1. OPEN MEETING
2. ROLL CALL
3. MINUTES
   A. 02/28/2022, ZBA Regular Meeting Minutes
4. AGENDA REVIEW AND APPROVAL
5. ZBA BUSINESS
   A. AB-2022-05, Galaxy Sign for MJC Ground Sign, 780 S. Lapeer Rd., 09-11-476-019
      The petitioner is seeking 3 variances from Sign Ordinance #153
      Section 7 – Non-Residential Zoned Areas; Ground Signs Zoned RB
      1. A 1.5-ft. height variance above the allowed 8-ft. for a ground sign to be 9.5-ft. tall.
      2. A 32-sq. ft. size variance above the allowed 32-sq. ft. for a ground sign to be 64-sq. ft.
      3. A 20-ft. road right-of-way setback variance from the required 20-ft. for a ground sign to be 0-ft. from the road right-of-way.
      and,1 variance from Zoning Ordinance #78; Zoned RB
      1. A 20-ft. front yard setback variance from the required 20-ft. for a ground sign to be 0-ft. from the front property line.

   B. AB-2022-06, Lawrence Sak for Divine Lutheran Church Ground Sign, 3000 S. Lapeer Rd., 09-26-101-012
      The petitioner is seeking 3 variances from Sign Ordinance #153
      Section 7 – Residential Zoned Areas; Ground Signs Zoned R-2
      1. A 2-ft. height variance above the allowed 6-ft. for a residential ground sign to be 8-ft. high.
      2. A 33-sq. ft. size variance above the allowed 35-sq. ft. for a residential ground sign to be 68-sq. ft.
      3. A 17.06% variance from the allowed 30% for the EMC section to be 47.06% of the total sign area.
      and,1 variance from Zoning Ordinance #78; Section 6.04 Zoned R-2
      4. A 14-ft. front yard setback variance from the required 35-ft. for a ground sign to be 21-ft. from the front property line.

      The petitioner is seeking 2 variances from Sign Ordinance #153
      Section 7 – Non-Residential Zoned Areas; Ground Signs Zoned OP
      1. A 14.53-sq. ft. size variance from the allowed 40-sq. ft. for a ground sign to be 54.53-sq. ft.
      2. A 35.56% variance from the allowed 30% for the EMC section to be 65.56% of the total sign area.

   D. AB-2022-10, Zoning Board of Appeals By-Laws
      Discussion on draft copy of Zoning Board of Appeals By-Laws

6. PUBLIC COMMENTS
7. COMMUNICATIONS
   A. March 28, 2022 Zoning Board of Appeals 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 28, 2022, at 7:00 pm at the Orion Township Community Center, 2323 Joslyn Road, Lake Orion, Michigan 48360.

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

ZBA MEMBERS ABSENT:

CONSULTANT PRESENT:
David Goodloe, Building Official

OTHERS PRESENT:
William Anglebrandt

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

2. ROLL CALL

3. MINUTES
A. 02-14-2022, ZBA Regular Meeting Amended Minutes
Moved by Board member Walker, seconded by Trustee Flood, to approve the minutes as presented. Motion carried.

4. AGENDA REVIEW AND APPROVAL.

5. ZBA BUSINESS
A. AB-2022-01, Linda C. Anglebrandt, 2957 Walmsley Circle, 09-20-380-011
(postponed from 1/10/2022 meeting)

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. William Anglebrandt introduced himself and summarized the variance request. He explained the loud noise from the traffic adjacent to his property which began after the strip mall was built. He read a definition of “zoning”. He owned property before the mall was constructed.

Chairman Durham asked if Mr. Anglebrandt spoke up when the mall was built.

Mr. Anglebrandt replied that he tried to and he repeatedly expressed his desire to have a fence and was told that he could not have a fence in Keatington. He stated that he has seen all of the fences that have been constructed along Baldwin Road. A four foot fence will not work on that road.

Chairman Durham answered that he understands the issues.

Mr. Anglebrandt commented on the benchmark for an entry way and he studied the traffic pattern behind his home. He provided pictures and the numbers of cars that he counted during this study. He explained the information he gained from his study that he conducted. He commented on the placement of a commercial area right next to the residential area and historical information regarding the building of this commercial area and its placement next to his home.

Chairman Durham stated that there used to be heavier vegetation in this area and he asked what happened to it.

Mr. Anglebrandt replied it was Keatington that cut it out to show off the split rail fence and he explained.

Chairman Durham asked what types of visibility issues he had before they trimmed it.

Mr. Anglebrandt replied that you could not walk through there. He commented on items that have been stolen from his backyard.

Chairman Durham commented that the petitioner needs something.

Mr. Anglebrandt commented on the zoning section, General Business and he read from the section regarding buffering.

Chairman Durham asked how close the petitioner’s property line comes to the sidewalk.

Mr. Anglebrandt replied ten feet but from the bike path to the road, there is a large green area and he stated that they easily could have put a fence in this area. Keatington answered that no fences were allowed.

Chairman Durham stated that the distance to the property line is the issue now.

Mr. Anglebrandt replied that he has to come inside the property line six feet or take down trees. There is also a 6 foot easement there and nothing is allowed in this easement.

Chairman Durham asked if the petitioner wants to put a six foot fence six feet off of the property line.

Mr. Anglebrandt replied yes. He commented on the cost to appear before the Board. He stated that the mall should have paid to put up screening when it was built for his house and the six others that have the same issue. He explained the truck patterns at the shopping center. He has to sell his house and he needs a barrier now so that he can sell it.
Trustee Flood stated that there are a lot of four foot privacy fences in the neighborhood. He understands the issue but suggested a four foot fence with additional shrubbery to replace what has been lost.

Mr. Anglebrandt commented that it was twenty years ago and he understands that nothing can be done now but commented on why they were allowed to do it.

Trustee Flood stated that his opinion is that the petitioner can do a four foot fence and this would solve the problem right now.

Mr. Anglebrandt replied that four foot would do nothing and he doesn’t want a four foot fence.

Board member Dunaskiss asked if he could put up a four foot fence and then add shrubbery.

Mr. Anglebrandt stated that he tried that and explained why this would not work.

Chairman Durham asked if the petitioner had a barrier that he approved of, would he still sell his house.

Mr. Anglebrandt replied yes; he has to because his wife and he need a one level home. The only way he can sell it is to have a fence.

Chairman Durham stated that he doesn’t like six foot fences.

Board member Walker asked if the driveway lines up directly with the petitioner’s house.

Mr. Anglebrandt replied yes. He provided photos for the Board member that were also included in the Board packets. He commented on the box elder tree that is in this area and how he has maintained it.

Chairman Durham confirmed that the petitioner wants a six foot fence six foot back from the property line.

Mr. Anglebrandt replied yes.

Chairman Durham asked if the petitioner needs a variance.

Building Official Goodloe and Board members discussed how much of a variance the petitioner needs.

Board member Walker confirmed that the petitioner wants a 6 foot fence six feet off of the property line on Waldon Road.

Building Official Goodloe asked if there was an approval letter from the HOA.

Trustee Flood stated that in the packet, it says that a fence can be located in the easement with approval of the architectural board. He asked if all three of the variances requested were required to put the fence along the backyard 80 feet. The only way that he would not require the ten footers is if he brought in the fence 10 feet on each side and it would only be 60 feet across.

Board member Walker asked if he was willing to bring the fence in 10 feet on each side short of the neighboring properties and he would build a 60 foot fence.

Board members and Mr. Anglebrandt discussed the location of the proposed fence and the options.

Trustee Flood asked if the petitioner wants the variance exactly as it is written or does he want to change it.
Mr. Anglebrandt stated that he neighbor also might want a fence.

Board member Walker explained that every variance is individual and they are here to discuss the petitioner's request.

Building Official Goodloe suggested with a 29 foot variance, they get rid of #2 and #3 requests. This is a good compromise.

Board member Dunaskiss asked about the location of the driveway in relation to the property.

Mr. Anglebrandt replied that it is right in front of his family room and patio. It is to the right side.

Board member Walker asked if the entire width of the driveway directly across from the petitioner’s 80 feet of property.

Mr. Anglebrandt replied yes.

Building Goodloe stated that if the petitioner went 10 feet less on each side, he would only need the variance from the property line.

Mr. Anglebrandt agreed.

Building Goodloe stated that he understands that the petitioner wants a 29 foot variance to put a 6 foot fence 6 feet from the property line instead of 35 foot zero feet from the property line. The fence would not exceed 60 feet in length.

Trustee Flood asked if the petitioner had thought about putting the privacy fence around the patio area.

Mr. Anglebrandt replied that they considered it and decided no.

Board member Dunaskiss stated that if the petitioner reduces the request 10 feet on each side, this would not address the problem of people coming onto his property because there will be an opening.

Mr. Anglebrandt replied that he understands and he commented on other items that were there including and electrical box and trees.

Vice-chairman Cook asked if Mr. Anglebrandt called Miss Dig to determine if a fence could be put there.

Mr. Anglebrandt stated that he knows where the lines are from when he planted the tree but he will call Miss Dig.

Chairman Durham read a letter of support into the record from Ms. Veronica Oulette, 2945 Walmsley Circle.

(NO MOTION WAS HEARD-WHEN SOUND BEGAN AGAIN, THE BOARD WAS ON ITEM #8)

6. PUBLIC COMMENTS

7. COMMUNICATIONS
8. COMMITTEE REPORTS

Trustee Flood commented on the Zoning Board of Appeals 2021 Annual Report that was given to the Township Board and how many of the cases the Board heard had to do with fences.

Board members discussed the issue of fencing and commented on different cases that they have heard. They commented on ways that this issue could be addressed.

Building Official Goodloe suggested that he do some research on this item and bring it back to the Board at the next meeting.

Board members agreed.

Chairman Durham stated that he is not in favor of the tall fences, but the petitioner satisfied the practical difficulty portion of the variance requirement and they would be doing a disservice to the petitioner by turning him down.

Board member Walker moved, seconded by Chairman Durham, to approve any prior meeting minutes that have not been approved yet. Vote was as follows: Durham, yes; Cook, yes; Flood, yes; Dunaskiss, yes; Walker, yes. Motion passes 5-0.

9. MEMBER COMMENTS

10. ADJOURNMENT

Moved by Chairman Durham to adjourn the meeting at ? pm. Vote was as follows: Durham, yes; Cook, yes; Flood, yes; Dunaskiss, yes; Walker, yes. Motion passes 5-0.

Respectfully submitted,

Erin A. Mattice
Recording Secretary
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Coordinator
DATE: March 1, 2022
SUBJECT: Staff Report for AB-2022-05, Galaxy Sign for MJC Ground Sign, 780 S. Lapeer Road

The applicant is seeking a taller and larger ground sign for the plaza on Lapeer Road that houses Powerhouse Gym, Alibi Pizza, and MI Zarpe Mexican Restaurant.

The applicant is proposing to replace the existing sign with a taller and larger sign to the south of the entrance along the road right-of-way line and the property line.

Also note that Zoning Ordinance #78 considers ground signs as structures and structures have to meet front, side and rear yard setbacks – the reason for the front yard setback.

Please contact me if you have any questions.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Specialist

DATE: February 24, 2022

RE: AB-2022-05, Galaxy Sign for MJC Ground Sign, 780 S. Lapeer Rd., 09-11-476-019

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. Also, if more information is needed, a motion to postpone would be in order.

The variance language listed was 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 motion is to approve, conditions can be added to the motion if appropriate. If the variances are modified, use the modified numbers in the motion. **

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-2022-05, Galaxy Sign for MJC Ground Sign, 780 S. Lapeer Rd., 09-11-476-019, I move that the petitioner’s request for:

3 variances from Sign Ordinance #153

Section 7 – Non-Residential Zoned Areas; Ground Signs Zoned RB

1. A 1.5-ft. height variance above the allowed 8-ft. for a ground sign to be 9.5-ft. tall.
2. A 32-sq. ft. size variance above the allowed 32-sq. ft. for a ground sign to be 64-sq. ft.
3. A 20-ft. road right-of-way setback variance from the required 20-ft. for a ground sign to be 0-ft. from the road right-of-way.

and, 1 variance from Zoning Ordinance #78; Zoned RB

1. A 20-ft. front yard setback variance from the required 20-ft. for a ground sign to be 0-ft. from the front property line.

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:

Please be specific how the petitioner meets this criteria

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-2022-05, Galaxy Sign for MJC Ground Sign, 780 S. Lapeer Rd., 09-11-476-019, I move that the petitioner’s request for:

3 variances from Sign Ordinance #153

Section 7 – Non-Residential Zoned Areas; Ground Signs Zoned RB

1. A 1.5-ft. height variance above the allowed 8-ft. for a ground sign to be 9.5-ft. tall.
2. A 32-sq. ft. size variance above the allowed 32-sq. ft. for a ground sign to be 64-sq. ft.
3. A 20-ft. road right-of-way setback variance from the required 20-ft. for a ground sign to be 0-ft. from the road right-of-way.

and, 1 variance from Zoning Ordinance #78; Zoned RB

1. A 20-ft. front yard setback variance from the required 20-ft. for a ground sign to be 0-ft. from the front property line.

Please be specific how the petitioner does not meet this criteria

be denied because the petitioner did not demonstrate that the following standards for variances have been met in this case:

1. The petitioner did not demonstrate Practical Difficulty because:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

2. The petitioner did not establish unique or exceptional circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zoning because:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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:

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Charter Township of Orion
Planning & Zoning Department
2323 Joslyn Rd., Lake Orion MI 48360
P: 248-391-0304 ext. 5001; F: 248-391-1454

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: Galaxy Sign Hoisting Co. (Lawrence Warden)
Address: 31688 Harper Ave. City/State/Zip: Clinton Twp, MI 48035
Phone: (586) 792-7443 Cell: Fax: (586) 792- 7443
Email: Jyl@teamsignarama.com

PROPERTY OWNER(S)
Name(s): MJC Lake Orion Retail LLC
Address: 180 S Lapeer Rd. City/State/Zip: Lake Orion, MI 48362
Phone: Cell: (586) 404-8350 Fax:
Email: Dubsayd@myjcompanies.com

CONTACT PERSON FOR THIS REQUEST
Name: Jyl Duquet Phone: (586) 792-7443 Email: Jyl@teamsignarama.com

SUBJECT PROPERTY
Address: 180 S Lapeer Rd. Lake Orion, MI 48362
Sidewell Number(s): 09-11-474-019
Total Acreage: 3.82 Length of Ownership by Current Property Owner: 4 Years, 0 Months

Does the owner have control over any properties adjoining this site? No

Ordinance Allowance/ Requirement
6' tall monument sign
NTE 40 sq. ft. or
8' tall monument sign
NTE 32 sq. ft.

Deviation requested 9.5' tall sign (w/ base)

List additional ordinance requirements and deviations on a separate page
COMMERICAL VARIANCE

1. Describe the nature of the request. We are requesting that a taller sign be put in place of existing for better visibility.

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. This particular property faces south in direction which is not a common orientation for traffic flow without having visible signage.

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: If the appeal is granted the new signage will further help the safety of pedestrians and their visibility of the property they are attempting to enter.

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible: The request of having a new larger sign positioned for visibility would be consistent with properties in the immediate area because other properties have signs closer to the road. (i.e. Tim Hortons, DQ)

5. Describe how the alleged practical difficulty has not been self-created. The practical difficulty has not been self-created due to property owner following code & ordinances.

6. The topography of said land makes the setbacks impossible to meet because: The topography of said land has many landscape, sewer lines, water lines which may have caused initial sign to be placed in its current position.

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. With the current setback requirements & utility lines the current sign placement has been installed in a position that obstructs pedestrians visibility to the plaza.
Case #: ______________________

8. Have there been any previous appeals involving this property? If so, when? 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: ____________________________ Date: 11/24/2022
(must be original ink signature)

Print Name: Lawrence Warden

Property Owner:
If applicable: I, the property owner, hereby give permission to

Signature of Property Owner: ____________________________ Date: 12/4/22
(must be original ink signature)

Print Name: David Denny

do represent me at the meeting.

OFFICE USE ONLY

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

Total Square Footage of Principal Structure: ____________ Tota

Description of variance(s):

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

Date Filed: ____________ Fee Paid: ____________ Receipt Number: ____________

Page 3 of 3

Version 11/30/2021
### Non-Residential Zoned Areas

#### Ground Signs

These requirements shall govern sign use, area, type, height, numbers, and setbacks, in addition to requirements elsewhere in this Ordinance.

Ground signs shall be subject to all the standards of either Alternate A or Alternate B.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>RB</th>
<th>GB</th>
<th>OP</th>
<th>LI</th>
<th>IP</th>
<th>IC</th>
<th>RFY</th>
<th>BIZ Use Group A (Non-Residential)</th>
<th>L, C, &amp; D</th>
<th>SP-1 &amp; SP-2</th>
<th>REC-1/REC-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of signs</td>
<td>1 per zoning lot, 1 multi-tenant sign or 1 shopping center sign</td>
<td>1 per zoning lot, 1 multi-tenant sign or 1 shopping center sign</td>
<td>1 per zoning lot or 1 multi-tenant sign</td>
<td>1 per zoning lot or 1 multi-tenant sign</td>
<td>1 per zoning lot or 1 multi-tenant sign</td>
<td>1 per zoning lot or 1 multi-tenant sign</td>
<td>1 per zoning lot</td>
<td>1 per zoning lot, 1 multi-tenant sign or 1 shopping center sign</td>
<td>1 per zoning lot, 1 multi-tenant sign or 1 shopping center sign</td>
<td>1 per zoning lot</td>
<td>1 per zoning lot</td>
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<tr>
<td>Sign area:</td>
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<td></td>
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<td></td>
<td></td>
<td>Alternate A overall height up to 6 ft.</td>
<td>N/A</td>
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<tr>
<td></td>
<td>40 sq. ft. per side; maximum 80 sq. ft.</td>
<td>40 sq. ft. per side; maximum 100 sq. ft.</td>
<td>40 sq. ft. per side; maximum 80 sq. ft.</td>
<td>40 sq. ft. per side; maximum 80 sq. ft.</td>
<td>50 sq. ft. per side; maximum 100 sq. ft.</td>
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<td></td>
<td>Alternate B overall height over 6 ft. up to 8 ft.</td>
<td>32 sq. ft. per side; maximum 64 sq. ft.</td>
<td>40 sq. ft. per side; maximum 80 sq. ft.</td>
<td>30 sq. ft. per side; maximum 60 sq. ft.</td>
</tr>
<tr>
<td>Setback - shall be measured at existing ROW or as read by RCOC</td>
<td>20 ft. from ROW</td>
<td>30 ft. from ROW</td>
<td>20 ft. from ROW</td>
<td>20 ft. from ROW</td>
<td>20 ft. from ROW</td>
<td>20 ft. from ROW</td>
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<td>30 ft. from ROW</td>
<td>30 ft. from ROW</td>
<td>20 ft. from ROW</td>
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<tr>
<td>Footnotes</td>
<td>3, 5</td>
<td>3, 5, 6</td>
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<td>3, 5, 7</td>
<td>3</td>
<td>3, 5, 6</td>
<td>3, 5</td>
</tr>
</tbody>
</table>

3 The sign area may be increased by one (1) square foot per side for each two (2) feet by which the sign is set back beyond the minimum required setback, provided that the resulting sign area is not more than three (3) times the sign area permitted in the district and is not greater than one hundred and fifty (150) square feet.

5 Additional ground signs may be permitted for each zoning lot if the following conditions apply:
   a. Two (2) ground signs may be permitted on a corner lot that has at least two hundred (200) feet of frontage on each of two (2) thoroughfares or collector streets, provided that only one (1) sign is oriented toward each thoroughfare or street.
   b. Two (2) ground signs may be permitted where the zoning lot, not a corner lot, has frontage on two (2) thoroughfares or collector streets and has vehicular access via both such thoroughfares or streets, provided that only one (1) sign is oriented toward each thoroughfare or street.
   c. Two (2) ground signs may be permitted on a zoning lot that has over six hundred and fifty (650) feet of frontage on a thoroughfare or collector street.
   d. On a zoning lot with over three hundred (300) and less than six hundred and fifty (650) feet of frontage on a thoroughfare or collector street, a second ground sign equal in area to not more than seventy-five percent (75%) of the ground sign area shall be permitted.

6 The following additional ground signs may be permitted:
   a. Drive-in or drive-through restaurants may be permitted two ground signs in addition to the ground signs permitted, provided that the signs are located within twenty (20) feet from the first drive-through window.
   b. Gasoline service stations may be permitted one (1) additional ground sign indicating only the price of fuel. Such sign shall not exceed twenty-four (24) square feet per side; maximum forty-eight (48) square feet.
L. Safety Paths. Construction of safety paths for pedestrian use and use by non-motorized vehicles shall be required in conjunction with the development of all parcels in this zoning district. The safety paths shall conform to the specifications outlined in Section 27.06 and Ordinance No. 97. (amended 01.05.87, 02.03.03)

M. Tree Preservation Regulations. The tree permit requirements apply to developments in this District, according to the terms of Section 27.12. (amended 08.03.00)

N. Noise. Regulations regarding the abatement and control of excessive noise are found within the Charter Township of Orion Noise Ordinance No. 135. (added 02.19.08)

Section 11.04 – Area and Bulk Requirements (Applies to Principal and Accessory Uses) (amended 02.01.16, 07.16.18)

Please see the chart in Section 11.01 for variations to these requirements by use.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>RB</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard Setback</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Rear Yard Setback</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Side Yard Setback</td>
<td>15 ft. on each side</td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>9,000 sq. ft.</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>30%</td>
</tr>
<tr>
<td>Maximum Building</td>
<td>20,000 square feet*</td>
</tr>
<tr>
<td>Maximum Height of All Structures</td>
<td>25 ft. (amended 09.20.90)</td>
</tr>
<tr>
<td>Minimum Clear Space Around Structures</td>
<td>15 ft.</td>
</tr>
</tbody>
</table>

*For buildings with single proprietary business or single tenant use.
Square Footage of total: 1120
Site Permit:
MJC
780 S. Lapeer Rd.
Lake Orion, MI 48362

Materials:
96"x96" multi tenant monument sign.
SHPCTR/C/AV/1 STY
26658.0 sf
H=18'
BLDG 1 SEC 1
Sign Permit:
MJC
780 S. Lapeer Rd.
Lake Orion, MI 48362

Materials:
96”x96” multi tenant monument sign.

Signarama
The way to grow your business.
Phone: 586.792.7446 Fax: 586.792.7443
36886 Harper, Clinton Twp., MI 48035 • teamsignarama.com
### 2015 INTERNATIONAL BUILDING CODE

**Sign Support Column**

- Sign Support Column
- Drilled Shaft Foundation
- Cube Foundation

---

**Drilled Shaft Foundation**

<table>
<thead>
<tr>
<th>Depth</th>
<th>Dia.</th>
<th>B</th>
<th>Total Shear at Grade (V)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.0 ft</td>
<td>2.0 ft</td>
<td>12 ft</td>
<td>4,500 lbs</td>
</tr>
<tr>
<td>4.0 ft</td>
<td>2.0 ft</td>
<td>12 ft</td>
<td>3,000 lbs</td>
</tr>
<tr>
<td>3.0 ft</td>
<td>2.0 ft</td>
<td>12 ft</td>
<td>2,000 lbs</td>
</tr>
</tbody>
</table>

**Concrete**

- All foundations: Embed column to 9" from bottom in 2500 psi concrete.

---

**Scope of Work**

- Design sign support column and foundation to meet structural requirements of building code based on stated (not verified) site factors and size & shape based on sign installer's drawing, attached.

By using this engineering the owner, manufacturer, and installer accept responsibility to Design, build, and install sign cabinet, base, attachment, electrical, etc. according to sign code, building code, and UL. Verify site conditions match stated wind speed, risk, exposure, topo, and soil factors.

---

**Contractor to ensure that the foundation is below frost depth**

---

**AVINASH VEERESHA, PE**

discoswaydesign@gmail.com

163 SW Midtown Place, Ste 103
Lake City, Florida 32059

713-459-0915 or 326-754-5419

27 January 2022

This seal for structural engineering (Foundation & Support Column ONLY)

---

**MJC**

**SIGNARAMA**

**PYLON SIGN**

**JOB 22004**

**Pylon Sign**

1 Column, Centered, Embedded in Foundation

780 S. Lapeer Rd.
Lake Orion, MI 48362

Valid for one sign at this location.
MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Specialist
DATE: February 28, 2022
SUBJECT: Staff Report for AB-2022-06, Lawrence Sak for Divine Lutheran Church
Ground Sign, 3000 S. Lapeer Road

Please note that in 2004 the existing ground sign was granted an “exception” by the Planning Commission to be the current height and size that it is. Sign exceptions are no longer granted by the Planning Commission and any deviation from the Sign Ordinance now has to receive variance approval by the Zoning Board of Appeals.

Although the sign is proposed to stay in the current location and the only modification is the addition of the EMC (Electronic Message Center), the sign is now considered a ground sign with EMC and sign has to meet current Sign Ordinance criteria – the Planning Commission’s approval would no longer be valid for height and size.

Also note that Zoning Ordinance #78 considers ground signs as structures and structures have to meet front, side and rear yard setbacks – the reason for the front yard setback.

Attached is the rendering and minutes for the ground sign that was approved by the Planning Commission in 2004.

The applicant has indicated that if the variance for the EMC section is granted – that they would comply with the pixel pitch resolution criteria required by Sign Ordinance #153.

Therefore, if a motion is made to approve a ground sign with an EMC section – I suggest the motion include language that the motion is conditioned upon the applicant providing to the Planning & Zoning Specialist information proving that the pixel pitch meets Sign Ordinance 153 specifications.

Please let me know if you have any questions.
7. NEW BUSINESS
A. PC-2004-45, Bounce House, Determination of Compatibility in Limited Industrial 2 Zoning District, Zoning Ordinance No. 78, Section 27.02, E. 40 Engelwood Drive

Ms. Christie Rasins, the petitioner, commented that the reason that she needs the industrial space is for the tall height of the ceilings like those in the industrial buildings. Why she chose this space was because of the road frontage and there isn’t anything that is high industrial in this complex, it’s mostly office spaces and distributors, so it wouldn’t interfere with having children there, because there is nothing dangerous around there, just office space. Internally, it is going to be the big air bouncers that you can rent for parties that you can only use in Michigan in the summertime. She lives in this area and has found that there is nothing in this area for small children to do in the wintertime. There are two large rooms in the back, which would be done with the bouncers in them with two or three per room with attached party rooms for birthday parties, etc.

Commissioner Sweetland inquired whether this is associated with a franchise.

Ms. Rasins commented that she knows of another that started in California that is a franchise and one of them is now open in Walled Lake at Beck and I-96. She attended a party there last year and that is where she got this idea.

Commissioner Marleau joined the meeting at 7:10 p.m.

Chairman Steimel noted that if this were done under a special land use, it could be more closely regulated and to allow neighboring property owners the opportunity to speak on this proposed project at the public hearing.

Moved by Vice-Chairman Pote, supported by Secretary Zande regarding case PC-2004-45, Bounce House, Determination of Compatibility in Limited Industrial 2 Zoning District of Zoning Ordinance No. 78, located at 40 Engelwood Drive, that the Planning Commission has determined that this use would be a compatible use within the Limited Industrial 2 (LI-2) Zoning District and that the Petitioner may submit a Special Land Use application for consideration and review. Roll call vote was as follows: Zande, yes; Sweetland, yes; Pecheniuk, yes; Marleau, yes; Garlicki, yes; Pote, yes; Steimel, yes. Motion carried 7-0.

8. UNFINISHED BUSINESS
A. PCS-2004-42, Divine Grace Lutheran Church Sign Exception, 3000 S. Lapeer Road

Mr. Gary Kwapis, a member of the church, was present.

Mr. R. Donald Wortman, of Carlisle/Wortman Associates, Inc., overviewed their Sign Exception Review correspondence, dated September 29, 2004*. The sign plans, as submitted, are not in substantial compliance with Sign Ordinance No. 77. Approval of a sign exception would be necessary for
the deviations with regard to sign height. The proposed height of eight feet is two feet taller than the sign ordinance allows. The proposed signage will be internally illuminated.

Secretary Zande inquired if the petitioner would consider putting very visible address numbers on the building.

Mr. Kwapis replied that they would attach address numbers at the narrow end that faces east toward Lapeer Road.

Chairman Steimel that the peak on the sign was added as a feature and that is the part that is eight feet tall and the whole sign is not that tall. The sign without that peak would be six feet tall. He believes that they are basically following the intent of the sign ordinance.

Mr. Kwapis commented that the major height of the proposed sign does not exceed five feet as drawn.

Moved by Commissioner Pecheniuk, supported by Vice-Chairman Pote regarding case PCS-2004-42, Divine Grace Lutheran Church Sign Exception, 3000 S. Lapeer Road, to approve as presented the sign plans date stamped received by the Township on August 31, 2004. Also, that the address numbers shall be placed on the east narrow exterior wall facing Lapeer Road. Roll call vote was as follows: Sweetland, yes; Pecheniuk, yes; Marleau, yes; Garlicki, yes; Pote, yes; Zande, yes; Steimel, yes. Motion carried 7-0.

Chairman Steimel recessed the regular meeting at 7:17 p.m. to hold the PC-2004-40, Dutton Corporate Centre PUD and Rezoning Request Joint Public Hearing with the Township Board of Trustees. The site is located on the east side of Lapeer Road and north of Dutton Road.

Chairman Steimel closed the public hearing and reconvened the regular meeting at 8:05 p.m.

B. PCS-2004-44, Oakland Ridge Estates Entry Sign Exception, SW Corner of Silverbell and Oakland Ridge Drive

Mr. Gordon Wolverton, President of the Oakland Ridge Estates Homeowners Association, was present.

Mr. R. Donald Wortman, of Carlisle/Wortman Associates, Inc., overviewed their Sign Exception Review correspondence, dated September 28, 2004*. The sign plans, as submitted, are not in substantial compliance with Sign Ordinance No. 77. A sign exception would be necessary for the proposed setback location. He also noted that there aren’t guidelines for the wattage of the lighting, but it does have to be properly shielded so that you can’t see it from any roadway.

Mr. Wolverton noted that the purpose of moving this sign is to make it more visible.
Sign Exception Review  
For  
Orion Charter Township, Michigan

Applicant:  Gary Kwapis  
Heins & Kwapis Architect  
126 E. Third Street  
Rochester, MI 48307

Project Name:  PCS-04-42, Grace Lutheran Church Sign

Plan Date:  August 8, 2004

Date Stamped:  August 31, 2004

Location:  3000 S. Lapeer Road

Zoning:  R-2 – Single Family Residential

Action Requested:  Sign exception for one (1) ground sign

Required Information:  Noted in review
SITE DESCRIPTION AND PROJECT STATUS

The applicant requests a sign exception for one (1) ground sign associated with the Divine Grace Lutheran Church and School. The site is located on the west side of Lapeer road, between Waldon and Greenshield Roads.

SIGN REGULATIONS

The applicant is requesting a sign exception for one (1) ground sign, which is not in accordance with the Sign Ordinance No. 77, Section 6A for the R-2 zoning district. The sign application does not comply with the Township Sign Ordinance requirements as follows:

<table>
<thead>
<tr>
<th></th>
<th>Permitted/Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Freestanding Signs</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. of Ground Signs</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Height of Ground Signs</td>
<td>6 ft.</td>
<td>8 ft. *</td>
</tr>
<tr>
<td>Max. Square Footage Allowed</td>
<td>35 sq. ft. side</td>
<td>32 sq. ft. per side</td>
</tr>
<tr>
<td>Setbacks</td>
<td>20 ft. from future R.O.W.</td>
<td>20 ft. from right-of-way **</td>
</tr>
</tbody>
</table>

* The proposed height of eight (8) feet is two (2) feet taller than the Ordinance allows and will require a sign exception.

** Resulting from discussions with OHM, 204 feet has been the standard future right-of-way used along Lapeer Road. Using this figure, the proposed sign location would be setback approximately twenty (20) feet from the future right-of-way and will comply with setback requirements.

*Items to be Addressed:* Sign exception will be necessary for the proposed sign height.

ILLUMINATION

The proposed signage will be internally illuminated.

*Items to be Addressed:* None.
SUMMARY

The sign plans as submitted are not in substantial compliance with the Charter Township of Orion Sign Ordinance. Approval of a sign exception will be necessary for the deviations with regard to sign height.

We look forward to discussing this matter with you further at the regularly scheduled Planning Commission meeting.

CARLISLE/WORTMAN ASSOCIATES, INC.

R. Donald Wortman, RLA, AICP
Vice President

# 218-02-2423

cc: Gerald A. Dywasuk, Supervisor
    Beth Brock, Planning and Zoning Administrator
    Divine Grace Lutheran Church, 3000 S. Lapeer Rd.
MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Specialist

DATE: February 24, 2022

RE: AB-2022-06, Lawrence Sak for Divine Lutheran Church Ground Sign, 3000 S. Lapeer Rd., 09-26-101-012

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. Also, if more information is needed, a motion to postpone would be in order.

The variance language listed was 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 motion is to approve, conditions can be added to the motion if appropriate. If the variances are modified, use the modified numbers in the motion. **

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-2022-06, Lawrence Sak for Divine Lutheran Church Ground Sign, 3000 S. Lapeer Rd., 09-26-101-012, I move that the petitioner’s request for:

3 variances from Sign Ordinance #153

Section 7 – Residential Zoned Areas; Ground Signs Zoned R-2

1. A 2-ft. height variance above the allowed 6-ft. for a residential ground sign to be 8-ft. high.
2. A 33-sq. ft. size variance above the allowed 35-sq. ft. for a residential ground sign to be 68-sq. ft.
3. A 17.06% variance from the allowed 30% for the EMC section to be 47.06% of the total sign area.

and, 1 variance from Zoning Ordinance #78; Section 6.04 Zoned R-2

1. A 14-ft. front yard setback variance from the required 35-ft. for a ground sign to be 21-ft. from the front property line.

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:

Please be specific how the petitioner meets this criteria

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-2022-06, Lawrence Sak for Divine Lutheran Church Ground Sign, 3000 S. Lapeer Rd., 09-26-101-012, I move that the petitioner’s request for:

3 variances from Sign Ordinance #153

Section 7 – Residential Zoned Areas; Ground Signs Zoned R-2

1. A 2-ft. height variance above the allowed 6-ft. residential ground sign to be 8-ft. high.
2. A 33-sq. ft. size variance above the allowed 35-sq. ft. for a residential ground sign to be 68-sq. ft.
3. A 17.06% variance from the allowed 30% for the EMC section to be 47.06% of the total sign area.

and, 1 variance from Zoning Ordinance #78; Section 6.04 Zoned R-2

1. A 14-ft. front yard setback variance from the required 35-ft. for a ground sign to be 21-ft. from the front property line.

Please be specific how the petitioner does not meet this criteria

be denied because the petitioner did not demonstrate that the following standards for variances have been met in this case:

1. The petitioner did not demonstrate Practical Difficulty because:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

2. The petitioner did not establish unique or exceptional circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zoning because:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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:


35
Charter Township of Orion Planning & Zoning Department
2323 Joslyn Rd., Lake Orion MI 48360
P: 248-391-0304 ext. 5001; F: 248-391-1454

RECEIVED
FEB 07 2022
Orion Township Planning & Zoning

Case # AB-2022-06
Meeting Date: 3/14/2022

Charter Township of Orion Zoning Board of Appeals
Application for Appeal - Single Family Residential

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 $250.00 for a residential 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: Lawrence Sak
Address: 980 Indianwood Rd. City/State/Zip: Lake Orion, MI 48362
Phone: — Cell: 248-296-2869 Fax: —
Email: LJSak@Comcast.net

PROPERTY OWNER(S)
Name(s): Divine Grace Evangelical Lutheran Church & School
Address: 3000 S. Lapeer Rd. City/State/Zip: Orion, MI 48359
Phone: 248-391-1131 Cell: — Fax: 248-391-7649
Email: office@divinegrace.net

CONTACT PERSON FOR THIS REQUEST
Name: Lawrence Sak Phone: 248-296-2869 Email: LJSak@Comcast.net

SUBJECT PROPERTY
Address: 3000 S. Lapeer Rd., Orion, MI 48359 Sidwell Number: 09-26-101-012
Total Acreage: 3.3 Length of Ownership by Current Property Owner: 21 Years, 6 Months

Does the owner have control over any properties adjoining this site? No.
Zoning Ordinance Allowance/Requirement
Sign Ordinance 153 Deviation requested ground sign EMC area

Page 2 of 4
Version 1/4/2022
Case #: _______________________

RESIDENTIAL VARIANCE

1. Describe in detail the nature of the request. Replace backlit insert on existing ground sign with electronic message center (EMC). EMC area of 32 sq ft is 47% of total sign area (exceeds Ordinance 153 limit of 30%).

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. Modification to existing ground sign on property.

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: Current lit ground sign in place since 2004. No changes to existing brick/concrete ground sign structure, just replacing backlit insert with EMC.

4. Explain how the request is/is not consistent with other properties in the immediate area, please site examples if possible: Other ground signs on S. Lapeer Rd., but none in immediate area.

5. Describe how the alleged practical difficulty has not been self-created. Current insert is "dated" and message must be manually changed (difficult w/ inclement weather). EMC insert will be more up to date and easily updated.

6. The topography of said land makes the setbacks impossible to meet because: N/A.

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. N/A
Case #: 

8. Have there been any previous appeals involving this property? If so, when?  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:  Lawrence J. Sak  Date:  2/3/2022

Print Name:  Lawrence J. Sak

Signature of Property Owner:  Art Reinhold, Divine Grace President  Date:  2/6/2022

Print Name:  Art Reinhold, Divine Grace President

If applicable:  I the property owner, hereby give permission to Lawrence Sak to represent me at the meeting.

OFFICE USE ONLY

Zoning Classification of property:  

Adjacent Zoning:  N.  S.  E.  W.

Total Square Footage of Principal Structure:  

Total Square Footage of Accessory Structure(s):  

Description of variance(s):  

Date Filed:  
Fee Paid:  
Receipt Number:  

Page 4 of 4
Version 1/4/2022
Existing Ground Sign:

Two-sided with backlit insert
Divine Grace Lutheran Church & School
3000 S Lapeer Rd., Orion, MI 48359-1317

Overall dimensions (not including base):
- Height: 84”
- Width: 144”
- Depth: 24”
- Total area: 68 square feet

Insert dimensions:
- Height: 48”
- Width: 96’
- Total area: 32 square feet

Sign material is brick and concrete with plastic insert with acrylic / plexiglass protective covering, internal steel supporting brick over insert

Sign is set back 21 feet (west) from Lapeer Road right-of-way
Proposed Modification to Ground Sign:

Replace existing two-sided backlit insert with same size two-sided Electronic Message Center (EMC)

Concrete base and brick / concrete portion of existing sign will be unchanged

Proposed ground sign meets / will meet all requirements of Sign Ordinance No. 153 with exception of sign area:

EMC area will be 32 square feet (48” by 96”) which is 47% of total sign area of 68 square feet

Variance regarding sign area will be applied for through Zoning Board of Appeals
School  Church  Parking Lot & Entrance

Teacherage  Sign Location

Lapeer Road Right-of-Way
(21 feet between sign and Right-of-Way)
\[24'' + 96'' + 24'' = 144'' \times 60'' = 8,640'' \div 144 = 60\text{ft}^2\]

Triangle \[24'' \times 96'' = 2,304'' \div 2 = 1,152'' \div 144 = 8\text{ft}^2\]

Emc 30\% of 68 = 20.4

\[\left(\frac{32}{68}\right) \times 100 = 47.06\%\]

Total sign area (not including concrete base):

68 square feet (9,972 square inches)

Insert area:

32 square feet (4,608 square inches)

Insert area is 47\% of total sign area
Section 6.04 – Area and Bulk Requirements (amended 01.05.87, 02.17.04, 02.07.05, 07.16.18)

Please see the Matrix Chart in Section 6.01 for variations to these requirements by use.

<table>
<thead>
<tr>
<th>Minimum Lot Area</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Width of Lot</td>
<td>14,000 sq. ft.</td>
<td>10,800 sq. ft.*</td>
<td>8,400 sq. ft.*</td>
</tr>
<tr>
<td>Minimum Lot Setbacks (in feet)</td>
<td>100 ft.</td>
<td>80 ft.</td>
<td>70 ft.</td>
</tr>
<tr>
<td>Front Yard**</td>
<td>40 ft.</td>
<td>35 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Each Side Yard***</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>35 ft.</td>
<td>35 ft.</td>
<td>35 ft.</td>
</tr>
<tr>
<td>Minimum Floor Area/Unit</td>
<td>1,320 sq. ft.</td>
<td>1,080 sq. ft.</td>
<td>960 sq. ft.</td>
</tr>
<tr>
<td>Max Lot Coverage</td>
<td></td>
<td></td>
<td>25%</td>
</tr>
<tr>
<td>Total Maximum Floor Area of All Accessory Buildings</td>
<td>See Section 27.02, A, 8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height of Structures</td>
<td>30 ft.</td>
<td>30 ft.</td>
<td>30 ft.</td>
</tr>
</tbody>
</table>

*In those instances where public sewers are not provided, a minimum lot area of 12,500 sq. ft. shall be provided.

** Where the front setbacks of two (2) or more principal structures in any block (in the case of platted properties) or within three hundred (300) feet (in the case of unplatted properties) in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front setbacks required herein, then any building subsequently erected within said block (or three hundred (300) feet) shall not be less and not be greater than the average depth of the front setbacks of the existing structures.

*** Where a garage door or opening faces a side lot line, said side lot setback shall be thirty (30) feet.

Section 6.05 – Sign Regulation (amended 10.08.98, 02.21.06)

All signs shall comply with the standards set forth in Orion Township Sign Ordinance No. 153.

Section 6.06 – Tree Preservation Regulations (amended 08.03.00)

The tree removal permit requirements apply to developments in these Districts, according to the terms of Section 27.12.

Section 6.07 – Wetland Setbacks (added 09.17.07)

The wetland setback requirements apply to developments in this District, according to the terms of Section 27.17.
**Article II**

**Construction of Language & Definitions**

**Story, Ground:** The lowest story which cannot be considered a basement in a building.

**Story, Half:** The part of a building between a pitched roof and the uppermost full story, said part having a finished floor area which does not exceed two-thirds (2/3) the floor area of said full story.

**Street:** See Road.

**Street, Private:** See Road, Private.

**Street, Public:** See Road, Public.

**Structure:** Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground. Structures include principal and accessory buildings, farm buildings, mobile homes, swimming pools, and signs.

**Structure Area:** The sum of the gross horizontal areas of all floors, measured from the outside walls of the principal building and all accessory buildings, including basements, elevator shafts, and stairwells at each story, floor space used for mechanical equipment, penthouses, half stories, mezzanines, and interior balconies. (See Illustration 2.4)

**Structural Alteration:** Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders or any change in the width or number of exits, or any substantial change in the roof.

**Subdivision Plat:** The division of land in accordance with the Plat Act, Act 288 of the Public Acts of 1967, as amended.

**Swimming Pool:** Any permanent, nonportable structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

**Swimming Pool Club, Private (Non-Profit):** A private club incorporated as a non-profit club or organization, maintaining and operating a swimming pool, with specified limitations upon the number of members, or limited to residents of a block, subdivision, neighborhood, community, or other specified area of residence, for the exclusive use of members and their guests.

**Swimming Pool, Private:** A swimming pool and the apparatus and equipment pertaining to the swimming pool maintained by an individual for the sole use of his household and guests without charge for admission and not for the purpose of profit or in connection with any business operated for profit, located on a lot as an accessory use to a residence.

*Illustration 2.4*
**Setback:** A setback is the distance required between a front, side or rear property line and any part of a structure on the lot in order to conform to the required yard setback provision of this Ordinance. For the purposes of this Ordinance, the minimum building line shall be the same as the front setback line. *(amended 04.10.97)*

**Sign:** A structure which includes the name, identification, image, description, display or illustration which is affixed to, painted or represented directly upon a building, structure or parcel of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business, and which is visible from any street, right-of-way, sidewalk, alley, park or other public property. Customary displays or merchandise or objects and material without lettering placed behind a store window are not signs. This definition includes the base, frame and support members of a sign. *(amended 02.21.06, 05.04.20)*

**Small Multiplex Residential:** Small multiplex residential is multiple family building type consisting of single structures that contain three or four units. These units are attached side-by-side and/or stacked. At least two units are accessed from a shared pedestrian entry facing a street, and other units are accessed from a side or rear door or they may also be accessed from the common entryway facing the street. Yard space is provided on all four sides. Each dwelling unit has separate housekeeping, cooking and bathroom facilities. This building type shall be designed to have the appearance of a detached, single family dwelling unit when viewed from the street. *(added 06.15.20)*

**Soil Removal:** The removal from the premises of any kind of soil or earth matter which includes topsoil, sand, gravel, clay or similar materials or any combination thereof, except for soil removal related to common household gardening and general farm care.

**Special Land Use:** Special land uses are uses, either public or private, which possess unique characteristics and therefore cannot be properly classified as a permitted use in a particular district or districts. After due consideration of the impact of each such use upon neighboring land and of the public need for the particular use at the particular location, such special land uses may or may not be permitted by the Planning Commission, subject to the terms of this Ordinance.

**Stable, Private:** A stable is an enclosed structure intended for the keeping of horses, cows, and other livestock for the noncommercial use of the residents of the principal use, provided, however, that two and one-half (2-1/2) acres of land is required for the first horse or other animal and one (1) acre apiece for each additional horse or animal. A stable shall not include the keeping of horses or other animals for others, or for commercial boarding.

**Stable, Public:** A stable other than a private stable, with a capacity for more than two (2) horses, and carried on within an unplatted tract of land of not less than forty (40) acres.

**State Licensed Residential Facility:** A structure constructed for residential purposes that is licensed by the State under the Adult Foster Care Facility Act, and provides residential services for six (6) or fewer persons under 24-hour supervision or care. *(amended 08.08.07)*

**Story:** That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or, if there be no floor above it, then the ceiling above. A "mezzanine" shall be deemed a full story when it covers more than fifty percent (50%) of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more. (See Illustration 2.8)
Residential Zoned Areas
EMC Ground Signs

To protect the health, safety, peace and enjoyment of Township residents, EMC ground signs are prohibited in residential zoned areas, except for institutional uses (i.e. churches, schools, public buildings etc.), and shall comply with all the requirements and regulations of a non-EMC ground sign in addition to any other requirements set forth in this Ordinance. Further, a residentially zoned EMC ground sign shall also comply with the regulations governing sign use, area, type, height, numbers, and setbacks.

An EMC must be integrated into a ground sign as allowed within the zoning district.

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<thead>
<tr>
<th>Zoning District</th>
<th>SF, SE, SR, R-1, R-2, R-3, RM-1, RM-2, MHP, BIZ - Residential &amp; Institutional in Use Group A</th>
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<tbody>
<tr>
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<td>1 sign</td>
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<td>Monochrome EMC signs shall have a pixel pitch of 35 mm or less resolution and multi-color EMC signs shall be a pixel pitch of 25mm or less.</td>
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<td>All EMC signs are required to be shut off between the hours of 11 PM and 6 AM. Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory-programmed not to exceed the above listed light levels, and that the intensity level is protected from end-user manipulation by password protected software or other method satisfactory to the Township. The sign shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.</td>
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MEMORANDUM

TO: Zoning Board of Appeals
FROM: Lynn Harrison, Planning & Zoning Specialist
DATE: February 28, 2022
SUBJECT: Staff Report for AB-2022-07, Phillips Sign for Oxford Bank Ground Sign, 1115 S. Lapeer Road

The applicant applied and was granted variances from the ZBA on December 13, 2021 for road right-of-way and front yard setbacks. The applicant is now seeking variances for the ground sign to be larger than permitted with an EMC (Electronic Message Center) that is more than 30% of the total sign area. Attached are the minutes from the December 13, 2021 meeting.

Please note the applicant has not yet provided pixel pitch resolution information however has indicated during conversations that they will meet the Sign Ordinance requirement.

If a motion is made to approve a ground sign with an EMC section – I suggest the motion include language that the motion is conditioned upon the applicant providing to the Planning & Zoning Specialist information proving that the pixel pitch meets Sign Ordinance 153 specifications.

Please let me know if you have any questions.
Chairman Durham read the petitioner’s request as follows:

The petitioner is seeking 1 variance from Sign Ordinance #153, Non-Residential Ground Signs – Zoned OP
1. A 20-ft. road right-of-way setback variance from the required 20-ft. for a ground sign to be 0-ft. from the Road Right-of-Way.

And seeking 1 variance from Zoning Ordinance #78 – Zoned OP
2. A 30-ft. front yard setback from the required 30-ft. for a ground sign to be 0-ft. from the front property line.

Mr. Ed Phillips introduced himself to the Board and summarized the variance request. He provided a handout to all of the Board members. They have a practical difficulty in that if the sign were to be placed as per ordinance, the sign would be located 18 foot into the parking lot. They are going to be removing an existing sign and replacing it with a new monument sign, 30 square foot and 8 feet high which would be in line with the neighbors height and size. The sign will enhance the visual appearance of the business and easily identifying it.

Chairman Durham asked if they plan to remove the existing sign.

Mr. Phillips replied yes.

Vice-chairman Cook asked how tall the existing ground sign is.

Mr. Phillips replied at least 20 feet.

Vice-chairman Cook confirmed that they would be installing a monument sign 8 feet tall. The current configuration works very well but to go shorter is positive.

Mr. Phillips stated that they would prefer to modernize the current sign.

Chairman Durham asked if they were told by the township that this was a nonconforming sign.

Mr. Phillips replied yes.

Chairman Durham stated that they preference is to remove the nonconformity.

Mr. Philips suggested that they table this item and bring back a plan to modernize the current sign.

Vice-chairman Cook stated that since modernizing the current sign would mean it would still be nonconforming, it is a moot point.

Trustee Flood stated that it is important that the line of sight isn’t affected. He visited the sight and noticed that there is a 25 foot clear vision triangle offered in the application and he agrees with that. He asked if they were considering an electronic message sign.

Board member Walker asked if the petitioner would be willing to modernize what is there now.
Mr. Phillips stated that the sign that is there now is no way adaptable to the current sign ordinance. The ordinance says 30 square feet and 8 feet tall.

Board member Walker stated that he understands it is currently nonconforming but they would not be making it worse.

Building Official Goodloe asked if the petitioner had spoken with Tammy or Lynn.

Mr. Phillips replied yes. He was told that if they alter the existing sign in any way it would be an issue. He stated that an 8 foot sign is not really going to be effective on this large piece of property so if they could use the existing sign, they would come back with a new plan to do that.

Board member Dunaskiss asked about the structural integrity of the existing sign.

Mr. Phillips described the structure of the existing sign and how they would re-use the posts. But it would be over in height and square footage according to ordinance.

Chairman Durham stated that in all communities that he works in, the language is the same, you cannot change a nonconformity.

Mr. Phillips suggested that they table this tonight and they bring back a proposal for a sign re-using the posts that are existing.

Chairman Durham stated that the application would have to go through planning and zoning.

Mr. Phillips concurred.

Building Official Goodloe stated that it will have to be re-advertised.

Mr. Phillips stated that he understood.

Chairman Durham stated that his belief is that if they want a good looking sign in the ground quickly, they should proceed with this application.

Petitioner suggested that they proceed with this request and have approval for this ground sign to use if the other alternative doesn’t work out.

Chairman Durham reiterated that any new request would have to go through the planning and zoning department.

Vice-chairman Cook stated that the Board could vote on the proposal before them this evening but the other request to alter the nonconforming sign they cannot vote on or offer comment on.

Moved by Vice-chairman Cook moved, seconded by Trustee Flood, that in the matter of AB-2021-66, Phillips Sign & Lighting (Oxford Bank Ground Sign), 1115 S. Lapeer Rd., 09-14-226-004 to grant 1 variance from Sign Ordinance #153, Non-Residential Ground Signs – Zoned OP for a 20-ft. road right-of-way setback variance from the required 20-ft. for a ground sign to be 0-ft. from the Road Right-of-Way and also the petitioner’s request for 1 variance from Zoning Ordinance #78 – Zoned OP for a 30-ft. front yard setback from the required 30-ft. for a ground sign to be 0-ft. from the front property line be granted because the petitioner did demonstrate the follow standards for variance have been met in this case and that they set forth facts that show:

1. The petitioner did show the practical difficulty of the existing sign was erected in the 1970's and needs to be modernized.
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: the current sign is nonconforming and what they are doing in order to modernize with things that are going on in the area, they are willing to not only update their sign but bring the signage into conformance with today's standards.

3. The variance is also necessary for the preservation and enjoyment of a substantial property right possessed by others in the same zone or vicinity based on the fact that there are new businesses coming in all around them and they want to make sure that they have direction for people seeking out their services.

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 the improvements in such zone or district in which the property is located. Sight distances have been taken into account and it will be a sign that will meet today’s ordinance standards.

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

Roll call vote was as follows: Durham, yes; Cook, yes; Flood, yes; Dunaskiss, yes; Walker, yes. Motion passes 5-0.

Trustee Flood thanked the petitioner for collecting donations for the Oxford community.

D. 

AB-2021-65, Shane Richardson, Vacant Parcel located directly behind 2701 Judah Road

Chairman Durham read the petitioner’s request as follows:

The petitioner is seeking 2 variances from Zoning Ordinance #78 – R-1, Article VI, Section 6.04
1. A 37-ft. front yard setback variance from the required 40-ft. to build a home 3-ft. from a private road (north).
2. A 39-ft. front yard Setback variance from the required 40-ft. to build a home 1-ft. from a private road (west).

Mr. Shane Richardson introduced himself and provided his background in the community and summarized the variances requested. He referred to the survey included in the board packet. The reason he is asking for the variance is due to the slope of the property and the proposed configuration of a walkout basement on the new home, he will be pushed down the hill where it is low and wet.

Chairman Durham asked where the private drive is.

Mr. Richardson confirmed that it is the gravel path going up the hill. This is the private road easement. It is 37 feet from the north where he wants to start the house, but it is 3 feet from the private road easement where the T is. The reason they put the T in was for the Fire Department and the Fire Marshall confirmed his approval of the proposal.

Chairman Durham asked if the Fire Department is allowed to take the apparatus off road.

Vice-chairman Cook replied that it is determined on a case by case basis.

Mr. Richardson stated that if it is an issue, he can put in a concrete drive.
Residential Zoned Areas
EMC Ground Signs

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MOTION OPTIONS

TO: Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Specialist

DATE: February 24, 2022


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. Also, if more information is needed, a motion to postpone would be in order.

The variance language listed was 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 motion is to approve, conditions can be added to the motion if appropriate. If the variances are modified, use the modified numbers in the motion. **

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-2022-07, Phillips Sign & Lighting Inc, for Oxford Bank Ground Sign, 1115 S. Lapeer Rd., 09-14-226-004**, I move that the petitioner’s request for:

2 variances from Sign Ordinance #153

Section 7 – Non-Residential Zoned Areas; Ground Signs Zoned OP

1. A 14.53-sq. ft. size variance from the allowed 40-sq. ft for a ground sign to be 54.53-sq. ft.

2. A 35.56% variance from the allowed 30% for the EMC section to be 65.56% of the total sign area.

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:

Please be specific how the petitioner meets this criteria

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, impar the public health, safety, comfort, morals, or welfare of the inhabitants of the Township due to:

_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________

55
SAMPLE MOTION FOR
DENIAL OF A NON-USE VARIANCE

In the matter of ZBA case # AB-2022-07, Phillips Sign & Lighting Inc. for Oxford Bank Ground Sign, 1115 S. Lapeer Rd., 09-14-226-004, I move that the petitioner’s request for:

2 variances from Sign Ordinance #153
Section 7 – Non-Residential Zoned Areas; Ground Signs Zoned OP

1. A 14.53-sq. ft. size variance from the allowed 40-sq. ft for a ground sign to be 54.53-sq. ft.

2. A 35.56% variance from the allowed 30% for the EMC section to be 65.56% of the total sign area.

Please be specific how the petitioner does not meet this criteria be **denied** because the petitioner did not demonstrate that the following standards for variances have been met in this case:

1. The petitioner did not demonstrate Practical Difficulty because:

   __________________________________________
   __________________________________________
   __________________________________________

2. The petitioner did not establish unique or exceptional circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zoning because:

   __________________________________________
   __________________________________________
   __________________________________________

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: Phillips Sign & Lighting Inc.
Address: 40920 Executive Drive City/State/Zip: Harrison Township, MI 48045
Phone: 586-468-7110 Cell: Fax: 586-468-7441
Email: stephanie@philipsegn.com

PROPERTY OWNER(S)
Name(s): Oxford Bank - Representative Rich Miller
Address: 1115 S Lapeer Road City/State/Zip: Lake Orion MI 48360
Phone: 248-572-2012 Cell: Fax: n/a
Email: rmiller@oxfordbank.com

CONTACT PERSON FOR THIS REQUEST
Name: Stephanie Phone: 586 468 7110 Email: stephanie@philipsegn.com

SUBJECT PROPERTY
Address: 1115 S Lapeer Road Sidwell Number(s): 09-14-226-004
Total Acreage: n/a
Length of Ownership by Current Property Owner: 49 Years, 0 Months
Does the owner have control over any properties adjoining this site? n/a
Ordinance Allowance/Req's: allowed 40 sq ft with 30% of sign being an EMC
Deviation requested: 14.5 sq ft increase to a 54.5 sq ft sign with a 32 sq ft EMC
List additional ordinance requirements and deviations on a separate page

Page 1 of 3
Case #: __________________

COMMERCIAL VARIANCE

1. Describe the nature of the request. The sign ordinance allows a 40 square foot sign. We are asking for a 54.5 square foot sign, requiring a 14.5 square foot variance on overall size. Ordinance allows 30% of the 54.4 to be electronic, or 16.35 square feet. The EMC you see in front of you is 32 sq ft, requiring a 15.65 square foot variance.

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. Building setback, size of lot and extreme width of Lapeer Road with a treed island separating North and South bound traffic presents challenges we need to overcome.

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: If granted, our appeal will in no way be a health or safety issue. We feel this will provide a SAFER flow of all traffic, as the sign will be more legible from a reasonable distance.

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

   Nearby properties are in the same situation. If signs were to be replaced, many would be in the same predicament we are due to the large lots and width of Lapeer Road.

5. Describe how the alleged practical difficulty has not been self-created. This has not been self created. Since Oxford Bank was established in 1972, Lapeer Road has been widened therefore making it more challenging for traffic to see our business sign.

6. The topography of said land makes the setbacks impossible to meet because: n/a

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. We feel that in an effort to help and maintain safety, our sign would benefit citizens if it were larger, therefore making it more legible to read, minimizing traffic.
Case #: ______________________________

8. Have there been any previous appeals involving this property? If so, when? Dec 2021 - setback

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: ___________________________ Date: 2-7-22

Print Name: EDPHILLIPS

Property Owner:

If applicable:

I, the property owner, hereby give permission to ___________________________ to represent me at the meeting.

Signature of Property Owner: ___________________________ Date: 2-7-22

Print Name: RICHARD J MILLER SVP/VP

OFFICE USE ONLY

Zoning Classification of property: ___________________________ Adjacent Zoning: N. ___ S. ___ E. ___ W. ___

Total Square Footage of Principal Structure: ___________________________ Total ___________________________

Description of variance(s):

__________________________________________________________________________________________

__________________________________________________________________________________________

__________________________________________________________________________________________

__________________________________________________________________________________________

Date Filed: ___________________________ Fee Paid: _______ Receipt Number: ___________________________
### Non-Residential Zoned Areas

#### Ground Signs

These requirements shall govern sign use, area, type, height, numbers, and setbacks, in addition to requirements elsewhere in this Ordinance.

Ground signs shall be subject to all the standards of either Alternate A or Alternate B.

<table>
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<th>OP</th>
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<td>1 per zoning lot, 1 multi-tenant sign or 1 shopping center sign</td>
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<td>1 per zoning lot or 1 multi-tenant sign</td>
<td>1 per zoning lot or 1 multi-tenant sign</td>
<td>1 per zoning lot or 1 multi-tenant sign</td>
<td>1 per zoning lot</td>
<td>1 per zoning lot, 1 multi-tenant sign or 1 shopping center sign</td>
<td>1 per zoning lot</td>
<td>1 per zoning lot</td>
</tr>
<tr>
<td>Sign area Alternate A</td>
<td>Overall height up to 6 ft.</td>
<td>40 sq. ft. per side; maximum 80 sq. ft.</td>
<td>50 sq. ft. per side; maximum 100 sq. ft.</td>
<td>40 sq. ft. per side; maximum 80 sq. ft.</td>
<td>40 sq. ft. per side; maximum 80 sq. ft.</td>
<td>50 sq. ft. per side; maximum 100 sq. ft.</td>
<td>50 sq. ft. per side; maximum 100 sq. ft.</td>
<td>40 sq. ft. per side; maximum 80 sq. ft.</td>
<td>50 sq. ft. per side; maximum 100 sq. ft.</td>
<td>N/A</td>
</tr>
<tr>
<td>Sign area Alternate B</td>
<td>Overall height over 6 ft. up to 8 ft.</td>
<td>32 sq. ft. per side; maximum 64 sq. ft.</td>
<td>40 sq. ft. per side; maximum 80 sq. ft.</td>
<td>30 sq. ft. per side; maximum 60 sq. ft.</td>
<td>30 sq. ft. per side; maximum 60 sq. ft.</td>
<td>35 sq. ft. per side; maximum 70 sq. ft.</td>
<td>20 sq. ft. per side; maximum 60 sq. ft.</td>
<td>40 sq. ft. per side; maximum 80 sq. ft.</td>
<td>35 sq. ft. per side; maximum 70 sq. ft.</td>
<td>25 sq. ft. per side; maximum 50 sq. ft.</td>
</tr>
<tr>
<td>Setback - shall be measured at existing ROW or as req'd by RCOA</td>
<td>20 ft. from ROW</td>
<td>30 ft. from ROW</td>
<td>20 ft. from ROW</td>
<td>20 ft. from ROW</td>
<td>20 ft. from ROW</td>
<td>20 ft. from ROW</td>
<td>20 ft. from ROW</td>
<td>30 ft. from ROW</td>
<td>30 ft. from ROW</td>
<td>20 ft. from ROW</td>
</tr>
<tr>
<td>Footnotes</td>
<td>3, 5</td>
<td>3, 5, 6</td>
<td>3, 5</td>
<td>3, 5</td>
<td>3, 5</td>
<td>3, 5, 7</td>
<td>3</td>
<td>3, 5, 6</td>
<td>3</td>
<td>3, 5</td>
</tr>
</tbody>
</table>

3. The sign area may be increased by one (1) square foot per side for each two (2) feet by which the sign is set back beyond the minimum required setback, provided that the resulting sign area is not more than three (3) times the sign area permitted in the district and is not greater than one hundred and fifty (150) square feet.

5. Additional ground signs may be permitted for each zoning lot if the following conditions apply:
   a. Two (2) ground signs may be permitted on a corner lot that has at least two hundred (200) feet of frontage on each of two (2) thoroughfares or collector streets, provided that only one (1) sign is oriented toward each thoroughfare or street.
   b. Two (2) ground signs may be permitted where the zoning lot, not a corner lot, has frontage on two (2) thoroughfares or collector streets and has vehicular access via both such thoroughfares or streets, provided that only one (1) sign is oriented toward each thoroughfare or street.
   c. Two (2) ground signs may be permitted on a zoning lot that has over six hundred and fifty (650) feet of frontage on a thoroughfare or collector street.
   d. On a zoning lot with over three hundred (300) and less than six hundred and fifty (650) feet of frontage on a thoroughfare or collector street, a second ground sign equal in area to not more than seventy-five percent (75%) of the ground sign area allowed shall be permitted.

6. The following additional ground signs may be permitted:
   a. Drive-in or drive-through restaurants may be permitted two ground signs in addition to the ground signs permitted, provided that the signs are located within twenty (20) feet from the first drive-through window.
   b. Gasoline service stations may be permitted one (1) additional ground sign indicating only the price of fuel. Such sign shall not exceed twenty-four (24) square feet per side; maximum forty-eight (48) square feet.
Ordinance No. 153  Sign Ordinance

EMC Ground Signs
Non-Residential Zoned Areas

To protect the health, safety, peace, and enjoyment of Township residents, EMC ground signs shall comply with all of the requirements and regulations of a non-EMC ground sign in addition to any other requirements set forth in this Ordinance. Further an EMC ground sign shall also comply with the regulations governing sign use, are, type, height, numbers, and setbacks.

An EMC must be integrated into a ground sign as allowed within the zoning district.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>RB, GB, OP, LI, IP, IC, RFY, SP-1, SP-2, REC-1, REC-2, BIZ – Use Groups A (Non-Residential), B, C, &amp; D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Signs</td>
<td>Only 1 unless located on a corner lot, see footnote 5a &amp; 5b only.</td>
</tr>
<tr>
<td>Height</td>
<td>The maximum height of an electronic message center shall conform to the height regulations for signs allowed in each zoning district.</td>
</tr>
<tr>
<td>Sign Area</td>
<td>The maximum area of an electronic message center shall not exceed more than 30% of the total sign area.</td>
</tr>
<tr>
<td>Color</td>
<td>Multiple colors on a black background</td>
</tr>
<tr>
<td>Movement</td>
<td>Flashing, animated or moving signs are prohibited. The content of a digital display must transition by changing instantly, with no transitional graphics. Messages may change at intervals of 10 seconds or greater.</td>
</tr>
<tr>
<td>Restrictions</td>
<td>See Section 15 - Construction Requirements</td>
</tr>
<tr>
<td>Brightness</td>
<td>Monochrome EMC signs shall have a pixel pitch of 35 mm or less resolution and multi-color EMC signs shall be a pixel pitch of 25mm or less.</td>
</tr>
<tr>
<td>Resolution</td>
<td>Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory-programmed not to exceed the above listed light levels, and that the intensity level is protected from end-user manipulation by password protected software or other method satisfactory to the Township. The sign shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.</td>
</tr>
</tbody>
</table>

5 Additional ground signs may be permitted for each zoning lot if the following conditions apply:

a. Two (2) ground signs may be permitted on a corner lot that has at least two hundred (200) feet of frontage on each of two (2) thoroughfares or collector streets, provided that only one (1) sign is oriented toward each thoroughfare or street.

b. Two (2) ground signs may be permitted where the zoning lot, not a corner lot, has frontage on two (2) thoroughfares or collector streets and has vehicular access via both such thoroughfares or streets, provided that only one (1) sign is oriented toward each thoroughfare or street.
Charter Township of Orion
Planning Division
2323 Joslyn Rd., Lake Orion MI 48360
P: (248) 391-0304 ext. 5001; Fax (248) 391-1454

MEMORANDUM

TO: ZBA Members

FROM: Lynn Harrison, Planning & Zoning Specialist

DATE: March 11, 2022

SUBJECT: AB-2022-10, Zoning Board of Appeals By-Laws

Several months ago the Planning & Zoning Department was tasked with looking at the Zoning Board of Appeals By-Laws. The Planning & Zoning Department along with the Township Attorney drafted the following amendments that are outlined in blue, green, and red. I have also provided a clear copy of the draft as that might be easier for you to look at.

At this meeting, per the Zoning Board of Appeals By-Laws Article VIII – Section B, the proposed changes need to be read as follows (you just need to read the list below, not the actual draft verbiage):

Article III
Section C (1)

Article V
Section A
New Section D
New Section E
New Section F
New Section G
New Section H
New Section I
New Section J

Article VI
New Explanation
New Section A
New Section B

Article VII
Section A
Section C; new sub-sections 1 thru 10
Section D
Section E
Section G
Section H

Article VIII
Section A
Section B
A motion is then needed to bring the amended By-Laws back to the next available ZBA meeting for possible adoption and recommendation to the Township Board for approval.

Please send me any concerns, comments or questions by Friday, March 25th, so they can be addressed by the next available meeting which would be April 11th.

---

**A Suggested Motion Would Be:**

I move that the ZBA review the proposed changes and contact the Planning & Zoning staff with any questions or proposed changes, and to bring this case back for possible approval at a later ZBA Meeting.
By-Laws of the Zoning Board of Appeals
Charter Township of Orion, Oakland County, Michigan
ADOPTED _____, 2022

Article I - Name
The name of this Board shall be the Charter Township of Orion Zoning Board of Appeals (hereinafter ZBA).

Article II - Purpose
The general purpose of the ZBA shall be to build and promote the efficient and coordinated development of the Township through interpretation of zoning regulations, granting variances and substantial justice to petitioners in a manner which will best promote the health, safety, and general welfare of its people.

Article III - Creation and Duties
Section A. The ZBA was created pursuant to the Township Zoning Ordinance as adopted by the Charter Township of Orion Board of Trustees on July 5, 1984, as authorized by Act 184, Michigan Public Acts of 1943, as amended.

Section B. The ZBA shall consist of five (5) members represented by, insofar as it is possible, different professions and occupations who shall be appointed in the following manner:
2. One member of the Township Board appointed by the Township Board for the period of his/her term of office as a member of the Township Board. That member shall not serve as Chairperson of the ZBA.
3. Three (3) additional members selected and appointed by the Township Board for a period of three (3) years from among the electors residing in the unincorporated area of the Township. An additional member shall not be an employee of the Township Board.

Section C. The Township Board may appoint two (2) alternate members of the ZBA for a three (3) year term. An alternate member shall sit as a regular member of the ZBA when:
1. A regular member is absent from or unable to attend or more consecutive meetings of the ZBA, or
2. A regular member is unable to participate in reaching a decision on a particular case because of a conflict of interest.

Article IV - Officers
Section A. The ZBA shall have a Chairperson, Vice Chairperson, and Secretary.

Section B. The Chairperson shall preside at all meetings, appoint such committees as shall from time to time be deemed necessary with the ZBA’s approval, and perform such duties as may be delegated by the ZBA. He/she shall have a vote on all resolutions and motions of the ZBA.
Article IV - Officers (continued)

Section C. The Vice Chairperson shall preside in the absence of the Chairperson.

Section D. The Secretary shall keep a record of the minutes of all meetings, a record of all transcripts, records, plans, etc., brought before the ZBA. Such duties may be performed by an employed recording secretary for the ZBA.

Section E. The ZBA may create and fill such offices or committees as it may deem necessary.

Article V - Meetings

Section A. All meetings shall be conducted in accordance with the Open Meetings Act. No informal meetings or discussions shall be conducted. The regular meetings of the ZBA shall be held on the second (2nd) and fourth (4th) Mondays of each month at 7:00 p.m. provided there are. If there are less than at least three-three (3) cases on the agenda for such meeting, the Chair shall have the option, but not the obligation, to cancel the meeting. The ZBA shall not begin discussion or take action on a new agenda item after 10:30 p.m., except by a majority vote of the Zoning Board of Appeals present. Meetings shall not extend beyond 11:00 p.m., except to complete whatever item of the agenda is under discussion at that time. However, the ZBA, by unanimous vote, may extend the meeting further to complete other agenda items. Agenda items not acted upon at the time of adjournment shall be placed on the next available agenda at the regular meeting of the ZBA as a date certain. Each regular meeting shall be limited to no more than five (5) cases unless otherwise approved by the Chairperson of the ZBA.

Section B. Special meetings may be called by the Chairperson or by two (2) or more members of the ZBA at such time and place as deemed necessary with a forty-eight (48) hour prior notification. Such notice shall include the purpose of the special meeting. Special meetings shall be posted at the Township Hall at least eighteen (18) hours prior to the beginning of said meeting.

Section C. As provided by statute, all meetings, regular or special, shall be open to the public. All matters on the agenda shall be considered as scheduled for a public hearing, and any member of the public shall be given an opportunity to be heard on relevant matters concerning the subject of the hearing. The opportunity to present drawings, data, and any other information deemed necessary by the ZBA shall be afforded to anyone seeking to speak on a given agenda item.

Section D. For public hearings, the Township shall publish notice of the hearing in a newspaper of general circulation in the local unit of government not less than fifteen (15) days before the date of the hearing.
Article V – Meetings (continued)

Section DE. Notice shall also be given as provided under the Zoning Enabling Act to the owner(s) of property subject of the request and all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. Notice as set forth herein is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. Notice as set forth herein shall be given not less than fifteen (15) days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice. The notice of the meeting/hearing shall be sent to all owning property owners and property occupants of the property that is on the agenda and subject to action by the ZBA. In addition, notice shall also be sent to property owners and/or occupants within two (2) parcels or lots in both directions along the fronting street or easement.

Section EE. The time allotted for the public to be heard on any separate item of the scheduled agenda or on non-agenda items shall be limited to a time of three (3) minutes, unless this time is extended or reduced by the Chair. No member of the public shall speak twice on any single subject matter unless authorized by the Chair. Should any person be unable to appear, they may submit their comments to the Commission in writing, addressed to the ZBA Chairman, at the Township Offices. Any petitioner or member of the public seeking to speak at a ZBA meeting whether or not it is on agenda items shall be limited to five (5) minutes unless that time limit is extended by the Chairperson. No member of the public shall speak twice on any subject matter unless authorized by the Chairperson.

Section FG. Public comments on non-agenda items shall be taken only at the time cited under Article VII, Section C of these By-Laws.
Article V - Meetings (continued)

Section GL. The ZBA shall keep a public record of its resolutions, transactions, findings, and determinations in a location within the Township Hall which shall be maintained by the Township Planning and Zoning Director or as otherwise designated by the Township Clerk.

Section HI. Notice of the regular meetings for the coming year shall be approved by the ZBA at one of the regular December meetings. Such notice shall then be posted in the Township Hall, 2525-2323 Joslyn Roads, Lake Orion, Michigan and/or on the Township’s website. In the event a regular meeting falls on a holiday, such meeting shall be scheduled for the next business day.

Section HJ. The Township Board may remove a member of the Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member absent from three (3) consecutive meetings without a valid excuse shall be reported to the Township Board for nonfeasance, at the discretion of the Commission.

A member shall disclose any possible conflict of interest before casting a vote on a matter. Failure to disclose a conflict of interest shall constitute malfeasance in office. Once a member discloses a potential conflict of interest regarding a particular matter, he or she may be disqualified from voting on the matter upon a majority vote of the remaining members of the Commission.

A conflict of interest exists if any member has a personal or financial interest in the matter or has an interest such that the member cannot be unbiased in the decision-making process. A Planning Commissioner/Board member shall declare a conflict of interest when:

1. A relative or other family member is involved in any request for which the ZBA is asked to make a decision;

2. The ZBA member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant’s company, agency, or association assessed within 300 feet of the property that is the subject of the request;

3. There is a reasonable appearance of a conflict of interest, as determined by the ZBA member declaring such conflict.

Any ZBA member absent from three (3)-consecutive regular meetings without a valid excuse shall be reported to the Township Board for possible replacement at the discretion of that Board.
Article VI - Election of Officers

Election of Officers of the Commission shall be held annually at the first regular meeting following the appointment or re-appointment of ZBA members by the Township Board.

A. The term of office shall be one (1) year commencing immediately upon election and expiring concurrently with the appointment or re-appointment of ZBA members by the Township Board of the subsequent year. The immediate past Chair shall continue to preside at the meeting until the election of the new Chairperson is complete.

B. Should an Officer be unable to complete his term of office, a special election shall be held to fill the remainder of the term. The election shall be held at the first regular meeting after the vacancy has been confirmed by action from the Orion Township Board of Trustees.

Section A.— Election of officers shall be held at the first meeting in January of each year.

Section B.— The term of office shall be one (1) year beginning immediately upon election. A member of the ZBA may be elected to the same office for no more than two (2) successive terms unless the ZBA shall so direct by vote of a majority of the members.

Article VII — Rules

Section A. A quorum consists of three (3) or more members. Provided a quorum of three (3) or more members is present, a majority vote of those members present shall be necessary to approve any motion, resolution or recommendation, except for as otherwise required under State law or any Township Ordinance. A quorum shall consist of three (3) members; and an affirmative vote by not less than three (3) members shall be necessary to pass any motion.

Section B. Expenditures, if any, shall be approved by a majority of the Board.

Section C. Conduct of a regular meeting shall consist of the following order of business:

1) Open Meeting
2) Roll Call
3) Minutes
4) Agenda Review and Approval
5) ZBA Business
6) Public Comments
7) Communications
8) Committee Reports
9) Member Comments
10) Adjournment

1. Open
2. Roll Call
3. Minutes
4. Agenda Review and Approval
5. Brief Public Comment — Non-Agenda Items Only
6. New Business
7. unfinished Business
8. Public Comments
9. Communications/Committee Reports
10. Public Hearings
11. Chairman’s Comments
12. Commissioners’ Comments
13. Adjournment

Article VII — Rules (continued)

Section D. During a business meeting, the following rules of procedure shall apply to consideration of any item on the ZBA agenda:
1) The Chairperson will introduce the subject.
2) The applicant will present his/her case.
3) Public comments, if any.
4) Board member questions and comments, if any.
5) Applicant response.
6) Motion made and seconded by ZBA members.

Article VII — Rules (continued)

7) Chairperson restates the motion and allows for discussion by ZBA members.
8) Chairperson may allow added comments by the applicant and/or public.
9) After allowing for comment, the Chair asks, “Are you ready for the question?”
128) The motion may be revised or amended at this point, following discussion by the ZBA.

129) Any ZBA member may stop the debate by “calling the question” or “moving the previous question.” Once this is done, debate stops, and the Chairperson asks for the roll to be called. A two-thirds (2/3’s) affirmative vote or three (3) votes is required to close debate.

129) Once the ZBA members indicated they are ready for the question, whether by positive response to the Chairperson or voting to close debate, the Chairperson asks for the roll to be called.

130) The Secretary will then poll each ZBA member for their vote on the item under consideration.

Section E. All inquiries, applications, or matters requiring official action by the ZBA shall be submitted by noon nine 9:00 am at least thirty (30) thirteen (13) days prior to the next scheduled ZBA meeting. Such submittals shall be made to the employed secretary of the ZBA.

Section F. All proceedings, decisions, and resolutions of the ZBA shall be initiated by motion, and the vote upon motions and resolutions shall be recorded.

Section G. In the event that the applicant is not present or that sufficient data needed for the ZBA to take action has not been furnished, the ZBA shall postpone the matter to a date certain until the applicant can be present, or the required information has been submitted. Such time shall not exceed ninety (90) days from the original appearance of the business matter on the agenda. The matter shall be added to the agenda for the next regularly scheduled meeting following the expiration of the time limit. The Planning Commission ZBA may deny approval of the matter based upon lack of progress or for any other reason. Such time period shall not exceed sixty (60) days from the date the matter was first scheduled on a ZBA agenda. At the end of this time period, if applicant has not appeared or the information has not been supplied, the matter shall be removed from the backlog agenda. The employed secretary shall notify the applicant of the pending removal if she has not heard from him after thirty (30) days.
Article VII – Rules (continued)

Section II.
Meeting procedures and conduct shall be generally consistent with Robert's Rules of Order, unless superseded by The Open Meetings Act (MCL 15.261, et seq.) or these ZBA By-Laws.

Robert's Rules of Order, newly revised, shall govern all ZBA meetings except as noted herein.

Article VIII - Adoption and Amendment

Section A. These By-Laws shall take effect upon adoption by the ZBA and approval by the Township Board of Trustees.

Section B. These By-Laws may be amended at any regular meeting by a majority vote of the members provided that proposed changes have been read at a preceding regular meeting. Amendments shall take effect upon adoption by the ZBA and final approval by the Township Board of Trustees.

Article VIII - Adoption and Amendment (continued)
Adopted this 28th day of April, 1980
Amended this 23rd day of December, 1985
Amended this 2nd day of March, 1987
Amended this 11th day of May, 1987
Amended this 12th day of January, 1998
Amended this 8th day of April, 2002
Amended this 25th day of November, 2002
Amended this ___ day of February, 2022
By-Laws of the Zoning Board of Appeals
Charter Township of Orion, Oakland County, Michigan
ADOPTED ________________, 2022

Article I – Name

The name of this Board shall be the Charter Township of Orion Zoning Board of Appeals (hereinafter ZBA).

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The general purpose of the ZBA shall be to build and promote the efficient and coordinated development of the Township through interpretation of zoning regulations, granting variances and substantial justice to petitioners in a manner which will best promote the health, safety, and general welfare of its people.

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2. One member of the Township Board appointed by the Township Board for the period of his/her term of office as a member of the Township Board. That member shall not serve as Chairperson of the ZBA.
3. Three (3) additional members selected and appointed by the Township Board for a period of three (3) years from among the electors residing in the unincorporated area of the Township. An additional member shall not be an employee of the Township Board.

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Section B. Special meetings may be called by the Chairperson or by two (2) or more members of the ZBA at such time and place as deemed necessary with a forty-eight (48) hour prior notification. Such notice shall include the purpose of the special meeting. Special meetings shall be posted at the Township Hall at least eighteen (18) hours prior to the beginning of said meeting.
Article V – Meetings (continued)

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A conflict of interest exists if any member has a personal or financial interest in the matter or has an interest such that the member cannot be unbiased in the decision-making process. A Board member shall declare a conflict of interest when:

1. A relative or other family member is involved in any request for which the ZBA is asked to make a decision;

2. The ZBA member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant’s company, agency, or association;

3. There is a reasonable appearance of a conflict of interest, as determined by the ZBA member declaring such conflict.
Article VI - Election of Officers

Election of Officers of the Commission shall be held annually at the first regular meeting following the appointment or re-appointment of ZBA members by the Township Board.

A. The term of office shall be one (1) year commencing immediately upon election and expiring concurrently with the appointment or re-appointment of ZBA members by the Township Board of the subsequent year. The immediate past Chair shall continue to preside at the meeting until the election of the new Chairperson is complete.

B. Should an Officer be unable to complete his term of office, a special election shall be held to fill the remainder of the term. The election shall be held at the first regular meeting after the vacancy has been confirmed by action from the Orion Township Board of Trustees.

Article VII – Rules

Section A. A quorum consists of three (3) or more members. Provided a quorum of three (3) or more members is present, a majority vote of those members present shall be necessary to approve any motion, resolution or recommendation, except for as otherwise required under State law or any Township Ordinance.

Section B. Expenditures, if any, shall be approved by a majority of the Board.

Section C. Conduct of a regular meeting shall consist of the following order of business:

1) Open Meeting
2) Roll Call
3) Minutes
4) Agenda Review and Approval
5) ZBA Business
6) Public Comments
7) Communications
8) Committee Reports
9) Member Comments
10) Adjournment
Article VII – Rules (continued)

Section D. During a meeting, the following rules of procedure shall apply to consideration of any item on the ZBA agenda:

1) The Chairperson will introduce the subject.
2) The applicant will present his/her case.
3) Public comments, if any.
4) Board member questions and comments, if any.
5) Applicant response.
6) Motion made and seconded by ZBA members.
7) Chairperson restates the motion and allows for discussion by ZBA members.
8) The motion may be revised or amended following discussion by the ZBA.
9) Once the ZBA members indicated they are ready for the question, whether by positive response to the Chairperson or voting to close debate, the Chairperson asks for the roll to be called.
10) The Secretary will then poll each ZBA member for their vote on the item under consideration.

Section E. All inquiries, applications, or matters requiring official action by the ZBA shall be submitted by 9:00am at least thirty (30) days prior to the next scheduled ZBA meeting. Such submittals shall be made to the employed secretary of the ZBA.

Section F. All proceedings, decisions, and resolutions of the ZBA shall be initiated by motion, and the vote upon motions and resolutions shall be recorded.

Section G. In the event that the applicant is not present, or that sufficient data needed for the ZBA to take action has not been furnished, the ZBA shall postpone the matter to a date certain until the applicant can be present, or the required information has been submitted. Such time shall not exceed ninety (90) days from the original appearance of the business matter on the agenda. The ZBA may deny approval of the matter based upon lack of progress or for any other reason.

Section H. Meeting procedures and conduct shall be generally consistent with Robert’s Rules of Order, unless superseded by The Open Meetings Act (MCL 15.261, et seq.) or these ZBA By-Laws.
Article VIII - Adoption and Amendment

Section A. These By-Laws shall take effect upon adoption by the ZBA and approval by the Township Board of Trustees.

Section B. These By-Laws may be amended at any regular meeting by a majority vote of the members provided that proposed changes have been read at a preceding regular meeting. Amendments shall take effect upon adoption by the ZBA and final approval by the Township Board of Trustees.

Adopted this 28th day of April, 1980
Amended this 23rd day of December, 1985
Amended this 2nd day of March, 1987
Amended this 11th day of May, 1987
Amended this 12th day of January, 1998
Amended this 8th day of April, 2002
Amended this 25th day of November, 2002
Amended this day of ________________ , 2022
TO: The Charter Township of Orion Zoning Board of Appeals

FROM: Lynn Harrison, Planning & Zoning Coordinator

DATE: March 1, 2022

RE: March 28, 2022 Zoning Board of Appeals Meeting

There are no agenda items scheduled for the March 28, 2022 Zoning Board of Appeals meeting. The Zoning Board may want to consider cancelling the meeting with a motion.