

*Unapproved as of August 14, 2009*

CITY OF WAYNE  
ZONING BOARD OF APPEALS  
REGULAR MEETING  
AUGUST 13, 2009

A regular meeting of the Zoning Board of Appeals was held at 7:30 p.m., Thursday, August 13, 2009 at Wayne City Hall, 3355 South Wayne Road.

The meeting was called to order by Chairman Boyles at 7:30 p.m.

Member Present: Stephen Becher, Margaret Harlow, Michael Hurley, Tricia Nault, Quentin York (7:35), Vice Chairman Bruce Foulk, Chairman Robert Boyles

Members Absent: Jay Armstrong, Dennis Hermatz, Alternate Terry Shenk, Alternate Don Quarles, all excused (personal business)

Also Present: Councilwoman Susan Rowe, Building Official Edwin Rowe, City Clerk Mary E. Carney

Chairman Boyles turned the meeting over to Clerk Carney for the election of the Chairperson and Vice Chairperson.

Nominations were accepted for the office of Chairperson for the Zoning Board of Appeals. Stephen Becher nominated Robert Boyles and Margaret Harlow seconded the nomination. There were no other nominations from the floor. Motion by Bruce Foulk and seconded by Stephen Becher to close the nominations. By a unanimous vote of the Board, Robert Boyles was elected as Chairperson for a term ending June 30, 2010.

Nominations were taken for the Office of Vice Chairperson for the Zoning Board of Appeals. Robert Boyles nominated Bruce Foulk and Michael Hurley seconded the nomination. There were no other nominations from the floor. Motion by Stephen Becher and seconded by Michael Hurley to close the nominations. By a unanimous vote of the Board, Bruce Foulk was elected Vice Chairperson for a term ending June 30, 2010.

Mr. York arrived at the meeting.

ITEM I

Motion by Harlow, seconded by Nault and unanimously carried, the minutes of the regular meeting of June 11, 2009, were approved as submitted.

ITEM II

The minutes of the regular meeting of the Planning Commission of June 9, 2009, were received and filed.

### ITEM III

The minutes of the regular meeting of the Planning Commission of July 14, 2009, were received and filed.

### ITEM IV #55-017-01-0621-001

Mark Kellenberger, on behalf of Tim Horton's, 34435 Michigan Avenue East had applied for permission to place a sign at 34435 Michigan Avenue. The business is located on Michigan Avenue East between Fourth Street and Howe Road. The property is located in an Ind-1, Light Industrial Zone. Section 1280.08 (d)(1)(c) of the Planning and Zoning Code requires a 10' setback to the property lines. The plans submitted to the Building Department indicate a sign that is 7' from the property line, therefore requiring a variance of 3'.

Also, section 1288.02(d)(2)(B) of the Planning and Zoning Code allows a wall sign of 1 sq. ft. of sign area for each 1 ft. of building length, totaling 30.33 sq. ft. of signage for this location. The plans submitted to the Building Department indicate a sign that is 34.22 sq. ft., requiring a variance of 3.89 sq. ft.

Notice of Public Hearing had been sent to owners of property within five hundred feet (500') of the subject premises prior to the meeting and was also placed in the Wayne Eagle newspaper. There were no communications received by the Clerk's Office by mail prior to the meeting.

The Board was informed the Board that the address for the business will be 34441 Michigan Avenue East.

Mr. Kellenberger stated that the business had maximized the site and because of the rear sanitary sewer easement, everything on the site had been pushed forward. He further stated that because of parking space requirements, the proposed sign needed to be moved closer to the street, thereby requiring the setback variance. He continued by saying that the business did not want to create a safety issue with sight visibility.

Councilwoman Susan Rowe, liaison to the Board, addressed the Board by stated that this is the same size sign as the Tim Horton's in Westland. She continued by stating that the City has a sign ordinance which is there for a reason and for the Board to please think about it. She further stated that if the Board continues to grant variances that maybe the Council should consider amending the ordinances.

Motion by Becher, seconded by Hurley and unanimously carried, to grant a 3' setback variance to Mr. Kellenberger on behalf of Tim Horton's, for the placement of a monument sign because of the parking requirements, the rear sewer easement and the narrowness of the lot restricts and alternate placement for the sign.

### APPEAL GRANTED

With regards to the proposed variance for the sign area, Mr. Kellenberger advised the Board that the Tim Horton's franchise has three different standards for wall signs and to comply with the City's ordinance, the franchise would need to have a much smaller sign.

He further stated that the larger sign would not be so diminutive and the smaller sign (in his opinion) would look peculiar. Mr. Kellenberger asked the Board's consideration for the larger sign to keep in scale with what has been done before and in keeping with franchise standards.

Vice Chairperson Foulk stated that the sign looks to scale and that he would prefer a smaller sign, but if 3" were to be taken from the letters to make them smaller, it would not look very good. Chairman Boyles agreed.

Mr. Kellenberger stated that the company would like to break ground as soon as possible and have the business open by the end of the year. He further stated that plans have been distributed to the Michigan Department of Transportation (MDOT) and the City for review.

Motion by Foulk, seconded by Nault and unanimously carried, to grant a 3.89 sq ft. sign area variance to Mr. Kellenberger on behalf of Tim Horton's, for a wall sign because the proposed sign would be architecturally attractive, would be a penalty for the franchise and would be visually unattractive if reduced in size.

#### APPEAL GRANTED

Upon the request of Chairman Boyles for comments from members of the Zoning Board on matters not covered by the agenda, the following were expressed:

Vice Chairperson Foulk stated that when reviewing minutes from the Planning Commission meeting, he noted a reference to the City's temporary signs for the Farmer's Market. He further stated that in the past as the Board is aware he has been concerned with temporary signs, especially those placed in the right-of-way and during weekend hours. He further stated that he has trouble with the City being except creating a double standard. Chairperson Boyles suggested he contact someone on the City Council regarding the issue. Vice Chairperson Foulk stated that he had worked with Councilwoman Rowe (in attendance at the meeting) in the past regarding signs and was sure they could work together on the issue in the future.

Councilwoman Rowe stated that she realizes this is the first year for the Market, but when traveling through Dearborn there are no signs for their Market. She stated that she will contact the City Manager's Office in the morning for the item to be placed on the Council Agenda.

Motion by York, seconded by Nault and unanimously carried, to adjourn the meeting at 8:03 p.m.

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Mary E. Carney  
City Clerk