

CHARTER TOWNSHIP OF MONITOR
ZONING BOARD OF APPEALS

February 21, 2019

The meeting was called to order by Chairman J. Horen at 7 p.m.

Members present: J. Horen, D. Darland, G. Brandt, W. Sinke and J. Krueger
Members absent: None
Others absent: None
Also in Attendance: A. Lyday, Alternate, Hassen Harajli

The pledge of allegiance was recited by all present.

Motion by J. Horen, seconded by W. Sinke to adopt the agenda as presented.

Motion carried.

Motion by J. Krueger, seconded by D. Darland to approve the minutes of January 17, 2019 regular meeting as corrected.

Motion carried.

Public Input

Public input was opened and closed at 7:05 pm with no one present from the public wishing to speak.

Items for Consideration

J. Horen read aloud the letter that was sent out to the surrounding property owners in regard to the Excel Auto Sales/Dagher Signs & Graphics-requesting a variance for height, square footage and 15-foot set back from the right of way.

D. Darland suggested that the six (6) inch height variance be addressed first.

H. Harajli asked if the ZBA ever approves any variances? He pointed out the Wilder Road Corridor.

Motion by W. Sinke, seconded by G. Brandt to approve the bottom of the sign to eight and one half (8.5) feet because of uniqueness and safety as it applies to Section 18.10 A, B, C.

18.10(a) The commercial lot is shallow, irregular shape and the adjacent building structure location.

18.10(b) Safety, vehicles leaving the parcel into a state highway would be jeopardized with a sign having its base less than eight (8) feet high.

18.10(c) The state highway with speed limit at 50 mph the line of sight being affected by topography, makes this parcel unique and not an ordinary situation to be considered a general condition in the township.

Roll call vote:

Yes: J. Horen, J. Krueger, G. Brandt, W. Sinke

No: D. Darland

Absent: None

Motion carried.

Second item on the requested variance was square footage of signage. Requesting 48 square feet, a 16 square foot increase from Monitor's Ordinance.

H. Harajli, pleaded his case.

G. Brandt shared that the sign ordinance was amended in 2006 and 2013.

The Zoning Board of Appeals continued to explain to H. Harajli that the Zoning Board or Appeals cannot change the ordinance.

The Zoning Board of Appeals has to find a hardship for the square footage variance and with the given situation there is no hardship.

Motion by D. Darland, seconded by J. Krueger to deny the request for the additional sixteen (16) square foot variance to the size of the sign as this situation does not meet any of section 18.10 A, B or C requirements.

Roll call vote:

Yes: D. Darland, J. Horen, J. Krueger, G. Brandt, W. Sinke

No: None

Absent: None

Motion carried.

Third on the requested variance was the setback request.

The overall height of the sign was approved to twelve and one half (12 ½) feet.

A discussion followed, with public safety the issue.

Motion by D. Darland, seconded by W. Sinke to deny set back variance request for the Excel Auto property. The business is located near a busy state highway intersection. Any set back variance could possibly jeopardize public safety. Monitor Ordinance Section 18.10 A, B and C have not been met.

Roll call vote:

Yes: D. Darland, J. Horen, J. Krueger, G. Brandt, W. Sinke

No: None

Absent: None

Motion carried.

J. Horen suggested that H. Harajli contact the gentleman from MDOT office on Wilder Road.

H. Harajli stated that he may decide to take Monitor Township to court.

J. Horen explained that a hardship needs to be met under Ordinance 18.10 A, B and C.

Communications

**Motion by J. Horen supported by J. Krueger to acknowledge receipt of Communications.
Motion carried.**

**Motion by G. Brandt supported by J. Krueger to adjourn.
Motion carried.**

Meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Joy Krueger
Secretary

JK/djp