

**CHARTER TOWNSHIP OF OXFORD
ZONING BOARD OF APPEALS MEETING**

NOTICE AND AGENDA

Date: Monday, May 8, 2023
Time: 7:00 p.m.
Place: 300 Dunlap Road, Oxford, MI 48371

1. Call to order
2. Respects to the flag
3. Noting of roll
4. Approval of the agenda
5. Approval of minutes
 - A. Regular Meeting April 10, 2023
6. Public comment on items not on the agenda
7. New business
 - A. ZBA Training - Workshop
8. Board Member Comments
9. Adjournment

The Charter Township of Oxford will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting/hearing. Individuals with disabilities requiring auxiliary aids or services shall contact the Charter Township of Oxford, by writing or calling, Curtis W. Wright, Township Clerk, (248) 628-9787, as soon as possible to allow the Township sufficient time to have available the aids and services.

Korey Bailey, Chairperson
Charter Township of Oxford, Zoning Board of Appeals
300 Dunlap Road, Oxford, MI 48371
(248) 628-9787

CHARTER TOWNSHIP OF OXFORD ZONING BOARD OF APPEALS MEETING,
APRIL 10, 2023

A Meeting of the Charter Township of Oxford Zoning Board of Appeals was held Monday, April 10, 2023 at the Oxford Township Meeting Room, 300 Dunlap Road, Oxford, MI 48371.

Members Present: **Mageli, Walters, Racer (alternate), Bailey**

Members Absent: Payne, Butler

Also Present: Planning & Zoning Coordinator Cheryl Lotan, Recording Secretary Susan McCullough, the applicants, one cameraperson (OCTV) and five guests.

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

APPROVAL OF THE AGENDA

Board Member Walters moved, Board Member Mageli seconded, to approve the April 10, 2023 agenda as presented.

Ayes: 4 Nays: 0 Absent: 2

Motion Carried.

APPROVAL OF MINUTES – March 13, 2023

Board Member Walters moved, Board Member Mageli seconded, to approve the March 13, 2023 minutes, as presented.

Ayes: 4 Nays: 0 Absent: 2

Motion Carried.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None

NEW BUSINESS

23-ZBA-004 (Rzadkowolski) 1245 S. Lapeer Road (P 04-35-179-001). The applicant is requesting the following variance approvals:

1. Increase in maximum permitted height of a sign, from six (6) feet to forty-two (42) feet; and
2. Increase in maximum area of an electronic message sign from fifty (50) percent to one hundred (100) percent.

Jim Porritt, 436 S. Broadway, Suite C, Lake Orion, MI 48362 and William Rzadkowolski, 161 Lakeview Drive, Oxford, MI 48360 were available to answer any questions of the Board.

Chairman Bailey opened the public hearing at 7:12 p.m.

Evelyn Archer, 750 Lakes Edge Drive, Oxford, MI spoke in opposition to the variance for various reasons, including safety of drivers, accident rates at the intersection of M24 and Drahner Road, the size of the sign, and the “Vegas” atmosphere that such signs foster.

CHARTER TOWNSHIP OF OXFORD ZONING BOARD OF APPEALS MEETING,
APRIL 10, 2023

David McCord, 1305 Glass Lake Circle, Oxford, MI expressed concern with the distractive nature of an electronic message sign.

Ron Piotrowski, 750 Lakes Edge Drive, Oxford, MI spoke in opposition to the size and bright lights on the sign.

Mr. Piotrowski provided the Board with a copy of a letter from Lana and Jeff Sioma, 500 Lakes Edge Drive, Oxford, MI referencing their opposition to the requested variance.

Ruth McCord, 1305 Glass Lake Circle, Oxford, MI spoke in opposition to the sign citing safety concerns.

Joe Saigh, property owner next to the subject parcel, expressed concern with safety and hazards of the bright lights.

Hearing no public comments, Chairman Bailey closed the public hearing at 7:29 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 this does not apply.
2. 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 this does not apply.
3. The variance will do substantial justice to the applicant, as well as to other property owners.
 - The Board Members concurred that the variance would provide relief to the applicant, but not other property owners.
4. 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 this does not apply.

CHARTER TOWNSHIP OF OXFORD ZONING BOARD OF APPEALS MEETING,
APRIL 10, 2023

5. 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 this does not apply.

Board Member Walters moved, Board Member Racer seconded, regarding 23-ZBA-004 (Rzadkowolski) 1245 S. Lapeer Road (P 04-35-179-001) to deny the following variances:

1. Increase in maximum permitted height of a sign, from six (6) feet to thirty-seven (37) feet; and
2. Increase in maximum area of an electronic message sign from fifty (50) percent to one hundred (100) percent.

This is based on the public hearing and discussion within the Findings of Fact listed above.

Roll call:

Ayes: Racer, Walters, Mageli, Bailey

Nays: None

Absent: Butler, Payne

Motion Carried.

BOARD MEMBER COMMENTS

None.

ADJOURNMENT

Board Member Walters moved, Board Member Mageli seconded, to adjourn the meeting at 8:09 p.m.

Ayes: 4 Nays: 0 Absent: 2

Motion Carried.

Korey Bailey, Chairperson

James Butler, Secretary

Approved:

/s/mm