

**CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS**  
**\*\*\*\*\* MINUTES \*\*\*\*\***  
**REGULAR MEETING – MONDAY, SEPTEMBER 10, 2018 – 7:00PM**

The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, September 10, 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  
Mike Flood, BOT Rep to ZBA

Don Walker, PC Rep to ZBA  
Lucy Koscierszynski, Board Member

**ZBA MEMBER ABSENT**

None

**CONSULTANT PRESENT:**

None

**OTHERS PRESENT:**

Nick Trifon  
Anthony Chung  
Polly Chung  
Lynn Harrison

**1. OPEN MEETING**

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

**2. ROLL CALL**

As noted

**3. MINUTES**

August 27, 2018, Regular Meeting Minutes

Moved by Trustee Flood, seconded by Board Member Koscierszynski, to approve the August 27, 2018, Regular Meeting minutes as presented. **Motion carried**

**4. AGENDA REVIEW AND APPROVAL**

There were no changes to the agenda.

**5. ZBA BUSINESS**

AB-2018-30, Nick Tifon/Baldwin Waldon Office, 2990 S. Baldwin Rd., 09-20-351-017

Chairman Yaros read the petitioner's request as follows:

The petitioner is requesting a variance from Zoning Ordinance No. 78, Article 9, Section 9.04:

A 5' side yard setback variance, from the required 20' side yard setback to build a ground sign (Waldon Road) 15' from the east property line.

Mr. Nick Trifon, Signs by Crannie, 4145 Market Place, Flint, MI; presented.

Chairman Yaros clarified that Mr. Trifon was before them for the 5 ft. offset (of the sign) on Waldon Road to the entrance of the building from there. The location will actually have two signs but the one on Baldwin Road does not require any variances. Mr. Trifon concurred, he just needs a side yard setback from the property line on Waldon Road.

Chairman Yaros asked if any of the trees were coming down? Mr. Trifon replied, there is a little clearing where the sign will go; there will be visibility from both directions.

Chairman Yaros then clarified the reason he needs the variance is because there is a manhole near where the sign would go. Mr. Trifon said, there is a sanitary sewer there, in front of the building. They plan on moving the sign location further east. There is parking lot there and he plans to move the sign a little bit away from the parking lot to provide more some there as well.

Chairman Yaros asked the Board Members for questions.

Trustee Flood concurred that they don't want to put a metal sign on top of a sanitary sewer. Trustee Flood said he likes the fact that the setback is going to be the same from the road right-of-way on Waldon; he likes to look at site distance for ingress and egress.

Chairman Yaros said he would like it if the petitioner would add the site address(s) to the sign. Mr. Trifon asked where he would like him to put it? Chairman Yaros replied, just so that it is visible. Mr. Trifon noted that there are 3 addresses for that location, he said he would put them on the end of the sign on Baldwin Road; possibly one on top of the other or separate them with dashes.

Board Member Koscierzynski had no questions.

Board Member Walker said having a sign there is a big issue; it was hard to see the site.

Ms. Polly Chung, 3436 Waldon, asked why she got two publication notices? Ms. Chung said they live next door to the site. She commented there has been a lot of change in that area with the road widening and the installation of the roundabouts on Baldwin. She noted that it is a busy area with two subdivisions and school and business traffic along there. She said she is glad that someone will be occupying the building and looking forward to having an animal hospital there. Her concern about the sign was, how will people be able to see it when there is so much going on? She also agreed with the request to add the address to one of the signs where it can be seen from the road. She said she wasn't sure where they were going to put the sign, but talked to the petitioner prior to the meeting and said the location seems reasonable. She had safety concerns with all the congestion there. She said they did not have any real issues with the sign especially since won't be sitting on the road edge.

Chairman Yaros explained that the sign on Baldwin meets Ordinances and the setback and movement of the one on Waldon is minimal.

Moved by Trustee Flood, seconded by Chairman Yaros, that in the matter of case #AB-2018-30, Nick Trifon/Baldwin Waldon Office, 2990 S. Baldwin Rd., 09-20-351-017, that the petitioner's request for a non-use variance from Zoning Ordinance No. 78, Article 9, Section 9.04: a 5' side yard setback variance, from the required 20' side yard setback to build a ground sign (Waldon Road) 15' from the east property line be **granted** because the petitioner did demonstrate that the following standards for variances have been met in this case in that he set forth facts which show that in this: the petitioner does show the following Practical Difficulty: he doesn't want to build a sign on top of a sanitary sewer, the reason for the 5 ft. request; 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 location of the sanitary sewer; 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: this is a commercial building and it needs signage; the granting of the variance or modification will not be 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

following findings: the sign meets sign Ordinance standards, the request is only for a 5 ft. variance on the east, not on the Waldon Road side; 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 property; it will not unreasonably increase the congestion in public streets due to: it is a sign; would not increase the danger of fire or endanger public safety due to: it is being placed behind the safety path and not encroaching on Waldon Road; would not 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.

Trustee Flood amended the motion, Chairman Yaros re-supported, to change "...not on the Waldon Road side" to "...not on the Baldwin Road side"; and to add: at the request of the Chairman, the petitioner will add addresses to one of the signs.

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

#### **6. PUBLIC COMMENTS**

Mr. Anthony Chung, 3436 Waldon, spoke after there was motion to adjourn; he asked who is responsible for the side walk between this property and his property on Waldon Road, it is never maintained.

#### **7. COMMUNICATIONS**

Memo from Planning & Zoning Coordinator Frey dated September 4, 2018, Dates which cases can be postponed to.

#### **8. COMMITTEE REPORTS**

None

#### **9. MEMBERS' COMMENTS**

Board Member Koscierzynski reminded everyone about the book sale next week at the Orion Township Library, it is a good opportunity to help them out, it raises a lot of money.

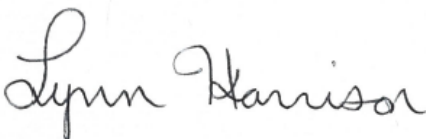
Trustee Flood commented that tomorrow night at the Veterans Memorial at 7:30pm there will be 9/11 Ceremony.

Board Member Walker supported Board Member Koscierzynski's mention of the book sale and that he will be there on the first day of the sale to help out.

#### **10. ADJOURNMENT**

Moved by Trustee Flood, seconded by Board Member Koscierzynski, to adjourn the meeting at 7:14pm.

Respectfully submitted,



Lynn Harrison  
PC/ZBA Recording Secretary  
Charter Township of Orion

September 24, 2018  

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Zoning Board of Appeals Approval