

CHARTER TOWNSHIP OF CANTON
THE ZONING BOARD OF APPEALS
APRIL 12, 2018

A meeting of the Zoning Board of Appeals of the Charter Township of Canton was held Thursday, April 12th, 2018 at the Township Administration Building located at 1150 S. Canton Center Road, Canton, Michigan 48188.

James Cisek called the meeting to order at: 7:00 p.m. and led the Pledge of Allegiance to the Flag.

ROLL CALL:

Present: James Cisek, Cathryn Colthurst, Greg Greco and Greg Demopoulos.

Absent: Vicki Welty and Craig Engel. Staff Present: Jeff Goulet

ACCEPTANCE OF AGENDA

Motion by Greg Greco to accept the agenda for March 8th, 2018 as presented. Support by Cathryn Colthurst. Ayes: All

APPROVAL OF MARCH 8th, 2018 MEETING MINUTES

Motion by Cathryn Colthurst to approve the Zoning Board of Appeals Meeting Minutes dated March 8th, 2018. Support by Greg Greco. Ayes: All.

James Cisek explained the procedure of the Zoning Board of Appeals to the audience and moved the Election of Officer's to the end of the meeting.

1. Applicant Michael Boggio for Property located at 44520 Michigan located on the south side of Michigan Avenue at Geddes, Zoning O-1 appealing Article 26.03 Schedule of Regulations and Section 5.03 Specific Landscaping Requirements for Zoning Districts, and Front Setback Front Yard Berm Requirements Parcel ID 71-134-02-0073-001 (Planning)

Michael Boggio stated that he is the architect. He showed a diagram to the Board Members stating that this site was the old PNC Bank which has been vacant now for over a year. The owner is looking to renovate the interior of the building and reorganize the layout of the site, eliminate the drive thru windows and in doing so to maximize the site, the parking, renovate the building and will need to do some landscaping. Due to the site coming down to a triangular point, it makes the twenty foot green belt nearly impossible to meet. We are proposing to renovate the building, provide a 13 foot green belt along Michigan Avenue and Geddes road. We would also include along Michigan Avenue a two foot high brick garden wall. There is a 35' setback on Geddes Road. The site has front yards on both Michigan and Geddes Roads. The northeast corner of the building encroaches into the setback by approximately 9 feet at the corner of the building. As Geddes Road is on an angle, the building is in compliance with the 35' setback approximately 15' from the corner. This is an existing condition and there are no plans for expansion at that point. The only work on the building in that area will be to renovate the exterior of the building. We are looking to give the building a new façade, new brick and will include high parapet walls at the building perimeter that will screen all rooftop mechanical equipment and will be a contemporary maintenance free building.

Jeff Goulet stated that as Mr. Boggio explained, the current owner of the property bought the old bank when it closed and they are trying to use the old building in the O-1 Zoning District which has some limitation for use so they will probably need some additional requirements from the Planning Commission for Special Land Use. Before they can do that, they need variances from the ZBA relative to the location of the buffers adjacent to the Right-of-Way and some minor setback variances to the existing building. The first variance is due to the required buffer along both Michigan and Geddes Roads. They want to reduce it from 20' to 12' along Geddes Road and to 13' from Michigan Avenue's required 20' and a variance to allow a front yard variance of 9' from the Geddes Road frontage to eliminate the building encroachment. That is a non-conforming situation. Whether they need that variance or not, it's just an existing condition of the building. If they are going to do anything on the outside, the variance will help them to rework the façade on that corner. The existing site is one of the oldest in Canton and basically has no landscape buffer along the roads. There is a double road buffer on that site which is very difficult to work with. The plans also remove one driveway cut onto Geddes closest to Sheldon, which should eliminate turning conflicts close to the intersection. Staff feels these are the minimum variances needed to redevelop the site as it is without totally demolishing the building and bring it up to code to the greatest degree possible. If he started out with a whole new building, he would probably need a lot more variances. They are trying to work with what they have.

Motion by G. Demopoulos, support by C. Colthurst to open the Public Hearing. Ayes: All
No one from the audience wished to address the Board on this issue.

Motion by G. Demopoulos, support by C. Colthurst to close the Public Hearing. Ayes: All

Motion by G. Demopoulos to approve the variance requested from sections 5.03.1 and 26.03 on Parcel No. 133-02-0072-001 as requested, based on the restriction caused by the narrow configuration and shape of the site, and the unique circumstance of the double frontage nature of the site. Support by Cathryn Colthurst. Ayes: All

2. Applicant Pierre Kuza for property located at 40500 Michigan Avenue, on the north side of Michigan between Denton and Beck Roads, Zoning C-4 appealing Section 6A.06.1.3 Nonconforming Signs (2 Signs) Parcel ID 099-99-0012-02 (Building)

Calvin Kuza stated he is a member of Canton Hospitality LLC which recently purchased the hotel currently located at 40500 Michigan Avenue. It was formerly a Day's Inn. We rebranded the hotel which is now going to be an Econo Lodge, which is part of the Choice Hotel Family with more than 4,000 locations throughout the country. We have two non-conforming signs. One is on the highway the other is a monument sign which we share with Wendy's. We are asking for permission to change the face plates of the sign because we are rebranding from a Day's inn to an Econo Lodge. We are not structurally changing the signs, we are not changing the cabinets of the sign. Just the face plate of the sign. We also took initiative and had a third party, structural engineer to evaluate the sign. We rented a boom truck and sent him on the highway sign especially. He evaluated the structure and he said that the structural integrity of both signs are intact and at this time he recommend no repair to the signs because everything was good.

Jeff Goulet stated that he is sitting in for Rob Creamer, the Building Official tonight and stated that Rob Creamer sees the hardship and the unique circumstance that arise every time to maintain the sign the way it is and every time of a change out; the way the shape is, cabinets change a little bit. The Zoning Board of Appeals has seen quite a few variances to those high rise signs. Rob Creamer feels that the new hotel could use the exposure the freeway sign provides, and that sign is a

structural sound and well maintained sign and we both are recommending however, that the ground sign, (the pole sign that they share with Wendy's) be brought into conformance with our current ground sign requirements there at the main road. That would be required to be brought to the ground and placed on a masonry base and meet our current standards for multi-tenant signs. This sign is probably 30 years old or more and it is time to bring it into conformance if we can.

Calvin Kuza stated that this sign sits on Wendy's property.

Jeff Goulet stated that he would probably have to work out an agreement with Wendy's to rebuild it at that site. They probably have a sign easement. It is a double sign on a pole and we haven't built these in probably forty years. Mr. Kuza stated that they need identification at the road so people know where to enter. They share a driveway; it's a driveway entrance.

Calvin Kuza stated that it is also a safety issue, to have identification from the road. They are looking for the hotel to properly identify it. The hotel is in an Out Lot, behind the Wendy's. The entrance is not off of Michigan Avenue. It is off of Lotz Road. Mr. Kuza understand it is a nonconforming sign but with it being elevated, it does make it easier to identify as well. The sign is not actually on the hotel's property.

James Cisek stated what if we grant the variance and request that they change the ground sign and Wendy's says no. What do we do?

Jeff Goulet stated that Rob Creamer would not give them a permit for re-facing the ground sign. If they cannot get approval from Wendy's then they will have to be back in front of you to reconsider that variance upon showing a hardship that they can't get Wendy's to agree.

Calvin Kuza stated that they took over on January 24. He was thrown in a little loop here, he already purchased signs, he has invested probably about \$10,000.00 on signs that he cannot use because he did not realize that they were non-conforming signs. He was going to change the cabinet and put new cabinets where it is more of a rectangle shape than that

Jeff Goulet stated that we have two issues here. We have a variance for one sign and then a variance for the other. There is a problem with the variance of the other, but Rob is not supportive of the variance for the ground sign. One is not going to be conditioned on the other. They are two separate variances. A variance for this sign and a variance for this sign.

Greg Demopoulos questioned about the shared sign.

Jeff Goulet stated that they would have to come back and show you that they have a hardship. Since they haven't had a chance to talk to Wendy's about the reconstruction of the sign, At some point, Wendy's is going to come out and ask us for something and the Zoning Code states that whenever you ask or do any kind of minor change on the site, you have to bring the signs into conformance. If All the Wendy's are in the process of remodeling so they will need to request a site plan revision, thus we will require the sign to come into conformance. So it is one of those things that you either do it now, or you do it later. If Mr. Kuza has the opportunity to go back and talk with Wendy's about coming in, even if they need to increase the height of the sign a little bit from our eight foot standard for multi-tenant sign, I think that would be more reasonable variance than allowing it to be used the way it is. This is one of the last pole signs we have left in the Township.

Motion by G. Demopoulos, support by C. Colthurst to open the Public Hearing. Ayes: All
No one from the audience wished to address the Board on this issue.

Motion by G. Demopoulos, support by C. Colthurst to close the Public Hearing. Ayes: All

Calvin Kuza stated that if the variance is not going to be granted for the monument sign, then at the very least today, if you can grant the variance for the highway sign. We need to get identification up there, it has been since January 24th, when the property was de-flagged and I still have to order the flag and sign and get it installed.

Jeff Goulet stated that Rob Creamer has no problem with that variance.

Greg Demopoulos stated the problem has been taken care of for people living there for months and months before the remodel.

Calvin Kuza stated that was part of his due diligence I spoke with Rob, he had issued a building violation to the prior owner in regards to some of this network and I paid for that even before I took over the property. We took care of all that. In regard to the bedbug issue, we had bedbug dogs come out sniffed the whole property on the day I took over and we took care of that problem. Right now, if you noticed I have containers in front of that property. I have brand new furniture, new beds and everything, we are replacing the carpet and painted the walls and changing the furniture. I have increased the rates significantly so there is no one living on the property. It is being operated as a hotel. I have a lot of money invested here. I am improving the property significantly.

Cathryn Colthurst stated that we should separate the variance – treat each requested variance separately.

Jim Cisek stated that he tends to agree with that.

Greg Demopoulos made a motion to approve the reface of the freeway sign as long as it is continuously well maintained and deny the requested for the variance for the Michigan Avenue Road sign based on the precedence it has been set to update the Michigan Avenue signs as they come up on re-occupancy and maintenance safety inspections. Support by Cathryn Colthurst. Ayes: All

James Cisek stated and now do we have a motion to deny the ground sign.

Greg Demopoulos stated that he did both.

James Cisek stated all in favor. Ayes: All. Your variance has been granted on the highway sign. Jeff Goulet stated that you would generally work with me on the multi-tenant sign, because that is a site plan issue so once you get with Wendy's I can sit down with both you and Wendy's if you need to and we can talk about the strategy on getting that sign changed out and if there is a problem then we will support you coming back and having them reconsider the variance.

3. Applicant Frank Jarbou for property located at 44005 Michigan Avenue, on the south side of Michigan Avenue between Sheldon and Morton Taylor Roads, Zoning C-3 appealing Section 6.02.Q.7 Site Development Standards for Nonresidential Uses, Open Air Businesses, Building Material Sales Establishments, height of screened area for outdoor sales area. Parcel ID 71-133-02-0040 and 71-133-02-0040-008 (Planning)

Frank Jarbou from Symmetry Property Management and we are currently under re-development of 44005 Michigan Avenue and we are looking for a variance on the open air business material and height of the screened wall. We have a tenant in line and they require an open air sales area, garden area/equipment sales. We have been working with the Planning Department on getting this screened. We are also developing the site to the east of it so it is a ten acre development area.

Essentially this wall that we are going to be screening will be a three foot tall masonry knee wall with a five foot tall decorative fence on top. (8-foot high total). The Ordinance states 14'

Jeff Goulet stated that this is a hybrid use of a typical garden center, something that we would see at Lowe's, Home Depot and a lumber yard. Tractor Supply has outdoor equipment in addition to other things that they sell so it is not generally a garden center so they are applying for special land use before the Planning Commission for building materials outside the establishment. That standard was set up basically before lumber type yards, things like Menard's, those kind of things. That is why the fourteen foot requirement comes into place. They are kind of in between that a garden center. There are certain things where they do have things on pallets that are stacked up maybe a little bit higher than three feet so we understand that they really don't need fourteen feet because they will not be stacking that high. That is the unique nature of the request. We are however, requesting that the variance be conditioned on upon where ever they have things on shelves or things on pallets that may exceed the three feet in height, visible from the road that they use a solid based masonry wall for the full height of that particular area. We will evaluate that at site plan.

Due to the nature of the materials and equipment proposed for outdoor storage, the proposed use, including trailer sales, doesn't qualify to meet the normal garden center design standards. They are proposing a variance to use the garden center enclosure standards, since the type of items in the proposed outdoor sales area will not exceed the height of the fence area.

Motion by G. Demopoulos, support by C. Colthurst to open the Public Hearing. Ayes: All
No one from the audience wished to address the Board on this issue.

Motion by C. Colthurst, support by G. Demopoulos to close the Public Hearing. Ayes: All

Greg Demopoulos stated that would be a good use for that building.

Jeff Goulet stated that they do have to come back to you next month because this section has another requirement for road frontage that they do not meet for the size of the facility.

Motion by Cathryn Colthurst to approve the requested variance on Parcel Nos. 133-02-0040-001 and 133-02-0040-008 from section 6.02Q.7 to permit use of the 8 foot tall fenced enclosure with the 3 foot knee wall instead of the 14 foot tall solid enclosure based on the types of materials and equipment enclosed; subject to provision of a solid masonry enclosure where any pallets of building and/or landscaping materials are proposed to be stacked up on shelving. Support by Greg Demopoulos. Ayes: All

Harold Tackett, 2344 Hannan Road stated that he had three questions. Wanted to know what Hannan Road between Palmer and Glenwood is zoned.

Jeff Goulet stated that the zoning map is on line. He doesn't have the zoning map handy so he couldn't answer. A lot of Hannan Road is Zone R-2 south of Palmer if that is what you are talking about.

Harold Tackett my question is how can Valley of the Hounds sell that property again as a kennel?

Jeff Goulet stated that it is a non-conforming use and the use continues as long as the use is not abandoned, they can maintain that as a legal use. Non-conforming use means it is a legal use that was legally established and maintained as a kennel for many, many years.

Harold Tackett stated that right now it is abandoned. There is nobody living there. No kennel. Nothing.

Jeff Goulet stated that it has be abandoned for a certain period of time. They have to apply to the Clerk's office for a license on an annual basis to have that licensed renewed. At that renewal we would evaluate any change of ownership and any lapse of business activity. The existing kennel operation, if someone buys it and continues it as the use it's been; if they have been using a building for a certain number of years for kennel operation, they can continue. They cannot expand it to more than what it's been.

Harold Tackett stated that he does not understand because she has been expanding it over the past two years.

Jeff Goulet stated that it gets inspected every year and to check with the Clerk's office; Michael Siegrist to see the status of the license. He is your clerk and his office is located right across from this room.

Motion by G. Demopoulos to adjourn at 7:29 p.m. Support by Cathryn Colthurst.
Ayes: All

Renee' DeVos
Recording Secretary