

A motion was made by Verschueren, seconded by McGunn, that the Minutes be Approved as Presented.

The motion CARRIED by the following vote:

Aye 5 - Duistermars, Brnabic, Verschueren, Colling and McGunn

Absent 2 - Brennan and Monaghan

RESOLVED that the Minutes of the September 24, 2008 Regular Zoning Board of Appeals Meeting be approved as presented.

5. ANNOUNCEMENTS/COMMUNICATIONS

- A. Planning & Zoning News, August 2008 Edition
- B. Michigan Planner, September/October 2008 Edition

Chairperson Colling noted the Board had received copies of the above documents and called for any other announcements or communications. No other announcements or communications were provided.

Chairperson Colling stated that the procedure for conducting Public Hearings was outlined on a flyer located in the rear of the auditorium. He stated that any and all evidence, and any documents or exhibits submitted during tonight's proceedings, would be included as part of the public record of the meeting. He reminded the Board and the audience that all questions should be directed to the Chair.

6. NEW BUSINESS

6A. 2008-0542 **SIGN BOARD OF APPEALS**
PUBLIC HEARING - FILE NO. 98-047.2

Location: 1488 N. Rochester Road, located at the southeast corner of the intersection of Rochester Road and Tienken Road, identified as Parcel Number 15-11-103-004, zoned PUD (Planned Unit Development) with an underlying zoning of B-2 (General Business).

Request: A request for a variance of 24 inches to allow a wall sign pursuant to Section 134-1 (Definitions) which limits an on-premises sign placed against the exterior wall to project no more than 12 inches from the wall or surface and which does not project above the roof or parapet line. The submitted application proposes a corner sign that would project 36 inches beyond the face of the building.

Applicant: Harmon Sign Company/Planet Neon
46593 Grand River Avenue
Novi, Michigan 48374

Chairperson Colling noted the Board would act as the Sign Board of Appeals; read the request for the record, and invited the applicant to come forward to the presenter's table, state his name and address for the record, and provide a brief summary of the request. He noted that any documents or other materials submitted at this meeting would become part of the permanent record.

Jeff Johnson, Harmon Sign, 46593 Grand River Avenue, Novi, Michigan, was present, along with Francis Aragona, Project Manager for the City Walk Development located at Rochester Road and Tienken Road. Also present was Dan Strauss, one of the four owners of the Shield's Restaurant, 1488 Rochester Road.

Mr. Johnson stated they were requesting a double-sided wall sign at the front elevation of the building facing Rochester Road. He explained they were calling it the front elevation because it was the Rochester Road elevation. He noted the entryway into the restaurant actually faced south and was on the southern elevation of the building. He explained in looking at the design elements on the building and how to best identify the building with signage, they encountered numerous difficulties with architectural features built into the front elevation of the building, as well as some obscured visibility coming from the south to the north with a large row of trees along the elementary school property. He stated they tried to come up with both aesthetically pleasing signage, as well as visible signage so as to not create a traffic hazard or difficulties for patrons trying to locate the building.

Mr. Johnson provided the Board with some photographs of the building that showed the canopies built on the front that made it difficult to put what would be considered a typical wall sign at the location. Chairperson Colling advised the applicant that the photographs would be placed on file and become a part of the record hereof.

Mr. Johnson stated that their hardship was truly the lack of visible identification, and the fact the site was very unique insomuch as there was a building to the north and a building to the south that somewhat obscured the visibility to the north and southbound traffic. He pointed out there was also a large archway that identified the center, that obscured the front of the building for traffic traveling from the north to the south.

Mr. Johnson stated they thought the best solution was to have a slight projection to the wall sign so that it could be readily seen and not create a traffic situation. He explained the traffic pattern in that particular area was somewhat difficult in that traffic traveling southbound on Rochester Road was almost past the building before they could turn. He noted traffic traveling northbound on Rochester Road came up to the tree line, and only had a short time to actually see the front of the building. They believed the proposed sign was aesthetically pleasing but also a good, visible marquee, and requested the Board's consideration.

Chairperson Colling asked if there was anything else the applicant's would like to add.

Mr. Aragona provided a brief history of the how the property was developed. He explained it was a Planned Unit Development (PUD) and they had worked with City Staff at the time of approval to really set a higher standard and a good way to allow tenants to express uniqueness in the development because it was a unique development. He pointed out that Shield's was being located in a building that was perpendicular to the road and was not in a typical, L-shaped strip center that had the maximum visibility of the intersection.

Mr. Aragona stated they developed signage guidelines in the PUD Agreement that were meant to encourage unique signage in the development. He noted everyone had seen the channel-letter signs on the retail buildings throughout the City, and they felt this development warranted something a little nicer. He explained they wanted to have some type of guidelines to encourage thinking outside of the box, and to try to get the tenants to step up to the plate rather than using the basic channel-letter signs, that were far too common throughout the City.

Chairperson Colling asked if the applicant's had anything further to add.

Mr. Strauss commented that Shield's Restaurant had been around since 1946, and they had been in business for over 62 years. He stated the theme of the restaurant would be an "Old Detroit" theme, with pictures of Tiger Stadium and Olympia Stadium, and the use of a lot of brick and wood creating the Old Detroit look. He indicated they had asked Harmon Sign to come up with a sign that looked like the Old Detroit theme. He thought the proposed sign captured that theme.

Chairperson Colling called for a report from Staff.

Mr. Delacourt stated the applicant had accurately summarized the facts included in the Staff Report. The applicant is requesting a 36-inch projection from the building face, however, the Ordinance only allows 12-inches. The subject site was developed as a PUD, but that did not have an inherent determination as far as signs. The PUD cannot manipulate the City's Sign Ordinance. The project was developed differently from what the normal B-2 Zoning Ordinance would have allowed on the site. The orientation of the buildings is different than a normal B-2 development because the buildings tend to face internal to the site, with the narrow ends of the buildings facing the major thoroughfares.

Mr. Delacourt noted the applicant was correct that the west façade of the building, which would be the normal, logical location for a road-facing wall sign, is encumbered by canopies and metal decorative elements that would make placing a sign in its normal position facing Rochester Road more difficult than usual. He stated that end-cap facility would normally be allowed that west-facing road

frontage, if not for the decorative elements. Mr. Delacourt agreed there was some unusual design to the site, but the PUD itself did not provide any leniency from the Zoning Board of Appeals. Any variances had to go through the normal process.

Chairperson Colling opened the Public Hearing at 7:49 PM and asked if there was anyone who wished to speak on this matter.

Ron Copy, 35749 Cathedral, Sterling Heights, stated he was one of the four owners of the Shield's Restaurant. He explained that the inside of the restaurant was a little different from a normal restaurant. He stated although it was a family restaurant, it looked like a high-class restaurant, with prices lower than the classier restaurants. He commented it had an old-style Italian classy look to the inside, and they felt the proposed sign also had a classy look to it. The sign is stylish and is not the normal block letters on the wall. He noted the sign stuck out a bit further than the City's Ordinance allowed, but he thought it would give class and ambience to the restaurant itself.

Chairperson Colling asked if anyone else wished to speak on this matter. There being no other persons wishing to speak, he closed the Public Hearing at 7:51 PM. He then called for discussion by the Board.

Chairperson Colling asked if the encumbrances were not on the west side of the building, or if it were feasibly possible to put a sign there with those encumbrances, whether there was anything restricting the applicant's from doing so, if they could find something that would work. In other words, they were permitted a sign on that side of the building.

Mr. Delacourt responded that was correct. Chairperson Colling clarified the applicants were not being restricted by the Ordinance, but it was decision made by the applicants not to put a sign on that side of the building.

Mr. Delacourt stated that the decorative elements that may be encumbering the building were part of the design requested by the City for the project. Chairperson Colling stated that even if the City requested the design elements, there was nothing preventing the applicants from putting signage there if they wanted to. The PUD did not indicate that no signage could be placed on the west wall. Mr. Delacourt indicated that was correct.

Chairperson Colling clarified there was some type of architectural projection on the south wall of the building as well. The applicants indicated there was an architectural projection on that wall as well.

Chairperson Colling pointed out the aerial view of the project reminded him of Rivercrest Medical Center located on Avon Road in that the buildings were laid out perpendicular to the road, not parallel to the road, and there were a number of doctor's offices in the complex, and the only sign they had was the Rivercrest Medical Center. He commented people were able to find their doctor's offices.

Chairperson Colling commented that based on the layout of the building the Shield's Restaurant was going in to, there was not any signage that would give them the visibility they wanted. For example, the Big Boy Restaurant located on the other side of the complex, did not have any visibility from Rochester Road. He stated he only knew it was there because he happened to glance in that direction while out on a motorcycle ride. He thought people going to the bank or other businesses in the complex would create the applicant's visibility. He asked if there was a monument sign that identified the tenants in the complex.

Mr. Aprile stated there was a monument sign on Rochester Road and a monument sign on Tienken Road. He commented the applicant was not currently listed on either of those signs. He stated there was an availability if the owner of property would allow it. He noted there was only so much room on each monument sign.

Chairperson Colling asked about the number of tenants in the complex. Mr. Aprile noted there were numerous tenants in the complex, more than could reasonably fit on the monument signs or that would be easily visible from the road. Typically there are about eight tenants on a sign, and he believed there were more than that in the center and there were still quite a few vacancies.

Chairperson Colling asked if the applicant wanted to, rather than mount a sign in either the west or south sides of the building, they could mount the sign right on the corner and project it straight out at the 45-degree angle.

Mr. Aprile noted that was what the applicants were requesting. Chairperson Colling asked if the sign would be mounted at the 45-degree angle or perpendicular to one side or the other.

Mr. Johnson stated the sign would be perpendicular to Rochester Road. He explained they had looked at the possibility of putting the sign at the 45-degree angle, but it rendered one complete side of the sign invisible to northbound Rochester Road traffic because it faced into the center. They then moved the sign around to the west elevation so it would be perpendicular to the roadway.

Chairperson Colling did not think the extra distance would give them that much more visibility, based on the way the building was located. He was quite worried about setting a precedent because all the other tenants in the complex would have the same visibility problems the applicant did because of the way it was laid out.

He noted that even if the center wanted unique signage, he could not give the applicant 36-inches, because the next tenant down would want his sign to extend 42-inches for visibility reasons. There would have to be some consistency for all the tenants.

Chairperson Colling stated he understood the applicant's dilemma, but noted the Big Boy Restaurant, which was not even visible from Rochester Road, which is primarily where the traffic was, was still doing quite a business. He suspected the applicant would do the same.

Mrs. Brnabic stated she had been past the complex and thought she had seen two monument signs off Rochester Road that were completely filled. She was not sure about a monument sign on Tienken Road.

Mr. Aprile stated there was a monument sign on Tienken, and the center was allowed three for the site. He pointed out the Walgreen's at the corner had their own monument sign, which was strictly for the Walgreen's and nothing else was on that sign and it did not have interchangeable panels. He stated there was a monument sign near the south entrance on Rochester Road, and one near the entrance by the Big Boy Restaurant. He indicated the center had been allowed to have leasing signs in the panels until they get close to full occupancy.

Mrs. Brnabic stated that she thought there was a monument sign off the south entrance, and another one further up. Mr. Aragona stated Mrs. Brnabic was correct, there was one sign at the right in/right out between Walgreen's and the Shield's location, and one in front of the Comerica Bank. He explained there were four monuments signs, one was Walgreen's which is located in the corner of the hard intersection; one on Tienken and two on Rochester Road.

Mr. Strauss stated that Mr. Aragona had advised them that because they do not have the provision in their Lease, they did not have the right to put a sign on the monument signs. Mr. Aragona explained that unfortunately not all the tenants could have a panel on the monument signs because they were not big enough and there were too many businesses.

Chairperson Colling stated that was quite common with these types of developments. There were several businesses located in small strip malls within the City, such as the one next to Meijer's and the one by Kohl's, that have both come before the Board for the same problem. The tenants cannot get on the monument signs, and they all wanted signage by the road. Unfortunately, the City's Sign Ordinance was designed to be fair to everyone, but at the same time reduce clutter.

Mr. Aragona stated that what was uncommon about his development was the large

archways that project farther out than the face of the building that actually do restrict visibility for traffic heading southbound on Rochester Road. He explained the archways were agreed upon between he and the City in trying to create a complex with buildings that interconnected and be architecturally harmonious. That was the whole point and intent as one did not see civic art on other commercial buildings throughout the City. He pointed out it was uncommon and did restrict signage. He noted the archway projected fifteen to twenty feet closer to Rochester Road than the face of the building.

Chairperson Colling stated he understood Mr. Aragona's point, but the Big Boy Restaurant was not visible at all from Rochester Road. He questioned how Mr. Aragona would accommodate that, and in this particular situation, every tenant in that building would have a similar problem. The Board would not be able to accommodate every tenant in the building with a special variance for visibility. He thought tenants leasing into a complex like this, knew the architecture and the visibility restrictions. He did not think it would be an issue and did not think the sign was a problem as long as the size of the sign meets City requirements and standards.

Mr. Aprile stated the applicant was allowed to have signage and it would be permitted on the west side of the building.

Mr. Johnson stated the proposed sign did not meet the Ordinance requirements. He clarified the request was not to project the sign out 36-inches further than the sign itself, rather the sign was included in the 36-inches.

Chairperson Colling understood that the request was to allow the sign to project 36-inches when the Ordinance allowed 12-inches. Mr. Johnson stated the proposed sign could not be used in a 12-inch area.

Chairperson Colling clarified the variance was for the distance that the sign was mounted to the building. Mr. Duisternars stated it was the width of the sign protruding out.

Mr. Johnson stated they were not trying to push the sign out 36-inches from the building, rather from the edge of the sign to the wall was 36-inches. He explained the canopies they were competing against for visibility stuck out 54-inches from the building. He stated he looked at various types of signage for the building and what would work the best without the need for a variance. Anything put on the south elevation would not be seen by any traffic traveling north. What they tried to resolve was to use the most aesthetic, nostalgic looking sign that would keep in context with the theme inside the restaurant, and not be so obtrusive that this Board would feel they were setting a precedent they did not like.

Mr. Johnson pointed out that the canopies were only on the building being occupied by the Shield's Restaurant, making it a unique building. He stated that was the only reason they had requested a variance from the Board.

Mrs. Brnabic asked if signage could be placed above the entrance doorway. She understood the problem with the canopies, but noted there was adequate space above the doorway for a sign. She thought that would give the applicant more visibility than any other tenant in the row of shops in that building. Because of the way the buildings were situated in the center, the current businesses basically did not have any visibility from Rochester Road. She commented the Verizon Wireless store next to the Shield's Restaurant might be seen from Rochester Road, but the other businesses had virtually no visibility from Rochester Road.

Mrs. Brnabic stated the applicant had the option of putting a sign above their front door to be recognized, especially for traffic traveling northbound on Rochester Road. She felt the applicant's location had more visibility than their neighbors. She stated that she did not have an objection to the sign the applicant's had picked, but to allow the applicant's to use that sign when the neighboring businesses had far less visibility, would create a situation where all those other businesses would want the same type of signage. She agreed that because of visibility reasons, the requests from the neighboring businesses would be for larger, higher signage. She felt the applicant had an option on the front of their building, and some of the neighboring businesses had none, especially in the back. She commented that even though she did not live in the area, she was aware the Big Boy Restaurant was in the center, despite the fact that restaurant had no visibility from Rochester Road. She thought that by putting a sign above the doorway, the applicant had an advantage that most of the businesses in the center did not. She agreed if the Board allowed the applicant's requested sign, it would set a precedent.

Mrs. Brnabic referred to the monument signs, and stated she was aware they were working on a rewrite of the Sign Ordinance, and asked if the dimensions of the monument signs were changed, particularly in situations such as the applicants where there were multiple businesses in a center.

Mr. Aprile stated there had been discussions and inquiries about that, and the Building Department had been accumulating information and would bring something to City Council.

Mrs. Brnabic clarified that no new amendments had been presented to City Council since the original presentation and discussion about the problems with the current Sign Ordinance.

Mr. Aprile stated no Sign Ordinance Amendment had been finalized yet, although he thought it might be close to being completed. He stated that most of the problems

addressed with City Council began over a year and a half ago. He noted the monument sign inquiries had been received over the past summer, particularly with the blade signs, which was being reviewed.

Mrs. Brnabic noted that one of the new businesses in the plaza, near the back, which she believed was called Mezza, had taken their sign and put it on an angle so it projected out a bit more on one side.

Mr. Aprile stated there were a few signs like that, where the signs were close to the building on one end and brought out twelve inches on the other end.

Mrs. Brnabic stated she wanted to ask what the allowance was for a sign placed in that position because in looking at the Mezza sign, she thought the far side of the sign was out more than a foot. She asked what the guidelines would be for a sign using that placement.

Mr. Aprile stated he was not involved in the permitting for that sign and was not sure what the exact requirements were for that sign.

Mrs. Brnabic stated she had taken a picture of the sign, which she showed to Mr. Aprile. Mr. Delacourt suggested that the matter could be looked into with the Building Department.

Mr. Delacourt stated that visibility and precedent had been mentioned, which had also been discussed by Staff. He stated the applicant's location was the only leasable space in the center that would normally have the expectation of having a sign with road frontage and that had objects prohibiting the placement of a normal sign with road frontage. All the tenants on the interior of the center would have leased those spaces with no expectation of road frontage. That made the applicant's space unique within the plaza, as every other tenant space that had road frontage had a reasonable ability to place a sign facing the roadway. He thought that did separate the applicant's tenant space from all the others inside the complex. He did not think that a tenant two doors down from the applicant could come back later and say they expected to be visible from Rochester Road, as they knew their tenant space would not have a sign that faced Rochester Road. The applicant's space did have the normal ability to put signage on a road frontage, which was restricted due to the architectural features. He thought there was a different argument for the applicant's sign than there would be for other tenant spaces within the center. He noted it was the only space that would have been leased with the expectation of that sign placement and did not have it within the center. He clarified with Mr. Aragona that the applicant's space was the only one that faced road frontage that had an obstruction to signage on the road.

Mr. Aragona agreed that was correct. It was the only space that had metal canopies that project out facing the main road and with the archway as well.

Mr. Delacourt stated that as it goes to precedence, the applicant's space was different and he did not think it would be fair to say that the other tenants in the center would ask for forty or more inches to get past the applicant's sign because those tenants leased with no expectation or right to signage on Rochester Road. The applicant's end-cap space would normally be afforded that right.

Mr. Verschueren stated he could shed some light on why the metal canopies were on the building. He explained when the building was built, the location was intended for a Carrabba's Restaurant that was projected to be 6,000 square feet. The lease contract hinged on Carrabba's being able to obtain a liquor license issued by the City of Rochester Hills. However, at that time, the City did not have many liquor licenses available and Carrabba's did not obtain a license from the City, and the deal fell through. The metal-work on the outside of the building, which is only on this portion of this particular building, was part of the exterior décor for the Carrabba's Restaurant. He noted there were several Carrabba's Restaurants in Florida, and they used flowers and plants on the exterior, and placed the name of the restaurant above the plantings.

Mr. Verschueren asked if the sign for the Shield's Restaurant could be placed over the metal canopy. He stated his point was that if Carrabba's had occupied the building, the name of their restaurant would have been placed above the metal-work. He asked what prevented the applicant from doing the same thing. He acknowledged the height would be different.

Mr. Aragona stated that was exactly the reason, the height would be higher than the twenty feet permitted by Ordinance.

Mr. Verschueren pointed out the applicant was requesting a variance for their proposed sign, and could request a height variance for a sign. He thought it would be better exposure because the sign would be on the roadway against the building. He suggested the applicant discuss that option with the City's Building Department.

Mr. McGunn referred to the proposed sign detail sheet provided by the applicant in the submittal materials, and noted the 25'6" measurement, and asked if that dimension was to the top of the sign. Mr. Johnson explained the 25'6" was the total height of the building.

Mr. McGunn clarified that the top of the proposed sign was within the 20-foot Ordinance height requirement. Mr. Johnson stated the sign was designed to be at the top of the building, but not to extend beyond the building.

Mr. McGunn asked if the top of the sign would be at the 25'6" height. Mr. Johnson indicated that was correct.

Mr. McGunn verified that 20-feet was the Ordinance height limitation. Mr. Aprile stated that 20-feet was the current maximum height. Mr. McGunn noted that there was not only a projection issue with the applicant's proposed sign, but also a height issue. Mr. Aprile stated that appeared to be correct. He noted that sign height was an issue that would be discussed with City Council in the future.

Mr. McGunn asked if the make-up of the sign was historical or whether the logo and typeface were used on other Shield's Restaurants. Mr. Strauss stated they were.

Mr. McGunn asked if the other used restaurants used the same arrangement or if just the elements were the same. Mr. Strauss indicated that was correct.

Chairperson Colling stated for the record that he wanted to work with the applicant, but was not inclined to grant variances, noting he had not realized there was an issue with the height of the sign as well. He commented that the way the proposed sign was depicted in the submittal materials, it could not even be installed, because it was over 20-feet. He thought the applicant could take the proposed sign; make it single-sided; mount it on the corner so it faced straight out from the corner, which would give the applicant the best visibility they could get. He pointed out the applicant would never get a sign that would be perfect and give the applicant the visibility they wanted on Rochester Road for north and southbound traffic, and still comply with the Ordinance requirements.

Chairperson Colling agreed there was some uniqueness in this matter, and noted he would be willing to consider a height variance in terms of where the sign was mounted on the corner, although a height request would have to be properly advertised. He was not inclined to grant the requested variance, and pointed that even if that variance was granted, the sign would have to be moved down 5'6" to meet the Ordinance requirements without another variance, and he would not be inclined to grant two variances for the sign.

Mr. Duistermars asked how much sign area was permitted for building mounted signs. Mr. Verschueren responded they would be allowed 120 square feet. Mr. Duistermars agreed that an alternative sign might be difficult to see from the roadside, but asked if it was possible a flush-mounted sign could be placed on the south face of the corner of the building and a flush-mounted sign placed on the west face of the corner of the building. He noted that would provide visibility for northbound traffic, and might provide some visibility for southbound traffic on Rochester Road. He questioned whether that could be considered an option.

Mr. Aprile stated he did not see why that would not be permitted as long as the signs stayed within the permitted square footage.

Mr. Duistermars thought that would provide visibility for northbound traffic, and might provide some visibility for southbound direction of traffic. He suggested that might be a viable solution.

Mr. Aragona wanted to clarify an item. He stated everyone had seen the blade signs around the City, which did project, and noted he believed those signs projected out farther than a foot. He believed there were signs like that in the Village of Rochester Hills, and stated he believed they were permitted through the PUD Agreement for this center.

Mr. Aprile stated that the PUD Agreement specifically stated that all signs would conform to the Ordinance. He commented that the Village of Rochester Hills was different because they were constructed under a Consent Judgment that the City was required to agree with as the Consent Judgment was ordered by the Court.

Mr. Aragona understood the Shield's Restaurant could, through one form or another, get the visibility they would be happy with. His problem was that the sign guidelines for the complex had been developed to encourage unique signs and for the tenants to think outside the box, but unfortunately a precedent was being set that the tenants should just stick with the simple, channel-letters sign. He stated that was discouraging because they had put so much effort in creating the sign guidelines.

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Chairperson Colling stated the tenants were allowed to think outside the box, but they still had to comply with the Ordinance requirements. Thinking outside the box did not exempt anyone from the Ordinances of the City. He explained the Board was trying to work with the applicant toward an amicable solution.

Mr. Johnson stated it had been mentioned about utilizing the corner where the sign would not project as much, and asked for some clarification on that suggestion.

Chairperson Colling pointed out that the proposed sign was on a bracket, pushed out and double sided. He suggested creating a one-sided sign and mounting it on the corner so it was flush to the corner.

Mr. McGunn stated it would no longer be a blade sign, but would be mounted on the wall.

Chairperson Colling stated the applicant would have the 12-inches permitted by the

Ordinance, and although it was not perfect visibility, the applicant would have their sign. He clarified with Staff that although one variance request had been advertised, a height variance would have to be advertised before the Board could consider such a request, if the applicant chose to make that request. Mr. Delacourt stated that any additional variance would have to be advertised.

Chairperson Colling suggested the applicant consider what type of variance they would like to request, whether it would be for additional projection from the building, or a height variance.

Mr. Strauss stated he would have to discuss the matter with his partners. He commented that his partners might agree to flush-mounting the sign, provided they could place the sign high enough. He was concerned they were getting close to opening the restaurant and did not have a lot of time to get a sign approved and mounted.

Chairperson Colling asked Staff whether a new variance request could be advertised in time for the November 12, 2008 meeting. Mr. Delacourt stated another variance could not be advertised for the November 12, 2008 regular meeting.

Chairperson Colling asked the applicant when they thought the restaurant would open. Mr. Strauss stated they hoped at the end of November.

Chairperson Colling stated a height variance would have to be advertised should the applicant chose to request such a variance. He stated the current request before the Board could be tabled or postponed because no variance was taken into account for the height. He suggested if the applicant wanted to reconsider the variances, they ask the Board to table or postpone the current request, and if they wanted to reconsider the height, request a new hearing and withdraw the current request before the Board.

Mr. Strauss asked when a new hearing could be scheduled. Mr. Delacourt stated it would have to be the second meeting in November. He explained if the matter required re-advertising, it could not be brought back in two weeks time.

Chairperson Colling clarified the matter had to be re-advertised. Mr. Delacourt stated if the request was anything other than a reduction in the current variance request, it would have to be re-advertised.

Chairperson Colling asked when the November regular meetings were scheduled. Mr. Duistermars responded November 12th and November 26th. Mr. Delacourt stated he would look into the dates and would bring the matter back as soon as possible. He commented that a special meeting could also be requested.

Chairperson Colling guessed any revised request would be heard at the first meeting in December. He noted that meeting scheduled for the November 26th was the Wednesday before the Thanksgiving Holiday and was oftentimes cancelled. He stated that because the height variance was not considered, based on the way the applicant had the sign depicted in the submittal documentation, a height variance would be required.

Mr. Strauss stated he was almost sure the height would give them what they needed. They were worried about postponing their opening because they did not have a sign.

Mr. Duistermars asked if the applicant could use temporary banners. Mr. Verschueren advised the applicant he could ask the Building Department for a permit for a temporary sign. Mr. Strauss stated he would discuss that with his partners.

Chairperson Colling stated the current request before the Board would require some action from the applicant. He explained the applicant would have to request a postponement of the current variance request, and then decide what they wanted to do, and make the arrangements with Staff.

Mrs. Brnabic asked if the matter could be scheduled for a special meeting on November 19, 2008. Mr. Delacourt stated he believed there would be enough time to advertise for a special meeting.

Chairperson Colling stated he would not be available for a meeting on that date. Mr. Delacourt stated the Board would be polled before a special meeting was scheduled. Chairperson Colling suggested the Board work with the regularly scheduled meeting dates.

Mr. Verschueren advised the applicant he would have to ask the Chair for a postponement, if that was what he wanted to do.

Mr. Strauss stated he thought that was his only option at this point. He requested a postponement to the first week in December, and stated he would discuss the matter with his partners.

Chairperson Colling stated the request did not have to postpone to the first week in December. He explained if the applicant decided if he wanted to proceed with the current variance request and sacrifice the height, the matter would be scheduled for the first regular meeting in November. If the applicant decided he wanted to do something differently with the sign, but wanted additional height, that variance would have to be requested and advertised.

Mr. Strauss stated it appeared to him that the variance for the distance from the building would not be granted, which left him with the height option. He stated that was the option they would like to pursue.

Chairperson Colling asked the applicant if he was officially withdrawing his request for the variance discussed by the Board at this meeting. Mr. Strauss responded yes.

Chairperson Colling suggested the applicant work with Staff to formulate a new variance and provide some new drawings. He noted the options available to the applicant were to either mount the sign flat on the west façade; flat on the south façade, or on the corner, and as long as the sign was flat to the corner, it would meet the 12-inch requirement.

Mr. Aprile stated that as long as the sign was within 12-inches of the building, it could be on one side or the other of the corner or wrap the corner.

Chairperson Colling clarified the sign would not be measured off the side to the wall, but measured to the closest point of the building, which was the corner. The sign should be flush to the corner and the sign less than 12-inches wide.

Mr. McGunn reminded the applicant there were still area limitations that had to be met. Mr. Aprile stated that the sign would have to be within the square footage allowed for the building.

Chairperson Colling confirmed there were area limitations and height limitations and as long as the applicant was in the signage area and requesting one variance, the uniqueness of the building pointed out by Mr. Delacourt and the visibility issues could constitute a unique circumstance.

Mr. Johnson and Mr. Strauss stated they appreciated the Board's time and comments.

This matter was Withdrawn

7. ANY OTHER BUSINESS

Chairperson Colling called for any other business. There being no other business, he called for a motion to adjourn.

8. ADJOURNMENT

Upon motion by Verschueren, seconded by McGunn, Chairperson Colling declared the Regular Meeting adjourned at 8:33 PM.