

CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS

***** MINUTES *****

REGULAR MEETING – MONDAY, AUGUST 13, 2018 – 7:00PM

The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, August 13, 2018 at 7:00pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

ZBA MEMBERS PRESENT:

Loren Yaros, Chairman
Dan Durham, Vice Chairman

Don Walker, PC Rep to ZBA
Mary Painter, Alternate

ZBA MEMBER ABSENT

Mike Flood with notice
Lucy Koscierzynski with notice

CONSULTANT PRESENT:

Dave Goodloe, Building Official

OTHERS PRESENT:

Gary Rutledge	Harold Flood
Brian Renaud	Lee – Wine & Deli
Toufic Saati	Paul Smielewski
Tom Blust	Lynn Harrison

1. OPEN MEETING

Chairman Yaros called the meeting to order at 7:00pm.

2. ROLL CALL

As noted

3. MINUTES

7-23-18, Regular Meeting Minutes

Board Member Painter noted a correction on page 4, in the motion – Chairman Yaros supported the motion, not Vice Chairman Durham.

Moved by Board Member Painter, seconded by Board Member Walker, to approve the 7-23-18, Regular Meeting minutes as amended. **Motion carried**

4. AGENDA REVIEW AND APPROVAL

There were no changes to the agenda.

5. ZBA BUSINESS

AB-2018-26, Gingellville Community Church, 3910 S. Baldwin Rd, 09-29-301-034

Chairman Yaros read the petitioner's request as follows:

The petitioner is requesting three variances from Sign Ordinance 153, Section 7, Ground & Wall Signs In Residential Zoned Areas, Ground Sign District R-2,

1. A 1 sq. ft. sign area variance above the allowed 35 sq. ft. maximum sign area to build a 36 sq. ft. ground sign.
2. A 20' Right-of-Way setback variance from the required 20' Right-of-Way setback to build a ground sign 0' from Right-of-Way setback.
3. A 1' height variance above the allowed 6' overall height for ground signs to build a sign with a height of 7'.

Mr. Gary Rutledge, 3920 S. Baldwin Road, the petitioner, presented. Mr. Rutledge prepared a PowerPoint presentation for the Board Members. In it he depicted an aerial view of the church prior to the road widening of Baldwin Road and where the sign was located. Along side that was an aerial as it looks today noting a majority of the landscaping was gone and there was no longer a location for the sign.

Mr. Rutledge said the first two variances are related to the re-use of their existing sign which is a 36 sq. ft. and roughly 7 ft. tall. Their desire is to be able to reuse at least the structure and sign for the time being.

Mr. Rutledge then explained their request for the setback variance. They are asking for a 0 ft. setback from the road right-of-way to relocate the sign in respect to the amount of space now left in front of the church. He pointed out that the road right-of-way runs along the front of the church and the area were they now have the most room is about 8 ft.

Mr. Rutledge said he did meet with the Planning Department to discuss where best they could put the sign. He explained the most difficult situation is with northbound traffic. Motorists will just be coming out of the roundabout almost directly in front of the church, they will be concentrating on the curve coming out of the roundabout and not looking for signs until they stabilize and can see the area ahead of them. By the time that happens, they will almost be in front of the church.

Mr. Rutledge further explained that a couple of problems with having the sign in front of the church. One, there is not enough land to put the sign on and, two, by the time someone sees the sign, the angle will be bad and difficult to read. It was their opinion they need to push the sign as far north as possible in order to give northbound traffic the opportunity to see it. However, they don't want it to be so far north that it is in front of the parsonage, it needs to be associated with the church building.

Mr. Rutledge said they have come up with a location similar to where the sign was 15 years ago which was in an island in the parking lot. If they can put the sign in that area (which he depicted in a slide using his car to demonstrate the location) – the sign would then be viewable. He said there is 177 ft. of viewing space on the northbound side where the sign will be visible.

Mr. Rutledge added that in the future, they will plan how best to use the sign space in that location – service times, event information, etc. He noted that if they have to move the sign any further back, it would be tucked behind the building and won't be seen until someone is right on top of it. In the location they are proposing, it will be about 25 ft. from the side of the roadway - there is a sidewalk and then some greenspace.

Chairman Yaros said Mr. Rutledge did a great job coming up with the proposed new location. They obviously have done a lot of planning and he gave a great presentation showing all angles. Chairman Yaros commented that the need to relocate the sign is not the church's fault, they lost some frontage and they are trying to do the best with what they have.

Mr. Rutledge commented that sometime in the future, they will probably be back before the Board asking to convert part of that sign to digital. That would give them better recognition, faster acquisition of the sign, and clearer recognition of the words.

Board Member Painter asked if there will be curb around the sign so that someone can't hit it when entering the parking lot? Mr. Rutledge responded they will have to build landscaping around it - probably a box with dirt and flowers. He said they also need that barrier so that snow plows don't knock it over and so that people don't park there.

Board Member Painter noted the safety path and asked who is responsible for taking care of that? Building Official Goodloe responded, DPS. Mr. Rutledge also commented that the Road Commission did put in an extra drain in front of the church to try and alleviate some of the snow that might build up there.

Board Member Walker said he recalled that this church was before them earlier this year. Mr. Rutledge said that it was, in January and February. At that time the Road Commission was the petitioner and they were requesting that the church be allowed to continue operating in its long-standing location; that it was legal non-conforming in that it did not meet the required 40 ft. front yard setback.

Board Member Walker clarified that the sign would be 25 ft. from the edge of the road. Mr. Rutledge commented that the leading edge of the sign would be 25 ft. from the road and that is also the same distance that the building is from the road.

Chairman Yaros asked if there was anyone here to speak to this matter?

Mr. Saati was present on behalf of the Road Commission for Oakland County. He introduced his partners Brian Renaud and Tom Blust, the Director of Engineering. He noted they sent in a packet on behalf of the Road Commission concurring with the application brought forth by the church for the three variances. They are in full accord with the church's request and have no objections to it.

Moved by Vice Chairman Durham, seconded by Chairman Yaros, that in the matter of ZBA case # AB-2018-26, Gingellville Community Church, 3910 S. Baldwin Rd, 09-29-301-034, that the petitioner's request for three (3) non-use variances from Sign Ordinance 153, Section 7, Ground & Wall Signs In Residential Zoned Areas, Ground Sign District R-2: 1) a 1 sq. ft. sign area variance above the allowed 35 sq. ft. maximum sign area to build a 36 sq. ft. ground sign, 2) a 20' Right-of-Way setback variance from the required 20' Right-of-Way setback to build a ground sign 0' from Right-of-Way setback, and 3) a 1' height variance above the allowed 6' overall height for ground signs to build a sign with a height of 7'; 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: they have a lot of practical difficulties that has very little to do with what the property was and everything to do with what property they now have left because of the road work - having to move the existing sign which they plan to reuse; it was not the fault of the church, it is not something they embraced, it was something they were required to do to continue operation; they have made a very convincing presentation both before and again tonight that they need this sign and need it to be placed in an area where it can be seen; it will sit 25 ft. back from the road for a maximum amount of safety, given again, the property that they have left; the petitioner will build landscaping around it to protect it some from people hitting it; the following are exceptional or extraordinary circumstances: again, the massive road construction that has taken place right in front of their building, the occupancy of that building being church, it does need signage and they are doing what they can with it to allow for them to remain; further, the Oakland County Road Commission was present this evening and voiced support for the variances requested.

Vice Chairman Durham amended the motion, Chairman Yaros re-supported, to include the letter received from the Oakland County Road Commission in support of the petitioner's request dated July 20, 2018.

Roll call vote was as follows: Walker, yes; Painter, yes; Durham, yes; Yaros, yes.

Motion Carried 4-0 (Koscierzynski absent)

6. PUBLIC COMMENTS

None

7. COMMUNICATIONS

Memo from Planning & Zoning Coordinator Frey dated August 1, 2018, Dates which cases can be postponed to.

8. COMMITTEE REPORTS

None

9. MEMBERS' COMMENTS

Chairman Yaros noted there is a meeting scheduled for August 27th.

10. ADJOURNMENT

Moved by Vice Chairman Durham, seconded by Chairman Yaros, to adjourn the meeting at 7:21pm.

Respectfully submitted,



Lynn Harrison
PC/ZBA Recording Secretary
Charter Township of Orion

August 27, 2018

Zoning Board of Appeals Approval