

CHARTER TOWNSHIP OF COMMERCE
****SPECIAL** ZONING BOARD OF APPEALS MEETING**
Thursday, July 28, 2016
2009 Township Drive
Commerce Township, Michigan 48390

CALL TO ORDER: Rusty Rosman, Chairperson called the meeting to order at 6:59pm.

ROLL CALL: Present: Rusty Rosman, Chairperson
Jorge Pacheco, Secretary
Rick Sovel
Bill McKeever
Clarence Mills
Also Present: Robert Mistele, Alternate ZBA Member
Jay James, Engineer/Building Official

Chairperson Rosman introduced the Members of the Board to those present, as well as Jay James. She reviewed the requirements for receiving a either a dimensional and/or sign variance from the Zoning Board of Appeals, including the fact that all standards are to be met by the applicant. She assured the applicants present that the sites of the proposed variances have been visited by the members of the Zoning Board. She also explained that if a petitioner's variance request is granted, they will receive their 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. If the variance is used, it runs with the land; however, if it is not used, it expires.

APPROVAL OF MEETING MINUTES

MOTION by Mills, supported by Sovel, to approve the Zoning Board of Appeals Regular Meeting minutes of May 26, 2016, and the Zoning Board of Appeals Special Meeting minutes of June 16, 2016 as presented. **MOTION CARRIED UNANIMOUSLY**

PUBLIC DISCUSSION OF MATTERS NOT ON THE AGENDA

None.

UPDATE OF ACTIVITIES

Rick Sovel – Township Board & Library

- We had a meeting on Tuesday.
- There was informal discussion on the terms of moving the Library. There is a need to find a company that will be able to move the Library over a weekend or within a few days. This may take place in December or January, although there is still no exact date yet as there could be also be a wait for some of the interior components.
- The Richardson Center will be remodeled and an addition will be put on. The Board approved this to move forward and the process has been started. We will be sending out requests to architects and conducting interviews over the next couple of months. The Center will be closed for a while and there will be no banquet facilities for probably a year or so. The main reason the building is being improved is because it is not handicap accessible and the bathrooms are too small.

Rosman - The Board of Review sends senior citizens to the Richardson Center with questions regarding taxes and other matters. Will those services be available elsewhere during that time?

Sovel - Yes, but we don't know where yet.

- We are also moving forward with the Co-Rail trail plans with Walled Lake and Wixom. That is awaiting approval from the State, possibly by September.
- We also expect to hear from MDOT regarding the \$3 million bridge over M5 connecting the bike path. They are paying for this; however, the Township might make a contribution to allow some input on the design features.

Rosman - I would also like to add that the garbage services are great and their people always do a good job.

Bill McKeever – Planning Commission

- The Planning Commission has been pretty quiet.
- We approved a barn at 2479 Willow Way which was 1,950 square feet, but it was located on a 10-acre site.

Sovel - The next Planning Commission meeting on August 1st will be a full house. I've received a lot of emails regarding the Chabad Center parking lot expansion request.

ITEM I: PA16-0004 – SIGNS BY YOUR DESIGN – C.J.'S BREWERY – TABLED FROM MAY 26, 2016

Signs By Your Design of Waterford MI, representing C.J.'s Brewing Company, is requesting an exception from Article 30 of the Commerce Township Zoning Ordinance to construct a monument sign that will encroach into the required front yard setback located at 8115 Richardson Road. Sidwell No.: 17-13-426-012

MOTION by Pacheco, supported by McKeever, to remove PA16-0004 from the table.
MOTION CARRIED UNANIMOUSLY

Chairperson Rosman opened the public portion of the meeting.

Anthony Asker of C.J.'s Brewing Company was present along with Michael Schuster of Signs By Your Design to address the variance request.

Anthony Asker - We want to update our sign in front of C.J.'s and we want to have a message board underneath it. This is for visibility, and for presentation as well, for the business.

Michael Schuster - What he's requesting to do is take the existing sign in its current location and replace it with a new sign, under the conforming rules and regulations of the Township. It will not be larger than the requirements and it will not be anything different, other than the fact that at one time, the setback was less than what it is now. It's 7.5' outside the setback requirement. Per the survey, it has to be 75', and right now it's 67.5'. It's that close and we just want to replace the existing sign with a very nice

looking sign. The current sign is in a dilapidated condition. As for the requirements in the instructions; this will not obstruct vision, and as for visibility, it conforms. Regarding site features, he couldn't remove the tree on the west side as it doesn't belong to him. We are within the requirements on all remaining items.

Chairperson Rosman closed the public portion as there were no additional questions or comments.

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

Board Comments:

McKeever - I didn't have any questions.

Sovel - The outside bottom part is not lit, and the top is, just the circle part?

Michael Schuster reviewed the sign plans, explaining that just the white circle is lit, and the dark portion is not. The bottom would be the menu board.

Pacheco - There's a statement here that if this is approved, there should be a condition regarding removal of a certain sign. Was that covered?

Rosman - Jay, could you update us on the signs on that property and who owns it?

Jay James - You've got the Brewery, the business itself, and then their company also purchased the building to the east. Between the two lots, there are two pylon signs that currently exist and one of them is considered an offsite sign. That is the one that Dave Campbell has indicated should be removed if the Zoning Board of Appeals so chooses to make it a condition of approval. Offsite signs are not allowed in our Zoning Ordinance and they already have signs for both lots. This is something the Zoning Board of Appeals should consider.

Rosman - There are currently three signs, and one is for the other building, but they're both owned by the same people?

Jay James - Correct.

Rosman - Have they combined those lots?

Jay James - I don't believe so, and I don't believe they're required to do so. One is their headquarters.

Anthony Asker - They're separate Sidwells.

Rosman - Jorge, now that that's been clarified, you want to know what the petitioner thinks?

Pacheco - Yes, what is their opinion about removing that sign?

Rosman - I have no problem in asking them, but it's not up to them. What is your opinion regarding removing that sign?

Anthony Asker - It's not our sign, it's not C.J.'s sign. It's being used as a message board, but updating our current sign is what we're here for and if we do, we won't be using that other sign anymore.

Rosman - Am I correct that C.J.'s owns both properties?

Anthony Asker - C.J.'s does not own both properties, no. C.J.'s is the licensee and the corporate office next door is the licensor.

Rosman - What do you own?

Anthony Asker - I own C.J.'s Brewing.

Rosman - So you're the licensee?

Anthony Asker - Correct. Now, they managed by the same company as far as the name, but they're two different entities.

Rosman - Are you an owner of C.J.'s?

Anthony Asker - Yes, I'm an owner of C.J.'s.

Rosman - Okay, so then you are an owner, not only of the Brewery, but you're also an owner of the building next door?

Anthony Asker - That is correct.

Rosman - Okay, thank you.

Michael Schuster - Can I please add something to that? He is not the only owner of the other building.

Rosman - I understand.

Pacheco - So what is your answer? Would you object to removing that?

Anthony Asker - It's not up to me to just remove that sign because there are tenants in that building next to C.J.'s. I'm only here for C.J.'s Brewing Company.

Rosman - I understand. Jorge, I'm putting that on the back burner for a moment because it's really not up to what they think. It's up to us and what we want them to do.

Mills - Speaking specifically about this sign as requested, I didn't have any problems when I visited the site. There's plenty of visibility and I didn't see where it would hamper traffic coming in or leaving the driveway. I don't have any other questions.

Rosman - Jay, I want to go back to these three signs. The sign in front of C.J.'s I will call #1, and #2 and #3 are east of C.J.'s.

Jay James - Correct.

Rosman - The one you recommend be taken down is #3?

Jay James - Yes, I believe it's the farthest one to the east. I discussed this with them when they bought that building and started renovating. I actually thought it was going to be coming down before now, but since this was coming up again it was a good time to address it and make sure that the offsite signage is removed.

Rosman - Can you define "offsite"?

Jay James - Our ordinance does not allow you to place a sign for advertisements of your business off your property, somewhere else in the Township. That is considered an offsite sign. Even before they purchased the building next door, they were using that other sign. I don't know how that happened over the years, but it did, and there are others like that throughout the Township. We're trying to clean those up as well.

Rosman - Do we know who owns the property that the sign is on?

Jay James - It's part of C.J.'s company, but I'm not sure of the entity.

Rosman - But it is part of the C.J.'s business?

Jay James - Yes.

Rosman - Thank you. I don't have a problem with the request. I'm glad to see a new sign go there because I find the current sign very hard to read. I do have a problem with there being three signs on the property. While I recognize you are one of the owners, this is going to affect what you're going to be allowed to do. I am going to make the motion that we allow you to have the new sign, on the condition that the offsite sign, located furthest to the east, be removed before you be allowed to install the new sign. That will be a condition that I will put on, and I don't know how the other board members will vote, but there is no time like the present to clean this up. You are asking for something outside of the Zoning Ordinance and it makes perfect sense to all of us that if you want something, you have to do everything you can to fit into the ordinance. Since you are in the group that owns the three signs, it behooves you to remove the 3rd sign at your own expense. Jay, anything to add?

Jay James - When they originally submitted for the sign, it came to me and I denied it. Our ordinance would allow them to reface the existing sign, even though it's nonconforming, we could allow that. However, since they wanted to go to the digital sign, I had to deny it as that's considered an upgrade.

McKeever - We should put in the standard language regarding future work in the right-of-way.

MOTION by Rosman, supported by Sovel, to approve, **with conditions**, Item PA16-0004, the request by Signs By Your Design of Waterford MI, representing C.J.'s Brewing Company, for an exception from Article 30 of the Commerce Township Zoning Ordinance to construct a monument sign that will encroach into the required front yard setback located at 8115 Richardson Road. Sidwell No.: 17-13-426-012

Based on the presentation and comments we have heard, I believe the applicant has satisfied the standards of Section 30.09 of the Township Zoning Ordinance for granting an exception to the required front yard setback for a freestanding digital monument sign along Richardson Road, and therefore I make a motion to approve the request for an exception of 7.5 feet relative to the front setback requirement of Section 30.03.F of the Zoning Ordinance.

Approval is based upon the following:

1. Obstructions - *It will not be an obstruction.*
2. Visibility - *It will not block the sight of passing motorists.*
3. Site features - *There is no need for significant tree removal.*
4. Scale - *The sign will not exceed the allowable height or area standards.*
5. Aesthetics - *The exception will not adversely impact the character or appearance of the building or neighborhood.*
6. Minimal - *The exception shall be the minimum necessary, which they are meeting all of the sign requirements.*
7. Intent - *The exception will not significantly impair the intent and purpose of this Article.*

Approval is conditional upon the following:

1. As a condition of receiving the building permit, the existing offsite pole sign must be removed prior to the new sign being installed. The offsite pole sign to be removed is located on property owned by the C.J.'s entity, located at the northwest corner of the parcel adjacent to the east; and,
2. If there's any reason for the sign to be removed due to utility or other work being done in the right-of-way, the new sign will be removed at the owner's expense; and,
3. The new sign is per the drawing submitted in the packet, with the exact same wording on both the front and back sides, as presented.

Discussion -

Michael Schuster - Just to have this entered into the minutes, we're here for a specific Sidwell and parcel number, and we're not trying to be disagreeable, but this pertains to one Sidwell number and not the next door Sidwell number. With the way the corporation is set up, he can't say that they're going to allow him to tear that sign down. He's got tenants coming in and they're going to need signage.

Rosman - We don't disagree with you, but there are two pole signs, where every property is only allowed one. This is clean-up time. Also, if we did not allow him to put in a digital sign and said put it on the building instead, he'd still have signage on his building. If you want the digital sign, this is the give and the take. You can still have a sign, but we could deny this.

Michael Schuster - I understand and I just wanted to converse on that.

Rosman - I appreciate your input.

MOTION CARRIED UNANIMOUSLY

OTHER MATTERS TO COME BEFORE THE BOARD

- Chairperson Rosman initiated discussion about the Clark Gas Station zoning and the Village Overlay District. It was noted that there will be a special meeting of

the Planning Commission on Monday, August 15th to review the Clark Station request.

- McKeever discussed excessive dust from the construction site at the corner of Richardson and Newton roads. Jay James would contact them about getting a water truck to the site.
- **NEXT REGULAR MEETING DATE: THURSDAY, SEPT. 22, 2016, 7:00pm**
- **NEXT SPECIAL MEETING DATE: THURSDAY, AUG. 25, 2016, 5:00pm**

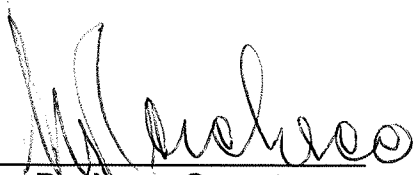
PLANNING DIRECTOR'S REPORT

None.

ADJOURNMENT

MOTION by Mills, supported by Pacheco, to adjourn the meeting at 7:27pm.

MOTION CARRIED UNANIMOUSLY



Jorge Pacheco, Secretary