

Holly Township
Zoning Board of Appeals
Minutes of June 9, 2008

Call to Order: Chairperson Rick Stevens called the June 9, 2008 regular meeting of the Zoning Board of Appeals to order at or about 6:00 p.m. at the Holly Township Hall, 102 Civic Drive, Holly, Michigan, 48442.

Attendance:

Commissioners Present:

Rick Stevens, Chairperson
Patrick Duggan
Beverly Suski

Commissioners Absent:

Karin Winchester
Lynn Coulter-St. Pierre

Staff Present:

Laura DeVault, Zoning Administrator

Others Present:

Ben Robinson, Applicant
Michael Benoit, Williams, Williams, Rattner & Plunkett, PC
Larry Lilly

- **Commissioner Beverly Suski moved to excuse Clerk Karin Winchester and Commissioner Lynn Coulter-St. Pierre from the meeting. Commissioner Patrick Duggan supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**

Agenda Approval:

- **Commissioner Beverly Suski moved to approve the June 9, 2008 agenda. Commissioner Patrick Duggan supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**

Communications: No communications.

Public Hearings:

1. Rose Hill, 5130 Rose Hill Boulevard, Holly, Michigan, 48442 is seeking a variance from the Holly Township Code of Ordinances, Chapter 32 Zoning Ordinance, Article X Signs, Section 32-383(a)(3) General Requirement regulations for Permitted free standing signs, and Section 32-383(b)(3) Specific Requirements for Agricultural Residential (AGRE) zoning district.

This variance is being requested for parcel numbers 01-11-100-001 and 01-15-226-002 in order to erect on premise directional signs at the intersection of Belford and Fagan Road as well as the intersection of Lahring and Fagan Road. The proposed sign height of eight (8) feet exceeds the maximum allowance of five (5) feet. Additionally, the proposed setback exceeds the ordinance standards. The property is a total of 372 acres and is located in Holly Township, Michigan.

- 1 ➤ **Commissioner Beverly Suski moved to open the public hearing.**
2 **Commissioner Patrick Duggan supported the motion. A voice vote was**
3 **taken; all those present voted yes; the motion carried.**
4

5 Chairperson Rick Stevens invited the applicant to address the Board.
6

7 Michael Benoit, from Williams, Williams, Rattner & Plunkett, 380 North Old
8 Woodward, Suite 300, Birmingham, Michigan, 48009 introduced Ben Robinson,
9 president of Rose Hill Center, Inc. He also noted Rose Hill Center's rural location often
10 results in visitors missing their turns to reach the entrance. Rose Hill would like to erect
11 on-site directional signage that will direct visitors to the site. Copies of sign drawings
12 have been provided to the Board. The signs would be made of simulated wood products.
13

14 Mr. Benoit stated when they were considering signage location, they found certain
15 problems both in elevation changes and the presence of vegetation. Strict compliance
16 with the ordinance would result in signage being covered by trees and signage too low
17 due topography and not easily identifiable by motorists. The variance request will have a
18 minimal impact upon neighboring properties, but will direct visitors to their location
19 without the necessity of them turning around in driveways or missing their turns.
20

21 Mr. Ben Robinson, president of Rose Hill Center, Inc., 5080 Rose Hill Boulevard, Holly,
22 Michigan indicated they have many visitors. A gentleman today flew into Michigan from
23 Texas, stayed in Detroit and drove out to find them. If you're not familiar with the area,
24 it's not easy to find the center. Signage will help get people pointed in the right direction.
25 If the sign on Lahring and Belford was erected according to the ordinance, it would be in
26 a swamp which is presently under water itself, as it's below the road level. The other
27 intersection has vegetation that would obstruct signage.
28

29 Commissioner Patrick Duggan questioned whether the signs could be illuminated.
30

31 Mr. Robinson stated there is no electricity in the area and most visitors come in daylight
32 hours. The area is rural and it would take some doing to get electricity out there. It's
33 also under water. It wasn't their intention to create something that would stand out that
34 much. Their monument at the entrance to Rose Hill Boulevard is illuminated.
35

36 Commissioner Beverly Suski suggested fill dirt to increase the elevation.
37

38 Mr. Robinson noted the area may be considered a wetland. If fill dirt were added, the
39 water would be forced somewhere else.
40

41 Commissioner Suski indicated the area wasn't considered a wetland.
42

43 Mr. Robinson stated, upon questioning by Chairperson Stevens, Rose Hill has been there
44 16 years.
45

1 Chairperson Stevens indicated the Township received a letter from Gary and Charlene
2 Thrall. They indicated in their letter they opposed any change in the zoning ordinance to
3 allow signs to be erected, and that they chose to live in a residential area for a reason.
4

5 Mr. Benoit stated the signage would not have an impact on the area and wouldn't change
6 the essential character of the area.
7

- 8 ➤ **Commissioner Beverly Suski moved to close the public hearing.**
9 **Commissioner Patrick Duggan supported the motion. A voice vote was**
10 **taken; all those present voted yes; the motion carried.**
11

12 **Approval of Minutes:**

- 13
14 ➤ **Commissioner Patrick Duggan moved to approve the January 14, 2008**
15 **minutes, as amended. Chairperson Rick Stevens supported the motion. A**
16 **voice vote was taken; all those present voted yes; the motion carried.**
17

18 **New Business:**

19 1. Rose Hill, 5130 Rose Hill Boulevard, Holly, Michigan, 48442 is seeking a variance
20 from the Holly Township Code of Ordinances, Chapter 32 Zoning Ordinance, Article X
21 Signs, Section 32-383(a)(3) General Requirement regulations for Permitted free standing
22 signs, and Section 32-383(b)(3) Specific Requirements for Agricultural Residential
23 (AGRE) zoning district.
24

25 This variance is being requested for parcel numbers 01-11-100-001 and 01-15-226-002 in
26 order to erect on premise directional signs at the intersection of Belford and Fagan Road
27 as well as the intersection of Lahring and Fagan Road. The proposed sign height of eight
28 (8) feet exceeds the maximum allowance of five (5) feet. Additionally, the proposed
29 setback exceeds the ordinance standards. The property is a total of 372 acres and is
30 located in Holly Township, Michigan.
31

32 Chairperson Rick Stevens indicated he is also a member of the Planning Commission and
33 the Planning Commission is working on signage in the Township. Some of the concerns
34 being addressed are consistency in signage and signage that conforms to ordinances. A
35 lot of hard work has been put into this, especially by the zoning administrator. Zoning
36 Administrator Laura DeVault has provided a recommendation to the Board which weighs
37 the variance request against the ordinance, Chapter 32, Section 32-64(d)(1), against five
38 criteria. He invited Ms. DeVault to review her findings.
39

40 Zoning Administrator Laura DeVault stated the applicant states in the letter that was an
41 attachment to their application that a literal interpretation of the provisions of the
42 ordinance would deny the applicant rights commonly enjoyed by others in the township.
43 Ms. DeVault noted she was in agreement, though the business enjoys the right to be
44 properly labeled with a monument sign on the site. The applicant also listed (c), their
45 special conditions and circumstances are not the result of their actions; (d), they have
46 requested the minimum so it would be a reasonable use of the signage. Regarding letter

1 (e), she refers back to letter (a). She does find that they have unusual topography. She
2 has included some topography maps in the Board's packets. Going out to the site, it's
3 wooded, has wetlands and rolling terrain. She also finds when looking at the township as
4 a whole, there are many instances of unusual topography where property owners would
5 not have the opportunity to place this kind of signage on their property. She didn't find
6 that was particular to their property alone in Holly Township. She really struggled with
7 this application, taking into account the letter received by the Township and the Planning
8 Commission's discussions and the ordinances of the Township. She does not believe all
9 five criteria have been addressed favorably.

10
11 Chairperson Stevens stated the five criteria must be met. Unfortunately, if a criteria is
12 not met, it's grounds for a possible denial of the variance request. Today we have the
13 Internet and Mapquest and GPS which aid people driving to unfamiliar locations.

14
15 Commissioner Suski stated she struggled with it also, indicating she was a neighbor in
16 the area. It's not the fact they can't have a sign, it's the height of the sign. If you're
17 looking for it, you'd be able to see a shorter sign. Being that the area is zoned
18 agricultural, she's still struggling with it.

19
20 Mr. Benoit indicated they are not requesting a variance as to the sign, itself. The 4' x 4'
21 sign is allowable as long as it's five feet off the ground. The variance they're requesting
22 results from the conditions at the intersections. The sign, itself, needs to be taller in order
23 to get to the same 5' height. As far as location, the ordinance states 15' off the center line
24 to make sure it is far enough back as to not obstruct traffic. Given their proposed
25 location, which is basically at the tree line, the signs will not obstruct traffic.

26
27 Mr. Benoit stated the proposed sign is outside the road right-of-way. The Road
28 Commission of Oakland County (RCOC) indicated because they're not in the road right-
29 of-way, there's nothing for RCOC to consider. If they were in the right-of-way, RCOC
30 would require their surveys and an approval process.

31
32 Chairperson Stevens stated he has driven through both areas. In terms of a sign on the
33 corner of Fagan and Belford Road, there's almost a hill there that the sign could sit on.
34 Lahring Road is lower. You wouldn't need a variance at Belford and Fagan.

35
36 Mr. Robinson stated at that location there is high grass. Without the variance, the grass
37 would grow up to about the middle of the sign.

38
39 Chairperson Stevens suggested landscaping may solve the problem, clearing the grass out
40 of the area.

41
42 Mr. Robinson stated he didn't believe they could remove grass and shrubs along the
43 county right-of-way.

44
45 Ms. DeVault noted one of the parcel numbers on the agenda is not involved in the
46 variance request.

- **Commissioner Beverly Suski moved to deny the variance request for 5130 Rose Hill Boulevard, Holly, Michigan, 48442, for parcel #01-11-100-001 and 01-15-226-002 to erect on the premise directional signs at the intersection of Belford and Fagan Roads, as well as the intersection of Lahring and Fagan Roads due to the fact that it does not meet the five criteria of Chapter 32, Zoning Board of Appeals, Section 3264(d)(1) and (a) through (e), especially (b) literal interpretation of the provision of this chapter will deprive the applicant of rights commonly enjoyed by other properties in the same zoning district; under the terms of Article X, Signs, Section 32-383(a)(3) and Section 32-383(b)(3); the property is clearly identified by the signage at the facility’s entrance; the applicant’s practical difficulty is limited to the additional signage proposed; and, (c), the special conditions and circumstances referenced in subsection (d)(1)(a) of this section do not result from actions of the applicant; noting that the applicant did provide a survey of the land and a letter was provided from Zoning Administrator DeVault analyzing the variance request by the applicant. Commissioner Duggan supported the motion.**

Chairperson Stevens indicated the Board bases their decisions on whether the five criteria have been met.

Mr. Benoit requested the matter be tabled so Rose Hill could address the five criteria.

Chairperson Stevens noted there was presently a motion on the table.

- **A roll call vote was taken. Duggan: Yes; Stevens: Yes; Suski: Yes. The motion carried by a 3/0 vote.**

Public Comments:

Mr. Larry Lilly, 110 Clarence Street, stated it was a fantastic meeting and he enjoyed it.

Adjournment: Hearing no other business, Chairperson Stevens adjourned the meeting at 6:46 p.m.

Zo Turner, Recording Secretary
Holly Township