



FERNDALE

Community & Economic Development
300 East Nine Mile Road
Ferndale MI 48220
248.546.2366
www.ferndalemi.gov

AGENDA

SIGN BOARD OF APPEALS
REGULAR MEETING
TUESDAY, JUNE 21, 7:00 P.M.
CITY HALL, 300 EAST NINE MILE, FERNDALE MI 48220
www.ferndalemi.gov 248-546-2366

1. Call to Order
2. Roll Call
3. Approval of the Agenda
4. Approval of Minutes – Regular Meeting, March 15, 2016
5. Public Hearing –

Consideration of a sign appeal application (Ordinance 1050, Article VIII, Section 6-268) submitted by Lawrence Worden for a variance related the maximum size of a wall sign according the sign ordinance (Ordinance 1050, Article. VIII, Section 6-267) in the C-3 district at T1N, R11E, SEC 35 FORD HTS ADD SUB N 117 FT OF LOTS 63 TO 67 INCL & E 1/2 OF N 117 FT OF LOT 68, parcel number 24-25-35-459-006, commonly known as 1461 E Eight Mile Road.

6. Communications and Announcements
7. Adjournment

Draft Minutes
BOARD OF ZONING APPEALS
MINUTES OF REGULAR MEETING

A Regular meeting of the Ferndale Board of Zoning Appeals was held on Tuesday, March 15, 2016 at City Hall, 300 E. Nine Mile Road, Ferndale, Michigan, 48220. Chair Porter called the meeting to order at 7:04 PM.

1. Call to Order

2. Roll Call

Present: Directors Moore, Palmer, Pawlica, Seaver, Steidemann, Williamson

Absent: Porter excused Palmer

3. Approval of the Agenda

Motion by Director Pawlica, supported by Director Williamson, to approve the agenda as presented.

Ayes: All

Nays: None

Motion carried

4. Approval of Minutes – Regular Meeting, December 15, 2015

Motion by Director Pawlica, supported by Director Seaver, to approve the minutes of the meeting held December 15, 2015.

Ayes: All

Nays: None

Motion carried

5. Public Hearing –

Consideration of a sign appeal application (Ordinance 1050, Article VIII, Section 6-268) submitted by Kelly Battaglia for a variance related the maximum size of a wall sign according the sign ordinance (Ordinance 1050, Article. VIII, Section 6-267) in the CBD district at T1N, R11E, SEC 27 ASTONS SUB OF KNOWLES HTS LOT 5 EXC E 40 FT OF N 60.70 FT & EXC S 15 FT TAKEN FOR RD, ALSO LOT 6 EXC N 60.70 FT & EXC S 15 FT TAKEN FOR RD, parcel number 24-25-27-454-036, commonly known as 251 E. Nine Mile Road.

Vice Chair Palmer opened the Public Hearing at 7:05 PM.

City Planner Lyons stated the applicant is currently a tenant in the building located at 251 E. Nine Mile Road and occupies three spaces: 243, 251 and 253. The applicant requested a variance of seventy-three (73) square feet for a wall sign, from the required forty (40) square feet maximum size, for a total height of one hundred thirteen (113) square feet.

The business owner has an existing, permitted wall sign, but proposed to add the one hundred thirteen (113) square foot wall sign to the building façade, which would extend above the two additional leased spaces. The sign ordinance does permit one wall sign per street frontage on each parcel. Parcel is not defined in the sign ordinance and the applicant seeks to expand the signage over the two additional leased spaces.

The applicant also proposed a solid-colored adhesive vinyl insert material to the third space that matches the corresponding green wall sign. Staff believes that since there is no text or imagery included in the matching material above the third space, the insert is incidental and not defined as signage.

Kelly Battaglia took over the business 3 years ago and acquired the location on E Nine Mile and the final stage is to upgrade the signage. Shades will be removed and curtains installed. A small sign won't fit the location. Brought the writing down to 40 square feet. What more can we do to balance the sign if not approved tonight?

Beth Silver, one of the property owners, spoke in support of the applicant's request.

Vice Chair Palmer closed the Public Hearing at 7:17 PM.

Discussion followed and the board felt this is a unique situation involving three addresses for one business. It doesn't negatively impact others and a single sign would be more aesthetically pleasing than three separate signs and does meet all the conditions for a variance.

Motion by Director Williamson, supported by Director Farr, that the Board of Zoning Appeals approve the variance of 37.5 square additional feet for a wall sign, from the required forty (40) square feet maximum size ordinance (Ordinance 1050, Article. VIII, Section 6-267), at 251 E. Nine Mile Road, Sidwell number 24-25-27-454-036, after a Public Hearing was held as set and published for this date and place, with the following findings:

Findings

1. that the owners of the building spoke in support of the proposal;
2. that section 6-267 requires a maximum size of forty (40) square feet for wall signs;
3. that section 6-267 requires a maximum number of one (1) wall sign per street frontage on each parcel;
4. that a variance is warranted due to the relatively large street frontage

Ayes: Directors Seaver, Steidemann, Williamson, Moore, Palmer, Pawlica

Nays: None

Motion carried

6. Communications and Announcements

MLUP work session at 5:30PM before the regularly scheduled Planning Commission meeting on April 20.

7. Adjournment

There being no further business Chair Porter adjourned the meeting at 7:43 PM.

Barbara Miller, Deputy City Clerk

Community and Economic Development

Staff Report to the Sign Board of Appeals

June 12, 2016

1461 E. Eight Mile Road	
REQUEST	Wall Sign Variance
APPLICANT	Mark Aubrey 1461 E. 8 Mile Road Ferndale, MI 48220
AGENT	Lawrence Worden 36886 Harper Ave Clinton Township, MI 48035
LOCATION	1461 E. 8 Mile Road Ferndale, MI 48220
FILE NO.	
PARCEL NO.	24-25-35-459-006
ZONING	C-3, Extended Business
STAFF	Justin Lyons, Planner

Summary

The applicant is currently the owner of the building located at 1461 E. 8 Mile Road and is in the process of completing renovations to move the current pawn broker facility, Motor City Pawn Brokers, to the new building. The existing pawn broker business currently operates at a smaller building west of the new facility at 771 E. 8 Mile Road. The applicant requested a variance of thirty-five (35) square feet for a wall sign, from the required forty (40) square feet maximum size ordinance (Ordinance 1050, Article. VIII, Section 6-267), for a total size of seventy-five (75) square feet.

Variance	Maximum Size	Total Size
Wall Sign		
35 square feet	40 square feet	75 square feet

Mr. Worden provided a sign appeal application on behalf of the building owner identifying the reasons for the variance requested, as well as images of the proposed wall sign. The application states a narrow parking lot entrance and limited turn around opportunities on 8 Mile Road as reasons to grant a variance for a larger than permitted by ordinance wall size.

General Requirements for Appeal (Article VIII, Section 6-268)

In deciding appeals, the Board must find:

- A. Any person aggrieved by any decision or order of the building inspector in connection with any dimensional or location provision of these regulations may appeal to the city board of zoning appeals

which shall constitute the sign board of appeals for the purposes of interpreting and carrying out the provisions of this chapter within 30 days of the decision or order.

- B. The sign board of appeals shall have the power to modify or reverse, wholly or partly, the notice or order given under this chapter. The concurring vote of four members of the sign board of appeals shall be necessary to reverse, wholly or partly, or modify any order, requirement, decision, or determination of the building official or to decide in favor of the applicant any matter upon which it is required to pay or to effect any variation in this chapter.
- C. After reviewing a sign application to appeal an administrative decision or request a variance from these sign regulations, the sign board of appeals shall either:
 - (1) Approve the sign application as presented upon a finding, point by point, that all the criteria in are met.
 - (2) Approve the sign application appeal or variance subject to certain changes to sign dimensions or proposed location.
 - (3) Reject the sign application appeal or variance, in which case the applicant shall be provided with a written explanation of the reasons for such rejection.

Criteria Requirements From Sign Regulations

The sign board of appeals may hear requests for variances from these regulations. A variance may be granted by the sign board of appeals in cases involving practical difficulties or unique conditions regarding the sign and/or its location. The burden of proof lies with the applicant. Requests for variances shall be reviewed for compliance with the following:

Variances may be granted for any one of the following conditions:

1. The applicant has demonstrated a variance is needed due to a practical difficulty on the site, such as varied topography, horizontal or vertical road curvature, or presence of structures or desired trees that limits visibility of a sign on the premises;
2. A variance is warranted due to the relatively large size of the site, frontage or building; or
3. A variance would significantly improve the conformity of an existing sign.
4. To grant a variance for one of the conditions specified above, all of the following standards must also be met:
 - a. The inability to conform with the regulations is due to a practical difficulty or unique condition that includes more than mere inconvenience or mere inability to attain a supposed higher financial return;
 - b. That the alleged practical difficulties or unique condition, or both, are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the city;
 - c. That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by the regulations, the individual practical difficulties that will be suffered by a failure to grant a variance, and the rights of others whose property would be affected by the allowance of the variance, and will not be contrary to the public purpose and general intent of these regulations;
 - d. The variance granted is the minimum necessary to allow the applicant to have a reasonable outlet for free speech and meet the intent of these sign regulations; and

- e. The variance will not adversely affect the health, safety and welfare of the public.

Sign Variance Motion

Motion by _____, **supported** by _____, that the Board of Zoning Appeals **APPROVE or DENY** the variance of thirty-five (35) square feet for a wall sign, from the required forty (40) square feet maximum size ordinance (Ordinance 1050, Article. VIII, Section 6-267), for a total height of seventy-five (75) square feet at 1461 E. Eight Mile Road, Sidwell number 24-25-35-459-006, after a Public Hearing was held as set and published for this date and place, with the following findings:

Findings

1. that _____ spoke in support of or opposition to the proposal;
2. that section 6-267 requires a maximum size of forty (40) square feet for wall signs;



00026778

Sign Appeals Application

1. Identification

Applicant Name

Lawrence Worden

Signature

Address

36886 Harper Ave

City/State/Zip Code

Clinton Twp MI 48035

Phone (586) 792-7446

Fax (586) 792-7443

Interest in the Property (e.g. fee simple, land option, etc.)

Fee

Property Owner (if other than applicant)

Mark Aubrey

Address

1461 East 8 Mile

City/State/Zip Code

Ferndale MI 48220

Phone (586) 855-6275

Fax ()

Brief description of request:

We are looking to install a 75 Square foot custom illuminated channel letter sign on the store front of

1461 East 8 Mile Road.

- 2. Criteria for Variance from the Sign Regulations.** The Board of Zoning Appeals may hear requests for variances from these regulations. A variance may be granted by the Board only in cases involving practical difficulties or unique conditions regarding the sign and/or its location. The burden of proof lies with the applicant. Requests for variances shall be reviewed for compliance with the following:

Variances may be granted for any one (1) of the following conditions:



1. The applicant has demonstrated a variance is needed due to a practical difficulty on the site, such as varied topography, horizontal or vertical road curvature, or presence of structures or desired trees that limits visibility of a sign on the premises. Describe the practical difficulty involved with the application.

The parking lot entrance for 1461 East 8 mile road is very narrow.

It is located almost immediately before the road curves away from the building giving the entrance limited visibility. Also there is only one entrance to the building and if missed or passed you would need to drive over 1 mile to come back to the location. There are limited turnaround options in that area.

2. A variance is warranted due to the relatively large size of the site, frontage or building. Indicate how the size of the site, frontage or building warrant consideration of a variance.

The Store front itself is 194 inches in height and 1,440 inches long bringing the store frontage to just under two thousand square feet.

We feel with the cities maximum allowed 40 square feet of signage would warrant your consideration for a variance. We are only seeking an additional 20 to 35 square feet which is still less then 10% of the total facade.

3. A variance would significantly improve the conformity of an existing sign. Describe how.

The previous owners of the building had flat individual letters on the building which made it almost impossible to see coming from west bound 8 mile. Having a larger more prominent sign would give drivers the opportunity to make the turn in time, before passing the entrance. This would also allow customers who are traveling eastbound 8 mile to see the location from a distance.

3. Criteria for APPEALS.



To grant a variance for one of the conditions specified above, all of the following standards must also be met. Explain how each is met.

- a. The inability to conform with the regulations is due to a practical difficulty or unique condition that includes more than mere inconvenience or mere inability to attain a supposed higher financial return.

The store owner has completely update the facility and has done all the revovations
fully expecting to be able to utilize the 10% of the building facade for signage. It is
comperable with the total square footage of the sign at his current
location at 771 West 8 mile rd. and that building is a fraction of the size.

- b. That the alleged practical difficulties or unique condition, or both, are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the city.

Other options such as a pylon sign is not an option for this location
as the property located in the front is owned by the county and they will
not allow it.

- c. That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by the regulations, the individual practical difficulties that will be suffered by a failure to grant a variance, and the rights of others whose property would be affected by the allowance of the variance, and will not be contrary to the public purpose and general intent of these regulations.

Yes.



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d. The variance granted is the minimum necessary to allow the applicant to have a reasonable outlet for free speech and meet the intent of these sign regulations.

Yes.

e. The variance will not adversely affect the health, safety and welfare of the public.

Correct.

4. Completing the Application. The following checklist includes all documents required for Planning Commission to consider the appeal. You will be contacted by the CED Department with your hearing date.

- Completed application form.
- Application fee.
- 1 electronic version and 3 copies of computer-generated photographs indicating the sign on the building/property with dimensions, material specifications, colors and other pertinent information about the proposed variance to assist the Board in making its decision.

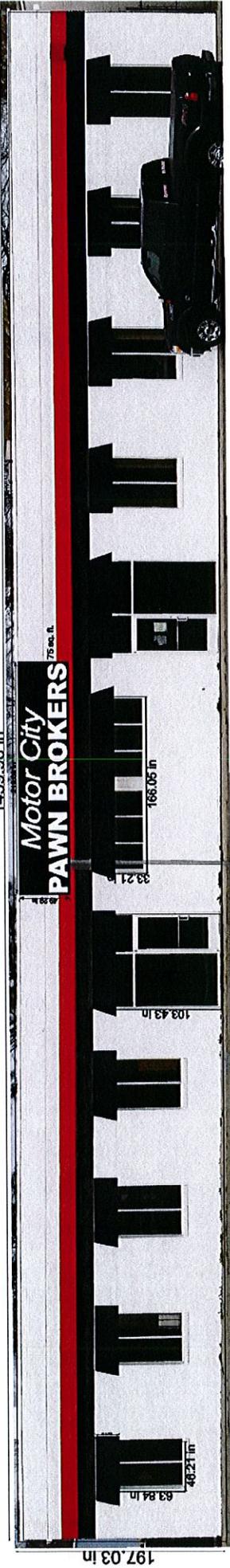
219.09 in

Motor City PAWN BROKERS

49.29 in

75 sq. ft.

1439.98 in



Motor City
PAWN BROKERS

Please look over this design layout carefully for information or spelling errors. Production will not begin until written approval is received. Finished product may be subject to minor and necessary modifications to aid or enable fabrication procedures.

REVISION # (\$15 Charge Each Revision After 2nd)

1 2 3 4 5 6
 Dimensions: 49.5 in x 219 in Job #: 19393 Proof: 01/01

Material: Channel Letters Order Date: 2015-11-17

Quantity: # Proof Date: 2015-12-09

File Name: 12-2-15 motor city pawn ferndale.is

Motor City Pawn Brokers
Mark Aubrey
 771 West 8 Mile Rd
 Ferndale MI 48220
 586-855-6275
 mark@motorcitypawnbrokers.com

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If driveway entrance is missed it is over 1.1 Miles to next turn around to get back to the location.



CITY OF FERNDALE

NOTICE OF PUBLIC HEARING

The Ferndale Sign Board of Appeals will hold a Public Hearing in the Ferndale Council Chambers, 300 East Nine Mile Road, Tuesday, June 21, 2016 at 7:00 PM, to consider an application submitted by Lawrence Worden for a variance from the sign standards listed in Ordinance 1050, Article. VII, Section 6-267 at:

T1N, R11E, SEC 35 FORD HTS ADD SUB N 117 FT OF LOTS 63 TO 67 INCL & E 1/2 OF N 117 FT OF LOT 68, parcel number 24-25-35-459-006, commonly known as 1461 E Eight Mile Road.

The applicant is requesting a variance of thirty-five (35) feet for a wall sign, from the required forty (40) feet maximum size ordinance (Ordinance 1050, Article. VIII, Section 6-267), for a total size of seventy-five (75) feet.

Any resident or property owner may participate in the hearing, or submit written comments to the Community and Economic Development Department prior to Monday, June 20, 2016. For more information, please contact the Community and Economic Development Department at 248-546-2366.

Justin Lyons, Planner
Community & Economic Development
(248) 546-2366