

CHARTER TOWNSHIP OF MONITOR
PLANNING COMMISSION MEETING
October 1st, 2024

The meeting was called to order by Chairman Jim Bellor at 6pm.

The Pledge of Allegiance of the United States of America was recited by all present.

Members present: E. Rosenbrock, J. Meier, C. Schweitzer, B. Campbell, J. Bellor
Members absent: B. Walsh (excused), A. Shabluk (excused)
Also present: R. Sheppard, Attorney, D. Scherzer

**Motion by Schweitzer, supported by Meier to approve the agenda as presented.
Motion unanimously carried.**

**Motion by Campbell, supported by Bellor to approve the minutes of September 3, 2024, as presented.
Motion unanimously carried.**

Public Input

Chairman Bellor opened public comment at 6:01 p.m.

Resident (introduced himself as, K. Jakobi addressed the PC members regarding the signage at the dentist office located on Midland Road that does not comply with the signage ordinance. The sign is placed in a manner and too large which causes issues for the neighbors. He does not support the zoning change request that has been submitted.

A taxpayer stated he purchased a piece of property in an auction and was told the property is not big enough to build on. He asked for advice on what to do with the property.

Sheppard commented per the Ordinance, section 3.14 requires the minimum width of a lot be equal to the width of the frontage in the zoning district. This is zoned R1, so that property would have a 100-foot width requirement.

Sheppard explained the 66-foot lot was intentionally placed by the developer to be used as a road for future development. The developer decided he was no longer going to use his lot in the future and did not want to pay taxes on it because it is not a lot, rather an out lot that is like a detention pond owned by everyone in the subdivision.

Sheppard stated for this lot to be buildable it needs to have at least 100 foot of frontage or be on a curve or in a cul-de-sac, and currently the property does not meet those requirements.

Sheppard mentioned the treasurer should not have forfeited the property because it is not a taxable or buildable lot. **[Note: This statement was deemed to be somewhat incorrect as upon further review of the original plat approved by the State of Michigan, this parcel was a remainder of the original development, and taxes were being assessed and paid by the developer.*

It was additionally noted to be reserved for road right-of-way for future access for subdivision expansion. The developer vacated and abandoned the lot and refused to pay future tax bills beginning in 2018.]

Sheppard advised the resident to talk with the township assessor or see the county regarding this issue with his property.

Resident (introduced herself as, K. Denny) addressed the PC members regarding the signage at the dentist office located at 1631 Midland Road. She stated she plans on taking over Ruff's practice after his retirement and the building will be kept as a dentist office.

Resident (introduced herself as J. Jakobi) commented the signage is too large and blocks her view of the road when backing out of her driveway.

Resident (introduced himself as, Dr. Ruff, owner of the dentist office on Midland Road) commented that he has been in the practice at this location for 25 years and this office is a surgical office.

Dr. Ruff stated the previous sign had been hit by a drunk driver and the new signage was placed following the same software the township has for their sign out front.

Dr. Ruff explained he spoke with Sign Image, the company that was building his sign and was informed they would pull the permit for the new sign.

Dr. Ruff stated the sign can be modified if height is the issue, hence going back to the style of the old signage.

Public input was closed at 6:18 p.m.

Items for Consideration

09-100-022-100-080-00

Randall N. Ruff, DDS

1631 E. Midland Road

Re-Zone Request

Scherzer, Township Engineer from Spicer Group, stated the request was to rezone the property from R3 (Medium Density Multiple Family Residential) to C (Commercial). Scherzer commented his recommendation is to deny the request.

Scherzer commented the proposed property, as legally described within the submitted application materials, does not align with the adopted Monitor Township Future Land Use Map, the goals of the commercial future land use designation within the Monitor Township Master Plan, and it increases the potential for the development of incompatible land uses within a largely residential and agricultural setting.

Scherzer stated being zoned R3, the dentist office can continue as a dentist office for a long time, as long as it stays as a dentist office.

Scherzer commented once the property is zoned commercial, it can be converted to something else.

Bellor questioned if the dentist office is non-conforming.

Scherzer explained if the property were zoned commercial (C1), it would be considered non-conforming. However, aspects such as landscaping, parking, and lighting would still need to be in compliance with current standards and if any improvements were to be made, it would all have to be addressed at that time. Currently, the dentist office is not in compliance.

Sheppard commented in the R3 zone, it is permitted with a Special Use Permit. There is no special use permit because this pre-dated anybody's desire to enforce the ordinance.

Sheppard suggested the dentist office get a special use permit because Sheppard wrote them a letter stating they did not get a sign permit per Dave DeGrow, Township Building Inspector.

Sheppard stated you need obtain a signed permit to put the sign up and the sign company put the sign up without contacting D. DeGrow, and without getting the permit.

Sheppard explained the new sign changeable copy that we wrote 2 years ago, mentions electronic signs shall not exceed 0.5 feet from the property line or residential property next door and it's closer to the road right of way than what we would've allowed if it went in today.

Sheppard mentioned the person who installed the sign, should've gotten a signed permit from D. DeGrow, then they could've replaced the sign permit with a special use permit with approval from the planning commission because you probably would have had the recorded setbacks from Midland Road equal to the height of the sign.

Sheppard stated that if we move the sign back a little bit off the shoulder and turn the brightness down at dark, that will address the concern of the dentist and the surrounding neighbors.

Sheppard explained the dentist office should've been at the meeting for a special use permit consideration with all those conditions of moving the sign back and dimming the brightness down.

Discussion ensued between Sheppard and members.

Members agreed there are several issues with the sign that is in place, including that a permit was never obtained before it was installed.

Scherzer explained to Dr. Ruff that the dentist office is allowed in R3 zoning with no impact to the operation.

Dr. Ruff stated Sheppard's letter insinuated that he is almost being less than or not allowed to move on with operating as a dentist office.

Scherzer commented the zoning request is different from the sign out front.

Scherzer stated Spicer Group did not comment on any signage issues in their recommendation to the Board Members for the rezone request from R3 to Commercial, since it is a separate issue.

Scherzer explained not being zoned commercial does not hurt your business and you can continue to do business as long as it stays a dentist office.

K. Denny commented the sign lumens are turned down to the lowest setting for Sign Image.

Dr. Ruff explained Sign Image provided him with written proof that he did apply for the permit after the accident occurred.

Dr. Ruff stated Sign Image repeatedly called the township and nobody responded with a signed permit.

Dr. Ruff commented he got the original paperwork, three weeks after Sign Image applied for the permit.

Sheppard explained the Sign Image may have applied, but according to D. Degrow, he never gave him a permit.

Dr. Ruff questioned how long do you have to wait for permission to move forward.

Sheppard stated you must wait for permission until you're granted permission.

Discussion ensued among Dr. Ruff, Scherzer, Sheppard, and the PC Board Members.

Bellor commented D. Rochow, the Township Zoning Administrator, went out to the sign at the dentist office with the light meter and the lumens were too bright.

Dr. Ruff stated that if the dentist office has a fire and burns to the ground, he cannot rebuild the office.

Dr. Ruff questioned how he can pass it on generationally if there's always going to be some unknown and concerns.

Bellor questioned who told Dr. Ruff he couldn't rebuild his office if it burnt down.

Dr. Ruff explained he had been told that by several people, that if his dentist office burned down, he would have to go through a full examination for it to be rebuilt.

Scherzer stated they would probably have to sit down with DeGrow but believes he you would be able to build it at the same location and the same footprint, with some building permits.

Sheppard stated PC Members have the discretion to grant a special use permit for you to continue and renew a structure that has been partially damaged.

Sheppard explained the distinction between repairing and replacing the sign and currently, the assessing department has no value on the sign.

Sheppard discussed that if the assessor valued the sign and all the materials after the yearly tax bill, and it was under the SEV it would be a considered a repair, but if its repair cost is more than the SEV, it is a replacement.

Sheppard stated it was probably the township's mistake when Dick Sabias, issued the sign permit 25 years ago.

Dr. Ruff mentioned if this is going to remain an ongoing issue, he could move his practice across from Prime Brothers on North Euclid Avenue.

Bellor stated if the correct permits were obtained from Sign Image and all the other steps were taken care of, these issues would not exist.

Scherzer commented if it were zoned C3, the building would also have to meet all the other requirements the office doesn't have right now. With the special use permit, he is better off staying zoned as an R3.

Discussion ensued among Dr. Ruff and members.

Scherzer explained Dr. Ruff was there with the request to rezone from R3 to Commercial, and their report has nothing to do with the sign issue, hence the report making no reference to the issue since that is a separate.

Rosenbrock commented he believes Dr. Ruff was told that if he were zoned Commercial the sign, he has out front would comply.

Sheppard stated the lumens Rochow measured with the light meter were too high to be next to a residential lot.

K. Denny, the office manager of the dentist office, commented the sign company actually turned down the lumens as far down as they could go, and mentioned she would get ahold of them to make sure that it actually happened.

Dr. Ruff agreed.

Sheppard stated if they obtain the special use permit, it is required to be the same distance from the property line as the height of the sign. The Road Commission stated the sign is currently 1 foot away from the road right of way and the sign is 7 feet high.

Sheppard explained Dr. Ruff may have to make some extra expenses and get ahold of the sign company to move the sign to the correct spot on his property.

Dr. Ruff mentioned he could just remove the base of his sign and that would take off 3 feet of height.

Sheppard stated the township has a clear vision setback that is 25 feet from the shoulder with nothing higher than 3 feet, which is why the neighbors backing out of their driveway can't see over it.

Dr. Ruff mentioned he is willing to do what the PC Members suggest doing if it helps make the all the issues go away.

Bellor explained Dr. Ruff needs to speak to the sign company because they failed to come to the township and obtain the proper permits to build the sign.

Dr. Ruff stated he did come in and apply for the building permit.

Bellor commented the sign company may have told Dr. Ruff that they did apply for one, but they did not obtain a sign permit before building the sign.

Bellor explained all the issues can be fixed without re-zoning with the confirmation Dr. Ruff and his sons are going to keep it as a dentist office.

Dr. Ruff questioned what would happen if they got new board members and whether he would have to go through this issue all over again.

Sheppard stated if Dr. Ruff gets a written document, the minutes of the Planning Commission approving the re-building of the non-conforming sign, nobody can undo it.

Sheppard recommended that Dr. Ruff obtain a special use permit and come to the PC board members again to take care of this issue.

Dr. Ruff stated he applied for a variance and the Zoning Board Members declined the variance, then two months after, the township told him to re-apply for the same variance thinking that it would change their mind and then they turned it down a second time.

Sheppard questioned if that was when he pulled the original permit for the sign twenty some years ago.

Dr. Ruff confirmed.

Discussion ensued among members.

Schweitzer questioned if Dr. Ruff could withdraw his request for the re-zone.

Sheppard commented he can withdraw the request, but it doesn't mean he will get all his money back. Usually, the board will not give all the money back when it's no fault of ours.

Schweitzer questioned from Dr. Ruff's perspective would it make a difference if we voted on it and denied the request or if he just said he would like to withdraw his request.

Sheppard mentioned Dr. Ruff is entitled to a vote.

Bellor opened public comment.

Resident expressed concerns regarding a rezone to commercial and how she doesn't want a pot shop replacing the medical office down the road.

Sheppard stated the township does not allow pot shops.

Sheppard mentioned that if the resident abandoned her father's dental office for a year, and it isn't zoned that way, it will no longer be grandfathered into that property.

Bellor closed public comment.

Campbell mentioned he believes the board needs to turn down the request to re-zone from R3 to Commercial unless he decides to withdraw it.

Motion by Campbell, supported by Schweitzer to deny the requested rezoning from R-3 (Medium Density Multiple-Family Residential) to C (General Commercial District), as submitted by Randall N. Ruff, DDS, for property located at 1631 E. Midland Road, 100-022-100-080-00, as legally described within the submitted application materials, based upon the following reasoning:

- 1. The proposal does not align with the adopted Monitor Township Future Land Use Map.*
- 2. The proposal does not align with the goals of the commercial future land use designation within the Monitor Township Master Plan.*
- 3. The proposal increases the potential for the development of incompatible land uses within a largely residential and agricultural setting.*

Roll Call Vote:

Yes: Rosenbrock, Meier, Bellor, Schweitzer, Campbell

No: None

Absent: Walsh, Shabluk

Motion unanimously carried.

Unfinished Business

Zoning Ordinance – 67-M Signs & Structures

Sheppard commented between multiple discussions with Scherzer, we modified some of the definitional language like the free-standing sign, monument pole or pylon sign.

Sheppard mentioned that in the Ordinance, Section 15.06 Commercial Zone, states the conflict for the 8-foot height.

Sheppard questioned if the Planning Commission would like to include signs in the site plan.

Sheppard explained residents come into the township with ideas they would like to do, but don't come with an assigned layout.

Bellor agreed this should be in effect, this way the review for the footprint of the building and the signage is all done at once.

Sheppard questioned if the members would like to add that to Section 3.20 – Site Plan Review.

Bellor and Campbell agreed.

Sheppard commented that all signage needs to be approved by the Planning Commission.

Scherzer mentioned it would be more of a comprehensive review, so you can review the signage before the site plan.

Members agreed.

Discussion ensued among members regarding the recommended changes and/or deletions.

Sheppard stated they are going to come up with some structural engineering requirements that you have the roof sign that does not collapse into the building or blow off into the neighboring property.

Scherzer mentioned the developer must support engineering calculations to adequately show the roof can structurally support the sign that is being proposed when the wind blows.

Sheppard questioned if we still needed to have a subdivision sign.

Members agreed to delete it out of the Ordinance.

Sheppard commented the incidental signs would include employee parking, deliveries, directional signs, etc. being upgraded from 2 square feet to 3 square feet.

Sheppard mentioned we have eliminated some signs, including flag poles since they are a temporary sign.

Bellor questioned if we were going to go with the industrial park signs entirety because they were in the industrial park.

Sheppard stated incidental signs per lot will now be approved by the PC Members.

Sheppard commented if it is a sign only modification, we should make that a site sketch for the building and zoning administrator to approve.

Bellor explained all those things should be on a set of drawings.

Sheppard and Scherzer agreed.

Bellor explained when the appropriate people and building inspectors look at the drawings, they look at the whole picture, rather than a portion of it now and then some later.

Bellor commented if there were a complete set of drawings in their entirety covering the Ordinances the township is adopting, it would make the review more thorough.

Members agreed.

Sheppard stated in Section 15.04 Scherzer and Sheppard agreed to eliminate some of the prohibiting signs and the LED sign with scrolling electronic messages because in the Amendment the township completed two years ago, it clearly states when they are commercial and industrial parks, the sign can have animations.

Sheppard mentioned the current advertising act is no portable signs should exceed 8 feet in height, which is consistent with our visibility issues.

Sheppard commented they all have setback from the property lines at a minimum distance horizontally equal to the vertical height.

Reports –

Bellor commented on the Beaver Township meeting discussing alternative energy and their recommendation to retain an attorney to assist them with their ordinance.

Discussion ensued among members.

Bellor suggested we develop an ordinance addressing batteries since we already have ordinances regarding solar and wind.

Motion by Schweitzer, supported by Bellor to recommend that the Township Board retain the Foster Swift Law Firm to assist in amending our alternative energy ordinances.

Roll Call Vote:

Yes: Schweitzer, Campbell, Bellor, Rosenbrock, Meier

No: None

Absent: Walsh, Shabluk

Motion unanimously carried.

Bellor questioned in the Ordinance Section 3.38 (2b) states all parts of a residential building must be located at 300 feet of a public fire hydrant and he is concerned of the fire hydrants and the proximity to the building.

Bellor stated he was mainly concerned by the discussions he had with Prime Brothers regarding the furniture that were going to be stored inside the trucks in the barn at night.

Bellor commented Prime Brothers would sign a statement referencing there would be no furniture inside the trucks being stored over night.

Sheppard recommended looking at the International Fire Code for reference.

Communications

Schweitzer acknowledged receipt of Communications.

Motion by Bellor, supported by Schweitzer to adjourn the meeting at 7:45 p.m.

Respectfully submitted,

Connie Schweitzer
Secretary
S/tcp