



**CITY OF WALLED LAKE
ZONING BOARD OF APPEALS MEETING
Monday, December 17, 2018
7:30 p.m.**

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

DETERMINATION OF A QUORUM

REQUEST FOR AGENDA CHANGES

APPROVAL OF THE MINUTES

November 26, 2018, meeting

COMMUNICATIONS

UNFINISHED BUSINESS

None

NEW BUSINESS

Case: 2018-04
Applicant: Iven Sharrak

Pg. 5

Location: 670 N. Pontiac Trail
Walled Lake, MI 48390
Request: Non-Use Variance

This matter relates to property located at 670 N. Pontiac Trail. This case was tabled July 30, 2018. The applicant is requesting a variance of Article 20 Signs from the Walled Lake Zoning Ordinance to allow:

- Additional wall and canopy signs that exceed the total maximum allowed of 90 square footage for wall signage;
- Additional signage that exceeds the total maximum signage allowed of 135 square footage on a parcel; and
- LED lighting along the canopy.

DISCUSSION

ADJOURNMENT



**CITY OF WALLED LAKE
ZONING BOARD OF APPEALS
MONDAY, NOVEMBER 26, 2018**

The Meeting was called to order at 7:32 p.m.

ROLL CALL: Easter, Gunther, Hecht, Rundell, O'Rourke

ABSENT:

OTHERS PRESENT: City Attorney Vanerian, Building Official Wright, Recording Secretary Joyce

REQUESTS FOR AGENDA CHANGES: None

APPROVAL OF MINUTES:

ZBA 11-01-18 APPROVAL OF THE OCTOBER 29, 2018, ZONING BOARD OF APPEALS MEETING MINUTES

Motion by O'Rourke, seconded Hecht, **CARRIED UNANIMOUSLY:** To approve the October 29, 2018, Zoning Board of Appeals meeting minutes.

COMMUNICATION: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

1. Public Hearing

Open Public Hearing 7:35 p.m.

Case: 2018-06
Applicant: Sean Ammori

Location: 1010 E. West Maple Rd.
Walled Lake, MI 48390

Request: Non-Use Variance

This matter relates to property located at 1010 E. West Maple Road. The applicant is requesting a variance from Article 20.00 Signs Section 20.08 of the Walled Lake Zoning Ordinance to

allow for a freestanding sign on a parcel with a building that is setback less than the required forty (40) feet from the right-of-way.

Sean Ammori who is representing 1010 East West Maple stated that they are requesting signage to be placed by the road that the City would approve based on the renovation that they have done to their building. The building is currently in the setback and some of the documents that they presented were just ideas of what they were thinking. They would like to collaborate with the City to see what would work.

Chairman Easter clarified that they have filled out the Zoning application, but they want to work with the City to see what recommendations the City has for the proposed sign. Mr. Ammori stated that this was what they were proposing.

Commissioner Rundell commented on the McKenna report about the fact that they preferred building signs rather than pylon signs. The facing of the building is perfect for two signs, one on each side of equal dimensions. He feels this would be much better than a pylon sign in the right-of-way in front of the parking lot.

Chairman Easter stated that when you look down the front of the building, the entire front of the building is covered with City planted trees except the doorway. From the street side it is a non-viewable front expanse. Then there are two businesses to the side – one of which sets back 60 – 80 feet back from the roadway. The trees would hide the signage for the back businesses. There is an incumbrance due to this.

If the signs are put on one side of the building; then only people driving one direction can see what businesses are there. Mr. Ammori stated that the pylon sign is currently single-sided but could be double sided. It doesn't need to be double-sided as the back side would face the parking lot and it is below the trees. The sign is 8-feet to the top of the sign.

Commissioner Gunther also felt that the trees would be an obstruction. It was felt that the signs needed to be to the front of the building.

Mr. Ammori stated that he has been trying to tenant the building and many of the potential tenants that are quality tenants have made comments regarding the signage. They were wondering if, because of the positioning of the building, a pylon sign would be placed in front. This is a concern of potential clients. They are looking for something that will show signage from both the east and west bound direction.

Mr. Zy Axisha, construction manager for the property, stated that they could move the pylon sign, but they are trying to do their best and weigh all options. They would really like some type of road side signage.

Chairman Easter asked Jim Wright, Building Official, if they gave up three parking spaces and moved the sign back into the parking lot if this would be an option. This would place the sign on their property instead of in the easement. If it was made a two-sided sign it would be visible from both directions of traffic.

Jim Wright stated that there were a couple of things to take into consideration and went over McKenna's review letter. On a corner lot, you are allowed signage on the building frontage of the two streets. They would be able to put a sign on the front of the building as well as the side of the building. He suggested that they ask for a variance for signage on the other side of the building so then there would be signage on three sides of the building which would be taller than the trees are. It accomplishes what they are looking for to be able to have signage plus they are not conflicting with the ordinance as far as pylon signs which are a violation of the ordinance. Plus, you are avoiding the trees.

The applicant could ask to table this case to come back and ask for a variance for a third sign on the east side of the building. He could have three sign – front and both sides.

Jim Wright stated that he has been working with the construction manager for quite some time. There is not yet a layout yet for tenants – it is a wide-open space. He suggests that wall signage for this building to comply with it and look ahead to what they plan to do with future doorways to allow tenants in. You are currently allowed to have a sign at each individual entrance of a building. Right now, there is only one doorway coming in off the front of the building.

The Commission felt that the applicant should table this case and come forward with an explicit plan for what signage they would like. The Commission felt they should ask for a variance for a third sign. They could come back and be on the January agenda. It was suggested they submit drawings with elevations from the street view.

**ZBA 11-02-18 MOTION TO TABLE ZBA CASE 2018-06 SO THAT THE
APPLICANT CAN BRING BACK DETAILED SITE PLANS AND
BUILDING ELEVATIONS FOR SIGNAGE.**

Motion by Hecht, seconded O'Rourke, CARRIED UNANIMOUSLY: To table ZBA Case 2018-06.

Close Public Hearing 7:55 p.m.

AUDIENCE PARTICIPATION: None

OTHER BUSINESS:

ADJOURNMENT

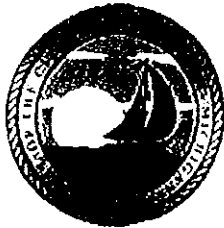
ZBA 11-03-18 MOTION TO ADJOURN

Motion by Hecht, seconded by Gunther, CARRIED UNANIMOUSLY: To adjourn the meeting at 7:57 p.m.

Janell Joyce
Recording Secretary

Jason Easter
Chairman

Lighting



City of Walled Lake
Department of Planning and Development
1499 E. West Maple Road, Walled Lake, MI 48390
Phone (248) 624-4847 - Facsimile (248) 624-1616

ZONING BOARD OF APPEALS APPLICATION

INSTRUCTIONS

Applications must be type written or printed legibly in ink and be accompanied by twelve (12) copies of a plat plan. The plat plan must be accompanied by and based on a survey prepared by a registered land surveyor or engineer, drawn to scale, include all property lines and dimensions, existing and proposed buildings, structures and setbacks on the subject property and on adjacent properties. On variance requests involving lot coverage, computation of lot and building area must be shown. Additional information to include photographs of the property, adjacent buildings or properties, narrative explanations, statements from neighbors, etc... may be attached.

GENERAL INFORMATION

Applicant* Iven Sharrak

*If not owner of record, applicant shall furnish signed and notarized affidavit.

Street Address, City, Zip Code 670 N. Pontiac Trail, Walled Lake, MI 48390

Phone Number (734) 516-4250 Fax Number (_____) _____

Owner of Record Iven Sharrak Phone Number (734) 516-4250

Street Address, City, Zip Code 670 N. Pontiac Trail, Walled Lake, MI 48390

PROPERTY INFORMATION

Street Address 670 N. Pontiac Trail Subdivision Pierce Subdivision

Lot Number _____ Sidwell Number 17-34-276-001 & 002 Lot Size 31,683(sq. ft.) Zoning District C-2

Legal description of existing parcel(s) of land involved in the application NE 1/4 of Sec 34T2N, R8E Walled Lk. Lots 22, 23, 24 of Pierce Subdivision and lot 47 of Subdivision Plat #4.

(Circle One) N S W of Pontiac Trail Road between West Maple and W. Walled Lk. Dr. Roads

Zoning of adjacent properties: North C-2 South C-2 East C-2 West C-8

Other (Specify _____)

Proposed Improvement 2Di LED Eyebrow (Lighting)

Description of variance requested. Attach additional pages if more than one variance is being requested.

Variance request is for canopy fascia lighting.

ATTACH THE FOLLOWING:

A. Site plan drawing to include the following:

- Property boundaries
- Existing and proposed buildings
- Topographic relief
- Existing and proposed roads and utilities
- Existing zoning
- Existing natural features
- Setback lines
- Auto ingress and egress
- Parking and loading areas
- Landscaping
- North arrow
- Scale
- Who prepared drawing
- Preparation date

B. Photographs illustrating conditions on the site related to the proposed variance are helpful and must be included.

Have there been any previous variance requests involving this property? (Check one) Yes _____ No X

Approximate date (Month/Year) _____

Disposition of the case _____

PERIOD OF VALIDITY

The relief granted by the Zoning Board of Appeals shall be valid for a period of no longer than six (6) months, unless otherwise specified by the Zoning Board of Appeals, and within such period of effectiveness, actual, on-site improvement of the property in accordance with the approved plan and the relief granted, under a valid building permit, must be commenced or grant of relief shall be deemed void.

All correspondence and notices regarding this application will be sent to the individual identified as the applicant on this form.

I certify that all of the information that has been provided in this application is accurate

Signature of Applicant [Signature]

Printed Name TWEN SHARRALL

Signature of Owner [Signature]

Printed Name TWEN SHARRALL

DEPARTMENT USE ONLY

Date Received _____ Case Number _____ Fee Paid _____ Hearing Date _____

DECISION-MAKING INFORMATION

Non-Use Variance – A variance from any standard requirement of the ordinance (i.e. deviation from setback, parking, landscaping, sign standards, density, height or bulk regulations). The ZBA may grant a non-use variance **ONLY** upon the finding that a **PRACTICAL DIFFICULTY EXISTS**. Responses to the following questions will allow the ZBA to make the determination.

- 1. Why would strict compliance with the zoning ordinance prevent you from using your property or be unnecessarily burdensome?

Using this style of lighting will also provide better security for the station.

- 2. Explain how the variance will do substantial justice to the applicant, as well as to other property owners.

Our customers will see the station much easier. There will know what fuel we are selling. It will clearly identify the station branding. Branding is extremely important in the fuel business. The lighted fascia makes us visible at night and branding will be easy to determine.

- 3. Would a lesser variance allow you to use the property as desired? Explain.

Yes, the oil company would have proper branding for the station. Customers would know what we are selling and who we are while driving down the street with lighted fascia. The lighted fascia is very important to the success of the business. It will show our customers who we are at night.

- 4. Describe the circumstances unique to your property and not generally applicable in the area or to other properties in the zoning district.

With lighted fascia the station will be more visible from the street. Our customers decide quickly on where to stop and make their purchases.

- 5. Explain why the requested variance is not self-created (due to the actions of the applicant, owner, or the predecessors).

The fascia is lighted because this is what the oil companies have determined will help make a gas station successful.

DECISION-MAKING INFORMATION

Use Variance – A variance that permits a use that is otherwise prohibited in a zoning district. The ZBA may grant a use variance **ONLY** upon the finding that an **UNNECESSARY HARDSHIP EXISTS**. Responses to the following questions will allow the ZBA to make this determination.

1. Why can't the property be used for a use that is permitted in the zoning district?

Night time lighting on canopy fascia and deck lighting provide customers with more of a sense of security.

2. Describe the circumstances unique to your property and not generally applicable in the area or to other properties in the zoning district.

Gas stations are visited differently than most businesses. The more lighting the safer our customers feel. Women in particular feel that the lighting at a station is critical.

3. Explain why the requested variance is not self-created (due to the actions of the applicant, owner, or their producers).

The fascia lighting would provide more awareness of our gas station. The lighted fascia is part of the oil company's branding. They expect to see it at all of the stations in the area.

4. Is the proposed use compatible with the existing uses and character of the area? Explain.

With canopy fascia lighting this will provide the customer a sense of security.



City of Walled Lake
Department of Planning and Development
1499 E. West Maple Road, Walled Lake, MI 48390
Phone (248) 624-4847 - Facsimile (248) 624-1616

ZONING BOARD OF APPEALS APPLICATION

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Applicant* Iven Sharrak

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Phone Number (734) 516-4250 Fax Number (248) 575-0301

Owner of Record Iven Sharrak Phone Number (734) 516-4250

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(Circle One) N S W of Pontiac Trail Road between West Maple and W. Walled Lk. Dr. Roads

Zoning of adjacent properties: North C-2 South C-2 East C-2 West C-8

7. Other (Specify) _____

Proposed Improvement: Resurfacing of existing canopy fascia and adding two (2) vinyl Wow signs, building sign, gold post sign, and dispenser signage.

Description of variance requested (attach additional pages if more than one variance is being requested) _____
Variance request is for Wow signage on canopy fascia and signage on fueling dispensers.

ATTACH THE FOLLOWING:

- A. Site plan drawing to include the following
- | | |
|--|--|
| <input type="checkbox"/> Property boundaries | <input type="checkbox"/> Existing and proposed buildings |
| <input type="checkbox"/> Topographic relief | <input type="checkbox"/> Existing and proposed roads and utilities |
| <input type="checkbox"/> Existing zoning | <input type="checkbox"/> Existing natural features |
| <input type="checkbox"/> Setback lines | <input type="checkbox"/> Auto ingress and egress |
| <input type="checkbox"/> Parking and loading areas | <input type="checkbox"/> Landscaping |
| <input type="checkbox"/> North arrow | <input type="checkbox"/> Scale |
| <input type="checkbox"/> Who prepared drawing | <input type="checkbox"/> Preparation date |
- B. Photographs illustrating conditions on the site related to the proposed variance are helpful and must be included.

Have there been any previous variance requests involving this property? (Check one) Yes _____ No

Approximate date (Month/Year) _____

Disposition of the case _____

PERIOD OF VALIDITY

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All correspondence and notices regarding this application will be sent to the individual identified as the applicant on this form.

I certify that all of the information that has been provided in this application is accurate

Signature of Applicant 

Printed Name Tuyen SHARRAHL

Signature of Owner 

Printed Name Tuyen SHARRAHL

DEPARTMENT USE ONLY

Date Received _____ Case Number _____ Fee Paid _____ Hearing Date _____

DECISION-MAKING INFORMATION

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- 1. Why would strict compliance with the zoning ordinance prevent you from using your property or be unnecessarily burdensome?

Other gas stations in the area have signs similar to what we are trying to use. We'd like to have the same consideration as the other gas stations. The oil companies require this signage to be branded properly.

- 2. Explain how the variance will do substantial justice to the applicant, as well as to other property owners.

Our customers will see the station much easier. They will know what fuel we are selling.

- 3. Would a lesser variance allow you to use the property as desired? Explain.

Yes, the oil company would have proper branding for the station. Customers would know what we are selling and who we are while driving down the street.

- 4. Describe the circumstances unique to your property and not generally applicable in the area or to other properties in the zoning district.

Gas stations must have branding and be very visible from the street. Our customers decide quickly on where to stop and make their purchase.

- 5. Explain why the requested variance is not self-created (due to the actions of the applicant, owner, or the predecessors).

N/A

DECISION-MAKING INFORMATION

Use Variance – A variance that permits a use that is otherwise prohibited in a zoning district. The ZBA may grant a use variance **ONLY** upon the finding that an **UNNECESSARY HARDSHIP EXISTS**. Responses to the following questions will allow the ZBA to make this determination.

1. Why can't the property be used for a use that is permitted in the zoning district?

We are permitted. It's more about branding which is unique to the gas station industry.

2. Describe the circumstances unique to your property and not generally applicable in the area or to other properties in the zoning district.

Gas stations are visited differently than most businesses. The general public needs easy access and very visible signage to make quick decisions on stopping for fuel.

3. Explain why the requested variance is not self-created (due to the actions of the applicant, owner, or their producers).

The signage is part of the brand awareness of our gas station. Customers know us and visit because of our signage/branding.

4. Is the proposed use compatible with the existing uses and character of the area? Explain.

Yes, we will be just like other stations in the area. Our signs are similar to other branded stations.

WOW Station
670 N. Pontiac Trail

Dispensers

Valance	Height	Width	Square Feet
WOW!	9"	1'2"	<u>1.19</u>
Total Valance Per Side			1.19

Canopy

Sign	Height	Width	
WOW!	1"-10"	5'6"	<u>10.08</u>

Door

WOW! Door	9"	1'7"	<u>1.19</u>
Total Door Per Side			1.19

Total Dispenser Per Side 2.38

Total for 6 Dispensers
(Disp x signage x 2 sides) 28.50

Total for 3 Canopy Signs 30.25

Road MID

GoalPost Sign	Height	Width	
WOW!	3'	5'	<u>15.00</u>

Total for 2 Sides Goalpost Sign 30.00

Wall Sign

Sign	Height	Width	
WOW!	3'2"	6'7"	<u>20.85</u>

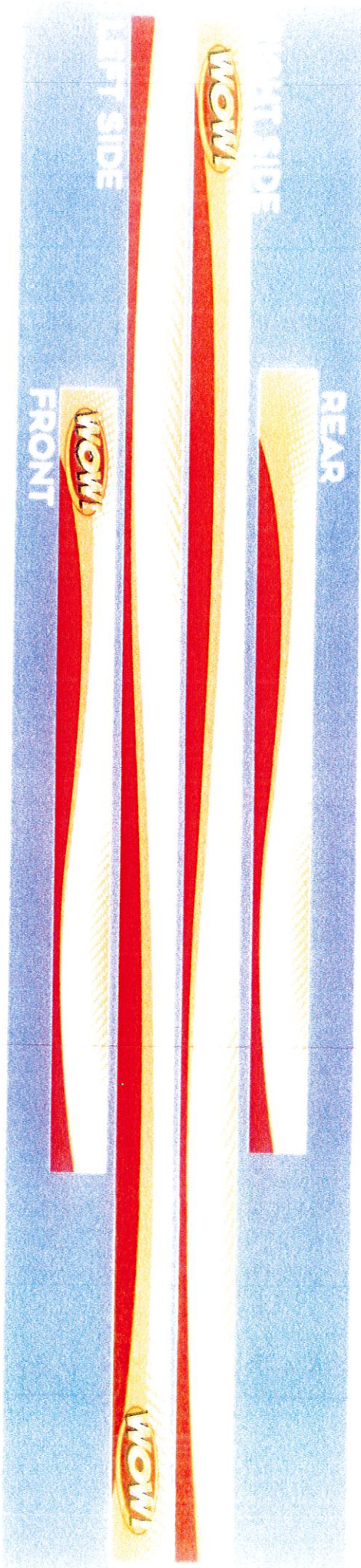
Total for 1 Canopy Signs 20.85

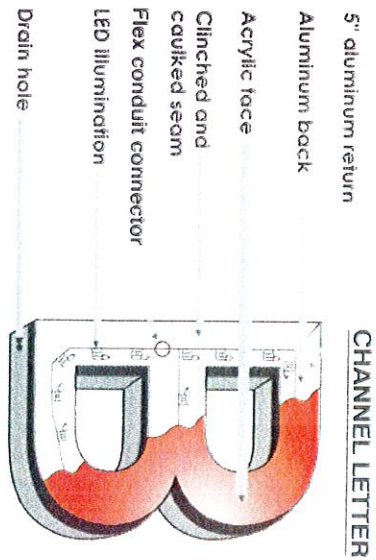
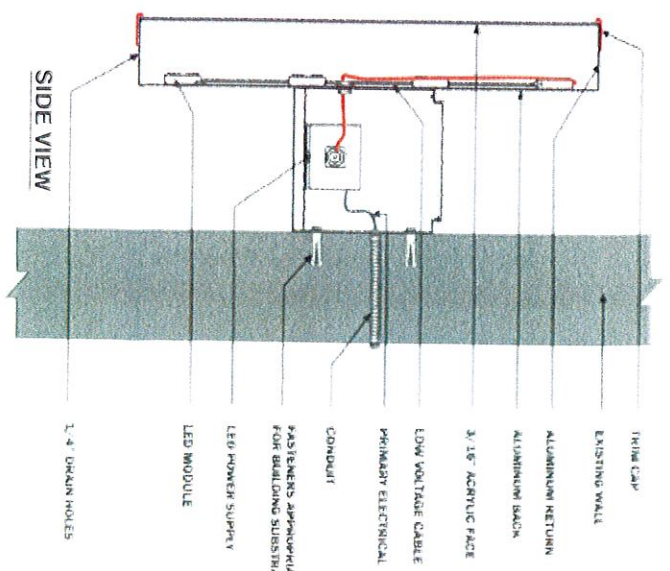
Total Overall "Wow" Signage 109.60



670 N. PONTIAC TRAIL

NEW





95.4 sq/ft Sign
 Building Width-106' Height-32'

FAST SIGNS
 More than fast. More than signs.®

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www.fastsigns.com/2099
 2099 @fastsigns.com

3957 Baldwin Rd.
 Auburn Hills, MI 48326

PROJECT NAME WOW Walled Lake DATE 3/23/2018 CLIENT APPROVAL _____
 PROJECT LOCATION 670 N Pontiac Trail, Walled Lake, MI LANDLORD APPROVAL _____


 INSTALLATION


 INTERACTIVE & DIGITAL


 GRAPHIC DESIGN


 EXHIBITS & DISPLAYS
Add


 SIGNS & GRAPHICS


 PROMOTIONAL PRODUCTS


 CORPORATE IDENTITY


 SHIPPING & STORAGE



ASB

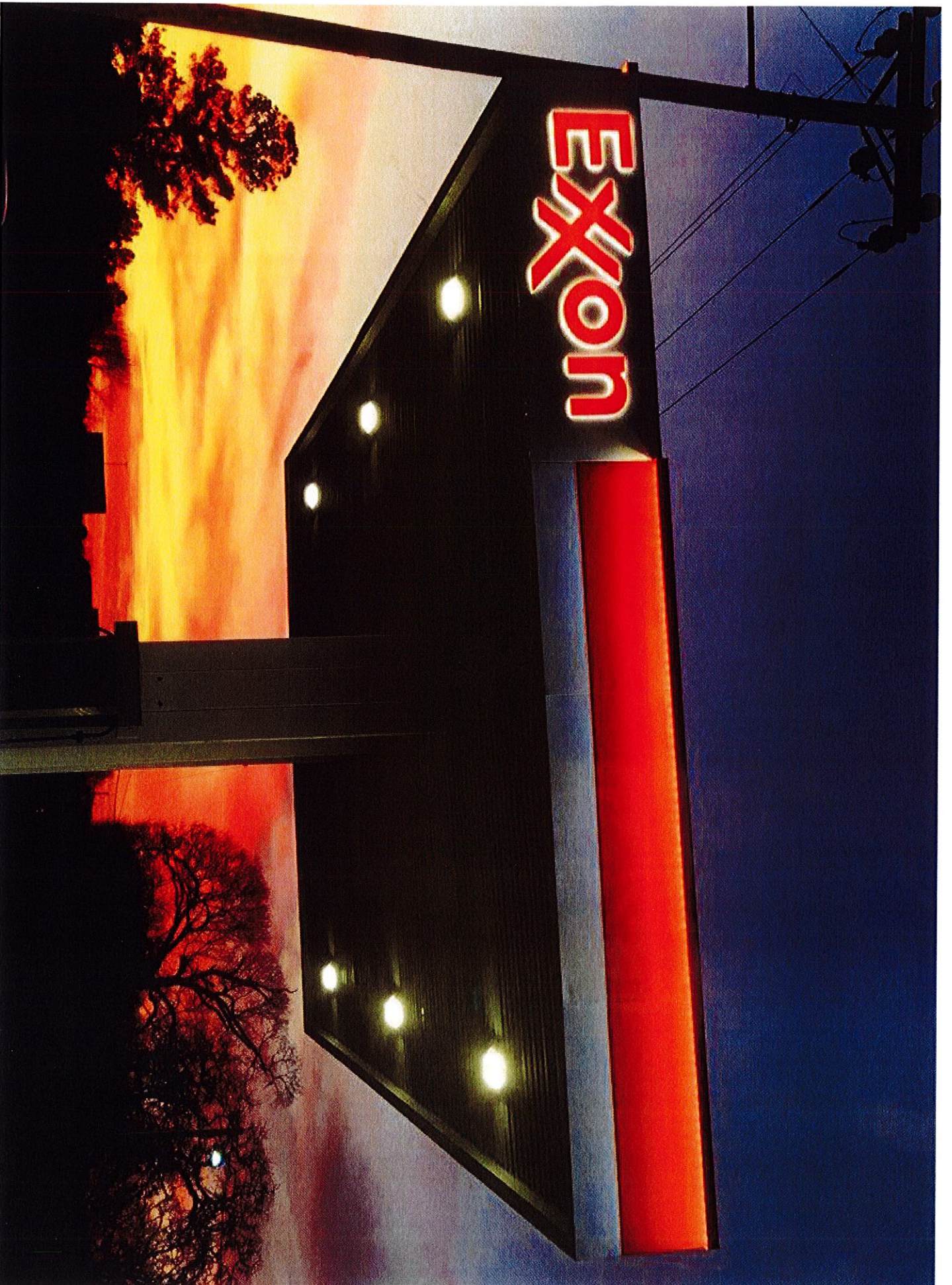
Introducing the new 2Di canopy fascia

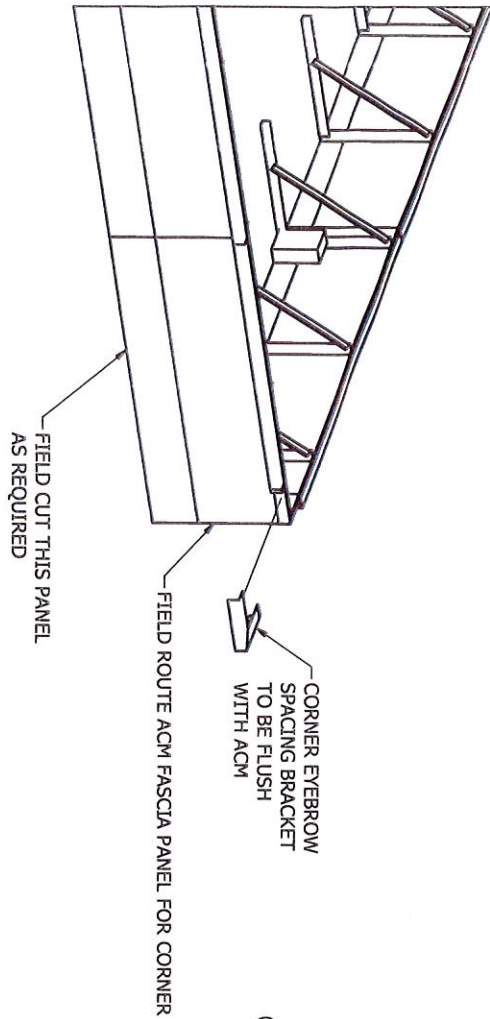
- Designed a breakthrough solution to provide a cleaner and crisper look
 - Reduces maintenance costs and improves appearance
 - Used exclusively with the new sleeker, lower cost Exxon or Mobil logo
 - Delivers up to 25% cost savings over the current 3D system
 - Complements Synergy Wave and Blade LEDs
 - Can retrofit existing 2D fascia hardware with an illuminated "eyebrow" system
 - Uses LED technology for improved lighting and long-term maintenance/energy savings
 - Available from LSI and Federal Health (other suppliers coming soon)
- Visit <http://www.emusretailsiteimage.com/> for more information

ExxonMobil

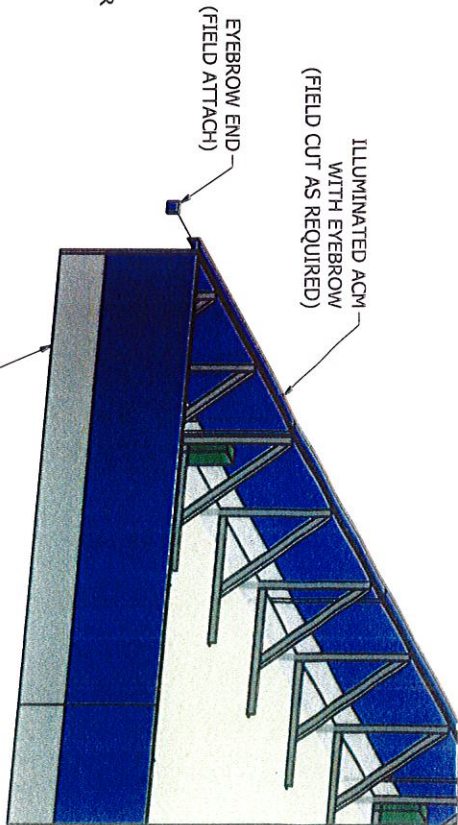
Energy lives here







CORNER W/ 2 SIDES ILLUMINATED



CORNER W/ 1 SIDE ILLUMINATED, 1 SIDE NON-ILLUMINATED

THIS DRAWING IS FOR REFERENCE ONLY. SEE SITE SPECIFIC LAYOUT INCLUDED WITH ACM.

JKS	7/5/17
BY	DATE
EXXON-MOBIL	
JOB NUMBER	
3 of 3	



MCKENNA

December 6, 2018

Zoning Board of Appeals
City of Walled Lake
1499 E. West Maple Road
Walled Lake, Michigan 48390

Subject: Variance Request for Additional Signage
Location: 670 N Pontiac Trail
Zoning: C-2 General Commercial District
Applicant: Iven Sharrak

Dear Board Members:

We have reviewed the above referenced variance application submitted by Iven Sharrak to construct additional wall and canopy signage. The subject site is located on 0.728 acres of commercially zoned land at 670 N. Pontiac Trail, southwest of the intersection of Pontiac Trail and West Maple Road.

VARIANCES

WOW Station, located at 670 N. Pontiac Trail, has submitted a request for 84.50 square feet of signage that includes:

- 54.25 sq.ft. for signage on gas pumps; and
- 30.25 sq. ft. for canopy signage
- 95.4 sq. ft. for wall singage

WOW Station has previously been approved for:

- 88.71 sq. ft. of wall signage; and
- 85 sq. ft. for their pole sign.

Under *Section 20.05.(b) Exempt Signs*, permanent signs on gas pumps, are exempt from obtaining a sign permit.

Under *Section 20.08.(h) Awnings and Canopies*, canopy signs are to be included in the total area of wall signs permitted. In the C-2 zoning district, the maximum wall signage allowed is 90 sq.ft. **WOW's request for an additional 125.65 sq.ft. of signage would exceed the maximum allowed square footage for wall signs by 124 square feet.**

Furthermore, under *Section 20.06 (a)*, the total square footage for signage allowed on a building the size of WOW's store is 175 square feet. The existing wall and pole sign total 173.71 sq. ft. **WOW's request for additional 125.65 sq. ft. of signage would exceed the maximum allowed square footage by 125 square feet.**

Based on Sections 20.05(a) and 20.08.(h), the proposed 30.25 sq.ft canopy signage and 95.4 sq. ft. of wall signage do not meet the requirements of the Walled Lake Sign Ordinance.

COMMENTS

HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

☎ 248.596.0920
☎ 248.596.0930
MCKA.COM

Communities for real life.



Per Section 23.04(b), the Board must, prior to acting on a proposed variance, consider and make findings regarding several factors. The Board may grant a dimensional or non-use variance upon a finding that practical difficulties exist. **To meet the test of practical difficulty, the applicant must demonstrate ALL of the following:**

- a. **Compliance with Ordinance standards prevents use of property or is unnecessarily burdensome.** The Sign Ordinance was developed to allow businesses to place wall signage on their building facing the road and freestanding signage to promote their building. The intent of the ordinance is to protect the health, safety, and welfare of the City by limiting excessive signage that can be distracting and cause traffic hazards. Other businesses in the area are able to comply with the sign ordinance.
- b. **The variance will provide substantial justice to the applicant as well as to other property owners.** The current signage for the property meets the sign ordinance requirements. Other businesses in the area are regulated by the same sign ordinance standards.
- c. **Variance requested is minimum possible.** The applicant can meet the requirements of the sign ordinance. Their request for over two times the allowed amount of signage for walls and over 125 square feet of the total allowed signage for the site. The additional signage exceeds the threshold for the minimum variance possible.
- d. **Need for variance(s) is due to unique circumstances peculiar to the property.** The property has been redeveloped for the WOW Gas Station. The lot is similar to other lots on Pontiac Trail that have not required a variance for their signage.
- e. **Problem necessitating variance is not self-created.** The applicant has not presented any evidence that the problem necessitating the variance is not self-created.

CONSIDERATION

We recommend that the Zoning Board of Appeals consider the findings above, and any additional information presented and discussed by the applicant, Board, and/or the public during the public hearing and incorporated into the record prior to any findings being made, when making a determination for the variances requested for the property located at 670 N Pontiac Trail. Our review of the submitted application finds that the applicant does not meet the required findings of fact for determining practical difficulty.

Respectfully submitted,

McKENNA

Sincerely,

Michael Deem, AICP
Principal Planner