GREEN OAK CHARTER TOWNSHIP
Planning and Zoning Department
Zoning Board of Appeals

AGENDA

Regular Meeting
Tuesday, March 20, 2018
7:00 p.m.

1. Call to Order
2. The Pledge to the Flag
3. Roll Call of the Board
4. Approval of the Agenda

5. ZBA Case 01-2018 / 09-2017, Parcel # 4716-08-100-022, Located at 7202 Whitmore Lake Road, Brighton MI 48116. Request a variance from Section 38-409 (c) the ordinance states **Setback**. No billboard shall project over public property. No billboard shall be located closer than twenty-five (25) feet to any property line. No billboard shall be located within one thousand (1,000) feet of any residentially used or zoned property. Billboards shall be setback a minimum of twenty-five (25) feet from any other structure on or off the same premise upon which the billboard is located. **Applicant is requesting a variance to allow a billboard within 1000 feet of a residential structure (Billboard 615 feet from residential use)**, Second Request: a variance from Section 38-409 (D) **Distance from other signs**. Billboards shall be spaced no closer than one thousand five hundred (1,500) feet from another billboard. **Applicant is requesting a variance to allow a billboard (665 feet from an existing billboard) instead of the required 1,500 feet from another billboard**.

   a. Applicant’s Presentation of the Case – maximum of ten minutes
   b. Board members may question the Applicant
   c. Open Public Hearing – a maximum of three minutes shall be allotted to individuals, and a maximum of five minutes to a group representative
   d. Close Public Hearing
   e. Rebuttals by Applicant – a maximum of two minutes allotted
   f. Decision of the ZBA

6. New Business
7. Old Business
8. Approval of November 21, 2017 & January 16, 2018 Meeting Minutes
9. Correspondence
10. Call to the Public – maximum of three minutes shall be allotted to individuals, and a maximum of five minutes to a group representative
11. Adjournment

March 13, 2018

ZONING BOARD OF APPEALS
Joe Weinburger, Chairperson
Sarah Pearsall, Vice Chairperson
Adele Niendorfr, Secretary

10001 Silver Lake Road, Brighton, Michigan 48116-8361 (810) 231-1333

Dan Rainko, Twp. Board Rep.
Steven Showerman, Member

Fax (810) 231-5080
Roll Call: Sarah Pearsall
Daniel Rainko
Steven Showerman
Jim Yuill, Alternate

Absent: Joe Weinburger

Guests: 3

Also Present: Debra McKenzie, Zoning Administrator
Paul Montagno, Township Planner
Carol Rosati, Township Attorney

APPROVAL OF AGENDZA

Motion by Rainko, second by Showerman
To approve the agenda as presented.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

1. ZBA Case 01-2018/09-2017, Parcel #4716-08-100-022, located at 7202 Whitmore Lake Road, Brighton MI 48116. Request a variance from Section 38-409 (c) the ordinance which states: Setback. No billboard shall project over public property. No billboard shall be located closer than twenty-five (25) feet to any property line. No billboard shall be located within one thousand (1,000) feet of any residentially used or zoned property. Billboards shall be setback a minimum of twenty-five (25) feet from any other structure on or off the same premise upon which the billboard is located, and Section 38-409 (D) which states: Distance from other signs. Billboards shall be spaced no closer than one thousand five hundred (1,500) feet from another billboard.

Applicant is requesting: (a) a for variance from Section 38-409(c) to allow a billboard within 1000 feet of a residential structure (proposed billboard 615 feet from residential use); and (b) a variance from Section 38-409 (D) to allow a billboard within 665 from an existing billboard.

Representing ZBA Case 01-2019/09-2017:
Terry Heiss, Attorney, 688 Cascade West Parkway, Grand Rapids, MI
Justin Hill, 74 Crabapple Lane, Ashville, NC  
Tony Lockridge, 2110 Ranch Road, 620 South, Austin, TX.

Mr. Lockridge explained they develop across the U.S. providing access for community messages making sure there are Amber Alerts, Silver Alerts, or if the Police had messages to get out. It’s been a great partnership. They have the same situation here that they are excited to do. The property is a commercially zoned property and it has a residence on it and that resident has provided a letter of support for the billboard, and he has no impact from the billboard. They follow strict light standards and there are all sorts of safety equipment insuring the lights don’t malfunction. The levels of brightness go down to 350 nits at night which is very dim, there is no glare, and they meet the light standards of the code.

Mr. Lockridge explained the variance they are requesting. Staff had overlooked the small wooden advertising sign that is on the other side of the frontage road. The spacing as they understood for 1500 feet should be for LED signs, the test subject sign was approved with an LED sign directly across the highway (the MDOT traffic sign). There were no spacing concerns for that project and having an existing LED sign across the street. Here they have a non-standard, very low, wooden sign, that is 600+ feet away. The test subject continually reminds them it’s not sensitive in spacing from LED to LED. Here they are not asking for a variance from a digital sign to a digital sign, this is a digital sign from a much older wooden sign.

Ms. Rosati explained the Township cannot regulate the MDOT sign. Mr. Lockridge stated he understood that but in terms of trying to figure out what properties are best suited for this, they look around for that type of situation. Ms. Rosati explained Curtis came in before the Moratorium and the regulations and they were exempted from the Moratorium. Mr. Lockridge stated they didn’t meet the current code that was in affect at the time. Ms. Rosati stated they were exempted and they don’t classify the MDOT sign as a billboard, and they shouldn’t compare themselves with the MDOT sign.

Mr. Hill stated they had addressed all the points regarding the residential spacing issue and were granted with a unanimous decision. They are prepared to offer documentation that is not an issue, should not be required to make a case for the residential issue. They were informed procedurally that the request for the two variances needed to be combined so it was done at the same time. The concern is the staff report spent very little time discussing about the billboard across the street but rehashed all the arguments that were raised before. They are being asked to restate the very same arguments that they were given a legal variance for.

Ms. Rosati stated originally, they came in on one variance request. Later it was discovered two variances are needed. The Board can look at that fresh to determine if they would grant those two variances together. It is a different situation; the Board was unaware that a 2nd variance was required.

Mr. Hill stated the staff report referred to the Curtis Digital Billboard at 7540 Whitmore Lake Road that is approximately 2,000 feet south of their proposed sign location. This was the test subject used of the current revised sign ordinance in order to permit digital
signs along this freeway. Exhibit F is a letter from the Township Planner and the letter states that sign is being used as a test subject to determine what the appropriate new regulations will be for spacing and other elements for digital signs. The report from staff also says that a lot of time and resources put in to devising this sign code that included digital billboard spacing from each other. Digital billboard signs are large and brighter than a standard sign and should be further apart. They don’t have a problem with the proximity to that digital sign; they are in excess of 1500 feet. The reason they bring in the other sign that is run by MDOT is if the Curtis billboard was used as the test subject for formulating their code, if there was an issue with distraction, or an issue with drivers, clearly the digital sign that was across the street only 300 feet away at the time the test subject was installed there was never an issue, never a safety issue.

Ms. Rosati stated they don’t regulate the MDOT Sign. The State determines where it will be located.

Mr. Montagno explained the 1500 feet was determined to be an appropriate spacing between signs. The intent was to be spaced far enough apart it would not cause distraction. They do not take into consideration what MDOT does. He explained the ZBA will only discuss items relating to Section 38-95.

Mr. Hill stated the important point he is making is that the Commission did spend a great deal of resources to determine if they could safely and effectively permit full sized digital billboards on US-23 freeway and they did approve that based on this test location. Ms. Rosati stated they are not agreeing with that statement.

Mr. Hill stated the exceptional circumstances and conditions that necessitate the need for a variance is because the property is located across the street from a commercially zoned property that has a residence on it. A wooden billboard sign is also located on the same commercial property. The property is very narrow, and there are very few options as to where they could locate a billboard. If the property was wider they might have a way to move the billboard to not have proximity to the residential structure.

Mr. Hill stated the variance is necessary for the property owner to enjoy the right to build a billboard sign - a use which is enjoyed specifically by the property owner in the same zoning district on the same side of the highway, 2,000 feet to the south which is the Curtis billboard. This was specifically used to address whether a billboard would be appropriate and what regulations would be set in place. The staff recommendation letter stated that the limited billboard use for part of the property is sought to increase financial return on the property which is not the basis for granting a variance.

Mr. Heiss stated the issue in terms of increase financial return, neither one is a standard that applies to practical difficulties in Michigan. They have a billboard authorized by the Michigan Highway Advertising Act, which states specifically that the legislature recognizes that outdoor commercial advertising is viable and necessary economic component to the commerce and economy to the State of Michigan. One of the benefits is over and above financial returns. The legislature says they recognize the billboards as significant contributors to the State and are providing a public service.
announcement and giving information to the motoring public. He stated case law is very clear.

Ms. Rosati stated she disagreed with the analysis of the law. Ms. Rosati stated the Township doesn’t ban billboards. They wish to regulate them in a certain fashion. They need to discuss why they believe their billboard should be granted in that location. Applicant needs to focus on in the issues.

Mr. Hill stated the staff report said the Curtis digital billboard is not comparable to their sign because it was permitted during a sign moratorium. Ms. Rosati stated during the moratorium nothing was being applied. The billboard was granted an exemption to see how it would work out. Mr. Hill questioned if there were laws in place that regulated the size and placement of that billboard. Ms. Rosati stated the moratorium doesn’t allow issuance of permits while the moratorium is in place, with the exception that Curtis was exempted because they already filed an application before the moratorium was put in place, which is typical under Michigan law.

Mr. Hill stated at the time of the moratorium there was an ordinance in effect that had a 25’ side setback and the test subject has a 10’ side setback, there was proximity to numerous residential properties and the digital sign code at the time only permitted the use of 50% of the display area. This sign was allowed to have the full size and not have the setback and be within the proximity of the residential properties because he assumed this was an appropriate use.

Ms. Rosati stated they need to get on point and focus on how the factors apply to their case. Ms. Pearsall explained there is no comparison.

Mr. Hill stated it will not be materially detrimental, no facts have changed, and no facts were presented in the staff report that contradict that finding. They were given the variance because the property is currently commercially zoned. He included a copy of the land use map and it shows the area that the residence is on is slated to become residential as are all the properties to the south and southwest and across the street from the digital sign.

Mr. Hill stated the practical difficulty is that they are in proximity to a commercial property that happens to have a residence on it and the lot is narrow in width. He is addressing at this point it will not be materially detrimental or materially injurious to the property. The zone that they are in is a permitted by right location. That site was already determined to be an appropriate place. That property will be changed to suburban density residential. At this point in time the property is commercially zoned, and he did not see how there was injury to the Master Plan since it’s already zoned commercially.

Mr. Hill continued that the staff report did no raise any concerns of the proximity of the small wooden billboard on that same property, so they assume there were not safety concerns since it was not even brought up. Granting the variance will not adversely affect the Master Plan. The setback is intended to protect the residential from light pollution. The future use shows there are properties that are the same designation and
it was not determined light pollution was an issue. There are no residential properties close to their sign as it is to the Curtis sign.

Mr. Hill stated the suburban density residential is directly across the street from the other sign and he felt the Township considered that. They are in an appropriate zoned district along US-23 and he questioned if there was a reason that doesn’t meet the requirements of location for a billboard. Ms. Rosati stated they don’t meet the setbacks.

Mr. Hill provided a map showing the residential district, and the 1000 requirements from the residential district. They are well outside the digital 1500 billboard range. There is not one single location left; they have created a defacto ban on billboards in their ordinance. The only single spot is where they are requesting it that could facilitate having a billboard on it. In the staff report it said they have other legal locations within the city [sic] and there is no other place to put one.

Mr. Montagno explained there are areas closer to the interchange and the ordinance allows for billboards on M-36. Mr. Lockridge stated there are no legal locations over there. Mr. Montagno stated those locations can be changed to digital and redeveloped.

Mr. Hill stated there is not a concern for the proximity of the signs and he didn’t think there should be one for this small sign 600’ away.

Mr. Heiss stated the practical difficulty was not self-created by the applicant. To the extent the staff references financial return, the only place financial return is referenced in the ordinance is under subsection B not F. The applicant has done nothing to change the physical aspects of the property, it is as is. It’s not self-created.

Mr. Montagno explained they first have to determine if there is a practical difficulty. The practical difficulty was stated to be that it [the sign] was in proximity to a residential property within the setback distance or the other sign within the setback distance. That is just non-compliance with the ordinance. Typically a practical difficulty would have to do with the shape of the parcel, or topography. This is a use by right, which is, permitted in that district. That’s correct but there are many things that are permitted in districts that also have supplemental regulations that would render them impossible on a particular parcel of property and that’s the case here. Because the Township has determined that LI is appropriate for this area, there are some uses in LI that would be permitted but then there are supplemental regulations that go along with those. The Curtis billboard was approved during a process of developing a current ordinance. There were additional items that were developed after that was granted. As was noted it was a test subject with a focus on light and appearance. After that was approved there were additional standards specifically spacing from residential.

Mr. Rainko questioned if the lighting standards have changed, he found the sign very distracting. Mr. Montagno stated no.

Ms. Pearsall opened the public hearing at 7:48 p.m.
Ms. Pearsall read an email from a Township resident, Bobby Bonds, requesting denial of the request.

Ms. Pearsall closed the public hearing at 7:49 p.m. due to no further comments.

Ms. Pearsall noted there was no rebuttal from the applicant.

**Motion by Rainko, second by Showerman**

To deny ZBA Case 01-2018/09-2017 Parcel #4716-08-100-022 located at 7202 Whitmore Lake Road, Brighton, MI 48116 a variance of Section 38-409 (c) no billboard shall be located within 1000 square feet of any residential use or zoned property. The second variance Section 38-409 D, distance from other signs, billboards should not be placed any closer than 1500’ feet from another billboard.

The vacant limited industrial property is of sufficient size for industrial development. There is nothing inherent to the property that would prevent the applicant from developing the property as others have in the industrial district. Other properties in the district are developed for industrial uses.

There are numerous uses that could be made under 34-135(10). The fact that a billboard could be physically located on the property does not deprive the property owner the right to develop the land as permitted.

The granting of the variance would be detrimental to the public welfare and injurious to other properties in the area. The setbacks were established to protect residential uses. The billboard would not be consistent with the Master Plan due to the impact it may have on future planned residential development.

The setback is intended to protect residential property from the nuisance associated with light pollution from digital billboards. The residential parcel is Master Planned for residential use – Suburban Density Residential – which could yield 17 future single-family homes.

The condition or intended use is of a general or recurrent nature. After study, the ordinance was adopted limiting billboards to the LI-Light Industrial and GI – General Industrial Districts abutting the right of way between Whitmore Lake Road and Lemon Road or US-23. This location does not meet this requirement. There are areas within the restrictions where new billboards could be erected in full compliance.

The practical difficulty is self-created to the extent the property owner is just trying to receive an additional economic return on a vacant parcel of land that could be developed in full compliance with the requirements of the LI-Light Industrial District. Likewise, the applicant could enter into a
lease elsewhere in the Township that would meet all requirements of the Zoning Ordinance for erection of the desired billboard.

Roll Call Vote:
Ayes: Unanimous
Nays: None

MOTION APPROVED

NEW BUSINESS – None

OLD BUSINESS - None

APPROVAL OF THE Meeting Minutes

Motion by Rainko, second by Showerman
To approve the minutes of November 21, 2017 as presented.

Voice Vote:
Ayes: Unanimous
Nays: None

MOTION APPROVED

Motion by Rainko, second by Showerman
To approve the meeting minutes of January 16, 2018 as presented.

Voice Vote:
Ayes: Unanimous
Nays: None

MOTION APPROVED

CORRESPONDENCE – Ms. Pearsall commented the only correspondence that was received is the letter requesting denial from a resident and it was read into the record.

CALL TO THE PUBLIC - None

ADJOURNMENT

The Zoning Board of Appeals meeting was adjourned at 7:56 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto

Recording Secretary
GREEN OAK CHARTER TOWNSHIP
Planning and Zoning Department
Zoning Board of Appeals

AGENDA

Regular Meeting
Tuesday, March 20, 2018
7:00 p.m.

Green Oak Charter Township Hall
10001 Silver Lake Road
Brighton, MI 48116

1. Call to Order
2. The Pledge to the Flag
3. Roll Call of the Board
4. Approval of the Agenda

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Applicant is requesting a for variance to allow a billboard within 1000 feet of a residential structure (Billboard 615 feet from residential use),

Second Request: a variance from Section 38-409 (D) Distance from other signs. Billboards shall be spaced no closer than one thousand five hundred (1,500) feet from another billboard. Applicant is requesting a for variance to allow a billboard (665 from an existing billboard) instead of the required 1,500 feet from another billboard.

   a. Applicant’s Presentation of the Case – maximum of ten minutes
   b. Board members may question the Applicant
   c. Open Public Hearing – a maximum of three minutes shall be allotted to individuals, and a maximum of five minutes to a group representative
   d. Close Public Hearing
   e. Rebuttal by Applicant – a maximum of two minutes allotted
   f. Decision of the ZBA

6. New Business
7. Old Business
8. Approval of November 21, 2017 & January 16, 2018 Meeting Minutes
9. Correspondence
10. Call to the Public – maximum of three minutes shall be allotted to individuals, and a maximum of five minutes to a group representative
11. Adjournment

March 13, 2018

ZONING BOARD OF APPEALS

Joe Weinburger, Chairperson
Sarah Pearsall, Vice Chairperson
Adele Niendorf, Secretary

Steven Showerman, Member

10001 Silver Lake Road, Brighton, Michigan 48116-8361 (810) 231-1333 Fax (810) 231-5080
<table>
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<th>From:</th>
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<td>To:</td>
<td>McKenzie, Debra</td>
</tr>
<tr>
<td>Subject:</td>
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Dear Green Oak Township Staff,

Having seen the agenda for this months ZBA meeting, and as a property owner in the township, I am sending this email in support of your position to recommend denial of the request up for consideration to grant substantial spacing relief for a billboard sign permit application now being considered by the ZBA Board. I cannot attend the meeting and am not normally inclined to be political, however in this case I am sending you this because I find the request audacious, unrealistic and potentially damaging to the integrity of the ordinance, and I am hoping you may pass along my concerns. My impressions of variances have always been that moderate or slight adjustments to zoning codes are an example of a fair and just local government. Allowing a building a few feet closer to a boundary or a height adjustment of a reasonable nature are considerations that are worthy of the efforts of the citizen board and some flexibility should be applauded. However reading your packet notices I found it ridiculous that the applicants are before the ZBA asking for distance relief of nearly 40% and OVER 50% in order to make their proposed sign location legal for a permit. We have plenty of signs in Green Oak Township already. The ordinance is fair. The applicants are asking for way too much relief and if granted would open the doors to others asking for the same considerations. Please deny their request.

A concerned citizen.
GREEN OAK CHARTER TOWNSHIP  
PLANNING AND ZONING DEPARTMENT  
10001 Silver Lake Road, Brighton, MI 48116  
Phone: 810-231-1333 ext.104  Fax: 810-231-5080  

Zoning Board of Appeals Report

Case Number: ZBA-01-2018 / ZBA 09-2017  
Date of Application: 8/22/2017 Revised 2/7/2018  
Hearing Date: March 20, 2018  
Applicant: Crossroads Outdoor LLC  
Property ID: 4716-08-100-022  
Property Address: 7202 Whitmore Lake Road, Brighton MI 48116  
Action Requested: Variance from 38-409(c) & (d)  
Staff Recommendation: Denial  

Nature of Application: Request a variance from Section 38-409 (c) the ordinance states Setback. No billboard shall project over public property. No billboard shall be located closer than twenty-five (25) feet to any property line. No billboard shall be located within one thousand (1,000) feet of any residentially used or zoned property. Billboards shall be setback a minimum of twenty-five (25) feet from any other structure on or off the same premise upon which the billboard is located. 

Applicant is requesting a for variance to allow a billboard within 1000 feet of a residential structure (Billboard 615 feet from residential use),

Request a variance from Section 38-409 (D)

(d) Distance from other signs. Billboards shall be spaced no closer than one thousand five hundred (1,500) feet from another billboard.

Applicant is requesting a for variance to allow a billboard (665 from an existing billboard) instead of the required 1,500 feet from another billboard.

Zoning District: LI, Limited Industrial District
PROJECT AND SITE DESCRIPTION

The applicant has applied for a building permit to install a 25 foot tall, 672 square foot, LED electronic messaging sign (billboard) along the frontage of Whitmore Lake Road. The subject property is an undeveloped parcel within a LI- Limited Industrial district. The subject property is approximately 10 acres in size with 315 feet of frontage along Whitmore Lake Road. The property meets the minimum requirements for development. The parcel currently shares an address with the developed parcel immediately to the south. The property is owned by Barton-Clausnitzer, LLC., who owns both developed parcels south of the subject property along Whitmore Lake Road.

A billboard is permitted in a LI district along the US-23 right-or-way. The proposed sign meets the size, height, and setback requirements for a billboard except it does not meet the 1,000 foot setback requirement from a residential use or district. The proposed sign is located approximately 615 feet from a parcel used for residential purposes and is located 665 feet to an existing billboard. Because the applicant is proposing a digital billboard the sign would be required to meet all other applicable standards from Section 38-409. (g) of the Zoning Ordinance.

Aerial Image of Subject Site and Vicinity

The applicant is requesting two variances from Section 38-409.(c) & (d) The first request is from 38-409-9(c)which states that No billboard shall be located within one thousand (1,000) feet of any residentially used or zoned property. The proposed sign is within approximately 615 feet of a parcel of land currently used for a single-family
residence. The residentially used property is in a Local Business Zoning District, but the Township's Master Plan calls for this property to be Subdivision Density Residential in the Future Land Use Plan. The second request is from 38-409 (d) (d) *Distance from other signs*. Billboards shall be spaced no closer than one thousand five hundred (1,500) feet from another billboard. **The proposed billboard is located (665 from an existing billboard)**

**History**

The previous ordinance had conflicting language that made reference to led billboard's. On January 21, 2105, the Green Oak Township Board of Trustees established a moratorium on the issuance of any permits for billboards while a study was performed to determine whether amendments to the Zoning Ordinance should be made to permit digital or electronic messaging signs, and if so, what regulations would apply to such signs. The moratorium was extended on August 5, 2015 and on January 5, 2016 while the Township's planning consultant, the Planning Commission and the Board prepared and debated proposed ordinance amendments. Ultimately, the Zoning Ordinance was amended on May 18, 2016 to allow digital billboards subject to specific regulations, including distancing requirements from each other and distancing from residential structures. After such extensive study on the part of the Township, granting a variance for a digital billboard should be sparingly granted.

**VARIANCE CONSIDERATIONS**

The Zoning Board of Appeals shall have the authority to authorize site variation or modification of the provisions of the Zoning Ordinance, with such conditions and safeguards as it may determine, as may be in harmony with the spirit of this Zoning Ordinance, and so that public safety and welfare will be secured and substantial justice done, where, owing to special conditions, a literal enforcement of the provisions of the Zoning Ordinance would involve practical difficulties or unnecessary hardship.

According to the Zoning Ordinance, no such variance or modification of the provisions of the Zoning Ordinance shall be granted unless it appears that, at a minimum, all the facts and conditions listed in Section 38-95. of the Zoning Ordinance exist.

a. *Are there exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone. (including the land or a structure or building thereon) rather than the individual situation or desire of the applicant or property owner. In other words, the problem or exception or extraordinary circumstances or conditions must be inherent in the land, structure, or building involved.*

The vacant property is zoned LI – Limited Industrial and is of sufficient size for industrial development. Other properties in the district have been developed for industrial uses.
B. The variance must be necessary for the preservation and enjoyment of a substantial property right which is similar to that possessed by other properties in the same zoning district and vicinity. (NOTE— a possible increased financial return shall not, of itself, be deemed sufficient to warrant a variance.)

There are numerous uses that could be made of the property under Section 38-135(10) of the Zoning Ordinance. The fact that a billboard could be physically located on the property does not deprive the property owner of the right to develop the land as permitted. Instead, this limited billboard use for part of the property is sought to increase financial return on the property, which is not the basis for granting a variance. Applicant is not comparable to the Curtis Billboard, which had applied for a permit to erect a billboard prior to the Township imposing a moratorium to study the sign regulations. Because of this, Curtis was exempted from the moratorium and was not subject to the now applicable ordinance provisions.

C. Would granting of such variance or modification be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.

The setback requirements from residential land uses for billboards was established to protect those residential uses. The billboard would lie within 615 of a property used a residential, and planned for future residential use, where a 1000-foot setback is required. The billboard would not be consistent with the Master Plan due to the impact it would have on the future planned residential development.

D. Does the granting of the variances adversely impact the objectives of the Master Plan.

The setback is intended to protect residential property from the nuisance associated with light pollution from digital billboards. The residential parcel is Master Planned for residential use – Suburban Density Residential – which could yield 17 future single-family homes.

E. Is the condition or situation of the specific piece of property, or the intended use of such property, for which the variance is sought is of so a general or recurrent a nature

The condition or the intended use is of a general or recurrent nature. After study, the ordinance was adopted limited billboards to the LI – Light Industrial and GI – General Industrial Districts abutting the right-of-way between Whitmore Lake Road and Lemon Road or US-23. This location does not meet this requirement. There are areas within
the restrictions where new billboards could be erected in full compliance with the ordinance.

F. The ZBA must also find that the applicant has practical difficulty complying with the Ordinance provision or provisions at issue.

The practical difficulty is self-created to the extent the property owner is just trying to receive an additional economic return on a vacant parcel of land that could be developed in full compliance with the requirements of the LI – Light Industrial District. Likewise, the applicant could enter into a lease elsewhere in the Township that would meet all requirements of the Zoning Ordinance for erection of the desired billboard.

RECOMMENDATIONS

Staff recommends the ZBA open the public hearing, take testimony, close the public hearing, evaluate the proposal for conformance with the applicable regulations, and deny or approve the application. In the motion to deny or approve the project the ZBA should incorporate the ZBA’s discussion and analysis of the project and the findings in the staff report.

Staff recommends that the Zoning Board evaluate the applicant’s requests based on the considerations in Section 38-95. of the Zoning Ordinance, listed above.

If the Zoning Board cannot find in favor of the applicant for each of the consideration listed in the Zoning Ordinance the Board should deny the request.

If the Zoning Board of Appeals determines the requested variance is not justified, the following facts and conclusions can be used as a basis of that decision.

The Vacant Limited Industrial property is of sufficient size for industrial development. There is nothing inherent to the property that would prevent the applicant from developing the property as others have in the industrial district. Other properties in the district are developed for industrial uses.

There are numerous use that could be made under 38-135 (10) The fact that a billboard could be physically located on the property does not deprive the property owner the right to develop the land as permitted.

The granting of the variance would be detrimental to the public welfare and injurious to other properties in the area. The setbacks were established to protect those in residential uses. The billboard would not be consistent with the Master Plan due to the impact it may have on future planned residential development.
The setback is intended to protect residential property from the nuisance associated with light pollution from digital billboards. The residential parcel is Master Planned for residential use – Suburban Density Residential – which could yield 17 future single-family homes.

The condition or the intended use is of a general or recurrent nature. After study, the ordinance was adopted limited billboards to the LI – Light Industrial and GI – General Industrial Districts abutting the right-of-way between Whitmore Lake Road and Lemon Road or US-23. This location does not meet this requirement. There are areas within the restrictions where new billboards could be erected in full compliance with the ordinance.

The practical difficulty is self-created to the extent the property owner is just trying to receive an additional economic return on a vacant parcel of land that could be developed in full compliance with the requirements of the LI – Light Industrial District. Likewise, the applicant could enter into a lease elsewhere in the Township that would meet all requirements of the Zoning Ordinance for erection of the desired billboard.

If the Zoning Board of Appeals determines the requested variance is justified, the following facts and conclusions can be used as a basis of that decision:

There are exceptional or extraordinary circumstances or conditions applicable to the property that do not apply generally to other properties in the same district. The area is predominately commercial/industrial in nature. The lot is narrow which restricts the placement of the proposed billboard.

The variance is necessary for the preservation or enjoyment of a substantial right possessed by other property owners in the same district. Billboards are permitted in the LI district. The location of the existing billboard at 7450 Whitmore Lake Road interferes with the ability of other property owners to erect billboards within the area on property appropriately zoned for the same.

The granting of the variance would not be detrimental to the public welfare and injurious to the other properties in the area. There is only one residential structure within 1000 feet of the proposed billboard, and that home will not be able to see the billboard. In addition, the resident has not objected to the billboard and wrote a letter stating that it would not negatively impact him. The existing billboard is an older, small 300 sq. ft. ground level sign constructed of wood and does not provide a distraction to drivers. It is also not comparable to a digital billboard.
The granting of the variances would not adversely impact the objectives of the Master Plan. The location is on property zoned and planned for industrial use.

The condition or the intended use is of a general or recurrent nature. The subject property is the only property that could conform with all the regulations on this side of US-23 due to the placement of the Curtis Billboard on the south side.

The practical difficulty is not self-created. The problem was not created by the applicant but is a result of the placement of the Curtis Billboard.

Notices: Notice of public hearing sent to the applicant, March 4, 2018
Notice of public hearing published in the Livingston County Press and Argus, March 4, 2018

Report Prepared By: Debra McKenzie

CASE FILE DOCUMENTS:
1.0 Zoning Board of Appeals Report
11 Zoning Map
1.2 Minutes
1.3 GIS Map
1.4 Aerial

Written Correspondence and Documentation
2.0 Completed application form
2.1 Letter of application with attachments
2.2 Proof of ownership
2.3 Notice of Public Hearing
2.4 Certificate of publication
Zoning Compliance

Applicant: Crossroads Outdoor LLC
Date: Original Application August 22, 2017
Revised: February 27, 2018
Address: 7202 Whitmore Lake Rd., Brighton MI 48116
Permit Request: Billboard sign
Parcel #: 4716-08-100-022

PROJECT DESCRIPTION:

The applicant has applied for a permit to install a 25 foot tall, 672 square foot, LED electronic messaging sign (billboard) along the frontage of Whitmore Lake Road. The subject property is an undeveloped parcel within a LI-Limited Industrial district. The subject property is approximately 10 acres in size with 315 feet of frontage along Whitmore Lake Road

Sec. 38-409. Billboards.

(a) Districts. Billboards shall be permitted only in the LI Light Industrial district and the GI General Industrial District abutting the right of way of M-36 between Whitmore Lake Road and Leman Road or US-23. The requested proposed 672 square foot billboard is located in the LI Zoning District. The proposed Billboard would be located in the appropriate Zoning District Would meet zoning compliance

(b) Area. The total sign area of any billboard shall not exceed six hundred and seventy-two (672) square feet per face. A triangular or “V” -shaped billboard shall not have more than two (2) sign faces and not be separated by an internal angle of more than 20 degrees. The proposed Billboard is 672 square feet. Would meet zoning compliance

(c) Setback. No billboard shall project over public property. No billboard shall be located closer than twenty-five (25) feet to any property line. No billboard shall be located within one thousand (1,000) feet of any residentially used or zoned property. Billboards shall be setback a
minimum of twenty-five (25) feet from any other structure on or off the same premise upon which the billboard is located. **The proposed Billboard is (615 feet from residential used property.)**

(d) **Distance from other signs.** Billboards shall be spaced no closer than one thousand five hundred (1,500) feet from another billboard. **The proposed billboard is located (665 from an existing billboard)**

(e) **Interchange Distance.** A sign structure shall not be permitted adjacent to or within five hundred (500) feet of an interchange, an intersection at grade, or any highway pull off including MDOT facilities. The five hundred (500) feet shall be measured from the point of beginning or ending of pavement widening at the exit from or entrance to the main traveled way. **Would meet zoning compliance**

(f) **Height.** The top of any billboard, including the structure and the display area, shall not be higher than twenty-five (25) feet above average preexisting normal grade at any point beneath the sign. The proposed sign is 25 feet in height. **Would meet zoning compliance**

(g) **Illumination.** A billboard may be either externally or internally illuminated subject to section 38-405 (b), or may utilize digital **Would meet zoning compliance**

1) A billboard shall not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance. In order to reduce glare, no design shall have a white or near white background.

2) The digital billboard sign shall operate at a brightness level not to exceed 6000 cd/m² (candela per square meter) between sunrise and sunset, and a maximum brightness of 300 cd/m² between sunset and sunrise. Sunrise and sunset times shall be determined according to the National Institute of Standards and Technology (NIST “http://www.nist.gov”). In addition to the above maximum day/night brightness thresholds, the digital billboard sign shall be equipped with ambient light sensors that automatically adjust the brightness levels to no more than 0.3 foot candles above ambient light conditions.

3) **Sign Owner shall provide written certification from the sign manufacturer or company furnishing the sign display system, that the above requirements have been pre-set at the factory or other facility. The sign owner shall separately certify that the above requirements setting will not be adjusted.**

4) The brightness of the sign shall be measured by a certified individual, other than the Sign Owner or an employee of the Sign Owner, who is qualified to make such measurement using a handheld luminance meter e.g., “nit gun.” The required operation/level of ambient light sensors shall be measured using a handheld illuminance meter. The timing for each message change shall be verified by use of a stop watch, video camera or other appropriate measuring device. The Sign Owner shall certify in writing to the Township Planning and Zoning Administrator before final construction inspection, and twice annually from the Sign Owner’s
initial certification date thereafter, that the sign has been field tested by a certified individual, other than the Sign Owner or employee of the Sign Owner, and the sign is operating in compliance with the requirements in this section. The cost of all certification shall be the responsibility of the Sign Owner.

(5) The digital billboard sign display system shall be configured with a self-diagnostics program that will notify the Sign Owner’s technical support team in the event of a malfunction of the sign. In the event of a display failure resulting in a flashing or intermittent light change, or a failure resulting in the display exceeding the brightness level or image dwell standard stated in subsection (f)(2) above, the display shall be automatically shut-off or steps shall be taken immediately by the Sign Owner’s technical support team to shut-off the sign remotely. Additionally, should more than one individual display panel comprising the total sign display area not function as engineered, the display shall be immediately shut-off remotely.

(6) All displayed images must be static.

(7) No flashing, animation, scrolling, blinking, or intermittent lights, or lights with changing colors or levels of light intensity shall be permitted.

(8) The use of video on signs is expressly prohibited.

(9) The transition time between images shall be instantaneous (less than one second), with no transition effects between images.

(10) The minimum dwell time (time an image is displayed) of each and any image will be exactly 9 s. Emergency messages may exceed this dwell time if deemed appropriate.

(11) Sequential images or messages (e.g. back-to-back, 9 second images that form one continual advertisement), are prohibited.

(12) The digital billboard screen shall be allowed to operate 24 hours per day, seven days per week, unless a malfunction occurs. Emergency messages may exceed this dwell time if deemed appropriate. Applicant will provide contact information before the release of Building Permit.

h) **Construction.** A billboard shall be self-supported and pole-mounted. The materials used for the construction of the billboard structure will be metal, stone, brick or similar materials. The support structures for billboards shall be covered in brick or stone substantially similar to the example in figure 409-1. **Would be established before release of Building Permit.**

(i) **Landsaping.** A landscape plan shall be submitted in conjunction with the sign permit application for a billboard. A landscape buffer a minimum of 15 feet wide shall be provided at the base of all billboards. Such landscaped area should be enhanced with a decrative wall. Trees and shrubbery, including evergreen and flowering trees, of sufficient size and quantity shall be used to achieve the effect of making the base of the structure blend with the surroundings. The proposed landscaping plan shall be substantially similar to the example in figure 409-1. An
irrigation system shall be installed for the landscaping area. **Would be established before release of Building Permit**

(j) **Conversion.** No existing static billboard may be converted to one using digital technology without first submitting a sign permit application that demonstrates that the proposed sign will meet all of the requirements of this ordinance. N/A

(k) **Guarantee.** Prior to the issuance of a sign permit for construction of a billboard, a performance guarantee in the form of cash or an automatically renewing irrevocable letter of credit in an amount established by the Township shall be deposited with the Township to guaranty completion of the project and cost for sign removal should its removal be required in the future. The amount of the guaranty shall be reduced in proportion to the amount of project work completed provided the amount of guarantee remaining shall not be less than an amount equal to the cost to remove the sign, related ground structure and landscape should the sign be abandoned or fall into a state of disrepair. Should it be found that the guarantee is insufficient to cover said cost, any additional cost will be assessed to the property owner and become a lean on the property if not paid. **Would be established before release of Building Permit.**

The application does not meet zoning compliance

Do not hesitate to call if you have any questions.

Debra McKenzie,
Zoning Administrator,
810 231-1333 ext. 104
ARTICLE IX  Current Zoning Ordinance 2018

painted, etched on glass, or some other material hung inside the window) and need not specify the exact dimension or nature of every window sign provided the area does not exceed the sign area permitted in Sec. 38-406(7).

(3) **Limitation of number of freestanding/ground signs.** The common signage plan for all zone lots with multiple uses or multiple users shall limit the number of freestanding/ground signs to a total of one (1) for each street on which the zone lots included in the plan have frontage and shall provide for shared or common usage of such signs.

(4) **Miscellaneous restrictions.** The master signage plan or common signage plan may contain such other restrictions as the Township may reasonably determine.

(5) **Signatures required.** The master signage plan or common signage plan shall be signed by all owners or their authorized agents in such form as the building official shall require.

(6) **Inclusions.** A master signage plan or common signage plan shall be included in any development plan, site plan, planned unit development plan, or other official plan required by the Township for the proposed development and shall be processed simultaneously with such other plan.

(7) **Amendments.** A master signage plan or common signage plan may be requested for amendment by filing a new master signage plan or common signage plan with the Township that conforms with all requirements of the ordinance then in effect.

(8) **Nonconforming existing signs.** If any new or amended common signage plan is filed for a property on which existing signs are located, such plan shall include a schedule for bringing into conformance, within three (3) years, all signs not conforming to the proposed amended plan or to the requirements of this section in effect on the date of submission.

(9) **Binding effect.** After approval of a master signage plan or common signage plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this article. In case of any conflict between the provisions of such a plan and any other provision of this article, the plan which has been approved by the Township shall control.

Sec. 38-409. Billboards.

(a) **Districts.** Billboards shall be permitted only in the LI Light Industrial district and the GI General Industrial District abutting the right-of-way of M-36 between Whitmore Lake Road and Leman Road or US-23.

(b) **Area.** The total sign area of any billboard shall not exceed six hundred and seventy-two (672) square feet per face. A triangular or "V"-shaped billboard shall not have more than two (2) sign faces and not be separated by an internal angle of more than 20 degrees.

(c) **Setback.** No billboard shall project over public property. No billboard shall be located closer than twenty-five (25) feet to any property line. No billboard shall be located within one thousand (1,000) feet of any residentially used or zoned property. Billboards shall be setback a minimum of twenty-five (25) feet from any other structure on or off the same premise upon which the billboard is located.

(d) **Distance from other signs.** Billboards shall be spaced no closer than one thousand five hundred (1,500) feet from another billboard.

(e) **Interchange Distance.** A sign structure shall not be permitted adjacent to or within five hundred (500) feet of an interchange, an intersection at grade, or any highway pull off including MDOT facilities. The five hundred (500) feet shall be measured from the point of beginning or ending of pavement widening at the exit from or entrance to the main traveled way.

(f) **Height.** The top of any billboard, including the structure and the display area, shall not be higher than twenty-five (25) feet above average preexisting normal grade at any point beneath the sign.

(g) **Illumination.** A billboard may be either externally or internally illuminated subject to section 38-405 (b), or may utilize digital technology subject to the following:

**IX-10**

| Table of Contents | Zoning Map | Definitions | BACK |
(1) A billboard shall not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance. In order to reduce glare, no design shall have a white or near white background.

(2) The digital billboard sign shall operate at a brightness level not to exceed 6000 cd/m² (candela per square meter) between sunrise and sunset, and a maximum brightness of 300 cd/m² between sunset and sunrise. Sunrise and sunset times shall be determined according to the National Institute of Standards and Technology (NIST; http://www.nist.gov). In addition to the above maximum day/night brightness thresholds, the digital billboard sign shall be equipped with ambient light sensors that automatically adjust the brightness levels to no more than 0.3 foot candles above ambient light conditions.

(3) Sign Owner shall provide written certification from the sign manufacturer or company furnishing the sign display system, that the above requirements have been pre-set at the factory or other facility. The sign owner shall separately certify that the above requirements setting will not be adjusted.

(4) The brightness of the sign shall be measured by a certified individual, other than the Sign Owner or an employee of the Sign Owner, who is qualified to make such measurement using a handheld luminance meter e.g., “nit gun.” The required operation/level of ambient light sensors shall be measured using a handheld illuminance meter. The timing for each message change shall be verified by use of a stop watch, video camera or other appropriate measuring device. The Sign Owner shall certify in writing to the Township Planning and Zoning Administrator before final construction inspection, and twice annually from the Sign Owner’s initial certification date thereafter, that the sign has been field tested by a certified individual, other than the Sign Owner or employee of the Sign Owner, and the sign is operating in compliance with the requirements in this section. The cost of all certification shall be the responsibility of the Sign Owner.

(5) The digital billboard sign display system shall be configured with a self-diagnostic program that will notify the Sign Owner’s technical support team in the event of a malfunction of the sign. In the event of a display failure resulting in a flashing or intermittent light change, or a failure resulting in the display exceeding the brightness level or image dwell standard stated in subsection (f)(2) above, the display shall be automatically shut-off or steps shall be taken immediately by the Sign Owner’s technical support team to shut-off the sign remotely. Additionally, should more than one individual display panel comprising the total sign display area not function as engineered, the display shall be immediately shut-off remotely.

(6) All displayed images must be static.

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(8) The use of video on signs is expressly prohibited.

(9) The transition time between images shall be instantaneous (less than one second), with no transition effects between images.

(10) The minimum dwell time (time an image is displayed) of each and any image will be exactly 9 seconds. Emergency messages may exceed this dwell time if deemed appropriate.

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(12) The digital billboard screen shall be allowed to operate 24 hours per day, seven days per week, unless a malfunction occurs.
(h) **Construction.** A billboard shall be self-supported and pole-mounted. The materials used for the construction of the billboard structure will be metal, stone, brick or similar materials. The support structures for billboards shall be covered in brick or stone substantially similar to the example in figure 409-1.

(i) **Landscaping.** A landscape plan shall be submitted in conjunction with the sign permit application for a billboard. A landscape buffer a minimum of 15 feet wide shall be provided at the base of all billboards. Such landscaped area should be enhanced with a decrative wall. Trees and shrubbery, including evergreen and flowering trees, of sufficient size and quantity shall be used to achieve the effect of making the base of the structure blend with the surroundings. The proposed landscaping plan shall be substantially similar to the example in figure 409-1. An irrigation system shall be installed for the landscaping area.

(j) **Conversion.** No existing static billboard may be converted to one using digital technology without first submitting a sign permit application that demonstrates that the proposed sign will meet all of the requirements of this ordinance.

(k) **Guarantee.** Prior to the issuance of a sign permit for construction of a billboard, a performance guarantee in the form of cash or an automatically renewing irrevocable letter of credit in an amount established by the Township shall be deposited with the Township to guaranty completion of the project and cost for sign removal should its removal be required in the future. The amount of the guaranty shall be reduced in proportion to the amount of project work completed provided the amount of guarantee remaining shall not be less than an amount equal to the cost to remove the sign, related ground structure and landscape should the sign be abandoned or fall into a state of disrepair. Should it be found that the guarantee is insufficient to cover said cost, any additional cost will be assessed to the property owner and become a lean on the property if not paid.

**Sec. 38-410. Electronic message signs.**

Electronic Message Signs (LED) shall be permitted only within the LB, RO, GB, and HC zoning districts, as either a freestanding or wall-mounted sign or window sign. This shall exclude electronic message signs for non-profit organizations such as churches, schools, libraries, etc. in accordance with Section 38-404. It shall also exclude electronic restaurant menu boards for drive-through restaurants. Such signs shall be allowed subject to the sign regulations for each zoning district and subject to the following additional regulations:

(a) The electronic display shall not be animated, flashing, multi-colored, or scrolling.

(b) The frequency of the message change shall be restricted to no more than once every nine (9) seconds.

(c) The maximum area of an electronic message board shall be considered a part of a wall or freestanding sign and shall not exceed fifty percent (50%) of the total sign area as allowed per zoning district and sign regulations of this article.

(d) The maximum height of an electronic message board shall conform to the height regulations for signs allowed in each zoning district.

(e) The electronic message sign may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance. An electronic message sign shall possess automatic dimming capabilities so that the maximum luminescence level is not more than fifteen (15) foot-candles measured four (4) feet perpendicular to any surface. This shall exclude billboards, which are subject to Section 38-409.
<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Description</th>
<th>Status</th>
<th>Date Printed</th>
</tr>
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<tbody>
<tr>
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<td>Britannia, County: Green Oak Township</td>
<td>Permitted</td>
<td>03/06/2018</td>
</tr>
</tbody>
</table>

**Tax Description**

- **Land Value**: $698,372
- **2018 Assessed Land Value**: $698,372
- **2018 Total Assessed**: $6,984,000
- **2016 Total Assessed**: $6,984,000
- **2015 Total Assessed**: $6,984,000
- **2014 Total Assessed**: $6,984,000
- **2013 Total Assessed**: $6,984,000
- **2012 Total Assessed**: $6,984,000
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- **2010 Total Assessed**: $6,984,000
- **2009 Total Assessed**: $6,984,000
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- **1989 Total Assessed**: $6,984,000
- **1988 Total Assessed**: $6,984,000
- **1987 Total Assessed**: $6,984,000
- **1986 Total Assessed**: $6,984,000
- **1985 Total Assessed**: $6,984,000
- **1984 Total Assessed**: $6,984,000
- **1983 Total Assessed**: $6,984,000
- **1982 Total Assessed**: $6,984,000
- **1981 Total Assessed**: $6,984,000
- **1980 Total Assessed**: $6,984,000

**Plat Data**

- **Extent**: 100.00' x 100.00'
- **Area**: 10,000 square feet (929 square meters)
- **Zoning**: R-3
- **Lot**: 1
- **Block**: 1
- **Section**: 1
- **T18N R51W Sec 1

**Building Permits**

- **Building Permit Number**: 06/01/2016
- **Building Permit Date**: 06/01/2016
- **Building Permit Expires**: 06/01/2018
- **Issued By**: County

**Note**: Information herein deemed reliable but not guaranteed.
ZBA MOTION FORM

Motion by ________________________________,
seconded by _______________________________,
to (approve/deny) the application in Case Number __________________
because the applicant (has/has not) shown a practical difficulty for the following reasons:

1. There (are/are not) exceptional or extraordinary circumstances or conditions applicable to the property that do not apply generally to other properties in the area or district. Specifically,

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

(This is where you should list what the conditions are, e.g., topography, wetlands, woodlands, adjoining property uses that negatively impact the property, etc. If there is nothing peculiar about the property, state that as well).

2. That the variances is (necessary/not necessary) for the preservation and enjoyment of a substantial property right possessed by other property in the same district or the surrounding area, and (is/is not) a condition or situation which is of a general or recurrent nature in the area, for the following reason(s);

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

(Explain why this is or is not being met. For example, what is the nature of the surrounding area? What is the specific request, and is it something that would be consistent with the area, and which is
enjoyed by most others in the area? Is there a lesser variance that would do justice to the applicant and be more consistent with the area? Is the real reason for the variance request a desire to reap financial gain at the expense of the zoning regulations? Remember that the possibility of increased financial return is not of itself sufficient."

3. That the grant of the variance (will/will not) be materially detrimental to the public welfare or adversely affect the surrounding properties in the district for the following reasons:

_________________________________________________________________
_________________________________________________________________
_________________________________________________________________

(This will be very site specific, but be sure to provide reasons.).

4. That the grant of the variance (will/will not) adversely affect the purpose or objectives of the Township’s Master Plan because

_________________________________________________________________
_________________________________________________________________
_________________________________________________________________

(This will be very site specific, but be sure to provide reasons.).

5. That the practical difficulty (is/is not) self-created for the reason that

_________________________________________________________________
_________________________________________________________________
_________________________________________________________________

(Remember that buying the land with knowledge of the general zoning requirements is not in and of itself a self-created hardship. Did the applicant really create the practical difficulty through some actions of his/her own?)
INSTRUCTIONS:

Prior to any appeal being filed with the Green Oak Charter Township Zoning Board of Appeals (ZBA), an applicant must have first applied for a building permit from the Green Oak Charter Township Building Department. The building permit must have had an administrative review conducted by a designated Building and Zoning Official and subsequently be denied if it is to be later considered by the Zoning Board of Appeals. This denial must be obtained in writing and copies submitted with the appeal application form, in no event should the denial letter be older than 30 days after the date of the decision from which the appeal is taken. The ZBA appeal application costs are not refundable.

If an appeal is filed with the ZBA, the following application form and a site layout must be completed. ELEVEN COPIES of the application, site layout and any additional pages or documents that the applicant desires the ZBA to consider must be provided prior to the application form being accepted by the Zoning Administrator. All appeals must be filed by noon the third Wednesday (one month prior) to the scheduled meeting date, in order to be considered for that month’s meeting. There is a limit of five cases per monthly agenda, and applications are taken in order of submission. If more than five applications are received, the additional applications will be scheduled for the following meeting. The applicant or authorized representative must appear in person on their scheduled date. If an authorized representative is designated, the applicant must designate their authority in writing prior to the ZBA hearing being conducted. All costs exceeding the application fee are the responsibility of the applicant and must be paid in full prior to any building permits being issued.

All property owners and occupants within 300 feet of the petitioner’s property will be notified by first class mail not less than 15 days prior to the public hearing.

While there is not a prescribed method to a presentation to the ZBA, the applicant should be prepared to provide all available proofs, documents, evidence, etcetera to support their request for a variance at the time of the
hearing. Witnesses and/or any other tangible evidence to support the validity of
the request for variance will be accepted and considered by the ZBA.

Applicant Information

Name: Crossroads Outdoor LLC
Address: 724 Abbott Rd
City/State/Zip: East Lansing, MI 48823
Phone: 231-683-4224 Fax:
E-Mail bradholm@crossroadsoutdoor.com

Property Owner Information

Name: Barton-Clausnitzer LLC
Address: 7300 Whitmore Lake Rd
City/State/Zip: Brighton, MI 48116
Phone: 810-227-6190 Fax:

Location of Property for which the variance requested

Address 7202 Whitmore Lake Rd
Cross Streets just south of Mallby Rd
Tax Identification # 16-08-100-022
Zoning District LI (Light Industrial)
Lot Size/Acreage 10.01
Current Use undeveloped

Variance Request
Variance #1: dimensional variance to locate billboard sign
within 1,000' of a property with a residential use (One such property within 615')
Variance #2: dimensional variance to locate a billboard sign within 1,500' of
an existing billboard sign (One within 665' across freeway)

Total Number of Variances Requested 2

List the applicable Code Section Name, Section Number, and Subsection to be
considered by the ZBA. Sec. 38-409 Billboards
This information is contained in the Green Oak Charter Township Zoning Code Book
D. Distance from other signs. Billboards shall be spaced no closer than one thousand five hundred (1,500) feet from another billboard

Describe Request Permit a new billboard sign to be erected approximately 185' from a commercial property that
contains a residence setback and completely obstructed from view of the sign location by trees, and approximately 660'
from an existing small billboard sign across the freeway from the proposed sign location

Zoning Board of Appeals Application
revised 01-19-2011
You must provide the following information as part of your application:

1) Site Plan layout drawn to scale, which details the following:
   - Show all adjoining property setbacks and structures
   - Show existing and proposed setbacks from road right-of-ways
   - Show existing and proposed structures
   - Show required and existing setbacks by noting it on the site plan
   - Show NORTH arrow

2) Photographs of property in relation to roads and existing structures, when appropriate, to properly depict the reason for the appeal.

3) Written denial from the Planning and Zoning Administrator denying a building permit for this original request. **38-94 Appeal shall be taken within such time as prescribed by the ZBA by general rule, but in no event later than 30 days after the date of the decision from which the appeal is taken.**

4) Eleven copies of the application, site layout and any additional pages or documents.

5) A completed application. Incomplete applications with missing information will be returned and not placed on the ZBA agenda until complete.

I hereby affirm that the above information is correct to the best of my knowledge and grant permission for Township officials, employees, consultants and members of the Zoning Board of Appeals to conduct an on-site inspection.

Signature of Applicant

Date: 15 Feb 2018

Signature of Owner, if different

Date: Feb 15 2018
Criteria for a Dimensional Variance

Please respond to the following statements. The application must meet all criteria in order to obtain a variance. 38-95 (8)

What are the exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone

The applicant incorporates its statements and the findings of fact published in the attached minutes of the Green Oak Charter Township ZBA meeting held on 21 November, 2017. The subject property is located within an industrial zone in a predominantly commercial/industrial area with related uses to each side and across the freeway fronting the property. Due to its much narrower than average lot width of only 360', the property provides for limited alternate sign placement locations, and due to its proximity to the freeway interchange ramp to the north and the requirement for billboard spacing from such, the western portion of the property is also unusable for a billboard sign, further limiting the ability of the landowner to erect a billboard sign due to the stringent spacing requirements for such.

Such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

The applicant incorporates its statements and the findings of fact published in the attached minutes of the Green Oak Charter Township ZBA meeting held on 21 November, 2017. Billboards/digital billboards are currently a permitted and lawful use within this zoning district, LI. We are unable to exercise the right to erect a digital billboard sign while a similar property only 2,000' to the south at 7450 Whitmore Lake Rd, within the same LI zoning district was recently permitted to erect an identical digital billboard. The township has already demonstrated that relaxing the ordinance standards pertaining to LED billboards is not detrimental to the public welfare by permitting this billboard to the south without even requiring the owner to obtain multiple variances that should have been required under the sign ordinance that existed at that time or the current sign ordinance. This digital sign:

- is located within 1,000' of eight residentially zoned properties (and the commercial property with a residence that we require a variance for) (see exhibit “C”)
- is located only 10' from the side lot line when a 25' side setback was required when erected
- was erected at a time when electronic message signs were not permitted in the LI zoning district
- uses the maximum permitted sign area for a digital sign when only 50% of permitted display area was permitted for this type of sign when erected
• is located only 300’ from a MDOT electronic message sign directly across thefreeway that was present prior to the sign being erected
(see exhibit “D” for sign regulations in force when the above sign was erected)

The granting of such variance or modification will not be materially detrimental to
the public welfare or materially injurious to the property or improvements in such
zone or district in which the property is located.

The applicant incorporates its statements and the findings of fact published in the
attached minutes of the Green Oak Charter Township ZBA meeting held on 21
November, 2017. The sign will not be materially injurious to the property, the sign
takes up very little space on the property and would not prevent any desired commercial
or industrial use of the property permitted in the LI zoning district in the future.

Granting this variance will not be detrimental to public welfare: There exists only a
single property within 1,000' containing a residence, from which there is no visibility of
the sign (see exhibit “B”) and the landowner has provided a letter stating that he does
not have any objection to the sign’s erection (see exhibit “E”). The township has
previously granted a variance from this property and already determined it was
appropriate.

As clearly and thoroughly demonstrated below, granting a dimensional variance for
spacing from the small, minimally visible existing sign on the opposite side of the
freeway will not be detrimental to public welfare. The only billboard within 1,500’ of the
proposed sign location is an old, small, 300 square foot ground level sign constructed of
wood situated on the opposite side of the freeway, setback 50’ from the nearest freeway
traffic lane and is not a digital sign nor could it legally be converted into one and thus
presents no visually significant distraction to drivers. This sign is so innocuous that it
was not even considered by our team or the township’s planner prior to its discovery
more than a month after approval of our previous variance. (see exhibit “G”) There are
no other large signs of any type in the vicinity of our proposed sign.

The township’s previous sign ordinance only required spacing from billboard signs along
the same side of the freeway but did not permit digital billboard signs along the freeway
at that time (no conforming properties with appropriate zoning), nor did it permit full size
digital signs of any type. According to planner Paul Montagno in his letter to the
township (presented at Feb. 04, 2016 planning commission meeting, see exhibit “F”),
the sign ordinance was being amended “to address the way the Township regulates
LED/digital billboards” and that full size digital billboard 2,000’ to the south was
permitted as a test subject with “the intent was to work with the developers of the sign
as we developed the ordinance language and evaluate the installation in order to
ensure the language was effective”.

The resulting and current sign ordinance extended the spacing requirement from other
billboard signs to the opposite side of the freeway, ostensibly due to the added
distraction from full-sized digital signs to prevent them from being viewed in close
proximity to each-other. Indeed, for additional safety, the State of Michigan also requires spacing between digital billboard signs on both sides of the freeway, but only in the direction of a digital sign face and only applies to other digital billboard signs. The requirement for spacing between digital and non-digital billboards or between non-digital billboards only applies to the same side of the freeway, reflecting the intent to only apply spacing between two digital signs along both sides of the freeway. (§ 252.317, State of Michigan Outdoor Advertising Act of 1972).

The township appears to have intended the same margin of safety but had not specified that the spacing requirement for the opposite side of the freeway only applied to digital signs. In fact, the township saw no safety issue with the erection of an identical full size digital billboard 2,000’ to the south of the proposed sign which is within a much closer proximity to a MDOT digital message sign located only 300’ away, directly across the freeway within the right-of-way, directly in the line of sight of vehicular traffic (see exhibit “H”). Additionally, the township saw no safety concern with the permitting of several large commercial signs at the Green Oak Village Place shopping complex, all within very close proximity of each other on the same of the freeway and clearly oriented to freeway traffic, all contained within the area of a freeway on-ramp, the most dangerous part of a freeway where on-ramp traffic merges with freeway traffic. (see exhibit “I”)

The granting of such variance will not adversely affect the purpose or objectives of the master plan of the township.

The applicant incorporates its statements and the findings of fact published in the attached minutes of the Green Oak Charter Township ZBA meeting held on 21 November, 2017. The Green Oak Charter Township zoning board previously determined that the proposed billboard sign is a permitted and appropriate use of the Light Industrial zoning district, and will not have an adverse effect on the Township's master plan in the prior variance request presented on November 21, 2017.

The condition or situation of the specific piece of property, or the intended use of such property, for which the variance is sought is not of so general or recurrent a nature

The applicant incorporates its statements and the findings of fact published in the attached minutes of the Green Oak Charter Township ZBA meeting held on 21 November, 2017. The subject property is the only conforming property within the township for a digital billboard sign aside from the proximity to the commercial property with a residential use, and its proximity to the small billboard sign across the freeway. There are NO other conforming properties within the Township, as many similar properties are in proximity of residential properties or present other issues preventing a recurrence. In fact, the revised sign regulations effectively created a de facto ban on billboards immediately after permitting the non-conforming digital billboard sign around 2,000’ to the south which should have required three dimensional variances and a use variance.
Green Oak Charter Township
Zoning Board of Appeals
Regular Meeting Minutes
November 21, 2017

Roll Call: Wendy Hoover
Jim Tuthill
Joe Weinburger

Absent: Deborah Yu
Sarah Pearsall

Guests: 4

Also Present: Debra McKenzie, Zoning Administrator

APPROVAL OF AGENDA

Motion by Tuthill, second by Hoover
To approve the agenda as presented.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

1. ZBA Case 09-2017, Parcel #4716-08-100-022, Located at 7202 Whitmore Lake Road, Brighton MI 48116. Request a variance from Section 38-409 Billboards; Setback to allow for a Billboard to be closer than the required 1000 feet from any residentially used or zoned property.

Representing ZBA Case 09-2017: Tony Lockridge
Justin Hill

Mr. Lockridge explained they are working with a local company in Michigan to help them obtain a location in the township. They read the code and they submitted the application assuming they met all of the regulations of the code. They have built 2500 of these signs in the history of their company. They were surprised there was a hidden residence on the property. They reached out to the land owner and the response was that the sign will not be an issue whatsoever and a letter was provided stating that.

Mr. Lockridge explained a lighting study was completed to ensure they meet the lamp rules for light. They meet the threshold before even getting over the roadway. The light from a gas station is about 15 x’s more than this project. Everywhere around their property is commercial. They looked at the other billboard nearby and they spoke with the residences there that are 1000 feet away. Mr. Hill stated the resident by the test
billion has no issue with this site, in the test case all the factors with the residents was taken into consideration.

Mr. Lockridge stated if this site was permitted, theirs has zero residential area as close as the other sign where there are 8 properties within 1000 feet. They feel very strongly this should be an easy hardship situation. He noted they are 1300' from the nearest residential district.

Mr. Hill commented that they created 1000 buffer ring around the billboard and the residential properties are well away from the 1000 ft. area and facing the other direction. The other sign was approved and there were no variances given.

Mr. Lockridge explained the billboard will tie into amber alerts and do community messages. They would be very excited to have the opportunity to do business here.

Mr. Hill stated the hardship is that there are no properties anywhere along the permitted zone that is legal, this is the only one that appeared legal except for the single residence, it is on a commercially zoned property and the setback so far away from their site and the homeowner had no issue. The properties to the west should not be in consideration because they are so far away.

Ms. Hoover confirmed it could be used for residential down the road if it's rezoned.

Mr. Weinburger does not meet the 1000 setback from a residential use or district.

Mr. Weinburger opened the public hearing at 7:25 p.m. and closed it due to no one wishing to speak.

Mr. Hill stated the practical difficulty is being able to exercise the same commercial expression on a digital billboard sign which the township changed the code to permit it in this zone. There is not a single legal property that they can enact that provision on except for this one with the single residential use on the property and the inability to enact commercial expression.

Motion by Hoover, second by Tuthill
To approve ZBA Case 09-2017, Parcel #4716-08-100-022, Located at 7202 Whitmore Lake Road, Brighton MI 48116 for the variance from Section 38-409 Billboards, the established 1000 foot setback distance is intended to protect the residential property from nuisance associated with the billboard light pollution. The applicant has shown a practical difficulty for the following reasons:

1. This the only location in the township that this billboard can go with the least amount of nuisance to the other residential properties
2. The only issue with the setbacks is the single residential home that is located across the freeway and not affected by this billboard.
There are exceptional or extraordinary circumstances or conditions applicable to the property that do not generally apply to other properties in the area or district. This property meets the minimum size requirements for development in the L-1 district, other immediate adjacent properties in the same district in the same or similar dimensions have been developed for permitted uses in the L-1 district.

The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same district or surrounding area.

The granting of the variance to allow the installation of a billboard would not be detrimental to the public welfare or materially injurious to the property in the zone in which the subject property is located. Also, the one resident did express his approval for the project and the granting of the variance will not adversely affect the purpose or objectives of the Township’s Master Plan. The practical difficulty is not self-created.

Roll Call Vote: Ayes: Hoover, Tuthill, Weinburger
Nays: None

MOTION APPROVED


Ronald Allen
Trisha Van Camp

Mr. Allen explained a year ago he bought a house and there was a storage shed behind the house, since then he built a garage. He was told he can’t have two outbuildings. Since he built the garage the shed won’t fit through, so he has no way of getting rid of it. He explained the shed can’t be seen from the road. Ms. Van Camp explained when the permits were pulled for building the garage the builder mis-informed them.

Ms. Van Camp stated there are homes in the community that have two outbuildings, their neighbors on either side have no issues with the shed.

Mr. Allen stated he didn’t know how to get the out of there, that is his practical difficulty.

Mr. Weinburger stated that they are only allowed one out building and they can take the shed apart and remove it, so there is no practical difficulty.

Ms. McKenzie explained the building permit states the shed will be taken down. Mr. Allen stated he didn’t ever see a permit.
Mr. Weinburger explained since the permit does say they have to remove the shed it will need to be removed. Mr. Weinburger stated he doesn’t even see a case for the ZBA. He suggested they could move the shed up and attach it to the garage and that would be ok, but if they can’t do that it has to be removed.

There was no action taken on this case since it is noted on the building permit that the shed needs to be removed.

NEW BUSINESS – None

OLD BUSINESS - None

APPROVAL OF THE MEETING MINUTES

Motion by Hoover, second by Tuthill
To approve the minutes of September 19, 2017 as presented.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

CORRESPONDENCE - None

CALL TO THE PUBLIC - None

ADJOURNMENT

The Zoning Board of Appeals meeting was adjourned at 7:43 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto

Recording Secretary
Exhibit "A" - Sign Site Plan - Site 11379 Address: 7202 Whitmore Lake Rd Brighton, MI
Landowner: Barton-Clausnitzer LLC - APN: 16-08-100-022
Property Zoning: LI  Build Setbacks: 25' front (and street RoW), 25' side
Sign Dimensions: 14' x 48' face x 25' total height

Legend
Subject Prop Line
Adjacent Prop Line
Proposed Sign Structure
25' PL & RoW Setback
Existing Structure

Adjoining property (no existing structures)
Subject Property
Adjoining property

existing building
existing building

Scale reference is approximate for print on 8.5" x 11" paper

Print Date: 9/8/2017

Crossroads Outdoor
Brad Holstad - (O) 231.683.4224 ext. 102
bradholstad@crossroadsoutdoor.com
2487 S. Michigan Road
Suite E
Eaton Rapids, MI 48827

© 2016 - Lockridge Outdoor Advertising, LLC - All Rights Reserved. Unauthorized use or distribution is strictly prohibited
Exhibit "B" - Residential Proximity Map Address: 7202 Whitmore Lake Rd Brighton, MI
Landowner: Barton-Clausnitzer LLC - APN: 16-08-100-022
Sign is 672 sq. ft. digital face x 25' total height with landscaping (identical to sign to south)
Exhibit "C" - Residential Proximity Map Address: 7540 Whitmore Lake Rd Brighton, MI
Sign is located within 1,000’ of nine residentially zoned or used properties
and only 406’ from an adjacent residential property across street, directly facing the sign
Zoning: LI (EMS signs previously not permitted in LI) 5’ side setback, 25’ P/L setback required
Sign is 672 sq. ft. Digital sign face, 25’ total height with landscaping (identical to proposed sign)
ARTICLE IX

(3) Limitation of number of freestanding/ground signs. The common signage plan for all zone lots with multiple uses or multiple users shall limit the number of freestanding/ground signs to a total of one (1) for each street on which the zone lots included in the plan have frontage and shall provide for shared or common usage of such signs.

(4) Miscellaneous restrictions. The master signage plan or common signage plan may contain such other restrictions as the Township may reasonably determine.

(5) Signatures required. The master signage plan or common signage plan shall be signed by all owners or their authorized agents in such form as the building official shall require.

(6) Inclusions. A master signage plan or common signage plan shall be included in any development plan, site plan, planned unit development plan, or other official plan required by the Township for the proposed development and shall be processed simultaneously with such other plan.

(7) Amendments. A master signage plan or common signage plan may be requested for amendment by filing a new master signage plan or common signage plan with the Township that conforms with all requirements of the ordinance then in effect.

(8) Nonconforming existing signs. If any new or amended common signage plan is filed for a property on which existing signs are located, such plan shall include a schedule for bringing into conformance, within three (3) years, all signs not conforming to the proposed amended plan or to the requirements of this section in effect on the date of submission.

(9) Binding effect. After approval of a master signage plan or common signage plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this article. In case of any conflict between the provisions of such a plan and any other provision of this article, the plan which has been approved by the Township shall control.

Sec. 38-409. Billboards.

(a) Districts. Billboards shall be allowed in the LI Light Industrial district and the GI General Industrial District abutting the M-36 or US-23 rights-of-way only.

(b) Area. The total sign area of any billboard shall not exceed six hundred and seventy-two (672) square feet per face. A triangular or "V"-shaped billboard shall not have more than two (2) sign faces.

(c) Setback. No billboard shall be located closer than twenty-five (25) feet to a non-right-of-way property line. No billboard shall project over public property. Billboard signs shall be no closer than five hundred (500) feet to any adjacent residential property line. Billboards shall be set back a minimum of twenty-five (25) feet from any other structure on or off the same premise upon which the billboard is located.

(d) Distance from other signs. Billboards shall be spaced no closer than one thousand two hundred and fifty (1,250) feet between other billboard signs on the same side of the right-of-way.

(e) Height. The top of any billboard shall not be higher than twenty-five (25) feet above normal grade.

(f) Illumination. A billboard shall possess automatic dimming capabilities so that the maximum luminescence level is not more than three-tenths (0.3) footcandles over ambient light levels measured at a distance of one hundred and fifty (150) feet for those sign faces less than or equal to three hundred (300) square feet, measured at a distance of two hundred (200) feet for those sign faces greater than three hundred (300) square feet but less than or equal to three hundred and seventy-eight (378) square feet, measured at a distance of two hundred and fifty (250) feet for those sign faces greater than three hundred and seventy-eight (378) square feet and less than six hundred and seventy-two (672) square feet, and measured at a distance of three hundred and fifty (350) feet for those sign faces equal to or greater than six hundred and seventy-two (672) square feet, and in accordance with the
Michigan Highway Advertising Act, Public Act No. 86 of 2009, as amended. Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory-programmed not to exceed the above-listed light levels, and that the intensity level is protected from end-user manipulation by password-protected software or other method satisfactory to the Green Oak Charter Township Zoning Administrator.

(g) **Construction.** A billboard shall be self-supported and pole-mounted.

(h) An irrevocable, automatically renewing letter of credit from a bank chartered and located in the United States of America in an amount established by the Township Board shall be required for continued maintenance. In the event that a billboard is vacated, the cost of removal, if that burden is placed on the Township, shall be assessed to the property owner.

**Sec. 38-410. Electronic message signs.**

Electronic Message Signs (LED) shall be permitted only within the LB, RO, GB, and HC zoning districts, as either a freestanding or wall-mounted sign or window sign. This shall exclude electronic message signs for non-profit organizations such as churches, schools, libraries, etc. in accordance with Section 38-404. It shall also exclude electronic restaurant menu boards for drive-through restaurants. Such signs shall be allowed subject to the sign regulations for each zoning district and subject to the following additional regulations:

(a) The electronic display shall not be animated, flashing, multi-colored, or scrolling.

(b) The frequency of the message change shall be restricted to no more than once every six (6) seconds.

(c) The maximum area of an electronic message board shall be considered a part of a wall or freestanding sign and shall not exceed fifty percent (50%) of the total sign area as allowed per zoning district and sign regulations of this article.

(d) The maximum height of an electronic message board shall conform to the height regulations for signs allowed in each zoning district.

(e) The electronic message sign may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance. An electronic message sign shall possess automatic dimming capabilities so that the maximum luminescence level is not more than fifteen (15) foot-candles measured four (4) feet perpendicular to any surface. This shall exclude billboards, which are subject to Section 38-409.

(f) Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory-programmed not to exceed the above-listed light levels, and that the intensity level is protected from end-user manipulation by password-protected software or other method satisfactory to Green Oak Charter Township.

**Sec. 38-411. Election Signs / Free Expression Signs.**

(a) A sign whose message relates to a candidate for election, political office, or to a political party, is permitted in all zoning districts, subject to the following conditions:

1. Each sign shall have a maximum height of forty-eight (48) inches from the ground and a maximum width of ninety-six (96) inches, including the support structure.
2. Such signs shall be set back at least fifteen (15) feet from the road right-of-way. Permission to locate such signs on private property shall be obtained from the owner or occupant of the property on which such signs are located.
Peter Greenfield  
7100 Bishop Rd.  
Brighton, MI 48116  
September 17, 2017  

Green Oak Township  
Zoning Board of Appeals  
10001 Silver Lake Road  
Brighton, MI 48116  

Dear Green Oak ZBA,

My name is Peter Greenfield, and I own and live on the commercial property at 7100 Bishop Rd. in Brighton, MI. Crossroads Outdoor LLC has brought it to my attention that they have applied for and have subsequently been denied a building permit for an LED advertising sign across Hwy 23 from my property. As it has been explained to me, the sole reason for the denial is that my house happens to reside just inside the 1000’ spacing buffer required for billboards in relation to residences even when they are on commercial or industrial zoned properties.

Due to distance, topography and existing vegetation, the sign will have no negative impact on my residence or property, visually or otherwise. Please consider this letter as a formal statement that I am fully accepting and agreeable to the placement of the new billboard proposed by Crossroads Outdoor, and I approve the motion from the ZBA to grant a variance.

Best regards,

Peter Greenfield
MEMORANDUM

TO: Green Oak Charter Township Planning Commission

FROM: Paul Montagno, AICP, Township Planner

DATE: 1/28/16

RE: Green Oak Billboard regulations

As you are aware, we have been working on an update to the Sign Ordinance. This was undertaken to address the way the Township regulates LED/digital billboards. We have had the work on the Ordinance on hold while we awaited the installation of the first LED/digital bill board in the Township. As you know a moratorium was placed on this use by the Township Board. During this time one proposal was allowed to proceed based on draft regulations as a “test subject”. The intent was to work with the developers of the sign as we developed the ordinance language and evaluate the installation in order to ensure the language was effective. This sign has been installed and based on the evaluation by the Township we believe that the proposed regulations have achieved the desired outcome.

In addition, there were a number of other proposed changes made to the sign ordinance which we wanted to address while we were working on this section. This includes some additions to the definition section.

Attached is a copy of the draft language for your review and feedback. Changes are highlighted. Please note that any formatting issues will be addressed after the language is found to be acceptable. Ultimately, a public hearing will need to be held by the Planning Commission. After this hearing the Planning Commission can make a recommendation to the Township Board to adopt the language as presented or with amendments.

We look forward to discussing this with you.

CARLISLE/WORTMAN ASSOC., INC.
Paul Montagno, AICP
Planner

# 175-1432

Cc: Mark St. Charles, Township Supervisor
Debbie McKenzie
John Enos, Principle, CWA
September 19, 2017

Background on Optical Measurements and Calculations

Watchfire Signs has manufactured outdoor electric signs since 1932 and led signs since 1996. We have more than 50,000 led signs in operation worldwide.

Incandescent signs were commonly measured using illuminance measurements, partly because the light bulb is ideally a point source of light, illuminating equally in all directions, and illuminance meters are commonly available and inexpensive. Foot-candle measurements are made at a defined distance from the sign and the magnitude depends on the physical size of the sign.

LED signs are highly directional however, which is an advantage in an urban setting since the light can be directed more precisely to the intended audience. Luminance measurements have been used to specify LED signs by the industry. The candela per square meter (NITs) unit allows a specification that does not depend on size or viewing distance.

The study done on the sign adjacent to a residential area used actual lab measurements made on modules using an illuminance meter. These measurements and extrapolations are then scaled up to the size of the sign and the distance corrections are made using the inverse square law.

Watchfire adopted brightness standards set forth by both the ISA (International Sign Association) and OAAA (Outdoor Advertising Association of America). The standards used are based on the studies of Dr. Lewin and the IESNA (Illuminating Engineering Society of North America).

Below is a list of some of the measurement equipment used by Watchfire engineers.

**Equipment used by Watchfire engineers to make lighting measurements:**

- Foot-candles/Lux - Minolta Illuminance Meter T-10
- NITs/candela/sq. m - Minolta Luminance Meter LS-100
- Sign Calibration – Minolta CS-1000 Spectra radiometer
SIGN LIGHTING STUDY

Sign Details

Size: 14x48 Digital Billboard  
Location: 7202 Whitmore Lake Road

Light measurements are completed in foot-candles. A foot-candle is the amount of light produced by a single candle when measured from 1 foot away. For reference, a 100-watt light bulb produces 137 foot-candles at 1 foot away, .0548 foot-candles at 50 feet and .0137 foot-candles at 100 feet.

The table represents the total increase in ambient light produced by the sign under normal or typical operation at night. The ambient light increases will be less than shown in the chart since they fail to consider any objects blocking the line of site to the sign. Obstructions such as trees would further reduce real world overall ambient light increases. In addition to obstructions any existing light within the viewing cone will further diminish any light increase.

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Light values in foot-candles at night under typical operation
Conclusion

Given the above comparisons and measurements, the area will see an almost undetectable difference in ambient light after installation of a billboard. Ambient light levels are more heavily impacted by street, building, and landscape lights than the increases produced by a billboard.

Ray Digby

office 800-637-2645 x3006  Fax 217-442-1020

ray.digby@watchfiresigns.com
Peter Greenfield
7100 Bishop Rd.
Brighton, MI 48116
September 17, 2017

Green Oak Township
Zoning Board of Appeals
10001 Silver Lake Road
Brighton, MI 48116

Dear Green Oak ZBA,

My name is Peter Greenfield, and I own and live on the commercial property at 7100 Bishop Rd. in Brighton, MI. Crossroads Outdoor LLC has brought it to my attention that they have applied for and have subsequently been denied a building permit for an LED advertising sign across Hwy 23 from my property. As it has been explained to me, the sole reason for the denial is that my house happens to reside just inside the 1000' spacing buffer required for billboards in relation to residences even when they are on commercial or industrial zoned properties.

Due to distance, topography and existing vegetation, the sign will have no negative impact on my residence or property, visually or otherwise. Please consider this letter as a formal statement that I am fully accepting and agreeable to the placement of the new billboard proposed by Crossroads Outdoor, and I approve the motion from the ZBA to grant a variance.

Best regards,

[Signature]

Peter Greenfield
STATE OF MICHIGAN

Ss

COUNTY OF LIVINGSTON

REASON FOR PUBLIC HEARING: ZBA Variance Request
NAME OF APPLICANT: Crossroads Outdoor LLC
ADDRESS OF APPLICATION: 7202 Whitmore Lake Road, Brighton MI 48116
DATE OF PUBLIC HEARING: March 20, 2018
BOARD HOLDING PUBLIC HEARING: ZBA

Type of Hearing:
(x) Zoning Board of Appeals
( ) Special Use Permit
( ) Rezoning
( ) Other

I Debra McKenzie being first duly sworn, do hereby depose and say that I caused to be prepared for mailing, and mailed by First Class mail, on March 4, 2018, a Notice of Public Hearing, a true copy of which is attached hereto and made a part hereof, to each owner of or party in interest in property located within three hundred (300) feet or five hundred (500) feet whichever is appropriate and/or abutting the subject's property line described in the subject's property description, as such name and address of owner is described in the attached Notice, and as such name and address appears in the computerized property tax assessment roll records of the Assessing Department of Green Oak Charter Township as of the date of the computer printout; and printed out mailing labels from that computerized database for said parcels affected; that each such envelope had contained therein the appropriate Notice of the aforesaid hearing, was securely sealed with postage fully prepaid thereon for First Class Mail delivery; and that all of said envelopes were placed on the outgoing mail receptacle at Green Oak Charter Township Hall in Brighton, Michigan on the said date for the above referenced hearing meeting.

Debra McKenzie,
Zoning Administrator
4716-08-100-014
LOWRY DEVELOPMENT COMPANY
ATTN JIM HOWATH
9420 MALTBY RD
BRIGHTON MI 48116

4716-08-100-022
BARTON-CLAUSNITZER, LLC
7300 WHITMORE LAKE RD
BRIGHTON MI 48116

4716-08-100-029
LOWRY INVESTMENT CO LLC
ATTN JIM HOWATH
9420 MALTBY RD
BRIGHTON MI 48116

4716-08-101-014
LAUTENBACH, JEFFREY & DELAINE
7319 GOLDENROD CT
BRIGHTON MI 48116

4716-08-200-048
LODGE, JEFFREY CHARLES
7251 BISHOP
BRIGHTON MI 48116

4716-08-100-015
WYMAN GORDON COMPANY
MICHAEL LOCKHART
105 MADISON ST
WORCESTER MA 01610

4716-08-100-024
GREEN OAK CHARTER TOWNSHIP
HOLDEN CEMETERY AKA PLAINS CEMETERY
AKA GREEN OAK CEMETERY
10001 SILVER LAKE RD
BRIGHTON MI 48116

4716-08-100-016
BARTON-CLAUSNITZER LLC
7202 WHITMORE LAKE ROAD
BRIGHTON MI 48116

4716-08-100-025
OXFORD STUDIO HOLDING COMPANY LLC
21800 PONTIAC TR, SUITE 300
SOUTH LYON MI 48178

4716-08-101-013
GRAHAM FAMILY TRUST
7337 GOLDENROD CT
BRIGHTON MI 48116

4716-08-200-038
SPECTRUM CENTRE LLC
7077 FIELDCREST # 400
BRIGHTON MI 48116

4716-08-200-045
BRIGHTON LODGE LLC
23300 TELEGRAPH
SOUTHFIELD MI 48034

4716-08-200-050
MEASUREMENT PROPERTIES, LLC
7117 FIELDCREST DR
BRIGHTON MI 48116

4716-08-200-053
OXFORD HOLDING CO
21800 PONTIAC TRAIL STE 300
SOUTH LYON MI 48178
4716-08-100-014  LOWRY DEVELOPMENT COMPANY  ATTN JIM HOWATH  MALTBY RD  BRIGHTON MI 48116

4716-08-100-015  WYMAN GORDON COMPANY  MICHAEL LOCKHART  7250 WHITMORE LAKE RD  BRIGHTON MI 48116

4716-08-100-016  BARTON-CLAUSNITZER LLC  7300 WHITMORE LAKE RD  BRIGHTON MI 48116

4716 08 100 022  BARTON-CLAUSNITZER, LLC  7202 WHITMORE LAKE RD  BRIGHTON MI 48116

4716-08-100-024  GREEN OAK CHARTER TOWNSHIP  HOLDEN CEMETERY AKA PLAINS CEMETERY  AKA GREEN OAK CEMETERY  9198 MALTBY RD  BRIGHTON MI 48116

4716-08-100-025  OXFORD STUDIO HOLDING COMPANY LLC  7030 WHITMORE LAKE RD  BRIGHTON MI 48116

4716-08-100-029  LOWRY INVESTMENT CO LLC  ATTN JIM HOWATH  7100 WHITMORE LAKE RD  BRIGHTON MI 48116

4716-08-101-012  ROESLER, BRIAN  7355 GOLDENROD CT  BRIGHTON MI 48116

4716-08-101-013  GRAHAM FAMILY TRUST  7337 GOLDENROD CT  BRIGHTON MI 48116

4716-08-101-014  LAUTENBACH, JEFFREY & DELAINE  7319 GOLDENROD CT  BRIGHTON MI 48116

4716-08-200-038  SPECTRUM CENTRE LLC  7077 FIELDCREST DR  BRIGHTON MI 48116

4716-08-200-045  BRIGHTON LODGE LLC  FIELDCREST DR  BRIGHTON MI 48116

4716-08-200-048  LODGE, JEFFREY CHARLES  7251 BISHOP  BRIGHTON MI 48116

4716-08-200-050  MEASUREMENT PROPERTIES, LLC  7117 FIELDCREST DR  BRIGHTON MI 48116

4716-08-200-053  OXFORD HOLDING CO  7015 FIELDCREST DR  BRIGHTON MI 48116
NOTICE OF PUBLIC HEARING

Please be notified that Green Oak Charter Township Zoning Board of Appeals will hold a public hearing on March 20, 2018 at 10001 Silver Lake Road, Brighton MI at 7:00 p.m. for hearing the following variance requests: ZBA Case 01-2018, Parcel # 4716-08-100-022, Located at 7202 Whitmore Lake Road, Brighton MI 48116:

1. Requests a variance of 835 feet from Sec 38.409, Billboards, (D) Distance from other signs, to permit a billboard to be located 665 feet from an existing billboard where a minimum of 1500 feet is required; and
2. Requests a second variance to Sec. 38.409, Billboards, (C) Setbacks, to allow for a Billboard to be located 615 feet from a residentially used property where a minimum of 1000 feet is required from any residentially used or zoned property (ZBA Case 09-2017 under reconsideration).

Information is posted at the following locations and on greenoaktwp.com,
9384 Whitmore Lake Road, Brighton, MI, 11411 Grand River, Brighton, MI, 9863 Rushton Road, South Lyon, MI, 8955 Fieldcrest, Brighton, MI, 10001 Silver Lake Road, Brighton, MI

Persons with disabilities needing accommodations for effective participation in this meeting should contact the Green Oak Charter Township Clerk’s Office at least 5 business days prior to the meeting to request mobility, visual, hearing or other assistance.

Public comments and participation are both encouraged and welcome, either in person at the Public Hearing or in writing to Debra McKenzie, Zoning Administrator, 10001 Silver Lake Road, Brighton, MI 48116 by FAX at 810-231-5080 or E-Mailed to Planning-Zoning@greenoaktwp.com prior to noon, March 20, 2018.

Green Oak Charter Township Zoning Board of Appeals

Notice of Posting according to Act 359 of 1947;
Posted:
March 4, 2018
NOTICE OF POSTING

Please be notified that Green Oak Charter Township Zoning Board of Appeals will hold a public hearing on March 20, 2018 at 10001 Silver Lake Road, Brighton MI at 7:00 p.m. for hearing the following variance requests: ZBA Case 01-2018, Parcel # 4716-08-100-022, Located at 7202 Whitmore Lake Road, Brighton MI 48116:

1. Requests a variance of 835 feet from Sec 38.409, Billboards, (C) Distance from other signs, to permit a billboard to be located 685 feet from an existing billboard where a minimum of 1500 feet is required; and

2. Requests a second variance to Sec. 38.409, Billboards, (C) Setbacks, to allow for a Billboard to be located 615 feet from a residentially used property where a minimum of 1000 feet is required from any residentially used or zoned property (ZBA Case 09-2017 under reconsideration).

Information is posted at the following locations and on greenoaktwp.com: 9384 Whitmore Lake Road, Brighton, MI, 11411 Grand River, Brighton, MI, 9863 Rushton Road, South Lyon, MI, 8965 Fieldcrest, Brighton, MI, 10001 Silver Lake Road, Brighton, MI

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January 9, 2018

Crossroads Outdoor LLC  
Attn: Mr. Justin Hill  
724 Abbot Road  
East Lansing, Michigan 48823

Subject: Billboard at 7202 Whitmore Lake Road

Dear Mr. Hill,

We have just discovered that you will require a second variance in order to proceed with installation of the billboard you previously requested.

Sec.38-409 (D) Distance from other signs. Billboards shall be spaced no closer than one thousand five hundred (1,500) feet from another billboard. Parcel # 4716-08-200-037 currently has a billboard, at a distance from your proposed sign of approximately 600 feet.

The ZBA will be holding a Special Meeting on January 16, 2018 to reconsider its prior decision so that you can proceed with an application that will address all the variances you will require. Your prior Zoning Compliance Letter dated December 12, 2017 is rescinded. Please come to the Township and complete a new application and submit supporting materials to support your request for the variances needed. The Township is waiving the fees for the second application.

Thank you,

Debra McKenzie  
Zoning Administrator

cc: Mark St. Charles, Township Supervisor  
Carol Rosati, Township Attorney

Mark St. Charles, Supervisor  
Michael H. Sedlak, Clerk  
Susan Daugherty, Treasurer

Dan Ranko, Trustee  
Jim Tuthill, Trustee  
Tracey Edry, Trustee  
Richard Everett, Trustee
Instructions

1. Each Click-N-Ship® label is unique. Labels are to be used as printed and used only once. DO NOT PHOTO COPY OR ALTER LABEL.

2. Place your label so it does not wrap around the edge of the package.

3. Adhere your label to the package. A self-adhesive label is recommended. If tape or glue is used, DO NOT TAPE OVER BARCODE. Be sure all edges are secure.

4. To mail your package with PC Postage®, you may schedule a Package Pickup online, hand to your letter carrier, take to a Post Office™, or drop in a USPS collection box.

5. Mail your package on the "Ship Date" you selected when creating this label.

Click-N-Ship® Label Record

USPS TRACKING # / Insurance Number: 9405 8036 9930 0573 7776 68

| Trans. #:   | 424561831 | Priority Mail® Postage: | $6.65 |
| Print Date: | 01/09/2018 | Insurance Fee:          | $0.00 |
| Ship Date:  | 01/09/2018 | Total:                  | $6.65 |
| Expected:   |            |                         |       |
| Delivery Date: | 01/11/2018 |                         |       |
| Insured Value: | $50.00     |                         |       |

From: MICHAEL SEDLAK
GREEN OAK TOWNSHIP
10001 SILVER LAKE RD
BRIGHTON MI 48116-8361

To: CROSSROADS OUTDOOR L.L.C.
724 ABBOT RD
EAST LANSING MI 48823-3167

* Retail Pricing Priority Mail rates apply. There is no fee for USPS Tracking® service on Priority Mail service with use of this electronic rate shipping label. Refunds for unused postage paid labels can be requested online 30 days from the print date.

Thank you for shipping with the United States Postal Service!
Check the status of your shipment on the USPS Tracking® page at usps.com
The meeting was called to order by Mr. Weinburger at 7:00 p.m.

Roll Call: Joe Weinburger
Sarah Pearsall
Adele Niendorf
Deborah Yu
Jim Tuthill

Absent: Sarah Pearsall
Jim Tuthill

Guests: 1

Also Present: Deborah McKenzie, Zoning Administrator

APPROVAL OF THE AGENDA

Mr. Weinburger added the Election of Officers to the agenda.

Motion by Niendorf, second by Yu
To approve the agenda as revised.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

Motion by Niendorf, second by Yu
To nominate Joe Weinburger as Chair.

Roll Call Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

Motion by Weinburger, second by Niendorf
To nominate Sarah Pearsall as Vice Chair.

Roll Call Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED
Motion by Weinburger, second by Yu
To nominate Daniel Rainko as Secretary.

Roll Call Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

PUBLIC HEARINGS

1. Request to reconsider ZBA Case 09-2017. Following the hearing on November 21, 2017, it was discovered that the applicant would require a second variance in order to erect the sign. If the Motion for Reconsideration is passed, ZBA Case 09-2017 will be set for hearing for the next regular ZBA meeting that would meet all notice requirements. The applicant will be permitted to resubmit the application to address all variances required for approval to erect the sign. Fees for the reapplication will be waived.

Motion by Weinburger, second by Yu
To Reconsider ZBA Case 09-2017 to be put on the next ZBA Meeting Agenda.

Roll Call Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

PUBLIC HEARING

Mr. Weinburger opened the public hearing at 7:06 p.m.

Justin Hill, 74 Crabapple Lane, Asheville, North Carolina – He commented that they are going to be required to have this second variance and the variance that was already granted to them involved spacing from residential structures. He didn’t know that there were any new matters that involved the original variance given. He is not sure what’s being requested here? Ms. McKenzie explained they need to see the full request of both variances, because one can’t go without the other. Mr. Hill stated he objected to having to go over the 1st variance again.

Mr. Weinburger closed the public hearing at 7:08 p.m. due to no further comments.

The Zoning Board of Appeals meeting was adjourned at 7:08 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto
Kellie Angelosanto
Recording Secretary
Green Oak Charter Township
Zoning Board of Appeals
Regular Meeting Minutes
November 21, 2017

Roll Call: Wendy Hoover
Jim Tuthill
Joe Weinburger

Absent: Deborah Yu
Sarah Pearsall

Guests: 4

Also Present: Debra McKenzie, Zoning Administrator

APPROVAL OF AGENDZA

Motion by Tuthill, second by Hoover
To approve the agenda as presented.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

1. ZBA Case 09-2017, Parcel #4716-08-100-022, Located at 7202 Whitmore Lake Road, Brighton MI 48116. Request a variance from Section 38-409 Billboards; Setback to allow for a Billboard to be closer than the required 1000 feet from any residentially used or zoned property.

Representing ZBA Case 09-2017: Tony Lockridge
Justin Hill

Mr. Lockridge explained they are working with a local company in Michigan to help them obtain a location in the township. They read the code and they submitted the application assuming they met all of the regulations of the code. They have built 2500 of those signs in the history of their company. They were surprised there was a hidden residence on the property. They reached out to the land owner and the response was that the sign will not be an issue whatsoever and a letter was provided stating that.

Mr. Lockridge explained a lighting study was completed to ensure they meet the lamp rules for light. They meet the threshold before even getting over the roadway. The light from a gas station is about 15 x’s more than this project. Everywhere around their property is commercial. They looked at the other billboard nearby and they spoke with the residences there that are 1000 feet away. Mr. Hill stated the resident by the test...
billboard has no issue with this site, in the test case all the factors with the residents 
was taken into consideration.

Mr. Lockridge stated if this site was permitted, theirs has zero residential area as close 
as the other sign where there are 9 properties within 1000 feet. They feel very strongly 
this should be an easy hardship situation. He noted they are 1300’ from the nearest 
residential district.

Mr. Hill commented that they created 1000 buffer ring around the billboard and the 
residential properties are well away from the 1000 ft. area and facing the other direction. 
The other sign was approved and there were no variances given.

Mr. Lockridge explained the billboard will tie into amber alerts and do community 
messages. They would be very excited to have the opportunity to do business here.

Mr. Hill stated the hardship is that there are no properties anywhere along the permitted 
zone that is legal, this is the only one that appeared legal except for the single 
residence, it is on a commercially zoned property and the setback so far away from their 
site and the homeowner had no issue. The properties to the west should not be in 
consideration because they are so far away.

Ms. Hoover confirmed it could be used for residential down the road if it’s rezoned.

Mr. Weinburger does not meet the 1000 setback from a residential use or district.

Mr. Weinburger opened the public hearing at 7:25 p.m. and closed it due to no one 
wishing to speak.

Mr. Hill stated the practical difficulty is being able to exercise the same commercial 
expression on a digital billboard sign which the township changed the code to permit it 
in this zone. There is not a single legal property that they can enact that provision on 
except for this one with the single residential use on the property and the inability to 
 enact commercial expression.

Motion by Hoover, second by Tuthill
To approve ZBA Case 09-2017, Parcel #4716-08-100-022, Located at 7202 
Whitmore Lake Road, Brighton MI 48116 for the variance from Section 38- 
409 Billboards, the established 1000 foot setback distance is intended to 
protect the residential property from nuisance associated with the billboard 
light pollution. The applicant has shown a practical difficulty for the 
following reasons:

1. This the only location in the township that this billboard can go with 
the least amount of nuisance to the other residential properties

2. The only issue with the setbacks is the single residential home that 
is located across the freeway and not affected by this billboard.
There are exceptional or extraordinary circumstances or conditions applicable to the property that do not generally apply to other properties in the area or district. This property meets the minimum size requirements for development in the L1 district, other immediate adjacent properties in the same district in the same or similar dimensions have been developed for permitted uses in the L-1 district.

The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same district or surrounding area.

The granting of the variance to allow the installation of a billboard would not be detrimental to the public welfare or materially injurious to the property in the zone in which the subject property is located. Also, the one resident did express his approval for the project and the granting of the variance will not adversely affect the purpose or objectives of the Township's Master Plan. The practical difficulty is not self-created.

Roll Call Vote: Ayes: Hoover, Tuthill, Weinburger
Nays: None

MOTION APPROVED


Ronald Allen
Trisha Van Camp

Mr. Allen explained a year ago he bought a house and there was a storage shed behind the house, since then he built a garage. He was told he can't have two outbuildings. Since he built the garage the shed won't fit through, so he has no way of getting rid of it. He explained the shed can't be seen from the road. Ms. Van Camp explained when the permits were pulled for building the garage the builder mis-informed them.

Ms. Van Camp stated there are homes in the community that have two outbuildings, their neighbors on either side have no issues with the shed.

Mr. Allen stated he didn't know how to get the out of there, that is his practical difficulty.

Mr. Weinburger stated that they are only allowed one out building and they can take the shed apart and remove it, so there is no practical difficulty.

Ms. McKenzie explained the building permit states the shed will be taken down. Mr. Allen stated he didn't ever see a permit.
Mr. Weinburger explained since the permit does say they have to remove the shed it will need to be removed. Mr. Weinburger stated he doesn't even see a case for the ZBA. He suggested they could move the shed up and attach it to the garage and that would be ok, but if they can't do that it has to be removed.

There was no action taken on this case since it is noted on the building permit that the shed needs to be removed.

**NEW BUSINESS** — None

**OLD BUSINESS** - None

**APPROVAL OF THE MEETING MINUTES**

Motion by Hoover, second by Tuthill
To approve the minutes of September 19, 2017 as presented.

Voice Vote:
Ayes: Unanimous
Nays: None

**MOTION APPROVED**

**CORRESPONDENCE** - None

**CALL TO THE PUBLIC** - None

**ADJOURNMENT**

The Zoning Board of Appeals meeting was adjourned at 7:43 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary
GREEN OAK CHARTER TOWNSHIP
Planning and Zoning Department
Zoning Board of Appeals

AGENDA

Green Oak Charter Township
Special Meeting of the
Zoning Board of Appeals
Tuesday, January 16, 2018
7:00 p.m.

Green Oak Charter Township Hall
10001 Silver Lake Road
Brighton, MI 48116
810.231-1333

AGENDA

1. Call to Order
2. The Pledge to the Flag
3. Roll Call
4. Approval of the Agenda
5. Request to table the November 21, 2017 meeting minutes until the next scheduled meeting on March 20, 2018. The sole purpose for tabling the minutes is for reconsideration for ZBA case 09-2017. This request would allow the applicant to request a second variance that was discovered after the hearing.
6. Call to the Public
7. Adjournment

Posted January 8, 2018

ZONING BOARD OF APPEALS
Joe Weinburger, Chairperson
Sarah Pearsall, Vice Chairperson
Adele Niendorf
10001 Silver Lake Road, Brighton, Michigan 48116-8361

Deborah Yu, Member
(810) 231-1333
Fax (810) 231-5080
AGENDA

Regular Meeting
Tuesday, November 21, 2017
7:00 p.m.

Green Oak Charter Township Hall
10001 Silver Lake Road
Brighton, MI 48116

1. Call to Order

2. The Pledge to the Flag

3. Roll Call of the Board

4. Approval of the Agenda

5. ZBA Case 09-2017, Parcel # 4716-08-100-022, Located at 7202 Whitmore Lake Road, Brighton MI 48116. Request a variance from Sec. 38-409. Billboards; Setback to allow for a Billboard to be closer than the required 1000 feet from any residentially used or zoned property.
   a. Applicant’s Presentation of the Case – maximum of ten minutes
   b. Board members may question the Applicant
   c. Open Public Hearing – a maximum of three minutes shall be allotted to individuals, and a maximum of five minutes to a group representative
   d. Close Public Hearing
   e. Rebuttal by Applicant – a maximum of two minutes allotted
   f. Decision of the ZBA


   a. Applicant’s Presentation of the Case – maximum of ten minutes
   b. Board members may question the Applicant
   c. Open Public Hearing – a maximum of three minutes shall be allotted to individuals, and a maximum of five minutes to a group representative
   d. Close Public Hearing
   e. Rebuttal by Applicant – a maximum of two minutes allotted
   f. Decision of the ZBA

6. New Business

7. Old Business

8. Approval of September 19, 2017 Meeting Minutes

9. Correspondence

10. Call to the Public – maximum of three minutes shall be allotted to individuals, and a maximum of five minutes to a group representative

11. Adjournment

November 13, 2017

ZONING BOARD OF APPEALS

Joe Weinburger, Chairperson
Sarah Pearsall, Vice Chairperson
Wendy Hoover, Secretary

Deborah Yu, Member

10001 Silver Lake Road, Brighton, Michigan 48116-6361 (810) 231-1333 Fax (810) 231-5080
Dear members of Green Oak Township Zoning Board of Appeals,

We are Shirley Barton and Jack Clausnitzer, owners of the property at 7202 Whitmore Lake Rd and local business Brighton NC Machine Corp. In March of 2017, we entered into a lease agreement with Crossroads Outdoor LLC to exercise our legal commercial property right to allow the construction and operation of a digital advertising sign. For many reasons, we are excited about the opportunity to move forward with this project and are confident that the Board will grant the necessary dimensional variances.

The section of the property where we are proposing to place the sign has developmental challenges, and we are eager to utilize a small area for this ideal light industrial use, adding an important revenue stream for our company to help increase growth and employment opportunities for our community. We are excited about the flexibility the LED technology brings, and plan to run employee moral messages periodically. In addition, we are pleased to know the sign will be utilized for Amber Alerts and other important community messages that just might save a life one day.

Our group loves the design, masonry and landscaping of this non-traditional billboard, and feel that, much like the digital sign to the South, it will not cause a sensitive local issue. Furthermore, our attorneys worked extensively on strict ad prohibition language in our lease agreement to ensure no sensitive messaging or offensive advertising of any kind shall appear on the sign.

Crossroads and their representatives have been a pleasure to work with throughout this lengthy process, and we look forward to continuing our relationship with their group once the variances are approved and construction commences. We thank all the members of The Board for their time and consideration, and eagerly await your approval of this exciting new project.

Sincerely,

Shirley Barton

Jack Clausnitzer

Date 3-4-18
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Shirley Barton

Jack Clausnitzer

3/1/18

Date
The meeting was called to order by Mr. Weinburger at 7:00 p.m.

Roll Call:  Joe Weinburger  
Sarah Pearsall  
Adele Niendorf  
Deborah Yu  
Jim Tuthill  

Absent:  Sarah Pearsall  
Jim Tuthill  

Guests:  1  

Also Present:  Deborah McKenzie, Zoning Administrator  

APPROVAL OF THE AGENDA  

Mr. Weinburger added the Election of Officers to the agenda.  

Motion by Niendorf, second by Yu  
To approve the agenda as revised.  

Voice Vote:  Ayes: Unanimous  
Nays: None  

MOTION APPROVED  

Motion by Niendorf, second by Yu  
To nominate Joe Weinburger as Chair.  

Roll Call Vote:  Ayes: Unanimous  
Nays: None  

MOTION APPROVED  

Motion by Weinburger, second by Niendorf  
To nominate Sarah Pearsall as Vice Chair.  

Roll Call Vote:  Ayes: Unanimous  
Nays: None  

MOTION APPROVED
Motion by Weinburger, second by Yu
To nominate Daniel Rainko as Secretary.

Roll Call Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

PUBLIC HEARINGS

1. Request to reconsider ZBA Case 09-2017. Following the hearing on November 21, 2017, it was discovered that the applicant would require a second variance in order to erect the sign. If the Motion for Reconsideration is passed, ZBA Case 09-2017 will be set for hearing for the next regular ZBA meeting that would meet all notice requirements. The applicant will be permitted to resubmit the application to address all variances required for approval to erect the sign. Fees for the reapplication will be waived.

Motion by Weinburger, second by Yu
To Reconsider ZBA Case 09-2017 to be put on the next ZBA Meeting Agenda.

Roll Call Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

PUBLIC HEARING

Mr. Weinburger opened the public hearing at 7:06 p.m.

Justin Hill, 74 Crabapple Lane, Ashville, North Carolina – He commented that they are going to be required to have this second variance and the variance that was already granted to them involved spacing from residential structures. He didn’t know that there were any new matters that involved the original variance given. He is not sure what’s being requested here? Ms. McKenzie explained they need to see the full request of both variances, because one can’t go without the other. Mr. Hill stated he objected to having to go over the 1st variance again.

Mr. Weinburger closed the public hearing at 7:08 p.m. due to no further comments.

The Zoning Board of Appeals meeting was adjourned at 7:08 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto
Green Oak Charter Township  
Zoning Board of Appeals  
Regular Meeting Minutes  
November 21, 2017

Roll Call:  Wendy Hoover  
Jim Tuthill  
Joe Weinburger

Absent:  Deborah Yu  
Sarah Pearsall

Guests:  4  
Also Present:  Debra McKenzie, Zoning Administrator

APPROVAL OF AGENDZA

Motion by Tuthill, second by Hoover  
To approve the agenda as presented.

Voice Vote:  Ayes: Unanimous  
Nays: None

MOTION APPROVED

1. ZBA Case 09-2017, Parcel #4716-08-100-022, Located at 7202 Whitmore Lake Road, Brighton MI 48116. Request a variance from Section 38-409 Billboards; Setback to allow for a Billboard to be closer than the required 1000 feet from any residentially used or zoned property.

Representing ZBA Case 09-2017:  
Tony Lockridge  
Justin Hill

Mr. Lockridge explained they are working with a local company in Michigan to help them obtain a location in the township. They read the code and they submitted the application assuming they met all of the regulations of the code. They have built 2500 of these signs in the history of their company. They were surprised there was a hidden residence on the property. They reached out to the land owner and the response was that the sign will not be an issue whatsoever and a letter was provided stating that.

Mr. Lockridge explained a lighting study was completed to ensure they meet the lamp rules for light. They meet the threshold before even getting over the roadway. The light from a gas station is about 15 x’s more than this project. Everywhere around their property is commercial. They looked at the other billboard nearby and they spoke with the residences there that are 1000 feet away. Mr. Hill stated the resident by the test
billboard has no issue with this site, in the test case all the factors with the residents was taken into consideration.

Mr. Lockridge stated if this site was permitted, theirs has zero residential area as close as the other sign where there are 9 properties within 1000 feet. They feel very strongly this should be an easy hardship situation. He noted they are 1300’ from the nearest residential district.

Mr. Hill commented that they created 1000 buffer ring around the billboard and the residential properties are well away from the 1000 ft. area and facing the other direction. The other sign was approved and there were no variances given.

Mr. Lockridge explained the billboard will tie into amber alerts and do community messages. They would be very excited to have the opportunity to do business here.

Mr. Hill stated the hardship is that there are no properties anywhere along the permitted zone that is legal, this is the only one that appeared legal except for the single residence, it is on a commercially zoned property and the setback so far away from their site and the homeowner had no issue. The properties to the west should not be in consideration because they are so far away.

Ms. Hoover confirmed it could be used for residential down the road if it’s rezoned.

Mr. Weinburger does not meet the 1000 setback from a residential use or district.

Mr. Weinburger opened the public hearing at 7:25 p.m. and closed it due to no one wishing to speak.

Mr. Hill stated the practical difficulty is being able to exercise the same commercial expression on a digital billboard sign which the township changed the code to permit it in this zone. There is not a single legal property that they can enact that provision on except for this one with the single residential use on the property and the inability to enact commercial expression.

Motion by Hoover, second by Tuthill
To approve ZBA Case 09-2017, Parcel #4716-08-100-022, Located at 7202 Whitmore Lake Road, Brighton MI 48116 for the variance from Section 38-409 Billboards, the established 1000 foot setback distance is intended to protect the residential property from nuisance associated with the billboard light pollution. The applicant has shown a practical difficulty for the following reasons:

1. This the only location in the township that this billboard can go with the least amount of nuisance to the other residential properties
2. The only issue with the setbacks is the single residential home that is located across the freeway and not affected by this billboard.
There are exceptional or extraordinary circumstances or conditions applicable to the property that do not generally apply to other properties in the area or district. This property meets the minimum size requirements for development in the L1 district, other immediate adjacent properties in the same district in the same or similar dimensions have been developed for permitted uses in the L-1 district.

The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same district or surrounding area.

The granting of the variance to allow the installation of a billboard would not be detrimental to the public welfare or materially injurious to the property in the zone in which the subject property is located. Also, the one resident did express his approval for the project and the granting of the variance will not adversely affect the purpose or objectives of the Township’s Master Plan. The practical difficulty is not self-created.

Roll Call Vote: Ayes: Hoover, Tuthill, Weinburger
Nays: None

MOTOIN APPROVED


Ronald Allen
Trisha Van Camp

Mr. Allen explained a year ago he bought a house and there was a storage shed behind the house, since then he built a garage. He was told he can’t have two outbuildings. Since he built the garage the shed won’t fit through, so he has no way of getting rid of it. He explained the shed can’t be seen from the road. Ms. Van Camp explained when the permits were pulled for building the garage the builder mis-informed them.

Ms. Van Camp stated there are homes in the community that have two outbuildings, their neighbors on either side have no issues with the shed.

Mr. Allen stated he didn’t know how to get the out of there, that is his practical difficulty.

Mr. Weinburger stated that they are only allowed one out building and they can take the shed apart and remove it, so there is no practical difficulty.

Ms. McKenzie explained the building permit states the shed will be taken down. Mr. Allen stated he didn’t ever see a permit.
Mr. Weinburger explained since the permit does say they have to remove the shed it will need to be removed. Mr. Weinburger stated he doesn't even see a case for the ZBA. He suggested they could move the shed up and attach it to the garage and that would be ok, but if they can't do that it has to be removed.

There was no action taken on this case since it is noted on the building permit that the shed needs to be removed.

NEW BUSINESS – None

OLD BUSINESS - None

APPROVAL OF THE MEETING MINUTES

Motion by Hoover, second by Tuthill
To approve the minutes of September 19, 2017 as presented.

Voice Vote:     Ayes: Unanimous
                Nays: None

MOTION APPROVED

CORRESPONDENCE - None

CALL TO THE PUBLIC - None

ADJOURNMENT

The Zoning Board of Appeals meeting was adjourned at 7:43 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary