

# CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING MI 48433

## ZONING BOARD OF APPEALS

DATE: SEPTEMBER 28, 2010

TIME: 7:30 P.M.

PHONE: 810-659-0800

FAX 810-659-4212

WEB PAGE: <http://www.flushingtowship.com>

### MEMBERS:

Edward Henneke, Chair

Richard Buell

Richard Vaughn, Vice Chair

James Sarka

Scott Minaudo, Board of Trustees Representative

Julia A. Morford, Recording Secretary

**I. CHAIR EDWARD HENNEKE** opened the meeting at 7:35 p.m. with Roll Call and the Pledge to the American Flag.

**ROLL CALL:** Edward Henneke, Richard Vaughn, Scott Minaudo, and James Sarka,

**MEMBERS ABSENT:** Richard Buell

**OTHERS PRESENT:** Steve Nemer

**II. APPROVAL OF AGENDA: HENNEKE** deemed Agenda approved due to no objections.

**III. 7:40 P.M. OPEN FOR PUBLIC COMMENTS:**

None

**7:41 P.M. CLOSED FOR PUBLIC COMMENTS**

**IV. APPROVAL OF MINUTES OF JANUARY 5, 2010: MINAUDO MOVED,** seconded by Sarka to approve the minutes of January 5, 2010 as presented. **MOTION CARRIED.**

**V. UNFINISHED BUSINESS:**

None

**VI. NEW BUSINESS:**

**1. Steven Nemer, 7302 W. Mt. Morris Road, Flushing, MI 48433**

Variance of Sign Ordinance, Section 13.5-66

**IT WAS DETERMINED THAT MR. NEMER DIDN'T HAVE ALL THE PROPER FORMS FILLED OUT FOR A VARIANCE REQUEST SO DISCUSSION WAS HELD AS TO WHAT MR. NEMER SHOULD DO FOR THE NEXT ZONING BOARD OF APPEALS MEETING.**

**COMMENTS FROM MR. NEMER:**

- Mr. Nemer stated/requesting:
  - a. a sign variance.
  - b. would like to have a larger sign placed in front of his business.
  - c. limited to twelve (12) square feet of signage of which he is requesting
  - d. two hundred (200) feet of road frontage would allow up to sixty-four (64) square feet of road signage, which is less than Mr. Nemer has; unless Mr. Nemer's lot would be considered a corner lot due to a trailer park located to the East of his property.
  - e. Kings Row Lane is the name of the main road leading North off Mt. Morris Road into the trailer park.
  - f. Kings Row Lane is a private road, but the police can write citations on the road.
  - g. the initial drawing of the existing store sign was 4 x 8; Mr. Nemer has spoken to several other sign companies and considering going to a 5' x 8' sign or up to fifty (50) square feet.
  - h. the height of the proposed sign would be fourteen (14) foot high.
  - i. a Coca Cola and 7-Up sign has been in front of the store since 1982. The 7-Up sign is located between his drive and Kings Row Lane. The Coca Cola sign was removed during the last wind storm; the store property doesn't have any frontage on Kings Row.

**QUESTIONS FROM THE ZONING BOARD OF APPEALS:**

1. There is a house to the west of the store.  
**ANSWER:** there is a residence attached to the store by a breezeway
2. Isn't there another house before the Creek to the West?  
**ANSWER:** There is another house between the store/house and the creek.
3. How far back would the sign be located, per ordinance the sign cannot be in the road right of way.  
**ANSWER:** (VAUGHN took measurements before the meeting): From the center of the road through the shoulders, there is approximately twenty-six (26) feet; from the shoulder up to the front of the house part there is another thirty-five (35) feet (total of 61'), and to where the store actually is part there is another twenty-nine (29) feet.
4. **HENNEKE** stated there had to be an additional twenty-five (25) feet back from the road right of way.
5. There was a question regarding the road right of way; the clerk will check with the Genesee County Road Commission and get back with Mr. Nemer.
6. Mr. Nemer stated from the center of the road to the store front was ninety (90) feet; and from the center of the road he would have to be back an additional twenty-five (25) foot back from the road right of way beyond the pavement.
7. Could the sign be lowered?  
**ANSWER:** yes
8. How would the sign be lighted?  
**ANSWER:** the sign will be lighted internally. Crannie Signs had put the sign design sketch together so Nr. Nemer could bring the information to the ZBA;

most of the sign companies would not do anything until the zoning was first approved. Mr. Nemer would like a 5' x 10' sign and would like to see the options from other sign companies.

9. **CHAIR HENNEKE** would like to see the sign lower so the lights would not affect the house next door and the house across the street (Mt. Morris Road).
10. the store property is zoned commercial
11. Mr. Nemer stated if coming from Elms Road heading west, as people approach the store, due to the tall pines trees, the trees block the view of the store and no one realizes the store is there and by the time they realize a store is actually there, they have already gotten up to the speed limit of 55 miles per hour and the person cannot stop. If coming from the West because the house sits so far out in front of the store, people don't realize the store is there until they are in front of the store. At 55 miles per hour, they have no time to stop. Mr. Nemer wants to put something, similar to the proposed sign drawing given to the Zoning Board of Appeals, nearer to the road to increase his business.
12. Mr. Nemer wanted to know exactly how the road right of way was measured. **CHAIR HENNEKE** stated it would be measured from the middle of the road. Example: If there was a full 100' right of way, it would be measured from the center line (50') on either side, plus another 25', for a total of 75' maximum. (There are subdivision right of ways, county line right of ways, expressway right of ways, etc.).
13. From the center of road to the store is ninety (90) feet; the difference between the house and the store is thirty-five (35) feet plus add on another twenty-nine (29) feet.
14. Mr. Nemer wanted to know if he could put a low portable sign out front in order to get closer to the road. **CHAIR HENNEKE** stated "NO", it could not be closer than the twenty-five (25) foot road right of way.
15. the trailer park signs are out further than the store/house signs.
16. **CHAIR HENNEKE** stated the Appeals Board did not have a scale drawing of the location of the store/house compared to the surrounding area, signs, wall, etc. The information would be needed in order for the ZBA to determine the dimensions. Everything has to be factored in to give an approval.

#### **REQUIREMENTS FOR A VARIANCE:**

1. A plot plan drawn to scale (1"=20') showing lot, location of existing buildings, proposed buildings and additions to existing buildings, plus distance from property line
2. An affidavit attached to application with the following questions answered:
  - a. Will the strict enforcement of the provisions of the township zoning ordinance unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
  - b. Is the need for a variance due to unique circumstances of the property.
  - c. Did you (the applicant) create the problems you (the applicant) are trying to get around.
  - d. Will the requested variance confer special privileges that are denied other properties similarly situated and in the same zoning districts?
  - e. Will the requested variance be contrary to the spirit and intent of this zoning district and public safety?

Mr. Nemer would hopefully get the sign installed May of next summer. Currently, the store is in a slow down period.

**RECOMMENDATIONS:**

1. the sign should be keep as low as possible but still be visible and kept within ordinance. In the particular case as high as twenty-five (25) feet and eighty (80) square feet. Perhaps a 4' x 8' sign.
2. the distance of the road right of way is needed.
3. Mr. Nemer will measure the trailer park signs.
4. will make sure to go back twenty-five (25) foot back of the road right of way to determine the height in order to avoid obstruction of vehicles.
5. don't want the mobile home sign to block the store sign.
6. don't want all shapes and sizes of signs in the area. Example: Dort and Clio Roads.
7. show the wall (trailer park) and the distance from the road right of way in the scale drawing.
8. Kings Row Lane (Meadowbrook Estates) will not be considered the frontage of the purposed property.
9. Mr. Nemer will call the Genesee County Road Commission and find out the road right of way for Mt. Morris Road where the store is located; the width will then be divided in half.
10. Mr. Nemer will re-read the ordinance and include anything else that pertains to the situation including drawings of the buildings, etc to scale.
11. the Zoning Board of Appeals has to make a record giving an approval or disapproval or approval with conditions. There could be an approval with a condition regarding the height of the signs.
12. make sure Mr. Nemer has a copy of the ordinance in order to fill out the affidavit.
13. Reference was made to Signs, *Section 13.5-67 Commercial, all districts – Temporary Signs*
  - a. One nonilluminated temporary sign
  - b. Not exceeding five (5) feet in height and thirty-two (32) square feet in area.
14. Mr. Nemer should work with a 4' x 8' sign when obtaining bids from other sign companies for design; the biggest problem will be square footage.
15. flood lights already exist in the trailer park; there is a County street light in the area and a light in the parking lot of the house/store. Lighting is already in existence. If the ZBA wanted to see the light turned off in the evening, Mr. Nemer would abide with the request.
16. Per **CHAIR HENNEKE**, a professional drawing isn't necessary, but the drawing has to be per scale.

**MINAUDO MOVED**, seconded by Vaughn to postpone the variance sign request until the January 4, 2011 Zoning Board of Appeals meeting. **MOTION CARRIED.**

**VII. NEXT REGULAR SCHEDULED MEETING will be held on TUESDAY, JANUARY 4, 2011 AT 7:30 P.M.**

**VIII. ADJOURNMENT:** Due to no further business, **HENNEKE** adjourned the meeting at 8:37 p.m.

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**EDWARD HENNEKE**, Chair

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**JULIA A. MORFORD**, Recording Secretary

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**RICHARD VAUGHN**, Vice Chair

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Date Approved

09/28/2010 appeals