

**CHARTER TOWNSHIP OF PENNFIELD**

**ZONING BOARD OF APPEALS**

**MEETING MINUTES SEPTEMBER 13, 2010**

Recording Secretary Sandra Cummings called the meeting to order at 6:35 pm in the Pennfield Township Annex. Members present were Curtis Whitaker, Frank Schumacher, Alternate member Lindsay Draime, and new board member John Darlington. Terri Fowler and Perry Beard were excused. A quorum was met.

The new Board member, John Darlington, was sworn in to his position by the Township Clerk, Kathy Case on September 13, 2010, prior to the meeting.

**Others Present:** Rob Behnke, Pennfield Township Supervisor/Zoning Administrator; Sandra Cummings, Recording Secretary; Mrs. Peggy LaPoint and Ernie Lahusky.

The meeting opened with the Pledge of Allegiance.

**SELECTION OF OFFICERS FOR 2010**

Nominations were entertained for the Officers for the Zoning Board of Appeals. Officers were elected as follows:

a) Chairperson

Curtis Whitaker made a motion, seconded by Lindsay Draime, to nominate John

Darlington to the position of Chairperson. The motion carried. The Chairperson for the Zoning Board of Appeals for 2010 shall be John Darlington.

b) Vice-Chairperson

Curtis Whitaker made a motion, seconded by Lindsay Draime, to nominate Frank Schumacher to the position of Vice-Chairperson. The motion carried. The Vice-Chairperson for the Zoning Board of Appeals for 2010 shall be Frank Schumacher.

c) Secretary

Lindsay Draime made a motion, seconded by Lindsay Draime, to nominate Terri Fowler to the position of Secretary. The motion carried. The secretary for Zoning Board of Appeals for 2010 shall be Terri Fowler.

#### **ADDITIONS/DELETIONS TO THE AGENDA**

There were no additions or deletions to the agenda.

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#### **APPROVAL OF NOVEMBER 30, 2009 MEETING MINUTES:**

A motion was made by Frank Schumacher, seconded by Curtis Whitaker, to approve the minutes from the previous Zoning Board of Appeals meeting on November 30, 2009. Motion carried.

#### **PUBLIC HEARING / NEW BUSINESS:**

##### **a) Public Hearing for a variance request from Mr. and Mrs. Daniel LaPoint for relief of the maximum building height requirement of 25 feet in a Medium Density Residential District for the construction of a new home.**

A public hearing was held to consider a non-use variance request from Mr. and Mrs. Daniel LaPoint, owners of 275 St. Mary's Lake Road. The parcel number is 13-18-910-001-00. The property is zoned R-2, Medium Density Residential. The applicant is requesting relief from maximum height requirement of 25 feet under Chapter 9 Section 9.04(E) for Medium Density Residential District Site Development Requirements of the Pennfield Township Zoning Ordinance. Relief would be for 3.5 feet. Mr. and Mrs. LaPoint have removed an old home at the site location, and have architectural plans to construct a new home with a height of 28.5 feet.

Mrs. LaPoint was present at the meeting. She indicated that the extra 3.5 feet are important to the construction of the home, which will be a two-story with a walk-out basement. The home will face St. Mary's Lake. It was pointed out that the home site is located on the side of a steep bank which slopes down to the lake, and that any homes located on the road side of the site would be higher than the LaPoint's proposed home.

There were no letters or phone calls received prior to the meeting either for or against the LaPoint's planned construction. It was mentioned that Bedford Charter Township was also notified of this meeting, as the location is very close to the boundary of that Municipality. No comments were received from anyone located in Bedford Charter Township.

Lindsay Draime commented on the large number of residences located around St. Mary's Lake which are non-conforming, and have had set-back issues in the past. The area was platted in such a way that there are homes built almost in the streets. It was also pointed out that many homes in the area also have steeply pitched roof lines, so the proposed plans for Mr. and Mrs. LaPoint's home will be in character with other homes in the neighborhood. The Board questioned if the site plan for the home meets all size and setback requirements for new construction. Zoning Administrator Rob Behnke indicated that he reviewed the building plans, and they meet all size and setback requirements.

It was pointed out that the granting of a non-use variance may be allowed when there is reasonable evidence of practical difficulty. Practical difficulty may include exceptional topographic conditions of the land, i.e. steepness of the building site, and the preservation

And enjoyment of the property similar to that possessed by other properties in the area.

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Curtis Whitaker made a motion to grant the non-use variance request of Mr. and Mrs. Daniel LaPoint, seconded by Lindsay Draime, based on Zoning Board of Appeals, Section 18.06 (B) Granting of Non-Use Variances, Conditions 1 through 6. The motion carried with all members in favor.

### **b) Public Hearing for a variance request from Ernie Lahusky and John Reen to install a new business sign at 19915 Capital Avenue NE, Pennfield Self Storage/State Farm/By The Creek Bait Shop.**

A public hearing was held to consider three variances from Ernie Lahusky and John Reen, to install a new sign at the Pennfield Self Storage facility. Relief is for the following: Chapter 16, Site Development Requirements, Section 16.03, Sign Regulations, item C (10) (to allow an electronic message board), and item (H) Permitted Signs in C-2 Zoning District, (relief from size and height limits) of the Pennfield Township Zoning Ordinance. It was noted that one comment was received by e-mail prior to the meeting, from Mr. and Mrs. Roger Leonard of 19851 Capital Avenue NE. Mr. and Mrs. Leonard have no objections to the variance requests. There was no one present at the public hearing that objected or commented on the variance request.

Ernie Lahusky presented his requests to the board members. He indicated that the size and placement of his current sign has not proven adequate for his needs, and that his customers are having difficulty locating his business as they travel down M-66. He feels the current sign is located too far off the road, and wishes to place it nearer to Capital Avenue. He indicated that his tenant, "By The Creek Bait Shop", only has a small,

hand-written sign posted, and that his proposed new sign would include all three businesses that are located at his facility. Since the sign will advertise three businesses, it needs to be larger than the allowed 60 square feet. The sign would be approximately 3 inches higher than the allowed 20 feet.

He addressed the variances as follows:

(1) Electronic Message Board: Mr. Lahusky would like to have an electronic message board at the bottom of his sign. It was pointed out that there are numerous signs of this nature in Pennfield Township. It was noted that the programming for the messages should be with a time length of at least 5 seconds to allow drivers to read the message, and not cause distractions. The message board would be used for time and temperature, and other short messages. Since this feature is not a permitted use in the Sign Ordinance, it must be approved by the Zoning Board of Appeals.

(2) Size of Sign: The size of Mr. Lahusky's proposed sign would be 121 square feet, which exceeds the limit of 60 square feet by 40 square feet. It was pointed out that the signs for most local businesses in the vicinity exceed the size limit, and Mr. Lahusky's sign would advertise three businesses, which could not be adequately served by a 60 square foot sign.

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(3) Height of Sign: The proposed height of Mr. Lahusky's sign would be 20 feet 3 inches, which exceeds the height limit by 3 inches.

The board members commented on the fact that Mr. Lahusky would be allowed to place his new sign closer to Capital Avenue, as long as it is not in the road right-of-way. It was mentioned that since it is a State Highway, the road right of way would be 100 feet from the center of the road. Mr. Lahusky indicated that he would place his new sign 15 feet from the road right of way, to be in compliance with required road right-of-way set backs. The board members commented on the fact that no objections from anyone had been received in regard to the variance requests.

A motion was made by Lindsay Draime, seconded by Curtis Whitaker, to approve Variance (1) Allow an Electronic Message Board, based on Section 18.06 (B), items 1-6, Granting of Non-Use variances. Motion passed.

A motion was made by Lindsay Draime, seconded by Curtis Whitaker, to approve Variance (2) Relief of Size Limit, based on Section 18.06 (B), items 1-6, Granting of Non-Use Variances. Motion carried.

A motion was made by Curtis Whitaker, seconded by Frank Schumacher, to approve Variance (3) Relief of Height Limit, based on Section 18.06 (B), items 1-6, Granting of Non-Use Variances. Motion carried.

John Darlington made a motion to adjourn at 8:80 pm, seconded by Frank Schumacher. Motion carried.

Submitted by,

Sandra Cummings

Recording Secretary