

BZA 11-07-16 VARIANCE OF ZONING ORDINANCE ST. SABBAS
ORTHODOX MONASTERY - 18745 OLD HOMESTEAD

MOTION by Buscemi, SUPPORTED by Flatt:

To open the Public Hearing on the request for the following variances Section 10-225(G): Height of detached accessory building exceeds 15 feet on Lots 131 and 132; Section 10-225(G): Area of detached accessory building exceeds 25 percent of the required rear yard of Lot 132; Section 10-225(G): Area of the detached accessory building on Lot 132 exceeds the floor area of the home on Lot 132; Section 10-225(N): Area of detached accessory building exceeds 150 square feet on Lots 131 and 132 and Section 10-601: Side yard setback of detached accessory building is less than 5 feet from the eastern lot line of Lot 132 and less than 5 feet from the western lot line of Lot 131.

ABSENT: Kien, Paglia and Pesegna.

MOTION CARRIED

PUBLIC HEARING

Jeff Graham, Kem-Tec architect for the St. Sabbas project gave a brief overview of their request and stated that he is in complete agreement with the recommendations that the planning consultant's report mentions. He also stated that the Monastery is a great asset to the community and the prayer huts are a necessity to the church.

Father John Belkoff provided a letter from a neighbor at 18565 Old Homestead that offers support of the projects at the Monastery (Attachment #1). He further stated that he has not received any negative responses to any of the modifications he is currently making on his properties.

Ms. Kingston shared that she feels the Monastery is an asset to the community.

Ms. Reed, a neighbor of the Monastery stated that she was quite happy when the church started back when she first moved here to Harper Woods. She further stated that it is wonderful work that Father is doing on the property and that she does not have any concerns about the prayer huts.

BZA 11-08-16 VARIANCE OF ZONING ORDINANCE - ST. SABBAS
ORTHODOX MONASTERY - 18745 OLD HOMESTEAD

MOTION by Buscemi, SUPPORTED by Johnson:

To close the Public Hearing on the variance requests for St. Sabbas Orthodox Monastery.

ABSENT: Kien, Paglia and Pesegna.

MOTION CARRIED

BZA 11-09-16 VARIANCE OF ZONING ORDINANCE - ST. SABBAS
ORTHODOX MONASTERY - 18745 OLD HOMESTEAD

MOTION by Buscemi, SUPPORTED by Johnson:

To approve the request from St. Sabbas Orthodox Monastery at 18745 Old Homestead for the following zoning ordinance variances: Section 10-225(G): Height of detached accessory building exceeds 15 feet on Lots 131 and 132; Section 10-225(G): Area of detached accessory building exceeds 25 percent of the required rear yard of Lot 132; Section 10-225(G): Area of the detached accessory building on Lot 132 exceeds the floor area of the home on Lot 132; Section 10-225(N): Area of detached accessory building exceeds 150 square feet on Lots 131 and 132; and Section 10-601: Side yard setback of detached accessory building is less than 5 feet from the eastern lot line of Lot 132 and less than 5 feet from the western lot line of Lot 131. Furthermore, that the approval is granted due to the following standards being met: It will be in harmony with the appropriate and orderly development of the surrounding neighborhood and the applicable regulations of the zoning district in which is it located; and it will make vehicular and pedestrian traffic no more hazardous than is normal for this district; and that the proposed use will eliminate any possible nuisance emanating therefrom which might be noxious to the occupant or other nearby uses, whether by reason of dust, noise, fumes, vibration, smoke or lights; and that the height of buildings, location nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value; and will relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development and need for particular services and facilities in specific areas of the City; and it is necessary for the public convenience at that location; and is so designed, located and proposed to be operated that the public health, safety and welfare will be protected; and it will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.

ABSENT: Kien, Paglia and Pesegna.

MOTION CARRIED

HEARING OF THE PUBLIC

None.

DISCUSSION BY BOARD MEMBERS

None.

BZA 11-10-16

ADJOURNMENT

MOTION by Buscemi, SUPPORTED by Flatt:

That the agenda of the regular Board of Zoning Appeals meeting having been acted upon, the meeting is hereby adjourned at 7:14 p.m.

ABSENT: Kien, Paglia and Pesegna.

MOTION CARRIED

ALVIN SUSICK, CHAIRPERSON

LESLIE M. FRANK, CITY CLERK

CITY OF HARPER WOODS
BOARD OF ZONING APPEALS
JUNE 8, 2016

MEETING MINUTES

The regular meeting of the Board of Zoning Appeals was called to order by Chairperson Alvin Susick at 6:30 p.m.

ROLL CALL

PRESENT: Chairperson Alvin Susick, Board member(s) Deborah Flatt, David A. Kien, Mary Paglia (6:35) and Richard Pesegna.

ABSENT: Board member(s) Serafin Buscemi

OTHERS PRESENT: City Clerk Leslie M. Frank and Planning Consultant Patrick Sloan

BZA 06-01-16

EXCUSE BOARD MEMBER

MOTION by Kien, SUPPORTED by Pesegna:

To excuse board member Serafin Buscemi from tonight's meeting due to a prior commitment.

ABSENT: Buscemi

MOTION CARRIED

BZA 06-02-16

MINUTES

MOTION by Kien, SUPPORTED by Flatt:

To receive, approve and file the minutes of the regular Board of Zoning Appeals meeting held November 12, 2014.

ABSENT: Buscemi

MOTION CARRIED

BZA 06-03-16

ADOPT FINDINGS OF FACT AND CONCLUSIONS
MICHIGAN COURT OF APPEALS ORDER REGARDING
19230 HARPER AND 19500 HARPER

MOTION by Paglia, SUPPORTED by Kien:

To adopt the 42 Findings of Fact and Conclusions that the Board of Zoning Appeals produced and reviewed which consists of information on the record that was presented to the Board of Zoning Appeals before and during the March 12, 2014 meeting regarding 19230 Harper and 19500 Harper. (Attachment #1)

ABSENT: Buscemi

MOTION CARRIED

BZA 06-04-16 ELECTION OF CHAIR AND VICE-CHAIR FOR 2016

MOTION by Paglia, SUPPORTED by Pesegna:

To appoint Alvin Susick Chairperson and David Kien Vice-Chairperson for 2016.

ABSENT: Buscemi

MOTION CARRIED

HEARING OF THE PUBLIC

None.

DISCUSSION BY BOARD MEMBERS

Discussion included status update on the Harper and Hollywood building and the auto service business on Kelly Road. Also discussed were the burned out sections of Kelly Road.

BZA 06-05-16 ADJOURNMENT

MOTION by Paglia, SUPPORTED by Pesegna:

That the agenda of the regular Board of Zoning Appeals meeting having been acted upon, the meeting is hereby adjourned at 7:15 p.m.

ABSENT: Buscemi

MOTION CARRIED

ALVIN SUSICK, CHAIRPERSON

LESLIE M. FRANK, CITY CLERK

CITY OF HARPER WOODS

BOARD OF ZONING APPEALS

FINDINGS OF FACT AND CONCLUSIONS

1. International Outdoor, Inc., 28423 Orchard Lake Road, Farmington Hills, Michigan, sought a sign erection permit to erect a ground pole or freestanding sign at 19230 Harper Avenue, Harper Woods, Michigan and to erect a ground pole or freestanding sign at 19500 Harper Avenue, Harper Woods, Michigan.
2. The sign erection permit application described the ground pole or freestanding sign proposed to be erected at 19230 Harper Avenue, Harper Woods, Michigan as being 48 feet wide and 14 feet tall and having an area of 672 square feet.
3. The sign erection permit application described the ground pole or freestanding sign proposed to be erected at 19230 Harper Avenue, Harper Woods, Michigan as being 70 feet above grade.
4. The ground pole or freestanding sign proposed to be erected at 19230 Harper Avenue, Harper Woods, Michigan would have a zero foot setback from the property line adjacent to Harper Avenue.
5. 19230 Harper Avenue, Harper Woods, Michigan is in the C-1, General Business zoning district. Section 21-5 of the Sign Ordinance allows ground pole or freestanding signs in the C-1 zoning district if they conform with area, height and placement requirements.
6. The sign erection permit application described the ground pole or freestanding sign proposed to be erected at 19500 Harper Avenue, Harper Woods, Michigan as being 48 feet wide and 14 feet tall and having an area of 672 square feet.
7. The sign erection permit application described the ground pole or freestanding sign proposed to be erected at 19500 Harper Avenue, Harper Woods, Michigan as being 70 feet above grade.

8. The ground pole or freestanding sign proposed to be erected at 19500 Harper Avenue, Harper Woods, Michigan would have a zero foot setback from the property line adjacent to Harper Avenue.
9. 19500 Harper Avenue, Harper Woods, Michigan is in the C-1, General Business zoning district. Section 21-5 of the Sign Ordinance allows ground pole or freestanding signs in the C-1 zoning district if they conform with area, height and placement requirements.
10. The sign erection permit application for the ground pole or freestanding sign proposed to be erected at 19230 Harper Avenue, Harper Woods, Michigan was denied by the City of Harper Woods Building Inspector pursuant to Section 21-6 of the City of Harper Woods Code of Ordinances.
11. The sign erection permit application for the ground pole or freestanding sign proposed to be erected at 19500 Harper Avenue, Harper Woods, Michigan was denied by the City of Harper Woods Building Inspector pursuant to Section 21-6 of the City of Harper Woods Code of Ordinances.
12. International Outdoor, Inc., submitted a request for a variance to the City of Harper Woods Board of Zoning Appeals for the ground pole or freestanding sign proposed to be erected at 19230 Harper Avenue, Harper Woods, Michigan.
13. International Outdoor, Inc., sought the variance from Chapter 21 Signs - Section 21.6 Area, Height and Placement regulations, specifically an area variance of 472 square feet, a height variance of 48 feet and setback variance of 25 feet for the ground pole or freestanding sign proposed to be erected at 19230 Harper Avenue, Harper Woods, Michigan.
14. International Outdoor, Inc., submitted a request for a variance to the City of Harper Woods Board of Zoning Appeals for the ground pole or freestanding sign proposed to be erected at 19500 Harper Avenue, Harper Woods, Michigan.
15. International Outdoor, Inc., sought the variance from Chapter 21 Signs - Section 21.6 Area, Height and Placement regulations, specifically an area variance of 472 square feet, a height

variance of 48 feet and setback variance of 25 feet for the ground pole or freestanding sign proposed to be erected at 19500 Harper Avenue, Harper Woods, Michigan.

16. Notice of a public hearing was published on the variance request for the ground pole or freestanding sign proposed to be erected at 19230 Harper Avenue, Harper Woods, Michigan and at 19500 Harper Avenue, Harper Woods, Michigan, originally to be held on Wednesday, February 12, 2014 at 6:30 p.m.
17. The public hearings were held on March 12, 2014 before the City of Harper Woods Board of Zoning Appeals.
18. The Board of Zoning Appeals received a written application from International Outdoor, Inc., with an explanation as to why the requested variances met the standards in the Code of Ordinances and should be granted.
19. The Board of Zoning Appeals received written correspondence from neighboring property occupants expressing opposition to the requested variances.
20. The Board of Zoning Appeals received written correspondence from Lyn Giera, Building Official for the City of Harper Woods, opposing the requested variances for the reason that the height of the proposed ground pole or freestanding signs posed a risk to public safety and the safety of firefighters in the event of a fire as the City of Harper Woods Fire Department does not own or have a ladder truck available for use.
21. The Board of Zoning Appeals received a written report from McKenna Associates, the City Harper Woods' Community Planning and Design consultant, recommending denial of the variance requests because the standards contained in Section 21-15(d)(1)-(4) of the Code of Ordinances were not satisfied by the requested variances.
22. Randy Oram and Patrick Depa, representatives from International Outdoor, Inc., were present at the public hearing to explain the requested variances.
23. Several members of the public were present at the public hearing and expressed opposition to the requested variances.

24. Section 21-6 of the Sign Ordinance (Chapter 21 of the Code of Ordinances) contains the following area, height and placement requirements for ground pole and freestanding signs:
 - a. Area: Maximum of 200 square feet.
 - b. Height: Maximum of 1 foot of height for each 3 feet of setback, but height shall not exceed 22 feet.
 - c. Setback: 25 feet from lot line.
25. Section 21-15(d)(1)-(4) of the Sign Ordinance (Chapter 21 of the Code of Ordinances) contain the following requirements must be met before a variance may be granted:
 - a. The particular sign will be in harmony with the general purpose and intent of this chapter.
 - b. The sign will not be injurious to the immediate neighborhood or adjacent land use.
 - c. The sign is sufficiently compatible with the architectural and design character of the immediate neighborhood.
 - d. The sign will not be hazardous to passing traffic or otherwise detrimental to the public safety and welfare.
26. To promote and protect the character of the city, protect public safety and promote traffic safety, the City of Harper Woods adopted a sign ordinance in 1962 that places limits on sign area, height, placement, and number of signs.
27. If the variances are approved, the 672 square foot area of each sign would exceed the area limit by 236%.
28. If the variances are approved, the 70 foot height of each sign would exceed the height limit by 218%.
29. The Board of Zoning Appeals finds that the ground pole or freestanding sign proposed to be erected at 19230 Harper Avenue, Harper Woods, Michigan will be visible from the following areas of the City:

- a. The residential neighborhoods to the east and south of the proposed sites of the signs;
 - b. The residential neighborhood adjacent to Harper Avenue on the west side of 1-94;
 - and
 - c. The pedestrian bridge over I-94 that connects both sides of Harper Avenue.
30. The Board of Zoning Appeals finds that the ground pole or freestanding sign proposed to be erected at 19500 Harper Avenue, Harper Woods, Michigan will be visible from the following areas of the City:
- a. The residential neighborhood to the north of the proposed site of the sign;
 - b. The residential neighborhood adjacent to Harper Avenue on the west side of 1-94;
 - c. The pedestrian bridge over I-94 that connects both sides of Harper Avenue;
 - d. Salter Park to the south;
 - e. The school and playground to the east; and
 - f. Park Place Senior Apartments to the southeast, due to the existing orientation of the multi-story building.
31. The Board of Zoning Appeals finds that the large area, height and scale of the signs, combined with their close proximity to long-established residential areas of the city, will cause an annoyance and disturbance to city residents because city residents have become accustomed to size, height, placement, and quantity restrictions on signs.
32. The Board of Zoning Appeals therefore concludes the requirements of Section 21-15(d)(1) of the Sign Ordinance (Chapter 21 of the Code of Ordinances) have not been met.
33. The Board of Zoning Appeals finds that introducing signs that exceed the area limit by 236% and exceed the height limit by 218% would degrade the character of the nearby residential areas from which the proposed signs would be visible.
34. The Board of Zoning Appeals finds that the visibility of the proposed signs from the residential areas will make these neighborhoods less desirable in which to live and raise a family.

35. The Board of Zoning Appeals therefore concludes the requirements of Section 21-15(d)(2) of the Sign Ordinance (Chapter 21 of the Code of Ordinances) have not been met.
36. The Board of Zoning Appeals finds that the signs are not compatible with the architectural and design character of the immediate neighborhoods or the city as a whole. Over the last 52 years an architectural and design character of the immediate neighborhood and city as a whole became established due to the limitations placed on the height, area, placement, and quantity of allowable signage. Introducing signs that exceed the area limit by 236% and exceed the height limit by 218% would be completely incompatible with the architectural and design character of the immediate neighborhoods or the city as a whole.
37. The Board of Zoning Appeals therefore concludes the requirements of Section 21-15(d)(3) of the Sign Ordinance (Chapter 21 of the Code of Ordinances) have not been met.
38. The Board of Zoning Appeals finds that the signs would be detrimental to the public welfare of Harper Woods due to the sign's height, area, placement, and quantity. Along the 1.8-mile portion of 1-94 that goes through the City of Harper Woods, there is only one sign of similar character (i.e., area, height, and placement, and quantity) as the proposed signs. Conversely, along the 1.8-mile portion of 1-94 south of the City of Harper Woods city limit in the City of Detroit, there are approximately 10 signs near 1-94 that are of similar character to the proposed signs. This difference demonstrates that if the Harper Woods Sign Ordinance had originally permitted signs of similar area, height, and placement as the proposed sign, then today there would be several more large signs near 1-94 in Harper Woods. The adverse secondary effects of large billboards, including visual clutter or pollution, offering a location for graffiti and interfering with the sight lines of residential neighborhoods would be detrimental to the public welfare.
39. The Board of Zoning Appeals further finds that the application materials submitted by International Outdoor do not address the required distance from the intersection of Harper Ave. and Bournemouth Street for the proposed sign at 19230 Harper Avenue. Section 10-215 of the Zoning Ordinances prohibits any structure or vegetation which will obstruct the

visibility of the driver of a vehicle approaching an intersection, excepting that shrubbery and low retaining walls not exceeding 2.5 feet in height above the curb level and shade trees where all of the branches are not less than 8 feet above the street level will be permitted. This is a public safety standard to promote the safe travel of vehicles and pedestrians. While no specific standard is given for the minimum clear vision area of commercial corner lots, Section 10-215 requires an area of unobstructed visibility to be a triangular section of land formed by the two street curb lines and a line connecting them at points 30 feet from the intersection of said curb lines for residential corner lots. This area is known as the "clear vision zone" or the "clear vision zone triangle." The lack of a minimum clear vision zone triangle of 30 feet creates an unacceptable risk to pedestrian and traffic safety.

40. The Board of Zoning Appeals further finds that the height of the signs, which will be illuminated and supplied with electricity, creates a danger to the public safety and the safety of firefighters in the event of a fire as the City of Harper Woods Fire Department does not own or have a ladder truck available for use.
41. The Board of Zoning Appeals further finds that the application materials submitted by International Outdoor do not address the maximum number of pole signs on a site permitted by Section 21-5 of the Sign Ordinance. Section 21-5 of the Sign Ordinance allows one (1) ground pole sign per street frontage. Because the sites at 19230 and 19500 Harper Ave. each already have a ground pole sign along Harper Ave., locating another ground pole sign along Harper Ave. is prohibited. International Outdoor did not make application for a variance from this requirement in Section 21-5.
42. For each of these reasons the Board of Zoning Appeals therefore concludes the requirements of Section 21-15(d)(4) of the Sign Ordinance (Chapter 21 of the Code of Ordinances) have not been met.