

CITY OF NORTHVILLE
Board of Zoning Appeals
June 4, 2014 – 7:30 PM
City of Northville – Council Chambers
215 W. Main Street

1. CALL TO ORDER:

Chairman Stapleton called the meeting to order at 7:31 p.m.

2. ROLL CALL:

Commissioners: Present: Rolland Stapleton – Chairman
James Bress – Secretary
John Callahan – Alternate
Patti Mullen
Dominic Silvestri
Jay Wendt

Absent: Ryan McKindles
Sue Hooper – Alternate

Vacancy: One

Also present: James Penn, Chief Building Official
Sally Elmiger, Planning Consultant

3. APPROVAL OF THE AGENDA:

Motion by Silvestri, support by Bress, to approve the agenda as published.

Voice vote: Ayes: All. Nays: None. Motion unanimously carried.

4. MINUTES OF PREVIOUS MEETING: April 2, 2014

Mr. Silvestri stated that the motion for Case#13-05, begun on page 5 and continued on page 6, should not reference “permanent footings below the front line” in the findings of fact since none of the Board Members had actually physically confirmed that the structure had permanent footings, and since this fact was not part of the original application.

MOTION by Silvestri, support by Bress, to amend the April 2, 2014 meeting minutes as follows:

Additional findings of fact included: (1) the structure sits on a corner lot ~~with permanent footings below the front line~~ and (2) the applicant presented an affidavit prepared by an attorney in support of his request.

Voice vote: Ayes: All. Nays: None. Motion unanimously carried.

Motion by Silvestri, support by Bress, to approve the minutes of the April 2, 2014 meeting as amended.

Voice vote: Ayes: All. Nays: None. Motion unanimously carried.

CASES TO BE HEARD – BY CASE:

- A. Case is called.
- B. Appellant presents case.
- C. Board questions & comments
- D. Public comments on the case
- E. A motion (usually to grant the variance) is made and seconded; discussed then voted upon; the results are announced by the Chair.

Case # 14-05

**FIRST PRESBYTERIAN CHURCH
200 E. MAIN STREET
NORTHVILLE, MI 48167**

The applicant is seeking an interpretation of Section 21.01 Sign Regulations, of the Zoning Ordinance to determine if an LED sign is considered an internally lit sign. The applicant is also requesting a variance to allow an internally lit sign in the Historic District. The subject parcel number is 48 004 02 0024 304. The City’s Building Official has determined that if the proposed LED sign is considered an internally lit sign, then a variance from Section 21.01 is required to allow an internally lit sign in the Historic District.

Zoning Appeals Secretary, Mr. Bress, read the case.

Charles Lapham, 18412 Blue Heron Drive, Northville, MI, and Ruling Elder, spoke on behalf of the First Presbyterian Church and this application. Mr. Lapham noted that the sign referenced in this application had been granted a Certificate of Appropriateness by the Historic District Commission on April 16, 2014. However, in order to meet Ordinance requirements, Mr. Lapham was presenting tonight’s request.

Mr. Lapham provided background regarding the church’s activities, needs, and place in the community. He felt the sign was important in order to help this church survive within the Historic District.

Mr. Lapham said that he had sought professional guidance in what constituted an internally lit sign. He had looked for information from other municipalities that had dealt with this issue, and had found an ordinance online that defined internally lit signs differently than LED signs. He had provided this ordinance for the Board.

In response to a question from Chair Stapleton, Mr. Lapham confirmed that the ordinance provided was not from the City of Northville. Discussion was had regarding Northville’s sign ordinance, and Chair Stapleton read aloud Article 21.d.2) Illumination. In terms of 21.d.2)(a): “*An internally lit sign with white background will generally exceed the maximum allowable brightness,*” what was the maximum allowed brightness? It was noted that 21.d.2)(f) read: “*No portion of the sign or changeable message*

sign shall have a luminance greater than fifteen (15) foot candles measured at four (4) feet perpendicular to any surface.”

Mr. Lapham said that while he did not know the maximum brightness that the sign could project, the sign could be adjusted for brightness levels to make sure it conformed to Ordinance standards.

Chair Stapleton explained tonight’s process. If the Board determined that the LED sign was not an internally illuminated sign under the Ordinance, the Applicant did not need a variance. If the Board did determine it was an internally illuminated sign, then a variance would be needed for the sign to be installed.

In response to this explanation, Mr. Lapham said that the Church was seeking an interpretation that an LED sign was not an “internally illuminated” sign in regards to the Zoning Ordinance.

Discussion followed. Mr. Lapham’s claim was that an internally lit sign involved a light source that went through an opaque plane and displayed a message. LED signs did not use a lens or other surface in front of it through which a light passed. By that definition an LED sign was not an internally lit sign.

Member Callahan confirmed that the sign – an existing structure – met setback requirements.

Member Silvestri asked about the maximum lumens of the sign. Could the sign meet Ordinance requirements as described in Section 21.d.2)(f) that had been read earlier? Mr. Lapham affirmed that the sign could meet Ordinance requirements.

Noting that the original request had been for a larger LED sign, Member Bress asked for clarification regarding the size of the sign. Mr. Lapham explained that in order to get HDC approval, they had reduced the size of the requested LED portion of the sign. It would now be 66” wide and 14” high. After taking into account the frame, the actual illuminated portion of the sign would be 12” high.

Hearing no further discussion from the Board, Chair Stapleton opening the public hearing. As there were no public comments, Mr. Stapleton closed the public hearing and returned the item to the Board.

MOTION by Silvestri, support by Mullen, that the Board of Zoning Appeals determine that an LED sign that does not exceed the luminance as described in Section 21.d.2)(f), and which was as described and proposed by the applicant this evening, does not fall under the Ordinance definition of an internally illuminated sign.

Member Wendt said that an LED light source was simply a different way of producing light energy; he felt the LED sign was an internally illuminated sign.

The Chair called the question, with a roll call vote:

Bress	yes
Wendt	no
Mullen	yes
Silvestri	yes
Callahan	no
Stapleton	yes

The motion carried, 4-2.

ELECTION OF VICE-CHAIRPERSON

Member Mullen nominated Mr. Silvestri as Vice-Chair of the BZA and he accepted the nomination.

MOTION by Bress, support by Callahan, to acknowledge the nomination of Mr. Silvestri as Vice Chair, and further, to close the nominations for that office.

The Chair called the question, with a roll call vote:

Bress	yes
Wendt	yes
Mullen	yes
Silvestri	yes
Callahan	yes
Stapleton	yes

The motion carried unanimously.

Chair Stapleton noted that the effect of closing the nominations by a roll call vote was to elect Mr. Silvestri as Vice-Chair; no further vote was needed.

6. PUBLIC COMMENTS: None

7. DISCUSSION:

In answer to a question from Mr. Silvestri, Building Official Penn said that the City does measure lumens on signs, as enforcement warrants.

Mr. Bress initiated a discussion regarding the case that had been cancelled last month. Board members had received calls from the public regarding this issue; this had never happened before. Mr. Silvestri noted that he had been called on a number he did not generally publish. Protocol regarding answering calls from the public needed clarification.

Ms. Mullen said the Board did need to think about the issues regarding the property in question (a convenience store with gas station, grandfathered in an R-1B District), should the question arise in the future. Discussion followed. Consultant Elmiger noted that the Planning Commission was currently reviewing the Master Plan; this parcel could be part of that visioning process.

Member Callahan noted that trees had been cleared from a lot across from Amerman School. Building Official Penn said that a permit had been granted regarding tree removal; he would follow up to make sure the removals fell under that permit.

In reply to a question from Chair Stapleton, Mr. Penn said he would follow up on a sandwich sign at Allen Drive and Novi Road.

Chair Stapleton invited further comments from the Board. Hearing none, he asked for a motion to adjourn.

8. ADJOURNMENT:

Motion by Bress, support by Silvestri, to adjourn the meeting at 8:17 p.m.

Voice vote: Ayes: All. Nays: None. Motion Unanimously Carried.

Respectfully submitted,

Cheryl McGuire, Recording Secretary

Approved as published 11-05-2014