The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, March 13, 2023, at 7:00 pm at the Orion Township Municipality Complex Board Room, 2323 Joslyn Road, Lake Orion, Michigan 48360.

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

**ZBA MEMBERS ABSENT:**
None

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

**OTHERS PRESENT:**
Paul Deters

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

2. **ROLL CALL**

3. **MINUTES**
   A. 02-13-23, ZBA Regular Meeting Minutes

Board member Walker moved, seconded by Chairman Durham, to approve the 02-13-23 minutes as presented.

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

4. **AGENDA REVIEW AND APPROVAL**

Trustee Flood moved, seconded by Board member Dunaskiss, to approve the agenda as presented.

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

5. **ZBA BUSINESS**
   A. AB-2023-03, Metro Detroit Signs for Culver’s, 4979 Grand Ave., 09-32-400-099

Chairman Durham read the petitioners request as follows:

The petitioner is seeking 2 variances from Sign Ordinance 153 Zoned BIZ
Section 7, Permitted Non-Residential Ground & Wall Signs
1. A variance for 3 wall signs above the allowed 1 wall sign for a total of 4 wall signs totaling 134.06-sq. ft.
2. A variance for 1 ground sign above the allowed 1 ground sign for a total of 2 ground signs (a monument sign and a menu board).

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

Mr. Paul Deters, Metro Signs, introduced himself and summarized the variances requested for signage.

Chairman Durham commented that the other restaurant businesses that Mr. Deters referenced in his summary are in another jurisdiction.

Mr. Deters responded that he knew that. He and the owner, Mr. Zimmer, discussed this and though it is not a concern, it is a competitive item that Mr. Zimmer must address.

Trustee Flood stated that the practical difficulty is the topographical layout of the property as the petitioner stated in the packet, especially on the west side.

Mr. Deters also pointed out the large trees on the property. There is also an additional restaurant being developed which is closer to the road so Culver’s, the subject site, will be set back further.

Trustee Flood stated that the three additional wall signs do not exceed the allowable 200 square feet area. He can understand why they would want a sign on the other side because the hotel is going there.

Mr. Deters stated that it is a unique property and the approach from Menards has varying viewing angles and the property is somewhat boxed in. It is different than the other location on Lapeer Road.

Trustee Flood stated that the ground sign is being requested because they need an additional menu board. The placement of the monument sign would be in the parking lot if they met ordinance. The Township has had problems all along this area. As an elected official, he has no financial interest in this request. Mr. Zimmer has not contributed one penny to his campaign financing.

Board member Dunaskiss stated that she can understand the menu board request. Culvers does take more time to fill orders and they need the additional space to allow them to bring food out to the customers.

Vice-chairman Cook asked about the hotel that the petitioner referenced.

Mr. Deters replied that there is a proposed development behind the restaurant for three hotels. They will have line of site to the Culver’s restaurant so it will be a customer base. But, they will not enter there, they will enter east or west and identification on the restaurant would help.

Vice-chairman Cook asked about the comparison to the Checkers which is in the same jurisdiction.

Mr. Deters replied that Checkers does not have this type of signage. There are other locations within the Township that do. There are other McDonalds, Taco Bell and Wendy’s that have multiple wall signs in the Township. The Checkers is a lot more open and does not have the close proximities to other developments.
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Trustee Flood referred to a Texas Road House that will be built in the area and behind is three hotels. The two properties in front are considered out lots including this subject property. He stated that they are trying to package these properties together and eventually it will be all filled in.

Board member Walker asked if there has been any studies on the sight lines that would exist if given the variances.

Mr. Goodloe replied that they would need to have corner clearance and the variances requested would not encroach into the corner clearance.

Board member Walker asked if there was any room to maneuver on this requested locations and is there a possibility to reduce the requests by some degree.

Mr. Deters replied that it is a possibility. The elevation drawings demonstrate that the signs are still under what would be allowed overall. The three additional wall signs are less than 4 feet by 8 feet so they are fairly small and are an appropriate size. The concern with downsizing is not being able to see them from Brown Road, especially someone trying to see signage from the hotels.

Vice-chairman Cook asked if this is a sign that they will be prepared to put other businesses on.

Mr. Deters replied no. This would be a Culvers sign only. The sign that they are proposing is 8 feet overall and he described it. There is a one-line message center to advertise specials for the day.

Chairman Durham stated that the problem with corporate sign packages is every property is different. The petitioner has said that he feels this is the best for the business.

Mr. Deters commented on the signs that are designed for this site and why they would work for this site. They tried to present something that is in line with the flavor of other signs approved in the Township.

No public comment was heard.

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

1. The petitioner does show the following practical difficulty: one of the major things is the characteristics of the property in that location.

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: because of the way the site plan was approved, the one monument sign would be in the parking lot if the variance is not received. Also, according to the Building Official, it will not have an impact on the line of sight to either ingress or egress to the property on Brown Road.

3. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by others in the same zone or vicinity based on the following facts: the petitioner did compare this site to other signs that are not in Orion Township, but the same issue has existed along Brown Road with other businesses that have been developed.
4. The granting of the variance or modification will not be materially detrimental to public welfare or materially injurious to the property or to the improvements in such zone or district in which the property is located based on the fact that the reason the petitioner is asking for three wall signs is he wants to be able put them on each compass of the building so that they will be seen from all directions of Brown Road and especially when the three developments for hotels are built in the back, they can see them from that location.

5. Granting the variances would not impair an adequate supply of light or air to adjacent properties, it would not unusually increase congestion on public streets in fact the signage will help decrease [congestion] related to the public trying to find the location. There is also not going to be an increase of fire, or endanger public safety, and there is a letter in the ZBA packet from the Fire Marshall saying that he has no concerns with these variances. The granted variances will not reasonably diminish or impair established property values within the surrounding area, in fact the building of these new establishments will increase property values. Or in any other aspect, impair public health, safety, comfort, morals, or welfare of the inhabitants of the Township.

The application and plans are date stamped February 9, 2023.

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

6. PUBLIC COMMENTS

7. COMMUNICATIONS
Chairman Durham asked if the next meeting was cancelled, March 27, 2023.

Trustee Flood moved, seconded by Vice-chairman Cook to cancel the March 27, 2023 Zoning Board of Appeals meeting due to a lack of agenda items.

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

A. Joint Meeting
Chairman Durham asked that Board members forward ideas for agenda items to Lynn at the Township.

8. COMMITTEE REPORTS

9. MEMBER COMMENTS
Trustee Flood commented on the updated computer training offered.

10. ADJOURNMENT

Moved by Trustee Flood, seconded by Chairman Durham, to adjourn the meeting at 7:34 pm.

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

Respectfully submitted,

Erin A. Mattice
Recording Secretary