

THE CHARTER TOWNSHIP OF HARRISON
HARRISON TOWNSHIP, MI 48045
ZONING BOARD OF APPEALS MINUTES
TUESDAY, MAY 22, 2007
PAGE 1

A regular meeting of the Charter Township Zoning Board of Appeals was held on Tuesday, May 22, 2007 at 7:00 P.M. at Rosso Memorial Hall located at 38255 L'Anse Creuse Road, Harrison Township, Michigan 48045.

A. CALL MEETING TO ORDER:

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

B. ROLL CALL:

CHAIRMAN	ARCHIE LYTLE	Present
VICE-CHAIRMAN	JAMES SENSTOCK	Present
BOARD REPRESENTATIVE	JAMES ULINSKI	Present
SECRETARY/P.C. LIAISON	MARIA ZINGAS	Present
MEMBER	LAWRENCE MISLINSKI	Excused Absence
MEMBER	WILLIAM SERVIAL, III	Present
ALSO PRESENT:	ROSEMARY DAVIS	Township Attorney
	CYNTHIA CHAMBOS	Recording Secretary

Chairman Lytle questioned the appropriate member position.

Rosemary Davis, Township Attorney, stated that since the petitioners requested to have their cases heard in front of a full Board, which was not available at last month's meeting, requesting the alternate was appropriate.

Member Senstock questioned using the alternate position in a last minute situation.

Rosemary Davis stated that it depended upon a case by case situation, but if there is a need for a last minute alternate, they could be used.

Member Servial stated that he was up to date on all the cases. He did receive a package from the Recording Secretary and went out and viewed each individual property and case before this evening's meeting.

Chairman Lytle requested a change in the agenda for the evening. The Board had originally requested to hear the Brittany Park case first for the evening, and also requested the Township Attorney be present for that case. Another issue was brought to the Board for the evening as well, and that was the Mullin case. There was an additional issue regarding her variance request. In light of this issue, the petitioner, Maureen Mullin, had asked for her case to be tabled until the June 12, 2007 meeting in order to prepare additional information for the Board and address the new variance issue that was brought to her attention.

THE CHARTER TOWNSHIP OF HARRISON
HARRISON TOWNSHIP, MI 48045
ZONING BOARD OF APPEALS MINUTES
TUESDAY, MAY 22, 2007
PAGE 2

Chairman Lytle then asked for a motion to move the Brittany Park case to be heard first and to table the Mullin case until June 12, 2007.

Motion by Member Senstock and supported by Member Zingas to amend these changes to the agenda for the evening.

Chairman Lytle then asked if there was any other discussion and seeing none asked for a roll call.

<u>Roll Call Vote:</u>	Member Senstock	Yes
	Member Zingas	Yes
	Member Servial	Yes
	Member Ulinski	Yes
	Chairman Lytle	Yes

Motion Carried.

Member Senstock questioned as to why the Mullin case was to be tabled again. Chairman Lytle addressed the issue by reminding Member Senstock that there was an additional variance that was just brought to her attention today, with relevance to exceeding the required maximum lot coverage of thirty (30%) percent by six (6%) percent, which will need to be public noticed. So the decision was made to table the case to allow ample time to notice the variance and allow Ms. Mullin to prepare the additional information that would be needed for the Board.

C. OLD BUSINESS:

1. **CASE #21-06-ZBA:** **Maureen Mullin – Petitioner (Tabled 4-10-07)
Harrison Township, MI 48045**

Property in Question: **27890 Riviera Drive – Lot 26 – Riviera on the Lake
Subdivision
Property No. 0710 0023 00, Sidwell No. 12-30-233-016**

3rd Variance Request: **Requesting a rear yard variance (south side of home) of 21
feet 6 inches from the required 30 foot rear yard setback to
construct a 14 foot 6 inches wide garage (adjacent to
existing garage).**

4th Variance Request: **Requesting a variance to exceed the maximum lot coverage
by six (6%) percent from the required thirty (30%) percent.**

Motion by Member Senstock supported by Member Zingas to table Case #21-06-ZBA, Maureen Mullin, Petitioner, 27890 Riviera Drive, Property No. 0710 0023 00, Sidwell No. 12-30-233-016, date specific to June 12, 2007, to allow Ms. Mullin to prepare the additional information that would be needed for the Board, with reference to a variance exceeding the required maximum lot coverage of thirty (30%) percent by six (6%).

Chairman Lytle then asked if there was any other discussion and seeing none agreed to move on with the meeting.

THE CHARTER TOWNSHIP OF HARRISON
HARRISON TOWNSHIP, MI 48045
ZONING BOARD OF APPEALS MINUTES
TUESDAY, MAY 22, 2007
PAGE 3

<u>Roll Call Vote:</u>	Member Senstock	Yes
	Member Zingas	Yes
	Member Servial	Yes
	Member Ulinski	Yes
	Chairman Lytle	Yes

Motion Carried.

2. **CASE #30-06-ZBA:** **Morton L. Scholnick & Assoc., LLC - Petitioner
Brittany Park Apartments (Tabled 4-10-07)**

Property in Question: **Brittany Park Apartments – Bidigares Casa Grand
Subdivision, 35255 Brittany Park Drive
Property No. 0001 0035 00, Sidwell No. 11-36-201-001**

Purpose of Request: **Request to exceed the allowable square feet for signage by
703 square feet.**

Mr. Morton Scholnick was present and represented by Mr. Cecil St. Pierre.

Chairman Lytle asked the petitioner whether he had any objections to Member Servial sitting in as an alternate this evening.

Mr. St. Pierre made an objection relative to whether Member Servial is up to date on the issues with Brittany Park or not. He was concerned as to whether ample information had been given to Member Servial, which he made reference to Member Servial seeing the previous presentations on the televised monthly meetings, which was the only issue he had.

Chairman Lytle noted his objection at this time and asked Mr. St. Pierre to give Member Servial a brief overview of his case up to this time.

Mr. St. Pierre went on to state his clients position on the interpretation of the Ordinance.

Mr. St. Pierre stated that Brittany Park Apartment consists of 36 buildings and a total of 414 units. His position is that according to our Paragraph N of our existing Sign Ordinance, "We shall have thirty-two (32) square feet for any given lot or building". And that's an OR and it's very important to note that – OR. With that result, we have 36 buildings and 32 feet, I believe I'm allowed 1,152 square feet of signage as allowed by the Ordinance.

Mr. St. Pierre went on to talk about the signs he believed should be grandfathered according to the 1972 Ordinance.

- A) The two (2) brick monuments – in place in 1972
- B) The roof top sign (Renfrew) – in place in 1972
- C) The freeway sign (Gloucester) - in place in 1972
- D) The Brittany Park Red Individually lettered and lighted – also in place in 1972
- E) The two (2) wooden entry signs

THE CHARTER TOWNSHIP OF HARRISON
HARRISON TOWNSHIP, MI 48045
ZONING BOARD OF APPEALS MINUTES
TUESDAY, MAY 22, 2007
PAGE 4

It is their position that the total square footage of these signs is 528 square feet and that these are all Grandfathered. Mr. St. Pierre feels that they are well below the required square footage needed to add signs.

Mr. St. Pierre then stated he felt his client was entitled to the 175 square foot variance since he was well below the 1,152 square footage required by the Township Ordinance. He went on to state that this was the interpretation of the Building Official.

Mr. St. Pierre went on to cite that the Township Sign Ordinances have been the same since the 1970 Ordinance. He also felt his clients' rights have been violated. Mr. St. Pierre went on to address the issue of violations. His client is not aware of any violations that are outstanding.

The next discussion by Mr. St. Pierre had to do with the amount of fees charged and the height of the signs. Mr. Scholnick feels he should not be charged any fees and none of his signs exceed the height required, according to the 1970 Ordinances – they have not violated any Ordinances.

Chairman Lytle then asked the Board if they had any further questions for Mr. St. Pierre.

Several members followed with questions and a discussion ensued on various issues relative to the sign Ordinance.

Mr. St. Pierre questioned the Township Attorney on several Sign Ordinance Issues.

Rosemary Davis, Township Attorney, addressed the issues from Mr. St. Pierre.

A discussion also ensued regarding the monument signs between the Board Members and Mr. St. Pierre.

A question of permits arose from the discussion and Mr. St. Pierre was able to provide two (2) permits that were applied for and granted in May of 1989 and in 1994.

Member Zingas requested Mr. St. Pierre to again address the signs that he felt were grandfathered, where the signs are today and their function.

- A) Two (2) brick monument signs, at the entrance, for identification purposes (308 Sq. Ft.).
- B) Two (2) hardwood freeway signs used for identification purposes. The first is the rooftop sign which has been up since 1972, and the second is the roadway sign along the freeway, of which both make reference to the location of the apartments. They need these signs as there is no ingress or egress from the expressway at their location.
- C) The Red Lettered, Lighted, BRITTANY PARK Address Identification Sign, is located on the gabled end of 35181 Brittany Park Drive, faces I-94 and makes reference to the location of the apartments.
- D) Two wooden entry signs, for identification purposes, announcing the apartments are "For Rent", also near the entrance.

THE CHARTER TOWNSHIP OF HARRISON
HARRISON TOWNSHIP, MI 48045
ZONING BOARD OF APPEALS MINUTES
TUESDAY, MAY 22, 2007
PAGE 5

Mr. St. Pierre then provided overhead photo, provided by the County of Macomb, of the apartments, showing where the signs were located in 1972 and 1980.

Member Zingas inquired as to why they want 175 square feet of additional signage and where these signs will be placed.

Mr. St. Pierre answered by stating that the signs will stay in place where they are today. The nature of the signs will not change. He went on to assure the Board that the signs would be anchored down so as not to move and the sign flags, that are up, are affixed to a permanent flag pole or some type of pole that will be permanently anchored in the ground.

A discussion ensued by both the Board members and Mr. St. Pierre on various issues regarding the signs.

Chairman Lytle asked the Board if there was any further discussion on this case. Hearing none, he then opened the floor to public comment, as per Mr. St. Pierre's request.

Julie Gibbons – Brittany Park Property Manager. Ms. Gibbons gave testimony to the fact that all these pictures, of other properties, have been taken since December with regards to the flags and other signs.

Delora Redmond – Brittany Park Apartment Tenant. Ms. Redmond works for the Post Office and testified that the signs have been there for quite some time. She travels the expressway every day and stated that was her reason for moving there were the signs.

Chairman Lytle closed the session for public comment.

Discussion ensued again regarding the signs and where they're placed on the property.

Chairman Lytle then addressed the process to follow for the upcoming motions regarding all four (4) positions prepared and taken by Brittany Park. The Chairman then gave brief description of the positions. When he finished, he suggest they break them down, one by one.

Chairman Lytle questioned the square footage for the first position.

Rosemary Davis, Township Attorney, restated the Ordinance Section 5-5.05 (N), based on land or buildings.

Another discussion ensued regarding how the Board was going to compute the square footage of the signs.

Chairman Lytle asked if there was any further discussion on this Position. He then asked for a motion.

Motion by Member Zingas supported by Member Senstock regarding Position 1 of CASE #30-06-ZBA, Morton L. Scholnick & Assoc., LLC – Petitioner, Brittany Park Apartment, as to the Zoning Board of Appeals interpretation of Harrison Township Sign Ordinance, Section 5-5.05 (N), as follows:

Said sign area should be limited to thirty-two (32) square feet in total area for any given lot or building. The application to this case is thirty-two (32) square feet for the entire lot. This is also a residential area, zoned RM-1 non-conforming, and it falls under all residential Sign Ordinance requirements.

THE CHARTER TOWNSHIP OF HARRISON
HARRISON TOWNSHIP, MI 48045
ZONING BOARD OF APPEALS MINUTES
TUESDAY, MAY 22, 2007
PAGE 6

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

<u>Roll Call Vote:</u>	Member Zingas	Yes
	Member Senstock	Yes
	Member Servial	Yes
	Member Ulinski	Yes
	Chairman Lytle	Yes

Motion Carried.

Chairman Lytle proceeded on to Position 2, which interprets the "Grandfathering" of the signs on the Brittany Park property at this time. He went on to elaborate on the various signs and which ones were to be "Grandfathered": The discussion was relative to which signs were or were not to be on the "Grandfathered" list, which ones would be included in the 32 square feet, and which ones would be eliminated. Of which, at that time, they enlisted the advice of the Township Attorney.

Chairman Lytle then voiced his opinion regarding the roof top sign and how structurally sound it is at this time. It looks to be damaged and should be replaced or removed permanently before it blows down and becomes a health and safety problem.

After a lengthy discussion, Chairman Lytle asked for a motion on the signs to be "Grandfathered".

Motion by Member Ulinski supported by Member Senstock regarding Position 2 of CASE #30-06-ZBA, Morton L. Scholnick & Assoc., LLC, Petitioner, Brittany Park Apartments, as to the Zoning Board of Appeals definition of which signs are "Grandfathered", as submitted:

- A) The two (2) brick monuments signs at the entrance.**
- B) The red, lighted, individually lettered Brittany Park address identification sign on the building.**
- C) The one (1) Gloucester freeway sign, without flags.**

Chairman Lytle asked if there was any further discussion on this position and seeing none asked for a roll call.

<u>Roll Call Vote:</u>	Member Ulinski	Yes
	Member Senstock	Yes
	Member Servial	Yes
	Member Zingas	Yes
	Chairman Lytle	Yes

Motion Carried.

Chairman Lytle then proceeded to Position 3, which would grant variances for the other signs that were proposed by the petitioner.

The Board then went on to discuss various issues relative to the remaining signs and flags that are already out on the property.

THE CHARTER TOWNSHIP OF HARRISON
HARRISON TOWNSHIP, MI 48045
ZONING BOARD OF APPEALS MINUTES
TUESDAY, MAY 22, 2007
PAGE 7

Chairman Lytle inquired whether a motion should be made on each of the signs so as not to get them confused. The Board concluded that would be a proper way to handle this issue.

Motion by Member Senstock supported by Member Ulinski regarding Position 2 of CASE #30-06-ZBA, Morton L. Scholnick & Assoc., LLC, Petitioner, Brittany Park Apartments, subject to the following:

To grant a variance for the six (6) blank/decorative flags, thirty (30) square feet, which are to be maintained and kept in good repair.

<u>Roll Call Vote:</u>	Member Senstock	Yes
	Member Ulinski	Yes
	Member Servial	Yes
	Member Zingas	Yes
	Chairman Lytle	Yes

Motion Carried.

Motion by Member Zingas supported by Member Ulinski regarding Position 2 of Case #30-06-ZBA, Morton L. Scholnick & Assoc., LLC, Petitioner, Brittany Park Apartments, subject to the following:

To grant variances to allow the applicant to continue the use of the two (2) existing wooden entry signs, twenty-eight (28) square feet, located on Shook Road, provided all other Building Department requirements are met and all Ordinance requirements are met.

Roll Call Vote:	Member Zingas	Yes
	Member Ulinski	Yes
	Member Senstock	Yes
	Member Servial	Yes
	Chairman Lytle	Yes

Motion Carried.

Motion by Member Zingas supported by Member Ulinski regarding Position 2 of Case #30-06-ZBA, Morton L. Scholnick & Assoc., LLC, Petitioner, Brittany Park Apartments, subject to the following:

To grant a variance to allow applicant to replace the existing, non-permanent, seventy (70) square feet, second level banner, facing Shook Road, with a permanent sign in compliance with all current Ordinances.

<u>Roll Call Vote:</u>	Member Zingas	Yes
	Member Ulinski	Yes
	Member Senstock	Yes
	Member Servial	No
	Chairman Lytle	No

Ayes: 3 Nays: 2 Motion Carried.

THE CHARTER TOWNSHIP OF HARRISON
HARRISON TOWNSHIP, MI 48045
ZONING BOARD OF APPEALS MINUTES
TUESDAY, MAY 22, 2007
PAGE 8

Motion by Member Senstock supported by Member Ulinski regarding Position 2 of Case #30-06-ZBA, Morton L. Scholnick & Assoc., LLC, Petitioner, Brittany Park Apartments, that the following signs have been denied approval of the zoning variance and continued use as follows:

- A) Portable entry "A" frame signs.
- B) Plywood police sign.
- C) Now leasing flags and/or any flags with a message written on it.
- D) The roof top sign at 35230 Renfrew to be removed due to disrepair.

<u>Roll Call Vote:</u>	Member Senstock	Yes
	Member Ulinski	Yes
	Member Servial	Yes
	Member Zingas	Yes
	Chairman Lytle	Yes

Motion Carried.

Motion by Member Senstock supported by Member Zingas regarding Position 2 of Case # 30-06-ZBA, Morton L. Scholnick & Assoc., LLC, Petitioner, Brittany Park Apartments, that no other variances will be granted, other than the variances provided in the previous three (3) motions, that have already been granted, by the Zoning Board of Appeals.

<u>Roll Call Vote:</u>	Member Senstock	Yes
	Member Zingas	Yes
	Member Ulinski	Yes
	Member Servial	Yes
	Chairman Lytle	Yes

Motion Carried.

Member Senstock brought up the fact that the other two (2) positions have not been addressed and would like to bring them up now.

Chairman Lytle agreed and also requested Mr. St. Pierre be present for the motions.

Mr. St. Pierre felt it unnecessary to stay for the positions as they would not be able to speak on behalf of them anyways.

Chairman Lytle asked the Board if they would like to proceed with Position 3, which was not addressed earlier, which the Board all agreed to.

Member Senstock addressed Position 3. He went on to state that Mr. St. Pierre had earlier spoken regarding how the Township had violated his client's due process rights. The Board then discussed the issue in depth.

THE CHARTER TOWNSHIP OF HARRISON
HARRISON TOWNSHIP, MI 48045
ZONING BOARD OF APPEALS MINUTES
TUESDAY, MAY 22, 2007
PAGE 9

Board members agreed that Position 3, relative to the applicant's due process rights, were not violated because ample time was given and proper notice given to them to state their position on this issue.

Chairman Lytle then addressed Position 4 that involved the fees that were charged. The Board felt that all charges incurred by the applicant were reasonable. Member Senstock did state that Mr. St. Pierre did not object to the \$250.00 rehearing charge.

Motion by Member Senstock supported by Member Ulinski regarding Position 4 of Case # 30-06-ZBA, Morton L. Scholnick & Assoc., LLC, Petitioner, Brittany Park Apartments, that all the hearings, past and present, DVD's, minutes, maps, and variances granted or denied that were submitted to the Zoning Board of Appeals, be part of the record as to what was included in the determinations made tonight with relevance to the variances.

<u>Roll Call Vote:</u>	Member Senstock	Yes
	Member Ulinski	Yes
	Member Servial	Yes
	Member Zingas	Yes
	Chairman Lytle	Yes

Motion Carried.

Motions by the Board to excuse Ms. Rosemary Davis, Township Attorney, from the meeting, as her services regarding Brittany Park, were complete.

Ayes: 5 Nays: 0 Motion Carried.

D. HEARINGS AND REVIEW:

**3) Case #05-07-ZBA: Douglas J. Watts – Petitioner
Harrison Township, MI 48045**

**Property in Question: 37851 Mast Street, Lot #5, Pointe Rosa Subdivision
Property #0620-0067-00, Sidwell #12-21-354-006**

Purpose of Request: Request to place in-ground pool in side yard.

Douglas and Susan Watts, Petitioners, and children, Brett and Emily, were present and gave a brief overview of their in-ground pool project.

Chairman Lytle had a few questions regarding the pool and surrounding neighborhood area, of which Mr. Watts was able to answer all of these, especially relative to the landscaping and fencing issues.

A brief discussion ensued between Board members and the Watt's relative to the pool issues.

Chairman Lytle then asked if anyone from the public would like to speak on behalf of this issue and seeing none, asked the Board if there was any further discussion from them.

THE CHARTER TOWNSHIP OF HARRISON
HARRISON TOWNSHIP, MI 48045
ZONING BOARD OF APPEALS MINUTES
TUESDAY, MAY 22, 2007
PAGE 10

Chairman Lytle stated that due to the size of the lot and the practical difficulty is that the applicant really does not have a backyard to do something like this - like put a pool in. He sees no reason to deny the application.

Motion by Member Senstock supported by Member Servial to approve Case #05-07-ZBA, Douglas J. Watts – Petitioner, 37851 Mast Street, Lot #5, Pointe Rosa Subdivision, Property #0620-0067-00, Sidwell #12-21-354-006, Request to place in-ground pool in side yard, subject to the following:

The variance is granted as long as additional natural screening of arborvitae or other shrubbery is added to the Mast street side of the property, subject to the approval of the Building Official.

<u>Roll Call Vote:</u>	Member Senstock	Yes
	Member Servial	Yes
	Member Ulinski	Yes
	Member Zingas	Yes
	Chairman Lytle	Yes

Motion Carried.

Chairman Lytle addressed the Watt children and invited them to come up and sit with the Board Members as they wrapped up the evening. The children happily accepted.

E. ANNOUNCEMENTS: None

F. APPROVAL OF MINUTES: April 10, 2007

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

Motion made by Member Zingas supported by Member Ulinski to approve the Tuesday, April 10, 2007 regular meeting minutes as presented.

<u>Roll Call Vote:</u>	Member Zingas	Yes
	Member Ulinski	Yes
	Member Servial	Abstained (Due to not being present at that meeting)
	Member Senstock	Yes
	Chairman Lytle	Yes

Motion Carried.

G. NEW BUSINESS:

Member Senstock brought up the Citizen Academy Conference and asked permission from the Board to attend the conference.

Motion by Member Ulinski supported by Member Zingas to allow Member Senstock to attend the Citizen Academy Conference, in Lansing, on June 20-21, 2007.

Ayes: 5, Nays: 0 Motion Carried.

THE CHARTER TOWNSHIP OF HARRISON
HARRISON TOWNSHIP, MI 48045
ZONING BOARD OF APPEALS MINUTES
TUESDAY, MAY 22, 2007
PAGE 11

Member Ulinski brought up the Parks and Rec Departments Fishing Derby that will be held on June 9, 2007 at Metro Beach.

Member Servial gave his opinion (in conjunction with Member Ulinski) that we need to expand our Zoning districts due to the fact that we have quite a few non-conforming lots. The ZBA should make recommendations to the Planning Commission to add at least two (2) or three (3) more, to allow for building expansions. Chairman Lytle gave a brief overview of a conference that both he and Mr. Senstock had attended regarding these issues.

Member Servial also gave a brief review regarding a situation of a house/lot on Siesta in relevance to the issue addressed by Chairman Lytle.

H. **PUBLIC COMMENT:** None

I. **NEXT ZONING BOARD OF APPEALS MEETING:** June 12, 2007

J. **ADJOURNMENT**

Chairman Lytle requested a special motion be made by the Watts children with relevance to the adjournment.

Motion made by Miss Watts supported by Mr. Watts to adjourn the meeting at 10:10 pm.

5 Ayes, 0 Nays Motion Carried

Maria Zingas, Secretary
Harrison Township Zoning Board of Appeals

Cynthia Chambos, Recording Secretary

Date Approved: _____