

THE CHARTER TOWNSHIP OF HARRISON
HARRISON TOWNSHIP, MI 48045
ZONING BOARD OF APPEALS MINUTES
TUESDAY, MARCH 13, 2007

A regular meeting of the Charter Township Zoning Board of Appeals was held on Tuesday, March 13, 2007 at 7:00 P.M. at Rosso Memorial Hall located at 38255 L'Anse Creuse Road, Harrison Township, Michigan 48045.

CALL MEETING TO ORDER:

Meeting was called to order at 7:00 p.m.

A. ROLL CALL:

CHAIRMAN	ARCHIE LYTLE	Present
	LAWRENCE MISLINSKI	Present
VICE-CHAIRMAN	JAMES SENSTOCK	Present
BOARD REPRESENTATIVE	JAMES ULINSKI	Present
SECRETARY	MARIA ZINGAS	Present

B. HEARINGS AND REVIEW

C. OLD BUSINESS:

**1. CASE #21-06ZBA Maureen Mullin
27890 Riviera, Harrison Twp., 48045**

Purpose of Request: Requesting a front yard variance (on Short St. side) of 21 feet 9 inches from the required 30 foot front yard setback to construct a 10 foot deep covered porch.
Requesting a 12 foot 5 inch variance to add 4 feet to front of garage.
Requesting a side yard variance (on west side of home) of 1 foot 2 inches from the required 6 foot side yard setback to construct a 2nd story (house is already non-conforming with a 4 foot 10 inch side yard setback). Also requesting a rear yard variance (south side of home) of 19 feet 7 inches from the required 30 foot rear yard setback to construct a 14 foot 6 inch wide garage (adjacent to existing garage).

Applicant was not present when called. Chairman Lytle asked, if there were no objections, to proceed to the next case in order to give the applicant more time to arrive. There were no objections.

**2. CASE #30-06ZBA Morton L. Scholnick & Assoc., LLC
Brittany Park Apartments
(0001 0035 00 / 11-36-201-001)**

Purpose of Request: Requesting to exceed the allowable signage by 52 square feet.

Chairman Lytle asked the applicant to come forward. Cecil St. Pierre was present to represent the applicant. He passed out an amended calculation sheet of all signage that is currently on the property and of the variance that is being requested.

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Mr. St. Pierre stated that they had two positions regarding their variance request. For their first position, he read from Article 5, Section 5.05 (N) of our Ordinance and stated that, based on his interpretation of that section, Brittany Park should be allowed to have 32 square feet of signage for each of their 36 buildings, for a total of 1,152 square feet of signage. He then stated that, based on that figure, they would not even need a variance.

He stated that, in order to receive a variance, they must show some type of hardship. He stated that their hardship, which is the location of their property, makes up their second position. He stated that it's a hard location to get to because there is no exit off of I-94, there is only one thoroughfare, there's only one entrance into and one exit out of the complex, and there is very limited traffic. He then went on to state that strict enforcement of our Ordinance, which only allows 32 square feet of signage, would cause a practical difficulty for his client. His client would have to compete with other, possibly smaller, properties that are allowed the same amount of signage as his client.

Mr. St. Pierre went on to say that the two brick monument signs at the entrance of the complex, built sometime in the 1970's, the two plywood freeway signs, the rooftop sign, the red, individual lettered sign on the side of the building and the two wooden entry signs, all of which have been there since at least 1990, should all be grandfathered in, and should not be used as part of their calculation for existing signage. His reasoning being that our Sign Ordinance, to his knowledge, didn't come into effect until 1999 and the signs were all there before the Ordinance was adopted.

Mr. St. Pierre was asked if his client had any documentation as to when the signs that they consider being grandfathered were purchased / installed, any site information as far as documents showing the signs were part of the original development, or if any permits were issued or variances granted.

Mr. St. Pierre stated that he was not sure if, at the time the signs were installed, a permit was needed.

Morton Scholnick, applicant, also spoke on his behalf. Mr. Scholnick spoke on how long the signs that they consider grandfathered, have been on the property.

The applicant was asked if he had the original approved construction drawings that show where the signage would be located.

Mr. Scholnick stated that he did not know if the monument sign was built at the same time as the complex, but he felt, at the time, it did not require a building permit.

Mr. St. Pierre was asked what was his definition of "grandfathered".

Mr. St. Pierre answered "something that's been there since the enactment of the ordinance and has not changed in character". He stated that it was Michigan law, and that it was the same as a "valid, nonconforming use".

There was discussion as to how much of a variance the applicant was actually requesting.

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Discussion was held as to what was originally noticed, as far as the requested variance, and that the Zoning Board of Appeals would not be able to grant a variance larger than what was originally noticed.

Mr. St. Pierre requested that the case be tabled so that he could have the opportunity to gather all the information that had been requested, and to turn in an amended application with the amended variance request so that it can be correctly noticed.

The Board requested the applicant to bring back any documentation that supports the grandfathering of the signs. In addition, to bring back any state law / sites that support Mr. St. Pierre's interpretation of grandfathered, as it relates to signage, and something in writing indicating when the sign ordinance came into effect, as well as a copy of it, as well as a copy of the 1972 / 1973 sign ordinance.

Mr. St. Pierre had pictures showing sites that he maintained were not following the sign ordinance. He was told to bring the pictures back, identifying the sites, and whether or not any of the sites had been granted any variances which allow them to have their existing signs.

Mr. St. Pierre was also asked to summarize the Ordinance sites mentioned in his two arguments, and to put them in writing, and to find out if the sign on top of the building meets the Township's safety requirements, and if a permit was ever issued for it.

Chairman Lytle asked if there were any other questions from the Board Members. He then asked if there was anyone in the audience who wished to speak on this case. Seeing none, he asked if there was any Board discussion.

Motion by Member Mislinski to table this case for one month to give the applicant opportune time to find additional documentation on when the alleged grandfathered signs were approved by the Township under a building permit and also documentation indicating that this grandfather signage falls under a grandfather clause in the State of Michigan.

Member Senstock stated he would second it if Member Mislinski would add that it was at the applicant's request, and that the applicant be responsible for the cost of renoticing and re-mailing.

Member Mislinski stated he would add that to his motion.

The members also stated that there was a request for copies of the 1972 and 1996 or 1999 Sign Ordinance, and for the applicant to supply, in writing, his Proposal One and Proposal Two arguments, along with the sections of the Ordinance to support those arguments.

Member Mislinski included all of the above in his motion, and Member Senstock seconded.

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Motion by Member Mislinski supported by Member Senstock to table this case, at the petitioner's request, for one month to give the applicant opportune time to find additional documentation on when the alleged grandfathered signs were approved by the Township with a building permit, and also documentation indicating that this grandfather signage falls under a grandfather clause in the State of Michigan. That the applicant be responsible for the cost of renotyping in the paper and re-mailing, and that the applicant supply copies of the 1972 and 1996 or 1999 Sign Ordinance, and for the applicant to supply, in writing, his Proposal One and Proposal Two arguments, along with the sections of the Ordinance that support those arguments.

Chairman Lytle asked if there was any discussion on the motion. Hearing none he asked for a roll call.

Roll Call Vote:

Member Mislinski	Yes
Member Senstock	Yes
Member Ulinski	Yes
Member Zingas	Yes
Chairman Lytle	Yes

Motion Carried.

**1. CASE #21-06ZBA Maureen Mullin
27890 Riviera, Harrison Twp., 48045**

This case was tabled earlier in the evening until such time as the applicant appeared.

Ms. Mullin was present to discuss her case.

Chairman Lytle gave a brief recap of this case, including the fact that the applicant was required to turn in a certified survey.

Member Mislinski brought it to the attention of the Board that the survey supplied by the applicant showed all of the variances previously requested by the applicant were incorrect.

Discussion was then held as to what variances the applicant actually needed.

Chairman Lytle asked if there was anyone in the audience who wished to speak on this issue.

Motion by Member Mislinski supported by Member Ulinski to table this until the next meeting so that it can be republished with the correct variances.

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Chairman Lytle asked if there was any discussion on the motion. Hearing none, he asked for a roll call.

Roll Call Vote:

Member Mislinski	Yes
Member Ulinski	Yes
Member Senstock	Yes
Member Zingas	Yes
Chairman Lytle	Yes

Motion Carried.

D. ANNOUNCEMENTS:

Member Zingas stated that she brought up the issue of exceeding the 2/3 factor of livable space for an accessory use at the last Planning Commission meeting.

Chairman Lytle brought up the fact that there is an opening for the Zoning Board of Appeals liaison to the Environmental Committee.

Member Ulinski nominated Member Senstock, who declined the nomination.

Member Ulinski then volunteered for the position.

Motion by Member Mislinski supported by Member Ulinski to appoint Mr. Ulinski as the ZBA liaison to the Environmental Committee.

Ayes: 5 Nays: 0 Motion Carried

Member Ulinski wanted to thank his fellow Board Members for their hard work and effort.

Chairman Lytle also wanted to thank his fellow Board Members for their hard work and effort. He also wanted to thank the Township Administration and Staff for raising the level of professionalism and confidence in the Township.

E. APPROVAL OF MINUTES: **February 13, 2007**

Chairman Lytle asked if there was a motion to approve the meeting minutes.

Motion by Member Mislinski supported by Member Zingas to approve the Tuesday, February 13, 2007 meeting minutes.

Ayes: 5 Nays: 0 Motion Carried

F. NEW BUSINESS

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G. **PUBLIC COMMENT**

H. **NEXT ZONING BOARD OF APPEALS MEETING:** April 10, 2007

I. **ADJOURNMENT**

Motion made by Member **Mislinski** supported by Member **Ulinski** to adjourn the meeting at 8:34 p.m.

Ayes: 5 Nays: 0 Motion Carried

Maria Zingas, Secretary
Harrison Township Zoning Board of Appeals

Sabrina Mancini, Recording Secretary