MINUTES OF **Board of Appeals -Public Hearing (Ad-Rite)**

HELD **April 17, 2014** 20

Township of Metamora Jennie Dagher Clerk

Form M-1-PT The Riegle Press, Inc., Flint, Michigan

Chairman Porretta called the Metamora Township Zoning Board of Appeals public hearing to order at 7:00 p.m. at the Metamora Township Hall, 730 W. Dryden Road, Metamora, Michigan.

Present: Chairman Frank Porretta, Members Dean Bedford and Phil Bellinger

Absent: None

Also Present: Olive Bedford, Bill Rzadko, Trevor Salaski, Bill Bowman, Lee Bates, Joan Bates, Gary Bates, Mary Bates, Planning Coordinator Bud Fackler

The Pledge of Allegiance was recited. Member Bedford noted a correction on the agenda date from 2013 to 2014. Chairman Porretta indicated that this is a public hearing on the application of William Rzadkowolski, a/k/a Bill Rzadko, of Ad-Rite Outdoor for a variance from the Zoning Ordinance under Section 1522 regarding signs. The billboard in question is 378 square feet in size, is non-conforming, and is currently located on property rented by the applicant on the west side of M-24 just north of Dryden Road in zone B-1. The applicant proposes to relocate the sign across the street to the east side of M-24 about 500 feet to the north on property which he owns. The proposed location is at 3777 S. Lapeer Road and is zoned B-2.

The applicant stated the sign in its current location is obstructed by Detroit Edison poles and lines and that moving it would create less driver distraction. Board discussion. Mr. Fackler relayed that prior to purchasing the property at 3777 S. Lapeer Road, the applicant contacted the township as to the possible uses for this lot which is small in size and does not perk. Mr. Fackler said that he told the applicant there is a 175 foot setback from the centerline of M-24 and there is really not much left that could be done with this particular piece of property and that he would need several variances for a non-accessory sign such as a billboard. Mr. Fackler stated the applicant would need at least 4 variances: The setback requirement, the distance from another sign, there is no existing business on the site, and it would be closer than 1,000 feet to an adjoining residential district. Trevor Salaski, attorney for Ad-Rite, relayed to the Board various reasons why relocating the sign would be more in the spirit of the Zoning Ordinance including less of a traffic distraction for persons viewing the advertisement and the property is currently useless for anything but a billboard. Member Bedford pointed out the written submission from LDL Douglas of April 10, 2014 in response to the Notice of Public Hearing and acknowledged representatives from that partnership present at the meeting. Leland Bates of LDL Douglas states the partnership owns property adjacent to the subject property on two sides to the south and to the east and is opposed to this variance request as it would devalue and interfere with the use of his property. Gary Bates, member of LDL Douglas, is also opposed to the variance request. There being no further discussion, a motion was made to close the public hearing.

Motion by Chairman Porretta, supported by Member Bellinger, to close the public hearing at 7:34 p.m. Motion carried, all voting aye.

Respectfully submitted,
Darlene Wise, Recording Secretary
cc: All Board Members
Persons requesting same

Frank Porretta, Chairman

MINUTES OF _____

HELD _____ 20____

Township of _____ Clerk

Form M-1-PT The Riegle Press, Inc., Flint, Michigan

Chairman Porretta called the regular meeting of the Metamora Township Zoning Board of Appeals to order at 7:34 p.m. at the Metamora Township Hall, 730 W. Dryden Road, Metamora, Michigan.

Present: Chairman Frank Porretta, Members Dean Bedford and Phil Bellinger

Absent: None

Also Present: Olive Bedford, Bill Rzadko, Trevor Salaski, Bill Bowman, Lee Bates, Joan Bates, Gary Bates, Mary Bates, Planning Coordinator Bud Fackler

Approval of Agenda
Motion by Member Bedford, supported by Member Bellinger, to approve the agenda as submitted with the correction as noted. Motion carried, all voting aye.

Approval of Minutes
Chairman Porretta noted that the next item is to approve the minutes of September 19, 2013. **Motion by Member Bedford, supported by Member Bellinger, to approve the minutes of the September 19, 2013 Public Hearing on the Wilk application and the minutes of the Zoning Board of Appeals regular meeting of September 19, 2013, as presented. Motion carried, all voting aye.**

Public Comments: Non-Agenda Items
None.

Unfinished Business
A. Decision on Public Hearing--William Rzadkowolski c/o Ad-Rite, 3777 S. Lapeer Road, Metamora, MI 48455, Tax Parcel No. 44-015-008-058-00. The applicant has requested a variance to the Metamora Township Zoning Ordinance, Section 1522, Non-accessory sign.

Chairman Porretta noted the next item is the decision on the Ad-Rite request for a variance and asked for any comments from the Board. Member Bedford stated that the sign in its current location is grandfathered and the applicant can keep it there as long as he wants. Member Bedford stated that a new act was recently passed, P.A. 2 of 2014, regulating billboard and non-accessory signs which permits townships and municipalities to enact sign regulations more stringent than those of state statutes. The current Metamora Township sign regulations limit non-accessory signs to 100 square feet in area. Chairman Porretta stated that the granting of this variance would be discontinuing one non-conforming use, but creating another non-conforming use and that the public benefits by achieving fewer non-conforming uses and further, this appears to be a business situation where the applicant would benefit from the move to property he owns rather than rents and could charge more for a sign that was not obstructed. Member Bellinger pointed out that when M-24 is widened the property on the east side of the road in that location will be taken which will further diminish the size of the lot.

DENIAL OF VARIANCE
3777 S. Lapeer Road
Tax Parcel No. 44-015-008-058-00

Motion by Chairman Porretta, supported by Member Bedford, that the Metamora Township Zoning Board of Appeals hereby denies a variance from Section 1522 of the Zoning Ordinance as to sign regulations. Said variance application was submitted by Bill Rzadkowolski, c/o Ad-Rite. The grounds for this decision are stated on the attached Final Decision of the Metamora Township Zoning Board of Appeals. Roll call vote: Porretta, aye; Bedford, aye, Bellinger, aye. All ayes, no nays, no absent. Motion carried.

This decision was certified pursuant to the attached Final Decision of the Metamora Township Zoning Board of Appeals dated April 17, 2014.

New Business
None.

Matters for Discussion from the Commission Members
None

Motion by Member Bedford, supported by Member Bellinger, to adjourn at 7:40 p.m. Motion carried, all voting aye.

Respectfully submitted,
Darlene Wise, Recording Secretary

Frank Porretta, Chairman

cc: All Board Members
Persons requesting same

Metamora Township

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Metamora Township, Lapeer County
Final Decision of the Metamora Township Zoning Board of Appeals
For an appeal by right of this decision to be timely, it must be made to the circuit court for the county in which the property is located within 30 days of the date of this order. (MCL 125.3606).

Appeal Name: _____ Hearing Date: 4-17-2014

Applicant: William Rzadkowolski c/o AD-RITE

Address: 1245 S. Lapeer Rd., Oxford, MI 48371

Phone Number: _____ Fax Numbers: _____

Type of Request to ZBA (variance, interpretation of zoning map, administrative appeal, other etc.)

ZBA Findings of Fact:
- The proposed new location of the sign would require multiple variances
- The new location would violate size, setback and distance requirements from other bill boards. There is no existing business on site

ZBA Decision: The restrictions were known to the applicant before he purchased the new proposed premises

Application is denied.

Reasons for Decision:
The requested variance is not warranted. Too many variances are involved. The restrictions were known prior to purchase.

Votes of ZBA Members:

			Signatures of Members
Frank Porretta	Yes	(No)	
Dean Bedford	Yes	(No)	
Phil Bellinger	Yes	(No)	

I, Darlene Wise, Recording Secretary of the Metamora Township Zoning Board of Appeals, certify that on this date I witnessed the signatures set forth above and attest to the accuracy of this final decision report.

Darlene E. Wise
Darlene Wise, Recording Secretary Zoning Board of Appeals