

CLINTON TOWNSHIP BOARD OF APPEALS

REPORT OF MEETING

WEDNESDAY, APRIL 18TH, 2018

PRESENT: Francis Marella, Chairperson
James D'Angelo, Vice-Chairperson
Robert M. Campbell, Secretary
Ernest Hornung
Kenneth Pearl
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.

APPROVAL OF AGENDA

Motion by Mr. Pearl, supported by Mr. D'Angelo, to approve the agenda as submitted.
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.

PART OF LOT 380, LIVERPOOL SUBDIVISION, LOCATED AT THE SOUTHEAST CORNER OF CROCKER AND HARPER, ADDRESSED AS 24378 CROCKER BOULEVARD (SECTION 13

**- APPEAL: SHORT STOP CHEM-DRY
FILE #18-6814: PETITIONED BY MS. CHERYL PITTIGLIO**

Mr. Campbell summarized the variance being requested and read the Planner Review letter dated April 4th, 2018 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 42 owners and/or occupants of property located within 300 feet of the land in question, with 7 of those returned as undeliverable. He added that there were no written replies in response to the mailing.

Ms. Cheryl Pittiglio, owner of Short Stop Chem-Dry, 24378 Crocker Boulevard, Clinton Township, Michigan 48036, explained that she installed the window clings, not knowing they were in violation of the ordinance. She stressed that she has tried to comply with every ordinance and pulled permits for everything else but did not realize the window clings would be a problem. She explained she has been in business for ten years and this is her first building for her business. She explained there is a church across the street and they often park in front of her building, and kids walk right by the front of her building on their way to and from school. The windows in her building are so large, and she complained that everything is exposed, including her computer and other equipment, so it is a privacy and security issue for her. She pointed out that the area has a mixture of uses, ranging from residential, commercial and a church, and she does not get a lot of traffic, so advertising her business is also important to her. She also explained that the sun comes into her building and it is blinding when she is trying to work on her computer, so the window clings block that sunlight. Ms. Pittiglio stated she invested \$1,200 into the window clings, which she assured she would have never purchased if she had known they were in violation of Township ordinances. She hoped this Board will grant her the variance to allow her to keep the window clings.

Mr. Marella stated he has a problem with the fact that there are a lot of businesses in the Township that have completely covered their windows with signage, yet this small business owner, struggling to start up her business, has been cited by the Building Department with a violation. He questioned why the Ordinance Enforcement Division is not issuing violations to other businesses in the Township that are covering up their windows.

Mr. Campbell understood Mr. Marella's point. He stated he tried to figure out why Ms. Pittiglio would want to cover all of her windows and noted in her application one of the arguments that she wanted to block out the sun; however, he noted the front of her building faces northeast, so he did not see where the afternoon sun would be a problem.

Ms. Pittiglio maintained that the sun is "blaring in" when she is standing at her computer in the afternoon.

Mr. Campbell did not agree and felt if she does have a problem with sun, it could be resolved by putting in some type of shades. He pointed out she would not have received the violation if there was not advertising on them. He questioned when she put them up.

Ms. Pittiglio replied she purchased the building in October, and has gone through five 22-yard dumpsters cleaning out the building. She stated before she did anything, she applied for her permits, certification and walk-through. She was originally told she would not be required to have a handicapped bathroom because she was not a retail outlet. Once she bought the building and received her certification, the Building Department informed her that she had to have a handicapped bathroom. She invested \$12,000 for unanticipated renovations to the building and was about halfway through the renovations when she tried to put up some signs.

Mr. Campbell inquired as to whether the building was purchased in October of 2017.

Ms. Pittiglio replied affirmatively.

Mr. Campbell stated the signs are not allowed and he would hate to grant a variance for this because it would create a precedent for other store owners to come in and request a variance. He acknowledged there may be other businesses around that have signage covering their windows and have not been cited with a violation, but he felt they should be issued violations because they are not in line with the rules. Mr. Campbell stated, however, that he wants to be practical and he would personally consider the variance for a period of time so when these window clings reach the end of their “life expectancy”, she would agree to remove them or replace them with something other than advertising.

Ms. Pittiglio inquired as to whether the ordinance regulating the maximum 50% window coverage would allow four of the eight windows to be completely covered, or whether that would be interpreted as allowing half of all eight windows to be covered.

Mr. Santia replied it could go either way.

Mr. Campbell inquired as to whether the current window clings can be adjusted.

Ms. Pittiglio replied these cannot be adjusted because they are put on with an adhesive, and they will tear if removed.

Mr. Campbell inquired as to their “life expectancy”.

Ms. Pittiglio replied she does not know because she has never had them before. She indicated they are made of vinyl.

Mr. Campbell reiterated he would be in favor of granting a five-year variance. He commented this is an extreme case, but it is total window coverage, so he is not willing to grant a permanent variance.

Mr. Pearl felt the window clings are “a little tacky”; however, he stated he does not have a problem giving Ms. Pittiglio time to work it out. He suggested sun-blocking materials that go on the windows much like the window clings, but they do not have advertising. He questioned why she feels she has to advertise on her windows.

Ms. Pittiglio explained she does not offer her service at her location but goes into houses to clean carpets and upholstery. She replied to inquiry that she has a website and a Facebook page, but the window clings were another avenue for her to advertise her business.

Mr. Pearl felt the Township should be going around and issuing violations to others who are in violation of the sign ordinance, but he agreed with the suggestion of giving the petitioner some time to come into compliance.

Ms. Pittiglio explained she was putting up the window clings when the Building Inspector stopped by, and being startled, she accidentally ripped a portion of one of the clings and had to fix it. She claimed he never said anything about the window clings at that time. She reiterated that she obtained a permit for her banner sign but thought about the window signs.

Mr. Campbell commented that gas stations and party stores seem to be the biggest offenders of window coverage, but he pointed out that in the last two years, there have been break-ins and even a murder of a party store owner, so for public safety, he suggested it may be a good idea to keep windows clear, which would help any emergency responders coming into an emergency situation.

Mr. Marella mentioned the party/liquor store at the northwest corner of Metro Parkway and Groesbeck, which have their windows completely covered. He added that those windows are at such a high elevation, no one would be able to see inside. He stated he drives by this location quite often and felt the Ordinance Enforcement officer should issue a violation to the owner.

Mr. D'Angelo inquired as to who applied the signs to the windows.

Ms. Pittiglio replied she put them up herself. She replied to further inquiry that, since they are on the windows, they cannot be cut in half, although she stated if she had known they were not allowed, she would have ordered half signs. She understood Mr. Campbell's point about privacy but she has two large doors where people can look in. These window clings keep people from looking directly at her computer and other equipment.

Mr. Pearl inquired as to whether the Board felt that five years is an excessive amount of time for a temporary variance for these signs.

Mr. Marella felt it should be for one year.

Mr. Pearl felt they could grant a temporary variance for a year and see how far they got at that point with getting other companies to comply.

Mr. Campbell pointed out that each picture has two halves, and he inquired as to whether the signs can be cut in half so she would have enough for eight half-windows rather than 4 full windows.

Ms. Pittiglio responded that these window clings cannot be removed without ripping them.

Mr. Marella felt that if the signs are cut in half, the bottom portions only have symbols and no one will know what those mean.

Motion by Mr. Pearl, supported by Mr. D'Angelo, with reference to File 18-6814 and application from Ms. Cheryl Pittiglio, Short Stop Chem-Dry, 24378 Crocker Boulevard, Clinton Township, Michigan 48036, for variance to Clinton Township Building and Housing code, Chapter 1488.02-(r), Signs, Definitions and Restrictions, "Window Sign", concerning part of Lot 380, Liverpool Subdivision (Section 13), located south of Crocker, east of Harper, addressed as 24378 Crocker Boulevard, that variance to permit the continued existence of eight (8) window signs advertising a business in the B-1 Neighborhood Business District (Short Stop Chem Dry), covering one hundred percent (100%) of the total surface of the window, which exceeds the maximum fifty percent (50%) allowed, be granted for a period of one (1) year, to expire on April 17th, 2019; further, this grant of variance is based on claimed practical difficulty of the need to provide adequate security for the activities inside the building; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Discussion ensued.

Discussion took place regarding other similar signs in the Township and whether violations are issued.

Mr. Santia explained it is a difficult situation, because while they need to be tougher on businesses regarding adhering to the ordinances, the Township is also trying to be business-friendly.

Ms. Pittiglio complained that she was double-charged for her permits, and was then told they could not return her money back to her.

Mr. Dominic Pittiglio, 50126 Hillside Drive, Macomb Township, Michigan, stated he ran Sharon's Short Stop and Nick's Short Stop and was never told that he could not have signs on his windows. He claimed these types of signs are all

throughout the Township, and when small little signs are stuck in the ground, he claimed the Ordinance Enforcement officer picks them up with no repercussions. He claimed that Ordinance Enforcement does not enforce the ordinance for all of these other businesses, but they have chosen his daughter's business to "pick on", and he does not feel it is fair. He did not feel any of the Board members would want to have to operate a business with no advertising.

Roll Call Vote: Ayes – Pearl, D'Angelo, Campbell, Hornung, Trombley, Marella. Nays – None. Absent – None. Motion carried.

PART OF 42.79 ACRES OF LAND FRONTING THE SOUTH LINE OF HALL ROAD (M-59), WEST OF ROMEO PLANK ROAD, ADDRESSED AS 17440 HALL ROAD (SPACE #R105)

**- APPEAL: COOPER'S HAWK WINERY & RESTAURANT @ THE MALL AT PARTRIDGE CREEK
FILE #18-6816: PETITIONED BY MR. PATRICK STIEBER, ALLIED SIGNS**

Mr. Campbell summarized the variance being requested and read the Planner Review letter dated April 4th, 2018 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 257 owners and/or occupants of property located within 300 feet of the land in question, with 1 of those returned as undeliverable. There were no written responses to the mailing.

Mr. Patrick Stieber, 33650 Giftos Drive, Clinton Township, Michigan 48035, explained that the proposed signage is for a new restaurant, Cooper's Hawk Winery and Restaurant, coming to The Mall @ Partridge Creek. He added it will be the first one in the State of Michigan. He explained they received approval for two of the signs and are asking for approval for two additional signs. He noted one of signs is an entrance sign on the east, and the other is an additional wall sign on the north elevation. He felt they fit well for the size of this building. He explained their hardship is lack of identification from all sides of the building, and they are set far back from Hall Road. They also have pedestrian traffic on site, so they need to identify the business. He did not feel the signage is excessive, and he stressed that the total combined square footage of the signs does not exceed what would be allowed for what they would be allowed by ordinance. He noted there are other businesses that have similar circumstances and they have additional signs. Mr. Stieber felt having these additional signs will help direct traffic and get motorists and pedestrians safely to their destination. He added the signs are LED-illuminated.

Mr. Campbell noted that there are four signs for this restaurant, but Mr. Santia had determined that a variance is not needed for one of the signs because it is considered to be located on the interior of the mall. Mr. Campbell stated he has no objection to the additional signage, noting it provides one sign on each elevation. He calculated that the combined total square footage of all of the signs, even counting the one that is on the interior of the mall, is still under 200 square feet.

Motion by Mr. Campbell, supported by Mr. Hornung, with reference to File #18-6816 and application from Mr. Patrick Stieber, Allied Signs, Inc., 33650 Giftos, Clinton Township, Michigan 48035, for variance to Clinton Township Building and Housing Code, Chapter 1488.02-(e)-(1)-C, “Business sign”, “Wall sign”, concerning part of 42.79 acres of land located south of Hall Road (M-59), west of Romeo Plank Road, addressed as 17440 Hall Road, Space #R105, that variance be granted to permit installation of two (2) additional wall signs for a winery/restaurant located at The Mall at Partridge Creek (Cooper’s Hawk Winery & Restaurant) in the B-4 Regional Business District, being two (2) signs in excess of the maximum allowed one (1) wall sign for a business occupying a unit with exterior building walls fronting one major or secondary thoroughfare; further, this variance is granted on the condition that it only applies to Cooper’s Hawk Winery & Restaurant, and further, that the total combined square footage of the signs is not to exceed two hundred (200) square feet; further, this grant of variance is based on claimed hardship that the additional signage is needed to provide public safety for motorists and pedestrians to be able to identify the establishment; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Campbell, Hornung, D’Angelo, Trombley, Pearl, Marella. Nays – None. Absent – None. Motion carried.

Mr. Santia clarified that there will be two signs facing north, one on the west elevation, and there is a fourth sign (a blade sign) that he did not count in the total signage because it faces the interior of the mall.

Mr. Steve Hutzel, of Starwood Retail Partners, 4553 N. Magnolia Avenue, Chicago, Illinois, representing the owner of the mall, explained that they are looking at three openings for this restaurant, noting that June 25th is the official opening date. He stated everything is coming along very well, and he met onsite today with the head of the leasing division for Cooper’s Hawk’s. He indicated they are very excited about this location, which is the first one in Michigan. He indicated there will be a pre-opening, and the Board of Appeals members will all be invited. He thanked the Board for their support.

LOTS 34-35, SUPERVISOR’S PLAT OF KELLY-GROESBECK ACRES, LOCATED EAST OF GROESBECK, SOUTH OF 15MILE ROAD, ADDRESSED AS 33860 GROESBECK (SECTION 33)

**- APPEAL: ACME AUTO @ CARINI PLAZA
FILE #18-6817: PETITIONED BY MR. JAMES STUART, ACME AUTO**

Mr. Campbell summarized the variance being requested and read the Planner Review letter dated April 6th, 2017 into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 242 owners and/or occupants of property located within 300 feet of the land in question, with none of those returned as undeliverable. There were no written replies received in response to the mailing.

Mr. James Stuart, of Acme Auto, 33860 Groesbeck, Clinton Township, Michigan 48035, explained he has tried to put up a sign for four years. He apologized for being ignorant about what needs to be done, but he talked to the Ordinance Enforcement officer and claimed he got different information each time. He was first advised to address an electrical issue, and he complied. He explained the first time he put the sign up, he did not know he needed a permit, so he contracted Graphic Design. Mr. Stuart claimed he was told to “cut the sign down” so he took his sign down, but then was told the sign was “grandfathered in”. He waited a year and put the sign up, thinking Graphic Design handled it. He was later told that the sign was denied when his landlord received a violation, but he did not hear about the notice until about two weeks before he applied for this variance. He claimed his sign is in a space on the pylon designed for a sign panel, and he added that his sign is below the 18-foot height limit, and it is smaller in square footage than what is permitted. Mr. Stuart commented that, in the ten years he has been in the Township, he can see why small businesses fail, and complained that this has been a constant battle just to have a way to identify his business. He stressed that is his hardship.

Mr. Stuart emphasized that he uses local businesses and tries to keep the money in the Township. He added most of his suppliers are up and down Groesbeck, and he added he always pays his taxes.

Mr. Campbell noted in the letter sent to the petitioner, advising him of the date and time of the meeting, there is a sentence advising that the more parties that attend, as far as the petitioner, sign company and property owner, a much more meaningful discussion can take place. He explained that totally ignoring the denial of a sign permit is not appropriate, and he added there have been other very controversial cases within the Township on the oversized pylon signs that have been changed many times. He advised that the ordinance went into effect in 1993, and a one-time change of thirty-three percent of the face of the sign was allowed without bringing the entire sign into compliance. He pointed out that this sign has been changed by nearly one-hundred percent, and the sign now needs to come into compliance and be brought down to the maximum 18 feet height.

Mr. Santia clarified this is an industrial zone and a pylon sign is technically not permitted in that district. They would be allowed a lawn sign with a maximum height of eight feet.

Mr. Campbell noted they would need a variance to permit a pylon sign.

Mr. Pearl felt this should be postponed, and a letter should be sent to the owner requesting his presence at the next meeting to explain what he is doing.

Mr. Hornung inquired as to how long Mr. Stuart has been in this plaza.

Mr. Stuart replied he has been in his current location since September 8th, 2008. He stated it is a moderate-size complex, comprised of about eight buildings that used to be

operated as small manufacturing companies, but everything now is retail business with the exception of a couple of the places that are used for storage. He added it is not really a light industrial use anymore, even though the zoning still reflects industrial.

Mr. Hornung inquired as to whether Mr. Stuart put his sign up.

Mr. Stuart replied he had asked the company to put it up. He replied to further inquiry that his current sign has been up for one year.

Mr. Hornung inquired as to whether Mr. Stuart had a sign identifying his business on the pylon prior to that.

Mr. Stuart replied he had a smaller sign, and it was in the same area of the pylon as his current sign. He split the sign area with another business in the complex, but that business has since moved out, and his sign was removed.

Mr. Hornung agreed with his colleagues that the owner of the sign should be here.

Motion by Mr. Campbell, supported by Mr. Marella, with reference to File #18-6817 and application from Mr. James Stuart, Acme Auto, 33860 Groesbeck Highway, 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, "Pylon sign"; Chapter 1488.02-(e)-(6), Signs, Definitions and Restrictions, "Business sign"; and Chapter 1488.045-(c), Signs, Pre-Existing Signs, concerning Lots 34-35, Supervisor's Plat of Kelly-Groesbeck Acres (Section 33), located east of Groesbeck, south of 15 Mile Road, addressed as 33860 Groesbeck, that further consideration of the variance request to permit the continued existence of a sign panel measuring 84 inches by 40 inches, or 23.33 square feet, for Acme Auto, added onto an existing pylon sign for Carini Plaza: 1) Measuring 25 feet in height, which is 7 feet in excess of the maximum permitted 18-foot height; 2) Measuring in excess of the maximum permitted 100 square feet; 3) Being a type of sign that is not permitted in the I-1, I-2 or TR Districts; and 4) With said sign having already exhausted its "one time only, thirty-three percent face change", be postponed to the next Board of Appeals Meeting, scheduled for Wednesday, May 16th, 2018 at 6:30 p.m., and the Planning Department write to both the sign company who put up the sign, as well as the owner of the plaza, demanding their attendance at next month's meeting; further, that if those representatives do not show up at the May meeting, this Board will deny the variance request and demand a citation be issued for the sign to be brought into compliance with Township ordinances. Discussion ensued.

Mr. Hornung questioned if the owner of the plaza and the sign contractor show up, whether this will be automatically denied, as indicated in the motion.

Mr. Campbell amended his motion, and Mr. Marella amended his support, as follows:

Further, that if those representatives do not show up at the May meeting, he will make a motion to deny it and request immediate compliance, or a request will be made for Ordinance Enforcement to evaluate the current legality of the sign.

Mr. Hornung stated he respects that motion that Mr. Campbell indicated will be made at the next meeting should the owner and sign contractor not be present, but he clarified it does not mean he will necessarily agree with that motion.

Mr. Stuart stated the permit was denied, but the owners should not have to cut their sign down as a result, and that is why he is requesting a variance. He indicated the pylon sign is “grandfathered”.

Mr. Campbell explained there is no such thing as “grandfathering” a pylon sign. He reiterated the ordinance was changed in 1993 that any existing non-conforming signs can remain, and they are allowed to have a one-time face change of up to thirty-three percent of the sign, and after that, any further changes require compliance or a grant of variance.

Discussion took place regarding the existing sign and the variance requested.

Mr. Campbell felt the property owner needs to be present at the next meeting. He pointed out that it would take a variance from this Board to allow a pylon sign of any kind. He indicated it is a busy location so he would be willing to grant a variance for a pylon sign in lieu of a lawn sign, but he felt it needs to meet the ordinance requirements for a pylon sign.

Roll Call Vote (on amended motion): Ayes – Campbell, Marella, Pearl, Trombley, D’Angelo, Hornung. Nays – None. Absent – None. Motion carried.

REPORT OF MEETING

-- APPROVAL OF MARCH 21ST, 2018 REPORT

Motion by Mr. Campbell, supported by Mr. D’Angelo, to approve the minutes of the March 21st, 2018 Meeting as presented. Motion carried.

BOARD OF APPEALS MEETING SCHEDULE

-- CONFIRMATION OF NEXT MEETING’S AGENDA AND ATTENDANCE: WEDNESDAY, MAY 16TH, 2018 AT 6:30 P.M.

Mr. Santia confirmed the next Board of Appeals meeting to be held on Wednesday, May 16th, 2018 at 6:30 p.m.

He noted the following items are anticipated to be on that agenda:

- A single-family garage addition for a home on Donaldson, with the petitioner requesting to make his garage 318 square feet larger.
- Sargent Appliance Warehouse on 15 Mile, west of Hengesbach. Petitioner is requesting to provide a 10-foot setback rather than the required 50-foot setback from residential property. Mr. Santia noted the adjacent house is condemned, no one is living in it and that property is zoned industrial.
- Former Palm Palace on Hall Road. Petitioner is proposing retail development with a drive-thru and is seeking a variance for the pylon sign, which is actually more of a lawn sign because it does not have the required 6-foot underclearance. He noted it is 117.5 square feet and 18 feet tall. He replied to inquiry that they anticipate a Taco Bell and some retail units at that location.
- The former Hydroponics sign on Groesbeck. Owner of the building would like to make the sign slightly smaller, but it will still measure 26 feet in height and 151 square feet.
- Hayes Plaza is seeking variance for a new pylon sign. The square footage meets the ordinance requirements at 78 square feet, but the proposed height is 19.5 feet.
- The former St. Mary's School on St. Francis Street. The petitioner wants to open a church and a Christian daycare and school, but a church needs to be on a road having a right-of-way of at least 86 feet, so a variance is being requested.
- Acme Auto, which has been postponed from tonight's meeting.

ADJOURNMENT

Motion by Mr. Hornung, supported by Mr. Campbell, to adjourn the meeting. Motion carried. The meeting adjourned at 7:31 p.m.

Respectfully submitted,

Robert M. Campbell

Robert M. Campbell, Secretary
CLINTON TOWNSHIP BOARD OF APPEALS

ces:04/24/18

ces:04/24/18

Approved 05/23/18