

# **CLINTON TOWNSHIP BOARD OF APPEALS**

*REPORT OF MEETING*  
*WEDNESDAY, APRIL 17<sup>TH</sup>, 2019*

PRESENT: Francis Marella, Chairperson  
Michael Deyak, Vice-Chairperson  
Robert M. Campbell, Secretary  
James D'Angelo  
Ronald DiBartolomeo  
Thomas Mill  
Kenneth Pearl

ABSENT: None

STAFF: Bruce Thompson, AICP, Director  
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

The meeting was called to order at 6:30 p.m. and the Pledge of Allegiance was recited.

## **APPROVAL OF AGENDA**

Mr. Campbell noted that for Item #2 (Greater Lakes Medical Plaza), there is an amended request, noting that in addition to the request of record, there is an additional request to permit four (4) wall signs for the same plaza, being three (3) wall signs in excess of the maximum one (1) wall sign allowed. He advised that on Item #4 (15 Mile/Miami Retail), the documentation should reflect they need a variance for 11 parking spaces, not 9, because they have 103 spaces instead of the required 114 spaces.

Motion by Mr. Pearl, seconded by Mr. DiBartolomeo, to approve the agenda with the amendments as noted. Motion carried.

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.

**LOT 23, LITTLE ACRES SUBDIVISION, LOCATED FRONTING THE SOUTH SIDE OF LITTLE ACRES DRIVE, EAST OF WURFEL, ADDRESSED AS 20450 LITTLE ACRES (SECTION 33 – PARCEL #16-11-33-428-041)**

**- APPEAL: SFR – LITTLE ACRES, 20450  
-- REQUEST FOR RECONSIDERATION ON ACTION TAKEN AT  
MARCH 20<sup>TH</sup>, 2019 MEETING  
FILE #19-6878: PETITIONED BY MR. BRAD KLAUSS,  
PEAKS CONSTRUCTION  
REPRESENTED BY MR. DENNIS RUSCH**

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Mr. Campbell explained that there is a request for reconsideration on action taken at the March 20<sup>th</sup>, 2019 meeting. He advised the petitioner is Peaks Construction and the homeowner is Mr. Dennis Rusch. There was no mailing for the request for reconsideration.

Mr. Dennis Rusch, 20450 Little Acres, Clinton Township, Michigan 48035, was present to answer questions.

Motion by Mr. Pearl, supported by Mr. Mill, to reconsider the action taken at the March 20<sup>th</sup>, 2019 meeting. Discussion ensued.

Mr. Campbell clarified the reason for reconsideration is because there was a miscalculation as to the actual height. The wall is 11 foot, and there is a 6:12 pitch on the roof.

Roll Call Vote: Ayes – Pearl, Mill, Campbell, D'Angelo, Deyak, DiBartolomeo, Marella. Nays – None. Absent – None. Motion carried.

Mr. Rusch explained that the garage is actually 9 inches taller than what the ordinance allows. He explained the garage plans were submitted and approved, and the garage was built as approved. It ended up being 9 inches too tall at the halfway point, which is the point it is to be calculated.

Mr. Marella stated there was a substantial error in the height dimensions provided to the Board of Appeals members prior to the last meeting.

Mr. Rusch stated the violation stated the maximum height permitted was 14 feet, and that was all the information provided. He assumed they measured from the ground to the peak, so when they took that measurement, it was over 18 feet to the peak. He did

not know the measurement was to be calculated to the halfway point between the ridge and the eave so that was the cause of the error.

Mr. Thompson explained the height is 14 feet 9 inches. The original application submitted reflected the height of the garage to the peak, but there was no other information provided so that was the number used in the analysis. After the last meeting, they confirmed with the petitioner and the Building Department that the actual height was calculated at 14 feet 9 inches, so it was their suggestion that the petitioner submit a letter within ten business days and file for a reconsideration because this information was not made available to the Board of Appeals at the time of their last meeting.

Mr. Campbell commented that the current by-laws of the Board of Appeals state that a case for reconsideration should be heard at the next meeting. Based on conversation by the members, they feel there is no reason to delay this or delay the project. He would like the Planning Department to work with the Zoning Board of Appeals to update their bylaws so they do not introduce unnecessary delays in the process.

Mr. Pearl agreed with Mr. Campbell.

Motion by Mr. Campbell, supported by Mr. Pearl, with reference to File #19-6878 and application from Mr. Brad Klauss, of Peaks Construction, 44850 Vic Wertz Drive, Clinton Township, Michigan 48036, for variance to Clinton Township Planning and Zoning Code, Chapter 1298.01-(j), Supplementary Regulations, Accessory Buildings (Including Garages), concerning Lot 23, Little Acres Subdivision (Section 33), located fronting the south line of Little Acres, east of Wurfel, addressed as 20450 Little Acres (Parcel #16-11-33-428-041), that variance request to permit continued existence of an accessory structure (garage) for a single-family residence in the R-5 One-Family Residential District, measuring 14 feet 9 inches in height, being 9 inches in excess of the maximum permitted height of 14 feet, be approved based on practical difficulty that it allows for a normal 6:12 pitch on a garage with 11-foot walls; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Campbell, Pearl, D’Angelo, Deyak, DiBartolomeo, Mill, Marella. Nays – None. Absent – None. Motion carried.

**1.162 ACRE OF LAND FRONTING THE SOUTH SIDE OF 19 MILE, WEST OF GARFIELD, ADDRESSED AS 16100 19 MILE ROAD (SECTION 7 – PARCEL #16011007-201-010)**

- **APPEAL: GREATER LAKES MEDICAL PLAZA (FKA REDDY OFFICE CENTER)  
FILE #19-6882: PETITIONED BY MR. MICHAEL ANGELO,  
VIRGILIO LEASING LLC  
REPRESENTED BY MR. HAITHAM SITTO, SITTO INDUSTRIES**
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Mr. Campbell summarized the variance being requested and read the Planner Review letter dated March 28<sup>th</sup>, 2019 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 56 owners and/or occupants of property located within 300 feet of the land in question, with 6 of those returned as undeliverable. There were no written replies received in response to the mailing.

Mr. Haitham Sitto, 44731 Woodward, Pontiac, Michigan 48341, stated they are looking to upgrade the existing monument sign. They are not changing the size or the width but would like to incorporate a new message center within that sign so they can communicate their services and offerings to the community. He assured they will conform to all of the regulations as far as brightness, no motion or flashing and scrolling, and it will be factory-set for ambient light. It is a nice display and is not pixelated, and everything is LED-illuminated and is in compliance with all electrical codes. He noted that each suite is a separate entity, with separate businesses and separate tenants operating each business, so each business would like their name above their place of business. He stated Urgent Care Diagnostics is at this location, and there is a surgical center as well, and they are trying to help people with navigation on the site, adding that without this signage, it is difficult to locate the correct entrance. He noted most of the businesses are facing the parking lot or the back of the building, and he felt this will help people locate where they need to go.

Mr. Campbell felt the sign over each suite is a good idea for safety, and it helps people find their location and locate a place to park.

Mr. Sitto commented that they have routinely had people walking into the wrong businesses because they were not adequately identified.

Mr. Campbell commented the proposed sign in front is one of the largest they have had in the Township. He stated the maximum of 20 square feet for changeable copy signs has been in effect for a number of years, and he felt they will be seeing more and more larger signs. He felt if they are going to have a larger sign, it would be for the reason of “freeing up most of the clutter” of other miscellaneous information on the sign. He cited some of the items on the current sign, such as “Walk-ins Welcome” and “We Do It All”, which he considered advertising. He felt the sign is too busy, and if they have a changeable copy sign visible to the traffic on 19 Mile Road, the most that should be left on the sign should be “Urgent Care” and “Pharmacy”. The rest could be removed.

Mr. Sitto agreed, stating that is also his personal opinion. He felt “Walk-ins Welcome” could be displayed on the changeable copy sign. He felt the “Pharmacy” and “Urgent Care” signs are important and should remain because they are critical.

Mr. Campbell assumed that the messages on the electronic readerboard sign will be rotated between the businesses in the complex. He further suggested that the name of the center, Greater Lakes Medical Center, may be helpful to have on the sign as well.

Mr. Sitto explained at the time of submittal, the owners could not decide on a definite name of the center.

Mr. Campbell explained to put the name of the complex on the sign helps people find it. They can use it as a reference to patients, and it is easily visible for identification.

Mr. Sitto replied to inquiry that he is agreeable to keeping “Urgent Care” and “Pharmacy” and eliminate the other signs. He would have to get some information from the property owner as far as the name of the complex. He replied to inquiry that he would prefer to have the plaza name on top, with “Urgent Care” and “Pharmacy” underneath.

Mr. Pearl inquired as to the size of the changeable copy sign.

Mr. Campbell replied it is requested to be 35.5 square feet. He admitted it is large, but this Board has approved similar signs. He recalled one at the hospital, noting it was granted because it was a hospital and emergency cases go there, and the others are located on state highways, being Gratiot, Groesbeck and M-59. They were granted because of the width of the road right-of-way.

Mr. Sitto recalled discussing Jax Car Wash about a year or two ago. He stated the height is the problem, noting they cannot take any square footage off of the height because they are 12-foot 6-inch panels, so they end up with a “ticker” sign, which tend to be unsightly. They are trying to keep the same footprint as the existing sign. He agreed with Mr. Campbell about the clutter on the sign.

Mr. Pearl inquired as to the square footage of the wall signs.

Mr. Thompson replied the total combined square footage is 182.6 square feet for the three proposed signs, and the maximum allowed would be 200 square feet, so they are under the square footage requirement. He indicated it is the number of signs for which they need the variance.

Mr. Pearl questioned what the petitioner is proposing to put on the LED sign.

Mr. Sitto replied they will want to advertise such things as surgical center, vaccines, walk-ins welcome, as well as other issues facing the community.

Mr. Pearl felt it looks cluttered. He felt everything can be advertised on the LED and they do not need additional signage.

Mr. Mill stated he spent 40 years in public safety with police, fire and EMS, and he stressed it is imperative to put the name of the center on the top. Generally, they do not provide an address, but they provide a name of the center. In medical emergencies, moments make a difference. He felt it looks better to have the name of the center on top of the sign, and it is better for safety reasons. Mr. Mill stated his

daughter is a nurse-practitioner and when people come into an urgent care, there are times when she has to call an ambulance to pick them up because they should have been going to an emergency room. He felt the identification signage is important.

Mr. Sitto agreed with Mr. Mill.

Mr. Pearl also agreed with Mr. Mill, considering the public safety aspect. He did not feel they need all of the other signs that create the clutter, but they could put the name on top. He suggested the “Urgent Care” and “Pharmacy” could be scrolled on the LED display if they are getting the larger LED.

Mr. Marella felt the proposed sign will be an improvement.

Mr. Sitto stated he agreed that the name of the plaza should be included, with “Urgent Care” and “Pharmacy on the bottom.

Mr. Pearl disagreed with allowing anything other than the name of the plaza, adding the other information can be put on the electronic message center if they want that large of an LED.

Mr. Mill inquired as to whether the large signs on the building will be visible from the road.

Mr. Sitto pointed out they are not facing the road, so he felt the “Urgent Care” and “Pharmacy” signs are critical and should be included along with the name of the center.

Mr. DiBartolomeo agreed with Mr. Sitto that if “Urgent Care” and “Pharmacy” are on the changeable copy signs, there will be other messages so it will not always be displayed.

Mr. Mill agreed and felt the name of the plaza should be in large letters on the top, and the “Urgent Care” and “Pharmacy” on the bottom.

Mr. Sitto pointed out that if “Urgent Care” is on the changeable copy sign and it is the sixth slide, it may not be displayed at the time someone needs to see that sign to identify the building.

Mr. Campbell suggested they could also include the street address, “16100”, on top of the sign, which makes sense to have the address visible.

Mr. Pearl pointed out that the address is at the bottom of the sign.

Discussion took place regarding what verbiage should be allowed on the sign in addition to the electronic message board.

Mr. Pearl stated he is willing to compromise.

Mr. Campbell reviewed where they are with the sign, noting they are in agreement to allowing the LED at the 35.5-foot size requested, and the only fixed print would be the name of the plaza, “Pharmacy” and “Urgent Care”, and to allow the signs on the building as requested.

Motion by Mr. Campbell, supported by Mr. DiBartolomeo, with reference to File #19-6878 and application from Mr. Michael Angelo, Virgilio Leasing, LLC, 16100 19 Mile Road, Clinton Township, Michigan 48038, as represented by Mr. Haitham Sitto, Sitto Industries, 44731 Woodward Avenue, Pontiac, Michigan 48341, for variance to Clinton Township Building and Housing Code, Section 1488.020-(d), concerning 1.162 acre of land fronting the south side of 19 Mile Road, west of Garfield Road, addressed as 16100 19 Mile Road (Section 7, Parcel #16-11-07-201-010), that variance be granted to permit the installation of an electronic message board for an office plaza in the OS-1 Office/Service District (Low-Rise), measuring a 35.5 square foot message board, being 15.5 square feet in excess of the maximum permitted 20 square feet, and to permit the installation of four (4) wall signs, being three (3) wall signs in excess of the maximum permitted one (1) wall sign; further, this grant of variance is based on claimed practical difficulty being to safely direct people to an important medical facility; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Campbell, DiBartolomeo, D’Angelo, Deyak, Mill, Pearl, Marella. Nays – None. Absent – None. Motion carried.

**1.41 ACRE OF LAND FRONTING THE EAST SIDE OF HAYES ROAD, NORTH OF 19 MILE ROAD, ADDRESSED AS 43180 HAYES ROAD (SECTION 6 – PARCEL #16-11-06-351-013)**

**- APPEAL: McDONALD’S RESTAURANT (HAYES/19 MILE)  
FILE #19-6883: PETITIONED BY MR. PATRICK STIEBER, ALLIED SIGNS**

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Mr. Campbell summarized the variance being requested and read the Planner Review letter dated March 28<sup>th</sup>, 2019 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 276 owners and/or occupants of property located within 300 feet of the land in question, with 22 of those returned as undeliverable. There were no written replies received in response to the mailing.

Mr. Patrick Stieber, of Allied Signs, 33650 Giftos, Clinton Township, Michigan 48035, explained they are requesting additional signage similar to what they have asked of this Board for their other McDonald’s locations, so although they are proposing an additional number of signs, the total combined square footage is under the square footage that would be permitted for one sign. They are proposing the McDonald’s letter set and logo on the front elevation, the logo on the side entrance elevation and are requesting these

signs because of lack of identification, noting the traffic flows around the building. He emphasized that it is not excessive and fits in with the design of the building.

Mr. Phil Ruggeri, 43231 Schoenherr, Sterling Heights, Michigan 48313, one of the principal owners of Burger King and Popeyes, located on the northeast corner of 19 Mile and Hayes, did not believe the petitioner has demonstrated any practical difficulty or unnecessary hardship. He felt that McDonald's is quite visible, noting the golden arches can be seen from northbound and southbound traffic on Hayes Road, and they are clearly visible from 19 Mile Road, between the Burger King and Popeyes. He added they are a destination place because they have been there a long time. He commented that no more signage is needed on Hayes. He claimed McDonald's filed suit when he and his partners applied for variances for Burger King and Popeyes, and their arguments proved to be void and irrational because they have no parking issues, and the size of the building, leaving ample visibility, have not caused any issues. He stressed they have had no problems and traffic flow is fine. He claimed when the roads were put in around Burger King and Popeyes, McDonald's did not contribute at all to repair the damage that was there, nor have they contributed to snow-plowing. He expressed concern that if this variance request is granted for additional signs, everyone along Hayes will be requesting the same consideration. He stressed that is not the intention of the ordinance, and unless they can show practical difficulty, he felt they should be denied.

Mr. Pearl noted the petitioner has indicated there is no variance request for total square footage, but he recalled the Planner Analysis reflected there is a variance request for the size.

Mr. Thompson confirmed that, while he indicated the total combined square footage of the signs, it is within the ordinance requirements, so the only variance they are requesting is the number of signs.

Mr. Pearl felt this is a part of McDonald's rebranding, and they are trying to keep up with the updated logo for all of their locations.

Mr. Stieber assured the signs are tastefully done, so he felt the signs fit in well with the architecture. He felt there is hardship in the fact that traffic all goes in from that elevation, and it helps direct the traffic.

Mr. Pearl does not feel they should take this out against McDonald's because they sued the Township. They had to defend their variances for Popeyes and Burger King. He recalled granting variances for Burger King to go in. He appreciated McDonald's willingness to spend the money to update their signs, and the other two locations are doing fabulously. He concluded that he does not have an objection to this request.

Mr. Campbell agreed with Mr. Pearl. He felt this Board treats all businesses fairly, noting the total combined square footage is being kept well below what would be

allowed for one sign. He stated he would prefer to see the small arches on the side of the building rather than the full-sized arches which were always a monstrosity. He noted there are yellow beams currently on the roof, and he inquired as to whether those are being eliminated.

Mr. Stieber replied to inquiry that the beams will be going away.

Mr. Marella felt they should try to get along with their neighbors and cooperate on certain items.

Mr. Pearl agreed.

Motion by Mr. Campbell, supported by Mr. Mill, with reference to File #19-6883 and application from Mr. Patrick Stieber, of Allied Signs, Inc., 33650 Giftos, Clinton Township, Michigan 48035, for variance to Clinton Township Building and Housing Code, Chapter 1488.02-(e)-(2), Signs, Definitions and Restrictions, "Commercial sign", concerning 1.41 acre of land fronting the east line of Hayes Road, north of 19 Mile Road (Section 6), addressed as 43180 Hayes Road (Parcel #16-11-06-351-013), that variance be granted to permit the installation of three (3) wall signs for a business in the B-2 Community Business District (McDonald's Restaurant), being two (2) wall signs in excess of the maximum permitted one (1) wall sign; further, this variance is granted on the condition that the total combined square footage of the three (3) signs is not to exceed what the ordinance would permit for the one (1) sign allowed; further, this grant of variance is based on claimed practical difficulty that this Board has routinely granted variances for number of signs when the total combined square footage is less than what would be allowed for one wall sign; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Campbell, Mill, Pearl, D'Angelo, Deyak, DiBartolomeo, Marella. Nays – None. Absent – None. Motion carried.

**2.85 ACRES OF VACANT LAND FRONTING THE NORTH SIDE OF 15 MILE ROAD,  
EAST OF MIAMI BOULEVARD (SECTION 30 - PARCELS #16-11-30-451-009 AND -  
010**

- **APPEAL: 15 MILE/MIAMI RETAIL  
FILE #19-6884: PETITIONED BY MR. AMMAR W. ALKHAFAJI,  
W. EQUITIES, LLC  
REPRESENTED BY MR. RANDY G. MARTINUZZI,  
W. INVESTORS GROUP, LLC**

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Mr. Campbell summarized the variance being requested and read the Planner Review letter dated March 28<sup>th</sup>, 2019 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 93 owners and/or occupants of property located within 300 feet of the land in question, with 7 of those returned as undeliverable. There were no written replies received in response to the mailing.

Mr. Randy Martinuzzi, on behalf of W. Equities LLC, 29580 Northwestern Highway, Southfield, Michigan 48034, explained the primary issue with respect to the variance request is last June, they came before the Planning Commission and were doing general research on what they would be able to do. It was a Conditional Rezoning, and they were asked to work with the residents of the neighboring Brookside Villa Condominiums, directly behind the subject property. He explained the subject property provides the condominium association with an easement that is on the east side of the site. It is a non-exclusive easement so it can be used for the subject property as well as the condominiums. They found out a lot of motorists were using that driveway to cut through the condominium complex in order to bypass the traffic light at the corner of 15 Mile and Utica Roads. He explained they talked to the condominium association about making the road more privatized, so they sat down with the Macomb County Department of Roads and found they could move the entrance over about 15 to 20 feet, so when cars turn into the retail center, they would have to make another right turn to get to the road leading to the condominiums. This means the retail center will not be using the road, and although they are not going to make that easement exclusive for the condominiums, they are now eleven parking spaces short as a result. He stated that the current trend in retail is to have more restaurants and dining opportunities because more people are doing their retail shopping online. They took the restaurant up to 33.33% of the total space, and based on those calculations, they are 11 spaces short. He stressed the fact that they are trying to put in a private road that is not part of their legal requirements of their shopping center in order to help stop traffic from cutting through a pedestrian area, is a practical difficulty for this variance request. They are trying to make the center and the community better.

Mr. Marella questioned how far they are building on the property. He observed a garage that opens onto their property and questioned how far the new construction will be from that garage.

Mr. Martinuzzi clarified that the garage is on their property. He pointed out there are power lines extending across their property. He explained the building will sit where the garage is currently located, and it will be under the power lines. They have looked at all the possibilities, including reducing the size of the building by ten feet, but they were still going to need a variance for the parking. He replied to further inquiry that they will be removing the garage and the detention area will extend back to the condominiums, which is what they requested. He stated they plant all of their trees on the side of the pond closest to the retail development so that the pond and the greenbelt will provide a visual buffer for the residents of the condominiums. He indicated it saved him the cost of 70 additional feet of trees, which is what he would have to do to extend the trees all the way to the back property line, so it was a reasonable request from the condominium association that will work out for all parties involved. He assured they have done everything the condominium association has asked of them, and he is hoping they will not hear any objections from them for the eleven spaces.

Mr. Stephen Upsure, 16155 15 Mile Road, Clinton Township, Michigan 48035, property owner immediately abutting the subject property, stated he has no

problem with the project. He explained when he first purchased his property, the condominiums were not there, and there was a lot of vacant property in the area surrounding his home. He stated when the condominiums were development, there was change, and this development will also bring change, but he does not have any problem with it, adding he loves his neighbors in the condominiums.

Mr. Campbell stated in going through the material, the variance request makes sense, and he agreed if he was living in the condominiums, he would not appreciate people using his neighborhood as a cut-through. When he visited the site and drove through the condominium complex, he could not believe people would actually use it as a cut-through because he did not feel it would save time. He appreciated when the sinkhole caused a backup, some people may have used that route. He noted, however, that if everyone is happy with the arrangement, he has no objections.

Mr. Martinuzzi stated they were told by representatives from the condominium complex that they were experiencing cut-through traffic, although he never questioned it and they took it as fact.

Ms. Virginia Fiore, president of Brookside Villas Condominium Association and also the person who sold all of the condominiums for Mr. D'Alessandro. She complained that for the last four years, the traffic has been horrendous. It occurred during the problem with the sinkhole, but people traveling east and west were so impatient because of the long backups, they would cut through their condominium complex and not heed to any stop signs. Out of 48 units, about one-third use walkers and wheelchairs. With no sidewalks, that was a serious safety concern for them. The majority of residents are elderly, so that results in frequent calls for medical help, resulting in the fire truck, ambulance and police car all going to the location, and getting past those vehicles becomes a problem when they have so many people cutting through. She emphasized when they met Mr. Martinuzzi and his partners, they were very receptive to the concerns of the homeowner's association. She stated they are excited about having them develop this property because they will be able to walk up to the complex and possibly get a cup of coffee or a donut.

Mr. DiBartolomeo inquired as to whether the handicap parking requirements are still being met.

Mr. Thompson replied affirmatively.

Mr. Marella inquired as to the purpose of having a ramp in the middle of the parking lot.

Mr. Martinuzzi replied that is the handicapped sidewalk.

Motion by Mr. Campbell, supported by Mr. Pearl, with reference to File #19-6884 and application from Mr. Ammar W. Alkhafaji, W. Equities LLC, 29580 Northwestern Highway, Suite 1000, Southfield, Michigan 48034, as represented by Mr. Randy G.

Martinuzzi, W. Investors Group, LLC, same address, for variance to Clinton Township Planning and Zoning Code, Chapter 1296.01-(3)-(a), Off-Street Parking and Loading, Space Requirements, Business and Commercial, “Planned shopping center and retail stores”, concerning 2.85 acres of vacant land fronting the north side of 15 Mile Road, east of Miami Boulevard (Parcel #16-11-30-451-009 and -010), that variance be granted to permit the development of a retail center in the B-3 General Business District (per Conditional Rezoning Agreement) having 103 off-street parking spaces, being 11 parking spaces less than the minimum 114 off-street parking spaces required; further, this grant of variance is based on the practical difficulty that relocating the Silver Maple Drive access further to the west takes up space that would normally be available for parking, and the relocation of that driveway is in the interest of safety, both for people entering the retail complex as well as the residents in the condominiums behind this development; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Campbell, Pearl, D’Angelo, Deyak, DiBartolomeo, Mill, Marella. Nays – None. Absent – None. Motion carried.

**2.651 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF HAYES AND AMORE, ADDRESSED AS 40700 HAYES ROAD (SECTION 18 – PARCEL #16-11-18-101-008)**

**- APPEAL: HAYES PLAZA  
FILE #19-6885: PETITIONED BY MR. LARRY WORDEN, GALAXY SIGNS  
REPRESENTED BY MR. BRYAN DUQUET, SIGNARAMA**

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Mr. Campbell summarized the variance being requested and read the Planner Review letter dated March 28<sup>th</sup>, 2019 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 90 owners and/or occupants of property located within 300 feet of the land in question, with 16 of those notices returned as undeliverable. There were no written replies received in response to the mailing.

Mr. Bryan Duquet, of Signarama, 36886 Harper, Clinton Township, Michigan 48035, and Mr. Ron Saoud, one of the partners who owns the subject plaza, 45500 Van Dyke, Utica, Michigan 48317, offered to answer questions.

Mr. Duquet explained this property has 375 feet of frontage, so he claimed that, per the Clinton Township ordinances, they are allowed two 80-square-foot signs for that property. He assured they are only seeking approval for one sign by replacing the existing sign saying “Hayes Plaza” with a multi-tenant sign, using the 80 square feet allowed. He pointed out the property is L-shaped so five of the units are only seen from northbound Hayes and cannot be seen at all from southbound Hayes. He stressed there is a lot of pressure from the tenants to be able to have some road exposure. They were able to reduce the bottom clearance of the sign from 8 feet to 6 feet, and also reduce the height by 20 inches, making it 17 feet 10 inches in height. He added that they did not increase the square footage of the sign.

Mr. Saoud reiterated Mr. Duquet's comment that five of his tenants cannot be seen at all by southbound traffic. He emphasized they need to make this sign visible so it will work, and there is a big tree on the north side blocking the view. He stressed he would like to keep his tenants, as the plaza has been vacant for a long time and he finally got it 90% full. He indicated the businesses want their name in the front.

Mr. Duquet pointed out that the plaza is unique because it has 13 spaces in it, and even if they squeeze in 12 spaces on the sign, the panels would only measure 15 inches by 49 inches, which is not a lot of space and is very small when compared to the sign in the adjacent shopping center.

Mr. Mohammad Marini, owner of the Biggby Coffee in Hayes Plaza, explained he has the largest lease space in the plaza; however, no one can see his shop from southbound Hayes. He stated he has been there for three years and his business is struggling. He stressed they need the sign to identify their businesses. He commented that the tree on the adjacent funeral home property also blocks their view, and he noted that the previous owner of the Biggby Coffee Shop requested an additional sign for the back of the building so that the store could be identified, but that request was denied.

Mr. Campbell requested interpretation from Mr. Thompson regarding the petitioner's claim that, according to Township ordinance, he is allowed two pylon signs for the existing site. He does not believe that to be the case.

Mr. Thompson explained that claim about being allowed two signs depends upon the definition of whether Amore Drive is considered a secondary road for the shopping center. Without talking to Mr. Barry Miller, Superintendent of the Building Department, who reviews the signs, the question would be as to how he interprets a secondary road. He noted that shopping centers typically do not exit onto a residential street, but in this case, there is a secondary access but Amore is a residential street. He stated he cannot give a definitive answer, but Mr. Miller would have to answer as to whether that Amore is considered a secondary road. He referred to the petitioner's comment that they would be allowed two pylon signs for this site but noted that they are not asking for a second pylon sign.

Mr. Campbell stated he is opposed to the variance request and does not feel it is warranted. He claimed there are many other complexes, especially on Garfield, that are multiple-tenant strip centers that meet the requirements on height and area and still provide panels for individual tenants. He felt if there is a problem where they need size because of a tree blocking the view, they can look at other solutions, possibly by having a tree trimmed or relocated, but that is something that can be worked out with the Planning Department. He pointed out Garfield has more traffic than Hayes, so he could not see the argument where the amount of traffic warrants a larger sign, adding that the signs on Garfield meet the ordinance.

Mr. Pearl recalled there are a lot of non-conforming signs on Garfield that are much larger than the proposed sign.

Mr. Campbell claimed the owners along Garfield who have gone to the newer-style multiple-tenant signs similar to the type proposed are conforming.

Mr. Pearl stated the petitioner is seeking an additional 10 square feet and less than three feet taller. He questioned whether Mr. Campbell has a problem with the height, size or both.

Mr. Campbell replied he has a problem with both height and size. He claimed that since the sign ordinance was changed in 1992, there have been no height variances granted for signs on Hayes Road.

Mr. Mill stated he goes to this Biggby's Coffee frequently, and he pointed out that the tree referred to by the petitioner is not on the subject property but is located on the property to the north, owned by the funeral home. It is difficult for him to see the Biggby Coffee, and he knows it is there. He indicated he comes from the south so he can see it before he gets there, but if he were coming from the north, he claimed he would be past it before he would see it. He admitted the traffic on Hayes is not as heavy as the traffic on Garfield, but it gets a fair amount of traffic and is heavy at times. He felt the existing sign is rather unattractive, so he felt changing it is a good idea. He agreed with the practical difficulty that it is difficult to see from southbound traffic on Hayes.

Mr. Duquet claimed the comment about being allowed a second pylon sign was not based on whether or not Amore is considered a secondary street, but it was based on the fact that this shopping plaza has over 350 feet of frontage on Hayes.

Mr. Campbell claimed that is a misinterpretation of the ordinance. He claimed the frontage becomes pertinent only if it is occupied by a single establishment.

Mr. Duquet stated he had a conversation with Mr. Miller of the Building Department, and he indicated he was told by Mr. Miller that the option of a second sign for properties having over 350 feet of frontage also applies to multi-tenant buildings.

Mr. Campbell stated if the petitioner prefers, they can postpone this item to get an interpretation of the ordinance.

Mr. Pearl felt that has nothing to do with this request.

Mr. Campbell felt it has something to do with it because the petitioner is stating he would be allowed two signs, but he is using that as a negotiating point to propose one larger sign. He felt that is a reasonable argument to make if that is the case, but he does not believe he would be allowed two pylon or lawn signs for this site.

Mr. Saoud stressed when coming from the north, five of the tenants cannot be seen until the motorists are past the site. He stated he does not want to spend the money on this sign, but he wants to keep his tenants. He indicated this is what they are asking for, and he is trying to accommodate them.

Mr. Mill agreed and added that it is extremely difficult to see the businesses adjacent to Biggby Coffee. He stated he had no idea they were there, and he goes there all the time.

Mr. Duquet stressed the proposed sign is larger but they are trying to share the space on the sign with twelve tenants.

Mr. D'Angelo understood it would be a cost factor but felt the entire sign needs to be dropped three feet.

Mr. Duquet stated they are already dropping it two feet. If they drop it more, the panels would each measure only eight inches, which are useless spaces.

Mr. D'Angelo stated the plans show the sign is seventy-two inches off of the ground.

Mr. Duquet pointed out that is the minimum clearance, noting they were ninety-six inches off but brought the sign down. If they bring it down lower, they have to go three panels wide, and he stressed no one ever services the middle panel, so in a few years, the sign will look bad. He stressed if they only had six tenants, this would not be a problem, but there are thirteen tenants sharing twelve spaces.

Mr. Marella felt the signage for which they are seeking is an improvement. He only noticed five or six signs on the building.

Mr. Saoud replied to inquiry that only one tenant is occupying two spaces. He stated the only way they can lure businesses in is to assure them they will eventually have advertisement on the street via the pylon sign.

Mr. Campbell stated he is not opposed to a reasonable-sized sign to show every business in the plaza, but he does not think they are following the same practice as the strip malls on Garfield. He claimed there have been no variances requested on Garfield for any of the new tenant signs. He could not see why they cannot do the same.

Mr. Saoud could not imagine how the signs on Garfield could possibly list all of their tenants.

Mr. Mill did not recall any strip malls on Garfield that are an "L-shape" configuration. He pointed out it is difficult to see the businesses in the corner.

Mr. Campbell claimed there are numerous plazas that are "L-shaped".

Mr. Marella pointed out the businesses on Garfield make the same argument that they cannot be seen by northbound or southbound motorists, but he noted the signs on Garfield advertise their tenants. He indicated the existing sign does not advertise the tenants.

Mr. Duquet believed it is an improvement to the sign on Hayes. He replied that each space as a space forty-eight inches by fifteen inches.

Mr. Pearl stated they would have to remove two feet ten inches to meeting the ordinances, which would reduce each tenant panel to forty-eight inches by nine inches, which he does not feel is practical. He understood Mr. Campbell's concerns but he felt this is a big plaza with a lot of tenants. He felt the proposed sign would be a big improvement. He had a hard time finding anything in that plaza, and he claimed he found the Biggby Coffee by accident.

Motion by Mr. Pearl, supported by Mr. Deyak, with reference to File #19-6885 and application from Mr. Larry Worden, Galaxy Signs, 36886 Harper, Clinton Township, Michigan 48035, as represented by Mr. Bryan Duquet, Signarama, 36886 Harper, Clinton Township, Michigan 48035, for variance to Clinton Township Building and Housing Code, Chapter 1488.02-(e)-(1)-B-1 and -2, Signs, Definitions and Restrictions, "Commercial sign", "Pylon sign", "Maximum size" and "Maximum height", concerning 2.651 acres of land located at the northeast corner of Hayes and Amore, addressed as 40700 Hayes Road (Section 18, Parcel #16-11-18-101-008), that variance be granted to permit the replacement of an existing pylon sign for a commercial center in the B-1 Neighborhood Business District (Hayes Plaza): 1) Measuring 90 square feet, being 10 square feet in excess of the maximum permitted 80 square feet; and 2) Measuring 17 feet 10 inches in height, being 2 feet 10 inches in excess of the maximum permitted height of 15 feet; further, this grant of variance is based on claimed hardship being the size of the complex and configuration, and the existing sign does not show any of the tenants; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Pearl, Deyak, D'Angelo, DiBartolomeo, Mill, Marella. Nays – Campbell. Absent – None. Motion carried.

## **REPORT OF MEETING**

### **-- APPROVAL OF MARCH 20<sup>TH</sup>, 2019 REPORT**

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Mr. Campbell requested the following change to the March 20<sup>th</sup>, 2019 report:

Page 6, second to last paragraph, Line 1:

Change from: "Mr. Campbell commended he has had cars damaged..."

Change to: "Mr. Campbell commented he has had a car broken into..."

Motion by Mr. Pearl, supported by Mr. Marella, to approve the minutes of the March 20<sup>th</sup>, 2019 Report of Meeting, as amended. Motion carried.

## **BOARD OF APPEALS MEETING SCHEDULE**

**-- CONFIRMATION OF NEXT MEETING'S AGENDA AND ATTENDANCE:  
WEDNESDAY, MAY 15<sup>TH</sup>, 2019 AT 6:30 P.M.**

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Mr. Thompson confirmed the next Board of Appeals meeting will be on Wednesday, May 15<sup>th</sup>, 2019 at 6:30 p.m.

Mr. Thompson stated the following items are anticipated to be on that agenda:

- AMC Theater @ Regional Shopping Center – Petitioner is seeking an additional wall sign
- The Parkdale Assisted Living and Memory Care – This is currently the Concorde Inn on Gratiot, and the petitioner is proposing to convert it to an assisted living and memory care facility, so they are proposing to rezone it to SP-1 Special Purpose (Nursing Homes), and in doing so, they will need a variance to the height and number of stories for the building, as well as a variance related to the landscaped setback from Gratiot.

## **ADJOURNMENT**

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Motion by Mr. Pearl, supported by Mr. Deyak, to adjourn the meeting. Motion carried. The meeting adjourned at 7:48 p.m.

Respectfully submitted,

*Robert M. Campbell*

Robert M. Campbell, Secretary  
CLINTON TOWNSHIP BOARD OF APPEALS

ces:04/29/19

ces:05/03/19

Approved 05/15/19