

**MINUTES**  
Cascade Charter Township Zoning Board of Appeals  
Tuesday, May 10, 2005  
7:00 pm

**ARTICLE 1.** Chairman Casey called the meeting to order at 7:05 pm.  
Members Present: Beahan, Casey, Lewis, Neal  
Members Absent: Crawley (unexcused), Vaughn (excused), 2<sup>nd</sup>  
Alternate Richards (excused).  
Others Present: Planner Deem, Admin. Assistant Thompson and  
those listed on Supplement #1 (including the applicant and two  
government students).

**ARTICLE 2.** **The agenda was approved on motion by Member Lewis and supported by Member Beahan. The motion carried.**

**ARTICLE 3.** **The Minutes of the April 12, 2005 meeting were approved as submitted on motion by Member Beahan and supported by Member Lewis. The motion carried.**

**ARTICLE 4.** The Planning Commission Minutes of April 4, 2005 and April 18, 2005 were received and filed.

**ARTICLE 5.** **Case #05-2723: The Clever Cook**  
*(PUBLIC HEARING)*  
The applicant requested a variance from the Esplanade PUD to have a sign that is larger than the Ordinance allows. The business is located at 5775 – 28<sup>th</sup> Street, SE.

Chairman Casey disclosed he had a former relationship with the applicant when they were tenants at Cascade East. In the capacity of former employment he would have approved the sign and lease for the applicant. He has been retired for the past four years. Member Lewis related he did not see any conflict of interest and there was no exchange of dollars.

Planner Deem related the applicant is present for a variance request for The Clever Cook at 5775 – 28<sup>th</sup> Street. The request is to allow a sign that is 4-1/2 s.f. larger than allowed by the PUD Ordinance. The PUD Ordinance allows 20 square feet for a sign. The applicant is requesting to re-locate their current sign and move it to the new space in Esplanade Mall. The sign is 24.56 s.f. in size.

Planner Deem then went through the findings of fact:

- 1) *That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district.* Applicants that want more signage than is allowed is a situation that occurs in every zoning district. There is nothing unique to this property that cannot be applied to other properties and other businesses in the same building.
- 2) *That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of this Ordinance (any action taken by an applicant pursuant to lawfully adopted regulations preceding this ordinance will not be considered self-created.)*  
The applicant does not wish to purchase a new sign that meets the sign regulations for their new location. Their previous sign met the Township requirements in its former location. This condition is the result of actions taken by the applicant.
- 3) *That such variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.*  
There is no minimum variance needed to make reasonable use of the property. The owner feels that it would be difficult to place "The Clever Cook" within the allowed 20 square feet. There is currently a cover on the existing sign of the previous tenant. This cover appears to meet the size requirements for the PUD Ordinance. "The Clever Cook" is easily readable from 28<sup>th</sup> Street.
- 4) *That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*  
The granting of the variance would not be detrimental to the public welfare. The sign would be allowed under the B-2 sign ordinance but this is a PUD where the maximum is 20 s.f. per tenant.
- 5) *That the condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought is not of so general or recurrent nature as to make it more reasonable and practical to amend the Zoning Ordinance.* There have been complaints in the past about the amount of signage allowed in the Esplanade PUD. This PUD was created in 1986. At that time, the amount of signage allowed per building was 100 square feet, regardless of the number of tenants. The PUD was allowed to have additional signage with a limit of 20 square feet per tenant. Since that time the Township has changed their sign regulations. At the current time for a multi-tenant building, each tenant is allowed one square foot for each foot of lineal frontage. A request to increase the allowable signage would be more practical to

amend the PUD Ordinance to allow the signage requirements to be similar to the Sign Ordinance requirements.

- 6) *The Zoning Board of Appeals shall further find that the reasons set forth in the application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building or structure.* These findings of fact do not justify the granting of this variance request. This request is not unique to this site, the request is the result of actions taken by the applicant, and this is not the minimum variance needed to make reasonable use of this property.

Planner Deem recommended denial of the sign variance request. Staff further recommended should the applicant wish to continue to get more signage, she should work with the owner and other tenants to amend the PUD ordinance.

Member Lewis asked if this particular PUD were to come in as a new PUD today, what size signs would be allowed. Planner Deem responded it would be one square foot for every lineal foot of frontage. The applicant states the frontage is 140 feet although Staff does not feel that is correct. The applicant's proposed sign would meet that requirement.

Member Lewis asked didn't we change some regulation to the closer to the road the business is the smaller the sign would be allowed. Planner Deem related yes, but that was in the B-1 village zoning district.

The applicant, Sandra Younkin, owner of The Clever Cook, was present. She referred to the findings of fact #3. Currently there is a cover over the existing sign of the previous tenant. The covering does meet the size requirement. Ms. Younkin related the business name is "The Clever Cook" on one line. The temporary covering does not correspond to anything such as stationary, newsletter, etc. that has the business name on it because it is on two lines. The business name and logo is all on one line. The store has been open for almost five years and she has worked hard to establish a clientele and branding people identify with. To say "The Clever Cook" on two lines is not the business logo. The Clever Cook sign from the D & W Cascade East plaza is made of channel letters. It looked really nice at D & W but it would look really bad at the new location. The sign would have to be painted a burgundy color to fit in with the other signs. Ms. Younkin related the Sundance Grill has less frontage and their sign is much bigger. The Clever Cook sign would look very nice there when painted. Ms. Younkin

related her concern is people won't recognize the business in the new location. Basically the sign is good and the business was moved ¾ of a mile down 28<sup>th</sup> Street. The request is a small variance to use the current sign.

Member Lewis related he is not familiar with channel signs. Ms. Younkin related she paid \$7,500 for the sign five years ago. To move the sign and have it painted would cost \$900. The sign was made by hand. Each channel letter is formed individually and not done by machine. Ms. Younkin related the other problem is the wall sign is the only signage in the whole mall. She would like people to find her business.

Member Beahan asked what did the owner of the shopping center say when you asked him about this. Ms. Younkin responded the management person called when they got the notice. They didn't have a problem with it. When she looked at the property the realtor stated she could move the sign over and it would not be a problem.

Ms. Younkin asked if the landlord wanted to change the PUD Ordinance would he have to come to the township. Planner Deem responded yes, first in front of the Planning Commission and they would make a recommendation to the Township Board. Ms. Younkin related she has a feeling some store owners have approached the landlord about it before.

Planner Deem related we have made several businesses change their signs. One of them was Hungry Howie's.

Ms. Younkin related she is just a small business owner. A new sign would be a financial hardship.

Chairman Casey related the applicant's sign in Cascade East near the road and is larger because that was established in 1960. The sign was not allowed to get any bigger than it was. There were not an equal number of possibilities for every tenant to be on that sign. The words "Cascade East" had to be changed to smaller letters to accommodate space for additional tenants.

**Member Lewis supported by Member Beahan moved to open the public hearing. The motion carried and the public hearing was opened.**

No one in the audience spoke at the public hearing.

Planner Deem related he received a letter in favor of the variance from Panache, another tenant in Esplanade Mall.

**Member Beahan supported by Member Lewis moved to close the public hearing. The motion carried and the public hearing was closed.**

Member Lewis related we have an ordinance and as much as he appreciates the applicant's feelings and thoughts about an individual business it is a unique problem. The Zoning Board has to be fair to everybody. We just can't do spot zoning and spot variances. Member Lewis related he would have a difficult time voting for this variance. Member Lewis related it seems since we have had a lot of requests from other tenants in this PUD, the way to handle it would be to bring the PUD back and update the sign portion. He is sure this particular business would like to have their sign up now. He asked if there is any possibility of giving the sign variance with a time limitation. If the landlord rejected the idea of updating the PUD, the sign would have to come down. At least the sign could be up while the landlord is going through the process.

Member Beahan asked what if the landlord for the PUD wouldn't want to apply for the PUD amendment. Member Lewis responded the sign would come down.

Member Beahan stated so we would be granting approval of this applicant's sign variance on the basis that they would get a PUD amendment change.

Planner Deem related he would like to have a condition to not allow the sign until the PUD application has been made.

Chairman Casey related the sign near the road might be in the lease and not be able to be changed. At the very least, the applicant will incur costs for moving, painting and reinstalling the sign. Chairman Casey related he sees a problem with a variance being temporary and being granted without the signature of the PUD owner. If we grant the variance we would be allowing the tenant to do something the landlord may or may not want.

Planner Deem related from the Township's standpoint, we are following the ordinance. The owner of the business has the legal right to ask for the variance.

Member Neal related he does not know how we can grant a variance. The variance can be denied if conditioned upon the

owner of the PUD applying for a change to allow a sign of that size as the applicant wishes. Probably it would be best to put a time limit on it.

Member Lewis asked the applicant if there is a time frame when the sign must be removed the former location. Ms. Younkin related if they rent out the space quickly, then it should come down fast. Ms. Younkin related there are other empty spaces in her former location and she would like to leave the sign there until this is resolved.

**Member Lewis supported by Member Beahan moved that the applicant's request for a sign variance be denied. The motion carried.**

**Member Lewis supported by Member Beahan moved that the applicant's request for a variance be granted to place the sign on the building with the following conditions within 60 days: 1) the building owner is to make an application to amend the PUD Ordinance to allow more signage; and 2) if no application is made within 60 days, or the request is denied by the Township Board, the applicant shall meet the current sign regulations.**

Chairman Casey requested a time frame for the sign to come down.

Member Lewis related ten days after the 60 days it would come down.

Member Neal related it should be clearly understood it is incumbent upon the applicant to get to the owner of the PUD and persuade the owner to make application for a change.

Member Beahan related if the owner does not come in to make an amendment request, the variance is dead in the water. Otherwise, we would be undermining the PUD and setting a bad precedent.

Member Lewis related his reason for the motion is recognized by the fact this particular PUD was done in 1986 and the Township sign regulations have changed since then and the Township has received previous complaints from the tenants needing some relief in regard to signs.

**The motion carried.**

**ARTICLE 6. Any Other Business**

Member Lewis related the term limit amendment was discussed at the last Planning Commission meeting. He relayed to them the Zoning Board of Appeals preference for no term limits. The Township Board representative to the Planning Commission urged the Planning Commission to take a stand for one of the two amendment options. The majority feeling is if we want a change in the term limits, it will be through an additional term with some type of condition. Member Beahan related he feels that is how the Township Board would vote.

**ARTICLE 7. Adjournment**

**Member Beahan supported by Member Neal moved to adjourn. The motion carried and the meeting was adjourned at 7:52 pm.**

Respectfully submitted,

Jack Lewis, Secretary

JL:MJT