

CHARTER TOWNSHIP OF CANTON
THE ZONING BOARD OF APPEALS
APRIL 11, 2019

A meeting of the Zoning Board of Appeals of the Charter Township of Canton was held Thursday, April 11, 2019 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, Vicki Welty, Craig Engel and Greg Greco.

Absent: Greg Demopoulos and James Malinowski. Staff Present: Jeff Goulet

ACCEPTANCE OF AGENDA

Motion by Greg Greco to accept the agenda for April 11th, 2019 and Support by Vicki Welty. Ayes: All

APPROVAL FEBRUARY 14, 2019 MEETING MINUTES

Motion by Vicki Welty to approve the Zoning Board of Appeals Meeting Minutes dated February 14th, 2019 as presented. Support by Greg Greco. Ayes: All

James Cisek explained the procedure of the Zoning Board of Appeals to the audience.

1. Applicant Abraham Nunu, Canton Investment & Development, for property located at 43415 Michigan Avenue, on the south side of Michigan Avenue west of Morton Taylor Road, Zoning C-2, appealing Section 27.05A (Administrative Decision that the Building is a Non-Conforming Motel). Parcel ID 71-133-01-0001-002 Tabled Item from 11-8-2018 (Building)

Motion by Vicki Welty to remove the above item from the table. Support by Greg Greco
Ayes: All.

John Harrington stated he is the attorney and representative here today for Mr. Nunu, who is hear as well as well as well as Canton Investment and Development. We were here back in November and I know we had a conversation regarding uses at that time. If you may recall, if you don't because I am sure you have a lot on the docket every month, but this is a piece of property as indicated on the south side of Michigan Avenue next to Morton Taylor that has been operating as an apartment building known as a five unit single structure apartment building. It has been operating that way for many, many years. It was called at various times the Canton Party Store Motel because it was right next to Canton Party Store. It had been operating as far as we can tell going back either before the zoning adopted in 1992 as an apartment building, we have had there's has been position taken by the township that in fact this property is not zoned for apartment as the zoning was identified as an motel at some point and some kind of vague references to it in various documentations. I know we went through this last time went over a couple of documents over the 1990's and the fire department calling it the Canton Party Store Motel but then making references within the body of it as an apartment building with apartment units. It has been our position that this property has been

grandfathered because it had been used an apartment going back decades. As you may recall there is litigation on going now in Wayne County Circuit Court between my client, Canton Party Store, Canton Investments and Development as well as with the Township. We were here last time, I think the lawsuit at this particular state we were seeking a judicial ruling, an equitable relief, a declaratory relief that in fact it is either grandfathered or not. We have since November taken a number of depositions. Kristin Kolb, as you know the attorney for the Township; we have taken a deposition from Mr. Jeff Goulet; taken a deposition from Robert Creamer and a deposition just a few weeks ago with Alex Mamo who I think was a former Building Department Inspector. I think his position, he left a few years ago, and Rob Creamer took over for him. Based on their various activities and involvement with the property, if you know how litigation works, there is a period called discovery. The discovery period just recently closed so the next phase is and I am sure the Township will be doing the same thing in the near future and we will as well be filing a motion for a summary disposition which is the legal term for we wish to have the judge in this case, Lesley Kim Smith, in the Wayne County Circuit Court to make a ruling and determination as to whether it is grandfathered or it is not. If I recall correctly when we were here back in November, I've been hearing a lot of discussion about it as to whether it's grandfathered or not. At that time that is why it was tabled to await the outcome of this litigation to find out what's happening to that. Maybe I was a bit optimistic at that time that I think you may have mentioned to come back in six months and hopefully we would have a ruling by then. Unfortunately, we are not at that stage yet. We do not have a ruling as of yet. We, hopefully within the next couple of months, I think by June, we should be having a decision from the judge as to whether or not this is grandfathered or not. It has been our position all along that the township has claimed that it was used as a motel but with all due fairness, Ms. Kolb was not here to give their position but it is our position is that the evidence that the township has that it has been a motel. We kind of went through this last time if you recall back in November. Like I said early some vague references it's been used in motel but all the other evidence seems to suggest that it was always been used as an apartment building. My client, the land contract vendor who took over the property when the vendee defaulted on a land contract about 10 – 15 years ago and from the records that our client has, who Mr. Nunu is a C.P.A., happened to be the C.P.A. for the prior owner of the property who then sold on a land contract. According to his records from his client that it was in fact at all times going back well into the 80s; even the 70's, 1970's it was used as an apartment building. That is the evidence we hope to present to the judge and have the judge make a ruling that in fact it is grandfathered. And I think that if it is then grandfathered, then that would make your decision that much easier. If there was a judicial determination then it is grandfather therefore its prior use as an apartment can then be continued. Then of course if the judge rules against us, it kind of course makes a moot point as well. Makes your job easy, likewise easy to find out if we are not allowed. It stands right now the building has been vacant for a little over a year now there has been nobody living in there. It has been maintained. It is boarded up and secured. I know we had issues with former tenants breaking in a couple of times but I think they have been dealt with and the police are regularly driving by there to make sure it remains secure and no debris, trash dumped there or anything like that. It is pretty much the status of the situation right now. I don't know if you have any questions or inquiries you may have.

James Cisek asked to hear from Mr. Goulet.

Jeff Goulet stated that as Mr. Creamer has indicated, at the last meeting that you heard this and tabled it based on all the Building Department records and based on any kind of zoning records we have on the property, this property has never been zoned for residential use so it could have never been legally established as an apartment building. All the occupancy records for this we have in the past have been for commercial. Nobody ever came in to get a Certificate of Occupancy for the residential structure. So basically Mr. Creamer's determination is that the non-conforming use is a motel because that is the only thing that we have in our records indicating what the legal use was that

had a legal Certificate of Occupancy. The only issue before you tonight is to determine whether or not Mr. Creamer's determination is correct and that the non-conformity is a motel and not an apartment. You have a memo from Kristin Kolb providing some history on the project and giving you some Zoning Enabling Act Information relative to the need for the project sponsors to exhaust their administrative remedies before the court case can proceed. It is up to you to make a determination in the non-conforming use. The court will look at all the records from both sides and make a determination that there is still any issues outstanding on whether or not your determination is correct, but you have to make a determination before the court will act on the lawsuit.

James Cisek stated that the Public Hearing was heard at the November 8, 2018 ZBA meeting.

Craig Engel asked what it is zoned currently for.

Jeff Goulet stated that it is zoned commercial C-1, I believe.

John Harrington stated C-2 actually.

Jeff Goulet stated that in the past it was zoned since the 60's it was zone commercial of some kind. Based on what the zoning classifications were and the codes at that time.

Vicki Welty asked if Zoning C-2 allow for a motel or an apartment.

Jeff Goulet stated no. It doesn't allow for either. It was established at some time as a motel. The only C of O we have is for a motel. That is why we've made a determination that it is a non-conforming motel. Obviously it is there and was established at some point legally. Non-conforming use means it was a legal use. So we never had anything in our records indicating it was a legal motel use.

James Cisek stated and that goes all the way back too and when it was sold apparently it went to a different owner and then what happened? Did the new owner come in or just start running it as a motel?

Jeff Goulet stated probably the mid 50's early 60's. They are required to come in and do a Zoning Compliance Certificate for a continuation of the use and a new Certificate of Occupancy. When a new ownership takes place then we determine what it has been used for, showing us records that it has been continuously been used as a motel or whatever it was used for previously and then we then make a determination of what the continuing non-conformity is and that way the new C of O then can be put to be consistent with what the zoning determination was before the new C of O's issued. So that never ever happened multiple times over the years so that is why we have to go way back to Mr. Creamer's initial determination of when the last legal C of O was granted.

John Harrington stated that he just wants to point out that based on our extensive discovery especially over the last several months has been, there never was any C of O on this property at all. It was built in the 1950 and at that time, to be candid, I've been going through extensive search not only the Township's due diligence efforts as well as ours, and we know the building was built in 1950. We do not see any records of it really ever being used as a motel or anything other than an apartment. As I mentioned earlier, there was some letter from the Fire Department from 1992 – 1993 that I think was actually 1993 – 1994 that was produced that we went over last time we were here that indicated that it was called, the building was referenced as the Canton Party Store Motel but it was always the Fire Department wanted certain things to be done to each apartment unit so other than that, there's no records. I wouldn't really call then records but just putting a label on something that it has been designated as used as a motel. Never was a C of O in reference to your commentary about to when the property was sold it was transferred from the original owner of the party store who

owned the party store and the motel hotel so the apartment building in 1998 I believe, name is some and at that time, the Township has said there was a land split to split the party store from the apartment but there's no records of the land split. We have asked for it. No one can find it and now we have Mr. Goulet's deposition.

Jeff Goulet stated that the Township didn't split it. It may have been split at some point but there was no split that was approved as we didn't do splits at that time – Wayne County did splits at that point in time. But the split is not relevant to the issue. The issue is based on our records, what is the use? That is the ZBA's determination that you need to make as an appeal of an administrative decision. So you will need to keep it to that issue and whether or not they have a need. There are no records that they have provided to us before showing it that it was a motel. They have provided Mr. Creamer with no additional information documenting the apartment use other than their assumptions in what they were told previously when it was purchased.

John Harrington stated to finish my thought, I mean the fact of the matter is that there is no record ever. Mr. Goulet made commentary that there was a land split. There is no record there ever was a land split. There is a real absence of records here tremendously. There's no record it ever was used as a motel. There was never no record of c of o at any time that points back to 1950 when the building was built.

Craig Engel stated was the official name the "Canton Party Store Motel".

Jeff Goulet stated yes.

John Harrington stated that he takes umbrage with that because there is no official name to it at all. It was just an apartment building that's got five apartment units. It doesn't have a name to it. There is no sign out front.

Jeff Goulet stated that is the reference we have in the Building Department records as the name. Whether it is an official name or not, that's the name.

Craig Engel stated that we are here to determine whether or not it is non-conforming.

Jeff Goulet stated yes.

Vicki Welty stated that we are here to determine if Mr. Creamer made the right decision and uphold his decision or not based on the information that he had when he made the decision.

Craig Engel stated that after our decision, the court case still goes on.

Jeff Goulet stated that's correct.

John Harrington stated that with all due difference to whatever decision to make, last time you wanted to wait to see what the court decision was, which I think it's going to come to fruition in the near future but that's probably the best course of action again is to defer it to whatever the outcome is going to be at that point. The property is, you know there's nobody using it now so it's not like it's going to continue as any sort of nuisance or anything of that nature. So I would ask you to wait the decision and when the judge in Wayne County Circuit Court and see what ruling they make and she makes and then go from there. And I think there's and you just asked about what does designation does it ever has, is Canton Party Store Motel. Our clients have never used it as that. Our only reference to that is a passing comment from the Fire Department twenty seven years ago. So that's

where we have great umbrage. Mr. Nunu is here and he just wanted to know if he could make a comment or two.

James Cisek said to go ahead make a comment.

Mr. Nunu stated that Mr. Creamer made this decision that it is a motel based on a paper from outside the contractor, electrician when we he was in the position we asked him how did you make this decision he said we have this letter from outside contractor. It said Canton Party Store Motel and his handwriting on it and he goes I based my decision because an outside guy who has no standing whatsoever, not above public employee, he's not a government employee, I can make any word today and base that word you know on the caption it said motel and in the whole letter and every point in that letter it mentioned the apartments. Each apartment has its own apartment #1, each one has its own DTE bill. Each apartment has its own kitchen, it has dinning area living area laundry room apartment 2 bed room apartment. There's never been a reception area for a motel. There's nothing whatsoever in that place it give you a clue that it is a motel except that caption on the letter from an electrical 30 - 40 years ago. As far as I remember and from my client who owned that property 20 years before I know him 30 years ago, it was an apartment. There is no way a motel will have five meters. Why a motel has a full kitchen in each unit. It just doesn't make sense. There is no reception area. When I want to go to a motel, I want to, reserve a room, there should be a reception. There is no reception.

Jeff Goulet stated that he assumes since the owner of the party store and owned this building at the same time before it was built the reception area would have been in the Party Store. This is a post-World War structure. We do not know exactly how things operated back then so we cannot go based on what assumptions is and what it has in it. We do not know whether or not what modifications were made inside those structures were all legal to begin with. We have no idea whether they came in for permits to add kitchens to the units or whether those kitchens were in there originally. There is nothing that said back in 1950 you cannot have a kitchenette or kitchen in a motel room. It may have been used for short term rental as a motel sometimes leases out by the week or the month. Back then along Michigan Avenue there were a lot of mom and pop motels that did that. All we have to do is base our decision on the record that we have and based on our inspection records and what it was inspected for and whatever records we have and plus the zoning the zoning on it was always commercial. So it would never ever allowed construction of an apartment building in Commercial Zoning.

James Cisek stated that the way he sees it is if I'm reading this right, they have a c of o for the Canton Party Store. They do not have a C of O for a Canton Motel.

Jeff Goulet stated that when the property sold, the new Party Store owner came in and got a c of o for his portion but the owner of the motel structure did not come in and get a new c of o for that portion of it. At that time we would have made a determination of what the use was and gone through probably this process at that point in time; but you know twenty six years later were... Something was built legally. What is it? Is it a Motel or is it an apartment?

Craig Engel stated that we are here to either affirm or deny Mr. Creamer's assessment.

Jeff Goulet stated yes, that is the only decision you are making tonight. Whether you agree with his assessment or whether you don't.

John Harrington stated it is a question as to whether it is a legal non-conforming use or an illegal non-conforming use.

Jeff Goulet stated that a non-conforming use is a legal use. It is either an illegal apartment or it's a non-conforming motel. If you determine that Mr. Creamer's determination as a non-conforming motel is incorrect, than potentially it could be considered an apartment but it could also be considered a boarding house or may have been other uses that may be considered non-conforming. Way back when it could have been a boarding house at one time. It could have changed uses over time. Since we have no zoning documentation and no c of o's that go through the process of change of ownership or reconfiguration of these over time, we have to base it on what we know.

Craig Engel stated that our decision will just be a part of the record that the court gets.

Jeff Goulet affirmed then the court will sort it out.

John Harrington stated that the issue itself is that the Township itself has little to no records about the history of this property and that is where as Mr. Goulet has made many comments today, about it being a motel. There is no evidence of it being a motel other than as Mr. Nunu just underscored a passing reference to it on an outside letter from a contractor. Other than that, there is no evidence that it has ever been a motel.

Craig Engel stated that in 1993 the Department of Public Safety sent a letter to the Canton Party Store Motel on April 19th.

John Harrington stated that it was referenced, that is another document too, that it was referenced as a motel, but if you look at the body to that letter, there are only a couple of letters going back that far, that makes reference to an apartment. Assuming it is the same letter that I am thinking of you are talking about. That is what we went through when we were here back in November.

Craig Engel stated that I am of the mind to affirm Mr. Creamer's position that the building is a non-conforming use.

James Cisek stated that he has to agree.

Vicki Welty stated that based on the information that he has.

James Cisek stated that based on the information that he has, he agrees.

Motion by Craig Engel, support by Vicki Welty to deny the requested appeal to overturn the Building Officials' determination, based on the evidence. Ayes: All

2. Applicant Debra Michels, for property located at 43638 Emrick Drive, Brentwood Estates, on the north side of Emrick Road between Sheldon and Morton Taylor Roads, Zoning R-5, appealing Section 78-131.4(a) Zoning District Restrictions, All Other Zoning Districts, Partition Fences and Walls. Parcel ID 71-057-02-0068-000 (Building)

Debra Michels, 43638 Emrick stated just a little history, give you a little background. Her fence has been in place for five years. In 2018 end of April Novi Fence sent me a letter that they received a note that someone made a complaint and that on the east side of the house the gate was 6' and it kind of encroached on the neighbor's side of their house and had to come down to four feet. At that time, I told them to do what they have to do; I had a family situation I was taking care of that took precedence. Then this year, March 6th, Novi Fence sent me another note and said that Canton said the other side of the house now had to be 4' from the addition going forward. That was the background. The reason I got the 6' fence five years ago was I adopted two dogs. One dog kept

jumping the fence and I needed to keep her contained so I went and got a six foot fence. Installed it. I moved the fence to where they want me to; where the Township wants me to move it at the back of the addition. Right now there is a fire place vent on that wall and it will be open access from the street. I am concerned because we have little kids in the area and I do not want them touching it and getting burned. I do not want to assume that liability. I do want to keep that fenced in. The other thing on that side of house is that on the other side of the house is the access to the addition. The crawl space is also on that side in that space. Being a single woman and having this space kind of enclosed on the side and we have no streetlights. It is dark and makes me uneasy. I do not know that it is truly a safety concern, but I think it is a safety concern. That is why I would like to leave the fence intact.

Jeff Goulet stated that the way these fence ordinance is structured, you can have a fence along the side yard up to the front corner of your building but if its forward of the back corner of the building it can only be 4' in height, so that we are not walling off the side lot line up to the front corner of the house. That is the issue here. In the cases of the side yard she's got the 6' portion of the fence too far forward. It sounds like they applied for a fence permit five years ago it wasn't approved and the fence was installed anyway for some reason so now we are back because it was brought to the Building Department's attention and they have to deal with it. We get this every so often. These come to you a lot for the height of the fences along the side lot lines. You have to take a look at it and determine whether or not there is a unique circumstance or hardship. There are other ways to contain the dog. I think there is a lot of support from the neighbors to allow her to keep the fence. If you look at the pictures her neighbor next door has a four foot fence chain link and hers is taller. You can see the difference there and what the impact and the height of the fence. It is not a solid fence. It is an open fence. I do not know whether that makes a difference from your stand point or not.

Jeff Goulet explained the fence ordinance and showed the placement and rear lot line. The issue with your particular case is the standard case; the 6' portion of the fence cannot be any closer than your back wall of your house.

Motion by Craig Engel, support by Vicki Welty to open the Public Hearing. Ayes: All

No one from the audience wished to address the Board on this issue.

Motion by Vicki Welty, support by Craig Engel to close the Public Hearing. Ayes: All

Vicki Welty stated that if we were to make this fence come back to her rear lot, or the rear of her house her neighbor would then have to get a new fence. Right?

Jeff Goulet stated that her neighbor has a chain link fence.

Vicki Welty stated that connects to hers.

Jeff Goulet stated that she can keep it at four feet high. She would just need to drop the height to four feet. I think that it would be more objectionable if it were a solid fence.

James Cisek stated that this little section going from the neighbors to the house.

Discussion was held.

Craig Engel stated that between us four, I would support the way it is right now.

Jeff Goulet stated that if you approve a variance, I would ask that you condition on it that it is an open wrought iron style fence and that it cannot be a solid opaque fence, so if they ever replace the fence,

they cannot replace it with a solid fence.

James Cisek stated how come a permit was never obtained.

Craig Engel stated that it was applied for.

Debra Michels stated that she has the stuff from Novi Fence that shows what was submitted.

Jeff Goulet stated that what happens a lot is that these fence companies apply for a fence permit and they never come pick it up.

James Cisek stated and then they go an install it anyway.

Jeff Goulet stated right. They can show the owner that they applied for a permit.

James Cisek stated that he gets it. For the record we have received letters of support to keep the fence from the following:

Deborah Dukatz – 1656 Willard Drive
Katherine Hampton – 43694 Emrick Dr.
Jeremy/Susan Raiford – 43650 Emrick Dr.
Tammy Herdrian – 43645 Fleetwood Dr.
Chris/Tim Menard - 43631 Fleetwood

Motion by Craig Engel to approve the requested variance to allow the fence at 43638 Emrick Dr. to extend their six foot fencing height past their rear building line to the adjoining lot's rear line with the condition that it continues to be an open wrought iron style fence and not a solid fence. Support, Vicki Welty. Ayes: All.

3. Applicant Vincent McGowan, Mac Signage, for property located at 47500 Warren Road, on the north side of Warren between Beck and Ridge Roads, Zoning RR, appealing Section 6A.12 Sign Permitted in all Single-Family Residential Districts, Parcel ID 71-020-99-0009-000 (Building)

Vincent McGowan is the owner of Mac Signage Company. Mr. McGowan stated that according to what we submitted for the variance, is based on the original architect rendering proposed a 48" height tall letters. To adhere to Canton sign regulations we are only allowed 50 sq. ft. The building is set back approximately 150 feet from Warren Road and approximately. 360 feet from Beck Road so the sign needs to be the lettering - we have a photo of SJN Catholic Church on Warren Road. He showed the picture so a building of that size and height you would need at least 48" letter for visibility. If someone is driving westbound on Warren they would need to see the letters at a certain distance. This view of the building is facing east. That is what the urgency of the variance is for. For the visibility so the church can be found and seen at a decent distance. I haven't seen a 50 sq. foot wall sign ordinance in signs in my experience in the industry I could say about 35-40 years. Normally it is 100 - 200 sq. ft. Of course every municipality is different. This is quite a small amount of sq. footage for a sign. That is the reason we are applying for the variance so the church, the visibility and the lettering can be seen at a decent distance. Where someone coming to Faith Baptist Church can find the church. That is the only sign that is there. It would be the wall sign.

Craig Engel asked if there was a monument sign.

Vincent McGowan stated no there is not. This is what the architect proposed.

Jeff Goulet stated that when the architect proposed that, it was part of the site plan approval and we put a condition on the Site Plan approval that all signage must meet the requirements and when we are approving their Site Plan, we are not approving their sign plans. We do not know ultimately what is going to be done when they submit an application for their sign permit. It may have been shown on the Site Plan conceptionally, but that has not been reviewed or approved as part of the Site Plan or Special Land Use.

Craig Engel stated but we anticipate that there signage will fall in line with our sign ordinance.

Jeff Goulet stated that one of the issues is that this is a Residential District. That is one reason that churches are limited in terms of the amount of signage they can have. This is not a commercial site and not treated as a commercial building. They are allowed a 24 foot ground sign to identify their use at the entrance or wherever they want to put it along the frontage. On a corner lot, they could put it on Beck Road or Warren Road at their entrance. Some of the other signs that he is referencing, those have been there 30 - 40 years and come under a completely sign code at this point. This sign code has been in place for probably 18 – 20 years. I do not know that you see any variance of this kind come back through since the new sign code was adopted. We dealt with the Baptist Church on Sheldon and Cherry Hill and they had to make their name smaller too. There is another option for identification of where the entrance to the church is and they could do a monument sign. One question I have is how did you calculate the sign size?

Discussion was held on determining the size for a sign and how the size of letters are determined.

Jeff Goulet stated that the Township does not want commercial signage on a building; a residential zone.

Vicki Welty stated that aren't they also able to not only have a sign on the building but also able to have a monument sign.

Jeff Goulet stated yes they can have a monument sign on a brick base and yes, they can have a directional signs at their driveway that basically say in and out.

Craig Engel asked if there are plans for a monumental sign to help identify the church.

Vincent McGowan stated that no.

Discussion was held on where to place the sign.

Jeff Goulet stated that wall signs are really intended to be read from the parking lot, not from the road. The ground sign is there to identify the business or building at the road. Building signage is usually never ever used to identify the building from a road because of the setback of the building from the road. That is why we have two different kinds of sign requirements. Because of the way they designed the building, they designed the building to put the sign there. They didn't take into consideration the limitations of our sign code. That in itself is a self-created hardship to some degree. The only thing that I could maybe offer as a compromise is if you agree to eliminate the ground sign at the road and in the future is to take that 24 sq. feet and add it to the 50 sq. ft. to allow you up to 74 sq. ft. That is the total allowance of signage you can have on the site. Then the intent of the ordinance then could still be maintained.

Craig Engel stated do you not think that a ground sign would help identify the building for people that are coming to the location?

Victor McGowan stated that it would be smaller and it would be up to the pastor.

Motion by Craig Engel, support by Greg Greco to open the Public Hearing. Ayes: All

Pastor Dan Bewley, Administrative Pastor at Faith Baptist Church, 7464 N. Lafayette, Dearborn Heights, MI. He stated to cut through everything, a monument sign based on the berms and the requirements for trees and our landscaping would not be very visible. The building was designed to put a sign on it but it would be so small under your – the Canton's requirements as to too look odd. We are asking for the variance to put the sign on the building as designed so it looks right. Not odd. Again, yes we could put a landmark sign out there but in the drawings with the berms and the trees and foliage we have to have around the property which isn't completed yet.

Jeff Goulet stated that one of the things we ask you and your landscape architect to do is to put a conceptual location for ground sign on the site plan and make sure that your berm is graded and you're landscaping is placed in a way that is not going to obstruct the sign, to allow visual triangle for the sign. What happens is nobody ever does that. You always come in after the fact trying to put a sign in and then all of a sudden you are moving trees. We do our best to basically put that out front when we do the site plan review and if you are going to have a sign at this location, make sure that you have your designers design it accordingly so you do not have the problem you are discussing. If you haven't completed all your landscaping yet, you still have an opportunity to move the trees around to create that view to the sign. You have to have a clear vision triangle anyway at your driveway.

Craig Engel stated that it is a very nice building but what Jeff is trying to say, is in Canton we don't want large signs that identify the building. That is what the monument signs are for. Once you get into the property, they're supposed to be read from the parking lot not from 200 -300 feet away on Warren Road.

Jeff Goulet stated here is another option for you. They know that it is a church. Your name is "Faith Baptist".

Craig Engel stated that the Cross on the building is probably a give a way.

Jeff Goulet stated people that are going there know that it is a church. You're identifying it as "Faith Baptist". We went through the same thing in Ann Arbor and Pittsfield Township. We dropped the word "Church". We figured people knew it was a church. There was a church steeple there. That would give you then the ability to keep "Faith Baptist" bigger. That is one option. We are trying to resolve this issue for you. One, we could potentially increase it to 74 sq. ft. if you do not want to have a ground sign, but you are going to have to work with something on the building that comes close to meeting the intent of the code. By dropping the word "Church" that is probably 30% of your sign area there. If you can get up to 74 sq. ft. and maybe you drop the letters to 3' instead of 4' letters, it might work. Your sign company is going to have to do the drawings for you. It depends on what is important to you.

Pastor Dan Bewley stated that the building was designed to have the sign on the building. Of course, and I don't know the details but, they designed the landscaping so if we change that, you know what that means.

Jeff Goulet stated that he does administrative changes to the landscape plan. We are not going to charge you for a field change to your landscape. If you are moving plants around from here to here, we are not going to charge you. We are just going to do a field change. We do not want you to do

something that is going to obstruct visibility at your entrance anyway. The biggest problem we have with designers is they don't look at those things. They just design but do not take into consideration that there are other things that you might need. We do field changes all the time.

James Cisek stated that there was a lot of thought in the changes of signage in Canton. I am a resident of 25 years here, am glad and proud that we do not have signs like some communities that are flashing and bigger than the building almost. A church is a destination location where 99% of the people, or probably 95% of the people go to your church and they know where the church is at. The sign is not going to bring in that big of a congregation or more than what you already have. To give 100 sq. ft. variance, I'm not in favor of it at all. Mr. Goulet did give you a couple options of: Either not having a ground sign or incorporating in that. I don't know how the rest of the Board feels but I might be in favor of looking at that as far as getting more square footage. We would have to discuss that and we would have to see drawings. The only other option in my eyes would be to put a monument sign in and have the two separate signs and maybe again something like Mr. Goulet said as far as getting rid of the word "Church" and putting "Faith Baptist" which would make that sign bigger. Everybody knows it's a church. Again most of the people that will go there are going to go there because they go there every week and they are going to know that it is Faith Baptist Church.

Craig Engel questioned how long have you been in there.

Pastor Dan Bewley stated about two months.

Craig Engel stated you haven't had any people with a hardship saying they couldn't find the place.

Pastor Dan Bewley stated not yet.

Craig Engel stated that as Mr. Goulet has stated, it is in a residential area, signs are not supposed to be read 200 or 300' away. That is just not how our sign ordinance goes. He has given you some viable options that you might want to consider. Either the monument sign or putting "Faith Baptist" up with 74 sq. ft. I don't know what your thoughts are on those two options.

James Cisek stated for the record we have received a letter from Christine Nelson, 47495 Warren stating that she would like us to follow the ordinance. If the sign includes lighting, she is asking that the sign please not shine brightly at night and would be opposed to any sign that shines in their windows or illuminates on their property. This was not part of the package so I am mentioning that for the records. My question to you is, would you like to maybe table this to give you the option to think about which way you want to go with this. I think we gave you, Mr. Goulet offered you a couple of different ideas. Would you like us to table this and you guys go back to the drawing board.

Vicki Welty asked why we can't make a motion Mr. Chairman to give them some lead way so if you don't want a ground sign we will give you 74 sq. ft. of wall sign. They can either have a monument sign and the wall sign as the ordinance allows or they could have the 74 sq. ft. on the building and no monument sign if we make a motion like that and we approve it now they have options and they don't have to come back in front of us again.

James Cisek stated that we could do that, I am not opposed to that.

Pastor Dan Bewley stated he believes that our architect said in the ordinance that it does already allow for a 50% increase when you have a corner lot.

Jeff Goulet stated yes if you put signs on both walls. In a Commercial District, a church on a commercial building, you can get a 50% bonus for that side of the building when you put a second

sign on the building. Example: Walgreens at Sheldon and Ford Road. That is a commercial provision not a provision in a Residential District for a church.

Pastor Dan Bewley stated that at this point from what he heard that another what, 25 sq. ft. is not going to make that much of a difference. It is still going to be pretty small. Would we be allowed would there be certain places designated only that we could put a monument sign?

Jeff Goulet stated you need to show us though a sign permit. Make an application for a ground sign through the Building Department. There are certain setbacks and clearances you have to maintain your vision triangle at the driveway.

Craig Engel stated that as Jeff Goulet has stated earlier, that monument sign is generally what people look at in Canton when they are trying to find a location. Not something on the building.

Discussion was held on Commercial Districts and Residential Districts and the amount of signage they are allowed.

James Cisek stated that we basically gave you a couple of options. We could either give you a motion tonight or we could table. Or deny it.

Craig Engel stated that if we gave them a motion that says a monument sign or 74 sq. ft. wall sign the staff and they could work it out.

Jeff Goulet stated if they agree to eliminate their ground sign then they can transfer that 24 sq. ft. to the wall sign.

Pastor Dan Bewley stated they would want to think about it

Jeff Goulet stated that they either table it tonight or make a motion. If they make a motion and pass it, then you are stuck. If you want them to table it, and redesign to determine whether you need a variance, then you may want to table it. If you think the 74 sq. ft. is not going to work for you, then you are going to be stuck with 50 and 24. They are giving you the option of either / or.

Pastor Dan Bewley stated that yes, we would like to think about it a bit.

Motion by Vicki Welty, support by Greg Greco to close the Public Hearing. Ayes: All

Motion by Vicki Welty to table this item. Support by Craig Engel. Ayes: All

James Cisek stated what you have to do is decide what you want, get a drawing, and you will have to come up with the ideas showing us on paper what you want to do.

Motion by Vicki Welty to adjourn at 8:01 p.m. Support by Greg Greco. Ayes: All

Renee' DeVos
Recording Secretary