

**CHARTER TOWNSHIP OF COMMERCE
ZONING BOARD OF APPEALS MEETING**

Thursday, July 26, 2012

2009 Township Drive

Commerce Township, Michigan 48390

CALL TO ORDER: Clarence Mills, sitting in as Chairperson, called the meeting to order at 7:00pm.

ROLL CALL: Present:

Jorge Pacheco, Secretary

Clarence Mills

David Law

Bill McKeever

Absent:

Rusty Rosman, Chairperson (excused)

Also Present:

Jay James, Engineer/Building Inspector

Chairperson Mills introduced the Members of the Board to those present, as well as Jay James. He reviewed the requirements for receiving a variance from the Zoning Board of Appeals including the fact that all the standards are to be met by the applicant. He assured the applicants present that the sites of the proposed variances have been visited by the members of the Zoning Board. He also explained that if a petitioner's variance request is granted, they will receive a letter of approval by mail. It is imperative that the letter be presented when applying for a building permit. A variance is valid for 365 days from the date of the approval letter.

He added that in order to have a variance approved this evening; applicants would need the approval of 3 out of the 4 Zoning Board of Appeals members present.

APPROVAL OF MEETING MINUTES

MOTION by Law, supported by Pacheco, to approve the Zoning Board of Appeals Meeting minutes of April 26, 2012, with the following corrections:

1. Page 4, Mills, 2nd bullet should read as follows: "At some point in time, someone else may move in there assuming that it was all built to the standards of the ordinance, *but there have been no inspections.*"
2. Page 4, top of page, McKeever 2nd bullet should read as follows: "*This is a precedent we do not want to set.*"

MOTION CARRIED UNANIMOUSLY

UPDATE OF ACTIVITIES

Bill McKeever – Planning Commission

- Kroger received site plan approval and special land use.
 - This will permit gas pumps, a filling station and a larger store to be located on the old K-mart site.
 - They will need a couple variances and they will come before us to see if these are necessary.
- A childcare site plan was approved on Haggerty, north of Pontiac Trail.
- A new veterinary facility site plan was approved at the old Commerce fire station, which was an office building for a while.
- The Maverick Building at 1200 Benstein Road was approved for an addition.
- There is a temporary event being held at Multi-Lakes through this week.

David Law – Township Board, Library & Parks & Rec

- We have discussed the water tower, which is still up in the air.
- The purpose is to lessen the increases on water prices charged by the City of Detroit.
- The Board is negotiating and attempting to find a location that is feasible for the residents.

PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

None

ITEM I: A12-06 – HARMON SIGNS – PUBLIC HEARING

Harmon Signs of Novi MI is requesting a variance from Articles 6 & 30 of the Commerce Township Zoning Ordinance to construct a monument sign that will encroach into the required front yard setback located at 8800 Commerce Road.

Sidwell No.: 17-12-152-041

Jason Sestak, Harmon Signs, 46593 Grand River Ave., Novi, MI 48374, was present to speak to the variance.

Jason Sestak – We were requesting 50' setbacks because that is where the existing sign is located now. We have power there and the sign is still at least 15' back from the curb, even with the construction.

According to the ordinance we should be 75' back; 60' from the centerline plus an additional 15'. If we put the sign at 75' back, it would be blocked by many trees on the west bound side, and completely blocked on the east bound side by signs and parked cars in the lots to the west. Keeping the sign in its current location is good for visibility for incoming patients, and it is still setback far enough that it will not block the view for patients leaving the driveway. The speed limit is 35mph plus, and if it is setback too far, it will be difficult to see.

The design matches the architecture of the building's stonework. It is not gaudy. It just stands out nicely and is easy to find to draw people in. I do have pictures available.

Chairperson Mills opened the public hearing.

Jim Obrien, 2919 Lauryl Drive, Commerce Township, MI – I own the property adjacent to this site, on the north side of the building. I just want to ask for clarification on what a monument sign is.

Jason Sestak – It is a low profile sign that is at or below 6' in height in accordance with the new ordinance. It can be with or without columns. The existing sign is high and does not conform with the current ordinance.

Mills – Many businesses have monument signs and they are typically 32 square feet of signage. This is a standard ordinance established by the Township. The discussion here is regarding the setback from the centerline of the roadway. The ordinance states

that the new sign would need to be moved further back. In their case, they are requesting a variance and the question is about placement of the new sign.

Chairperson Mills read a letter into the record submitted by Allan & Karen Schlumberger, 8639 Edgewood Park Dr., Commerce Township. In summary, the letter stated that they had no objections to the new sign itself, however they did question the need for it as the current sign is very nice. They did object to the placement of the sign as they felt it would be too close to the road, it would block Laurel Drive and could be dangerous.

Chairperson Mills closed the public hearing.

There were -0- returns and -1- letter.

Board Comments:

Law – The last issue raised was visibility. Will the new sign cause an issue by blocking motorist's views?

Jason Sestak – This is at least 15' back from the curb. Laurel Drive is on the other side and their stop sign is beyond the point at which the sign would interfere with their sightlines.

Jay James explained that the ordinance has specific requirements as far as a clear sight distance. He quoted the Planner's Report of July 18, 2012, "*the areas of property on both sides of an ingress or egress drive formed by the intersection of each side of the drive and any public or private street with two sides of each triangle being ten feet in length from the point of intersection and the third side being a line connecting the ends of the two other sides,*". He further explained that staff was concerned with this triangle and requested that a survey be provided to verify this. The survey was not submitted.

Law – The survey was requested and was supposed to be provided.

Jay James – Yes, Kathleen Jackson asked the petitioners to provide the survey so that we could clearly delineate that this met the requirements.

Pacheco – Would they need an additional variance if it did not?

Jay James – No. If it was in the triangle it would not be allowable as it would be a danger.

Pacheco – The survey is very important to have.

Mills – Is the monument sign replacing the existing sign in the same location?

Jason Sestak – Yes.

Pacheco –

- I believe that we should know whether or not this will interfere.
- The survey should be presented.
- On the photos in the packet, there are 3 different overlays. Which one represents what you are requesting?

Jason Sestak – The first one at 50'. We are replacing the existing sign in the exact same spot. The other 2 pictures reflect what the ordinance requires at 75' and how the sign would be blocked by the trees.

McKeever –

- My concerns are the same.
- Clear site lines must be maintained.
- I am not in favor until we are certain that this will not create a hazard.
- This could be done Administratively if staff is comfortable, or it could be tabled and brought back.

Jay James – That would be up to the Board. If you prefer to have it handled Administratively, Kathleen Jackson could probably manage this. You have options if you are so inclined to deny it or table it until the survey is available and the petitioner returns. Or you can stipulate Administrative approval as long as the survey shows that this meets the requirements.

Pacheco – If we approve one variance, and the survey shows interference, would they return for another variance?

Jay James – The approval of the variance would be contingent upon staff determining that the sign is not in the sight triangle. If staff sees that it is an issue, then the approval is invalid.

Mills – So if the sign is found to be in the triangle after approval, it would not be approved.

Law – If the road is widened again, or public utility work takes place, would the sign be removed or relocated?

Jay James – Good point. If the variance is granted, the petitioner should be notified that if Commerce Road is widened or if utility of public works projects necessitate removal or relocation of the sign in the future, the sign and all appurtenances will have to be removed at the property owner's expense. And, any relocation of the sign within the required setback would require the petitioner to return to the Zoning Board of Appeals for a new variance.

Mills – So that is typical language for any sign variance with a front yard setback.

Law – I'm ok with having Administrative approval.

MOTION by Law, supported by McKeever, to approve, contingent upon and subject to conditions and caveats, Item A12-06, the request by Harmon Signs of Novi MI for a variance from Articles 6 & 30 of the Commerce Township Zoning Ordinance to construct a monument sign that will encroach into the required front yard setback located at 8800 Commerce Road. Sidwell No.: 17-12-152-041

Approval is contingent upon and subject to the following conditions and caveats:

1. The Planner's Report dated July 18, 2012; and,
2. The Township Planning Department staff will review a survey provided by the petitioners; and,
3. Assuming that staff does not find the proposed sign to be located within the required sight triangle, and that it meets all other requirements, the request for a 25' front yard variance would be approved; and,
4. If the location is Administratively approved after review of the survey, the new monument sign will replace the existing sign; and,
5. The petitioner understands that if the road is widened or if utility of public works projects necessitate removal or relocation of the sign in the future, the sign and all appurtenances will have to be removed at the property owner's expense; and,
6. Any relocation of the sign within the required setback would require the petitioner to return to the Zoning Board of Appeals for a new variance.

Approval is for the reason that the proposed will not be materially detrimental to the public health, safety and welfare, and it will not be materially injurious to the property or improvement in such zone or district in which the property is located. Approval is also in consideration of the Finding of Fact as stated within the Planning Department's report.

MOTION CARRIED UNANIMOUSLY

ITEM II: A12-07 – UNION LAKE BAPTIST CHURCH – PUBLIC HEARING

Union Lake Baptist Church of Commerce MI is requesting a variance from Article 30 of the Commerce Township Zoning Ordinance to construct a digital monument sign in a residential zoned district located at 8390 Commerce Road. Sidwell No.: 17-12-251-015

Jay James, Engineer/Building Inspector, gave a review.

Achille Souvatzidis, Union Lake Baptist Church, 8390 Commerce Road, Commerce Township, was present to address the variance request.

Achille Souvatzidis – We are requesting to place a digital sign on top of the existing sign, and 32 square feet is allowed. We checked the dimensions at 75' from the centerline of the roadway. The height will be below 6'. The reason we need the digital display is to inform the public about the vacation bible school, the food bank, voting, and many other activities that our facility is used for. This will help tremendously to advertise activities. The sign will not be flashy or radiant colors, and will not affect night visibility. We are surrounded by commercial uses, even though the area is zoned residential.

Chairperson Mills opened the public hearing.

No comments.

Chairperson Mills read a letter into the record submitted by Allan & Karen Schlumberger, 8639 Edgewood Park Dr., Commerce Township. In summary, the letter stated that they did not understand why a church would need a lighted digital sign at the entrance in a location that is surrounded by residential area. They added that this is not commercial zoning and they felt the proposed sign would be out of context for the area.

Chairperson Mills closed the public hearing.

There were -8- returns and -1- letter.

Board Comments:

Mills – Is your sign replacing the existing one?

Achille Souvatzidis – No, it will be placed on top of the existing. The current sign only says Union Lake Baptist Church.

Mills – And the overall height, including the new digital portion, is 4' 3/4" above ground?

Achille Souvatzidis – Yes, it is 4.5' above ground. This addition is 12", which will still be below the 6' allowed by Commerce Township.

Mills – What are the restrictions on animated signs?

Jay James – They are not allowed in residential zoning districts. This property is zoned residential, and therefore he needs a variance. If it was zoned business, he would not. Churches are permitted in residential districts.

McKeever – This just happens to be surrounded by commercial uses?

Jay James – Yes, and their sites are also zoned residential.

Mills – Both sides are commercial uses?

Jay James confirmed and reviewed page 1 of the Planner's Report dated July 18, 2012 covering adjacent properties and uses of a bank, offices, public school, golf course/office/retail. Although these are zoned residential, they do not have residential uses.

McKeever –

- No other concerns.
- I would vote in favor of this if the petitioner is comfortable with the same caveats related to removal/relocation being their cost to bear if it becomes necessary.

Law – Why do you feel the digital sign is necessary?

Achille Souvatzidis – The main reason is that we do use banners for events and activities. Sometimes in the wind they are blown down. This will be much cleaner and neater, and will conform better to the area. It can be used to advertise any of the various activities we sponsor.

Mills – In the opinion of the church, will this sign completely eliminate the need for any banners in the future?

Achille Souvatzidis and two gentlemen from the church all agreed that elimination of banners would be the intent.

Pacheco –

- I don't have any objections.
- I don't think it would look bad at all with the location and use of the adjacent properties.

Mills – I agree and don't see any problem. This is only raising it by 1' and it will not encroach onto any site.

MOTION by McKeever, supported by Pacheco, to approve, subject to conditions, Item A12-07, the request by Union Lake Baptist Church of Commerce MI for a variance from Article 30 of the Commerce Township Zoning Ordinance to construct a digital monument sign in a residential zoned district located at 8390 Commerce Road.
Sidwell No.: 17-12-251-015

Approval is specified in and subject to the following conditions:

1. The Planner's Report dated July 18, 2012; and,
2. The petitioner will install a 1'x8' animated addition to the current sign; and,
3. The petitioner understands that if the road is widened or if utility of public works projects necessitate removal or relocation of the sign in the future, the sign and all appurtenances will have to be removed at the property owner's expense; and,
4. Any relocation of the sign within the required setback would require the petitioner to return to the Zoning Board of Appeals for a new variance; and,
5. Approval is in consideration of the surrounding commercial uses.

Approval is for the reason that the proposed will not be materially detrimental to the public health, safety and welfare, and it will not be materially injurious to the property or improvement in such zone or district in which the property is located. Approval is also in consideration of the Finding of Fact as stated within the Planning Department's report.

MOTION CARRIED UNANIMOUSLY

ITEM III: A12-08 – COMMERCE VILLAGE VET – PUBLIC HEARING

Andrea Putt of Commerce MI is requesting a variance from Article 6 & 30 of the Commerce Township Zoning Ordinance to construct a monument sign that will encroach into the required front yard setback located at 605 Commerce Road.
Sidwell No.: 17-10-403-004

Jay James, Engineer/Building Inspector, gave a review

Dr. Andrea Putt, Commerce Village Vet, 605 Commerce Road, Commerce Township, was present to speak to the variance.

Dr. Putt – We hope to be opening soon. This property has virtually no front yard and so we are here tonight to request a variance from the 75' required setback. This is the specific area that was suggested by Kathleen Jackson and the Engineers for a sign, and it appears to be the only spot where it could properly fit. All potential options were reviewed, including on one of the building peaks; however, the peaks are blocked on either side by two telephone poles and by huge trees. The proposed location will be visible.

Jay James – Dr. Putt has come in to speak with me and Kathleen Jackson. We realized that placement of this sign would be very difficult – it would be in the right-of-way. The building sits so close to the road that this seems to be the only possible location at 2.5' from the entrance door. This area currently has asphalt and an overhead door, but these are being removed and refaced. Therefore, she did work with staff in determining the best location.

Chairperson Mills opened the public hearing.

Larry Porter, 4699 Ponderosa St., Commerce Township – I have no problem with the sign and the location for it. My issue is with the telephone poles that Dr. Putt referred to. One is cutoff halfway down and I thought the other was intended to replace it. I thought the old one would be removed, but it has remained for several years now. I don't know why it was not removed a long time ago. Some of the wires were relocated.

McKeever – This should be addressed to the utility companies.

Jay James – The RCOC is checking into these.

Mills – What generally happens is that multiple utility companies have lines on the same pole. The highest wires are the electricity. If the pole becomes unsafe or for other reasons, DTE moves the wires to the new pole and cuts off a portion of the old one. It is then up to the other utility companies to move their wiring to the new pole. We appreciate your comments, but it is out of our hands.

Jay James – We will keep this in mind whenever utility companies come in with requests.

Chairperson Mills closed the public hearing.

There were -3- returns and -0- letters.

Board Comments:

Pacheco – No problems at all. You did a beautiful job with the building. I believe the sign would be fine where they intend to put it.

Law – No problems.

McKeever – No issues.

Mills – The only issue I had is that there were no stakes in the ground to indicate the location on-site. No problems with the request.

MOTION by Pacheco, seconded by Law, to approve, with conditions, Item A12-08, Commerce Village Vet, the request by Andrea Putt of Commerce MI for a variance from Article 6 & 30 of the Commerce Township Zoning Ordinance to construct a monument sign that will encroach into the required front yard setback located at 605 Commerce Road. Sidwell No.: 17-10-403-004.

Approval is specified in and subject to the following conditions:

1. The Planner's Report dated July 18, 2012; and,
2. A 22' variance is granted; and,
3. The petitioner understands that if the road is widened or if utility of public works projects necessitate removal or relocation of the sign in the future, the sign and all appurtenances will have to be removed at the property owner's expense; and,
4. Any relocation of the sign within the required setback would require the petitioner to return to the Zoning Board of Appeals for a new variance; and,
5. The petitioner has worked with the staff in the Township departments to determine the best possible location and solution for locating a sign on this unique property.

Approval is for the reason that the proposed will not be materially detrimental to the public health, safety and welfare, and it will not be materially injurious to the property or improvement in such zone or district in which the property is located. Approval is also in consideration of the Finding of Fact as stated within the Planning Department's report.

MOTION CARRIED UNANIMOUSLY

OTHER MATTERS TO COME BEFORE THE BOARD

The Board and Jay James discussed the following items:

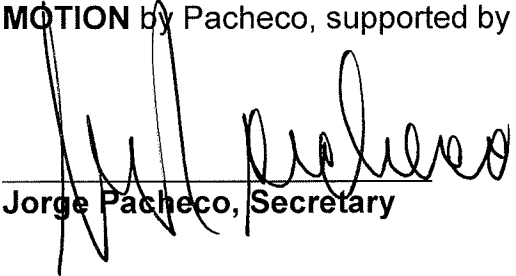
- The history of the building at 605 Commerce Road.
- A site plan and related variance with a circular driveway.
- A variance that was recently denied.
- The procedure for informing petitioners to stake out their property accordingly when requesting a variance as this is not always done properly, if at all.

NEXT MEETING DATE: THURSDAY, OCTOBER 25, 2012

ADJOURNMENT

MOTION by Pacheco, supported by Law, to adjourn the meeting at 8:00pm.

MOTION CARRIED UNANIMOUSLY



Jorge Pacheco, Secretary