham Sitto from Sitto Industries, representing the applicant. Our address is 44731 Woodward Avenue. Pontiac, Michigan 48341. First, I'd like to thank the Board for hearing us tonight, your community. And let's say we do love the city; it's a beautiful community. I'm sure it has a lot to do with the way you guys manage the community. I want to address or at least give the outlines, and if you have any questions, please feel free... I'm a mechanical engineer, and so I understand the technology here, so if there's any technical questions or anything like that about square footage, please feel free to ask me. I'll make sure to address your concerns. One of the items -- as the gentleman just mentioned earlier when you were asking

him about the screen size -- that was my understanding was also whether you calculate the screen size, so we have a little bit less square footage than I think is presented in the request. The actual screen size on the display is actually 38 by 88 -- it's actually 37 and 1/2 by 87 and 1/2, so it's actually 23.3 square feet rather than the... I think it's listed as 27... so we're a bit closer as far as that goes. And I'll address a little bit more of that as well.

What we have here in front of you -- I think you'll have the design in front of you -- the client, Mr. Denha, decided to go with the most premium product there is on the market. That's why, for example, as far as the height, he didn't need to but he opted to go with the brick riser and once you put a brick riser, you have a single foot, it just didn't look appropriate proportional-wise. And if you've been to the property, you know it's a beautiful property. Wine Palace really takes pride in how their property looks -- between landscaping and everything else in between. So he wanted a nice, full brick feel to the element. He had the option of going with a fake brick, but no, he wants to go with all natural, a real brick riser, full foundation and everything that showed a nice limestone cap.

I'll go from the top down. For example, the word "liquor" up on top - that's actually an opaque background with raised letters. So, only the word "liquor" lights up. The entire thing is opaque, so at nighttime it gives you that nice look, that nice elegant feel to the sign. The size of the LED sign -- again, Mr. Denha had the option of going anywhere in the country or the world to purchase one of these things, but he decided to go to a local company. We're right here in Pontiac, Michigan since 1976. He wanted quality, and we gave him some recommendations and I would say about 85% of all LED signs in the market right now are this proportion. This is called a "model P10," [which is] 3 by 7, ratio wise. This optimizes the content. What happens in this situation, when we go shorter for example in height, you reduce the option or the ability to put content on there that's graphical, like for example, a wine tasting lingo or something of that nature... where you want to put a graphic of wine, maybe cheese, something like that. When you go shorter, you're limited to almost text at that point, so it looks more like a ticker board than an actual LED sign where you can put content. Mr. Denha also opted to go with a Model P10. What does that mean? He wanted the highest possible resolution you can put [on it]. You're going to have a hard time deciphering whether this is an LED sign or a piece of art, a graphic printed on there. Because the pixels on here are so tight together that it looks like almost a screen, like a plastic sheet that's printed on there rather than a diode sign. Additionally this is what's called SMD technology. What that means is a single chip produces all three colors -- the RGBs -- and each one of those just produces 281 trillion colors. So there's not a tri-color or anything like that. It's an actual full spectrum. So when we put a graphic on there, it's gonna look like a nice piece of graphic and not just pixelated dots, which is what you might see at a gas station, you might see the dots... you actually can see a nice piece of art and graphics. As far as arts and graphics, he actually went a little bit further and he's actually subcontracting that to our company. So, we're going to doing the artwork and graphics for him, because he believes that it should be done professionally and easily.

He loves the community; he loves his location. He wants to make sure that this sign represents his product. And if you've been to his location, you'll know that it's a pristine location. Brightness on the sign is completely controlled via phone or cell. What does that mean? This sign does not create light pollution; it dims automatically at nighttime and comes back up when there's sun, when it's needed. On cloudy days, it's on and so forth and dims down automatically. So it completely avoids light pollution, which is something that our company completely hates. I don't like seeing a sign that... if you ever drive down the road and you have the light projecting on your eyes, these signs do not do that. These signs are designed specifically so that they avoid light pollution. It's completely UL certified as well, from manufacturing to production. So Underwriter Laboratory approved and so on. We're trying to adhere to the size of this because of proportionality. We want the option to be able to put graphics on there, maybe a picture of somebody either recognizing a nice employee. They hire a lot of local people here. I think they have at least 50 employees currently. And I think at least half of them are local. So they want to be able to do recognitions for their employees. It's hard getting workers these days. And it's been like that for a couple years. So it's nice to be able to recognize someone, put their picture on there and say, congratulations, good job and so on. And to do that with a smaller size time, it doesn't really work. So, this proportion is the most ideal, perfect size there is.

As far as the setback is concerned, he has a couple of issues here, where his property's situated. As you're driving southbound, you'll notice that where his location is, there's a direct lane shift right there... the entire road shifts nearly 12 to 15 feet, I believe; it's like a lane merge. So as it is, already the sign is setback, and now because of the lane merges it'll be even further. Additionally, the way the parking lot is set up -- if you look at that site plan over there -- if there's a car parked right there, you have no visibility of this sign whatsoever if you're driving northbound at all. And coming from another direction, the other side completely blocks you until you get to that merging lane. So that's why we're asking for as close as possible for us to go north and south, you have some visibility.

Keep in mind he's letting go of that existing monstrosity of a sign, that giant pole sign that's up there. I think it's written as a ground sign, but it's not; it's just a big pole sign. I think it's been hit by a dozen or more trucks already because it actually projects over the parking lot and anyway, it's an eyesore. So, having it to the 5 feet - first of all, it protects it from people backing up and so on. But in reality, you will not be able to see it if it's setback that far because the vehicles will be blocking it in one direction and the other side, because of the lane shift, you can't even see the store until you get to that lane shift and it's blocked by other signage. Having it 5 feet almost brings it in line with the business next door because of the lane shift. So at least there's some visibility there.

The overall height we have, you know, once you're putting a brick riser, a 1-foot stubby brick riser doesn't have elegance. So we went with a 2-foot brick riser, so there is a little extra overall height. As far as square

footage. I know the Board has some guidelines to work with. The business has about a standard of a sign there is. Municipalities, churches that we do across the country. This is about as standard a size of a sign that works. It makes it work for his business. It makes it work for his advertising for employees or holiday events. Additionally, by the way, this system is what's called "cloud based" and it's our form of communication. What we do here is we actually have a backdoor to the sign. We do this for a lot of communities, whether in Troy or Clinton Township or so on or so forth, if there's an Amber Alert, you send a message and they don't have to be at the location... for the other signs, usually 95% of these, you have to be at the location, you have to log into the sign, connect to the sign, or put a drive in and connect it with a laptop, not with these. With your cell phone or any other device, you log into your with your credentials, you can upload an Amber Alert. And that's one of the things that a lot of our clients do. They do community service announcements, if there's a blizzard going on, if there's an emergency, it's available for us for the community as well. And Mr. Denha and his family, they've been here for 40 years. So four decades, and they're all about community. They love this community, and they're really looking to be a part of it, and this is one way to be part of it... that is the display and communication-wise with the community. I think I addressed everything I needed to address. Again, there is some ask here, but we're looking to see what your thoughts are. And if there's any questions or concerns, we'll happily address them and see where we can go from there.

- COPPOLA** Thank you so much. A couple of quick questions for you. I noted on the paper that had all the design of the sign that it said that it wouldn't change or couldn't change any faster than 30 seconds. Is that a hard setting or is that a...?
- SITTO** Oh, no. Whatever the City requires will be.
- COPPOLA** So it can be changed?
- SITTO** Oh, absolutely.
- COPPOLA** So the day after it gets approved, if you put it up, it goes to 10 seconds?
- SITTO** Oh, no, no. Not that part of it. I mean, whatever the City decides on... what the dimensions...
- COPPOLA** Can you choose a control is what I'm saying?
- SITTO** From the manufacturer. So if we set it out to be a 30 second display, when he uploads content to it, or actually, in this case, we're doing it for them. It's already set in their program to be 30 seconds.
- COPPOLA** And it's a hard set?
- SITTO** It is a hard set.

COPPOLA So it could always be changed as soon as programming, but [he] could go in his phone and change it to 10 seconds or 5 seconds?

SITTO If we release that... but don't forget, at anytime, code enforcement, for example, we have a couple of clients -- we have some doctors and people -- they hire somebody new and they make a mistake, and they say, "Oh, why is this... why do you submit it?" We have some cities, by the way, they can't change the message for 30 days. Some cities aren't allowed to change it once every 24 hours. So they hire somebody new and he make a mistake, says you know, "I want to make this thing sing and dance," and it wasn't in the city's purview, they used to get a ticket, you know, they'll go out and give him a violation and say you must remedy this. And then usually, they realize they're not following the ordinances. But in our situation is we actually lock it in to what the city requires. Same thing, by the way, we removed the feature for... some cities allow it, but some most cities don't... no motion, no flashing, and the changes are instantaneous. So there's not like a... you've seen [in] some places where they have that one second, like swooshy hands. You know, why are you wasting time with the swoosh? You want people to see as many messages as possible. Why waste it on a motion or something of that nature? So even that feature is like that.

COPPOLA We do. Off the top of my head, I don't know it, but I can find it if you want to know what it is.

COPPOLA You talked a little bit about self-adjusting brightness. And I think, Mr. Popp, we have an ordinance in regards to brightness.

COPPOLA So would that be hard?

SITTO That's hard... my client has no control...

COPPOLA Because we want to make sure that you'll go check our ordinances.

SITTO We have to, sir. We have to. View my initial permit unless we stipulate that on there, the final application... for things that will actually like, for example, am I expected to know how many seconds it is for... we just know across most of these areas?

POPP We don't actually have a thing for a second change that I've ever seen. That space...

SITTO So whatever it is, it will be... so whether it's 15 seconds, 30 seconds, that'll be the minimum. I tell my clients, "If you're putting up a website address, if you're putting up a phone number or something like that, it takes a minute or two to get the driver to sometimes actually comprehend what he's reading." Just throwing up stuff on there just to throw it out there... that doesn't work. Advertising doesn't work like that. You want to give people time to read the information, admire the content, so It doesn't make sense to have it change every 30 seconds. It's not Las Vegas. It's not a gas station. It's a nice wine place.

COPPOLA

So another question is about security. If this is remotely accessed, how do you make sure that it doesn't get hacked and remotely accessed, and we end up having to see things that most people shouldn't have to see?

SITTO

Yeah. You've probably seen that on I-75. So the way that happens, just to give you an idea, those are hacked when access is local. Here, you have to know where the content is stored. And that's not disclosed anywhere. You have to know what servers to log into. You have to have the username. You have to have the password. You have to know where to upload content. And you have to have a specific resolution size for it to even work on the sign. All this is about six, seven or eight items you need to get to before you can actually publish anything. Our signs are used by banks. They're used by communities, police departments, because of those safety reasons. That's why the cloud system, it's a lot more secure than having something local. Right now, if I drove around to 90% of the local businesses here, I can probably log into their sign. I'm in the industry, I know, because they have a local transmitter. And once you log into the local transmitter... it's like if you ever go to Starbucks or somewhere and they don't have a password. Most stores, most businesses, they forget their password... they don't put a password on their own home Wi-Fi system. So if these signs are on a Wi-Fi system or local, you could actually plug your computer right into it and make changes. That's what happened on I-75, by the way. Somebody actually went into the utility box and went in and plugged in a computer and started posting things. These, you cannot. It's just not possible. You really need multiple credentials to get into it. It's as hard as getting to somebody's credit card, for example. And if you're willing to go after somebody's credit card, then you might...

You got to be a super hack. But the nice thing is, you don't have anything in hand, unlike having somebody's actual credit card number in hand, you have a number, you have something to start with. Here, they have nothing; there's no broadcast, they have no idea what the internals are. They would physically have to take the sign apart, remove modules, take the controller, and even the controller, you have to flip it to the backside, remove the 4g module to get to see what the serial number is. So, it's not even that readily available.

POPP

I have answers to actually a lot of your questions. So you're allowed to... "the sign shall remain in place for a minimum of eight seconds, any change in the message is accomplished within one second. And the change will occur simultaneously over the entire phase." And then there is a light level too. If you want to know what that is full color is 7,000 NITS daytime and 2,500 nighttime.

SITTO

That's too bright. That is way too bright. You're gonna blind people with that. And actually when you say, set one second transition, you're allowing motion, whereas we don't... sorry, we don't have the motion for signage. 8 seconds is very kind of you guys. But I mean, there's just too many slides. So, I hope I answered those, but...

COPPOLA Appreciate it. But there's a couple of questions about the appearance. Give me your name.

DENHA Kelly Denha.

COPPOLA And your address?

DENHA My store address? 13971 Middlebelt.

COPPOLA Perfect. Okay. Tell me what do you plan on displaying on that LED sign?

DENHA On the graphic that we were provided, which was a red picture that shows the old sign and the new sign, they're almost in the same place. So the old sign got hit and the pole was probably further, it would have been further into hit... How would you avoid that sign being hit?

DENHA Oh, like a lot of things. First, I've always wanted electronic sign. And when we first remodeled the store the first time about 10 years ago I wanted it. Then I was talking to some City Council people and it was kind of like, and I think the technology wasn't there yet. And I didn't like it because the size I would have had to go with it would have been so...even someone, Brandon Kritzman, told me "Kelly, wait, wait, and then it's gonna get better," and I did. So we are expanding the store again. So I think I'm going to be in front of you by springtime for a potential expansion. I still have to finish negotiation with DTE to move two DTE poles. So what we want to do is put "Merry Christmas." We want to put "Open" or "Closed on New Year's Day." We want to put a bottle of like, Blanton's Bourbon, show them the physical... bourbon is the craze. And when people see it and we let them know that we have, we take a physical picture of the bottle and say, "Blanton is here." And just to let you know Christmas Eve, we posted it. And you can go out on our internet, they start at the register and were around the store and parked at Aldi's across the street for that bottle. So that's something that people come from as far as Ohio, Canada, and all over... so we wanted something because I hate the sign we have now. It's been hit five times. I've had insurance companies repair it from the car. And it's very embarrassing having the customer feel bad because their F150 backs right into it. And please feel free to come look at it because I'm not fixing it anymore. I can't take it. So I want to knock it down. And I'm grandfathered in. But I don't like the sign. And I took Mark Taormina and Jerome and I asked them before... I said, "Guys, what do you think about this? How do you feel about having the sign this side?" And if you look at State Farm, their State Farm sign is exactly parallel to where mine is being proposed to be. Mine is closer to the store. And it just, it just doesn't work. And you can't see it from there. So I don't mind to be lower on the ground. But I thought if I'm going to make it lower, and put a new sign, I want it electronic. And I'm asking, I think, for 12 inches. And the reason... I would make it smaller right now, just to please the City. I'm always about making... I don't like to stand here in front of you. But for the amount of money that this sign is costing me -- and it's quite expensive, it's beautiful, I would not do it if it wasn't that size, because of the reasons. It just doesn't make sense. It serves no purpose 12

inches smaller, because of the monitor. It just doesn't... you can't put the graphics that you want to do. I want to put certain graphics, and I'd like to put certain things that the City of Livonia would like me to put. I've told the law enforcement, you guys let me know... you want something there I'm more than happy to put out... "Livonia Spree coming soon" or anything that has to do with the City. So I am asking for additional size and I would appreciate you supporting me but I am taking down a totally crappy sign -- and I can't stand this sign, I want it down. And we're potentially adding 3,000 square feet to the store. That would be a first step.

SITTO Yeah, there is a slight error. That yellow section that you see right there on the drawing is actually overhanging that curve. The printer, for some reason, when it created that PDF...

COPPOLA So it's further to the west?

SITTO Yeah, it's actually being hit by vehicles because it's in the front of the parking lot.

DENHA Yeah, as they back into the spot these F-150s just hit it. And I feel terrible for the customer. I don't want them hitting my sign...

SITTO If you notice also the sign is moved a little bit farther north slightly, just so we avoid the apartments spot. I was just there and by chance there was a car parked right there. I'm like, "Oh my goodness." Even in the middle of the strip the whole sign is completely blocked by whoever parks in that structure. And then I looked down the street. I'm like "That lane curb change is very, very drastic."

COPPOLA What are your hours of operation?

DENHA I was just gonna get to that. I close at eight o'clock in January, February, and March. You can't name a liquor store. But we don't consider ourselves that... we're a fine wine liquor store. You can't name a store in the state of Michigan that closes that early. Weekdays, 9 o'clock in the summer and closed Friday and Saturday. So this sign is going to be no benefit to me at night. Because in the summertime it doesn't get dark till around almost 8:30/9 o'clock. I like it because of the aesthetic look of it and I like I want that solid brick sign. I hate that pole. I want the capability of putting nice messages on there.

COPPOLA So when you close, will the sign still be running? Is there a time when the sign won't be running?

DENHA No, I'd like it's still running.

COPPOLA So do you plan on running it 24 hours a day?

DENHA: If you want me not to, I won't. But... what's your opinion on that?

SITTO It kind of looks weird for it to be off, in all honesty. Some cities do put a restriction. Like, for example, if it's in a residential area... some stores

or a church that's adjacent to a home. And if the business closes at 8 or 10 o'clock, they want the sign to be off as well, because they don't want the light to be blaring into somebody's bedroom or something like that. And that's typically the case. It does have a feature where it can be turned off and on. But in reality, at nighttime it's dimmed down so low, that it's just there as a feature. And you know, anytime, if you ever use a light switch, the more often you turn it on and off, the more you're using that switch, the more out of tune it is... technology... you don't want to turn something on and off too often. So it's better just to have it running in, but it's dim. That's one thing. He could always at nighttime advertise something else, like "Visit Us Tomorrow" or something like that. Who's gonna stop in and buy bourbon at 2 o'clock in the morning? But I think he has very conservative hours. So it'll be very minimal. You could even have a program so that at nighttime there's specific messages.

COPPOLA

Okay, other questions? Mr. Baringhaus.

BARINGHAUS

Okay, thank you. On the proposed sign, you'd have messages like "liquor" and you indicated you would put messages like "Wine Tasting Tuesday," things like that? How are you going to specifically identify your business on the sign? Because your current sign says "Wine Palace," [the sign] that faces north-south. You'll lose that visibility if you're putting messages on there that don't say "Wine Palace." So I was curious how you would address that?

DENHA

I've been there so long that I think everybody knows it's Wine Palace. So I didn't want to, but a lot of people believe it or not, don't know I have liquor. And because it's Wine Palace, they actually say... "Do you have liquor here?" So that's why they put "Wine Palace" on there, specifically.

BARINGHAUS

Also on your driveway you have directional signage... one sign says "in," one sign says "out." Are you planning on keeping that signage if you install the new sign?

DENHA

I was going to... Haitham I thought was going to reface both of them, the "in" and "out." Yeah, they'll be refaced... that say "in" and "out."

BARINGHAUS

Will they be refaced to match the colors on the new sign...?

SITTO

Yeah, that's one of our goals; we try to keep everything in conformity. If you've ever been to the auto show, or trade shows or anywhere, we fabricate all like General Motors signs, like Hyundai, Isuzu, Chevrolet signs, and we're all about consistency. We like to be sure that when we go into a place, we try to adhere to what we call "identity branding," and so on and so forth. And we want to make sure that whatever we put on the main sign, it really should go in here. For example, the artwork that we're going to create for their LED sign, we're going to give it to them, so they can use them in their social media marketing, their website marketing. So, it's across the board, the application.

BARINGHAUS

Now the business itself has identification on it, the building?

DENHA Yes.

BARINGHAUS Are there any plans to revise that with the addition of this proposed sign?

DENHA No, not at this time. Possibly, with the expansion to make it more symmetric, symmetrical, where we might move it over? And I would call him, maybe adjust it a little bit, according to whatever. Nothing crazy.

BARINGHAUS Okay, very good. Thank you.

BOLOVEN Mr. Chair?

COPPOLA Mr. Boloven.

BOLOVEN Question for the petitioner. I'm looking at your visual that has the triangle, the one that you had referenced with the yellow being existing pole, the green being the new ground sign. You have a triangle that says, "triangular visual, 25 feet." What's that representing?

SITTO Well, by law, you have to have a clear visuals to prevent any vehicles from having an accident. So we want to always stay out of that triangle. It should be in your ordinance, I believe. I hope it is in your City Planning. It's in every city you ever go to... there's clear visuals so that when you pull it in and out that you don't get blindsided. For example, when you pulling in and out that you have a clear visual of any cars coming or going, pedestrians walking. It's a safety triangle is what it is.

BOLOVEN And you're actually piggybacking my question here. You're looking for an overage on sign area, height and setback. Is there a fear they're looking and reality... I know this visual looks like it's more tucked back than it really is. If I have a pedestrian walking from north to south, and I got a car coming up north, turning out of that east direction, isn't there a chance that that's going to b covered by the sign?

SITTO We make sure for safety first. That's why we do the brightness settings. That's why we don't like to have the motion. That's why they don't like motion. It's not because it's tacky or anything, but it's distracting. You make people do that quick, half a second look, that's dangerous. So that's why there's no engineering drawing that we ever do that we don't do that triangular calculation. We make sure that when you're up there, you will see clearly all the way across. That 25 feet, even though it's right there, when you're up there, you should be able to see way past the building, way past his property. So that's a safety issue.

BOLOVEN And I'm looking at your picture, it looks like the bushes that are near "the northern sign." Those are, the visual looks bigger than in reality when I went by the property. I mean, those bushes... are... [I don't know] if they're even shin high. So that sign, what I'm thinking is a seven-foot sign that's towering over those bushes. That's my concern is somebody coming, and I appreciate your explanation. But that would be the

concern with giving a variance on the size and setback is blocking that visual of the sidewalk, especially a pedestrian.

SITTO Well, that's why there is a triangular by law, it has to be. I guarantee you when we apply, and we'll be looking through the ordinance, I'm going to find that in there somewhere. I know you guys have it. That is the absolute minimum - you have to have a 25-foot triangular or any job you do. We have to have that. It's just a safety thing. And you know, those bushes are probably going to pretty much block the entire brick, visual area. And the height really doesn't matter at that point anymore. Whether it's five feet, six feet, or 10 feet tall. It's all when you're sitting in a car, it doesn't matter. It's just a preference... is how far can you see past it... and that's why the 25-foot triangular there is there, is that you can see past it. And don't forget when your vehicle is there, you're really... I don't know how to explain it. But this sign, this sight of view from the vehicle and pedestrian, it's very open. That's why that triangular calculation is there.

BOLOVEN Thank you, Mr. Chair.

TESTA Question for the petitioner. I understood the explanation for traffic on Middlebelt, at least heading southbound. It's actually the way I come here, so I understand it well. I'm a little unclear on the northbound traffic. What is the difficulty?

SITTO Yeah. If you're driving northbound in this direction, correct, sir... If we were to adhere to the setback here, which in reality, the template starts almost where this parking spot is. If there's any vehicles here at all, that's completely blocking the visual. We just want to get past those parking spots.

TESTA Okay, and that's maybe a similar response that you're going to give me for my next question: Why you couldn't move the sign closer to the store? But thank you for putting this triangle on here. I guess what I want to ask is... if you move close to the store and further north..?

SITTO I'd be blocking the pedestrian view... if I went farther north and then a little to the left. I think we would encroach on the safety zone at that point.

TESTA I'd say... outside of the triangle.

SITTO Yeah, but then it's very likely as you're turning around and into the parking lot, it's exposure to that traffic. I think we found the sweet spot, where it fits nicely. It's gonna look elegant. It's safe. It's out of the way. It's safe for pedestrians, and the beauty of it also. And I believe they are going to put some...and you do want some perimeter around it, because they want to put some nice shrubbery around the sign. They want to put flowers around it. If I bring it too far to that curb, it kind of kills that feel and atmosphere. So, they're thinking about putting a shrubbery, some plants, things of that nature around it.

DENHA Flowers will never last. The fumes of the cars from traffic kill all flowers. I have to put bushes and plants... and water every day, because they die.

SITTO So if you do that, you really need a little bit of a barrier from that curb.

TESTA Okay. And the existing sign - does it meet the current setback requirement? The current, existing pole sign... does it meet the...

SITTO Yeah, the current one does meet the current setback. Yes, sir.

TESTA Okay. Would you be willing to give up that first parking spot to help with visibility for northbound traffic?

DENHA I was going to come to you to add more parking to the store in about three months time [LAUGHS]. To be honest, if you told me it was a parking side of the sign, I'll leave that sign in for another forty years. I need a parking spot. So that's my biggest concern, so I'm working on it. I'm working on extra adding a few more spots in our new site plan.

TESTA And then last question. Since it's in your plan, are you okay if we put a condition of approval on your notes of no motion, no flashing, no scrolling?

DENHA Oh, yeah, absolutely. And just to let you know, City officials are in my store quite often, especially the enforcement guys. And they're there and they tell me and I do whatever they say.

TESTA Thank you.

OLIVERIO Mr. Chair? Question for the petitioner. So just quickly going back to the content that would be on the sign, would the content only be messages from your business and perhaps the City, such as "ZBA Rocks?" [LAUGHS] Or would you also have messages from other third parties?

DENHA Oh, no.

SITTO I think by law you know, you're not allowed to anyway. It's not a billboard. Billboards have a whole separate license; you need two licenses from the state to sell media advertising, things of that nature. So it has to be content from his business to the local community. You know, and then he has to actually ask permission, for example, if he wants to say "Hey, go Raiders!"... or whatever your local football team is, because some people don't want to be associated with a liquor store, things like that. So even that kind of content must be pre-approved by the City to do that, and other than how they think, you're really not allowed to... it's not a billboard system.

OLIVERIO Thank you.

DENHA So if someone was running for mayor, we can promote them and [put] their face on there? [LAUGHS] So no, it would be strictly for the store.

And it would also be -- and I was talking to law enforcement if they wanted, they could use it for Amber Alerts or emergencies. Anything, I'm more than happy... listen, I'm on 96 and Middlebelt. That's a busy corridor and I'm more than happy to do it and anytime. Thank you. That's exactly what I was getting at. "Livonia Spree Coming Soon."

KLISZ

Okay, great.

PTASHNIK

Thank you, Mr. Chair. Question for the petitioner. I know you were talking about landscaping a little bit and then there's some small bushes, etc., south of the current pole sign. And you were talking about doing some... what kind of things are you thinking about as far as height? I guess that'd be my only concern for safety.

DENHA

I told my landscaper... first, to be honest with you, I have to see with the sign. I'm not really good at looking at it on a site plan; I have to visually see it and then say, "Hey," and I would call the City and Inspection Department or Mark Taormina, or somebody in the landscape... say, "What would you like?" I'd ask their opinion and I'd do what they want. Of course, you know, we don't want to put a couple trees there, blocking those with the whole... I want shrubs there that are maybe a little smaller, nicer. I'd like something with color and to cover up some of the brick part... but that brick's expensive. I kind of like the brick showing.

PTASHNIK

And one other quick question. I know you explained the brightness given off in the evening versus the daytime. It's a little technical for me; I'm not gonna lie. So, I'm just kind of curious how that brightness... how much of a spray would that brightness create?

SITTO

Well, here's how it works. It goes by ambient light. Okay, if you go across the country LED signs should not be anywhere between 3 and 5% above ambient light. Because if it's even when ambient light's off, because that means the same light and you don't see it. So it has to be 12 percentages higher, which I've seen in your community; it's crazy. I see them at that maybe 50% of all ambient light... it should be at about 3 and 5%. So whatever the brightness is between 3 and 5% brighter than that. So how do you describe it... the number you were describing at 7,000... that would blind you. That should be rethought. In most cities, I think at daytime it is closer to 4,500. Nighttime is in the hundreds, not in the 1,000s. I think yours is at 1500?

SITTO

So the goal would be to see if, let's say how far away as your approaching.

SITTO

It's gonna look no different than if it was a piece of plastic with a light behind it. It's gonna look like... the upper side, for example, says the word "liquor." It should look like that. It shouldn't look like it's a separate entity. It's supposed to look like a backlit sign, not a projector.

PTASHNIK

Not that you're next to a residence, but it wouldn't be spraying into a residence?

SITTO Right, it would not be. Correct. When we designed this thing, we thought of a grid. We always look at the worst-case scenario.

DENHA Remember the Seinfeld episode with Kramer and the chickens?

PTASHNIK That's kind of what I was thinking about.

DENHA That's not going to be like that.

PTASHNIK Okay, thank you.

TESTA One more question for the petitioner. Regarding the top portion of the sign saying "Liquor." Why not drop that and just make it slightly bigger, and incorporate "Liquor?"

SITTO I think we would love that. But he doesn't have an ordinance, so we're trying to be as courteous as possible. I'm sure he would love a bigger LED sign. And then he could have his name. He could have the word "liquor" or whatever, sometimes "liquor" and maybe sometimes not "Liquor."

DENHA I think maybe the reason for that is, if you look at any of my signage, everything says "wine," "Wine Palace." Everything says "wine," and we're one of the top liquor retailers in the state. And that's just because of reputation. And the cars that drive by, a lot of them actually say, "Do you have liquor here?" My brother and I did that. But I mean, I liked it like that. I prefer it, but if you think...if you want to make it a bigger sign, I mean...

SITTO It would be 12 by 6 inches taller, not the overall length. So the overall height is actually reduced by 5 and 1/2 inches. It'll be 54 inches tall; right now it's at 60, something like that, about 55 inches of the overall height of the sign.

TESTA Mr. Denha, what I'm getting at is that you'd be able to reduce the overall height of your sign. But within your video board, so to speak, you'd be able to put "liquor" at the top, on your board, on your messenger board?

SITTO Yeah, this technology, it's a multi-window screen; you could actually have an upper section and a lower section and a middle section, that kind of thing. So you can have an upper section designated strictly for liquor, or you can have it on the bottom, whatever the content might be. It's actually it's a great idea. It's a wonderful concept. But you know, the Board has to...

TESTA Okay. The sign that you're asking for is 1 foot in a sense. Even with that change that I mentioned, you're only gonna reduce it about six inches. So you'd still be going for a variance.

SITTO It's still a variance. We could do this. If you guys are interested in that concept, we could reduce the overall height, let's say by 6 inches, and I could probably remove 2 layers of brick. And then that would bring us

down to.. that would be completely in conformity at that point. We'd be at 72 inches almost. So there would be no issue in height.

- DENHA** I'd still have the "liquor?"
- SITTO** Well that would be part of the display. You're right. You would actually accomplish that by doing so.
- TESTA** I'd be open to that and would be interested if other members of the Board would be as well to reduce the overall sign length by giving them a larger variance on the video portion of the EMC sign portion.
- SITTO** That would bring the overall height to exactly 72 inches, the overall height. Yeah, there'll be no issue; we'd just remove maybe a couple of bricks from here. And then the overall size of the screen would be right there. So you would be at 72... they'll be part of the screen. Yeah, it will still be on there. Because keep in mind, the word "liquor" here is only 12 inches tall anyway, the rest of it is opaque. It doesn't even light up anyway; the background, the white doesn't light up, only the word "liquor." So you could have it as part. And you know, at that time, in all reality, the background could be nicer also. It could be a nice leafy background. It could be oak, it could be wood, it could be something like that. We like to use things that look natural for the background, so sometimes we use wood planks as a background image. So it's nice greenery, we use natural colors. We don't do those firework colors, whatever you'd call them. They're all usually a nice graphic in the background.
- BARINGHAUS** Oh, yeah. Thank you. Just for clarification, will that brick on the sign be the same the color of the building?
- SITTO** Yeah. Yes.
- BARINGHAUS** Okay. Very good. Thank you.
- SITTO** And that's a limestone camera on top.
- COPPOLA** Any other questions?
- POPP** Chairman, so with Mr. Tesla's recommendation on that, I will say that does push it into another thing that would require a variance... is that you're not really supposed to push over 50% of the sign size for changeable message. It's worded... it says, "May include a variable electronic message sign covering not more than 50% of the area of the ground sign." That's pushing that even higher. I don't know. I just wanted to throw that out there, that threshold. You're making the sign 100%. You know, I don't have that number. I can figure it out real fast.
- SITTO** Right now we're at 59.7% or 9%...
- BOLOVEN** Proposing electronic sign: 27 square feet. Proposed ground sign: 39 square feet.

SITTO Right? Well, we're looking at the actual screen, like we talked about earlier. The actual screen size is 23.3. The actual screen size. So 23.3 divided by 39.

BARINGHAUS With the cabinet size, it said 42 inches by 92 inches. With including the cabinet size and a message board that will put you at just under 20 square, which was described in the variance. So for the purposes of this conversation, we have to use 27.

SITTO Okay, because I've heard you guys have the question the gentleman mentioned, that it should be screen size, and I'm not sure why it was written up as 27. It's proposed 27, when I think on the drawing itself, we put down 23.3 right on the front, just to clarify. But somehow, when I went through this document it showed that measure.

COPPOLA Right, thank you. Any other questions? You can have a seat for a moment. If the audience would like to speak for or against petition.

MENDENHALL Is there any way that we could have a copy of the schematic that might answer some of our questions that we have?

COPPOLA If you can step up to the podium; I need an email address first. That way we can catch you on the...

MENDENHALL Sue and Dan Mendenhall on 13995 Beatrice Street, that's the street directly behind the Wine Palace. We received a letter in the mail, letting us know about the changes; otherwise we wouldn't have known. And so far, this has been very compelling. You've asked a lot of the same questions that we had, but we didn't have the benefit of the visuals. I don't know why they weren't up there. But anyway, the visuals would have been helpful. But I do have some notes and I'd like to share with you if you could. My husband and I went over with a tape measure -- and it was really cold day, that didn't help -- and to observe the current sign and proposed new location and increased sign, the access of one foot height didn't seem that big of a deal to me. However, there is a power line really close to the current sign. I don't know if you knew that. Really close. That pole will have to be removed. And so will they take the expense for that? The ground sign area with an excess of nine square feet is a little troubling. When one is standing on the ground, up at the current sign, an extra three by three or one by nine or whatever it is goes from 30 square feet to 39 square feet unless I have my notes incorrect. That's a lot. Almost 1/3 larger in size. The electronic messaging sign - would that be an additional sign attached to a static sign? Perhaps beneath a messaging sign to capture attention from the freeway? We did notice during the COVID shutdown that congratulations, you have a very popular and successful business, especially during COVID. You should have seen the cars lined up down there. However, I worry about it. I worry about it. If we went further up Middlebelt Road, let's say between Lone Pine and Long Lake, would a 27 square foot by 15-foot sign be acceptable? Probably not. Now, I know we're not Bloomfield Hills. But you do have certain standards that we have noticed in the five years we've lived here. And I'm really

impressed by that. During our first attempt looking at things, we agreed with the Zoning Board, and, frankly, object to the proposed sign that seems rather garish to me, that doesn't seem to fit. I know it's a very busy intersection. I know. And I can understand your concern about capturing more clients and customers to be able to come into your shop. But I just, it just seems big and garish to me. And I'm not convinced that it's not going to be. I like where the direction of this conversation was going, however. That's all I have to say.

MENDENHALL As we talked about it, we were concerned about... seems like what the city has tried to accomplish in this area, is all the other businesses have their sign on their building. Other than Bob Evans; I assume that they've been grandfathered in over some period of time. But I just don't see an electronic sign all up and down Middlebelt. We were a little concerned about that. Like I said, I haven't seen the schematic. I'm still confused on where the sign is sitting and you're taking out the old pole. Is that what we're saying?

SITTO Yes.

MENDENHALL Because we were trying to figure out these dimensions and the pole, and we are worried about only being a block away. We can't really see your sign now. There is a brick wall behind there that blocks... So we were worried about seeing an electronic sign. You're trying to address that, and we appreciate that.

SITTO The electrical pole you're referring to is actually on the other side of the parking lot, on the other side of the sidewalk. It's on the other side of the sidewalk, nowhere near...

MENDENHALL Well, right now the electrical wire is 5 or 6 inches above.

SITTO So this makes it safer. We're removing the pole sign and making it a ground sign, so we're actually making it safer.

MENDENHALL I didn't understand you're gonna... the brick now and how high this sign is gonna be.

COPPOLA You understand that the pole sign is coming down and this is going to be a ground sign.

MENDENHALL Yeah.

COPPOLA Okay. I think the pole sign is bigger than that sign right now. Actually the sign itself on top of the pole is bigger than the sign is.

MENDENHALL I liked where the conversation was going this evening; that actually helped me. But I like also the fact that the Zoning Board, I see, has made really good attempts of trying to be consistent across the city -- and to have a very nice, planned look. And I fear that this is a Pandora's Box. Any questions for me? Thank you for your time.

COPPOLA

Alright. Do we have any correspondence? Oh, wait, there's more. There's more. I'm gonna set your timer [LAUGHS].

MCINTYRE

Good evening, Kathleen McIntyre, 14455 Fairway Street, Livonia. As many of you know, I was a former member of the Zoning Board of Appeals. Now I'm Planning Commissioner and a City Council person. And these are always difficult discussions and I'd like to say through the Chair, if I may, for the residents-- there's nothing more important than a community and then engaged residents who care about their community. And they're not just you're not just here. They're not just here talking about their property. Right? They have neighbors. I will say, putting my citizen hat on, the fact that they can't see the schematic. Am I correct, Mr. Chair, they are not able to see the schematic of how this is laid out?

COPPOLA

I believe that they're able to see the schematic if they come to the Zoning Board and asked to see it. I don't think it's available publicly, let's say on the internet, or any other form of that. It's available publicly if you come and ask to see it.

MCINTYRE

Okay. And I will say right, from all the times I've been on this side, back in my Ford Motor Company days, right, and on that side in different capacities, it's always hard to address resident concerns, when at the time a resident can't see a schematic. So I'm very empathetic to the fact that our residents can't be made comfortable as to how this is going to look without the schematic. That said, and the points are very well made about different communities and different communities do have different zoning standards and different science standards. One of the things that I think many of you know, that this community was able to be very proactive in was eliminating billboards. And if you go to some of our northern neighbors, they weren't that successful. So communities are different. And I don't think you can say, "Well, what works in Bloomfield should work in Livonia," because it goes both ways. This is an interesting and a unique intersection. Because of the traffic flows, because of the volume of traffic, because of the concentration of businesses, and I'm empathetic to businesses who choose to be in this location. They put up with a lot of issues with traffic, they put up with a lot of issues with road construction, which we just went through a big project. But those projects are not one and done. And I do think that this sign is in keeping with the character of the community and keeping with the character of that specific intersection in terms of a business trying to try to get its message across. And I think aesthetically-- and I will confess, I am a customer of the Wine Palace, but I'm a customer of a lot of Livonia businesses -- and I know and I'm not directing the ZBA to take one action or another. But we have a lot of businesses in Livonia that have old, tired signs. And ideally, they would all replace those with conforming signs. But that's not always possible. So I'm always happy to see a business that's replacing an old, tired sign with something that's new. So I hope that's taken in the spirit in which it's offered. So thank you very much, Mr. Chair, and having been in the seats of the ZBA, thank you to the Zoning Board members for what you do, because it's pretty unglamorous work. But it's really important work. And I know you all take it seriously. So thank you and again through the Chair, thank you to the residents for being here. And

thank you to our business community who continues to look for ways to improve their businesses. So thank you.

COPPOLA

Anybody else? Nobody else?

COPPOLA

We have some letters. We have a letter of approval from Matt Creighton and Lukas Descavish, 13938 Beatrice Street in Livonia: "Cliff and Kelly have been running a successful business for many years. They have been true good neighbors, as the business has never caused any disruption to our home. They keep the property looking very nice and the sign will bring a fresh look to the store. We think the City should work more with stores who want to update and improve their look while putting pressure on many of these vacant stores and strip malls who continue to do nothing to 'beautify Livonia.' We recommend approval of the sign."

We have an email letter from Katie McNaulty, 30976 Orangelawn: "To Livonia Zoning Board, I am writing to you in support of Mr. Kelly Denha's petition, appeal case 2023-01-01 for a new and improved sign to be placed in a more suitable location on the property. With the new location, height and electronic message center, the Wine Palace can provide current information not only for their business, but would have the ability to notify residents, patrons or motorists of public safety or service announcements. The Wine Palace has been established for almost four decades in Livonia and the Denha family takes impeccable care of the store. Anyone stepping foot on their property knows that they're in a very safe, clean and protected environment. I've been a resident of Livonia for a very long time; it is imperative that we keep establishments like the Wine Palace in our great city and allow them to make improvements to their business that can also enhance the community at the same time.

And a letter of approval from Kristina Davis, 13904 Beatrice: "Kelly and Cliff deserve to have whatever they need for their business. They have suffered through the rebuild of I-96 and the never-ending construction on Middlebelt and the Service Drive and have remained helpful and accommodating to their customers. The slight variance is not a big deal compared with what they, we in this area have to deal with for the last six years. Please grant the variance."

COPPOLA

Alright. Thank you. Did you have anything to state in closing to address the concerns that were brought in by the audience here?

DENHA

Yeah, there's just one thing, I appreciate all your concerns. I'm not putting that sign there and asking to spend that kind of money to get more business. I know it sounds hard to believe, but it's for aesthetics. I liked the look of it. I liked the look of it. Will it help business? Absolutely. But I don't like the look of the sign that I have now. And I wanted to take that sign down. It's just an eyesore. So I thought, let's have a mechanical sign that you can post nice things on there, and attract attention to the store. But it's really for aesthetic reasons. I like the look of the real brick, not fake, and to a cost. But I really appreciate all your listening, and I hope it can get approved. Thank you.

COPPOLA

Thank you. I'm going to close the public portion of case and start the Board's comments with Mr. Testa.

TESTA

Thank you, Mr. Chairman. So I'll confess I'm also a customer from this liquor store. [LAUGHS]. I do believe the existing sign is dated. It should be upgraded, and I'm glad the owners are wanting to do that. I know this Board is typically not a big fan of the EMC boards, projection screens, and I typically am not either. But I think this is a slightly unique case. One, because of the setbacks with the turn lane coming in for the highway. But more importantly, the constraints, self-constraints that he's putting on the design in itself in terms of no motion, no flashing, no scrolling. And I think a 30 second change over time is good. Longer would be better. But what I'm getting at is it's going to look more like a fixed message, a fixed sign than a scrolling message board, which is why we don't approve, or have ever approved of EMC. Regarding the hardship, I do understand the hardship with the location of the store. And also, with the turn lane coming in, especially for the southbound traffic and now I understand better with northbound traffic because of cars being parked there. I would like to see the two signs combined, not have the "liquor" portion be standard or kind of separate. So, combining one big message board, if there isn't consensus on that within the Board, I could go for approval of the design as presented.

PTASHNIK

Thank you, Mr. Chair. Safety is usually my primary concern and I think we got those questions answered. So I feel good about that. I appreciate the petitioner wanting to update his sign. I think it would be aesthetically much better with what was presented here tonight. I agree that the current sign is very dated and needs to go. I'm also encouraged by the residential support you've received. And then the other thing with the setback issue, if we look for consistency, which I think we do as this board, the State Farm, which is to the North has the setback that you're asking for. And so I think we have to be consistent with that and allow for that. So I have no problem granting the waiver on that. As far as setting the tone for the community, I appreciate that as well. And I have no problem with it as presented. But if you want to incorporate the "liquor" into as Mr. Testa presented, I can be on board with that as well. So either way, I can be on board with this sign as presented.

BOLOVEN

Quick question procedurally, Mr. Chair. With the discussion that occurred regarding the 50% overage of the electronic signage area, was that notice missed as part of this hearing, because the sign is over 50% electronic signage?

COPPOLA

I think it was indirectly addressed. When you look at the ground side area, what's allowed as fit is 30 square feet. And then you look at the MC, what's allowed is 15 square feet, those are the maxes. Right? For the variance. So the 50% is kind of indirectly referenced. So I think it's adequate. Is it as clear as it should be? Probably not. I think it's adequate. Okay. Just agree. I would agree with you.

BOLOVEN

I'd be in support coming into this hearing. The one main issue I get... I was okay, with ground sign setback. I was okay with sign and height. I was okay with the ground sign area. We're always a little hesitant on this Board regarding electronic signage, especially given an overage and past precedent in this Board has always been if we're going to give you overage and other stuff, your electronic sign has got to come within realm. The only reason, you were very compelling tonight, you guys did a wonderful presentation... is that pole sign, as Mr. Chair mentioned, that sign's already bigger than the sign that you guys are putting in. So I think the fact that you are making concession, I mean, I think there are other businesses that would kill to be grandfathered in for a sign 20 feet high, which I believe that's about 20 feet high. I mean, you're like your own billboard there. You know, Laurel Manor, Bob Evans, there's other businesses that are grandfathered in. You're giving that up. So that concession, I take into consideration. I do see a hardship for that intersection. With all that being said, I'd be support as presented this evening.

OLIVERIO

Thank you, Mr. Chair, I will echo much of what my colleagues have said today so far. And the only thing I will certainly add is that I am very familiar with this particular technology, which you speak of, so it is very innovative. And I think it will provide a great level of forward thinking within our city in terms of how to present that this is a complement for the city, especially with that really valuable intersection. And the aesthetics, I think will be certainly welcome in that area. So to that point, you know, I would be in support as presented.

COPPOLA

Secretary Klisz.

KLISZ

I think Mr. Boloven said a lot of what I was going to say. I won't repeat that. I think it is important to note that yes, we have been pretty negative toward these types of signs. But I'll give credit to the petitioner - really made a great presentation. I mean, I was pretty negative before seeing it on paper. Here's another giant electronic message board. But the way it, it sounds like the technology has caught up to the point that this is more like a standing sign, more like artwork, the light issues, and that kind of thing. So this will be like groundbreaking for us because we have not, and I've been here since 2016. And I can think of the ones we've denied... just no, no, no. Churches, everything else, like this is a big deal. But because technology is changing, because the way it's described -- and even, I was like, "Why doesn't it say the name of the company? In your explanation for why it says "liquor" does make sense. I do want to keep the other part together, because I think it's closer to the ordinance. And so while Mr. Testa's suggestion can make sense. I think still, as a bigger picture type item, I think we should still try to stick to proportions of electronic versus the rest of the sign. So based on all that -- and it sounds like there's enough support already-- I will be in support as well, noting that, you know, this could be a changing point going forward. But now we know a lot more about it. So we're going to be a little more insistent that people are doing them the right way. But thank you.

COPPOLA

Thank you, Vice Chair Baringhaus.

BARINGHAUS

Thank you, Mr. Chairman. I think the petitioner has definitely demonstrated hardship this evening. I agree there's a limited line of sight with the current sign that's present on property. And also, I agree that that sign has sustained a lot of customer damage over the years. And I'd even argue that your directional signage has seen similar damage as well. The fact that you're going to be expanding the spring, that's going to literally drive you to come back with a new signage package anyways; you just break beyond in pieces, as well. I think the sign is consistent for the area. And the reason I say that is if you go south between, say Plymouth and Schoolcraft, you'll see a number of electronic signs. And that trend is coming more forward into the area of where your business is. In addition, looking at the other businesses in the area, I think you have a limited amount of green belt versus some of these other businesses as well, which compels you to get a little more creative with the sign placement. I'm fine with the proposed sign plan this evening. So based on that, I'll support the variance. Thank you.

COPPOLA

I, too, am in support. All my colleagues have stated relatively well by what variance should be provided here. I do get concerned though -- and I think Secretary Klisz has mentioned that -- I would say we aren't anti-EMC, but we are very, very hesitant. It has to be done in the right way for this work. I think this one has. I thought Mr. Testa's recommendation was creative. But what I really don't want to do is set a precedent to 100% EMC sign. This is already going to be somewhat of a precedent. I think we'll probably see more of these in the near future. We have to be really cognizant of where and how we allow them. I think this sets the standard and a sense of the quality that we're going to accept. So from that perspective, I think that's good. And just briefly to address one of the issues that was brought up by the Council Member speaking tonight, I think we should look at finding a way to make sure that the materials that can be made public -- some materials can't be made public -- but some should be made public and available. And I think that's something that we've worked on. We tried during COVID, kind of didn't work real well. But I think that's something that here for us to do, but we are 100% in support that. So I will go ahead and open up the floor for a motion.

BARINGHAUS

Mr. Chairman, resolve the variance sought in appeal case number 2023-01-01 filed by Kelly Denha be granted for the following reasons and findings of fact: The uniqueness requirement is met due to the restrictive potential locations for an updated sign for the business really. Denial of the variance would have severe consequences for the petitioner due to the inability to safely locate the business as you're approaching. The variance is fair in light of its effect on neighboring properties and in the spirit of the zoning ordinance due to general neighbor support of the proposed sign itself. The property is classified as C1 Local Business District under the Master Plan and the proposed variance is not inconsistent with that classification. Further that the various be granted with the following conditions: that the sign package presented this evening be constructed as presented.

BOLOVEN

Support.

COPPOLA Supported by Mr. Boloven. Any discussion?

KLISZ Do you want to put anything in the proposal about the "sign shall not change any quicker than 30 seconds?" Is there like three items? And I know it's also by ordinance.

BARINGHAUS There were a number of items on the plan, but I going under the assumption would be for the ordinance.

BARINGHAUS So maybe just, "sign shall follow..."

COPPOLA Well, the 30 seconds are actually in the sign itself. So, from that perspective, the other ordinances cover the brightness, all that stuff.

KLISZ So maybe it's duplicative?

COPPOLA Sounds like it, but yeah, thanks for suggesting it.

TESTA I'd like to propose the condition of the petitioner also updating the directional signage to match the aesthetics of the new sign, especially the "liquor" portion. They said they were planning to.

COPPOLA Okay, that's fine. Anything else? Alright, thank you guys. So the variance passed. It says you have to build it as presented. So you have to plan in there, everything has got to be where you put it - placement, design, style, materials, the 30 seconds.

DENHA Don't hack.

COPPOLA All that fun stuff. You need to change your directional signs that we only have one entrance, but just in case people get confused.

DENHA We really appreciate it. Thank you, guys.

COPPOLA We're looking forward to seeing it.

DENHA And if you don't, I'll change it.

SITTO If the City needs assistance in getting the new technology, you have our contact in this thing. We're the manufacturer, there's only doing about five of us in the United States. Just for future reference - the technology has changed so much that you need to know what square footages are available in this technology and things like that might help you.

COPPOLA Appreciate it. Thank you.

RESOLVED: APPEAL CASE NO. 2023-01-01: An appeal has been made to the Zoning Board of Appeals by Kelly Denha, 13971 Middlebelt, Livonia, MI 48154, seeking to replace the existing ground sign, resulting in the new sign being at a deficient set back, excess in height of overall sign area and the area of the electronic message center (EMC) contained with the new sign.

Ground sign set back:

Required: 10 feet
Proposed: 5 feet
Deficient: 5 feet

Sign height:

Allowed: 6 feet
Proposed: 7 feet
Excess: 1 foot

Ground sign area:

Allowed: 30 sq. ft.
Proposed: 39 sq. ft.
Excess: 9 sq. ft.

EMC sign area:

Allowed: 15 sq. ft.
Proposed: 27 sq. ft.
Excess: 12 sq. ft.

The property is located on the west side of Middlebelt (13971), between Schoolcraft and Bentley, Lot No.092-01-0010-002, C-1 "Local Business District," Rejected by the Inspection Department under City of Livonia Vision 21, Section 11.08 (2) "Sign Regulations for C-1 Districts" be **granted**.

ROLL CALL VOTE

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

NAYS: None.

ABSENT: None.

PASSES: 7-0.

POPP Chairman, can I mention something really quick? You were talking about being available to the public? It actually is. It's just kind of buried on the website a little bit. It's kind of wonky to get to it. Yeah, it's under "Home." Go to "Your Government," [then] "City Council." When you click on the agenda and minutes, if you click on the "Zoning Board of Appeals Agenda," the whole package is there. It's really wonky to get to it, but it is there.

TESTA That's new and only because when Civic Clerk wasn't working well. And I don't think general public knows they can go get care.

PTASHNIK It's a treasure hunt to get to it.

POPP I just want to point out it is available, but it's really wonky to get to it.

PTASHNIK That's how I got to yesterday when my Civic Clerk was down.

BARINGHAUS It does justify adding in the directions on the letter to the residences.

DONOVIC Rob Donovic, 9881 Garvett Street, Livonia, Michigan. Good evening, ZBA and Chairman. I'd just like note, I was looking at your guys' agenda website on our website. And the agenda is uploaded into Civic Clerk, just like our agendas are. However, the packet isn't uploaded in there. So I know that our agenda is when you go on our agenda on the city website, it'll direct you right to the packet so that residents can view all that. Thank you for having us tonight.

COPPOLA We have a couple of administrative activities to go over. The first is the rules of procedure. We are actually required annually to review this or to review it and comment [on] it. Generally, that would probably be a procedural type of process. But Mr. Fisher took a closer look at this, made some comments. Mr. Baringhaus made some comments. I made some comments. We passed it out, particularly to the Board for comments. I did not see comments, so I don't know if anybody else provided comments, maybe they were provided to Mr. Fisher. Oh, I take that back. I apologize. So, there are a significant amount of changes here that are being proposed, clarifying questions and comments that we really probably should kind of get this wrapped up in trying to get a vote on it at the next meeting. We can go through this tonight. It would probably take out and I'm not sure about you, but I don't want to be here for hours. So I guess, just in general, that I've asked everybody... let's take a quick... Are there any overall comments for the benefit of the Board that you would like to make concerning these rules?

KLISZ I think as it relates to refers to the Secretary, I think your suggestion was a "secretary to the Board"... because I'm obviously not taking record.

COPPOLA Lowercase "secretary," not uppercase "Secretary."

KLISZ Right. And I think that would be... all of those changes make perfect sense to me because that's how it's always been done. But then it's just confusing. It's the Secretary. Which Secretary?

COPPOLA They get a lowercase or something like that. That's a good point. I did make some changes in regards to language, in regards to regular meetings and special meetings and those comments that Vice Chair Baringhaus had on section three, rule one, section three. Again, what I'd really like to do is I'd like to have everybody's input. And then Mr. Neville, I think I'd like this in a form, kind of a final form, for us to vote on this. I don't know if this is... what I would consider to be something in a form to vote on. There are comments in here, there's mark outs, there's a bunch of stuff that just needs to be cleaned out and be in final forms. So I don't know who would be responsible for that? To get that done. We really don't have full-time clerical support right now. But some of this, I think, requires someone with a little bit more legal exposure to get the language and other things correct. So again, it's in the packet. I'd like, in the next week, everybody to provide comments. Copy everybody. The whole group, just comment back. We'll compile those and then come up with a form so we can vote on it at the next meeting.

PTASHNIK Mr. Chair, it says that I don't have permission to access this item. Can I get permission to access the comments? For some reason I had it and I've been denied.

COPPOLA You'll have to send an email to the Help Desk. Alright. So if you guys can do that for next week, that'd be great. I'd appreciate it. We have meeting minutes to vote on for December 13, 2022, could I have a motion on that?

BARINGHAUS Mr. Chairman, a motion to approve the minutes.

TESTA Support.

COPPOLA Motion by Mr. Baringhaus, supported by Mr. Testa. The minutes are approved. I think that's everything we have to cover today.

PTASHNIK Mr. Chairman, just one quick note. If you call 734-466-2150, that's the City of Livonia Help Desk, or you can send an email to helpdesk@livonia.gov.

COPPOLA Thanks.

COPPOLA Anything else to cover? A motion to adjourn from Mr. Boloven. Anybody else want to support that? For the record, it's motion to adjourn. All in support.

There being no further business to come before the Board, the meeting was adjourned at 8:35 p.m.

Gregory G. Coppola, Chairman

Timothy Klisz, Secretary