

CLINTON TOWNSHIP BOARD OF APPEALS

REPORT OF MEETING

DECEMBER 12, 2007

PRESENT: Francis Marella, Chairperson
Michael Nickerson, Vice-Chairperson
Robert M. Campbell, Secretary
Peter M. Catalano
James D'Angelo
Michael Deyak
Denise C. Trombley

ABSENT: None

STAFF: Carlo Santia, Director
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

The meeting was called to order at 6:30 p.m. Mr. Marella explained the parameters under which this Board can act and how the public hearing will be conducted. He further explained that, as stipulated in the Township Ordinances, all variances granted by the Board of Appeals are subject to several standard conditions as follows: 1) The petitioner must comply with all applicable requirements of Township ordinances; 2) The project work requiring the variance must be completed within two years of the date that the variance was granted; 3) The project work must be completed substantially in accordance with the plans submitted to the Board of Appeals; and 4) The variance is valid only for the useful life of any structure(s) on the property for which variance is granted.

APPROVAL OF AGENDA

Motion by Mr. Deyak, supported by Mr. Nickerson, to approve the agenda as submitted. Motion carried.

**4.30 ACRES OF LAND FRONTING THE NORTH LINE OF 15 MILE ROAD, WEST OF
UTICA ROAD (SECTION 30)**

**-- APPEAL: HENRY FORD MACOMB MEDICAL CENTER
FILE #6251: PETITIONED BY JEFF PODINA, ASI MODULEX
REPRESENTED BY GARY ELLIS, ASI MODULEX**

Pertinent correspondence was read and entered into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 85 owners and/or occupants of property located within 300 feet of the land in question, with none of those returned as undeliverable. He added that there were no written replies received in response to the mailing.

Mr. Gary Ellis, 1203 Wheaton, Troy, Michigan 48083, explained that the petitioner is trying to properly identify any entrance points and they feel this is the best way to accomplish that goal. He assured that the letters are small because they are trying to clean up the façade. He replied to inquiry that the current letters are illuminated.

Mr. Campbell supported the petitioner's objective of making sure an immediate care facility is readily visible and that patients can get to it with minimal delay; however he was not convinced that this particular proposal meets that objective. He stated that when he visited the site, he observed that their lawn sign is a considerable distance from the driveway, which made it very confusing. He stressed that public safety is the main objective, and de-emphasizing the façade, keeping the wall sign at 40 square feet, moving the lawn sign closer to the driveway and installing some small directional signs at the driveway may help the situation.

Mr. Ellis assured he would take note of the suggestion to move the lawn sign closer to the driveway. He replied to inquiry that he is representing the sign contractor and is not from the hospital. He was concerned that it is a very small campus and adding two directional signs may not be as helpful as the larger wall sign.

Mr. Nickerson felt the proposed sign is far too big and confusing. He recalled that when this Board granted variances for the 19 Mile Road campus, they allowed changes but a lot of those were directional, in the interest of public safety. He felt Mr. Campbell's suggestion may be the right way to go.

Mr. Marella supported the sentiments expressed by Mr. Campbell and Mr. Nickerson.

Mr. Catalano pointed out that there is a tree that is blocking part of the sign, and as the tree grows, more and more of the sign will be blocked, so a larger sign may not be the answer.

Discussion took place regarding whether further consideration on this matter should be postponed until the representative has an opportunity to discuss the options with the petitioner.

Mr. Nickerson felt the request for the ninety-three square foot wall sign should be denied. He added that they can ask for reconsideration if they feel it cannot be worked out.

Motion by Mr. Campbell, supported by Mr. Nickerson, with reference to File #6251 and application from Mr. Jeff Podina, ASI Modulex, 1203 Wheaton, Troy, Michigan 48083, as represented by Mr. Gary Ellis, same address, for variance to Clinton Township Building and Housing Code, Chapter 1488.02(e)(5), Definitions and Restrictions; OS-1 and OS-2 Districts, concerning 4.30 acres of land fronting the north line of 15 Mile Road, west of Utica Road (Section 30), addressed as 15717 15 Mile Road, that request for variance to permit installation of a ninety-three (93) square foot wall sign for a medical office (Henry Ford Macomb Medical Center) being fifty-three (53) square feet in excess of the maximum permitted forty (40) square feet, be denied by reason that insufficient hardship was presented and identification of the access point can be more effective by moving the existing lawn sign. Roll Call Vote: Ayes – Campbell, Nickerson, Trombley, Catalano, D’Angelo, Deyak. Nays – Marella. Absent – None. Motion carried.

LOT 18, CLINTON WEST INDUSTRIAL SUBDIVISION (SECTION 35) (LOCATED FRONTING THE NORTH LINE OF STEVENSON, EAST OF GIFTOS)

-- **APPEAL: PAUL DAVIS RESTORATION**

**FILE #6252: PETITIONED BY ROBERT RASHID, PAUL DAVIS RESTORATION
REPRESENTED BY CHUCK BIRD, VINYL GRAPHIX**

Pertinent correspondence was read and entered into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 17 owners and/or occupants of property located within 300 feet of the land in question, with none of those returned as undeliverable. He added that there were no letters received in response to the mailing.

Mr. Chuck Bird, 24731 Harper Avenue, St. Clair Shores, Michigan 48080, explained that the owner would like signage fronting I-94.

Mr. Bob Rashid, Paul Davis Restoration, 22601 Stevenson, Clinton Township, Michigan 48035, stated he would like permission to put up the sign so the building can be identified. He indicated that they never put up their sign, but with the slow economy, they would like the two signs requested.

Mr. Bird replied to inquiry that if they relocated their sign, the motorists would already be past the building. He replied to further inquiry that the proposed sign is not illuminated.

Mr. Rashid clarified that the sign is comprised of cut-out foam letters, with lights shining on them.

Mr. Campbell inquired as to the signage being requested.

Mr. Bird showed the Board of Appeals members a drawing of exactly what is being requested.

Mr. Campbell explained that, on occasion in the past, this Board has granted variances to permit an additional sign for a building but the condition has been placed on the variance that the total

combined square footage of the signs does not exceed the square footage that would be permitted for the one sign allowed. He noted, in this particular case, that would mean the total combined square footage of the two signs could not exceed 200 square feet.

Mr. Bird claimed that the other businesses in the area have larger signs.

Mr. Rashid inquired as to whether Waste Management obtained a variance for their sign.

Mr. Campbell did not recall Waste Management coming before this Board for a variance, but he added that their sign, if it is in violation, may be an illegal sign.

Mr. Bird explained that, without the second sign, the business cannot be identified from I-94, but it currently cannot be identified from Stevenson, either.

Mr. Campbell clarified that the sign ordinance is written to allow signage facing the street the business is fronting. He stated they do not have the automatic right to be seen from I-94 because they do not directly face I-94.

Mr. Bird inquired as to whether the Board of Appeals would make an exception and grant a variance that would allow two signs with total combined square footage to exceed the maximum permitted 200 square feet.

Mr. Campbell did not feel that would be necessary. He pointed out that the combined square footage, as submitted, equals approximately 230 square feet. He indicated willingness to grant a variance to allow a second sign provided that the total square footage does not exceed 200 square feet, and he did not feel that would be difficult to do.

Motion by Mr. Campbell, supported by Mr. Marella, with reference to File #6252 and application from Mr. Robert Rashid, Paul Davis Restoration, 22601 Stevenson, Clinton Township, Michigan 48035, as represented by Mr. Chuck Bird, Vinyl Graphix, 24731 Harper Avenue, St. Clair Shores, Michigan 48080, for variance to Clinton Township Building and Housing Code, Chapter 1488.02-(e)-(6)-(C), Definitions and Restrictions, concerning Lot 18, Clinton West Industrial Subdivision (Section 35), generally located north of Stevenson, east of Giftos, that variance be granted to permit installation of two (2) wall signs, being one (1) wall sign in excess of the maximum permitted one (1) wall sign; further, this grant of variance is contingent upon the total combined square footage of the two (2) signs is not to exceed two hundred (200) square feet, which is what would have been allowed for a single wall sign on the site; further, this grant of variance is based on claimed hardship that the building is situated on a curved portion of Stevenson, making it difficult to see the identification on the building without the second sign; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Campbell, Marella, Nickerson, Trombley, Catalano, Deyak, D'Angelo. Nays – None. Absent – None. Motion carried.

**0.2163 ACRE OF LAND FRONTING THE SOUTH LINE OF HALL ROAD (M-59),
EAST OF HAYES ROAD (SECTION 6)**

-- **APPEAL: LONGHORN STEAKHOUSE**

FILE #6253: PETITIONED BY BRETT MASCHAK, RARE HOSPITALITY INT'L, INC.

Pertinent correspondence was read and entered into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 9 owners and/or occupants of property located within 300 feet of the land in question, with none of those returned as undeliverable. He added that there were no written responses to the mailing.

Mr. Brett Mashchak, 8215 Roswell Road, #600, Atlanta, Georgia, 30350, explained that they previously received a variance to allow an additional wall sign on the back of their building. Their real estate manager felt that would be the best location when this building was in the “talking” stage. Now that it has been open for a year, their operations specialists would prefer to have that sign moved from the rear of the building to the side. He added that they would be keeping both signs the same.

Mr. Campbell explained that when the Board of Appeals approved the additional sign, it was not based on future development but what was there at the time and is still there. He added they felt there may be patrons coming from Lowe’s or Golfsmith and, by having the sign on the rear of the building, they would be directed through the cross-access drives rather than having to exit onto Hayes and/or Hall Roads. He felt the request to relocate the sign is a new request, because it appears as though they want to “give back” the variance they previously received and apply for a new variance. He could not see why they need a variance for a sign on the side of the building. Mr. Campbell commented that the only people who would see that sign would be motorists travelling westbound on Hall Road, and it is such a distance because of the large road right-of-way on Hall Road, he did not feel it would be effective. He felt if a variance is granted to permit a sign on the side of the building, it will create a problem when other restaurants in the Township want the same consideration.

Mr. Mashchak stressed they are not requesting approval for another sign because they already received that approval, but they wish to relocate the approved sign.

Mr. Campbell felt the rear of the building is a better location, and he could not see a practical difficulty or hardship that would warrant moving the sign to the side of the building. He pointed out, however, that the petitioner would be allowed a larger pylon sign that what is already there. They would be allowed a 100 square foot pylon sign or a 120 square foot lawn sign that would be eight feet in height.

Mr. Marella agreed with Mr. Campbell that the larger pylon sign or lawn sign would provide greater visibility. He added that can be done without a variance if they follow the ordinances.

Mr. Mashchak felt a larger sign on Hall Road may be a good compromise.

Mr. Campbell pointed out that the existing lawn sign is only 48 square feet.

Motion by Mr. Campbell, supported by Mr. Marella, with reference to File #6253 and application from Mr. Brett Mashchak, Rare Hospitality International, Inc., 8215 Roswell Road, Building 600, Atlanta, Georgia 30350, for variance to Clinton Township Building and Housing Code, Chapter 1488.02-(e)-(2), Definitions and Restrictions, Business Sign, concerning 0.2163 acre of land fronting the south line of Hall Road (M-59), east of Hayes Road (Section 6), that variance request to permit relocation of an existing sign from the rear of a building in the B-2 Community Business District (Longhorn Steakhouse) to the left side of the building, be denied by reason that the petitioner has other possibilities of expanding the size of the lawn sign within ordinance requirements or replacing it with a pylon sign for effective identification to traffic in both directions on Hall Road. Roll Call Vote: Ayes – Campbell, Marella, Nickerson, Trombley, Catalano, Deyak, D'Angelo. Nays – None. Absent – None. Motion carried.

5.98 ACRES LOCATED AT THE NORTHWEST CORNER OF METROPOLITAN PARKWAY AND HARPER AVENUE (PART OF LOTS 94 THROUGH 102, SUPERVISOR'S PLAT #3 SUBDIVISION)

-- **APPEAL: VALUE CENTER MARKET**
FILE #6254: PETITIONED BY RONALD FARIDA, HARPER-16, INC.
REPRESENTED BY MICHAEL OSTROWSKI,
OSTROWSKI DESIGN GROUP

Pertinent correspondence was read and entered into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 182 owners and/or occupants of property located within 300 feet of the land in question, with 6 of those returned as undeliverable. He added that there was one written response to the mailing. He read the letter dated December 5, 2007 from Edward T. Maley, Maintenance Supervisor for James Towne Houses Cooperative, expressing concerns the neighbors experienced with the former Farmer Jack.

Mr. Michael Ostrowski, Ostrowski Design Group LLC, 25890 Concord, Huntington Woods, Michigan 48070, explained they are seeking a variance to locate a three-bay truck well and loading area to the north side of the development. The existing truck well was built in the late 1970's, and there is no evidence of any maintenance since the late 1980's. He indicated that the levelers are rusted and the concrete is broken. The large trucks are damaging the building and running off the property onto the easement close to Metropolitan Parkway in an attempt to maneuver the tight turn. He showed how an asphalt patch has been added to make room for the trucks, but it is not big enough. There is no cover, so they have to unload in the elements. Mr. Ostrowski explained how the proposed truck wells will be recessed 4 feet, and they will be putting in a landscaped berm to block the view of the loading area from the abutting condominium complex. He showed photographs indicating that there is no residential area where the trash compactor is located. They will be providing site line and noise control by the sloping ramp, trees, berm and wall.

Mr. Steve Ostrum, 37554 Stonegate Circle, Clinton Township, Michigan 48036, stated he is in favor of the market operating at this facility; however, he was concerned because Denton is the entrance to their subdivision, and he felt if the first thing they see upon

entering is a loading dock, it may affect their property values. He was concerned about noise from idling trucks, and the fumes that will drift into the residential area. He replied to inquiry that he lives in Stonegate Circle.

Mrs. Grillo, 21266 Balfour, Clinton Township, Michigan 48036, stated she has owned the abutting property for 34 years. She has had people move out when Farmer Jacks closed because they could no longer walk to a grocery store. She could never recall any complaints about noise or fumes, and she did not feel the values of the condominiums in Stonegate Circle will be negatively affected.

Mr. Terry Farida, 27428 Six Mile Road, Livonia, Michigan, explained that they currently operate stores in Livonia, Madison Heights and Warren, and are very community-oriented. All of their stores are located in residential areas so they understand and are very sensitive to noise. He assured they will take every precaution to assure that the neighbors are not negatively affected. They do not allow sale papers to go out to the parking lot in their carts, and they have a company that cleans their parking lots each night.

Mr. Marella inquired as to the size of the proposed trees they intend to plant in the berm.

Mr. Ostrowski replied that they will be planting maple trees and pine trees, and he estimated that the maples will range in height from 12 to 15 feet, while the pines will be approximately 8 to 10 feet.

Mr. Campbell noted that they still need to go through site plan approval. He would recommend granting the variance and let the Planning Commission determine the type and size of the trees to be planted in the berm. He cautioned that the Township does not allow Silver Maple trees, and evergreens have more screening value than maples.

Mr. Ostrowski assured that they have a row of pines but want some variation.

Mr. Marella felt the entire plan is a vast improvement to the site.

Mr. Ostrowski assured that the Faridas take great pride in their developments, and they are very clean, well-maintained stores. He added that they have excellent produce.

Mr. Campbell noted that one of the conditions of a variance is that the petitioner is to comply with all other ordinances. He explained that they had sign issues with the previous occupant of the store. The former owner applied for a variance for the second sign but was denied; however, they did not remove that sign.

Mr. Farida assured they will try to comply with the ordinance requirements.

Mr. Deyak felt this is a great project for the area. He mentioned that the husband of one of his staff members is a former manager of a Farmer Jack, and he had complimented the Value Center

Markets as being one of the best grocery store chains in the area. Mr. Deyak welcomed them to the Township.

Mr. Marella agreed that it is a tremendous addition, especially to an area that is lacking in grocery stores.

Motion by Mr. Campbell, supported by Mr. Deyak, with reference to File #6254 and application from Mr. Ronald Farida, Harper 16 Inc./Value Center Market, 1485 West 14 Mile Road, Madison Heights, Michigan 48071, as represented by Mr. Michael Ostrowski, Ostrowski Design Group LLC, 25890 Concord, Huntington Woods, Michigan 48070, for variance to Clinton Township Planning and Zoning Code, Chapter 1292.01-(o), Schedule of Regulations Limiting Height, Bulk, Density and Area; Footnotes, Off-Street Loading and Unloading, concerning Parts of Lot 2 94 through 102, Supervisor's Plat #3 Subdivision (Private Claim #542/Section 23), generally located at the northeast corner of Metropolitan Parkway and Harper Avenue, at 37155 Harper Avenue, that variance be granted to permit a retail store in the B-2 Community Business District (Value Center Market, fka Farmer Jack's Supermarket), with off-street loading and unloading space within an exterior side yard abutting a residential district, which is not allowed; further, this variance is granted on the condition that the petitioner take appropriate measures as to providing visual and noise control between the loading/unloading space and the abutting residential district; further, this grant of variance is based on claimed practical difficulty that the positioning of the existing building makes it impossible for the loading/unloading dock to be anywhere out of the restricted space next to a residential district; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Campbell, Deyak, Nickerson, Trombley, Catalano, D'Angelo, Marella. Nays – None. Absent – None. Motion carried.

**9.10 ACRES OF LAND FRONTING THE EAST LINE OF ROMEO PLANK ROAD,
SOUTH OF HALL ROAD (M-59) (SECTION 5)**

- **REF: APPEAL: JIM RIEHL'S FRIENDLY HUMMER DEALERSHIP**
FILE #6244: PETITIONED BY JIM RIEHL
-- **REQUEST FOR RECONSIDERATION**

Mr. Campbell noted that there is no documentation to be read into the record.

Mr. Santia explained that he added this to the agenda after having a conversation with Mr. Riehl. He added that Mr. Riehl will supply them with a written request, but he wants to come in and discuss the billboard and his need for the variance on the landscaping. He would like to discuss the hardships he is facing due to the current state of the economy.

Mr. Marella felt this is a reasonable request.

Mr. Campbell felt such a request for reconsideration should not be granted without receipt of written documentation.

Mr. Marella suggested postponing a decision on whether to reconsider until Mr. Riehl submits written documentation.

Motion by Mr. Marella, supported by Mr. Deyak, with reference to File #6244 and application from Jim Riehl, Jim Riehl's Friendly Hummer, 44880 Romeo Plank Road, Clinton Township, Michigan 48038, for variance to Clinton Township Planning and Zoning Code, Chapter 1292.01-(M), Land Use Regulations; and Chapter 1292.02-(a)-(13)-B, Space Layout Standards, Construction and Maintenance, Off-Street Parking and Loading, concerning 9.10 acres fronting the east line of Romeo Plank Road, south of Hall Road (M-59), addressed as 44880 Romeo Plank Road (Sections 4/5), that further consideration of whether to reconsider be postponed to Wednesday, January 16th, 2008. Motion carried.

CONFIRMATION OF NEXT MEETING'S AGENDA AND ATTENDANCE
-- MEETING SCHEDULED FOR DECEMBER 12, 2007 AT 6:30 P.M.

Mr. Santia confirmed the next meeting of the Board of Appeals for **Wednesday, January 16th, 2008** at 6:30 p.m. He noted that they are anticipating that the Wok Inn will be on that agenda, in addition to the item postponed from last month's meeting (SFR – Millar, 16265).

ADJOURNMENT

Motion by Mr. Nickerson, supported by Mr. Deyak, to adjourn the meeting. Motion carried. The meeting adjourned at 7:35 p.m.

Respectfully submitted,

Robert M. Campbell, Secretary
CLINTON TOWNSHIP BOARD OF APPEALS

ces:12/23/07
ces:01/04/08