1. OPEN MEETING
2. ROLL CALL
3. MINUTES
   A. 2/13/2023, ZBA Meeting Minutes
4. AGENDA REVIEW AND APPROVAL
5. ZBA BUSINESS
   A. AB-2023-03, Metro Detroit Signs for Culver’s, 4979 Grand Ave., 09-32-400-099
      The petitioner is seeking 2 variances from Sign Ordinance 153 Zoned BIZ Section 7, Permitted Non-Residential Ground & Wall Signs
      1. A variance for 3 wall signs above the allowed 1 wall sign for a total of 4 wall signs totaling 134.06-sq. ft.
      2. A variance for 1 ground sign above the allowed 1 ground sign for a total of 2 ground signs (a monument sign and a menu board).
      And, 2 variances from Zoning Ordinance #78, Article XXXIV, Section 34.03(B)
      1. A 30.07-ft. front yard setback variance from the required 40-ft. for a ground sign to be 9.93-ft. from the front property line (south).
      2. A 9.49-ft. side yard setback variance from the required 20-ft. for a ground sign to be 10.51-ft. from the side property line (east).
6. PUBLIC COMMENTS
7. COMMUNICATIONS
   A. Memo Regarding Agenda Items for Joint Meeting
8. COMMITTEE REPORTS
9. MEMBER COMMENTS
10. ADJOURNMENT

In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact Penny S. Shults, Clerk, at (248) 391-0304, ext. 4001, at least seventy-two hours in advance of the meeting to request accommodations.
The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, February 13, 2023, at 7:00 pm at the Orion Township Municipality Complex Board Room, 2323 Joslyn Road, Lake Orion, Michigan 48360.

**ZBA MEMBERS PRESENT:**
- Dan Durham, Chairman
- Don Walker, PC Rep to ZBA
- Diane Dunaskiss, Board member
- Tony Cook, Vice-Chairman

**ZBA MEMBERS ABSENT:**
- Mike Flood, BOT Rep to ZBA

**CONSULTANT PRESENT:**
- David Goodloe, Building Official

**OTHERS PRESENT:**
- Adam Martin

1. **OPEN MEETING**
Chairman Durham called the meeting to order at 7:00 pm.

2. **ROLL CALL**

3. **ELECTION OF OFFICERS**
Secretary Dunaskiss moved, seconded by Board member Walker, to appoint Dan Durham as Chairman for 2023. Motion Carried 4-0.

Secretary Dunaskiss moved, seconded by Chairman Durham, to appoint Tony Cook as Vice-Chairman for 2023. Motion Carried 4-0.

Vice-chairman Cook moved, seconded by Chairman Durham, to appoint Diane Dunaskiss as Secretary for 2023. Motion Carried 4-0.

4. **MINUTES**
A. 12-12-22, ZBA Regular Meeting Minutes
Board member Walker moved, seconded by Vice-chairman Cook, to approve the 12-12-2022 minutes as presented. Motion Carried 4-0.

5. **AGENDA REVIEW AND APPROVAL**
Secretary Dunaskiss moved, seconded by Chairman Durham, to approve the agenda as presented. Motion Carried 4-0.

6. **ZBA BUSINESS**
A. **AB-2022-30, Adam Martin, 2936 Saturn Dr., 09-20-453-024**
   (Postponed from 8/8/2022, 10/10/2022 and 12/12/2022 meetings)
Chairman Durham read the petitioners request as follows:

The petitioner is seeking 3 variances from Zoning Ordinance #78 – Zoned R-2

Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05 (H)(2)
1. A 35-ft. front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Waldon Rd.
2. A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the east.
3. A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the west.

Mr. Adam Martin introduced himself to the Board. He stated that not much has changed since he started this request. The only practical difficulty that he has is two front yards and he explained how that impacts his request to put up a fence.

Chairman Durham confirmed that the property has two fronts. He asked if the petitioner has spoke to the HOA.

Mr. Martin replied that the HOA’s response is that the window has closed on them amending their by-laws at this point and there is concern that if they approve it, there are financial implications.

Chairman Durham asked if the petitioner has given additional thought to a four-foot fence.

Mr. Martin explained his concern about how it would look.

Chairman Durham stated that a 4 foot backed up with arborvitae on the inside still gives the petitioner the six feet.

Mr. Martin commented on the existing row of arborvitae on the property and that is why he put in a fence behind that with a lighted walking path. He explained that they were 5 foot high and have been there about 3 years.

Chairman Durham confirmed that the petitioner is looking to block off pedestrian passage in the backyard.

Mr. Martin concurred.

Vice-chairman Cook stated that he appreciates the discussion about the 2 front yards, and he understands those issues. He asked if the HOA brought it up as an agenda item.

Mr. Martin replied that it was brought up at two meetings and no one has pursued it. Since the number of concerned parties has dwindled, there is no more interest in this matter.

Vice-chairman Cook asked about a swimming pool.

Mr. Martin replied that this is something they have always considered but he would miss the view of the water. This is something that they are considering.

Vice-chairman Cook asked if he is planning on being 10 foot off the property line.

Mr. Martin explained the proposed positioning of the fence.

Chairman Durham stated that they have been considering this for four months. He stated that according to the Ordinance the petitioner doesn’t deserve what he wants.
Mr. Martin replied that he would like the 10 foot but since it is technically front yard, he is bound by the 40 feet.

Chairman Durham stated that he appreciates the petitioner's attitude and he explained.

Vice-chairman Cook asked how close is Mr. Martin to the pool decision.

Mr. Martin replied they are in beginning stages.

Vice-chairman Cook stated that the reason he asks is that there is nothing that says he cannot postpone again until they get closer to a decision. The pool would present a different side of this argument.

Mr. Martin replied that he appreciated it.

Secretary Dunaskiss moved, seconded by Vice-chairman Cook, in the matter of case AB-2022-30, Adam Martin, 2936 Saturn Dr., 09-20-453-024, that the petitioner's request for 3 variances from Zoning Ordinance #78 – Zoned R-2, Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05 (H)(2) for a 35-ft. front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Waldon Rd., a 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the east and a 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the west be denied because the following standards for variances have not been met in this case due to the following:

1. The petitioner did not demonstrate a practical difficulty that could not be resolved with a 4-foot fence and greenery to accomplish keeping intruders out of the yard and visual protection for the property.

2. The petitioner did not demonstrate unique or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in this same district or zone as we have seen by the number of houses that are in the same situation with two front yards.

3. The variance is not necessary for the preservation and enjoyment of a substantial property right possessed by others in the same zone or vicinity based on the following facts: a 4-foot fence would prevent intruders and shrubbery could be used to reduce noise and improve the view.

4. Granting the variances or modifications will not be materially detrimental to public welfare or materially injurious to the property or to improvements in such zone or district in which the property is located based on the fact that the construction of 6-foot fences is not allowed by Ordinance since they are trying to keep an open landscape in the community and this does not serve that purpose.

This case was postponed from August 8, 2022, and October 10, 2022 meetings.

Roll call vote was as follows: Dunaskiss, yes; Cook, yes; Walker, yes; Durham, yes. Motion passes 4-0.

B. AB-2022-31, Ken Backus, 2911 Walmsley Circle, 09-20-452-013
   (Postponed from 8/8/2022, 10/10/2022 and 12/13/23 meetings)

Chairman Durham read the petitioners request as follows:

The petitioner is seeking 3 variances from Zoning Ordinance #78 – Zoned R-2
Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2)

1. A 35-ft. front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Waldon Rd.
2. A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the east.
3. A 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the west.

Petitioner was not present and made no attempt to contact the Township.

Board member Walker moved, seconded by Secretary Dunaskiss, that in the case of ZBA #AB-2022-31, Ken Backus, 2911 Walmsley Circle, 09-20-452-013 that the petitioner’s request for 3 variances from Zoning Ordinance #78 – Zoned R-2, Article XXVII, Section 27.02(A)(4) & Article XXVII, Section 27.05(H)(2) including a 35-ft. front yard setback variance from the required 35-ft. to erect a 6-ft. privacy fence 0-ft. from the property line along Waldon Rd., a 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the east and a 10-ft. side yard setback variance from the required 10-ft. to erect a 6-ft. privacy fence 0-ft. from the side property line to the west. This matter was postponed from the August 8, 2022 ZBA meeting, the October 10, 2022 ZBA, and December 13, 2022 and Mr. Backus was not present at the December meeting and perhaps before that. Because the numerous postponements, this matter is removed from the agenda based upon the absence of the petitioner on 4 occasions.

Roll call vote was as follows: Walker, yes; Cook, no; Dunaskiss, yes; Durham, yes. Motion passes 3-1.

C. AB-2023-01, Ricardo Skakal, 540 N. Newman, 09-04-126-011

Chairman Durham read the petitioners request as follows:

The petitioner is seeking 2 variances from Zoning Ordinance #78 – Zoned SE

Article XXVII, Section 27.02(A)(8)

1. A 1,000-sq. ft. variance above the allowed 1,400-sq. ft. maximum floor area of all detached accessory buildings to build a 2,400-sq. ft. pole barn.
2. A 1,912-sq. ft. variance above the allowed 1,900-sq. ft. maximum floor area of all accessory buildings to build a 2,400-sq. ft pole barn in addition to an existing 1,412 attached garage.

Mr. Ricardo Skakal introduced himself and summarized the variance request. He would be tearing down the existing garage. He also would like to do some agricultural things with the property including having chickens.

Chairman Durham confirmed that the petitioner has two accessory structures, and one is being removed

Mr. Skakal replied yes.

Secretary Dunaskiss commented on the poor condition of the existing garage.

Chairman Durham commented on the letter from the Fire Department expressing concern about the gate on the property that would not allow them to enter.

Mr. Skakal replied that the gate is always open and he will talk to the Fire Department and make sure that they have access.

Board member Walker asked what equipment was being stored in the new pole barn.
Mr. Skakal replied a skid steer, a dump trailer, a large tractor, a travel trailer and a truck. He provided a picture showing exactly what is going in there.

Board member Walker asked what the equipment is used for.

Mr. Skakal explained that he uses it to maintain his property.

Vice-chairman Cook stated that he has a concern about the equipment and if the petitioner has a business.

Mr. Skakal replied no; it is all for personal use.

Vice-chairman Cook asked about the lock box on the gate.

Mr. Skakal replied that at one time he locked it, but now he does not. He also uses the equipment to help the neighbor.

Secretary Dunaskiss moved, supported by Vice-chairman Cook, that in the matter of ZBA Case AB-2023-01, Ricardo Skakal, 540 N. Newman, 09-04-126-011 that the petitioner’s request for 2 variances from Zoning Ordinance #78 – Zoned SE, Article XXVII, Section 27.02(A)(8) including a 1,000-sq. ft. variance above the allowed 1,400-sq. ft. maximum floor area of all detached accessory buildings to build a 2,400-sq. ft. pole barn and a 1,912-sq. ft. variance above the allowed 1,900-sq. ft. maximum floor area of all accessory buildings to build a 2,400-sq. ft. pole barn in addition to an existing 1,412 attached garage be granted because the petitioner did demonstrate that the following standards for variances have been met in this case and that they set forth facts that show:

1. The petitioner does show the following practical difficulty: this is a large tract of property which requires equipment in order to maintain it and the petitioner also supports neighbors in his area by providing the service of using the equipment for their convenience and safety.

2. The following are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in this same district or zone: this is a large 7-acre parcel which does require an exceptional amount of equipment and the petitioner has a physical reason for needing to use equipment to manage his property.

3. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by others in the same zone or vicinity based on the following facts: if the property is to be maintained properly and kept in good condition, you need to utilize the equipment necessary to accomplish that.

4. Granting of the variances or modification will not be materially detrimental to public welfare or materially injurious to the property or to improvements in such zone or district in which the property is located based on the fact that this variance will not have an effect on the surrounding area. This is a large tract of property, and the building is located in a place so it will not impair other people’s view and their property rights.

5. Granting this variance would not impair an adequate supply of light or air to adjacent properties, it would not unusually increase congestion on public streets. There is also not going to be an increase of fire, or endanger public safety, and is not going to reasonably diminish or impair established property values within the surrounding area, or in any other aspect, impair public health, safety, comfort, morals, or welfare of the inhabitants of the Township.

The petitioner agrees to contact the Fire Department regarding the gate issue. The petitioner agrees to remove the 480-sq. ft. detached garage along with the 312-sq. ft. car port. The application is date stamped received January 6, 2023.
Roll call vote was as follows: Walker, yes; Dunaskiss, yes; Cook, yes; Durham, yes. Motion passes 4-0.

D. 2022 Annual Report

Board members discussed the 2022 Annual Report.

Board member Walker moved, seconded by Vice-Chairman Cook, to receive and file the 2022 Zoning Board of Appeals Annual Report and to forward a copy to the Board of Trustees.

Motion Carried 4-0.

7. PUBLIC COMMENTS
None.

8. COMMUNICATIONS
A. Memo Regarding Canceling February 27, 2023 Meeting

Board member Walker moved, seconded by Chairman Durham, to cancel the February 27, 2023 meeting due to lack of business. Motion Carried 4-0.

9. COMMITTEE REPORTS

10. MEMBER COMMENTS

Chairman Durham commented on the joint meeting that is scheduled for March 22, 2023.

Vice-chairman Cook stated that his objection to the second case was procedural.

11. ADJOURNMENT

Moved by Vice-chairman Cook, seconded by Chairperson Durham, to adjourn the meeting at 7:44 pm.

Motion Carried 4-0.

Respectfully submitted,

Erin A. Mattice
Recording Secretary
TO: The Charter Township of Orion Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Specialist
DATE: February 27, 2023
RE: Case location for ZBA Meeting 03/13/2023

Below is the location of the ZBA case for the March 13, 2023, meeting.
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Specialist
DATE: February 27, 2023
SUBJECT: Staff Report for AB-2023-03, Metro Detroit Signs (for Culver’s)

The applicant has provided a sign package for the new Culver’s restaurant being built on Brown Road. I reviewed the sign package and below is an explanation of the variances that are needed (everything else in their package was permitted):

- A variance for 3 additional walls in addition to the 1 allowed for a total of 4 wall signs
  - 1 on the south elevation which is approved
  - 1 on the east elevation
  - 1 on the west elevation
  - 1 on the north elevation
  * The square footage of all 4 signs will not exceed the 200-sq. ft. maximum

- A variance for 1 additional ground sign (the menu board) in addition to the 1 allowed ground sign (the monument sign at the entrance).
  - Drive-thru restaurants may be permitted additional ground signs in addition to the 1 permitted (such as a menu board) however that additional ground sign (menu board) has to be located within 20-ft. of the drive-through window. This menu board is more than 20-ft. away from the drive-thru window and therefore needs a variance as a 2nd ground sign.

- Variances for front and side yard setbacks
  - Being that a sign is a structure and structures have to meet front, side, and rear setbacks of the zoning district – the ground sign, or monument sign, needs a variance from the front property line and the side property line to the east. The road right-of-way setback will be met.
  - When looking at the aerial view provided, you will see that the property lines for Culver’s are within the property lines for the Grand Square Development (property ID #09-32-400-097) and therefore the ground/monument sign does not meet the front and side setback for the actual Culver’s property (property ID #09-32-400-099).

If there is a motion to approve, please note that approval is for plans date stamped February 9, 2023.

Please contact me if you have any questions.
TO: Charter Township of Orion Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Specialist
DATE: February 27, 2023
RE: AB-2023-03, Metro Detroit Signs for Culver’s, 4979 Grand Ave., 09-32-400-099

I am providing motion options for the above-mentioned case.

Please consider and deliberate on each of the criteria listed which the applicant should meet in order for their request to be approved. These are known as the Findings of Fact and need to be included in a motion for either approval or denial. Any additional Findings of Facts should be added to the motion.

The variance language listed was verified by the petitioner/applicant and advertised to the public. As a reminder - due to the language being advertised, the ZBA may lessen the requested deviation(s) but cannot grant more than what was advertised.

If you have any questions regarding the case, please give me a call at the Township ext. 5001.
SAMPLE MOTION FOR
APPROVAL OF A NON-USE VARIANCE

In the matter of ZBA case #AB-2023-03, Metro Detroit Signs for Culver’s, 4979 Grand Ave., 09-32-400-099, I would move that the petitioner’s request for:
2 variances from Sign Ordinance 153 Zoned BIZ Section 7, Permitted Non-Residential Ground & Wall Signs
1. A variance for 3 wall signs above the allowed 1 wall sign for a total of 4 wall signs totaling 134.06-sq. ft.
2. A variance for 1 ground sign above the allowed 1 ground sign for a total of 2 ground signs (a monument sign and a menu board).
And, 2 variances from Zoning Ordinance #78, Article XXXIV, Section 34.03(B)
1. A 30.07-ft. front yard setback variance from the required 40-ft. for a ground sign to be 9.93-ft. from the front property line (south).
2. A 9.49-ft. side yard setback variance from the required 20-ft. for a ground sign to be 10.51-ft. from the side property line (east).
be granted because the petitioner did demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

1. The petitioner does show the following Practical Difficulty (Defined: Due to unique characteristics of the property and not related to general conditions in the area of the property):

2. The following are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone:

3. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity based on the following facts:

4. The granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or to improvements in such zone or district in which the property is located based on the following findings:
Further, based on the following findings of facts, the granting of this variance would not:

1. Impair an adequate supply of light and air to adjacent property due to:

2. Unreasonably increase the congestion in public streets due to:

3. Increase the danger of fire or endanger the public safety due to:

4. Unreasonably diminish or impair established property values within the surrounding area due to:

5. Or, In any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:
SAMPLE MOTION FOR DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case AB-2023-03, Metro Detroit Signs for Culver’s, 4979 Grand Ave., 09-32-400-099, I would move that the petitioner’s request for:
2 variances from Sign Ordinance 153 Zoned BIZ Section 7, Permitted Non-Residential Ground & Wall Signs

1. A variance for 3 wall signs above the allowed 1 wall sign for a total of 4 wall signs totaling 134.06-sq. ft.
2. A variance for 1 ground sign above the allowed 1 ground sign for a total of 2 ground signs (a monument sign and a menu board).

And, 2 variances from Zoning Ordinance #78, Article XXXIV, Section 34.03(B)
1. A 30.07-ft. front yard setback variance from the required 40-ft. for a ground sign to be 9.93-ft. from the front property line (south).
2. A 9.49-ft. side yard setback variance from the required 20-ft. for a ground sign to be 10.51-ft. from the side property line (east).

be denied because the petitioner did not demonstrate that the following standards for variances have been met in this case in that they set forth facts which show that in this case:

1. The petitioner does not show Practical Difficulty due to (Defined: Due to unique characteristics of the property and not related to general conditions in the area of the property):

2. The following are not exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone:

3. The variance is not necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone or vicinity based on the following facts:

4. The granting of the variance or modification will be materially detrimental to the public welfare or materially injurious to the property or to improvements in such zone or district in which the property is located based on the following findings:
Further, based on the following findings of facts, the granting of this variance would:

1. Impair an adequate supply of light and air to adjacent property due to:
   
   
   
   
   

2. Unreasonably increase the congestion in public streets due to:
   
   
   
   

3. Increase the danger of fire or endanger the public safety due to:
   
   
   
   

4. Unreasonably diminish or impair established property values within the surrounding area due to:
   
   
   
   

5. Or, In any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:
   
   
   
   

Charter Township of Orion Zoning Board of Appeals

Application for Appeal - Commercial

NOTICE TO APPLICANT:
The following application must be completed and filed with the Township at least thirty days prior to a scheduled ZBA meeting in order to initiate an appeal. There is a non-refundable fee of $500.00 for a commercial application.

Regular meetings of the ZBA are held on the second and fourth Mondays of each month at 7:00 p.m. at the Orion Township Hall, 2323 Joslyn Road, Lake Orion, Michigan 48360. A minimum of three cases are required in order to hold a meeting with a maximum of five. The applicant or a representative with written permission from the property owner must be present at the meeting.

PROOF OF OWNERSHIP MUST BE INCLUDED WITH THIS APPLICATION. Acceptable forms of documentation include: Warranty Deed, Quit Claim Deed, Land Contract, or Option to Purchase with a Copy of the Warranty Deed.

APPLICANT

Name: Metro Detroit Signs
Address: 11444 Katz Ave City/State/Zip: Warren, MI 48089
Phone: 586-759-2700 Cell: 586-557-4189 Fax: 586-759-2703
Email: kelnter@metrosoal.com

PROPERTY OWNER(S)

Name (s): Joe Zimmer
Address: 205 Park Island City/State/Zip: Lake Orion, MI 48362
Phone: 248-343-1136 Cell: 248-276-2222 Fax: 248-276-2234
Email: jzimbachers@yahoo.com

CONTACT PERSON FOR THIS REQUEST

Name: Kevin Deters Phone: 586-759-2700 Email: kelnters@metrosoal.com

SUBJECT PROPERTY

Address: 4979 Grand Ave Sidwell Number(s): 09-32-400-099
Total Acreage: _______ Length of Ownership by Current Property Owner: _______ Years, _______ Months

Does the owner have control over any properties adjoining this site? Yes

Ordinance Allowance/ Requirement

Deviation requested See attached cover letter List additional ordinance requirements and deviations on a separate page

See attached cover letter with the drawings

Page 1 of 3

Version 11/30/21
Case #:________________

**COMMERCIAL VARIANCE** - See responses attached with the drawing

1. Describe the nature of the request. Please see the attached cover letter

2. Describe how the request results from special or unique circumstances particular to the property, which are not applicable to other properties in the surrounding area. See typed page

3. If the appeal is granted, please explain how the variance will/will not be materially detrimental to the public health, safety and welfare, or to other properties or improvements in the Township: see typed page

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible: See typed page

5. Describe how the alleged practical difficulty has not been self-created. See typed page

6. The topography of said land makes the setbacks impossible to meet because: See typed Page

7. Describe how strict compliance with the ordinance unreasonably prevents the owner from using the property for a permitted purpose, or to be unnecessarily burdensome. See typed Page
8. Have there been any previous appeals involving this property? If so, when? Yes  No
9. Is this request the result of a Notice of Ordinance Violation? Yes  No

I/We, the undersigned, do hereby request action by the ZBA on the variance or specified matter above, in accordance with Sections 30.06, 30.07, 30.08, 30.10, and 30.11 of the Zoning Ordinance. In support of this request the above facts are provided. I hereby certify that the information provided is accurate and the application that has been provided is complete. As the property owner (or having been granted permission to represent the owner as to this application), I hereby grant the Zoning Board of Appeals members permission to visit the property, without prior notification, as is deemed necessary.

Signature of Applicant:  
K.D. -  Kevin Deters  Date: 2-9-23
Print Name: Kevin Deters at Metro Detroit Signs

Property Owner:
If applicable:  
I, the property owner, hereby give permission to _______ _______ to represent me at the meeting.

Signature of Property Owner:  
Joe Zimmer  Date: 1/27/2023
Print Name: Joe Zimmer

OFFICE USE ONLY

Zoning Classification of property:  
Adjacent Zoning:  N  S  E  W

Total Square Footage of Principal Structure:  

Description of variance(s):

Date Filed:  Fee Paid:  Receipt Number:  

Page 3 of 3
Cover Letter for ZBA application

FROM: Kevin Deters at Metro Detroit Signs

RE: Culvers signs at 4979 Grand Ave

We are applying for the following signs at Culvers:
- south elevation wall sign - 4'8" x 10' = 46.7 sq feet (permit approved)
- west elevation wall sign - 3'-8.375" x 7'-10.5" = 29.12 sq feet
- north elevation wall sign - 3'-8.375" x 7'-10.5" = 29.12 sq feet
- east elevation wall sign - 3'-8.375" x 7'-10.5" = 29.12 sq feet
- monument sign - 4' x 6'-8" oval = 26.64 sq feet with a 1'-5" x 7'-3" EMC (10.27 sq feet) at 8 feet OAH
- drive thru menu board - 5'-2.75" x 8'-10.25" = 46.29 sq feet at 6' OAH

We need variances for the following items:
- the three 29.12 sq foot wall signs (west, north, and east elevations)
- the drive thru menu board as an additional ground sign because it is > 20 feet from the pickup window. If it were within 20 feet of the pickup window, a variance would not be needed.
- a setback variance for the monument sign as follows:
  - Request for a setback from the front (south) property line to be 9.93' instead of 40' from front property line allowed by code / difference of 30.07'
  - Request for a setback from the side (east) property line to be 10.51’ instead of 20’ from the side property line allowed by code / difference of 9.49’

Please see the following page for our responses to the variance questions.

Feel free to call me at (586)759-2700 if anything else is needed. Thank you for your assistance.

Dated: 2-9-23
2. **Unique circumstances**
- Culvers requires a drive thru menu board, as that is a significant portion of their business. The reason it cannot be within 20 feet of the pickup window is that the west elevation is so wide that if the menu board were within 20 feet of the window, it would be in front of the west elevation, thus blocking the drive thru lane.
- The monument sign requires a setback variance because if the sign were a conforming 40 feet north of the front property line and 20 feet west of the side property line, then the monument sign would literally be placed in the middle of the parking lot. The spot where we are proposing the monument sign (just south of the parking lot) is literally the only place it can realistically go.
- The extra wall signs are warranted because they need a wall sign on the east elevation above their main entrance. They need a wall sign above their drive thru pickup window on the west elevation. They need a wall sign on the north elevation because that elevation faces a large portion of their parking lot. The three additional wall signs are each small as well (29.12 sq feet).

3. **The variance will not be detrimental.**
- The drive thru menu board is necessary and is proposed at the start of the drive thru lane
- The monument is going in its most reasonable spot (just south of the parking lot along Brown Rd).
- All three additional wall signs are relatively small (29.12 sq feet).

4. **Consistent with properties in the area**
- Neighboring businesses with large building footprints also have multiple wall signs, such as Aldi, Costco, and Jo Ann Fabric.

5. **Practical difficulty is not self created.**
- This Culvers sign project was designed to remain consistent with Culvers’ site plan that was approved in 2022. As such, the property owner did not create this practical difficulty. Culvers needs a monument sign and a drive thru menu board, and they are being proposed in the most logical locations per the site plan.

6. **Topography makes the setbacks impossible.**
- The monument sign requires a setback variance because if the sign were a conforming 40 feet north of the front property line and 20 feet west of the side property line, then the monument sign would literally be placed in the middle of the parking lot.
- The drive thru menu board cannot be within 20 feet of the pickup window because the west elevation is so wide that if the menu board were within 20 feet of the window, it would be in front of the west elevation, thus blocking the drive thru lane.

7. **Strict compliance would be burdensome.**
- Not allowing a drive thru menu board would significantly impair the business and make it much harder on both Culvers and their customers.
- If the monument were in the parking lot it would impede traffic flow and also not have adequate visibility.
- The extra wall signs are necessary for identification over their main entrance on the east elevation, over the drive thru pickup window on the west elevation, and for identification on the north elevation facing their parking lot.
ELEVATION WALL SIGNS
SL-45 & SL-30 Illuminated White Script Channel Letters

SL-SERIES

Main Elevation
SL-30, LL-X

Front Elevation
SL-45, LL-X

Drive Thru Elevation
SL-30, LL-X, BB-1

Rear Elevation
SL-30, LL-X

Seeking a variance for the Main Elevation, Drive Through Elevation, Rear Elevation.

Front Elevation Approved by Code.

Culver's

Sign Square Footage

<table>
<thead>
<tr>
<th>Description</th>
<th>Dimensions</th>
<th>SF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main Elevation</td>
<td>GTY-1 SL-30 (44.37&quot; x 94.50&quot;)</td>
<td>29.12</td>
</tr>
<tr>
<td>Front Elevation</td>
<td>GTY-1 SL-45 (56.00&quot; x 120.00&quot;)</td>
<td>46.67</td>
</tr>
<tr>
<td>Rear Elevation</td>
<td>GTY-1 SL-30 (44.37&quot; x 94.50&quot;)</td>
<td>29.12</td>
</tr>
<tr>
<td>Drive Thru Elevation</td>
<td>GTY-1 SL-30 (44.37&quot; x 94.50&quot;)</td>
<td>29.12</td>
</tr>
</tbody>
</table>

Notes

- LED accent strip lighting typical placements:
  - RIGHT: (5) places - REAR, NA, FRONT
  - LEFT: (5) places
  - BTH: 1 typical Drive-Thru placement: FRONT

- MSG-15D: STYLE: LED
- MSG-15D: STYLE: LED

Date Created / Revision History

9/22/22 - NEW
10/1/22 - REV-ELEVATIONS
11/9/22 - LED STRIPS ADDED ON REAR TOWER

Sales Person: DAVE SAMPSON
Designated By: TREY WATTS
Date Received: 11/29/22

FILE PATH: T:\Culver's Data\Orders\33450

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This is our artistic rendition and final colors / sizes may vary from that depicted herein.

Orion Township Planning & Zoning
ME-27 L MONUMENT WITH CUSTOM EMC

ME-27
ME-27-L-24X210-10-RGB-PBS-C

ME-27 MONUMENT WITH CUSTOM EMC

SIGN DETAILS:
- Illuminated Monument Sign with EMC
- Custom sign cabinet of aluminum construction and interior illuminated with LED's
- Transformed polycarbonate faces, enhanced Culver's, 3M HP Vinyl
- Weatherproof design, dimensional measurements

EMC
- Hold Time (if static): 30 sec
- 46" x 46" = 530.7 sf
- 87" x 17" = 1,479.1 sf
- 7-3/8" E.M.C. = 87"
- 84.00" EMC ACTIVE AREA
- 6-8.00" OVAL

NOTES
- EMC WILL COMPLY WITH THE REQUIREMENTS OF THE GROUND SIGN EMC CRITERIA IN THE ORDINANCE
- TOTAL SIGN AREA CALCULATIONS
- RECTANGULAR METHOD:
- OVAL (29.67 sf) + EMC (81.17 sf) = 110.84 sf

NOTIFY LOCAL REGULATORY AGENCY
- 3/9/23 - NEW
- 1/12/23 - KEY, CUSTOM MONUMENT
- 1/18/23 - KEY, CUSTOM MONUMENT, EMC SIZE CHANGE
- 1/18/23 - KEY, CUSTOM MONUMENT, EMC SIZE CHANGE

FILE PATH: T:\Sylias\D:\060\orion\138458

SCALE: 3/8" = 1"
### Monument Sign Area Calculations

<table>
<thead>
<tr>
<th>Sign</th>
<th>Size (Approx)</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>ME-27-L</td>
<td>6' x 8' (W) x 4' (H)</td>
<td>34.84 S.F.</td>
</tr>
</tbody>
</table>

*MONUMENT SIGN AREA IS RECTANGULAR AREA OF OVAL SIGN = RECTANGULAR AREA OF ACTIVE AREA OF ENC. - SEE ATTACHED Artwork*

### Menu Board Area Calculations

<table>
<thead>
<tr>
<th>Sign</th>
<th>Size (Approx)</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>MB-DT-46</td>
<td>8' x 3' (W) x 4' (H)</td>
<td>38.15 S.F.</td>
</tr>
</tbody>
</table>

*MENU BOARD AREA IS RECTANGULAR AREA OF OVERALL VISUAL OPENING (V.O.) - SEE ATTACHED Artwork*

### Wall Sign Area Calculations

<table>
<thead>
<tr>
<th>Sign</th>
<th>Size (Approx)</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>SL-45</td>
<td>10' x 10' (W) x 4' (H)</td>
<td>46.67 S.F.</td>
</tr>
<tr>
<td>SL-30</td>
<td>7' x 10' (W) x 3' (H)</td>
<td>29.12 S.F.</td>
</tr>
<tr>
<td>SL-30</td>
<td>7' x 10' (W) x 3' (H)</td>
<td>29.12 S.F.</td>
</tr>
<tr>
<td>SL-30</td>
<td>7' x 10' (W) x 3' (H)</td>
<td>29.12 S.F.</td>
</tr>
</tbody>
</table>

**WALL SIGN TOTAL = 134.03 S.F.**

### Directional Sign Area Calculations

<table>
<thead>
<tr>
<th>Sign</th>
<th>Size (Approx)</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>DIR-1 (CUSTOM)</td>
<td>2' x 0' (W) x 1' (H)</td>
<td>1.91 S.F.</td>
</tr>
<tr>
<td>DIR-2 (CUSTOM)</td>
<td>2' x 0' (W) x 1' (H)</td>
<td>1.91 S.F.</td>
</tr>
</tbody>
</table>

**DIRECTIONAL SIGN TOTAL = 3.82 S.F.**

**OVERALL SIGN AREA TOTAL = 210.84 S.F.**

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**1-STORY FRAME BUILDING**

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**ORION TOWNSHIP, MI**

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**CULVER FRANCHISING SYSTEM, INC.**

**NEW CULVER’S-SIGNAGE**

**BROWN AVE.**

**ORION TOWNSHIP, MI 48359**

**SIGN PLACEMENT PLAN**

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**ORION TOWNSHIP, MI**

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**CULVER FRANCHISING SYSTEM, INC.**

**4825 E. Kearney St.**

**Springfield, MO 65803**

**(417) 862-2484**

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**FEB 9 2023**

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**Orion Township Planning & Zoning**
The fire department has reviewed the proposed documents and has no concerns at this time.

Jeffrey Williams, CFPS – Fire Marshal
Orion Township Fire Department - Fire Prevention
3365 Gregory Road Lake Orion, MI 48359
Fax: 248.309.6993

From: Debra Walton <dwalton@orion township.org>
Sent: Wednesday, February 15, 2023 9:22 AM
To: Jeff Williams <jwilliams@oriontownship.org>
Subject: ZBA Documents for the March 13, 2023 ZBA Meeting

Attached are two ZBA cases that need to be reviewed by you for the March 13, 2023, ZBA meeting.

Thanks,

Debra Walton
Clerk
Planning & Zoning
2323 Joslyn Road, Lake Orion, MI 48360
O: 248.391.0304, ext. 5002
W: www.oriontownship.org
TO: The Charter Township of Orion Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Specialist
DATE: February 27, 2023
RE: March 22, 2023 Joint Meeting Agenda Items

A Joint Meeting has been scheduled for March 22, 2023 between the Township Board, the Planning Commission, ZBA, and the CIA.

Please let me know at your earliest convenience if you would like me to request an agenda items for that meeting.

Thank you