

## Columbia Township Zoning Board of Appeals

Bruce Andrews, Barb Beamish, Steve Holmstrom (PC rep), John Messimer, Donald Oswald (chairman).

December 4, 2008

Public hearing called to order by Oswald at 7:00

Present: Andrews, Beamish, Holmstrom, Oswald, Court Travilla (Alt), Watkins (acting secretary)

Absent: Messimer

Variance to erect a sign at 5501 Hayes Rd (corner Jefferson) 000-19-21-252-001 by Domenick Forgione of 5535 Wesh Rd. Brooklyn

Attorney for Forgione, Mark Phipps 40400 Ann Arbor Rd. suit 104B Plymouth, MI 48171

Sign has been up 39 years taken down to repair professionally done sign, very important to golf course.

Financial burden, Clark Lake Golf Club, Inc. number one tax payer in Twp. 5 feet outside of setback

Size 32 sf req. this is 48 sf. Open year around, very important to the golf course. CLGC is number one tax payer in the township, not part of the appeal.

Bob Elrod, supervisor possible can have sign of site then a couple of paragraphs later in the ordinance say you will not have. The sign has been in place since 60's. It was replaced after being down in excess of a year and then taken down again at request of township. Forgione recently purchased property at the sign location.

Oswald: If a sign is taken down for any reason (non conforming) it cannot be replaced.

Forgione: The sign is same size and location.

Letters received:

Ray Kuzminski, 106XX Hewitt Rd., Brooklyn, MI, past supervisor; the township has no authority to allow the sign.

Dan Burich, 355 Sandy Beach, Clarklake, MI; past supervisor; the sign is not legal

Harry and Pat Breniser 125 Castlewood, Brooklyn, MI: Other signs are in the township, this one is OK too.

Edward and Mary Ponagai, 127 Castlewood, Brooklyn, MI; Support business in the twp, allow the sign.

Public input:

Dan Burich 355 Sandy Beach, Clarklake, MI: The issue is non conforming sign, ZBA is not permitted to issue a permit that violate the terms of the Zoning Ordinance., 7.2.9.A Off site sign not allowed on developed agricultural zone. The grandfather does not stand when the sign is down over a year Article 8.2.C. Marina sign not on developed lot (approved in error as part of site plan for marina).

Holmstrom: is on lot of his house (plan to demo).

Travilla: ZBA has authority to over-ride the ordinance.

Andrews 10.3F Does not allow zba to permit prohibited use.

White Hochkiss attorneys Letter in the files. mcl 125.3604(9) may grant a use variance if a use variance was granted before 2006.

Elrod: A search of the records back to 2000 found no such variance.

Joe Collins 110 N. Main Brooklyn: If a sign(non-conforming) is 50% more damaged it is not permitted to replace it. That is ridiculous.

Shon Prendel 110 Golf View, Brooklyn, MI. If the site not zoned AG1 would it be allowed? Response: The site must be zoned commercial or industrial for and off site sign. He finds it silly not to allow signs the promote business and employment.

Peter Kolb 192 Southern Shores, Brooklyn, MI. Signs are creeping up around his neighborhood and he does not like it.

Bob Willard 110 Hilltop Brooklyn, MI. Representing Lake Columbia Property Owners Assn. Support laws to meet to meet the code not to ignore it. On this sign, they have no position.

JW Adams 111 Golfview Brooklyn, MI. The sign has been allowed for 39 yrs. He finds the sign not disturbing on the corner.

Pat Breniser 125 Castlewood, Brooklyn, MI. She supports business. Each case is a unique problem. This is no opening of a door.

Mike Staron 10849 Hayes Rd. Brooklyn, MI. Allow the sign the golf course/ restraint have been good neighbors.

Larry Rygel 177 Claremont Cr. Don't need to desecrate the landscape any more than it is now.

Del Byan 6055 Wesh Rd., Brooklyn, MI The business is an asset to community. Slippery slop argument is a scare tactic to stop the sign.

Starton support.

Shon Prendel More support.

Judy Reynolds 126 Robindale, Brooklyn, MI: People have good reasons to support the sign but starting on a slippery slope by ignoring the law. She is concerned that the next will have will put signs any where.

Bill Bendele 6531 Coral Dr Brooklyn, MI: Forgioni clearing the corner of the tree and brush was good for visibility.

Phipsa: Variance shall be granted special situation. Not a slippery slope.

Burich 10.2 duties not power to make changes of zoning ordinance.

Nianne Prendel 110 Golfview Ordinance needs review and conflict fixed. The ordinance is insane. She supports sign. Forgione supports the community.

Kolb pointed out that the Eagles Nest refurbish ½ the non-conforming sign at a time.

S Prendel Eagle Pt. been there a long time no problem.

Holmstrom: The sign was down so long is the problem.

John Orthaus 106 Holiday Dr. Support the sign. Needed for the business.

Bill Bendely Jr. 118 Main, Cement City, MI, The sign is used the sign as landmark. Not satisfied with ordinance. Changes are being made in planning

Elrod: Supports common sense signs for business.

Public input was closed at 7:59 PM.

Holmstrom: Concerned that the sign was down too long and it is too big. 48 sq ft not max of 32 sq ft.

Trivilla: There is a need to promote business in the township.

Oswald: The ZBA needs to use common sense in its rulings.

Beamish: Each situation is different so no precedent is established. Restrictions on the sign are possible.

Andrews: Protect the community and work within the rules. He needs more information as to what and when. Do we have the right to do this? We have an opinion to denies us to do this.

Oswald: Replace the sign within the law.

Elrod: no use variance back to 2000. The Dunigan sign was approved with the site plan without any apparent objections or variance.

Oswald: I see no way that we can do this legally. No evidence of a use variance.

Shon Prendel: Is a trailer sign OK? He has seen several in the township.

Travilla: Our job is to bend the regulations.

Motion by Travilla, second by Beamish; to allow the sign to be put back up in better condition that is was before. It was assumed that the Dunigan sign was been up prior to 06 so this would be allowed under the state law.

Beamish, Holmstrom Travilla: yes

Andrews, Oswald: no

The variance is allowed.

Motion by Beamish, second by Andrews to approve Nov 13, 2008 minutes as submitted.

Ayes all

Motion by Travilla second by Andrews at 8:20 to adjourn.

Ayes all

Donald Watkins, Acting Secretary