



## Zoning Board of Appeals Regular Meeting Minutes, Monday, January 23, 2012

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The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, January 23, 2012 at 7:00 p.m. at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

### ZBA MEMBERS PRESENT:

Don Walker, Vice-Chairman  
Joe Geraci, Board Member  
Dan Durham, Alternate

Mark Crane, TB Rep. to ZBA  
Tony Cook, Alternate

### OTHERS PRESENT:

Jeff Edgar

Mark Gratsch

Phoebe Schutz

### 1. OPEN MEETING

Acting Chairman Walker called the meeting to order at 7:00 p.m.

### 2. ROLL CALL

Board Member Dan Durham served as alternate for Chairman Loren Yaros and Board Member Tony Cook served as alternate for the position that is currently vacant.

### 3. MINUTES

Moved by Board Member Geraci, supported by Board Member Crane to approve the November 28, 2011 regular meeting minutes as presented. **Motion carried 5-0.**

### 4. AGENDA REVIEW AND APPROVAL

No changes were made to the agenda.

### 5. ZBA BUSINESS

#### A. AB-2012-01, Wally Edgar Chevrolet Wall Signs 3805 S. Lapeer Road, Sidwell #09-26-451-003

Acting Chairman Walker noted that the Petitioner is seeking two variances from Sign Ordinance No. 138: 1)Section 8, B, Zoning District GB-2, Maximum Number of Signs, Wall Sign ~ requesting a variance to install two additional wall signs above the allowed one wall sign; and, 2)Section 8, B, Zoning District GB-2, Wall Sign Area, footnote (7) ~ requesting a 23.82-square foot variance, above the allowed 80 square feet, to install wall signs totaling 103.82 square feet.

Mr. Jeff Edgar, Vice-President of Wally Edgar Chevrolet and Mr. Mark Gratsch, General Manager of Wally Edgar Chevrolet, were present.

Mr. Gratsch noted that their request is due to the fact that all of the Chevrolet dealers are now required to have this specific signage on the buildings to create a consistent appearance with all Chevrolet dealerships. Their existing sign of "GM Goodwrench" is no longer being used by the

company, but in its place is this "Certified Service" LED sign. He also noted that he has noticed that some of their local competitors' signs have changed.

Board Member Geraci noted that regarding competitors' signage, each case that comes before this board is handled separately and to refer to any of the other local dealerships has no bearing on how members will rule on this case. The Palace Chrysler dealership is a superdealer with four different car lines, where your dealership has one car line, Chevrolet. He then inquired about the light from the Certified Service sign on the south side, which faces the residential area, Hi-Hill Subdivision.

Mr. Thomas Berger, Township Building Official, noted that he doesn't believe there would be any light intrusion factors beyond the property line that wouldn't meet the ordinance. He inquired whether this sign would be lit all night.

Mr. Gratsch replied that, yes it's on all night, but they could put it on a timer to be turned off if it's not a requirement of GM to have it on.

Mr. Berger noted that if it is required to remain on, the light brightness can be adjusted lower.

Board Member Geraci requested that the Petitioner have the sign built in such a manner that if the light brightness becomes a problem, that it could be turned down.

Mr. Edgar and Mr. Gratsch stated, yes.

Acting Chairman Walker offered time for public comments on this matter.

No comments were given.

Moved by Board Member Geraci, supported by Board Member Crane, regarding case AB-2012-01, Wally Edgar Chevrolet Wall Signs, located at 3805 S. Lapeer Road, Sidwell #09-26-451-003, that the Petitioner's request shall be **granted as follows** regarding the two variances from Sign Ordinance No. 138: 1)Section 8, B, Zoning District GB-2, Maximum Number of Signs, Wall Sign ~ requesting a variance to install two additional wall signs above the allowed one wall sign for a total of three wall signs as shown on the drawings date stamped received by the Township on November 22, 2011; and, 2)Section 8, B, Zoning District GB-2, Wall Sign Area, footnote (7) ~ requesting a 23.82-square foot variance, above the allowed 80 square feet, to install wall signs totaling 103.82 square feet. Also, that the signage will be lit and must be in accordance with the lighting ordinance regulations. Because the Petitioner has demonstrated that practical difficulties exist. The Petitioner has established that compliance with the strict letter of the ordinance would unreasonably prevent the Petitioner from using the property for a permitted purpose and would render conformity with the ordinance unnecessarily burdensome, because of the remodeling that is taking place to make the signage more uniform in the franchise of the auto dealer. The Petitioner has established that granting the variance request will not be a detriment to the public safety or welfare and would do substantial justice to the Petitioner as well as the other property owners in the district, because this is the type of signage that is now the norm for said properties. The Petitioner has established that the need for the variance was not self-created, because it is a required direction of the auto dealer business to its franchise holder. The Petitioner has established that the granting of the

variance will not impair the intent or purpose of the ordinance, nor will it set a precedent. Roll call vote was as follows: Geraci, yes; Crane, yes; Durham, yes; Cook, yes; Walker, yes. **Motion carried 5-0.**

**B. AB-2011-27, Kathleen Jacob, 450 Shorewood Court, Sidwell #09-03-405-005**

Members reviewed correspondence received from Ms. Kathleen Jacob, date stamped received by the Township on January 12, 2012, in which she requested a postponement from this meeting to a date certain of February 13, 2012\*.

Acting Chairman Walker overviewed correspondence received from Ms. Tammy Girling, PC/ZBA Coordinator, dated January 23, 2012, regarding a list of dates to which the case could be postponed\*.

Moved by Board Member Crane, supported by Board Member Cook regarding case AB-2011-27, Kathleen Jacob, located at 450 Shorewood Court, Sidwell #09-03-405-005, to **postpone** consideration of this matter until the February 13, 2012 regular meeting as requested by the Petitioner. Roll call vote was as follows: Crane, yes; Durham, yes; Cook, yes; Geraci, yes; Walker, yes. **Motion carried 5-0.**

**C. 2011 Annual Zoning Board of Appeals Report.**

Moved by Board Member Crane, supported by Board Member Geraci to receive and file the 2011 Annual Zoning Board of Appeals Report as presented. **Motion carried unanimously.**

6. **PUBLIC COMMENTS:** None.

7. **COMMUNICATIONS:** None.

8. **COMMITTEE REPORTS:** None.

9. **MEMBERS' COMMENTS:** None.

10. **ADJOURNMENT:** Moved by Board Member Crane, supported by Board Member Durham to adjourn at 7:21 p.m. **Motion carried unanimously.**

\*On file