

CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS
******* MINUTES *******
REGULAR MEETING – MONDAY SEPTEMBER 28, 2020 – 7:00 PM

The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, September 28, 2020, at 7:00 pm at the Orion Township Community Center, 1335 Joslyn Road, Lake Orion, Michigan 48360.

Please note this meeting was also available virtually via a “Go to Meeting” #914-793-997

ZBA MEMBERS PRESENT:

Dan Durham, Acting-Chairman
Don Walker, PC Rep to ZBA
Lucy Koscierzynski, Secretary
Tony Cook, Board Member
Mike Flood, BOT Rep to ZBA

ZBA MEMBER ABSENT:

None

CONSULTANT PRESENT:

David Goodloe, Building Official

OTHERS PRESENT:

Steve Schneider	Michael Chisholm
Cindy Mee	Stephen Kerr
Justin Brantley	Chris Wilson
Christine Menig	

1. OPEN MEETING

Acting Chairman Durham called the meeting to order at 7:06 pm.

2. ROLL CALL

As noted

3. MINUTES

A. 9-14-2020, ZBA Regular Meeting Minutes

Board Member Cook noted that the minutes needed to be amended to change the word “the” to “he” on the 3rd page of the 5th paragraph “Board Member Walker stated that ~~the~~ he didn’t know”

Moved by Trustee Flood, seconded by Board Member Cook, to **approve** the minutes as amended.

Motion Carried

4. AGENDA REVIEW AND APPROVAL

There were no changes to the agenda.

5. ZBA BUSINESS

A. AB-2020-23, Michael Chisholm, 4025 Waldon, 09-30-200-001

Acting Chairman Durham read the petitioner’s request as follows:

The petitioner is requesting 3 variances from Zoning Ordinance #78

Article XXVII, Section 27.02 – Lot size over 2.5 acres

- 1.) A 4,520-sq. ft. variance above the allowed 1,400-sq. ft. Maximum Floor Area of all Detached Accessory Building, to build a 5,920-sq. ft. pole barn.
- 2.) A 4,881-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor Area of all Accessory Buildings, to build a 5,920-sq. ft. pole barn in addition to an existing 861-sq. ft. attached garage.

Article XXVII, Section 27.02(A)(5)

- 3.) A 3-ft. variance above the 17-ft. mid-point measurement of the principal structure, to build a pole barn that measures 20-ft. at its mid-point.

The applicant Mr. Michael Chisholm, 4025 Waldon, presented.

Acting Chairman Durham asked the applicant what they were looking to do. Mr. Chisholm replied that they are looking to build a pole barn to house all of their stuff that is out in the yard. He said that he had a bunch of trailers, boats, snowmobiles, and RV's. He stated that they have chickens and was looking to put some livestock out in the back of it.

Acting Chairman Durham asked if it was a situation where he had too much stuff or not enough space? He noted that they are looking for a pretty large variance. Mr. Chisholm said he knew that they were counting the upstairs of the pole barn, and it was just going to be storage up top, but it was being included in the square footage on the second floor. It will still have a regular truss but it would just be light storage up there. Acting Chairman Durham asked Building Official Goodloe if this was something that he was familiar with? Building Official Goodloe replied that it was typical if they have a second story to be included in the square footage. Mr. Chisholm said that there is nothing that is going to be built up there. He added that all that was going to be up there was maybe boxes of Halloween and Christmas stuff.

Acting Chairman Durham asked the applicant if they intended to do any commercial work there? Mr. Chisholm replied no.

Acting Chairman Durham questioned if the pole barn will be placed to the left in the tree line? Mr. Chisholm replied yes. Acting Chairman Durham asked how many of those trees will they have to take down? Mr. Chisholm replied that where he had it sitting, he will have to take one pine tree down right now. Mr. Chisholm added to move it back to avoid getting the variance for the 150-ft. he would have to take out another oak tree and he didn't want to have to do that, and that is why he moved the pole barn forward.

Trustee Flood noted that the applicant had 5 acres. Mr. Chisholm said yes, a little over 5-acres.

Secretary Koscierzynski read the 9 letters from the residents. The letter of consent/non-consent from adjoining neighbors for construction of a new pole barn. Byron & Donna Miller, 3998 Waldon Rd., had no objection; Victor Rendon, 4005 Waldon, had no objection; Scott Hagen, 3851 Waldon Rd., had no objection; Edward Nummer, 3955 Waldon, had no objection; Danny Schram, 394 Waldon Rd., had no objection; R.W. Dillenbeck Jr., 4024 Waldon, had no objections; Laurence Frons, 4040 Waldon Rd., had no objection; Kathleen Kurilla, 4041 Waldon Rd., had no objection; Ann Whitlow, 4065 Waldon Rd., had no objection.

Acting Chairman Durham asked if there was anyone from the public that wanted to speak on this matter. Building Official Goodloe stated that there were two callers on the phone via GoToMeeting. Acting Chairman Durham said that caller number one looked like Chris Wilson and asked if they would like to speak. Mr. Chris Wilson stated that he was there for the second item.

Board Member Walker stated that normally when he sees a variance that is an excessive request because their property is over 5-acres, he looks at some sort of compromise. By the letter of the law, they are asking for a huge variance. He asked if that was the smallest variance that he would seek or would they be willing to work out some sort of compromise? Mr. Chisholm stated that they were going to put on the side of the pole barn a porch and that was counted as square-footage also, they could remove that. He added that it was an angled side that was 14x80 he could remove that.

Secretary Koscierzynski said that she knew that the Board gave a variance to someone on his street last summer. She said that the Practical Difficulty was a tough one because she knew that they had a lot of stuff, and to grant them that large of a variance was tough. She asked how many square-feet the porch was? Trustee Flood replied 1,120 sq.-ft. Mr. Chisholm said he could cut that out and that would count less toward the square-footage. Trustee Flood stated that would take it down to 4,800-sq. ft. on the pole barn.

Board Member Cook noted that he saw several of the items from the photos, the trailers, the black truck, several plows, and the boat trailer. He asked where the boat and the RV were stored currently. Mr. Chisholm said that the boat is next door at his neighbors, he let him use his garage, and the RV is up north. Board Member Cook asked if that was going to change? Mr. Chisholm replied yes, he brings the RV home in the wintertime and it just sits outside, and they want to put it in the pole barn. That was the reason they are asking for the height variance so they can get the RV inside.

Trustee Flood said on the Memo from the Planning & Zoning Coordinator Lynn Harrison, it states that the eaves/overhang is 1,120-sq. ft.; the detached floor is 3,600-sq. ft.; the second-floor storage is 1,200-sq. ft., so they would have to take the 1,120-sq. ft. off of the 6,781-sq. ft. too.

Board Member Cook said that the truck had a logo on it that read MJ Chisholm. Mr. Chisholm said on the back window of the black plow truck, that was just for advertisement. Board Member Cook asked if this was a business that he runs? Mr. Chisholm stated that his shop is in Troy, MI and that was just a truck that he uses to plow his driveway. Board Member Cook asked if it was a construction company in Troy, MI? Mr. Chisholm replied yes. Board Member Cook said that is why he asks about the size of the pole barn if it was to store things from that business? Mr. Chisholm replied no; only the things that they submitted with the application. All of their work trucks stay down in Troy. Acting Chairman Durham said that there would be a sharp difference between storing personal items and storing items from a business. Mr. Chisholm agreed.

Board Member Cook stated that they were talking about the upstairs and that they will not be using it other than to store some light things. Is that another compromise that they are willing to do on this? Mr. Chisholm replied that he didn't know how they would get rid of that because it is built right in the truss and was always going to be there. Board Member Cook said but there was flooring that has to go in and if they don't put the flooring in. Mr. Chisholm replied that he could do that and just leave it open.

Acting Chairman Durham said that he is not in a bad area to have something like that. The neighbors are far away from them and are separated by heavy tree lines. People drive by there fast and they will see it when it is going up but once it is done it will blend right in. Mr. Chisholm said that they are going to build a nice pole barn.

Moved by Secretary Koscierzynski, seconded by Trustee Flood, in the matter of ZBA case #AB-2020-23, Michael Chisholm, 4025 Waldon, (Sidwell #09-30-200-001), that the petitioners request for 3 variances from Zoning Ordinance #78: Article XXVII, Section 27.02 – Lot size over 2.5 acres: 1) a ~~3,600-sq.-ft.~~ 2,200-sq. ft. variance above the allowed 1,400-sq. ft. Maximum Floor Area of all Detached Accessory Buildings, to build a 3,600-sq. ft. pole barn; 2) a 2,561-sq. ft. variance above the allowed 1,900-sq. ft. Maximum Floor Area of all Accessory Buildings, to build a 3,600-sq. ft. pole barn in addition to an existing 861-sq. ft. attached garage; Article XXVII, Section 27.02(A)(5): 3) a 3-ft. variance

above the 17-ft. mid-point measurement of the principal structure, to build a pole barn that measures 20-ft. to its mid-point, be **granted** because the petitioner has demonstrate the following standards for variances have been met in this case in that they set forth facts which show that in this case: the petitioner does show the following Practical Difficulty was for storage of a motor home, pontoon boat, fishing boat, trailer, etc.; 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: the petitioner has a five-acre property, this is not an unusual request from the neighborhood; the variance is necessary for the preservation and enjoyment of a substantial property rights possessed by other property in the same zone or vicinity based on the following facts: this is not unusual for the neighborhood, they have five-acres and have plenty of space, they are going to cut down one tree; nine of the neighbors are for this, no one was against it; the granting of the variance or modification will not be materially detrimental to the public welfare or material injurious to the property or to improvements in such zone or district in which the property is located based on the following findings of facts: there's plenty of room between the houses for this; no one is against it; the petitioner has working with the Board on this and have lessen the amount that they wanted; further, based on the following findings of facts, the granting of this variance would not: impair an adequate supply of light and air to adjacent properties; would not unreasonably increase the congestion in public streets: this is not applicable; it would not increase the danger of fire or endanger public safety; unreasonably diminish or impair established property values within the surrounding areas: if anything the neighbors show be happy this stuff is going to be inside; or in any other respect, impar the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.

Secretary Koscierzynski amended the motion, Trustee Flood re-supported to include that the Fire Marshal had expressed no concerns in regards to this applicant.

Discussion on the motion:

Board Member Cook asked about lowering it to 16-ft. at the midpoint? He asked if that was just a discussion or if they ever settled on it? Mr. Chisholm replied that he would like to leave it where it was at. Board Member Cook replied that he would accept the motion.

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

B. AB-2020-24, Justin Brantley, 2191 Pondview Ct., 09-04-126-022

Acting Chairman Durham read the petitioners request as follows:

The petitioner is requesting 3 variances from Zoning Ordinance #78

Article V, Section 5.04 – Zoned SE

1. An 18-ft. side yard setback variance from the required 20-ft. to build a detached garage 2-ft. from the property line (west).

Article XXVII, Section 27.02 – Lot size 1 to 2.5 acres

2. A 942-sq. ft. variance above the allowed 1,000-sq. ft. Maximum Floor Area of all Detached Accessory Buildings, to build a 720-sq. ft. detached garage in addition to an existing 1,222-sq. ft. above ground pool with above ground decks.
3. A 1,106-sq. ft. variance above the allowed 1,500-sq. ft. Maximum Floor Area of all Accessory Buildings, to build a 720-sq. ft. detached garage in addition to an existing 664-sq. ft. attached garage and a 1,222-sq. ft. above ground pool with above ground decks.

Acting Chairman Durham asked if the applicant was present.

Mr. Justin Brantley, 2191 Pondview Ct., was present via the GoToMeeting program.

Mr. Brantley stated that he spoke with the neighbors outside of the meeting and they had concerns and he wanted to withdraw his requests for the variances.

Acting Chairman Durham asked if they wanted to postpone or if he would like to withdraw his request? Mr. Brantley replied that he would like to withdraw.

Moved by Trustee Flood, seconded by Secretary Koscierzynski, that in the matter of ZBA case AB-2020-24, Justin Brantley, 2191 Pondview Ct., (Sidwell #09-04-126-022), the petitioner requested that the Zoning Board of Appeals **withdraw** this request.

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

C. AB-2020-25, Steve Schneider, 957 Pine Tree W., 09-10-202-005

Acting Chairman Durham read the petitioner's request for 6 variances from Zoning Ordinance No. 78:

Article VI, Section 6.04 – Zoned R-3

- 1) A 4-ft. front yard setback variance from the required 30-ft. to build a garage 26-ft. from Pine Tree Road W.
- 2) A 21-ft. rear yard setback variance from the required 35-ft. to build a house 14-ft. from the rear property line (lakeside)
- 3) A 13.88% lot coverage variance above the allowed 25% for a total lot coverage of 38.88%

Article XXVII, Section 27.03 (C)(3)(b)

- 4) A 20-ft. rear yard setback variance from the required 20-ft. to build a deck 0-ft. from the rear property line.

Article XXVII, Section 27.02(A)(4)

- 5) A 10-ft. rear yard setback variance from the required 10-ft. for an inground pool to be 0-ft. from the rear property line.

Article XXVII, Section 27.17(B)

- 6) A 2-ft. wetland setback variance from the required 25-ft. for an inground pool to be 23-ft. from a wetland.

Mr. Steve Schneider, 957 Pine Tree W., presented.

Acting Chairman Durham stated that the petitioner had some special circumstances with that property. Acting Chairman Durham asked if that was correct? Mr. Schneider replied yes; the property is somewhat unique.

Acting Chairman Durham told the petitioner to go ahead and let them know what he would like to do and what he believes the unique circumstances are.

Mr. Schneider stated that he was there with his wife Carrie and his architect in case they had any additional questions. Mr. Schneider stated that his family of four, he has two daughters, are going to

move to Lake Orion permanently from Troy and it will be their full-time home. Soon after that, they will be moving in his mother-in-law.

Mr. Schneider said that the piece of property that they bought is a 50-year old residence and they wanted to remodel, and update it, and slightly expand over the current footprint. He noted that the uniqueness about their property is to the east side, which is Pine Tree Road, the road actually goes through their property line and their property continues into their neighbor across the street, several feet into the neighbor's yard. To the east side the lakeside of the property, they have accredited land and it has been quite a conundrum for them because they were well down the purchase of the home when they realized that they had accredited land there. The way the property line works is the accredited land to the north side of their lot goes 24-ft. up into the property and then to the south side, it goes 31-ft. up to the property. What they are trying to do is to build almost an identical footprint of what was there currently, but they ran into all the setbacks and variance requests because the variance line to the accredited land makes it a zero-variance request. If they were to look at the lakefront and follow that, what would the setbacks be minus the accredited land, which he knew they couldn't do, they would actually meet the setback requirements for what they are trying to do.

Acting Chairman Durham stated that the variances appear at first glance to be inflated because part of the lot is in the road and a portion at the back can't be built on or used. Mr. Schneider agreed.

Secretary Koscierynski read a letter from Ryan Doski at 965 Pine Tree Rd., W. stating that they have no objection to the variances.

Acting Chairman Durham asked if they were allowed to get their variances, when would they intend to get started? Mr. Schneider replied if this was to get approval the first thing they would do is go forward with the construction of the drawings, and then they would bid the job out and try to start as soon as they can. Even though they are doing some major construction, their goal was to have their youngest daughter in Lake Orion schools by next year and living in that home.

Board Member Walker stated what they are going to end up with is close to what they had already. Mr. Schneider replied that is correct. Board Member Walker said it is just a matter of twisting and turning a little bit. Mr. Schneider replied exactly.

Board Member Cook said that Mr. Schneider had mentioned remodeling and then it was stated new home, and what he had in front of him says rebuild a new home on a similar footprint. He asked if he could clarify this? Mr. Schneider said what they intend to do is to use the basement right now to help save some money on the buildout. So, they will be using the same basement as their foundation and they might have to expand a couple of footings to the southeast.

Board Member Cook noted that they are looking at about 300-sq. ft. larger home than what is there currently. Mr. Schneider replied yes.

Board Member Cook asked if the pool was going to be inground or above-ground? Mr. Schneider replied that it would be inground and would be smaller in size to accommodate the footprint.

Trustee Flood said that what Board Member Cook asked clarified a lot. They are going to tear down the existing home and use the existing basement and put a little extra addition on. Mr. Schneider replied yes. Trustee Flood said then this will bring all the other things to conform with all the uniqueness of the road and the setbacks on the water. Mr. Schneider replied yes.

Secretary Koscierynski commented that she was pro-people and happy with the fact that want to put money into the property to make it look nicer.

Board Member Cook said he was looking at an aerial of the property and asked if they had made an attempt to find the owner of that piece? Mr. Schneider replied they have slowly met the neighbors in the times that they have been there and talked with other neighbors that also have this issue. He said it sounded like everybody was interested in joining together to maybe solve the riddle of this accredited land because it walks up into everybody's property. Mr. Schneider added that there are many of the long-timers who have been there and even the person they bought their home from did even know this existed. As he has been talking to the neighbors they are confused when they brought it up but in the aerial view, it is clear that the accredited land walks through their property. Mr. Schneider stated that they intend to address it. Board Member Cook asked if they had title to that piece, would it change what they are planning on doing? Mr. Schneider replied no; they would be doing exactly what they would be doing, it is just that the accredited land changed the variance request.

Acting Chairman Durham noted that if they decided to get title to that they probably wouldn't want to plan on building in the near future. Legally nothing happens quickly. Mr. Schneider appreciated the statement but their intention is to build it as it is based on the Board's blessing.

Moved by Board Member Cook, seconded by Trustee Flood, in the matter of ZBA case #AB-2020-25, Steve Schneider, 957 Pine Tree W., (Sidwell 09-10-202-005) the petitioner is requesting 6 variances from Zoning Ordinance #78: Article VI, Section 6.04, Zoned R-3; 1) a 4-ft. front yard setback variance from the required 30-ft. to build a garage 26-ft. from Pine Tree Road W.; 2) a 21-ft. rear yard setback variance from the required 35-ft. to build a house 14-ft. from the rear property line (lakeside); 3) a 13.88% lot coverage variance above the allowed 25% for a total lot coverage of 38.88%; Article XXVII, Section 27.03 (C)(3)(b) 4) a 20-ft. rear yard setback variance from the required 20-ft. to build a deck 0-ft. from the rear property line; Article XXVII, Section 27.02(A)(4) 5) a 10-ft. rear yard setback variance from the required 10-ft. for an inground pool to be built 0-ft. from the rear property line; Article XXVII, Section 27.17(B) 6) a 2-ft. wetland setback variance from the required 25-ft. for an inground pool to be 23-ft. from a wetland be **granted** because the petitioner did demonstrate the following standards of variances have been met in this case and that they set forth facts which show that in this case: the petitioner does show following Practical Difficulty that due to lake levels and sediment that the lakeside line of the property has expanded although it is something that they currently do not show ownership or title to; 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: the property they have at 957 Pinetree has two conditions, one in the front, which is the road that goes through the property and the two neighbors to the north, as well as, they have issues with the accredited land which is in the rear of the property which causes them to make their request at a zero lot line level; 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: the petitioner is seeking to build a home and the fact that even if he had title to that piece of property would not change so that his family might be able to enjoy it based upon the current footprint that is there, they will be tearing that property down and then leaving the current basement and building on that; 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 fact: they are tearing down an existing property that is 50 plus years old and bringing it up to today's standards, they are not impinging or infringing upon anyone's view of the lake; further, based on the following findings of facts, the granting of this variance will not: impair any adequate supply of light or air to adjacent properties; it would not unreasonably increase the congestion in public streets; it would not increase the danger of fire or endanger the public safety; nor would it unreasonably 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: due to the fact that they are going to build this to all state as well as all local codes in order to meet that standard that they have set in the Township.

Roll call vote was as follows: Walker, yes; Flood, yes; Koscierzynski, yes; Cook, yes; Durham, yes;
Motion carried 5-0

D. AB-2020-26, Valley City Sign/Tommy's Car Wash Signage, 851 Brown Road (Sidwell #09-33-351-020), 861 Brown Road (Sidwell #09-33-351-021) & 871 Brown Road (Sidwell #09-33-376-010)

Acting Chairman Durham read the petitioner's request for 4 variances from Sign Ordinance #153:

Section 7, Non-Residential Wall & Ground Signs – Zoned BIZ

- 1) A variance to allow 1 additional wall sign to install a total of 2 wall signs.
- 2) A 1-sq. ft. size variance above the allowed 50-sq. ft. to erect a 51-sq. ft. ground sign.
- 3) An 8.90% EMC size variance above the allowed 30% of sign area to allow for a 38.9% EMC sign area.
- 4) A 12-ft. road right-of-way setback variance from the required 30-ft. to erect a ground sign 18-ft. from the road right-of-way.

Mr. Stephen Kerr with Valley City Signs representing the owner and the franchise presented.

Mr. Kerr stated Tommy's Express Car Wash is a national car wash brand known for its iconic and aesthetically appealing architecture. Every aspect of a Tommy's Car Wash location is planned out to contribute to the overall efficiency and experience that customers expect and rely on. This is especially true in regard to the onsite signage. As a vehicle-oriented business, the vast majority of communication between Tommy's Express and its customers is done through signage. Franchise brand standards were developed with this in mind, while many of the design elements of the brand standard package have been removed or modified in order to meet the requirements of the sign ordinance. They felt that a hardship would arise from some of the alterations that they are requesting a variance for. They are requesting a variance of one square foot of area on the ground sign and an increase in electronic message center size to 38.9% in order to maintain these standards. If the site was not allowed to maintain standards in regards to these requests, the ability of Tommy's Express to promote efficiency and communicate with customers would be greatly hindered and that volume of information that they could safely communicate would be significantly reduced. They are requesting a variance for one additional wall sign in order to differentiate Tommy's Express from the business to the west that will share a driveway, a future planned restaurant. A lack of identification on the wall facing the driveway could confuse some motorists and first-time visitors and would negatively impact the overall efficiency of the site, in addition, to impeding the safety of traffic flowing in and out of the site. Finally, they are requesting a variance to allow the ground sign to be placed with a setback of 18-ft. This is because there is a distance of 32-ft. between the right-of-way and the driveway, which carries traffic in and out of the car wash. In order to maintain a safe distance between the sign and vehicular traffic on-site, the sign needs to be placed at least 2-ft. in front of the curb. The standard monument sign that Tommy's utilizes is 12-ft. wide, so that would bring the setback to 18-ft. if they were maintaining a 2-ft. clear space between the curb and the sign.

Acting Chairman Durham stated that they will be situated on the part of Brown Rd. that is split and they would be on the west side, correct? Mr. Kerr replied yes.

Acting Chairman Durham said that there was a vast number of sightlines in all directions from where they are going to be so signage will help draw people in and put them in the right spot. Mr. Kerr replied yes.

Acting Chairman Durham said that he had never heard of Tommy's. Mr. Kerr replied that they are a new franchise expanding rather quickly.

Secretary Koscierynski asked if the signage is pretty much the way it is franchise wide? Mr. Kerr replied correct. Secretary Koscierynski asked if it was set by the corporate office? Mr. Kerr replied yes; and he stated that they do have some flexibility in working with municipalities. Secretary Koscierynski said she didn't have a problem with the lighting because they are not in a residential area. Trustee Flood stated that the lighting is now handled under the new sign ordinance, so they don't have to handle the lighting anymore.

Trustee Flood said that it is a difficult corner, they will be wedged in between Lake Orion Roofing and the bank. The way they got that splinter island is if they are coming in from the west, they are not going to be able to turn left there, they will have to go out and make a U-turn at Joslyn and swing back around. Having that additional sign on the west will help people identify that. The variances are not way out of whack. He noted that they did the same thing with Checkers, they helped them out with some setbacks and thought it looked nice and did not hinder any line of sights.

Board Member Walker said that his only concern was where the monument sign was because he couldn't tell where the monument sign was going to be. He wanted to make sure that the monument sign doesn't interfere with traffic viewing coming across somehow. That was his only concern. Trustee Flood said when he went there and saw what the footage was back, he felt it was similar to Checkers. He said there will be plenty of room when they pull out probably 3 or 4 cars cubed. Board Member Walker stated that if that is going to be far enough back then he had no concerns.

Board Member Cook asked if the sign there that says "Coming Soon" was going to be the placement of the new monument sign? Mr. Kerr replied no. Board Member Cook asked if he missed markings or was it not marked? Mr. Kerr said that he did not believe that it was marked. Board Member Cook stated that was his difficulty with it because there was a fuel tank that was there and thought that would be the optimal spot but didn't get out to measure because he wasn't sure how many nails were in the driveway. That was his only difficulty because he likes to see things marked out.

Board Member Cook asked about a second sign that was there, it said "Will built to suit 5,000-sq. ft."; is that piece of property owned by you? Mr. Kerr replied that he was with the sign company but did believe that they are under common ownership, but wasn't sure. Board Member Cook stated that if in fact it is owned by the same common ownership then could there be a common monument sign in there for both car wash as well as the future restaurant? Trustee Flood replied he can't answer that for you. Board Member Cook understood that but asked if that could conceivably happen? Mr. Kerr replied that it was possible but would be at the owner's discretion.

Trustee Flood stated that there are 3 lots there, the car wash has the lot with the monument sign, the other 2 are outlet lots will be developed at a future time. Those 2 other lots will have to go through the same process as this monument sign. The owner or developer would have to decide on that. Board Member Cook said he was 100% clear on that he was trying to see from the standpoint of, and it was hypothetical because he can't answer for the owner if that is something that has been considered because then they will have someone else coming in later saying they want to get another sign here which will crowd up that corner.

Board Member Cook said he was curious about the meaning of one of the signs. He noted that they have a cashier, entrance sign, and then APP, what is the APP for? Mr. Kerr replied that is the app., they have an app where you can pay for your carwash through the app. in their unlimited club or they can pay as they go. They have a camera that takes your license plate picture then records that. Board Member Cook asked if it is an app, why do they have to go to the building? Mr. Kerr replied that they have to go through the lane, that is where the cameras are and that is the entrance queue. Board Member Cook questioned if there would be a cashier with a person in that lane and then where it says app, that would be where it would just scan? Mr. Kerr replied correct. Mr. Kerr added that those were signs that they brought down in size.

Board Member Walker noted that the drive-thru carwash on M24 just north of Flint St. also has an app. also.

Board Member Cook asked regarding the size of the sign and it said that the square footage was 48.84-sq. ft. Mr. Kerr said that was with measurements other than what the Township uses, he just wanted to demonstrate that it fits within the spirit and that it was just a matter of inches. He said his designers like to do that where they just draw the smallest box they can even if it doesn't fit with how they measure them.

Board Member Cook asked if the width of the sign was 28" wide? Mr. Kerr replied that it would be a little bit wider than that because the faces are hand-formed so they stick out a little bit from the outside cabinets but he couldn't see it being any more than 32". Board Member Cook said that he was a numbers guy and this was his problem because he relies on the numbers because it tells him what they are going to do and when he couldn't back into the math it makes him nervous about the proposal. Board Member Cook asked if he had any corrections to provide to the Board? Mr. Kerr said that they could scale that with a 3/8" scale if anyone has a scale ruler. Mr. Kerr said that he couldn't see it being more than 2" out from the cabinet but thought that was on the high side.

Moved by Trustee Flood, seconded by Acting Chairman Durham, that in the matter of ZBA case #AB-2020-26, Valley City Sign/Tommy's Car Wash, 851 Brown Road (Sidwell #09-33-351-020), 861 Brown Road (Sidwell 09-33-351-021) & 871 Brown Road (Sidwell #09-33-376-010), I would move that the petitioner's request for 4 variances from Sign Ordinance #153, Section 7, Non-Residential Wall & Ground Signs – Zoned BIZ; 1) a variance to allow 1 additional wall sign to install a total of 2 wall signs; 2) a 1-sq. ft. size variance above the allowed 50-sq. ft. to erect a 51-sq. ft. ground sign; 3) a 8.90% EMC size variance above the allowed 30% of sign area to allow for a 38.9% EMC sign area; 4) a 12-ft. road right-of-way setback variance from the required 30-ft. to erect a ground sign 18-ft. from the road right-of-way, 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 the following Practical Difficulty: due to the unique area where this is being built on the north side of Brown Rd. just west of Joslyn they have a splinter island there and it is only going to be accessible from the traffic flowing west that is why they are required to have a sign on the west side for people coming east for people to see the building; the following are exception or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone: this being the brand-new (BIZ) District new signage is being put in for the new developments in there, and the setback is required because of the location of that building between the other 2 buildings, so the sign can be see from the road; the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone; 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; further, based on the following findings of facts, the granting of this variance will not: impair an adequate supply of light and air to adjacent property; unreasonably increase the congestion in public streets: it will help decrease congestion; it will not increase the danger of fire or endanger the public safety: signage helps on the public safety on traveling that section of the Township; it will not unreasonably diminish or impair established property values within the surrounding area; or, in any other respect, impar the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.

Roll call vote was as follows: Koscierzynski, yes; Durham, yes; Cook, no; Walker, yes; Flood, yes;
Motion carried 4-1

6. PUBLIC COMMENTS

None

7. COMMUNICATIONS

Memo from Planning & Zoning Coordinator Harrison dated September 21, 2020, Dates which cases can be postponed to

8. COMMITTEE REPORTS

None

9. MEMBERS' COMMENTS

Acting Chairman Durham stated that Loran Yaros is no longer part of the Board. To lose that much experience and knowledge is not easy to replace and it doesn't happen quickly. They still have a lot of years sitting at the table and it is going to be a matter of moving forward the best they can and do the best for the people. Mr. Cook went from an enthusiastic alternate to a full-time enthusiastic Board Member. He wished Mr. Yaros well in whatever he chooses to do next.

Secretary Koscierzynski welcomed Tony Cook to the Board (full-time).

Trustee Flood said at the Township Board meeting that they had to regretfully accept Loren's resignation and they voted unanimously for Mr. Cook to go from an alternate to a full-time position. Now the Supervisor will be bringing to the Board to back-fill the alternate position. His understanding from talking to the Planning & Zoning Department that possibly at the next meeting and Dan Kelly the Township Attorney is going to advise them on this and may have to elect a Chairperson to take over. He wasn't sure how that was going to play out. He welcomed Tony Cook to the Board (full-time).

Board Member Walker welcomed Tony Cook. He stated he was a fine alternate and felt that he would be a fine addition to the Board. He noted that the library was still closed.

Secretary Koscierzynski asked what they were going to do about not being able to pull up their agenda and packet? She asked if she should make an appointment with the office? Building Official Goodloe said yes.

10. ADJOURNMENT

Moved by Trustee Flood, seconded by Acting Chairman Durham to adjourn the meeting at 8:31 pm.

Respectfully submitted,



Debra Walton
Planning & Zoning Coordinator
Charter Township of Orion

October 26, 2020

Zoning Board of Appeals Approval