

CHARTER TOWNSHIP OF FLINT ZONING BOARD OF APPEALS

Regular Meeting

Wednesday, January 3, 2007 7:30 p.m.

1490 South Dye Road

MEMBERS PRESENT: L. Ford, V. Shaheen, B. Smith, H. Wiggins, B. Parker

MEMBERS ABSENT: N. Pappadakis

STAFF PRESENT: G. Jamison, Chief Building Director, G. Borse, Flint Township Fire Chief
Chairman Smith called the meeting to order at 7:30 p.m.

APPROVAL / CORRECTIONS OF MINUTES

December 6, 2006 - Regular Meeting

MOTION BY V. SHAHEEN, SECOND BY L. FORD to approve the minutes of December 6, 2006, as printed. **MOTION CARRIED UNANIMOUSLY**

NEW BUSINESS:

PUBLIC HEARING: CASE #2408 RICKY MATHEWS

Applicant seek to vary from the provisions of Ordinance #5500, Section 3.5(9)(11), in that petitioner request to be allowed to construct a 4th out building which will exceed the maximum allowed area of accessory buildings by 314 square feet.

LEGAL: 07-22-501-145
LOCATION: 2254 Lodge Road
ZONING: R-1D (Single Family Residential)

Mr. & Mrs. Ricky Mathews were both present. Mr. Mathews is retired from General Motors and restores cars. He received a Notice of Violation from the Building Department for having unplated vehicles in his yard. He would like to build an accessory building to store them in. He is tearing down two of the buildings on his property, and leaving the red barn. The new building will have vinyl siding and shingles.

B. Smith said that he would be much happier if the red barn would be removed as well. Mr. Mathews indicated that he stored his lawn equipment there. Also, he will be leaving town soon, and really would like to keep the red barn, at least for the time being.

No audience members addressed the Board regarding this case.

MOTION BY L. FORD, SECOND BY H. WIGGINS to approve Case #2408 contingent upon the petitioner tearing down the other two accessory buildings.

ROLL CALL:

L. FORD YES
V. SHAHEEN YES
B. SMITH YES
H. WIGGINS YES
B. PARKER **◆YES**

5 YES, 0 NO MOTION CARRIED UNANIMOUSLY

PUBLIC HEARING: CASE #2409 OAK CREEK OFFICE PARK LLC

Applicant seeks to vary from the provisions of Ordinance #6021, Section 4.04(1)(b)(2), in that petitioner requests to be allowed to construct an additional 216 square feet ground sign upon a parcel which already has three existing LED ground signs.

LEGAL: 07-21-651-001 through 07-21-651-011
LOCATION: 4438, 4448, 4458 & 4468 Oak Bridge Drive
ZONING: O-1 (Office)

Jim McGirk, McGirk Realty, represented this project to the Board. Mr. McGirk indicated that originally this property had eleven signs that have been removed. Now the property has three LED signs that help with the eight buildings along Linden Road. However, the LED signs do not advertise for the four buildings along Stone Bridge Drive.

4438 Stone Bridge has two Suites
4448 Stone Bridge is a stand-alone building
4458 Stone Bridge has three Suites
4468 Stone Bridge is a stand along building

The tenants to be listed on the sign are as follows: Spring Arbor University, Apria Healthcare, McLaren, Genesee County Medical Society, Yeo & Yeo Accountants.

This sign will have no LED capabilities, no neon, and will be internally lit.

Audience

Barb Vert 4064 Moulton Drive asked the Board if a sign permit is ever refunded. B. Smith indicated that sign permits are refunded if the work is not done. Mrs. Vert then asked if this sign would need a sign permit. B. Smith told Mrs. Vert that this sign would need a sign permit.

B. Smith indicated that he would be voting for this sign due to the fact that Mr. McGirk has met 100% of what the Township has asked of him before in regards to the signage, and there is no need to have more vacant buildings in this Township. If these buildings back off Stone Bridge are having difficulty being located by it's clients/patients, etc., then that could lead to an empty building.

MOTION BY V. SHAHEEN, SECOND BY L. FORD to approve Case #2409 as presented.

ROLL CALL:

V. SHAHEEN	YES
B. SMITH	YES
H. WIGGINS	YES
B. PARKER	YES
L. FORD	YES

5 YES, 0 NO MOTION CARRIED UNANIMOUSLY

AUDIENCE PARTICIPATION

No one in the audience addressed the Board.

Chairman Smith adjourned the meeting at 7:55 p.m.

CHARTER TOWNSHIP OF FLINT ZONING BOARD OF APPEALS

Regular Meeting

Wednesday, February 7, 2007 7:30 p.m.

1490 South Dye Road

Due to the fact that there was no Zoning Board of Appeals business to be heard, this meeting was cancelled. ♦ The minutes of January 3, 2007, will be approved at the next Regular Meeting on March 7, 2007.

CHARTER TOWNSHIP OF FLINT ZONING BOARD OF APPEALS

Regular Meeting

Wednesday, March 7, 2007 7:30 p.m.

1490 South Dye Road

MEMBERS PRESENT: L. Ford, B. Smith, N. Pappadakis, B. Parker

MEMBERS ABSENT: V. Shaheen

STAFF PRESENT: G. Jamison, Chief Building Director

Chairman Smith called the meeting to order at 7:30 p.m.

AUDIENCE PARTICIPATION

No one in the audience address the Board.

APPROVAL / CORRECTIONS OF MINUTES

January 3, 2007 - Regular Meeting

MOTION BY B. PARKER, SECOND BY L. FORD, to approve the minutes of January 3, 2007, as printed.

VOICE VOTE: MOTION CARRIED UNANIMOUSLY

February 7, 2007 - Regular Meeting

MOTION BY N. PAPPADAKIS, SECOND BY L. FORD, to approve the minutes of February 7, 2007, as printed. VOICE VOTE: MOTION CARRIED UNANIMOUSLY

NEW BUSINESS:

PUBLIC HEARING: CASE #2410 BILL DAUP SIGNS INC

Applicant seeks to vary from the provisions of Ordinance #6021, Section 4.04(1)(a)(iii), in that petitioner requests to be allowed to construct a 350 square feet wall sign in lieu of maximum allowed 275 square feet (West building face).

LEGAL: 07-28-100-024

LOCATION: 3341 South Linden Road (Old Mervyn's Building)
ZONING: C-2 (General Business)

Bill Daup, from Bill Daup Signs, was present to represent this case. He indicated to the Board that this case was published incorrectly. This variance is needed on the South elevation, and NOT the West elevation.

Mr. Daup stated that the variance was needed due to the fact that the signs for Baby Depot and Home Decor, are so small, and the building face is so large, the signage would be lost.

Chairman Smith said that due to the fact that this case was not published correctly, this case would need to be republished and tabled until the next regular meeting.

No one from the audience spoke regarding this project.

MOTION BY L. FORD, SECOND BY N. PAPPADAKIS, to table Case #2410 until the April 4, 2007, meeting for republishing.

ROLL CALL:

L. FORD	YES
B. SMITH	YES
N. PAPPADAKIS	YES
B. PARKER	YES

4 YES, 0 NO MOTION CARRIED UNANIMOUSLY

PUBLIC HEARING: CASE #2411 BILL CARR SIGNS INC

Applicant seeks to vary from the provisions of Ordinance #6021, Section 6.01(5), in that petitioner requests to be allowed to construct a new main ID sign that will incorporate an LED message that displays more than time, temperature, or stock market quotations.

LEGAL: 07-36-100-066
LOCATION: 4091 Van Slyke Road
ZONING: C-2 (General Business)

Mike Ellithorpe, of Bill Carr Signs Inc., represented the petitioner. This is an existing sign that has changeable letters. They would like to update this sign to an LED sign. They are using Amber lighting, and the sign will not flash. The sign would only be changed once a day for events at the church. The closest residence is 255 feet from the sign, and the closest business is 175 feet away.

Chairman Smith asked G. Jamison why this case was here for a variance if the sign wasn't going to scroll, flash, or move. Mr. Jamison indicated that the Sign Ordinance states in

Section 6.01 that no sign is allowed with any visible moving parts, visible mechanical movement, etc.

Audience

Francis Parrott 5304 Beecher Road - She wanted to know why the wording of time, temperature, and stock quotations was in the request, if the sign wasn't going to move.

Chairman Smith pointed out that the wording was taken out of the Sign Ordinance.

Barb Vert 4064 Moulton Drive - She wanted to know what section of the ordinance indicates time, temperature and stock quotations.

Chairman Smith stated that Ordinance #6021; Section 6.01(5) is where the wording came from.

Mrs. Vert asked where the hardship was for this Case? Also, this church is in her backyard. The parking lot lights shine in her backyard as it is. She has already had trees cut down behind her so that she sees all of Bristol Road, (due to the Advance Auto project), and there is another church along Bristol Road that already has a variance for an LED sign that still isn't 100% in compliance. Mrs. Vert added that she is tired of everyone getting what they want and or having conditions, and not having to follow up on them! Mrs. Vert stated she would be seeing this sign coming in her back window! This is not a hardship.

Chairman Smith indicated that this petitioner needs to prove they have a practical difficulty, not a hardship. He asked if the sign could be turned off at night so that Mrs. Vert can't see it.

Mr. Ellithorpe said that she would only see the glow off the sign. Plus, it defeats the purpose of the variance. They can turn the sign down if the Amber lighting is too bright.

L. Ford stated that the Planning Commission makes the petitioners adjust the parking lights down so there is no glare to the residents.

MOTION BY L. FORD, SECOND BY N. PAPPADAKIS, to approve Case #2411 as presented.

ROLL CALL:

N. PAPPADAKIS	YES
B. SMITH	YES
B. PARKER	NO
L. FORD	YES

3 YES, 1 NO MOTION CARRIED

PUBLIC HEARING: CASE #2412 DOPPCO DEVELOPMENT

Applicant seeks to vary from the provisions of Ordinance #5500, Section(s) 5.6(j), in that petitioner requests to be allowed to establish parking spaces within the required front setback of Miller and Linden Roads, and to construct a dumpster enclosure within the required setback of Linden Road.

LEGAL: 07-28-552-002

LOCATION: 3427 S. Linden (Southeast corner of Linden & Miller)

ZONING: C-2 (General Business)

Kevin Brokaw, Counsel for Doppco Development, Stuart Berger, Vice President of Doppco Development, and Ken Van Tine of Van Tine & Gunthrie Studios, all were present to represent this project. Mr. Brokaw indicated to the Board that their project (Aspen Dental) has changed a little from the drawing originally turned in to the Building Department with the application. The building is now only 3,200 square feet from the original 4,757 square feet and 15 feet from the East property line in lieu of the 1 or 2 feet (+/-). The dumpster is still within the 20 feet rear setback.

Mr. Brokaw submitted new drawings to the Board and went over the variances needed including the original variance for the parking within the front setbacks along Miller and Linden Roads.

L. Ford asked that the dumpster be moved back toward the East and screened, so that three more spaces could be added (parallel parking) and removed from the setback. The petitioners agreed.

B. Parker stated she isn't in favor of this project due to the parking variances on this site. There is too much traffic congestion at this corner especially during the Holidays.

The petitioner indicated to the Board that they have been in contact with John Daly at the Road Commission and he stated that he is in favor of closing off Miller Road to help with the congestion.

Chairman Smith said he was in favor of this project because it was a reasonable request for this corner.

Audience

Barb Vert 4064 Moulton. She asked why the petitioners were building a new structure when there were plenty of vacant buildings to choose from.

The petitioner indicated that their company does national studies to find the prime spots to where they think their business will do best . This intersection, with its traffic, is a prime location for this business.

Two letters received (in file):

- (1) (1) Art Van Furniture Oppose**
- (2) (2) Cooper Commercial In Favor**

MOTION BY L. FORD, SECOND BY N. PAPPADAKIS, to approve Case #2412 contingent upon the dumpster being moved further back to add two additional parking spots.

ROLL CALL:

B. PARKER	NO
L. FORD	YES
B. SMITH	YES
N. PAPPADAKIS	YES

3 YES, 1 NO MOTION CARRIED

Chairman Smith adjourned the meeting at 8:14 p.m.

CHARTER TOWNSHIP OF FLINT ZONING BOARD OF APPEALS

Regular Meeting

Wednesday, April 4, 2007 7:30 p.m.

1490 South Dye Road

MEMBERS PRESENT: L. Ford, H. Wiggins, N. Pappadakis, B. Parker, V. Shaheen

MEMBERS ABSENT: B. Smith

STAFF PRESENT: G. Jamison, Chief Building Director

Discussion regarding Brady Smith being appointed to, and sworn in as a Trustee to the Flint Township Board of Trustees.

MOTION BY B. PARKER, SECOND BY N. PAPPADAKIS, to appoint V. Shaheen as Chairman of this meeting. **VOICE VOTE: MOTION CARRIED UNANIMOUSLY**

Chairman Shaheen called the meeting to order at 7:30 p.m.

AUDIENCE PARTICIPATION

No one in the audience address the Board.

APPROVAL / CORRECTIONS OF MINUTES

March 7, 2007 - Regular Meeting

MOTION BY L. FORD, SECOND BY N. PAPPADAKIS, to approve the minutes of March 7, 2007, as printed.
VOICE VOTE: MOTION CARRIED UNANIMOUSLY

OLD BUSINESS: (Tabled from the March 7, 2007 meeting)

PUBLIC HEARING: CASE #2410 BILL DAUP SIGNS INC

Applicant seeks to vary from the provisions of Ordinance #6021, Section 4.04 (1)(a)(iii), in that petitioner requests to be allowed to construct a 350 square feet wall sign in lieu of the maximum allowed 275 square feet (*South building face*).

LEGAL: 07-28-100-024

LOCATION: 3341 S. Linden Rd. (Old Mervyn's Building)
ZONING: C-2 (General Business)

MOTION BY L. FORD, SECOND BY N. PAPPADAKIS, to approve Case #2410 as presented.

ROLL CALL:

B. PARKER	YES
N. PAPPADAKIS	YES
V. SHAHEEN	YES
H. WIGGINS	YES
L. FORD	YES

5 YES, 0 NO MOTION CARRIED UNANIMOUSLY

NEW BUSINESS:

PUBLIC HEARING: CASE #2413 ROBERT H MILLER

Applicant seeks to vary from the provisions of Ordinance #7004, Section 3.2, in that petitioner requests to create a parcel of land which, when created, will result in a parent parcel that will exceed its width by more than four times in depth.

LEGAL: 07-17-300-008 / 07-17-300-009 / 07-17-300-010
LOCATION: 5508 W. Court St.
ZONING: R-1B (Single Family Residential)

Robert Miller - 5508 W. Court St., was present to represent this case. Mr. Miller stated that he would be taking three parcels and making them into two. The other two parcels will join together to make one. This is basically a retirement program.

Discussion regarding the depth and width of the lots, and total acreage.

Chairman Shaheen opened the public hearing. There was no audience participation.

Chairman Shaheen closed the public hearing.

MOTION BY L. FORD, SECOND BY N. PAPPADAKIS, to approve Case #2413 as presented.

ROLL CALL:

N. PAPPADAKIS	YES
V. SHAHEEN	YES
H. WIGGINS	YES

L. FORD YES
B. PARKER YES

5 YES, 0 NO MOTION CARRIED UNANIMOUSLY

Chairman Shaheen adjourned the meeting at 7:52 p.m.

CHARTER TOWNSHIP OF FLINT ZONING BOARD OF APPEALS

Regular Meeting

Wednesday, May 2, 2007 7:30 p.m.

1490 South Dye Road

MEMBERS PRESENT: L. Ford, H. Wiggins, N. Pappadakis, B. Parker, V. Shaheen

MEMBERS ABSENT: None

STAFF PRESENT: G. Jamison, Chief Building Director

MOTION BY B. PARKER, SECOND BY N. PAPPADAKIS, to appoint V. Shaheen as Chairman of this meeting.

VOICE VOTE: MOTION CARRIED UNANIMOUSLY

Chairman Shaheen called the meeting to order at 7:30 p.m.

AUDIENCE PARTICIPATION

No one in the audience addressed the Board.

APPROVAL / CORRECTIONS OF MINUTES

April 4, 2007 Regular Meeting

MOTION BY L. FORD, SECOND BY N. PAPPADAKIS, to approve the minutes of April 4, 2007, as printed.

VOICE VOTE: MOTION CARRIED UNANIMOUSLY

NEW BUSINESS:

PUBLIC HEARING: CASE #2414 ANTHONY & BARBARA WILK

Applicant seeks to vary from the provisions of Ordinance #5500, Article 3, Section 3.5(4), in that petitioner requests to be allowed to construct an accessory building upon a parcel of land that does not possess a dwelling.

LEGAL: 07-18-100-017

LOCATION: Vacant property on Elms Road adjacent to 1027 S. Elms Rd.
ZONING: R-1B (Single Family Residential)

Rich Van Dever of Davison Land Surveying was present to represent this case. This property is on the east side of Elms Road south of Calkins. Mr. Wilk has farmed this property for three years. This property was once a large farm that was split up removing the main house from the farmland.

Discussion regarding existing barns on the property, a letter from the Department of Agriculture, and equipment and small farm animals kept in the barns. In addition, the property owners plan to move into Flint Township, they plan year round operations, and the proposed building is to be approximately 1000 s.f..

Chairman Shaheen opened the Public Hearing.

H. Wiggins read a letter submitted by a neighbor, Joel Clark - 1011 S. Elms Rd., who is opposed to this variance, and pictures submitted by Mr. Clark were reviewed by the Board.

The following neighbors spoke regarding this variance request.

**Dennis Pickard - 6471 Calkins Rd., Flint Township, MI 48532 - In Favor
Jim Layton - 5420 Oaktree Dr. Flint Township, MI 48532 - In Favor
Wilbur Foster - 6483 Calkins Flint Township, MI 48532 - In Favor**

Chairman Shaheen closed the Public Hearing.

MOTION BY L. FORD, SECOND BY N. PAPPADAKIS, to approve Case #2414 as presented.

ROLL CALL:

B. PARKER	YES
N. PAPPADAKIS	YES
V. SHAHEEN	YES
H. WIGGINS	YES
L. FORD	YES

5 YES, 0 NO MOTION CARRIED UNANIMOUSLY

Chairman Shaheen adjourned the meeting at 8:04 p.m.

CHARTER TOWNSHIP OF FLINT ZONING BOARD OF APPEALS

Regular Meeting

Wednesday, June 6, 2007 7:30 p.m.

1490 South Dye Road

MEMBERS PRESENT: L. Ford, N. Pappadakis, B. Parker, V. Shaheen

MEMBERS ABSENT: None

STAFF PRESENT: D. Gorey, Administrative Assistant

Chairman Shaheen called the meeting to order at 7:30 p.m.

AUDIENCE PARTICIPATION

No one in the audience addressed the Board.

APPROVAL / CORRECTIONS OF MINUTES

May 2, 2007 Regular Meeting

MOTION BY L. FORD, SECOND BY N. PAPPADAKIS, to approve the minutes of May 2, 2007, as printed.

VOICE VOTE: MOTION CARRIED UNANIMOUSLY

NEW BUSINESS:

PUBLIC HEARING: CASE #2415 AYMAN HAIDAR MD

Applicant seeks to vary from the provisions of Ordinance #6021, Section 6.01(5), in that petitioner requests to be allowed to construct a 16 square feet electronic reader board (LED) upon the existing sign that will display other than time, temperature and stock quotations. ↻

LEGAL: 07-21-100-007
LOCATION: 2265 S. Linden Road (Genesee Urgent Care)
ZONING: C-2 (General Business)

Wayne Wilci of Signs by Crannie was present to represent this case. This is an addition of a 16 s.f. message center to the existing new sign. It is included in the original 64 s.f. of signage on the original permit. The doctor would like to display his other services such as school examinations, shots, etc.

Chairman Shaheen stated that two letters were received in opposition of this case.

Discussion regarding height, brightness, colors, how often the text will change, flashing and/or scrolling messages, traffic, and safety issues.

Chairman Shaheen opened the Public Hearing.

David Miller - 2468 Valley Oaks Circle - submitted a letter with signatures of 24 residents of his Condominium Unit. Mr. Miller stated they understood the sign would be rolling and flashing and distracting drivers. Mr. Miller is concerned with traffic and signage blight on Linden Road.

Barb Vert - 4064 Moulton Drive - Not one LED sign in Flint Township is in compliance. Amber signs are dangerous.

Chairman Shaheen closed the Public Hearing.

L. Ford explained that the Sign Committee is still working on the new ordinance and it should be ready in a few months.

Motion by L. Ford, Second by N. Pappadakis

To approve Case #2415 with the stipulations that the text of the sign can change no more often than 3 times during a 12 hour period. In addition, the density of light must be toned down to a maximum of 75% of daytime light/maximum at all times.

ROLL CALL:

B. PARKER	NO
L. FORD	YES
V. SHAHEEN	YES
N. PAPPADAKIS	YES

3 - YES, 1 - NO MOTION CARRIED

PUBLIC HEARING: CASE #2416 KEITH & DEBORAH GARRISON

Applicant seeks to vary from the provisions of Ordinance #5500, Section 3.5(10)(11), in that petitioner requests to construct a 3rd accessory building at 15 feet by 1,440 square feet

which will exceed the maximum allowed height by 1 foot, and maximum area by 845 square feet.

LEGAL: 07-16-530-017
LOCATION: 6072 Brobeck Street
ZONING: R-1D (Single Family Residential)

Keith Garrison was present to represent this case. Mr. Garrison stated that he just purchased his mother's house and he needs the additional building to store his 24 foot cabin cruiser, jet skis, and a farm tractor. Mr. Garrison stated he would be removing one existing shed once the new one is completed. The new building will have vinyl siding and a regular roof. The 5'12" pitch roof is for the snow load.

Discussion regarding the depth of his lot and neighboring lots, pitch of roof, and removal of one shed.

MOTION BY L. FORD, SECOND BY N. PAPPADAKIS, to approve Case #2416 as presented.

ROLL CALL:

L. FORD	YES
B. PARKER	YES
N. PAPPADAKIS	YES
V. SHAHEEN	YES

4 YES, 0 NO MOTION CARRIED UNANIMOUSLY

Chairman Shaheen adjourned the meeting at 8:00 p.m.

CHARTER TOWNSHIP OF FLINT ZONING BOARD OF APPEALS

Regular Meeting

Thursday, July 5, 2007 7:30 p.m.

1490 South Dye Road

MEMBERS PRESENT: B. Parker, L. Ford

MEMBERS ABSENT: N. Pappadakis, H. Wiggins

STAFF PRESENT: S. Warner, Deputy Clerk

The meeting was postponed until the Special Meeting on July 18, 2007, due to the fact that there was no quorum for the Regular Meeting.

Audience Members present and that requested to be re-notified were:

Carol Spodney 4288 Mt. Vernon Pass, Swartz Creek

Michelle Marshke 4197 Beecher Road, Flint

Deborah Oxford 4197 Beecher Road, Flint

David Bistricky 90114 Chelmsford, Swartz Creek

Pete Glynn 4308 Lindenwood Drive, Swartz Creek

Phillip Johnson 1219 Carter Drive, Flint

It was requested that all notices be sent out again with the new date on them.

The other members were called, however, were not able to be reached. The remaining members waited until 7:45 p.m. to see if a quorum could be obtained, however, no other members showed up.

The meeting was adjourned at 7:45 p.m. and all items will be heard on July 18, 2007.

APPROVAL / CORRECTIONS OF MINUTES

June 6, 2007 Regular Meeting

NEW BUSINESS:

PUBLIC HEARING: CASE #2417 PHILLIP JOHNSON

Applicant seeks to vary from the provisions of Ordinance #5500, Section 3.5(10)(11), that petitioner requests to be allowed to construct an additional 1,800 square feet accessory building that will exceed the maximum allowed area by 761 square feet and maximum height of 14 feet by 3 feet for a height of 17 feet.

LEGAL: 07-09-580-002
LOCATION: 1219 Carter Dr.
ZONING: R-1B (Single Family Residential)

PUBLIC HEARING: CASE #2418 DAVE BISTRICKY

Applicant seeks to vary from the provisions of Ordinance #7004, Section 3.2(2) in that petitioner requests to be allowed to create two new legal descriptions which will exceed 4 times their width's in depth.

LEGAL: 07-32-200-013 / 07-32-200-017 / 07-32-200-020
LOCATION: Vacant property N of Lindenwood Farms Sub & S of Linden Place Mobile Home Park
ZONING: O-1 (Office) and IND (Industrial)

PUBLIC HEARING: CASE #2419 UP NORTH LODGE

Applicant seeks to vary from the provisions of Ordinance #6021, Section 6.01(5), in that petitioner requests to be allowed to construct an LED sign that will display more than time, temperature, and stock market quotations.

LEGAL: 07-16-300-077
LOCATION: 1471 S. Linden Road (West Point Plaza)
ZONING: C-2 (General Business)

CHARTER TOWNSHIP OF FLINT ZONING BOARD OF APPEALS

Regular Meeting

Wednesday, July 18, 2007 7:30 p.m.

1490 South Dye Road

MEMBERS PRESENT: B. Parker, L. Ford, N. Pappadakis, E. Smith, G. Menoutes

MEMBERS ABSENT: None

STAFF PRESENT: Debora A. Gorey, Administrative Assistant
Mike O'Leary, Deputy Building Inspector

AUDIENCE PARTICIPATION

Barb Vert - 4064 Moulton Drive - Mrs. Vert stated she was surprised that the last meeting was adjourned, that the reasons were not legitimate. She also stated they did not follow Roberts Rules of Orders at the Township Meeting when they appointed Mr. Smith to this board, and she would like to see him abstain from voting on any item on this agenda.

L. Ford asked if anyone else in the audience wished to speak. No one else wished to speak.

Audience participation closed at 7:33.

L. Ford welcomed the two new members, Eddie Smith and George Menoutes to the Board of Appeals. Mr. Ford also stated that he would like to make a motion to nominate George Menoutes as Chairman of the Board of Appeals for the following reasons: 1) Trustee Parker is unable to hold this position as she is on the Township Board, 2) Mr. Smith is new to this board, 3) Mr. Pappadakis is unwilling, and 4) Mr. Ford is also unable as he is the Chairman of the Planning Commission.

MOTION BY L. FORD, SECOND BY N. PAPPADAKIS, to appoint George Menoutes as Chairman of the Board of Appeals.

ROLL CALL VOTE:

N. PAPPADAKIS **YES**

L. FORD **YES**

G. MENOUTES YES

E. SMITH YES

B. PARKER YES

5 - YES, 0 - NO ~~?~~~~?~~~~?~~ MOTION CARRIED UNANIMOUSLY

APPROVAL / CORRECTIONS OF MINUTES

June 6, 2007 Regular Meeting

MOTION BY L. FORD, SECOND BY N. PAPPADAKIS, to approve the minutes of June 6, 2007, with the correction on page 2 to reflect that the "Sign Committee" be changed to the "Planning Commission" is still working on the ordinance and it should be ready in a few months."

ROLL CALL VOTE:

B. PARKER YES

N. PAPPADAKIS YES

L. FORD YES

G. MENOUTES ABSTAIN

E. SMITH ABSTAIN

3 - YES, 2 - ABSTAIN, 0 - NO MOTION CARRIED

NEW BUSINESS:

PUBLIC HEARING: CASE #2420 LOU DORTCH

Applicant seeks to vary from the provisions of Ordinance #5500, Article 5, Section 5.5 (Schedule of Regulations), in that petitioner requests to be allowed to construct 4 additional parking spaces within the required front setback, and Section 5.6(h), in that petitioner requests to be allowed to construct a dumpster enclosure in the required 20 feet side yard setback.

LEGAL: 07-22-576-006
LOCATION: 2415 Austin Parkway (Qdoba Restaurant)
ZONING: C-3 (Highway Service)

Lou Dortch - 6020 Fenton Road, Flint MI 48507 was present to represent this case. Mr. Dortch explained that they are trying to add parking, and showed a drawing explaining how they will do it.

Discussion was held regarding angle parking, removal of the loading area, relocating the handicap spaces, changing parking spaces from 10 feet to 9 ft, they will be adding 10 spaces.

Chris Calhoun - 1111 Creekwood Trail, of Creekwood Architect stated this will all be on the existing asphalt.

Chairman Menoutes opened the public hearing at 8:45 and asked three times if anyone in the audience wished to speak. As no one did, the public hearing was closed at 8:46 p.m.

More discussion was held regarding the grease trap area that is unsightly and is sitting outside the dumpster area.

L. Dortch stated he that if allowed, he would like to remove the fence and place a wooden shadow box in it's place. He would also like to add a gate in the fence for the apartment residents so they would not have to get in their cars and drive over to the restaurant.

L. Ford stated that the Planning Commission has now moved from a wooden dumpster to requiring a masonry enclosure to mirror the buildings.

L. Dortch stated he would be glad to enclose the dumpster with masonry to match the building, and would also enclose the grease trap inside the dumpster area to hide it.

Mr. Dortch asked Mike O'Leary if he needed a building permit.

M. O'Leary stated "no, but you should anyway".

MOTION BY L. FORD, SECOND BY N. PAPPADAKIS, to approve Case #2420 with the requirement of enclosing the dumpster with masonry to mirror the building, and with an expansion to include the grease pit.

ROLL CALL VOTE:

L. FORD	YES
G. MENOUTES	YES
E. SMITH	YES
B. PARKER	YES
N. PAPPADAKIS	YES

5 - YES, 0 - NO MOTION CARRIED UNANIMOUSLY

PUBLIC HEARING: CASE #2417 PHILLIP JOHNSON

Applicant seeks to vary from the provisions of Ordinance #5500, Section 3.5(10)(11), that petitioner requests to be allowed to construct an additional 1,800 square feet accessory building that will exceed the maximum allowed area by 761 square feet and maximum height of 14 feet by 3 feet for a height of 17 feet.

LEGAL:	07-09-580-002
LOCATION:	1219 Carter Dr.
ZONING:	R-1B (Single Family Residential)

Phillip Johnson was present to represent this case. Mr. Johnson stated he needed the additional storage are to store a boat and things that are currently in his driveway. This would improve the appearance, and the building would be flush to the front of his house.

Discussion was held regarding moving the structure farther back on his property, or angling the building.

Chairman Menoutes opened the public hearing at 7:58 p.m.

**M. Marsky - 4197 Beecher - opposed to size & height, and exceeding ordinance limits.
P. Thomas - 1213 Carter Dr- opposed to location, size & height.**

L. Ford asked the neighbors to come look at the drawings, and more discussion was held regarding moving the building farther back, or angling the building.

Chairman Menoutes closed the public hearing at 8:35.

MOTION BY L. FORD, SECOND BY E. SMITH, to table Case #2417 until the September 5, 2007 meeting, and request the petitioner to get an engineered drawing to scale at an angle.

ROLL CALL VOTE:

E. SMITH	YES
B. PARKER	YES
N. PAPPADAKIS	YES
L. FORD	YES
G. MENOUTES	YES

5 - YES, 0 - NO MOTION CARRIED UNANIMOUSLY

PUBLIC HEARING: CASE #2418 DAVE BISTRICKY

Applicant seeks to vary from the provisions of Ordinance #7004, Section 3.2(2) in that petitioner requests to be allowed to create two new legal descriptions which will exceed 4 times their width's in depth.

LEGAL:	07-32-200-013 / 07-32-200-017 / 07-32-200-020
LOCATION:	Vacant property N of Lindenwood Farms Sub & S of Linden Place Mobile Home Park
ZONING:	O-1 (Office) and IND (Industrial)

Dave Bistricky, 9044 Chalmersburg, Swartz Creek MI 48473 was present to represent this case. Mr. Bistricky explained that these parcels have split zoning. They would like to build storage units. He would like to tie these parcels together in order to build.

Discussion was held regarding buffers, the mobile home park next door, number of storage units, and rezoning a portion of the parcel, that will be on the August 9, 2007 Planning Commission Meeting.

Chairman Menoutes opened the public hearing at 8: 40.

Peter Glenn - 4308 Lindenwood Drive asked how they would block the subdivision from the business.

L. Ford stated that would be handled at the Planning Commission, and we are only here to consolidate these parcels under one address.

B. Parker stated that once we approve this it opens the door for them to go to Site Plan which is not a public hearing, and the public would not be notified or have any input.

Chairman Menoutes stated we are only here tonight for a request to combine parcels.

Discussion was held regarding where the buildings would be, the kind of lighting, and discussion with the neighbors.

D. Bistricky stated that he has not drawn up a site plan yet because his purchase agreement is based on combining the lots. He went on to say that they have to get engineered drawings, and topographs to make sure that the water sheds properly. It may change after the engineers reports. They don't know where the County sewer lines are yet.

Chairman Menoutes opened the public hearing at 9:00 p.m.

Matt Spodney - 4288 Mt. Vernon Pass, in Lindenwood Farms stated he wants to put it on record that what the board is approving tonight is for storage units. Were here because a legal description is going to be changed and we can't get it back.

Chairman Menoutes stated that will be in the minutes of this meeting.

M. Spodney stated that we have a lot of questions regarding lighting, vinyl fence, etc.

L. Ford suggested the neighbors and petitioner get together and then the neighbors can write a letter to the Planning Commission to be read at Site Plan. As Chairman of the Planning Commission Mr. Ford will make sure the board gets the letter to review before the meeting for Site Plan.

B. Vert - 4064 Moulton - Would like to tell residents to record meetings with the petitioner, and that residents should be told they can talk at the Planning Commission meeting during the public comment portion.

Chairman Menoutes closed the public hearing at 9:10 p.m.

◆ MOTION BY L. FORD, SECOND BY N. PAPPADAKIS, approve Case #2418 .

ROLL CALL VOTE:

B. PARKER	NO
N. PAPPADAKIS	YES
L. FORD	YES
G. MENOUTES	YES
E. SMITH	NO

3 - YES, 2 - NO MOTION CARRIED

PUBLIC HEARING: CASE #2419 UP NORTH LODGE

Applicant seeks to vary from the provisions of Ordinance #6021, Section 6.01(5), in that petitioner requests to be allowed to construct an LED sign that will display more than time, temperature, and stock market quotations.

LEGAL: **07-16-300-077**
LOCATION: **1471 S. Linden Road (West Point Plaza)**
ZONING: **C-2 (General Business)**

Dan Crannie - 4160 Commerce Drive, Fenton, of Crannie Construction was present to represent this case. Mr. Crannie explained that this is an EMS or Electronic Message Sign. The size has changed and been reduced to a three line message center. The sign will be 10 foot high, the message portion will be 3 foot tall by 8 foot long.

Discussion was held regarding the intensity of color used, this will be a full color unit, and possibly getting rid of other signs in the plaza.

Dan Crannie stated that the light is measured in nits (not candle power), and it gets real technical when you tone it down because sometimes you are competing with the sun, etc.

Chairman Menoutes opened the public hearing at 9:15 p.m.

Barb Vert - 4064 Moulton - Does not like LED signs. Not one is in compliance in Flint Township. Does not understand why Valley Plaza has an LED sign and did not go before any board. LED signs are a nuisance. B. Vert stated she does not see a hardship for this sign.

Discussion was held regarding the sign ordinance.

B. Parker stated she was concerned that not all LED signs are coming to this committee. She agreed with Mrs. Vert that she did not see a hardship for this sign.

L. Ford stated that LED signs are the waive of the future. They are a convenience for the business community, and a safety issue for employees trying to change letters with long poles. The issue we need to deal with is how often they change and the number of lines.

P. Najar - 1473 S. Linden Rd., and owner of the Up North Lodge stated they went with three lines, because one line makes you scroll. Mr. Najar would like to advertise his breakfast, lunch and dinner specials.

Discussion was held regarding the number of times a day the message would change, and that it will be a full color sign.

D. Crannie stated that there are eight (8) other tenants, and there would be different messages.

Chairman Menoutes closed the public hearing at 9:40 p.m.

MOTION BY L. FORD, SECOND BY N. PAPPADAKIS, approve Case #2419, with the stipulation that the message change no more than 12 times in a 24 hour period.

ROLL CALL VOTE:

B. PARKER	NO
N. PAPPADAKIS	YES
L. FORD	YES
G. MENOUTES	YES
E. SMITH	YES

4 - YES, 1 - NO MOTION CARRIED

Chairman Menoutes adjourned the meeting at 9:42 p.m.

CHARTER TOWNSHIP OF FLINT ZONING BOARD OF APPEALS

Regular Meeting

Wednesday, August 1, 2007 7:30 p.m.

1490 South Dye Road

MEMBERS PRESENT: B. Parker, L. Ford, E. Smith, G. Menoutes

MEMBERS ABSENT: N. Pappadakis

STAFF PRESENT: Debora A. Gorey, Administrative Assistant

Mike O'Leary, Deputy Building Inspector

AUDIENCE PARTICIPATION

Jerry Moore, 2365 S. Dye Rd. - Opposed to Merle Case's request for an apartment.

L. Ford stated that these concerns will be addressed during the Public Hearing.

Audience Participation closed at 7:35.

APPROVAL / CORRECTION OF MINUTES

July 5, 2007 Regular Meeting

July 18, 2007 Special Meeting

MOTION BY L. FORD, SECOND BY B. PARKER, to approve the minutes of July 5, 2007 and July 18, 2007 as presented.

VOICE VOTE: MOTION CARRIED UNANIMOUSLY

NEW BUSINESS:

PUBLIC HEARING: CASE #2421 MERLE D CASE

Applicant seeks to vary from the provisions of Ordinance #5500, Section 6.2, in that petitioner requests to be allowed to maintain and operate an existing, improperly established apartment in an R-1C (Single Family Residential) zoned district.

LEGAL: **07-20-576-033**

LOCATION: **2351 South Dye Road**

ZONING: **R-1C (Single Family Residential)**

Merle Case, 2351 S. Dye Rd., was present to represent this case. Mr. Case stated that this is a large house and he has one of the largest lots in the area. Mr. Case stated he has lived in Flint Township for 79 years. This house was divided in 1981 and his son rented the other side for 17 years. Mr. Case stated his son moved out recently so he rented out the other side to another gentleman. Mr. Case stated he depends on the rental income, as he only receives social security, and there are many other rentals in the area.

G. Menoutes opened the public hearing at 7:38 p.m.

Barry Barnett - 5209 Darby - Mr. Barnett stated he has had an apartment building next to him for the last five (5) years and has had nothing but problems. Mr. Barnett is opposed as he believes apartments bring in crime and degrades the neighborhood.

David Dextor - 2367 S. Dye Rd - Mr. Dextor stated he lives two (2) houses south of Merle and the house next to him is also an apartment. Mr. Dextor is very opposed to apartments in his neighborhood.

Jerry Moore - 2365 S. Dye Rd. - Stated he has been friends with Mr. Case for many years. Mr. Moore stated his daughter and her four (4) children are living in his basement as they cannot find anywhere else to live. Mr. Moore stated he did put a bathroom in his basement.

M. Case stated that the way he understands it Mr. Moore could sell his house and rent out his basement. People do it all the time. Mr. Case stated that he built this home, he put his own blood and sweat into it. He has less vehicles there than his neighbors, and it can't possibly be a bother to any of them.

Chairman Menoutes stated that the problem is that when a variance is granted it goes with the property. Mr. Case could sell this house, the variance would stay with the house and it could be split into even more apartments.

L. Ford stated per counsel you cannot put restriction on variances.

M. Case stated there are three houses for sale in his area that have been for sale for the last 2 years and they can't sell them.

B. Parker asked if Mr. Case received a Notice of Violation from the Building Department, also if the renters were related or not related.

M. Case stated that he did receive a Notice of Violation, and the renter is not related to him.

Chairman Menoutes stated the Master Plan designates this area as single family residential.

Chairman Menoutes closed the public hearing at 7:49 p.m.

L. Ford stated he recognized the plea for help from the petitioner, and can understand it when family is staying. When the renter is non-family it goes against the Master Plan. If this variance was approved it would go with the property even after it was sold.

MOTION BY L. FORD, SECOND BY B. PARKER, to deny Case #2421 as the Master Plan calls for single family residential in this area.

ROLL CALL VOTE:

B. PARKER YES

L. FORD YES

G. MENOUTES YES

E. SMITH YES

4 - YES, 0 - NO MOTION CARRIED UNANIMOUSLY

Chairman Menoutes adjourned the meeting at 7:52 p.m.

CHARTER TOWNSHIP OF FLINT ZONING BOARD OF APPEALS

Regular Meeting

Wednesday, September 5, 2007 7:30 p.m.

1490 South Dye Road

MEMBERS PRESENT: B. Parker, L. Ford, N. Pappadakis, E. Smith, G. Menoutes
MEMBERS ABSENT: None
STAFF PRESENT: Debora A. Gorey, Administrative Assistant

AUDIENCE PARTICIPATION

Barb Vert - 4064 Moulton Drive - Mrs. Vert just wanted to say "hello and welcome".
Sheryl Thoms - 1213 Carter - Mrs. Tombs stated she lives next door to Phillip Johnson and wants to make sure that no commercial business is conducted in the proposed pole barn.
Michelle Marshke - 4197 Beecher - Complained that she did not get re-notified about this meeting.
L. Ford stated we do not send out notices on tabled items.
M. Marshke - stated she is concerned about the size, and height, and asked if they could put specific stipulations on the motion if they approve it.
B. Parker stated they can put stipulations in the motions.
S. Thoms asked why he needed that big a door (12 FT) if it was just to store everyday stuff.
Audience participation closed at 7:35 p.m.

ELECTION OF OFFICERS

Discussion was held regarding appointment of the Secretary for the Board of Appeals.
MOTION BY B. PARKER, SECOND BY L. FORD, to appoint Eddie Smith as Secretary of the Board of Appeals. VOICE VOTE: MOTION PASSED UNANIMOUSLY

APPROVAL / CORRECTIONS OF MINUTES

August 1, 2007 Regular Meeting

MOTION BY L. FORD, SECOND BY N. PAPPADAKIS, to approve the minutes of August 1, 2007, as presented. VOICE VOTE: MOTION CARRIED UNANIMOUSLY

OLD BUSINESS:

PUBLIC HEARING: CASE #2417 PHILLIP JOHNSON (Tabled July 18, 2007)

Applicant seeks to vary from the provisions of Ordinance #5500, Section 3.5(10)(11), that petitioner requests to be allowed to construct an additional 1,800 square feet accessory building that will exceed the maximum allowed area by 761 square feet and maximum height of 14 feet by 3 feet for a height of 17 feet.

LEGAL: 07-09-580-002
LOCATION: 1219 Carter Dr.
ZONING: R-1B (Single Family Residential)

Phillip Johnson was present to represent this case. Mr. Johnson stated that the largest machine he has is a zero turn riding mower on a trailer. The 12 ft door is for a 22 foot long boat he intends to purchase that is 11' 6" tall. He is a residential, not commercial contractor. He has 4 vehicles stored outside now that would be stored in this building. Mr. Johnson stated he has worked with the neighbors and agreed to move the building back 10 feet from the front of his house.

Chairman Menoutes opened the public hearing at 7:45 p.m.

L. Ford stated the motion to table this request stated the petitioner was to get engineered drawings to scale.

Mr. Johnson gave the board and audience members copies of the engineered drawings. He stated that option one shows the building set back 10 ft from the front line of the house, as agreed with the neighbors. Option 2 is the original plan.

Discussion was held regarding the position of the pole barn, planting trees to screen it, and the position of the driveway to it. In addition, the height, siding to match the house, and the fact that commercial business is not allowed in residential districts was discussed.

E. Smith asked when Mr. Johnson would be siding the pole barn.

P. Johnson stated his intention is to side the house first, and then next year side the barn to match the house. The barn kit comes with metal siding, but he plans to match the house as soon as possible.

L. Ford stated that given the fact the petitioner has compromised on the location of the proposed building (10 ft back from front line of house), he would make a motion.

MOTION BY L. FORD, SECOND BY N. PAPPADAKIS, To approve Case #2417 with the stipulation that landscaping of evergreen trees or something to that effect be planted on the west side of the building, and with the color equal to that of the house.

ROLL CALL VOTE:

B. PARKER	NO
N. PAPPADAKIS	YES
G. MENOUTES	NO
L. FORD	YES
E. SMITH	NO

2 - YES, 3 - NO MOTION FAILED

Chairman Menoutes adjourned the meeting at 8:23 p.m.

CHARTER TOWNSHIP OF FLINT ZONING BOARD OF APPEALS

Regular Meeting

Wednesday, October 3, 2007 7:30 p.m.

1490 South Dye Road

MEMBERS PRESENT: B. Parker, G. Menoutes, E. Smith, L. Ford

MEMBERS ABSENT: N. Pappadakis

STAFF PRESENT: T. Tucker, Economic Enhancement Director
M. Corrigan, Planning & Zoning Assistant

K. Cronin, Administrative Assistant

Chairman Menoutes called the meeting to order at 7:30 p.m.

AUDIENCE PARTICIPATION

No one in the audience addressed the Board.

APPROVAL / CORRECTION OF MINUTES

September 5, 2007 Regular Meeting

MOTION BY L. FORD, SECOND BY E. SMITH to approve the minutes of September 5, 2007, as printed. ♦ **VOICE VOTE: MOTION CARRIED UNANIMOUSLY**

NEW BUSINESS:

PUBLIC HEARING: CASE #2422 SIGNS BY CRANNIE

Applicant seeks to vary from the provisions of Ordinance #6021, Section 4.04 (1)(b), in that petitioner requests to be allowed to construct a sign that is 13 feet in height in lieu of required 10 feet in height, and Ordinance #6021, Section 6.01 (5), in that petitioner requests to be allowed to construct this same sign that incorporates LED capabilities other than time, temperature or stock market quotations.

LEGAL: 07-16-300-049
LOCATION: 4462 Corunna Road (old Schlotsky's Deli)
ZONING: C-2 (General Business)

Nick Trifon, of Signs by Crannie, represented this project. Owners Rocky & George Dedivanaj, were also present. The petitioner is looking for an additional 3 feet of signage to match the aesthetics of the new restaurant.

The petitioner also indicated he would like to add an LED message center to have the competitive edge that other businesses have. Due to the poor visibility, the petitioner pointed out that the extra 3 feet in height would help.

Members of the Zoning Board of Appeals had questions regarding the LED sign. G. Menoutes asked if they could do without the LED. The petitioner stated they don't want to lose the LED signage because of the landscaping and bushes, etc. They would rather have a little height.

L. Ford asked how low they would go for height. The petitioner indicated 11 feet in height would be the lowest. L. Ford also asked how many times the LED would change. L. Ford pointed out that other petitioners that have come before this Board have promised one thing at the meeting, and done the opposite. George Dedivanaj stated they would do whatever the Zoning Board of Appeals wants. They would not run the LED sign after hours.

Discussion continued. It was discussed that 3 times per day would be enough.

B. Parker stated she didn't see the hardship for the LED signage. The petitioner stated they need the competitive edge because everyone else has one.

Audience

Barb Vert opposes

MOTION BY L. FORD, SECOND BY G. MENOUTES to approve Case #2422 contingent upon the sign is to be 11 feet in height, and the LED sign changes only 3 times per day.

ROLL CALL:

B. PARKER	NO
G. MENOUTES	YES
E. SMITH	NO
L. FORD	YES

2 - YES, 2 - NO MOTION FAILED

There was a lengthy discussion as to procedures of a Failed Motion. It was determined that this petitioner will have to fill out another application and pay the fee again to come back to this Board.

PUBLIC HEARING: CASE #2423 PLAZA CORP REALTY ADVISORS

Applicant seeks to vary from the provisions of Ordinance #6021, Section 4.04 (1)(a), in that petitioner requests to be allowed to construct a wall sign that is 100 square feet in lieu of the required 50 square feet maximum.

**LEGAL: 07-27-100-031
LOCATION: 3630 Miller Road (Ross Medical Education Center)
ZONING: C-2 (General Business)**

Larry Foster, of Ross Medical, represented the petitioner. He is asking for 100 square feet of signage due to the fact that this building is set so far off of Lennon Road. All other tenants have variances for their signs in this plaza. The building has 60 feet of frontage.

No one from the audience addressed the Board regarding this case.

MOTION BY B. PARKER, SECOND BY E. SMITH to approve Case #2423 as presented.

ROLL CALL:

E. SMITH	YES
L. FORD	YES
B. PARKER	YES
G. MENOUTES	YES

4 - YES, 0 -NO MOTION CARRIED UNANIMOUSLY

Chairman Menoutes adjourned the meeting at 8:13 p.m.

CHARTER TOWNSHIP OF FLINT ZONING BOARD OF APPEALS

Special Meeting

Wednesday, October 17, 2007 7:30 p.m.

1490 South Dye Road

MEMBERS PRESENT: L. Ford, G. Menoutes, B. Parker

MEMBERS ABSENT: E. Smith, N. Pappadakis

STAFF PRESENT: T. Tucker, Economic Enhancement Director

M. Corrigan, Planning & Zoning Assistant


K. Cronin, Administrative Assistant

Chairman Menoutes called the meeting to order at 7:30 p.m.

AUDIENCE PARTICIPATION

No one in the audience addressed the Board.

NEW BUSINESS:

PUBLIC HEARING:  **CASE #2424 HOLLYWOOD DINER**

Applicant seeks to vary from the provisions of Ordinance #6021, Section 4.04 (1)(b)(ii), in that petitioner requests to be allowed to construct a sign of 88 square feet in surface area in lieu of the maximum allowed 80 square feet, and Section 4.04 (1)(b) in that the proposed sign will be 22 feet tall, in lieu of maximum 10 feet, and Section 6.01 (5) in that the petitioner would like the same proposed sign with an LED portion that will display features other than time, temperature and stock market quotations.

LEGAL: 07-15-300-008

LOCATION: 3366 Corunna Road

ZONING: C-3 (Highway Service)

Colin D. Simpson, of 37681 Schoolcraft, Livonia, addressed the Board. Zef Djonaj, owner, was also present. The petitioner has changed the idea of the signage he has made the original petition on. He now would like to reface the existing signage with new panels and change signage to 20 feet in height. He would like to remove the changeable copy and add an EMC to the existing sign. They are now asking for 96 square feet total instead of 88 square feet.

B. Parker stated that we couldn't act on anything except for what was posted. Also, she indicated that this is not a hardship for the EMC.

The owner said he needs the sign to indicate that they are open 24 hours and that they have a drive-thru window. He doesn't want to have to take that off the signage.

At 7:50 p.m. the Board took a 5-minute recess.

MOTION BY L. FORD, SECOND BY B. PARKER to approve the original cabinet to say Hollywood Diner for 61 square feet, at its current height.

ROLL CALL:

L. FORD YES

G. MENOUTES YES

B. PARKER YES

3 YES, 0 NO MOTION CARRIED UNANIMOUSLY

MOTION BY L. FORD, SECOND BY G. MENOUTES to approve the EMC board at 21 square feet.

ROLL CALL:

B. PARKER NO

L. FORD YES

G. MENOUTES YES

2 YES, 1 NO MOTION FAILED

Chairman Menoutes adjourned the meeting at 8:05 p.m.

CHARTER TOWNSHIP OF FLINT ZONING BOARD OF APPEALS

Regular Meeting

Wednesday, November 7, 2007 7:30 p.m.

1490 South Dye Road

MEMBERS PRESENT: B. Parker, G. Menoutes, L. Ford, E. Smith

MEMBERS ABSENT: N. Pappadakis

STAFF PRESENT: Tracey Tucker, Economic Enhancement Director
Mari Corrigan, Planning & Zoning Assistant
Kris Cronin, Administrative Assistant

Chairman Menoutes called the meeting to order at 7:30 p.m.

AUDIENCE PARTICIPATION

Ralph Lewis - 1423 Conway - Is opposed to the LED sign at Mega Coney Island due to traffic safety. Opposes increases in height at 3450 Miller and opposes signage at 3650 - 3660 Miller Road.

APPROVAL / CORRECTION OF MINUTES

October 3, 2007 Regular Meeting

MOTION BY B. PARKER, SECOND BY E. SMITH to approve the minutes of October 3, 2007, as printed.
VOICE VOTE: MOTION CARRIED UNANIMOUSLY

October 17, 2007 Special Meeting

MOTION BY B. PARKER, SECOND BY E. SMITH to table the approval of the minutes of October 17, 2007, due to the Motion on Page 2, for the EMC board for Mega Coney Island. The roll call shows 2 voted yes, and 1 voted no. B. Parker indicated that the Motion then fails. With their only being 3 Board Members present that evening, a Motion must have all 3 in favor of the vote, or the Motion fails. These minutes will be tabled until clarification can be given from Township Attorney Peter Goodstein. **VOICE VOTE: MOTION CARRIED.**

NEW BUSINESS:

PUBLIC HEARING: CASE #2425 SIGNS BY CRANNIE

Applicant seeks to vary from the provisions of Ordinance #6021 in the following manner:

- (1) (1) Section 4.04 (1)(b), in that petitioner requests to be allowed to construct a sign that is 13 feet in height in lieu of required 10 feet in height;**
- (2) Section 6.01 (5), in that petitioner requests to be allowed to construct this same sign that incorporates LED capabilities other than time, temperature or stock market quotations.**

LEGAL: 07-16-300-049
LOCATION: 4462 Corunna Road (old Schlotsky's Deli)
ZONING: C-2 (General Business)

Nick Trifon, of Signs by Crannie and the owner Rocky Dedivanaj were both present to represent this case.

Due to the new Sign Ordinance being passed, the 1st request does not need a variance. The maximum height is now 15 feet. Also, on the 2nd request, the LED sign is now allowed due to the new Sign Ordinance, however it only allows a 3 x 6. They are requesting a 4 x 8 LED sign. They would like it larger due to readability. The sign would be set back 100 feet back from the road and be used to advertise specials.

A lengthy discussion was held regarding the issue of content on LED signs.

Audience

Barb Vert opposes
Ralph Lewis opposes

MOTION BY L. FORD, SECOND BY B. PARKER to table Case #2425 to get an opinion from Attorney Peter Goodstein whether or not the Zoning Board of Appeals can control the content of LED signs. VOICE VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC HEARING: CASE #2426 POWER SPORTS OF BURTON

Applicant seeks to vary from the provisions of Ordinance #6021, Section 4.04 (1)(b)(ii), in that petitioner requests to be allowed to construct a sign that is 115 square feet and approximately 25 feet in height in lieu of required 80 square feet and 10 feet in height for main ID signage.

LEGAL: 07-27-100-006
LOCATION: 3450 Miller Road (Great Lakes Power Sports)
ZONING: C-2 (General Business)

This item should be deleted from the agenda because it has received a variance in 1975.

MOTION BY L. FORD, SECOND BY B. PARKER to delete Case #2426 from the agenda.

VOICE VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC HEARING: CASE #2427 B C MILLER ROAD DEVELOPMENTS LLC

Applicant seeks to vary from the provisions of Ordinance #6021, Section 4.04(3)(a), in that petitioner requests to be allowed to construct 279 square feet main ID sign at 27' 4 in height in lieu of maximum 25 feet by 144 square feet.

LEGAL: **07-27-100-031**
LOCATION: **3650 - 3660 Miller Road**
ZONING: **C-2 (General Business)**

James Mikrut, of ICON Sign Company, represented this case. They are proposing to build Phase III of the B C Miller Road Development. The current sign there received a variance a couple years ago. This signage would mirror the current sign and be attached to it to advertise for the new tenants.

No one from the audience spoke regarding this case.

MOTION BY L. FORD, SECOND BY E. SMITH to approve Case #2427 as presented.

ROLL CALL:

B. PARKER YES
G. MENOUTES YES
E. SMITH YES
L. FORD YES

4 YES, 0 NO MOTION CARRIED UNANIMOUSLY

PUBLIC HEARING: CASE #2428 ANDALUCIA HEALTH PARK

Applicant seeks to vary from the provisions of Ordinance #6021 for the following:

- (1) (1) Section 4.04 (4)(a) in that petitioner requests to be allowed an additional main ID sign;**
- (2) (2) Section 6.01 (5) in that petitioner requests to be allowed the same sign that will have LED functions that will display other than time, temperature, and stock quotations.**

LEGAL: **07-17-200-044**
LOCATION: **1200 S. Linden Road**
ZONING: **O-1 (Office)**

Nick Trifon, of Signs by Crannie, represented this project. This sign is for the three Andalusia Health Park buildings along Linden Road in front of the soccer fields. They

would like to have just this one sign instead of crowding up Linden Road with three separate signs for each building.

Audience

Barb Vert opposes

Ralph Lewis opposes

MOTION BY L. FORD, SECOND BY B. PARKER to table Case #2428 until the next regular meeting for an opinion from Attorney Peter Goodstein to see if the Zoning Board of Appeals can control the content of LED signs. VOICE VOTE: MOTION CARRIED UNANIMOUSLY

Chairman Menoutes adjourned the meeting at 8:35 p.m.

CHARTER TOWNSHIP OF FLINT ZONING BOARD OF APPEALS

Regular Meeting

Wednesday, December 5, 2007 7:30 p.m.

1490 South Dye Road

MEMBERS PRESENT: B. Parker, G. Menoutes, E. Smith, L. Ford

MEMBERS ABSENT: N. Pappadakis

STAFF PRESENT: T. Tucker, Economic Enhancement Director

M. Corrigan, Planning & Zoning Assistant

K. Cronin, Administrative Assistant

Chairman Menoutes called the meeting to order at 7:30 p.m.

AUDIENCE PARTICIPATION

B. Vert -4064 Moulton Drive - Asked if the opinion was received from the Township Attorney, and if it was going to be read allowed during the meeting. B. Parker gave her a copy of the Attorney opinion and the opinion Mrs. Parker received. Mrs. Vert indicated that since the new sign ordinance was not officially approved, she is opposed to the two cases on tonight's meeting.

APPROVAL / CORRECTION OF MINUTES

October 17, 2007 Special Meeting

MOTION BY B. PARKER, SECOND BY E. SMITH to approve the minutes of October 17, 2007, as printed.

VOICE VOTE: MOTION CARRIED UNANIMOUSLY

November 7, 2007 Regular Meeting

MOTION BY L. FORD, SECOND BY G. MENOUTES to approve the minutes of November 7, 2007, as printed. **VOICE VOTE: MOTION CARRIED UNANIMOUSLY**

There was a discussion as to whether or not these two cases were truly Public Hearings or not, or whether the public was able to speak at the November 7th meeting. Some members did not think these cases should've been published as Public Hearings if indeed they were not.

Since we have let the audience member(s) speak during the Audience Participation portion of the meeting, either way, we have let the audience indicate their opinion.

As per the November 7th minutes, the Public Hearings were done at that meeting.

OLD BUSINESS: (Tabled from the November 7, 2007 meeting)

PUBLIC HEARING: CASE #2425 SIGNS BY CRANNIE

Applicant seeks to vary from the provisions of Ordinance #6021 in the following manner:

- (2) (1) **Section 6.01 (5), in that petitioner requests to be allowed to construct this same sign that incorporates LED capabilities other than time, temperature or stock market quotations.**

LEGAL: 07-16-300-049
LOCATION: 4462 Corunna Road (old Schlotsky's Deli)
ZONING: C-2 (General Business)

MOTION BY L. FORD, SECOND BY B. PARKER to remove Case #2425 from the table.

VOICE VOTE: MOTION CARRIED UNANIMOUSLY

Nick Trifon, and Dan Crannie were both present to represent this Case. Mr. Trifon indicated that per the new sign ordinance, they are allowed a 3 x 6 SF LED sign, however, they would like a 4 x 8 SF LED sign for purposes of readability. It is consistent with other signage in the area, and traffic would need to slow down to read the sign if it was 3 x 6.

B. Parker and G. Menoutes had questions regarding how this case was published. T. Tucker stated that when this petitioner originally came in, the old sign ordinance was still in effect.

L. Ford read the minutes from the November 7th meeting to refresh everyone as to the history of this case.

This Board asked the Township Attorney three questions:

- 1) 1) **Can the Zoning Board of Appeals consider content when deciding on an appeal for Height, Surface Area, Setback, or Signs Permitted?**

Township Attorney's answer was: NO

- 2) 2) **Can the Zoning Board of Appeals discuss other instances of usage (i.e.: Up North Grill) when discussing another applicant?**

Township Attorney's answer was: NO

- 3) 3) **Can the Zoning Board of Appeals discuss the timing on the LED sign if it**

is not addressed in the Sign Ordinance?

Township Attorney's answer was: LEDs are allowed under the new ordinance. Timing of the message should not be an issue.

Per Township Attorney Goodstein's opinion, MOTION BY L. FORD to approve Case #2425.

L. FORD WITHDREW HIS MOTION DUE TO LACK OF SUPPORT.

MOTION BY L. FORD, SECOND BY B. PARKER to postpone Case #2425. VOICE VOTE: MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING: CASE #2428 ANDALUCIA HEALTH PARK

Applicant seeks to vary from the provisions of Ordinance #6021 for the following:

- (3) (1) Section 4.04 (4)(a) in that petitioner requests to be allowed an additional main ID sign;
- (4) (2) Section 6.01 (5) in that petitioner requests to be allowed the same sign that will have LED functions that will display other than time, temperature, and stock quotations.

LEGAL: 07-17-200-044
LOCATION: 1200 S. Linden Road
ZONING: O-1 (Office)

MOTION BY L. FORD, SECOND BY E. SMITH to postpone Case #2428. VOICE VOTE: MOTION CARRIED UNANIMOUSLY.

Chairman Menoutes adjourned the meeting at 8:05 p.m.

CHARTER TOWNSHIP OF FLINT ZONING BOARD OF APPEALS

Regular Meeting

Thursday, December 20, 2007 3:00 p.m.

1490 South Dye Road

MEMBERS PRESENT: B. Parker, G. Menoutes, E. Smith, L. Ford
MEMBERS ABSENT: N. Pappadakis
STAFF PRESENT: T. Tucker, Economic Enhancement Director
M. Corrigan, Planning & Zoning Assistant

Chairman Menoutes called the meeting to order at 3:00 p.m.

AUDIENCE PARTICIPATION

No audience members addressed the Board.

MOTION BY B. PARKER, SECOND BY E. SMITH to remove Case #2425 from the table. **VOICE VOTE:**
MOTION CARRIED UNANIMOUSLY

OLD BUSINESS: (Tabled from the December 3, 2007 meeting)

CASE #2425 SIGNS BY CRANNIE

Applicant seeks to vary from the provisions of Ordinance #6021-07 in the following manner:

- (3) (2) **Section 3.04 b (iii), Reader Board 3 x 6 ft.** *Petitioner requests a size variance to 4 x 8 ft.*

LEGAL: 07-16-300-049
LOCATION: 4462 Corunna Road (old Schlotsky's Deli)
ZONING: C-2 (General Business)

Nick Trifon, and Dan Crannie were both present representing Signs by Crannie. The owners of Mega Classic Diner were also present.

T. Tucker gave each member of the Zoning Board of Appeals information regarding signage and cabinet size. A letter that the petitioner submitted to us is from WatchFire. That is a company that makes the signs that the sign companies install. The letter indicates that the standard size is 4 x 8. Most of the LEDs inside the Township are 4 x 8. T. Tucker stated that Bill Carr Signs uses WatchFire to construct their signs as well.

G. Menoutes asked if the sign would have color. The petitioner said it would.

B. Parker indicated that this is a self-created hardship and is not eligible for a variance.

L. Ford asked that the Sign Ordinance be looked at again to correct the 3 x 6 reader board portion, and any other issues that could be a problem. E. Smith pointed out that the Zoning Board of Appeals needs to be consistent with their decisions and maybe taking another look at the Sign Ordinance is a good idea.

MOTION BY L. FORD, SECOND BY E. SMITH to approve Case #2425 as presented.

ROLL CALL:

B. PARKER	NO
G. MENOUTES	YES
E. SMITH	YES
L. FORD	YES

3 YES, 1 NO MOTION CARRIED

CASE #2428 ANDALUCIA HEALTH PARK

Applicant seeks to vary from the provisions of Ordinance #6021-07 for the following:

- (5) (3) Section 3.04 (3)(a) in that petitioner requests to be allowed an additional main ID sign;**
- (6) (4) Section 3.04 b (iii), Reader Board 3 x 4 ft. *Petitioner requests a size variance to 3 x 9 ft.***

LEGAL:	07-17-200-044
LOCATION:	1200 S. Linden Road
ZONING:	O-1 (Office)

Nick Trifon and Dan Crannie from Signs by Crannie were both present to represent this project. Each business center may have one free standing sign when such business center has at least 100 feet of street frontage (Phase I of Andalusia Health Park has 676 feet of frontage on Linden Road). Phase II will have nearly the same frontage. The sign will not exceed 24 feet in height or 144 square feet in surface area. This request is for a 2nd sign.

It was pointed out to the petitioner that the sign that they are asking for now, is not the same size LED as the sign that was originally requested. The LED size of the original sign is only 3 x 4. He is now asking for 4 x 8. The Board can only give him his original request of 3 x 4.

B. Parker again indicated that this is a self-created hardship and is not eligible for a variance.

L. Ford stated that this is the same situation as Oak Creek.

MOTION BY L. FORD, SECOND BY E. SMITH to approve Case #2428 for a 3 x 9 LED sign as originally requested.

ROLL CALL:

E. SMITH	YES
L. FORD	YES
B. PARKER	NO
G. MENOUTES	YES

3 YES, 1 NO MOTION CARRIED

Chairman Menoutes adjourned the meeting at 3:30 p.m.