

STERLING HEIGHTS ZONING BOARD OF APPEALS  
REGULAR MEETING  
CITY HALL  
May 23, 2019

LOCATION: City Council Chambers, 40555 Utica Road, Sterling Heights, MI

SUBJECT: Minutes of the Regular Meeting of the Zoning Board of Appeals held May 23, 2019.

Mr. Ujkic called the meeting to order at 7:03 p.m.

Members present at roll call: Dale Deming, David Graef, Junina Jean, and Pashko Ujkic

Members absent: Derek D'Angelo, Leonard Reinowski, and Ray Washburn

Also in attendance: Chris McLeod, City Planner  
Melissa Cohen, City Attorney

**APPROVAL OF AGENDA**

Motion by Mr. Graef, supported by Mr. Deming, to **REVISE** the agenda by moving item A to be heard after item B, and hear item B first.

Ayes: Graef, Deming, Jean, Ujkic

Nays: None

Absent: D'Angelo, Reinowski, Washburn

Motion carried.

**CORRESPONDENCE**

None

Mr. Ujkic gave an overview of how the meeting will be conducted.

**PZBA19-0009 – Michigan First Credit Union (Walmart)**

Requesting board approval for a variance which if granted would permit additional wall signage for an additional tenant within the existing Walmart store.

Location: West side of Van Dyke, north of 14 Mile Road

Property address: 33201 Van Dyke

Current Zoning: PCD Planned Center District

Mr. Ujkic asked Mr. McLeod for an overview.

Mr. McLeod displayed site plans and gave an overview stating this request is for modification to an existing variance and the applicant is proposing to construct an additional twenty (20) square foot wall sign to advertise Michigan First Credit Union, along the facade of the existing Walmart store.

Mr. Ujkic asked for the petitioner to come forward.

James Dimercurio, architect with Saroki Architecture, came to the podium. He stated they have been working extensively with Michigan First Credit Union. He explained the credit union has been putting full functioning branches in Walmart stores. The sign is critical to their business and choosing a location. He stated they have put these signs on about eight Walmart stores so far. He explained the hardship is that this kind of store is a little different than a multi-tenant retail center where you have the same kind of square footage but you have more signage. They would have 0.1% of the total façade area for their 20-foot sign. He explained they believe there is a practical difficulty where they can't meet the requirements as written by the ordinance. He stated it is important to have this sign as this will be a full functioning branch.

Mr. Ujkic explained to the applicant there are three board members absent and their case requires four votes. He gave him the choice to proceed or request to postpone.

Mr. Ujkic asked if they have done these types of signs on other buildings.

Mr. Dimercurio stated they have done other signs of this nature and about one-third of them require them to go before ZBA approvals. In those instances, they have been successful in getting a sign.

Mr. Ujkic asked the Board for any questions.

Mr. Graef asked if they didn't have this sign, would people know they are in Walmart.

Mr. Dimercurio explained shoppers would know over time from being in the store. The idea is to let people, which are already members, know that it is there and also attract new members.

Mr. Ujkic asked for any other comments from the Board. Being none, he asked for any public participation. Being none, he asked for any further questions from the Board or a motion.

Motion by Mr. Graef, supported by Ms. Jean, in the case of PZBA19-0009 Michigan Federal Credit Union (Walmart), 33201 Van Dyke, I move to **APPROVE** the variance to allow wall signage on the site to exceed two hundred (200) square feet, not to exceed five hundred sixty-six (566) square feet, for the following reasons:

- 1) All of the requirements in the Zoning Ordinance for approving a non-use variance have been established in the record, and granting the variances will observe the spirit of the Zoning Ordinance.
- 2) The Wal-Mart store is located approximately 653 feet from the front property line along Van Dyke.
- 3) Increasing the maximum square footage of wall signage in this particular application will not be contrary to the public health, safety, or welfare, or the spirit and intent of the Zoning Ordinance, because the proposed wall signage will be in proportion with the existing wall signage that is on site.
- 4) The additional square footage for signage on the site will not be likely to significantly depress the value of nearby properties.
- 5) No useful purpose would be served by strict application of the maximum square footage of wall signage requirement in the Zoning Ordinance for this particular application.
- 6) The site is somewhat unique due to the fact that the site has significant frontage area, faces two major roadways, and is located at the intersection of Van Dyke and Fourteen Mile.
- 7) The applicant is proposing less square footage than what was previously approved by the Zoning Board of Appeals in the past.

This motion includes the following conditions:

- 1) First, the Conditions of Approval, which were signed by the applicant and submitted with the application, must be followed. Failure to follow these requirements will be grounds to revoke the variance.
- 2) Second, the applicant must comply with the following conditions requested by the Office of Planning:
  - a. The variance shall expire, without the need for any action by this Board, if the appropriate approvals are not sought and obtained within one (1) year.
  - b. The approval of this variance shall not be a reason for any future variance requests.
  - c. Any additional variance requests may be grounds for the revocation or revision of any variances that were granted for this site.
  - d. Any violation of the terms and conditions of the Zoning Board of Appeals decision or of any requirements of the City's Ordinances may be grounds for the revocation of the variance.
  - e. The appropriate permits must be applied for and obtained prior to the installation of the new sign and any other new replacement signs.

- f. Any additional signage proposed by the tenant or site will only be permitted if a variance is granted that allows signage to exceed five hundred sixty-six (566) square feet.
- g. PBZ07-011 shall be rescinded in its entirety and the granting of variance PZBA19-0009 authorizes the wall signage that currently exists to continue at the current site and configuration as outlined in the request for PZBA19-0009 and shall also be subject to the conditions set forth herein.
- h. If the business vacates the property for 90 days or more, the city has the right to remove the sign.

Mr. Ujkic asked for discussion on the motion.

Mr. Deming suggested an amendment be made to add if the business vacates the property for more than 90 days, the city would be able to remove the sign.

Motion by Mr. Graef, supported by Ms. Jean, to **AMEND** by adding condition 2h.

Mr. Ujkic called for a roll call vote.

Ayes: Graef, Jean, Ujkic, Deming

Nays: None

Absent: D'Angelo, Reinowski, Washburn

Motion carried.

#### PZBA19-0008 – US Auto

Requesting board approval for a use variance to permit a used vehicle dealer license in addition to the existing nonconforming auto salvage facility.

Location: North side of 18 ½ Mile Road between Mound Road and Van Dyke

Property address: 7575 18 ½ Mile Road

Current Zoning: M-2 Heavy Industrial District

Mr. Ujkic explained this case will have to be postponed. A use variance needs to have five board members present.

Mr. McLeod explained they could call for a special meeting but by the time this case would get re-noticed to the public, it would not save any time before the next regular ZBA meeting on June 27<sup>th</sup>.

Mr. Ujkic asked for any further comments or a motion.

Motion by Ms. Jean, supported by Mr. Deming, in the case of PZBA19-0008, U.S. Auto, 7575 18 ½ Mile, I move to **POSTPONE** the applicant's variance request to the next meeting on June 27<sup>th</sup>.

Ayes: Jean, Deming, Ujkic, Graef

Nays: None

Absent: D'Angelo, Reinowski, Washburn

Motion carried.

#### APPROVAL OF MINUTES

Motion by Ms. Jean, supported by Mr. Deming, to **POSTPONE** approval of the April 25, 2019 minutes to the next meeting on June 27<sup>th</sup>.

Ayes: Jean, Deming, Ujkic, Graef

Nays: None

Absent: D'Angelo, Reinowski, Washburn

Motion carried.

#### NEW BUSINESS

None

OLD BUSINESS

**PZBA19-0005 – Howard’s Fine Jewelry (postponed from April 25, 2019)**

Requesting board approval for a use variance which if granted would allow for the expansion/modification of an existing nonconforming sign to allow an electronic message center.

Location: East side of Van Dyke, between 15 Mile Road and Irving Road

Property address: 34228 Van Dyke

Current Zoning: C-3 General Business District

Mr. Ujkic asked Mr. McLeod for an overview.

Mr. McLeod stated the center has recently changed ownership. The new owners of the center have requested the application be postponed to the August 22, 2019 meeting for them to review the case with the applicant, who is Howard’s Fine Jewelry.

Mr. Ujkic asked for any comments from the Board. Being none, he asked for any public participation. Being none, he asked for any further questions from the Board or a motion.

Mr. Ujkic asked for a motion.

Motion by Mr. Deming, supported by Ms. Jean, in the case of PZBA19-0005, Howard’s Fine Jewelry, 34228 Van Dyke, I move to **POSTPONE** the applicant’s variance request(s) to the August 22<sup>nd</sup>, 2019 meeting so that the applicant may provide additional information to the Board.

Mr. Ujkic called for a roll call vote.

Ayes: Deming, Jean, Graef, Ujkic

Nays: None

Absent: D’Angelo, Reinowski, Washburn

Motion carried.

PUBLIC PARTICIPATION

None.

Mr. McLeod reminded everyone that July’s meeting will be moved up a week to July 18<sup>th</sup> due to Sterling Fest.

MOTION TO ADJOURN

Motion by Mr. Graef to **ADJOURN**.

Ayes: Graef, Jean, Ujkic, Deming

Nays: None

Absent: D’Angelo, Reinowski, Washburn

Motion carried.

Meeting adjourned at 7:28 p.m.

Respectfully submitted,

Pashko Ujkic, Chairman  
Zoning Board of Appeals