

# **CASE DESCRIPTION**

## **111 E Merrill (22-35)**

**Hearing date: August 9<sup>th</sup>, 2022**

**Appeal No. 22-35:** The applicant known as Schechter, located at 111 E Merrill, requests the following variance to install a wall-mounted projecting sign.

- A. Chapter 1, Article 1, Table B of the Sign Ordinance requires wall-mounted projecting signs to be located at the sign band and no less than 8 feet above grade. The applicant has proposed a blade sign 8 feet above grade and 4.66 ft. below the sign band, therefore a dimensional variance of 4.66 ft. is being proposed.

**Staff Notes:** The applicant is proposing a double-sided wall-mounted projecting sign for the subject site with a total of 5.28 square feet, at the southeast entrance from Merrill. The sign will display the Schechter logo. On July 20<sup>th</sup>, 2022, the applicant appeared before the Historic District Commission for Design Review (see attached minutes). The board voted to approve the proposed projecting sign with the conditions that the applicant must submit revised sign plans detailing a projecting sign in the sign band, or obtain a variance from the Board of Zoning Appeals; and, the applicant must submit a revised sign plan showing the six-inch separation. The applicant has submitted a revised sign plan showing the six-inch separation, which is included in the packet.

---

Leah Blizinski  
City Planner

# 111 E MERRILL MAP



**CITY OF BIRMINGHAM**  
**Community Development - Building Department**  
**151 Martin Street, Birmingham, MI 48009**  
**Community Development: 248-530-1850**  
**Fax: 248-530-1290 / [www.bhamgov.org](http://www.bhamgov.org)**

**APPLICATION FOR THE BOARD OF ZONING APPEALS**

Application Date: 6-29-22

Hearing Date: 8-9-22

Received By: WHT

Appeal #: 22-35

Type of Variance:	<input checked="" type="checkbox"/> Interpretation	<input type="checkbox"/> Dimensional	<input type="checkbox"/> Land Use	<input checked="" type="checkbox"/> Sign <b>YES</b>	<input checked="" type="checkbox"/> Admin Review
-------------------	--	--------------------------------------	-----------------------------------	---	--

**I. PROPERTY INFORMATION:**

Address: 111 EAST MERRILL STREET Lot Number: \_\_\_\_\_ Sidwell Number: \_\_\_\_\_

**II. OWNER INFORMATION:**

Name: 277 DEVELOPMENT ASSOCIATES LLC  
 Address: 39400 WOODWARD AVE, STE 250 City: BIRMINGHAM State: MI Zip code: 48009  
 Email: \*PPETRELLA@SYNERGYGROUP.BIZ Phone: 248-644-7600

**III. PETITIONER INFORMATION:**

Name: BRIAN HUNTER Firm/Company Name: DONE RIGHT SIGNS  
 Address: 119 N. SAGINAW STREET City: PONTIAC State: MI Zip code: 48342  
 Email: BRIAN@DONERIGHTSIGNS.COM Phone: 248-332-3133

**IV. GENERAL INFORMATION:**

The Board of Zoning Appeals typically meets the second Tuesday of each month. Applications along with supporting documents must be submitted on or before the 12<sup>th</sup> day of the month preceding the next regular meeting. Please note that incomplete applications will not be accepted.

To insure complete applications are provided, appellants must schedule a pre-application meeting with the Building Official, Assistant Building Official and/or City Planner for a preliminary discussion of their request and the documents that will be required to be submitted. Staff will explain how all requested variances must be highlighted on the survey, site plan and construction plans. Each variance request must be clearly shown on the survey and plans including a table as shown in the example below. All dimensions to be shown in feet measured to the second decimal point.

The BZA application fee is \$360.00 for single family residential; \$560.00 for all others. This amount includes a fee for a public notice sign which must be posted at the property at least 15-days prior to the scheduled hearing date.

Variance Chart Example				
Requested Variances	Required	Existing	Proposed	Variance Amount
Variance A, Front Setback	25.00 Feet	23.50 Feet	23.50 Feet	1.50 Feet
Variance B, Height	30.00 Feet	30.25 Feet	30.25 Feet	0.25 Feet

**V. REQUIRED INFORMATION CHECKLIST:**



- ☐ One original and nine copies of the signed application
- ☐ One original and nine copies of the signed letter of practical difficulty and/or hardship
- ☐ One original and nine copies of the certified survey
- ☐ 10 folded copies of site plan and building plans including existing and proposed floor plans and elevations
- ☐ If appealing a board decision, 10 copies of the minutes from any previous Planning, HDC, or DRB board meeting

**VI. APPLICANT SIGNATURE**

Owner hereby authorizes the petitioner designated below to act on behalf of the owner.

By signing this application, I agree to conform to all applicable laws of the City of Birmingham. All information submitted on this application is accurate to the best of my knowledge. Changes to the plans are not allowed without approval from the Building Official or City Planner.

\*By providing your email to the City, you agree to receive news and notifications from the City. If you do not wish to receive these messages, you may unsubscribe at any time.

Signature of Owner:  Date: 6-28-22  
 Signature of Petitioner:  Date: 6-28-22

**CITY OF BIRMINGHAM  
BOARD OF ZONING APPEALS  
RULES OF PROCEDURE**

**ARTICLE I - Appeals**

- A. Appeals may be filed under the following conditions:
1. A property owner may appeal for variance, modification or adjustment of the requirements of the Zoning Ordinance.
  2. A property owner may appeal for variance, modification or adjustment of the requirements of the Sign Ordinance.
  3. Any aggrieved party may appeal the decision of the Planning Board and/or the Building Official in accordance with the City of Birmingham Zoning Ordinance, Article Eight, Section 8.01 (D) Appeals. If an appellant requests a review of any determination of the Building Official, a complete statement setting forth the facts and reasons for the disagreement with the Building Official's determination shall include the principal point, or points on the decision, order or section of the ordinance appealed from, on which the appeal is based.
- B. Procedures of the Board of Zoning Appeals (BZA) are as follows:
1. Regular BZA meetings, which are open to the public, shall be held on the second Tuesday of the month at 7:30 P.M. provided there are pending appeals. There will be a maximum of seven appeals heard at the regular meeting which are taken in the order received. If an appeal is received on time after the initial seven appeals have been scheduled, it will be scheduled to the next regular meeting.
  2. All applications for appeal shall be submitted to the Community Development Department on or before the 12<sup>th</sup> day of the month preceding the next regular meeting. If the 12<sup>th</sup> falls on a Saturday, Sunday, or legal holiday, the next working day shall be considered the last day of acceptance.
  3. All property owners and occupants within 300 feet of the subject property will be given written notice of a hearing by the City of Birmingham.
  4. See the application form for specific requirements. If the application is incomplete, the BZA may refuse to hear the appeal. The Building Official or City Planner may require the applicant to provide additional information as is deemed essential to fully advise the Board in reference to the appeal. Refusal or failure to comply shall be grounds for dismissal of the appeal at the discretion of the Board.
  5. In variance requests, applicants must provide a statement that clearly sets forth all special conditions that may have contributed to a practical difficulty that is preventing a reasonable use of the property.

6. Where the Birmingham Zoning Ordinance requires site plan approval of a project by the City Planning Board before the issuance of a building permit, applicants must obtain preliminary site plan approval by the Planning Board before appeal to the BZA for a variance request. If such appeal is granted by the BZA, the applicant must seek final site plan and design review approval from the Planning Board before applying for a building permit.
  7. An aggrieved party may appeal a Planning Board decision. Such appeal must be made within 30 days of the date of the decision. The BZA, in its discretion, may grant additional time in exceptional circumstances.
  8. Appeals from a decision of the Building Official shall be made within 30 days of the date of the order, denial of permit, or requirement or determination contested. The BZA, in its discretion, may grant additional time in exceptional circumstances.
  9. An appeal stays all proceedings in accordance with Act #110, Public Acts of 2006, Article VI, Section 125.3604 (3).
- C. The order of hearings shall be:
1. Presentation of official records of the case by the Building Official or City Planner as presented on the application form.
  2. Applicant's presentation of his/her case—the applicant or his/her representative must be present at the appeal hearing.
  3. Interested parties' comments and view on the appeal.
  4. Rebuttal by applicant.
  5. The BZA may make a decision on the matter or request additional information.
- D. Motions and Voting
1. A motion is made to either grant or deny a petitioner's request
    - a) For a motion to grant or deny a non-use variance request, the motion must receive four (4) affirmative votes to be approved.
    - b) For a motion to grant or deny a use variance request, the motion must receive five (5) affirmative votes to be approved.
    - c) For a motion to grant or deny an appeal of a decision or order by an administrative official or board, the motion must receive four (4) affirmative votes to be approved.
  2. When a motion made is to approve or deny a petitioner's request and if there is a tie vote, then the vote results in no action by the board and the petitioner shall be given an opportunity to have his or her request heard the next regularly scheduled meeting when all the members are present.
-

3. When there are less than seven (7) members of the board present for a meeting, then a petitioner requesting a use variance shall be given an opportunity at the beginning of the meeting to elect to have it heard at the next regularly scheduled meeting.
4. When there are less than six (6) members present for a meeting, then all petitioners shall be given an opportunity at the beginning of the meeting to elect to have the request heard at the next regularly scheduled meeting.

## **ARTICLE II - Results of an Appeal**

- A. The Board may reverse, affirm, vary or modify any order, requirement, decision or determination as in its opinion should be made, and to that end, shall have all the powers of the officer from whom the appeal has been taken.
- B. The decisions of the Board shall not become final until the expiration of five (5) days from the date of entry of such orders or unless the Board shall find that giving the order immediate effect is necessary for the preservation of property and/or personal rights and shall so certify on the record.
- C. Whenever any variation or modification of the Zoning Ordinance is authorized by resolution of the BZA, a Certificate of Survey must be submitted to the Community Development Department with the building permit application. A building permit must be obtained within one year of the approval date.
- D. Failure of the appellant, or his representative, to appear for his appeal hearing will result in the appeal being adjourned to the next regular meeting. If, after notice, the appellant fails to appear for the second time, it will result in an automatic withdrawal of the appeal. The appellant may reapply to the BZA.
- E. Any applicant may, with the consent of the Board, withdraw his application at any time before final action.
- F. Any decision of the Board favorable to the applicant is tied to the plans submitted, including any modifications approved by the Board at the hearing and agreed to by the applicant, and shall remain valid only as long as the information or data provided by the applicant is found to be correct and the conditions upon which the resolution was based are maintained.

## **ARTICLE III - Rehearings**

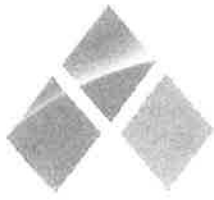
- A. No rehearing of any decision of the Board shall be considered unless new evidence is submitted which could not reasonably have been presented at the previous hearing or unless there has been a material change of facts or law.
-

B. Application or rehearing of a case shall be in writing and subject to the same rules as an original hearing, clearly stating the new evidence to be presented as the basis of an appeal for rehearing.

I certify that I have read and understand the above rules of procedure for the City of Birmingham Board of Zoning Appeals.

A handwritten signature in cursive script, appearing to read "Brian Hunter", written over a horizontal line.

Signature of Applicant



# DONE RIGHT SIGNS

June 27, 2022

City of Birmingham  
Board of Zoning Appeals

Re: 111 East Merrill Street – Blade Sign Variance Request

Dear Board Member:

277 Development Associates LLC is asking for variance, modification or adjustment of the requirements in the existing Sign Ordinance.

We feel there is a visual practical difficulty in placing a Blade Style Sign at the height the building Sign Band presently represents. There is a permanent glass awning located above the main entrance, that is located 108" from grade, which will visually block sight of this sign when viewing it from the westerly direction. Viewing the sign from the east makes the sign difficult to notice because of the height of the existing sign band. Moreover, there will be a Letters Sign installed within the sign band directly above the glass awning. This sign has already been approved for Permit issuance.

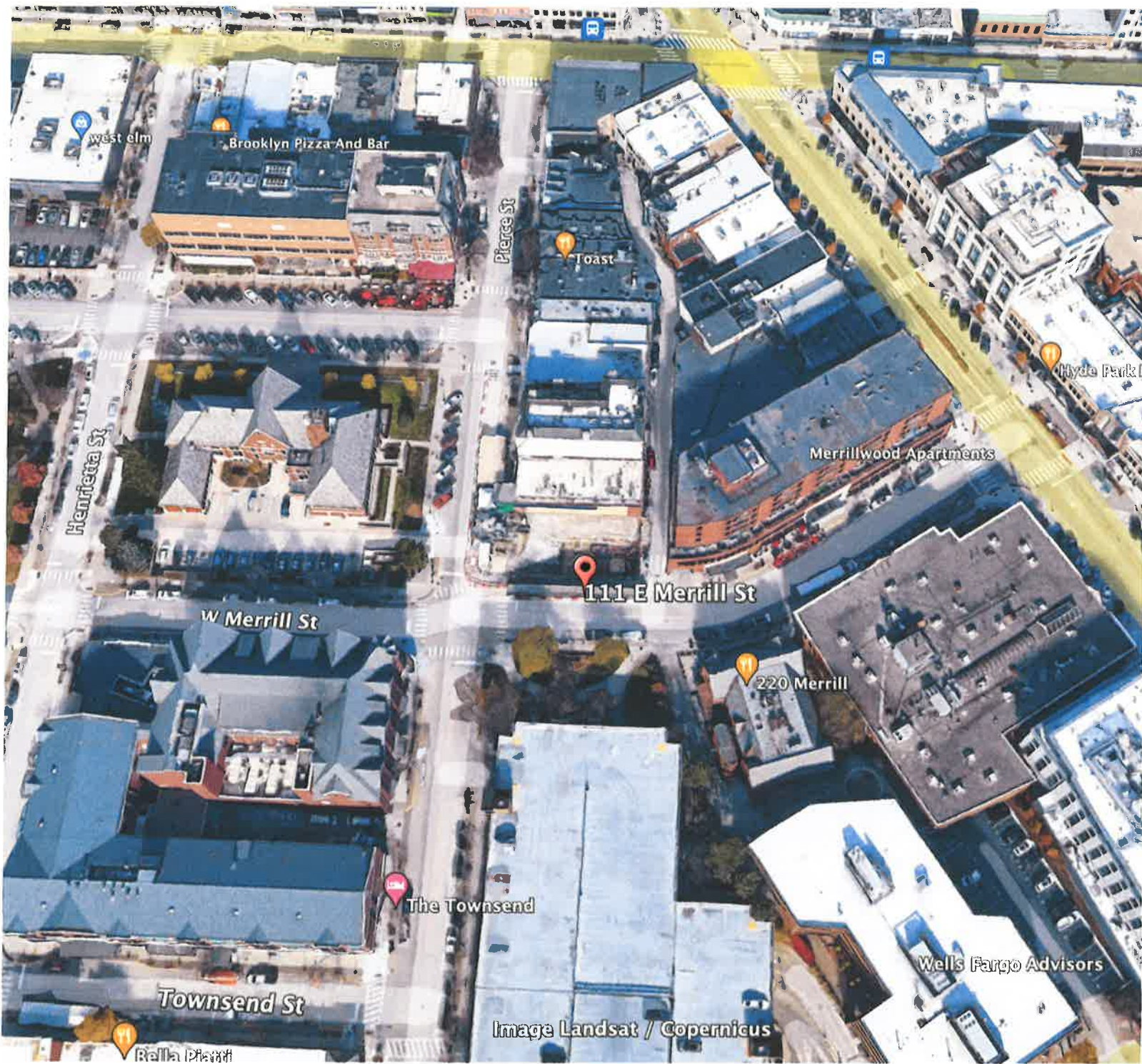
We are asking permission to locate our Blade Sign immediately under the Sign Band. This would place the bottom of our sign at exactly 8' from grade.

As you will see in our photo offering, there are quite a few existing Blade Signs Within the downtown proper that are located 8' above grade. We are presenting a very small sampling of the many Blade Signs that are at or near the height we are requesting.

We sincerely thank this Board for considering our appeal and ask that our request meets with your approval.

Brian Hunter, Project Manager @ Done Right Signs





west elm

Brooklyn Pizza And Bar

Pierce St

Toast

Henrietta St

Hyde Park

Merrillwood Apartments

W Merrill St

111 E Merrill St

220 Merrill

The Townsend

Wells Fargo Advisors

Townsend St

Image Landsat / Copernicus

Raila Drive





OVERALL BUILDING WIDTH: 50' WIDE





**PROPOSED SIGNS ON BUILDING LAYOUT**

**OVERALL BUILDING WIDTH: 50' WIDE**

**16' HIGH**

**8' HIGH**



**3/8" THICK  
WELDED ALUMINUM  
MOUNTING PLATE**

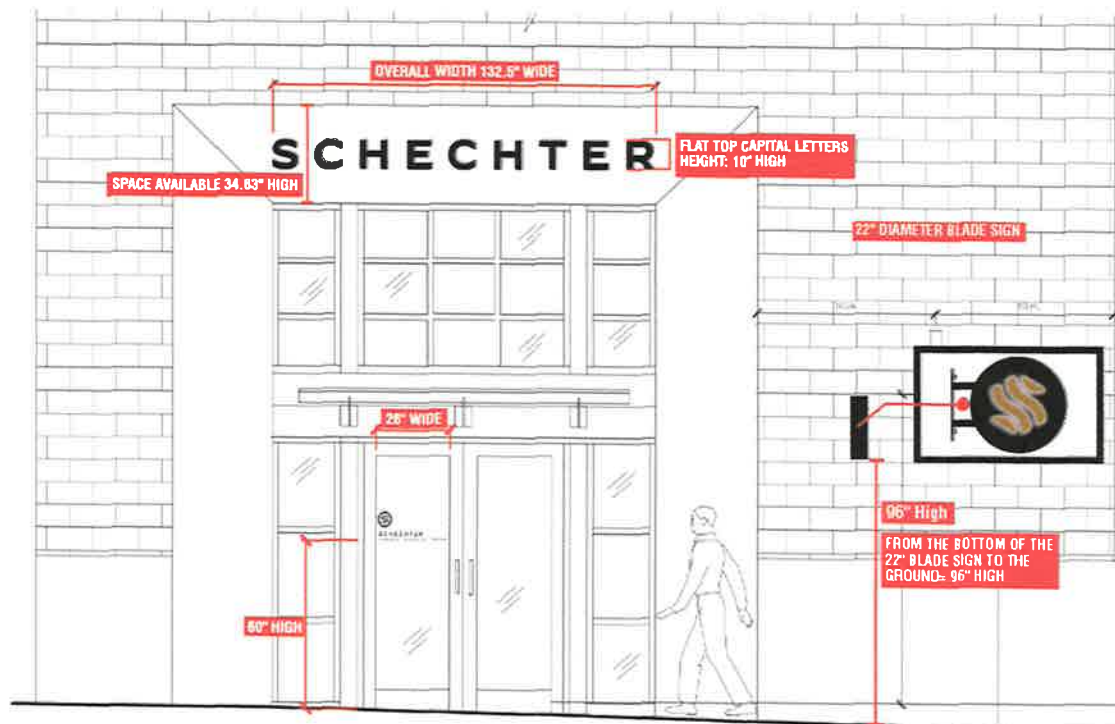
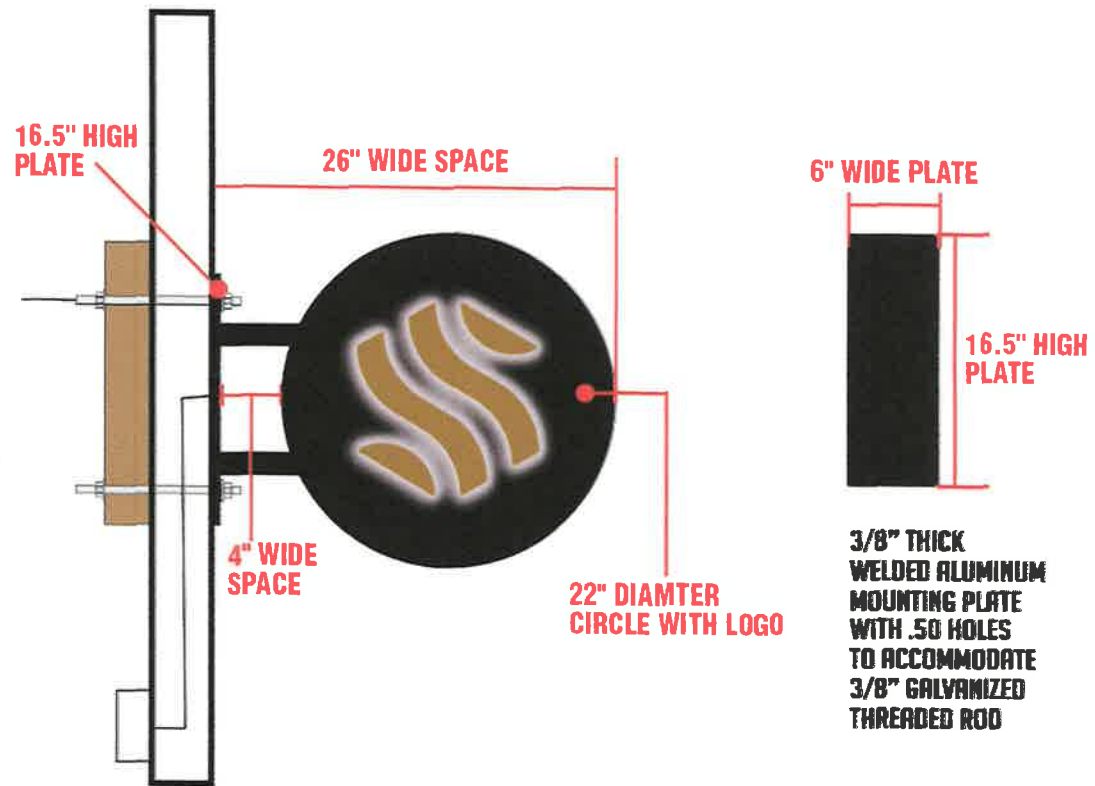
**3" X 4" X 1/8"  
WELDED SUPPORT  
ARM TO INTERNAL  
STRUCTURE**

**.090 ALUMINUM  
FACE WITH ROUTED  
PUSH THRU 1/2" ACRYLIC  
(APPROX 3/8" EXPOSED)  
OPAQUE GOLD PAINTED  
FINISH OF COPY**

**3/8" THREADED ROD  
RECOMMEND BLOCKING**

**.090 ALUMINUM  
FABRICATED CABINET  
WITH 1" FACE RETAINER**

**WHITE LED ILLUMINATION  
REMOTE POWER SUPPLY**



## SCHECHTER LOGO BLADE SIGN: 6.0" DEEP FAB ALUM. BLADE 22" DIAMETER

- STANDARD SHAPE
- UP TO 1/2" PUSH THRU-TWO SIDES
- 2025 BLACK GLOSS PAINTED
- OUTPUT FACE FLAT (NO RETURNS)
- PUSH THROUGH ACRYLIC INSERT
- INSERT GLUED INSIDE FACE
- 4" MOUNTING ARM (DOUBLE)
- RCD- REMOVE CAN WITH STUDS
- SINGLE PLATE MOUNT
- STANDARD LEDS INCLUDED
- LED CABLES LEADS- 120" LONG



**22" Diameter Blade Sign being held up at 96" High from the bottom of the Blade Sign to the ground.**

**Design Review Board  
Minutes Of July 20, 2022**

151 Martin Street, City Commission Room 205, Birmingham, MI

Minutes of the regular meeting of the Design Review Board ("DRB") held Wednesday, July 20, 2022. Chair John Henke called the meeting to order at 7:50 p.m.

**1) Rollcall**

**Present:** Chair John Henke; Board Members Keith Deyer, Dustin Kolo, Patricia Lang, Michael Willoughby; Alternate Board Member Samantha Cappello; Student Representatives Meghan Murray, Charlie Vercellone

**Absent:** Board Members Natalia Dukas, Julie Rasawehr; Alternate Board Member Kathleen Kriel

**Administration:** Nicholas Dupuis, Planning Director  
Laura Eichenhorn, City Transcriptionist

**2) Approval of the DRB Minutes of May 18, 2022 and July 6, 2022**

**07-24-22**

**Motion by Ms. Cappello**

**Seconded by Mr. Willoughby to approve the May 18, 2022 minutes as submitted.**

**Motion carried, 6-0.**

VOICE VOTE

Yeas: Deyer, Lang, Kolo, Henke, Willoughby, Cappello

Nays: None

**07-25-22**

**Motion by Mr. Willoughby**

**Seconded by Ms. Lang to approve the July 6, 2022 minutes as submitted.**

**Motion carried, 6-0.**

VOICE VOTE

Yeas: Deyer, Lang, Kolo, Henke, Willoughby, Cappello

Nays: None

**3) Public Hearing**

**4) Design Review**

**5) Sign Review**

**6) Study Session**

**7) Miscellaneous Business And Communications**

- A. Pre-Application Discussions**
- B. Draft Agenda**
- C. Staff Reports**
  - 1. Administrative Sign Approvals**
  - 2. Administrative Approvals**

The DRB told PD Dupuis he could proceed with an administrative approval for some facade work at 1077 S. Worth Street.

**3. Action List 2022**

**Adjournment**

**07-26-22**

**Motion by Ms. Lang**

**Seconded by Ms. Cappello to adjourn the DRB meeting of July 20, 2022 at 7:54 p.m.**

**Motion carried, 5-0.**

VOICE VOTE

Yeas: Deyer, Lang, Kolo, Henke, Willoughby, Cappello

Nays: None



Nicholas Dupuis  
Planning Director



Laura Eichenhorn  
City Transcriptionist