SHIAWASSEE COUNTY ZONING BOARD OF APPEALS
SEPTEMBER 14, 2016– BOARD MINUTES

1. **CALL TO ORDER:** Chair Henry W. Martin III called the regularly scheduled monthly Zoning Board of Appeals public hearing to order at 7:00 P.M. on Wednesday evening, September 14th, 2016. The hearing was held within the County Board of Commissioners' meeting room located on the first floor of the Surbeck Building, 201 N. Shiawassee Street, in Corunna, MI.

   a. **ROLL CALL:** Present: Bradley Hissong, Duane Wood, Julie Hales-Smith, Paul Brake, Robert Ebmeyer, Ann Gamboe Hall and Henry W. Martin III. Absent: None. Also present: Peter Preston, Community Development Director and Matthew Lafferty, Land Use Planner.

   b. **EXCUSED ABSENCES: None**

2. **CONFIRMATION OF LEGAL NOTICE:** The board was informed that a legal notice of the scheduled hearing had been posted within the Sunday August 28, 2016 edition of the Independent Newspaper to all of their zones and that proof of publication was on file. Martin declared the hearing as legally noticed.

3. **APPROVAL OF THE AGENDA:** **Motion:** Brake moved to approve the agenda as printed. **Support:** Hissong. **Motion carried: 7 ayes, 0 nays.**

4. **APPROVAL OF BOARD MINUTES:** **Motion:** Gamboe-Hall moved to approve the July 13th, 2016 meeting minutes as printed. **Support:** Brake. **Motion carried: 7 ayes, 0 nays.**

5. **PUBLIC COMMENTS ON NON-AGENDA ITEMS:** None.

6. **COMMISSIONER COMMENTS:** None.

7. **OLD BUSINESS:** None.

8. **NEW BUSINESS:**

   a. **Application Request #PZBA16-011**
   Applicant/Owner – Myrle Gorsline
   Site Location –7750 Lovejoy Rd., Perry, MI 48872; Tax ID# 013-35-300-005; Section 35, Woodhull Township.
   Request – To permit the construction of an accessory structure that is further than the maximum required front yard setback.
   Ordinance Reference – Section 5.3.1.B.1.a.iii.

Lafferty provided the staff report.

Martin asked for the applicant's statement. The applicant stated that the variance process has been confusing and that he has heard conflicting information on which condition set would be chosen to address the ZBA.

Martin opened the floor for public comment in support of the applicant's request. Hearing none, Preston read a letter written by a neighbor of Mr. Gorsline in support of the requested variance. Martin called for public comment in opposition of the request. Hearing none, Martin called for Township input. Martin read a letter from Woodhull Township Planning Commission recommending that the Zoning Board of Appeals approve Mr. Gorsline's variance.

Preston then explained the difference between condition set 1 and condition set 2 in regards to the historical precedent of Mr. Gorsline's requested variance. Preston also explained why there was confusion surrounding Mr. Gorsline's variance in the Building and Zoning Office from the administrative prospective.

Mr. Gorsline's rebuttal included that he was told initially that he would be okay to build an accessory structure in his desired location without any problems. He said that later he got a call from Mr. Lafferty stating that there was a problem with his application and that he would need a variance.

Preston then explained that not all the staff in the Building and Zoning Office know all of the details of the Shiawassee County Zoning Ordinance and that there is a system of checks and balances in place to correct errors like this. Preston also stated that unless he had a final approval in writing that his approval to build was not solidified.

Martin closed the public hearing.

Discussion between the Board members took place.

Motion: Robert Ebmeyer motioned to Approve request PZBA16-011, GORSLINE, for the proposed 100.3' variance from the minimum front yard setback of 165' from the road right-of-way under Section 5.3.1.B.1.a.iii to permit a 24' by 36' accessory structure on the property as legally described in Section 35 of Woodhull Township (Parcel Id. #013-35-300-005), based upon the following reasoning and conditions:

Reasoning:

1. The proposal satisfies the basic findings as set forth in Section 18.4.6 of the Zoning Ordinance. **The Board of Appeals should discuss the basic conditions in reference to the petitioned variance and site.**

Conditions:

1. The improvement resulting from the approval of this variance must be substantially similar to what has been depicted on the submitted site plans.

Support: Ann Gamboe Hall.

Roll Call: Ayes to Approve: Bradley Hissong, Duane Wood, Julie Hales-Smith, Paul Brake, Robert Ebmeyer, Ann Gamboe Hall and Henry W. Martin. **Nays:** None.

Motion carried: 7 ayes, 0 nays.

b. <u>Application Request #PZBA16-012</u>
Applicant/Owner – Adam Elsesser
Site Location – 2740 W. Lansing Rd., Perry, MI 48872; Tax ID.# 014-10-300-007; Section 10, Perry Township.
Request – To allow a lighted LED style sign with electronic changeable images.
Ordinance Reference – Section 9.2.1.G

Lafferty provided the staff report.

Martin asked for the applicant's statement. Mark Agnew, owner of Agnew Sign Co., spoke for his client, the applicant, Adam Elsesser. Agnew stated that in neighboring counties regulations on LED signs are less stringent. The current Zoning Ordinance in Shiawassee County places strict limitations on what Mr. Elsesser can do with his sign and places his business at a significant disadvantage.

Martin opened the floor for public comment in support of the applicant's request. Hearing none, Martin called for public comment in opposition of the request. Hearing no opposition, a rebuttal was not necessary.

Preston read a letter supplied from Perry Township recommending approval of the proposed "LED style sign with electronic changeable images".

The Board deliberated with the applicant.

Martin asked staff if they were working on addressing the issue raised by Mr. Agnew.

Preston noted that the Shiawassee County Planning Commission's Rewrite Committee has been working on updating the Ordinance for the past two years and that they will be looking to address these issues shortly.

Martin closed the public hearing.

Motion: Paul Break motioned to **<u>postpone</u>** request PZBA16-011, ELSESSER, for a variance from Section 9.2.1.G to permit a lighted LED style sign with electronic changeable images on the property as legally described in Section 10 of Perry Township (Parcel Id. #014-10-300-007), based upon the following reasoning:

Reasoning:

1. Additional information is needed by the Zoning Board of Appeals in order to ascertain that the proposal satisfies the basic conditions as set forth in Section 18.4.6 of the Zoning Ordinance.
2. Refer to professional counsel regarding this issue.

Support: Ann Gamboe Hall.

Roll Call: Ayes to Approve: Bradley Hissong, Duane Wood, Robert Ebmeyer, Julie Hales-Smith, Paul Brake, Ann Gamboe Hall and Henry W. Martin. **Nays:** None

Motion Carried: 7 ayes, 0 nays.

9. INTERPRETATIONS OF THE ZONING ORDINANCE: None published.

10. ZONING ADMINISTRATOR'S REPORT: None.

11. BOARD MEMBER COMMENTS: Martin noted his interest in setting up a training session for the Shiawassee County Zoning Board of Appeals, Planning Commission, and Township Planning Commissions under county jurisdiction.

Preston noted his conflict of interest in running such an event as director of the Shiawassee Community Development Department and suggested hiring an outside service for such training.

Martin noted an interest in Citizen Planner training offered through Michigan State University and suggested Staff should research this issue further.

12. PUBLIC COMMENT: None.

13. ADJOURNMENT: Motion: Brake moved to adjourn. **Support:** Gamboe-Hall. **Motion carried: 7 ayes, 0 nays.** The public hearing adjourned at approximately 9:00 P.M.

Recording Secretary: Matthew Lafferty

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Approval Signature Approval Date
Shiawassee County Zoning Board of Appeals

DRAFT