

**THE CHARTER TOWNSHIP OF CHESTERFIELD
ZONING BOARD OF APPEALS**

OCTOBER 28, 2015

On October 28, 2015, a regular meeting of the Chesterfield Township Zoning Board of Appeals was held at the Township Hall located at 47275 Sugarbush, Chesterfield, MI 48047.

1. **CALL TO ORDER:** Chairman Stepnak called the meeting to order at 7:00 P.M.

2. **ROLL CALL:** Present: Marvin Stepnak, Chairman
James Klonowski, Vice-Chairman
Thomas Yaschen, Secretary *excused*
David Joseph, Twp. Board Liaison
Carl Leonard, Planning Comm. Liaison
Wendy Jones
Patrick Militello

Others: Gary DeMaster attended the meeting as the representative from the Building Department.

Robert Siebert, Township Attorney

3. **PLEDGE OF ALLEGIANCE:**

Chairman Stepnak explained the procedures to the audience.

4. **ZBA PETITION #2015-13:** Gary Gendernalik for Mark Babich & Curtis Outdoor Inc. 24001 Greater Mack Ave, St. Clair Shores, MI 48080. Request is to appeal the denial made to Special Land Use #2015-09, a request to the Planning Commission to replace existing pylon sign with frontage on I-94, with a Billboard Display sign, also variance for setbacks and zoning District located on the west side of I-94, 1,000 foot south of 23 Mile Road. Tabled 9/9/2015 at ZBA on 9-9-15 to allow the Planning Commission to review on October 13, 2015 & reconsider its previous recommendation based on the proper criteria and return to the ZBA board on October 28, 2015.

Mr. Gendernalik, attorney representing Mark Babich and Curtis outdoor Inc., stated that they are requesting a Billboard sign at the frontage of I-94. They would like to remove the existing pylon sign and replace it with an LED sign. He provided several aerial images of the parcel at the I-94 interchange. It provided an image of the existing pylon sign that they are proposing to remove and replace with a new low level Billboard sign. The images provided several different views of the area so the board could get a better idea of the location of the sign and the areas around the sign. He also provided a detailed site plan showing the sign would be 10ft off the MDOT right of way. It also provided an overall view and showed the dimensions of the sign. Its 25 feet high and 300 square feet. He also stated that according to the ordinance the current pylon sign would need to be taken down in 2016.

Mr. Siebert discussed the board's responsibility to approving or not approving the petitioners request based on the approval from the Planning Commissions prior meeting.

Mr. Gendernalik presented an image showing a sign that would be very similar to the one they are requesting to put up so that the board can see what it would look like with the landscaping around it.

Mr. Carll stated that they will work with staff as far as the Landscaping goes. They are willing to enter into an agreement with a company to have someone come out and maintain the landscaping around the sign on a regular basis. He also stated that when they were before the Planning Board the board approved the sign but with the stipulation that the sign could only change once a day. He explained they are state regulated and the state allows a sign to change every 8 seconds. The Townships Ordinance states that these particular signs can change every 30 seconds. They are willing to comply with the 30 second change. He also stated that the Planning Commission put a regulation on the illumination which they are also in compliance with.

Mr. Stepnak asked if they are in agreement with the planning commission in terms of illumination.

Mr. Carll stated that they are. He also went on to say that they have done studies that show that illuminating signs are not a distraction to drivers. He provided a copy of the study for the board to review.

Mr. Stepnak stated that he feels safety is an issue that the board is concerned about.

Mr. Gendernalik stated that these types of sign are great for Amber alerts and would also be available for the Townships use as well for 10 weeks out of the year. He stated that the Planning Commission approved the sign with the limitation of the message changing daily. They are requesting that the ZBA board approve for the sign to change every 30 seconds as stated in the Township ordinance

Mr. Siebert, attorney explained that even though the state has regulated that these signs can change every 8 seconds but as a local unit of government the state allows the Township to set up their own regulations under a Township ordinance and the Township ordinance states that the regulation is 30 seconds.

Mr. Yaschen asked if there was an insurance clause with the sign in case someone was to get into an accident while reading the sign?

Mr. Carll stated No.

Mr. Klownowski asked Mr. Siebert if Section 52-8 would apply to the applicants sign.

Mr. Siebert stated that it does fall under the definition of an outdoor sign that can change every 30 seconds.

Mr. Joesph asked if any of the residents on the east side of 94 would be affected by the illumination of the sign?

Ms. Jones followed up to ask if the Billboard sign is on and my bedroom is straight across the street, and I'm sleeping is it going to light up my bedroom?

Mr. Gendernalik responded No, it wouldn't.

Mr. Joesph stated that in terms of safety he feels that if the sign changes every 30 seconds, at the rate of speed you would be going on the freeway you would pass the sign before it changed.

Mr. Carll stated that the board can put in the motion that the sign be equipped with the technology to insure that the adjustments of the brightness maintain the standard of 300 nits at night and 7,000 nits during the day.

Mr. Militello felt everything was covered and he had no comments.

Mr. Leonard stated that during the Planning Commission meeting the board, and him included had a lot of concerns in regards to safety. Since then he decided to drive that route where the sign would be and he concluded that having an illuminating sign there would you're merging onto the freeway would be distracting.

Public Comments:

Mark Babich stated that the current sign that is there now is not visible when you are merging onto the expressway because of the trees. So he does not feel the new sign would be a distraction.

Mr. Joseph stated that if the planning commission was okay with the sign itself. He doesn't see the issue with the sign changing because at the rate of speed you are going on the freeway you wouldn't see the sign change and if you are driving any slower your reaction time would be better. So either way he doesn't see a safety issue in the sign changing every 30 seconds.

Mr. Stepnak stated that he feels they covered and discussed all of the issues that they needed to tonight to make a decision. They all reviewed the documents and they all agree that they are concerned about safety.

Motion by Mr. Joseph to approve ZBA Petition #2015-13 as written with the stipulation that the sign cannot change any greater than 30 seconds. Also, the existing sign is to be removed and they are to maintain the landscaping. Also, that the sign is equipped with the technology to maintain the 300 nits at night and 7,000 nits during the day.

Supported by Mr. Klownowski

Ayes:

Mr. Stepnak
Mr. Joseph
Mr. Militello
Mr. Yaschen
Ms. Jones
Mr. Klownowski

Nays: Mr. Leonard

Motion Carried

Mr. Leonard stated that his decision to vote against the petition was based on not allowing the Billboard but on safety.

5. ZBA PETITION #2015-17: Gratiot, LLC. 6621 North Scottsdale Road, Scottsdale, AZ 85250. Requesting variance from the required road frontage in the C-3, General Commercial zoning district, petitioner is proposing 67' ordinance requires 80' located on the east side of Gratiot, north of Vergote Drive.

Mr. Thomas, representing Gratiot, LLC. he stated his client is requesting a variance from the 80 foot frontage to 67 feet with access for the parcel split via the driveway that is currently there.

Mr. DeMasters stated that he spoke with both Planning and Assessing and neither Departments have an issue with the split. He does realize that they are going around the driveway.

Mr. Militello felt that Mr. DeMasters explanation and clarification was enough for him.

Mr. Klownowski stated that this is a classic example of a practical difficulty.

Ms. Jones agreed

Mr. Joseph had no comment

Mr. Leonard had no comment

Mr. Yaschen had no comment

Mr. Stepnak asked if they knew yet what would be going in?

Mr. Thomas replied no, not yet. But the acreage is similar to the Bagger Dave's parcel.

There were no public comments.

Motion by Mr. Yaschen to approve ZBA Petition #2015-17 for a 67 foot variance based on the particular difficulty of the dimension and design of the existing property.

Supported by Mr. Joseph

Ayes: ALL

Nays: None

Motion: Granted

6. **OLD BUSINESS:**

There was no old business.

7. **NEW BUSINESS:**

Mr. Yaschen stated that the Meeting on November 11, 2015 has been canceled.

8. **APPROVAL OF MINUTES FROM PRIOR MEETING:**

Motion by Mr. Yaschen to approve the minutes from the October 14, 2015 meeting.

Supported by Mr. Stepnak

Ayes: All

Nays: None

Motion Granted

9. **COMMENTS FROM THE FLOOR:**

There were no comments from the floor

10-28-15

10. **ADJOURNMENT:**

Motion by Mr. Yaschen to adjourn at 8:25PM

Supported by Mr. Klonowski

Ayes: All

Nays: None

Motion Granted

Thomas Yaschen, Secretary

Julie Jones, Recording Secretary