

**CHARTER TOWNSHIP OF FLUSHING
6524 N. SEYMOUR ROAD
FLUSHING MICHIGAN 48433**

**SPECIAL ZONING BOARD OF APPEALS
DATE: AUGUST 11,1998 TIME: 7:30 P.M.**

MEETING CALLED TO ORDER at 7:40 p.m. by Chairman Henneke.

MEMBERS PRESENT

Edward Henneke, Chairman
Harvey Workman, Vice Chairman & Secretary

James Sarka
Richard Vaughn

ALSO PRESENT:

Jerald W. Fitch, Building Inspector
Ida M. Reed, Recording Secretary

MEMBERS ABSENT: Lynn C. McLean

OTHERS PRESENT: Jeffrey Oliver and J. Voorheis owner of Voorheis Sign Co.

PUBLIC HEARING:

Chairman Henneke stated that this Special Meeting was called for the purpose of hearing a request of Jeffrey Oliver of 10145 Frances Road. Mr. Oliver is seeking a variance from the sign ordinance to place a commercial business sign closer to the road right-of-way than what is allowed in our ordinance. (Sec. 13.5-65 (1). Parcel number 08-04-200-026.

Notices were sent to residents living within 300 feet of the request. We received his application and diagram of the sign, and the location where he wishes to have it installed.

MR. VOORHEIS explained that one of the problems they had was because of misinformation they received from the County Road Commission. They turned the two lots around, and gave them the set back for Frances Road instead of Seymour Road. Frances Road has a set back of 33', and Seymour Road has a set back of 50'. That made a difference of where the sign sits.

They want to erect the sign right at the road right-of-way, instead of erecting it 15' from the right-of-way, as the ordinance. The present sign is a little smaller than the one they want to erect, but the present sign is located in the right-of-way. If they had to place the sign 15' back from the right-of-way, as proposed in the ordinance requires, it would create problems for visibility, and it would be located in the middle of the parking lot. They would also have to raise the sign approximately five feet higher.

Mr. Oliver answered the questions on the variance application by saying:

1. The strict enforcement of the ordinance would render conformity unnecessarily burdensome because the proposed new sign would be too far back to be seen, and it would be taking up space needed for parking and maneuvering cars in the lot.
2. The variance is needed because the building was constructed too close to the road.
3. The original owner constructed the building too close to the road.

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4. He does not believe it would confer special privileges that are denied other properties similarly situated in the same zoning district.
5. He does not believe the variance would be contrary to the spirit and intent of the zoning district and public safety.

HENNEKE asked if there are other signs similarly situated in that area?

Mr. Voorheis stated that all the signs in that area are closer to the road than what the ordinance allows. Even the township sign is too close to the road.

CHAIRMAN HENNEKE read a letter from a resident that lives within 300' of the request. Mrs. Wyman 8582 N. Seymour Road stated that she didn't have a problem with this request.

CHAIRMAN HENNEKE asked Mr. Fitch if he had inspected the area to see if placement of the new sign would appear to block the vision of someone using Frances Road?

FITCH stated that it is way behind the clear vision area.

CHAIRMAN HENNEKE told Mr. Oliver that this board might impose conditions on granting a variance. One of the problems he sees, is the fact that someday Seymour Road may be widened closer to the proximity of your sign. This would potentially cause visibility problems. The problem for you would be if we placed a condition on the variance. If future events cause the sign to be a road hazard, the variance would be rescinded, and the sign would have to be moved back.

MR. OLIVER stated that if Seymour Road is ever widened his parking lot and everything else would have to be moved back accordingly.

CHAIRMAN HENNEKE closed the public portion of the hearing and opened it up to the ZBA members for their comments.

WORKMAN stated that there doesn't see a problem. The point is well taken that the new sign will be back further than the existing sign. We will be ahead of the game actually. We will be getting a new sign and it will be further off the road.

HENNEKE MOVED, seconded by Vaughn to allow this variance with the condition that if Seymour Road is widened and the sign becomes a visibility problem and a public safety problem, then we will rescind the variance and ask that the sign be moved back accordingly. This request is consistent with our variance requirements, and the strict enforcement of the provisions of the ordinance would prevent him from having a suitable sign and still being able to use his property. The circumstances and location are unique to the limited commercial property in that area. The granting of the variance would not give any special favors. In the process, the new sign is being moved further back than the present sign, and this a benefit, rather than the other way around. It is certainly within the spirit and intent of zoning district and the public safety. Yes: 4 No: 0. MOTION CARRIED.

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APPROVAL OF MINUTES:

WORKMAN MOVED, seconded by Vaughn to approve the minutes of June 2, 1998 as printed.
MOTION CARRIED.

THERE DOESN'T seem to be an agenda item for the September 1st meeting, and if nothing comes in, this meeting is cancelled. You will be notified if something comes in.

NEXT REGULAR MEETING will be held on Tuesday, December 1, 1998 at 7:30 p.m. if the September meeting is cancelled,

ADJOURNMENT: As there was no further business the meeting was adjourned at 8:05 p.m.

Edward Henneke, Chairperson

Ida M. Reed, Recording Secretary

Harvey Workman,
Vice-Chairman/Secretary