

CHARTER TOWNSHIP OF OXFORD ZONING BOARD OF APPEALS MEETING,
DECEMBER 12, 2022

A Meeting of the Charter Township of Oxford Zoning Board of Appeals was held Monday, December 12, 2022 at the Oxford Township Meeting Room, 300 Dunlap Road, Oxford, MI 48371.

Members Present: **Bailey, Butler, Payne, Walters**

Members Absent: Mageli

Also Present: Township Attorney Brittney Ellis, Planning & Zoning Coordinator Cheryl Lotan, Recording Secretary McCullough, the applicants, one cameraperson (OCTV) and one guest.

The meeting was called to order by Chairman Walters at 7:00 p.m.

APPROVAL OF THE AGENDA

Board Member Butler moved, Board Member Bailey seconded, to approve the December 12, 2022 agenda as presented.

Ayes: 4 Nays: 0 Absent: 1
Motion Carried.

APPROVAL OF MINUTES – November 14, 2022

Board Member Butler moved, Board Member Payne seconded, to approve the November 14, 2022 minutes, as presented.

Ayes: 4 Nays: 0 Absent: 1
Motion Carried.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None

NEW BUSINESS

22-ZBA-002B (Christian Mills) Legacy Center, 925 N. Lapeer Rd (P-04-22-101-003).

The applicant is requesting the following:

- A. The ZBA amend/clarify a previously adopted motion passed on 10/17/2022 approving a variance from the standards set forth in Article 9.8(J) of Zoning Ordinance 67A – Wall Signs in Non-Residential Districts.

The Petitioner requests the ZBA confirm whether its previous approval was intended to approve the square footage as depicted in the plans submitted by the Petitioner on 10/09/2017 and whether the maximum total sq. ft. of signs (may not exceed 4,047 sq. ft.) and murals (may not exceed 5,769 sq. ft.) will be treated separately, or if the ZBA intended to approve a maximum total sq. ft. of signs and murals at a maximum of 9,817 sq. ft.

- B. The ZBA consider “Renewal of a Motion” approved by the ZBA on 10/17/2022 to grant Township staff the authority to approve a change in location, size, and

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quantity of signs and/or murals to ensure compliance with the notice provisions of the Zoning Enabling Act (MCL 125.3102).

Todd Caron and Jordan Knudsen, The Legacy Center, LLC, 925 N. Lapeer Rd., Oxford, MI 48371 were available to answer any questions of the Board.

Chairperson Walters reviewed the meeting procedure.

Chairperson Walters opened the public hearing at 7:13 p.m.

Don Bokshan, 843 Stony Lake Court, asked for clarification as to the square footage of signs.

Hearing no further public comments, Chairperson Walters closed the public hearing at 7:14 p.m.

FINDINGS OF FACT

The Board of Appeals shall make a Finding of Fact based upon competent evidence that the requirements of *Section 17.8, subsection C.(1) through (5) have been met. [Article XXVII, Section 17.8 C.)]*

Neither the nonconforming use of neighboring lands, structures, or buildings in the same district, nor either the permitted or nonconforming use of lands, structures, or buildings in any other district(s) shall be considered grounds for the issuance of a variance.

SECTION 17.8 – SUBSECTION C(1):

1. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density, or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.
 - The Board Members concurred that a literal enforcement of the provisions of the Zoning Ordinance would result in a practical difficulty, causing an excessive delay in receiving approval for changing signs.
2. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors.
 - The Board Members concurred that the need for the variance has neither been self-created by the applicant, nor the applicant's predecessors. The need is primarily caused by the nature of the applicant's business.
3. A lesser variance than requested will not give substantial relief to the applicant and will not be more consistent with justice to other property owners.
 - The Board Members concurred that a lesser variance than requested would not give substantial relief to the applicant.
4. The variance will do substantial justice to the applicant, as well as to other property owners.

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- The Board Members concurred that the variance would provide substantial relief to the applicant, as well as other property owners in that the total amount of square footage of signage has not been increased.
5. The need for the variance is due to the unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
- The Board Members concurred that the need for the variance is due to unique circumstances of the property.

Board Member Butler moved, Board Member Payne seconded, regarding 22-ZBA-002B (Christian Mills) Legacy Center, 925 N. Lapeer Rd (P-04-22-101-003), based on the Findings of Fact listed above, to approve a change in conditions of a previous variance approved by the Zoning Board of Appeals on 10/09/2017 and hereby approve a variance to authorize the Township Building Director and/or Zoning Administrator sole authority and discretion to approve, deny, or approve, with conditions, any of the following: a change in size, quantity, location of signs and/or murals located on the 925 N. Lapeer Road property; an approval may not be issued if it will cause an increase in the previously approved maximum square footage of signage and maximum square footage of murals. An administrative denial of a permit application may be appealed to the Township Planning Commission. The ZBA's determination is based on the public hearing and discussion within the Findings of Fact listed above.

Roll call:

Ayes: Butler, Bailey, Payne, Walters

Nays: None

Absent: Mageli

Motion Carried.

BOARD MEMBER COMMENTS

Board Member Butler moved, Board Member Bailey seconded, to approve the 2023 Meeting Schedule as presented.

Ayes: 4 Nays: 0 Absent: 1

Motion Carried.

ADJOURNMENT

Board Member Butler moved, Board Member Bailey seconded, to adjourn the meeting at 7:25 p.m.

Ayes: 4 Nays: 0 Absent: 1

Motion Carried.

Todd Walters, Chairperson

Margie Payne, Secretary

Approved:

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/smm