

**MINUTES OF THE CITY OF ROMULUS REGULAR MEETING OF THE  
BOARD OF ZONING APPEALS HELD ON WEDNESDAY, NOVEMBER 3, 2010**

1. The meeting was called to order by Chairman Bussard at 7:00 p.m.
2. Roll Call Showing: Ken Mientkiewicz, Sheldon Chandler, Emery Long,  
Melvin Zilka, Dan Bussard  
Excused: Don Morris  
Also in attendance: Cynthia I. Lyon, AICP, Planning Director
3. Motion by Zilka supported by Long to approve the agenda as presented. Roll Call Vote:  
Ayes – Zilka, Long, Mientkiewicz, Chandler, Bussard. Nays – none. Motion Carried.

Agenda

1. Pledge of Allegiance
2. Roll Call
3. Approval of Agenda
4. Approval of the minutes of the regular meeting of the Board of Zoning Appeals held on October 6, 2010.
5. Petitions
  - A. BZA-2010-015, Aver Sign Company, requesting variances from the City of Romulus, Michigan Code of Ordinances, Chapter 29 Signs, as follows:
    1. Requesting a variance to allow the sign height to be 21'-8". The Sign Ordinance only permits a maximum sign height of 15'; therefore a 6'-8" height variance is required.
    2. Requesting a variance to allow the sign to remain on the corner within the clear vision area. The Sign Ordinance does not permit signs to be located within the clear vision area; therefore a variance is required.
    3. Requesting a variance to allow the total sign area to be 166.32-square feet. The Sign Ordinance only permits a maximum total sign area of 80-square feet; therefore, a 86.32-square foot sign area variance is required.The subject property is located at 31341 Van Born Road. DP#'s 82-80-006-99-0016-000.
6. Old Business
7. New Business
8. Communications
9. Discussion

10. Adjournment

4. Motion by Mientkiewicz supported by Chandler to approve the minutes of the regular meeting of the Board of Zoning Appeals held on October 6, 2010. Roll Call Vote: Ayes – Mientkiewicz, Chandler, Bussard. Abstain – Zilka, Long. Nays – none. Motion Carried.

5. Petitions

A. BZA-2010-015, Aver Sign Company, requesting variances from the City of Romulus, Michigan Code of Ordinances, Chapter 29 Signs, as follows:

1. Requesting a variance to allow the sign height to be 21'-8". The Sign Ordinance only permits a maximum sign height of 15'; therefore a 6'-8" height variance is required.
2. Requesting a variance to allow the sign to remain on the corner within the clear vision area. The Sign Ordinance does not permit signs to be located within the clear vision area; therefore a variance is required.
3. Requesting a variance to allow the total sign area to be 166.32-square feet. The Sign Ordinance only permits a maximum total sign area of 80-square feet; therefore, a 86.32-square foot sign area variance is required.

The subject property is located at 31341 Van Born Road. DP#'s 82-80-006-99-0016-000.

Let the record show that an affidavit of first class mail has been shown and is on file.

Terry Ulch, Aver Sign Company, came forward to represent the petition.

- Mr. Ulch stated the gas station owner signed a contract with Sunoco, which is the reason for the new sign.
- Mr. Ulch stated the Building Department denied the sign permit application submitted for the proposed Sunoco sign, which is the reason for the requested variances.
- Mr. Ulch stated the proposed sign is designed to give enough time to be readable on a 45 – 50 mph road and be able to make a decision to turn into the gas station.
- Mr. Ulch stated with the numbers on the sign measuring 14" and 10" tall that would give the driver approximately 6 seconds to make a decision, which is the minimum amount of time that you would want a driver to be able to see a sign, read it and make a decision.
- Mr. Ulch stated the Speedway sign across the street has two signs with numbers measuring 24" tall that provide 2-1/2 times more visibility than the sign being proposed and noted that even though the Speedway gas station is in a different City they are still a direct competitor.
- Mr. Ulch stated the proposed sign is the minimum size that can be utilized in order to provide the best readability for the gas station and since they are only changing the brand they do not want a sign smaller than what currently exist.
- Mr. Ulch stated the proposed height of 21' 8" is to provide an 8' under clearance so there would be no problem with visibility of the pedestrian sidewalk traffic or the nearby driveway traffic.
- Mr. Ulch stated if the Board wished they would comply with the 5' under clearance that is currently provided by the existing sign.

- Mr. Ulch stated they do not want to lose the readability of the existing sign just because they are changing the brand to Sunoco, if the sign is reduced to a 40 square foot sign the numbers would only measure 8" tall and only be visible from 300 feet away.

Chairman Bussard asked if anyone wished to speak on this matter.

- Faissal Bassi, property owner, 31341 Van Born, Romulus, MI 48174, came forward and stated that he has owned the gas station for 17 years and he changed the brand to Sunoco because BP would not help to maintain the gas station.
- Mr. Bassi stated the existing BP sign is currently being covered by a temporary Sunoco sign, which makes the gas station look bad and is not visible at night.
- Mr. Bassi stated the Speedway gas station across the street has two signs that each equals two of his sign.
- Mr. Bassi stated that he agreed with the presentation given by Mr. Ulch and requested that the Board grant him approval for the sign as proposed.

Chairman Bussard closed the public hearing and opened the meeting for comments by the Board as follows:

- Mr. Long stated there are a lot of accidents that occur at that intersection and agreed that the under clearance is an important issue that needed to be considered.
- Mr. Ulch stated the two safety concerns are: 1) being able to read the sign and make a decision without having to brake hard or turn abruptly and 2) the under clearance should be considered and an 8' under clearance would definitely provide a clear view of any pedestrian and/or vehicle traffic at or near the gas station.
- Mr. Long questioned if any additional landscaping was being proposed under the new sign.
- Mr. Ulch stated the intent is to put the proposed sign on the existing footing without altering the existing landscaping.
- Mr. Zilka stated he visited the site and found two footings on the property from previous signs and questioned if they intended to remove the unused footings.
- Mr. Ulch stated the two unused footings would be removed.
- Mr. Zilka stated he believed the shrubs around the sign should also be removed in an effort to provide better visibility.
- Mr. Chandler questioned if the Sunoco sign at the corner of Wayne and Van Born Road was a temporary sign.
- Ms. Lyon stated the Sunoco sign located at the corner of Wayne and Van Born Road is a temporary sign and the new proposed sign for that location is scheduled to come before the Board next month requesting variances; and therefore, the Board needed to keep in mind that the action taken on the case before them would set precedence.
- Mr. Chandler stated that he had no trouble seeing the temporary Sunoco sign located at the corner of Wayne and Van Born.
- Mr. Mientkiewicz questioned if the sign face could be reconfigured to move the gas price sections of the sign upward and move the "Official Fuel Of Nascar" section down to the bottom.

- Mr. Ulch stated the sign consisted of modular sections and could be physically bolted in a different array, but the height of the sign from the ground is designed to provide under clearance visibility for the safety of pedestrian/vehicle traffic.
- Mr. Ulch stated the gas price modular sections are probably better located lower to the ground as far as readability, which is designed to have the numbers large enough to be readable at a safe distance away for motorist to be able to make a decision.
- Mr. Ulch stated that they had no problem complying with the 5' under clearance that is currently provided by the existing sign.
- Mr. Mientkiewicz confirmed that the sign facing could be reconfigured without changing the size of the sign.
- Mr. Ulch stated the sign could be installed with shorter poles to be lower to the ground, which would provide less of an under clearance and that the modular sections could be moved around but that would not provide any benefit.
- Mr. Mientkiewicz stated if the gas price modular sections were moved upward it would provide better visibility.
- Mr. Mientkiewicz stated that he thought the existing sign poles were being used for the proposed sign.
- Mr. Ulch stated they would like to use the existing poles but the poles are owned by the BP wholesaler not the property owner.
- Mr. Mientkiewicz questioned if the property owner purchased the property but not the sign.
- Mr. Ulch stated it is common in the industry for the distributor to provide the sign.
- Mr. Bussard questioned if the petitioner worked a lot with Sunoco.
- Mr. Ulch stated he works for approximately 600 gas stations a year from all the brands.
- Mr. Bussard stated the sign appeared to be a standard two pole sign and questioned if Sunoco offered a single pole sign.
- Mr. Ulch stated that Sunoco no longer made single pole signs.
- Mr. Bussard questioned if the intent would be to place the post configuration so the sign is legible from the most highly traveled road, and if so, does that mean that Merriman Road is more traveled than Van Born Road since the sign is designed to face north and south.
- Mr. Ulch stated that he did not know the traffic pattern of the area but the property owner was happy with the location of the existing sign and wanted to reuse the existing footing.
- Mr. Bussard stated it would seem logical to have the sign facing the most heavily traveled roadway or even to consider having the sign placed at an angle.
- Mr. Ulch stated placing the sign at an angle would cause the LED portion of the sign that advertises the gas prices to be cut off and not visible to traffic.
- Mr. Bussard questioned if Sunoco only used LED signs.
- Mr. Ulch stated that Sunoco also had placard style signs, which are not as effective and creates safety issues because those style signs must be manually changed.
- Mr. Mientkiewicz questioned the size of the numbers on the existing BP sign.
- Mr. Ulch stated the numbers measure 12" tall on the existing BP sign.

- Mr. Mientkiewicz confirmed that the proposed sign has 14" and 10" tall numbers.
- Mr. Mientkiewicz again commented that if the gas price modular sections were moved upward it would provide better visibility.
- Mr. Ulch stated it is required that both the cash and credit prices be displayed on the sign if the pricing is different, therefore, the lower price is displayed with the larger number size in order to make it stand out; in addition, it is necessary to advertise the diesel fuel price on the sign.
- Ms. Lyon stated the Sign Ordinance was recently updated and adopted in August of 2008 and at that time this Board, the Planning Commission and the City Council looked at standards for all retail uses, gas stations included, and the goal, desire and intent from those bodies, as well as, indicated in the Master Plan was to reduce the sign sizes along our corridors in order to reduce the sign clutter and distractions to drivers.
- Ms. Lyon stated another sign variance is scheduled to come before the Board of Zoning Appeals at their next meeting so precedence is important when taking action on this case.
- Ms. Lyon stated the height of the existing sign is 17' 8", which is closer to the Ordinance requirement of 15' and would be permitted without the need for a variance if the applicant was able to keep the existing two sign posts and just replaced the sign face of the existing sign, but the applicant is asking for an increase over what currently exist.
- Ms. Lyon stated because the applicant submitted a very poor plot plan that did not show the existing right-of-way or provide any dimensions, it is very difficult to determine the actual visibility at the intersection; however, the location of the sign may have merit based on the measurement of the corner clearance from the sidewalk.
- Ms. Lyon stated the Ordinance only allows 40 square feet per side with a total area of 80 square feet, the applicant is asking for almost double that making it a very large variance.
- Ms. Lyon stated the Ordinance only allows a sign height of 15 feet, however, in an effort to provide better visibility a sign height exceeding that requirement could be understandable but without an actual dimension plot plan it is difficult to make a better recommendation on that issue; in addition, a 5' under clearance is provided by the current sign, which according to the applicant has worked out well.
- Ms. Lyon stated as we are aware the brand and identity of gas stations is not only seen in their signs but in the brand colored bands along the canopies and buildings, which further point out the fact that a gas station is approaching and draws your attention to look for a price sign if that is what you are seeking to do.
- Ms. Lyon stated that obviously the gas station in the other community has different regulations but it should be noted that their signs are set back substantially from the corner of the property, which may have warranted the larger sizes.
- Ms. Lyon stated that similar to Romulus, Wayne and Westland communities have gas stations on almost every corner and the gas stations that have been redeveloped further north and west through those communities have new signs installed that are smaller than what is being proposed.

- Ms. Lyon stated that every corporate company has their prototypical most desired sign, which is always the largest, biggest and tallest that they can get, but they also have other design styles that may meet our intent and be more suitable for this location.
- Ms. Lyon stated we tried to work with the applicant on other sign alternatives and they were set on this particular design, however, we believe that it could be redesigned with less of a variance required.
- Ms. Lyon concluded that the applicant is asking for a sign area almost double what the Ordinance allows and a height increase over what already exists, which is very difficult to justify and the reason it was found that they did not meet a necessary hardship and recommended that both request be denied.
- Mr. Mientkiewicz questioned why the sign rendering submitted did not show both the cash price and credit price if the State required that both be displayed.
- Mr. Ulch stated the proposed sign would be the same configuration and size as the sign rendering submitted but would display “Regular Cash” rather than “Regular Self” and “Regular Credit” rather than “Plus Self” and “Diesel” would remain the same.
- Mr. Ulch stated the proposed sign is Sunoco’s middle of the road sign and is designed to provide visibility from a distance and for locations that have higher traffic speeds.
- Mr. Zilka questioned if this is the only sign design that Sunoco offered.
- Mr. Ulch stated there are three different versions of the proposed sign a smaller version that has 8” numbers and a larger version that has 24” numbers.
- Mr. Zilka questioned what the alternative option would be if the variances were denied.
- Mr. Ulch stated they did not have an alternative option.
- Mr. Zilka questioned why the applicant could not provide an alternative design that would be more compatible with the Ordinance.
- Mr. Ulch stated an alternative design could be provided but a sign that would comply with the sign regulations would affect the readability of the sign and hinder Mr. Bazzi’s business.
- Mr. Zilka stated the purpose of the updated Sign Ordinance is to clean up the sign clutter and therefore, the Board could not allow them to double the size of the maximum sign area permitted or every business owner would be requesting a variance to do the same.
- Mr. Zilka questioned why the logo is needed above the sign price modular sections since the gas station has been painted to match the Sunoco brand colors and everyone knows it is a Sunoco.
- Mr. Ulch stated the logo is a consistency in brand, it is a nice image and is no more obtrusive and actually has less square footage than what currently exist.
- Mr. Ulch stated they are trying to come closer to the spirit of the Ordinance with less square footage and they would keep the 5’ under clearance that currently exist, but they are also trying to maintain brand recognition and readability with a sign that is practical.

- Mr. Ulch stated the Ordinance requirement of 40 square feet is not practical for this gas station, which is located on the outskirts of the City, on a road with 45 – 50 mph traffic and with a gas station across the street that has two signs double the size.
- Mr. Zilka stated anyone that prefers Sunoco gasoline could spot the gas station a half mile away because of the brand colors on the canopy and building.
- Mr. Ulch stated the proposed sign is less square footage than what currently exists and is aesthetically pleasing.
- Mr. Zilka stated the existing sign was installed prior to the updated Sign Ordinance, which changed in an effort to clean up the sign clutter.
- Mr. Ulch stated the existing sign is practical for that location, which is designed for a 45 – 50 mph road.
- Mr. Ulch stated a maximum sign area of 40 square feet per side is not practical for a location on a 45 – 50 mph road because it does not allow a lot of content especially when you have to display three price modular sections that are readable.
- Mr. Chandler referred to a previous variance request for Advance Auto Parts that also claimed their oversized proposed sign was corporate standard and yet at the same time another Advance Auto Parts in Brownstown installed a new sign that was only 6 – 8 feet off the ground.
- Mr. Ulch stated a sign 6 – 8 foot tall and 8 foot wide may have been practical for a sign that only displayed “Advance Auto Parts” on it, the letters would be 24” tall and readable.
- Mr. Chandler questioned if the proposed sign was the only corporate standard size sign.
- Mr. Ulch stated in addition to the proposed sign there is a larger sign and a smaller sign and the smaller sign has 8” LED digits, which is not practical from a readability standpoint on a 45 - 50 mph road.
- Mr. Chandler questioned the angle at which the LED visibility is lost on the sign.
- Mr. Ulch stated the LED readability starts to diminish after the 60 degree point.
- Mr. Chandler questioned at what point the LED portion of the sign would be visible to traffic on Van Born Road.
- Mr. Ulch stated the LED portion of the sign would be visible to traffic on Van Born Road at 450 feet away and be readable for 6 seconds.
- Mr. Chandler stated he would like to see a rendering of the smaller version of the corporate standard sign.
- Mr. Ulch stated the smaller version sign would not work at that location and would be a disservice to Mr. Bazzi.

Motion by Chandler supported by Zilka to deny BZA-2010-015, Aver Sign Company, a 6’-8” height variance to allow a sign 21’ 8” in height based upon a finding of no practical difficulty as detailed in the Planning Director’s memorandum dated October 14, 2010. The subject property is located at 31341 Van Born Road. DP#’s 82-80-006-99-0016-000. Roll Call Vote: Ayes – Chandler, Zilka, Long, Mientkiewicz, Bussard. Nays – None. Motion Carried.

Motion by Mientkiewicz supported by Chandler to grant approval to BZA-2010-015, Aver Sign Company, a variance to allow the sign to be located within the clear vision area based upon a finding of a practical difficulty as detailed in the Planning Director's memorandum dated October 14, 2010 and conditioned upon the following:

1. The height not to exceed 15 feet.
2. The sign area not to exceed 40 square feet per side or 80 square feet total.
3. The clear area under the sign be maintained at no less than 5 feet.
4. Proper permits be obtained from the Building Department.
5. Remove shrubs from around the existing sign.
6. Remove footings from all former signs.
7. Single Pole or Two Pole Design.

The subject property is located at 31341 Van Born Road. DP#'s 82-80-006-99-0016-000. Roll Call Vote: Ayes – Mientkiewicz, Chandler, Long, Zilka, Bussard. Nays – None. Motion Carried.

Motion by Zilka supported by Mientkiewicz to deny BZA-2010-015, Aver Sign Company, a sign area variance of 43.16 square feet per side and a total sign area of 86.32 square feet to allow a sign face of 83.16 square feet per side and a total of 166.32 square feet based upon a finding of no practical difficulty as detailed in the Planning Director's memorandum dated October 14, 2010. The subject property is located at 31341 Van Born Road. DP#'s 82-80-006-99-0016-000. Roll Call Vote: Ayes – Zilka, Mientkiewicz, Chandler, Long, Bussard. Nays – None. Motion Carried.

6. Old Business – None.
7. New Business – None.
8. Communications – None.
9. Discussion
10. Motion by Zilka supported by Long to adjourn the meeting at 7:56 p.m. Roll Call Vote: Ayes – Zilka, Long, Chandler, Mientkiewicz, Bussard. Nays – none. Motion Carried.