

AGENDA
BIRMINGHAM HISTORIC DISTRICT COMMISSION
MUNICIPAL BUILDING-COMMISSION ROOM-151 MARTIN STREET
WEDNESDAY –October 3, 2018
*******7:00 PM*******

- 1) **Roll Call**
- 2) **Approval of the HDC Minutes of September 5, 2018**
- 3) **Historic Design Review**
- 4) **Study Session**
 - **Overlay Signage Standards**
- 5) **Miscellaneous Business and Communication**
 - A. Staff Reports
 - **Administrative Approvals**
 - Violation Notices
 - **Demolition Applications**
 - B. Communications
 - Commissioners Comments
- 6) **Adjournment**

Notice: Individuals requiring accommodations, such as interpreter services, for effective participation in this meeting should contact the City Clerk's Office at [\(248\) 530-1880](tel:2485301880) at least on day in advance of the public meeting.

Las personas que requieren alojamiento, tales como servicios de interpretación, la participación efectiva en esta reunión deben ponerse en contacto con la Oficina del Secretario Municipal al [\(248\) 530-1880](tel:2485301880) por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).

A PERSON DESIGNATED WITH THE AUTHORITY TO MAKE DECISIONS MUST BE PRESENT AT THE MEETING.

BIRMINGHAM HISTORIC DISTRICT COMMISSION
MINUTES OF SEPTEMBER 5, 2018
Municipal Building Commission Room
151 Martin, Birmingham, Michigan

Minutes of the regular meeting of the Historic District Commission (“HDC”) held Wednesday, September 5, 2018. Chairman John Henke called the meeting to order at 7 p.m.

Present: Chairman John Henke; Board Members Doug Burle, Adam Charles, Vice-Chairman Keith Deyer, Natalia Dukas, Michael Willoughby; Alternate Board Members Kevin Filthaut, Dulce Fuller

Absent: Board Members, Student representatives Grace Donati, Ava Wells

Administration: Matthew Baka, Sr. Planner
Carole Salutes, Recording Secretary

09-32-18

APPROVAL OF MINUTES
HDC Minutes of August 15, 2018

Motion by Mr. Willoughby
Seconded by Chairman Henke to approve the Minutes of the Historic District Committee meeting of August 15, 2018 as presented.

Motion carried, 4-0.

VOICE VOTE

Yeas: Willoughby, Henke, Deyer, Fuller

Nays: None

Absent: Burley, Charles, Dukas, Filthaut

Chairman Henke cautioned the petitioner that four affirmative votes are needed to pass a motion. Since only four of the seven board members were in attendance, they could postpone their hearing to the next meeting when a more complete board may be present. The petitioner agreed to go forward this evening.

09-33-18

HISTORIC DESIGN REVIEW
412 Willits
Stickney House

Zoning: R-2, Single-Family Residential

Existing Use: Residential

Proposal: The applicant is requesting approval by the HDC to construct an addition on the rear of the Historic Stickney House. The proposed addition would be 513 sq. ft. located at the northeast corner of the existing home.

Background: This home was built on a portion of the land purchased by Elijah Willits between 1821 and 1827. He paid \$320 for 160 acres. The house is believed to have been built in 1860, although this is not reflected in the abstract. This date is also disputed by an Eccentric article from 1967 that states the house was built at the time the land was purchased (c. 1821).

After the death of Elijah Willits in 1868 the house was purchased by Mrs. Ann Stickney, after whom the house is now named. Mrs. Stickney died in 1888 with no living heirs. The house was sold to the highest bidder at that time. The house changed hands a number of times after that, and was designated historic in 1979.

At that time the newest owners, Mr. and Mrs. Lark, made major interior alterations and added "a few feet" to the back of the house. The exterior of the house has retained its historic character throughout the years.

Design: The applicant proposes to construct a one-story 513 sq. ft. addition on the north and east sides of the existing house along with a new basement space and deck. The exterior of the addition is proposed to be clad with cedar shake on all sides and a black asphalt roof. The majority of the windows on the addition are proposed to be double hung with white trim. There is a basement access door proposed on the east side of the home and a double swing door that opens to the new deck on the west side of the addition.

It appears that the plan meets all of the requirements for lot coverage, open space, and setbacks from neighbors to the east. Staff feels the plan is tasteful and distinct from the original portion of the house as recommended by the Secretary of Interior Standards Requirement No. 9.

Chairman Henke recalled that the Commission looked at this site five years ago for a large addition on the rear. Mr. Baka clarified that it never got built.

There is an existing pond that the petitioner stated that he wants to fill in and turn into a garden. Mr. Willoughby was not opposed to the concept and sensed that request could be submitted administratively.

Mr. Deyer noticed a protrusion on the north side of the house. Mr. Brian Neeper, Architect, explained the 2 ft. bump-out is part of the master bathroom where the tub is located in the window. It is 40 ft. back from the front of the house behind landscaping.

Motion by Ms. Fuller

Seconded by Mr. Deyer to approve the plans as submitted with administrative approval to be allowed on the coi pond size garden. If Mr. Baka is not comfortable with administering approval then the request would come back in front of the HDC.

There were not comments from members of the public at 7:11 p.m.

Motion carried, 4-0.

VOICE VOTE

Yeas: Fuller, Deyer, Henke, Willoughby

Nays: None

Absent: Burley, Charles, Dukas, Filthaut

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09-34-18

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

A. Staff Reports

-- Administrative Approvals

- 139 W. Maple Rd. - Front Maple Rd. facing column - same placement as Blow sign.
- 126 S. Old Woodward Ave. - Installation of signs for Kaku Sushi & Poke on fascia of building 4 ft. above entrance.
- 284 Maple Rd, Lululemon - Install sign on front fascia of the building.

-- Demolition Applications

- 2064 Yorkshire
- 1264 Webster
- 608 Stanley
- 1859 Stanley
- 684 Pierce
- 1252 Fairfax
- 755 Madison
- 1248 Redding

B. Communications

-- Commissioners' Comments

- Mr. Deyer said it doesn't seem as though the roof lighting on Triple Nickel meets the intent of the Lighting Ordinance. The Planning Board approved it and surely the objective was to differentiate the restaurant from the 555 Building. However he is concerned that since this was approved everyone will want it.
- It was discussed that the request for historic de-designation for the house at 361 E. Maple Rd. will be before the City Commission on September 17. Several members of the Historic District Study Committee are planning to attend.
- Mr. Willoughby clarified the bump-out in the bathroom discussed this evening is because the back corner of the house is right up against the setback line. Therefore the whole house could not be moved over a couple of feet without a variance. However, a projection of 2 in. for every foot of setback is allowed.

09-35-18

ADJOURNMENT

No further business being evident, the Commissioners motioned to adjourn the meeting at 7:15 p.m.

Matthew Baka
Sr. Planner



MEMORANDUM

Planning Divisions

DATE: September 26, 2018
TO: Historic District Commission
FROM: Matthew Baka, Senior Planner
SUBJECT: Overlay and Window Signage study

Overlay Sign Standards

The City of Birmingham has two sets of standards that are used to regulate signage throughout the City. There is the standard Sign Ordinance which governs most of the City, and there is the Overlay Sign Ordinance which regulates signage on buildings that were constructed under the Downtown Overlay development standards.

The amount of signage permitted by the standard Sign Ordinance provisions is based on the amount of building frontage. The width of the building determines the amount of square footage that can be used for signage. The allowable signage can be divided among any of the building tenants regardless of which floor they are located on provided that they meet all other provisions of the Sign Ordinance.

In contrast to the standard Sign Ordinance, the Overlay sign regulations do not limit the amount of signage or number of signs. Instead the number of signs permitted is dictated by the number of entrances and only tenants whose primary square footage is located on the first floor may have a sign. In addition to the differing restrictions listed above, there are also subtle differences between the two ordinances which make interpretation confusing for business owners and sign companies. In an attempt to illustrate the differences, the planning staff has created a chart that outlines the main differences between the ordinance sections and how they affect the use of signage in the City.

Issue:

Overlay

Over the past year the Board of Zoning Appeals has heard several variance requests for exceptions from the overlay signage standards. The primary cause of these requests has resulted from the difference between what is permitted by the standard sign ordinance and the overlay sign ordinance. The two provisions of the overlay sign ordinance that have initiated the majority of the variance requests are the following;

- The number of signs permitted determined by the number of entrances;
- Signage for upper floor commercial tenants is prohibited;

The commercial tenants on the upper floors of buildings developed under the Overlay are not currently permitted signage as they otherwise would be if they were located in a building

governed by the standard ordinance. In addition, the limitation of one sign per entry does not take into consideration businesses that occupy a corner space.

Discussion:

Overlay

The standard sign ordinance regulates signage by the size and location of the building and allows tenants/property owners to divide the allowable signage between tenants as they see fit. The successful variance requests that have been heard recently have argued that it is a hardship for the signage options to be limited in ways that are afforded to the majority of properties in the City.

On June 18, 2018 at the joint meeting the City Commission and Planning Board discussed this issue. There was consensus at that time that the sign ordinance should be studied and amendment as deemed appropriate.

Window signage

Window signage in the City of Birmingham is currently limited to 12 square feet per frontage (façade facing a street) or 18 square feet per frontage on "Big" Woodward.

The window signage throughout town is inconsistent and often exceeds the allowable amounts permitted by ordinance. While code enforcement is sent out periodically to site specific complaints and the Planning Division sends out literature to all businesses in town on a regular basis, the problem persists.

On June 18, 2018 at the joint meeting the City Commission and Planning Board discussed this issue. There was consensus at that time that the sign ordinance should be studied and amendment as deemed appropriate.

In an attempt to address the issues around window signage staff has provided draft ordinance language that would add regulations regarding the application and maintenance of window signs.

SUGGESTED ACTION:

To set a public hearing of November 7th 2018 to consider amendments to the Birmingham Sign Ordinance eliminating the Overlay Signage Standards and adding regulations regarding the application and maintenance of Window Signage.

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE SIGN ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 1, SECTION 1.10, OVERLAY DISTRICT SIGN STANDARDS, TO ELIMINATE THE OVERLAY DISTRICT SIGN STANDARDS.

1.10 Overlay District Sign Standards

~~Applicants who elect to develop under the Downtown Birmingham Overlay Zoning District may utilize the following standards:~~

~~A. General Standards:~~

- ~~1. The design of the buildings and sites shall be regulated by the provisions of Article 3: Overlay District in the City of Birmingham Zoning Ordinance.~~
- ~~2. Article 3: Overlay District in the City of Birmingham Zoning Ordinance shall govern the design of all privately owned land within the downtown Birmingham Overlay Zoning District.~~
- ~~3. The provisions of Section 1.10: Overlay District Sign Standards shall take precedence when in conflict with other provisions of the Sign Ordinance.~~

~~B. Sign Standards. Signs, when provided shall be as follows:~~

- ~~1. Building Sign Design Plan: For all newly constructed or exterior renovated buildings, an overall building sign design plan shall be approved by the appropriate reviewing body.~~
- ~~2. Design: Signs shall be integrally designed with the storefront.~~
- ~~3. Address Numbers: Address numbers shall be a maximum of 8 inches in vertical dimension.~~
- ~~4. Sign Band:
 - ~~a) General: A single external sign band or zone may be applied to the facade of a building between the first and second floors, provided that it shall be a maximum of 1.5 feet in vertical dimension by any horizontal dimension.~~
 - ~~b) Woodward Avenue Address: The external sign band or zone shall be a maximum of 2 feet in vertical dimension by any horizontal dimension. The sign band or zone may contain multiple individual signs, but all must refer to a tenant of the building whose principal square footage is on the first floor.~~
 - ~~c) Lowercase letters with ascenders and descenders that extend beyond the limits of the sign height by a maximum of 50% will not be calculated into total sign area.~~
 - ~~d) Each business whose principal square footage is on the first story, may have one sign per entry.~~
 - ~~e) Where the Historic District Commission, Design Review Board or Planning Board has determined that a horizontal sign band is not architecturally feasible based on building design, an alternative design will be considered, provided the following conditions are met:
 - ~~i. The sign must fit within the total sign area allowed for the business;~~
 - ~~ii. The sign shall be compatible with the building's street design and will enhance the streetscape;~~~~~~

- iii. ~~The sign adheres to the goals of the 2016 Plan.~~
- 5. ~~Building Identification:~~
 - a) ~~Signs identifying the entire structure by a building name may be permitted on the sign band.~~
 - b) ~~One sign will be allowed on the principal building frontage.~~
 - c) ~~Two identical signs will be allowed on each elevation of a corner building.~~
 - d) ~~Non-illuminated signs identifying the entire structure by a building name may be permitted above the first floor provided the following conditions apply:~~
 - i. ~~The building shall be located on Woodward;~~
 - ii. ~~A tenant name shall have legal naming rights to the building;~~
 - iii. ~~The sign shall be located on the top floor; and~~
 - iv. ~~Only one Building Identification sign may be located on the principal building frontage.~~
- 6. ~~Tenant Directory Sign: A directory sign may be comprised of individual nameplates no larger than one square foot each, or a changeable copy board for characters not exceeding one inch in height.~~
- 7. ~~Additional Signs: Additional pedestrian signs for first floor tenants shall meet the following requirements:~~
 - a) ~~These signs shall be attached to a building perpendicular to the facade, and extend up to 4 feet from the facade.~~
 - b) ~~These signs shall be a maximum of 1.5 feet in vertical dimension and 4 feet in horizontal dimension.~~
 - c) ~~There may be 1 individual pedestrian sign for each business located on the first floor, provided that such signs are spaced no less than 20 feet apart horizontally; this shall not deny any first floor place of business at least one projecting sign.~~
- 8. ~~Glass: The storefront glass may be stenciled with signs not to exceed 1.5 feet in vertical dimension and 4 feet in horizontal dimension.~~
- 9. ~~First Floor Awning: The valance shall not be more than 9 inches in height. The valance of an awning may be stenciled with signage totaling no more than 33% of the valance area.~~
- 10. ~~Lighting:~~
 - a) ~~General: External signs shall not be internally illuminated but may be back~~

ORDAINED this _____ day of _____, 2018 to become effective upon publication.

Andrew Harris, Mayor

Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE SIGN ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 1, SECTION 1.05, PERMANENT BUSINESS SIGN AND BROADCAST MEDIA DEVICE STANDARDS, TO AMEND SUBSECTION L TO PERMIT VACANT WINDOW COVERING.

1.05 Permanent Business Sign and Broadcast Media Device Standards

This Permanent Business Sign and Broadcast Media Device Standards section applies to the following districts:

PP, O1, O2, B1, B2, B2b, B2c, B3, B4

The following temporary business sign standards apply:

A. – L. Unchanged.

M. Window Signs (Business).

1. See Table B for specific requirements.
2. **Application and Maintenance: Window signage must be applied to the windows in a well-ordered and consistent manner. Torn, dirty or hand written signage is not permitted. Use of tape or adhesive must be applied in a manner that is predominately concealed from public view.**

ORDAINED this _____ day of _____, 2018 to become effective upon publication.

Andrew Harris, Mayor

Cherilynn Mynsberge, City Clerk

**BIRMINGHAM CITY COMMISSION /
PLANNING BOARD JOINT WORKSHOP SESSION MINUTES
JUNE 18, 2018
DPS FACILITY, 851 SOUTH ETON
7:30 P.M.**

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Andrew Harris called the meeting to order at 7:30 PM.

II. ROLL CALL

PRESENT: Mayor Nickita
Mayor Pro Tem Harris
Commissioner Bordman
Commissioner Boutros
Commissioner DeWeese
Commissioner Hoff
Commissioner Sherman

Scott Klein, Planning Board Chairman
Robin Boyle, Member
Stuart Jeffares, Member
Bert Koseck, Member
Naseem Ramin, Member
Daniel Share, Member
Janelle Whipple-Boyce, Member
J. Bryan Williams, Member

ABSENT: Jason Emerine, Member

ADMINISTRATION: City Manager Valentine, City Attorney Currier, Deputy Clerk Arft, Assistant Planner Cowan, Planning Director Ecker, Building Official Johnson

C. SIGN ORDINANCE REVIEW

Planning Director Ecker said current issues are:

- Overlay sign standards, which do not specify the square footage of signage permitted, but limit signage to one sign per entrance. As a result, businesses on a corner with two sets of windows facing two different streets are permitted only one sign. Additionally, upper-floor tenants are permitted from displaying any signage in the overlay. Businesses are appearing in front of the Board of Zoning Appeals (BZA) frequently to appeal these restrictions, which indicate the need to consider an adjustment to the ordinance.
- Window signage standards, which is limited by size – 12 sq. ft. or 18 sq. ft. on big Woodward – with no limits on quality of signage or content of signage.
- Window treatment standards, which currently prohibit window-tinting but permit first-floor businesses to put up blinds, drapes, screens and other window-blocking materials.

She concluded by saying the Community Development office gets complaints regarding these issues frequently.

Planning Director Ecker specified that the current window ordinances prevent tinting, blockage with shelves, blockage with furniture, and require 80% visible light transmittance. There is no current prohibition on blinds or other window treatments.

Commissioner Nickita said window-blockage is a huge discouragement to pedestrian activity and he would like to see the above issues explored seriously.

Mr. Koseck said the ordinance likely needs to be updated to reflect the spirit and intent of what Birmingham would like to see in windows.

Mayor Pro Tem Bordman concurred that these issues should be explored, adding that overlay businesses should likely not be limited to one sign per entrance if Birmingham is trying to encourage retail.

Commissioner DeWeese said he would like to see parking ordinances, retail ordinances, and sign ordinances addressed in that order.

Mr. Williams said he would like to see the City have increased influence on interior space in terms of what is seen from the windows.

Commissioner Hoff agreed with Mr. Williams, adding that current ordinances might provide relief for some of these concerns but would require increased enforcement.

Commissioner Boutros said he would like to see increased enforcement and further exploration of the issues.

Commissioner Nickita said Birmingham should explore prohibiting taped window signs in order to discourage the posting of haphazard signage.

Mayor Harris noted consensus to explore the aforementioned issues further.