

# CHARTER TOWNSHIP OF ORION ZONING BOARD OF APPEALS

\*\*\*\*\* MINUTES \*\*\*\*\*

## REGULAR MEETING – MONDAY, NOVEMBER 27, 2017 - 7:00PM

The Charter Township of Orion Zoning Board of Appeals held a regular meeting on Monday, November 27, 2017 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

Lucy Koscierzynski, Board Member  
Mary Painter, Alternate

### ZBA MEMBER ABSENT

Mike Flood, BOT Rep to ZBA

### CONSULTANT PRESENT:

David Goodloe, Township Building Official

### OTHERS PRESENT:

Richard Koscierzynski  
Michael Haddad  
Lynn Harrison

### 1. OPEN MEETING

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

### 2. ROLL CALL

As noted

### 3. MINUTES

#### 10-9-2017, Regular Meeting Minutes

Moved by Board Member Koscierzynski, seconded by Board Member Walker, to approve the 10-9-2017 Regular Meeting minutes as presented. **Motion carried**

### 5. AGENDA REVIEW AND APPROVAL

There were no changes to the agenda.

### 6. ZBA BUSINESS

#### VAB-17-034 (AB-2017-34), AIM & CAN, LLC- James C. Komendra, 1135 S. Lapeer Rd., Sidwell #09-14-226-010

Chairman Yaros read the applicant's request as follows:

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

1. A 7-ft. variance from the required 20 ft. side yard setback to install a ground sign 13 ft. from the side property line (South).

The petitioner is requesting two variances from Sign Ordinance No. 153, Section 7 Non-Residential Zoned Areas Ground Signs, OP:

1. A front yard setback variance of 13 ft. from the required 20 ft. setback for a ground sign 7 ft. from the right-of-way.
2. The applicant is seeking a 26-sq. ft. variance from the allowed 30 sq. ft. in order to install a 56-sq. ft. ground sign.

Mike Haddad was present representing James Komendra, regarding 1135 S. Lapeer Road.

Chairman Yaros clarified that Mr. Haddad is with the sign company. Mr. Haddad said that he was with the installing sign company.

Chairman Yaros noted that two years ago they heard a request from Dr. Komendra for sign variances, however at that time it was not known exactly where the extension of the new road (M-24) was going to be. Chairman Yaros believed that the old sign had remained for the time being.

Mr. Haddad replied that it was his understanding that what happened when MDOT came through and reconstructed everything, the sign was removed and what exists there now is temporary sign.

Chairman Yaros asked if the new sign will be going in the spot as the previous permanent sign?

Mr. Haddad said it will be in exactly the same location.

Chairman Yaros inquired if the size variance request is mainly for the “toothbrush” that is proposed for the top of the sign? Mr. Haddad said their request is for two things – can they put the sign where the old sign existed and believed the sign designer was not aware that the “toothbrush” would be considered as part of the size of the sign. Mr. Haddad commented that the “toothbrush” will not be lit or contain any text.

Chairman Yaros said that he likes the size of the address numbers; the sign looks good to him; the location will be the same as it was; and will meet sight distances – he didn’t have a problem with the requests. He asked for comments from the rest of the Board.

Vice Chairman Durham asked if the variances are granted, how quickly does Mr. Haddad propose to move with the new sign? Mr. Haddad said he believed it would be installed within 4-weeks.

Board Member Koscierynski asked how long Dr. Komendra has been in business? Mr. Haddad said he has been there a long time; at the same location. Board Member Koscierynski then asked if the letter in the packet authorizing Identicom Sign Solutions to act on behalf of Dr. Komendra should be noted in the motion? Chairman Yaros said, yes, that it could be mentioned in the motion.

Chairman Yaros asked if there was anyone here to speak this matter? There was not.

Moved by Vice Chairman Durham, seconded by Chairman Yaros, that In the matter of (VAB-17-034) AB-2017-34, AIM & CAN, LLC- James C. Komendra, 1135 S. Lapeer Rd., Sidwell #09-14-226-010, the petitioner is requesting a variance from Zoning Ordinance No. 78, Article IX, Section 9.04, OP: a 7 ft. variance from the required 20 ft. side yard setback to install a ground sign 13 ft. from the side property line (South) and two variances from Sign Ordinance No. 153, Section 7 Non-Residential Zoned Areas Ground Signs, OP: 1) A front yard setback variance of 13 ft. from the required 20 ft. setback for a ground sign 7 ft. from the right-of-way, and 2) the applicant is seeking a 26 sq. ft. variance from the allowed 30 sq. ft. in order to install a 56 sq. ft. ground sign **be granted as requested** because the petitioner did demonstrate that practical difficulties exist in this case in that they set forth facts which show that in this case, mainly, the road (M-24) moved therefore the sign has to move; the sign presented is very clear, will be good for the business, good for the community, and will be easily seen by the public; compliance with the strict letter of the ordinance would unreasonably prevent the petitioner from using the property for a permitted purpose; granting the variance requests would do substantial justice to the petitioner as well as to other property owners in the area and to the public in general; the petitioner’s plight is due to the unique circumstances of the property based on the fact that the old sign worked with the old road, new road needs a new sign; the problem has not been self-created based on the above; and the presenter tonight has a letter of authorization by the property owner to do the presentation.

Vice Chairman Durham amended the motion, Chairman Yaros re-supported to note that the sign will be were the current sign is, the location has not changed.

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

**2018 Zoning Board of Appeals Regular Meeting Dates Resolution**

Chairman Yaros questioned the meeting that was suggested for December 26, 2018 being that both December 24<sup>th</sup> and 25<sup>th</sup> where holidays and the Township office will be closed. Do the Board Members want to consider omitting that second meeting in December? The consensus was, yes. It was also noted that there was another regular meeting that fell on a holiday and that was May 28<sup>th</sup> which is Memorial Day. The Board agreed to hold that meeting on Tuesday, May 29<sup>th</sup> if there were cases.

Moved by Board Member Koscierynski, seconded by Vice Chairman Durham, to adopt the 2018 Zoning Board of Appeals Regular Meeting Dates Resolution omitting the second meeting in December and meeting on Tuesday, May 29, 2018 instead of Monday, May 28<sup>th</sup> which is the Memorial Day holiday.

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

**7. PUBLIC COMMENTS**

None

**8. COMMUNICATIONS**

Michigan Planner 'E-dition', November 2017

**9. COMMITTEE REPORTS**

None

**10. MEMBERS' COMMENTS**

None

**11. ADJOURNMENT**

Moved by Board Member Koscierynski, seconded by Vice Chairman Durham, to adjourn the meeting at 7:14pm. **Motion carried.**

Respectfully submitted,



Lynn Harrison  
PC/ZBA Recording Secretary  
Charter Township of Orion

December 11, 2017

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Zoning Board of Appeals Approval