

CHARTER TOWNSHIP OF OXFORD ZONING BOARD OF APPEALS SPECIAL MEETING, OCTOBER 17, 2022

A Special Meeting of the Charter Township of Oxford Zoning Board of Appeals was held Monday, October 17, 2022 at the Oxford Township Meeting Room, 300 Dunlap Road, Oxford, MI 48371.

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

Members Absent: None

Also Present: Recording Secretary McCullough, the applicants, and one cameraperson (OCTV).

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

APPROVAL OF THE AGENDA

Board Member Butler moved, Board Member Payne seconded, to approve the October 17, 2022 agenda as presented.

Ayes: 5 Nays: 0 Absent: 0
Motion Carried.

APPROVAL OF MINUTES – June 13, 2022

Board Member Mageli moved, Board Member Bailey seconded, to approve the June 13, 2022 minutes, as presented.

Ayes: 5 Nays: 0 Absent: 0
Motion Carried.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None

NEW BUSINESS

22-ZBA-002B (Mills) – 925 N. Lapeer Rd. (P-04-22-101-003) Legacy Center. The applicant is requesting to change conditions of a previous variance approved by the Zoning Board of Appeals on 10/09/2017 to allow Township staff authority to approve a change in location of signs rather than requiring approval by the Planning Commission.

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

Chairperson Walters opened the public hearing at 7:28 p.m.

Marianne Kainz, 149 Stony Lake Drive, stated her opposition to the requested variance.

Don Bokshan, 843 Stony Lake Court, stated his opposition to the requested variance.

Mark Swiezkowski, tenant at 925 N. Lapeer Road, spoke in support of the requested variance and the importance of signage for his business.

CHARTER TOWNSHIP OF OXFORD ZONING BOARD OF APPEALS SPECIAL MEETING, OCTOBER 17, 2022

Christian Mills, 925 N. Lapeer Road, questioned the accuracy of Ms. Kainz' comments and stated that he would like to support his tenants.

Hearing no further public comments, Chairperson Walters closed the public hearing at 7:36 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.
 - The Board Members concurred that the variance will 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.

CHARTER TOWNSHIP OF OXFORD ZONING BOARD OF APPEALS SPECIAL MEETING, OCTOBER 17, 2022

Board Member Payne moved, Board Member Butler seconded, with regard to 22-ZBA-002B, 925 N. Lapeer Rd. (P-04-22-101-003) Legacy Center, based on the Findings of Fact listed above, to approve the variance to change conditions of a previous variance approved by the Zoning Board of Appeals on 10/09/2017 to allow the Planning Commission and/or Township administrative staff the authority to approve a change in size, quantity, location and copy of signs rather than requiring approval only by the Planning Commission, as long as they do not increase the total square footage of signs previously approved. This is based on the public hearing and discussion within the Findings of Fact listed above.

Roll call:

Ayes: Bailey, Butler, Mageli, Walters, Payne

Nays: None

Absent: None

Motion Carried.

BOARD MEMBER COMMENTS

None.

ADJOURNMENT

Board Member Butler moved, Board Member Bailey seconded, to adjourn the meeting at 7:54 p.m.

Ayes: 5 Nays: 0 Absent: 0

Motion Carried.

Todd Walters, Chairperson

Margie Payne, Secretary

Approved: 11/14/2022

/smm