The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, March 14, 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:**
- Bryan Duquet
- Dave Dubay
- Richard Miller
- Ed Phillips
- Lawrence Sak

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

**ROLL CALL**

**MINUTES**

A. **02-28-2022, ZBA Regular Meeting Amended Minutes**

Moved by Trustee Flood, seconded by Board member Dunaskiss, to approve the minutes as corrected, correcting the vote for the motion as: Dunaskiss: yes, Cook: no, Flood: no, Walker: yes and Durham: yes, with a vote count of 3:2.

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

Board member Walker stated that after the last meeting, he was contacted by the Township offices and told that the motion that he made during the meeting was not recorded. He was asked by the Township office to recreate the motion and the motion that appeared in the minutes was that motion.

Board member Walker moved, seconded by Chairperson Durham, to approve the substitution motion that was included in the minutes for the February 28, 2022 meeting.

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

**AGENDA REVIEW AND APPROVAL**

Trustee Flood moved, seconded by Chairperson Durham, to approve the agenda as presented.
Roll call vote was as follows: Durham, yes; Cook, yes; Flood, yes; Dunaskiss, yes; Walker, yes. Motion passes 5-0.

5. **ZBA BUSINESS**

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

Chairman Durham read the petitioner’s request as follows:

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.

Mr. Brian Duquet, Signarama, Clinton Township, introduced himself to the Board members.

Chairman Durham asked if there was a sign variance presented for this property at a prior meeting.

Mr. Duquet replied he is not aware of this but looking at where the sign exists now, it is probably a setback variance because the sign is sandwiched between the manhole covers and power pole. The support for the power pole is leaning against the sign.

Chairman Durham asked about the existing sign.

Mr. Duquet confirmed that there were blank spaces where the tenants had moved out. They have been working on this for six months trying to come up with a solution. You cannot read the existing sign until you are right up on it. It is a challenge to find a spot to put a sign on this property.

Trustee Flood stated that the practical difficulty appears to be the utilities in the area. He confirmed the location of the proposed sign.

Mr. Duquet described the items on the site that are interfering with the sign’s placement.

Vice-chairman Cook asked how the sign placement and pedestrian safety are related.

Mr. Duquet stated that the existing sign is in close proximity to the driveway so it makes it difficult to see it. The proposed sign is roughly 23 feet south where there is currently a dead tree which will be removed. By moving it south, you will have better visibility. The second reason is, by making it slightly larger, you can actually read the panels so you do not have people slamming on the brakes because they will be able to identify the site. The building faces south, except for the back part so it has no visibility. Since they have cleaned up the trees, it has much better visibility. The idea is to try and give a sign that is relative to other signs near it, and something that you can actually see and read which makes it better for traffic flow.

Vice-chairman Cook asked if the proposed location was indicated by the green stakes that are present on the property.

Mr. Duquet replied that he is not familiar with any green stakes.
Vice-chairman Cook stated that on the south side of the driveway, there are green stakes there. He stated that they want to go closer to the safety path but yet this is going to make it safer for pedestrians.

Mr. Duquet stated that they are not going any closer to the safety path. They are moving down the property line a little bit so it is away from the driveway, manhole covers and power lines. The curb is at the property line as you go north so it can't be located that way. The only place you can go is south and when they worked with the Township on setbacks, that is how they came to the proposed location.

Board member Dunaskiss asked how far south it is from the driveway.

Mr. Duquet replied 23 feet from the existing sign and the existing sign is roughly five to seven feet from the curb.

Mr. Pete Duquet introduced himself. In reference to safety, someone could be walking by the existing sign now and it would be hard for someone pulling out of the complex to see them and moving it southbound would make them easier to see.

Vice-chairman Cook replied that he is not following because when you look at the distance of the existing sign and the safety path; there is a good ten feet there.

Petitioner indicated that they are not proposing moving the sign any closer to the sidewalk.

Mario Izzy, MJC Companies, introduced himself. He stated that as you are driving out of the shopping center and you look north, the closer the sign is to the approach, it makes it a more dangerous situation for pedestrians. By moving the sign to the south, it gives more relief for the driver/pedestrian relationship as you are approaching Lapeer Road and look north.

Chairman Durham asked if they push the sign south, won't the pine trees come into play.

Petitioner confirmed that these trees have been raised and cleaned up.

Mr. Izzy stated that they are trying to clean up the plaza and attract new tenants and he described the upgrades they were planning.

Trustee Flood asked if the posted speed was 55 miles per hour.

Mr. Duquet replied he thought it was 45 miles per hour there.

Board member Walker asked about the requested 32 square foot size variance.

Mr. Duquet stated that when you do a 32 square foot for a nine tenant space, the signage for each tenant is extremely small and you cannot read it. They want to increase it to give each tenant more square footage. They are asking for something legible.

Board member Walker stated that they should have staked where the sign was going to go so when the Board members visit the site, it is obvious where it is going.

Petitioner asked how their proposed sign compares to other signs in the area.

Board member Walker stated that the petitioner could have done a survey of the area. He commented on the area and how he has never experienced the difficulties the petitioner is describing.
Charter Township of Orion Zoning Board of Appeals Minutes
Regular Meeting – March 14, 2022

Mr. Izzy stated that they are trying to fill up that plaza with tenants and the sign and exposure for retail has changed a lot with COVID. The sign is a huge help for tenants.

Board member Walker stated that the sign only gets someone into the plaza the first time then it is up to the businesses.

Mr. Izzy stated that they are trying to capture drive-by traffic. He doesn’t think they are bigger than anyone else up and down Lapeer Road so it would not be out of character.

Chairman Durham asked if the petitioner owns the property and if so, how long.

Petitioner replied yes; they have owned it for four years.

Trustee Flood commented that they should put the address on the sign because it is helpful.

Mr. Duquet indicated that yes, they put the address on the skirt automatically.

Board member Walker asked if there was any other site differences.

Chairman Durham asked if it was any closer to the road than the existing.

Mr. Duquet answered no, it is the same distance. He approached the Board with a drawing showing sign location.

Board members discussed a former variance on the property and how the Planning Commission used to approve those sign variances.

Board member Dunaskiss moved, and Trustee Flood supported, in the matter of AB-2022-05, Galaxy Sign for MJC Ground Sign, 780 S. Lapeer Rd., 09-11-476-019 that the petitioner’s request for 3 variances from Sign Ordinance #153, Section 7 – Non-Residential Zoned Areas; Ground Signs Zoned RB including: 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. and 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 for 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 the follow standards for variances 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 is in the utility right of way and makes visibility difficult for the sign and possibly obscuring the view of pedestrians.

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 a potential hazard. This is a multi-tenant shopping plaza requiring large individual panels so that they can be easily read. The current size is inadequate for this.

3. The variance is also necessary for the preservation and enjoyment of a substantial property rights possessed by others in the same zone or vicinity based on the fact that it is necessary for the stores to have multiple signage to attract customers and in order for their stores to be viable.
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.

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

Petitioner will place the street address on the sign to aid in business location and will also remove all temporary signage on the property.

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

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

Chairman Durham read the petitioners request as follows:

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
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.

Mr. Lawrence Sak introduced himself to the Board and summarized the variance request. This was a sign that was approved by the Planning Commission in 2004. The applicant is proposing popping out the center of the existing sign and replacing it with an electronic message sign. They would only be replacing the insert but the insert would be larger than the 30% allowed by ordinance for an EMC sign. He was told that this change constitutes a new sign so they would have to have all of the variances approved.

Chairman Durham confirmed that the sign would stay where it is and they are only replacing the insert.

Mr. Sak reiterated that this constitutes a new sign so all variances are now required. He added that it is up on the hill from the road. He outlined where the insert would be if that 30% were used. He confirmed that the size of the sign that is there will not change. He commented on what information would be on the message center sign.

Trustee Flood asked if they had to go out and change each letter currently.

Mr. Sak answered yes.

Trustee Flood stated that they have to meet all of the ordinance requirements of Ordinance 153 and they have an additional approval on the pixel pitch.
Mr. Sak answered that the quotes that they have gotten are for a 6 or a 9 mm pitch and the ordinance says it must be less than 25.

Vice-Chairman Cook stated that he wishes they were taking it closer to the road because it is difficult to read with the height difference. He realizes that they are doing it for economic reasons. He suggested that they clear some of the trees.

Mr. Sak stated that with the flexibility of the EMC sign, they are hoping for better visibility than they have now. They have not talked about moving it.

Board member Dunaskiss concurred; the foliage has grown and has made clear vision difficult.

Mr. Sak explained what foliage belonged to the church and its history.

Trustee Flood commented that sometimes the landscaping is part of the site plan approval so removing it may be a problem.

Mr. Sak concurred.

Board member Walker confirmed that keeping the trees is important to him. Once the attendees know the church is there, it will be different with the electronic sign, but they will know where the church is located.

Trustee Flood moved, and Vice-Chairman Cook supported, in the matter of AB-2022-06, Lawrence Sak for Divine Lutheran Church Ground Sign, 3000 S. Lapeer Rd., 09-26-101-012 moved that the petitioner's request for 3 variances from Sign Ordinance #153, Section 7 – Residential Zoned Areas; Ground Signs Zoned R-2 including: 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. and 3. A 17.06% variance from the allowed 30% for the EMC section to be 47.06% of the total sign area and one variance from Zoning Ordinance #78; Section 6.04 Zoned R-2 for 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 the follow standards for variances have been met in this case and that they set forth facts that show:

1. The petitioner did show the following practical difficulty: back in 2004 the Planning Commission granted this sign and subsequently since that, the laws have been changed so that now this must come before the Zoning Board of Appeals and all of the setbacks for the proposed sign are as they were approved back in 2004 by the Planning Commission so there is no deviation from the original approval, including the height.

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 square footage of the sign will not be any larger than what exists currently which was approved back in 2004 by the Planning Commission.

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 facts stated above.

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 following findings, the sign sits on a hill currently and with the new EMC, electronic version, the petitioner will have a better view for the traffic that passes on M-24.
5. Granting this variance will not impair an adequate supply of light or air to the adjacent property, it would not unusually increase congestion on public streets. There is also not going to be an increase of fire, or endanger public safety, and is not going to reasonably diminish or impair established property values within the surrounding area, or in any other respect, impair public health, safety, comfort, morals, or welfare of the inhabitants of the Township.

A condition of this approval for the variances, the applicant provides to the Orion Planning and Zoning Specialists information provided that the pixel pitch meets sign ordinance 153 specifications once the petitioner makes a determination on which sign they will buy.

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


Chairman Durham read the petitioner’s request as follows:

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.

Mr. Ed Phillips, Phillips Sign & Lighting, introduced himself and also introduced Richard Miller, Senior Vice-President and Chief Financial Officer for Oxford Bank. Mr. Phillips outlined the variance request including the hardships that exist. He stated that they previously obtained a setback variance before the Board but now the petitioner has determined that they need an EMC. He provided a handout to the Board members and summarized the handed out information. He explained the proposed sign and also added that this will be the sign that will be the Oxford Bank brand. He stated that the identification is the logo that will be incorporated in the sign and explained why they want the EMC. He stated that the proposed sign would be a safe sign and would be legible from the road.

Trustee Flood stated that he likes the current sign and he likes the fact that they are putting the address on the sign. He confirmed that they are getting rid of the existing sign and added that this will be a huge improvement.

Board member Walker asked what changed from December to now because back in December, they received variances that were approved.

Mr. Phillips stated that when they looked at adding the EMC, it made more sense after they received the variances.

Vice-chairman Cook stated that the electronic signage came up at the discussion in December and it wasn’t on the table.

Trustee Flood confirmed that he asked about the electronic sign in December and at that time, the petitioner said that he would have to go back and discuss it.

Mr. Phillips concurred. They discussed it and decided that it should be part of the proposed signage.
Charter Township of Orion Zoning Board of Appeals Minutes
Regular Meeting – March 14, 2022

Vice-chairman Cook asked if the EMC was already at the branch location on Broadway when they appeared in December.

Mr. Phillips replied yes.

Vice-chairman Cook commented that they already had an EMC that was labeling their branches.

Trustee Flood confirmed that there was a note in the packet that said if there is a motion, it would have to be conditioned upon providing the pixel pitch document to the Zoning Department to confirm it was within the ordinance requirements.

Mr. Phillips added that the pitch on the proposed is 10 mm. He understands that they will have to provide that information.

Board member Walker asked why the electrical sign has to be so big.

Mr. Phillips replied that if they are going to put any type of message on an electronic sign, it has got to be at least an 8 inch letter to be seen by traffic.

Board member Walker asked why 65% of the sign needs to be electronic.

Mr. Phillips commented that this is mostly due to the existence of the logo.

Chairman Durham commented on the traffic patterns on M-24 and he wondered about the size necessity.

Mr. Phillips stated that they don’t always see the same messages because of the time that they are rotating and changing. He added that an American flag scrolling across the sign is 65% of the sign and most of the time it is copy.

Board member Walker stated that every case is individual but to allow a doubling of the allowance to simply have the logo seems excessive.

Mr. Phillips explained that they are only increasing what the sign is capable of doing and he commented on a previous case that was heard.

Chairperson Durham commented that all cases are independent and he explained.

Board member Dunaskiss confirmed that the proposed shows the logo on the left and asked why if they are trying to gain consistency.

Mr. Phillips replied that they will switch it if needed.

Chairman Durham asked if there was public comment.

No public comment was heard.

Trustee Flood stated that he likes the new sign compared to the old sign and if they wanted, they could attach the new EMC to the old pole sign.

Mr. Phillips stated that when the sign just shows the time, it will be 8 square feet and temperature would also be around the same. So, it will not be the maximum amount all of the time.

Chairman Durham asked if the petitioner has discussed the lumens of light that will be displayed with the Planning and Zoning Department.

Mr. Phillips replied yes. They are aware of the numbers and are fine with it.
Vice-chairman Cook stated that he does not have a level of comfort with the proposed and it is percentage coverage that is difficult. He asked the applicant if there was any give and take on the amounts of variances requested.

Chairman Durham explained the petitioner’s options.

Mr. Phillips asked what the Board would approve.

Vice-chairman Cook stated that he has an issue with the doubling up of the EMC.

Mr. Phillips added that if he was to go higher, then he would need less of an area increase. He asked if he asked for a 30 foot sign. He needs the EMC to be any kind of size in order to be legible across Lapeer Road.

Vice-chairman Cook stated that based upon what is before the Board, what he is proposing might be a reasonable solution.

Mr. Phillips suggested that instead of 6 feet high, it will be 8 feet high then they have a whole new square footage.

Chairman Durham confirmed that this would have to go back to Planning and Zoning and again explained the options to the petitioners.

Board member Walker stated that if they are planning on increasing the size of the sign in order to make the EMC more acceptable, they have to consider that at least one of the requests are going to be increased.

Building Official Goodloe concurred. If they increase the size of the variance request, it will have to be re-advertised.

Mr. Phillips commented on reducing the sign 4 square feet.

Board members discussed the reduction of the size of the EMC.

Board member Dunaskiss asked if the base is replaced with the blue base that they are showing.

Mr. Phillips answered yes; it is shorter than the one in Oxford.

Building Official Goodloe stated that if they reduce the size of the EMC by 4 square feet, they would be asking for 27% variance above the allowed.

Board member Dunaskiss stated that this is an improvement over the existing sign. She understands that if they have changeable messages, the font does have to be big enough for people to see it. She appreciates the willingness to compromise.

Chairman Durham concurred.

Vice-chairman Cook moved, and Trustee Flood supported, in the matter of case AB-2022-07, Phillips Sign & Lighting Inc. for Oxford Bank Ground Sign, 1115 S. Lapeer Rd., 09-14-226-004 moved that the petitioner’s request for 2 variances from Sign Ordinance #153, Section 7 – Non-Residential Zoned Areas; Ground Signs Zoned OP including a 1. A 14.53-sq. ft. size variance from the allowed 40-sq. ft. for a ground sign to be 54.53-sq. ft. and an adjusted request for 2. A 27% variance from the allowed 30% for the EMC section to be 57% of the total sign area 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: they had previously come before the Board to discuss getting a sign variance and realizing again with Lapeer Road being as busy as it is, an electronic message might be a better way to demonstrate the bank’s location and/or specials that they may have.

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 applicant is not near a stop light so that most of the traffic going north or south tends to pass the sign at 55 miles per hour.

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 they are attracting people to come to them.

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 based upon the following findings: the petitioner is willing to accomplish what they want as far as attracting people to the site but also taking into account the Board’s request and reducing the sign and still allow them to get what they want.

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

The petitioner agrees that the existing sign will be removed and also, the petitioner will provide the Planning and Zoning Specialist information showing that the pixel pitch meets Ordinance 153 specifications and also, that the address will appear on the sign.

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

D. AB-2022-10, Zoning Board of Appeals By-Laws

Discussion on draft copy of Zoning Board of Appeals By-Laws

Board members discussed the Zoning Board of Appeals By-Laws including all changes. Chairperson Durham provided a brief overview of the changes.

Board member Walker moved, supported by Trustee Flood, that the Zoning Board of Appeals review the proposed changes and contact the Planning and Zoning Staff with any questions or proposed changes and to bring this case back for possible approval at a later Zoning Board of Appeals meeting.

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

6. PUBLIC COMMENTS

Board members discussed the need to have an address on all signage.

7. COMMUNICATIONS
Trustee Flood moved, supported by Chairman Durham, to cancel the March 28, 2022 Zoning Board of Appeals meeting due to the lack of agenda items. Vote was as follows: Durham, yes; Cook, yes; Flood, yes; Dunaskiss, yes; Walker, yes. Motion passes 5-0.

8. COMMITTEE REPORTS

Trustee Flood commented on the Fence Committee activities.

9. MEMBER COMMENTS

10. ADJOURNMENT

Moved by Board member Dunaskiss, seconded by Chairman Durham, to adjourn the meeting at 8:27 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