

A legally advertised meeting was called to order in the Denton Township Hall by Acting Chairman Gail Kukuk at 9:30 a.m.

Members Present: Gail Kukuk, Lynn Baese, Kent Straub and Alt. Tina Seegraves.

Members Absent: Lloyd Bonzo and Jim Braid.

Others Present: Zoning Administrator Rachael Barnes, Larry Wallace and Secretary Theresa Wagner.

Motion by Baese supported by Straub to approve today's agenda as presented

Ayes 4 Nays 0 Motion Carried.

Motion by Straub supported by Baese to approve the minutes of the last Zoning Board of Appeals meeting held July 12, 2019.

Ayes 4 Nays 0 Motion Carried.

Case #2019-002ZBA.

Acting Chair Kukuk introduced Case #2019-002ZBA, property number: 72-003-017-009-0060, 3269 W. Houghton Lake Drive, requesting a front lot line setback variance for a sign that was constructed and is non-conforming.

At this time, Zoning Administrator Barnes informed Mr. Wallace that although there is a quorum of four (4) Board members in attendance for today's meeting, he had the option to postpone the case/request until the next regular meeting of the Board on November 5, 2019, at which time there could be a full 5-person Board in attendance. Mr. Wallace stated he wished to continue with the meeting today as planned.

Zoning Administrator Barnes stated Mr. Wallace pulled a permit on July 11, 2019 for a new sign 5'x 8' (top) and 3'x 4' (smaller below), stipulating the new sign must maintain a 10' setback from the road right-of-way (M-55), and the sign/structure could not exceed 15' in height. Barnes also informed Mr. Wallace if he chose to keep the sign structure where it is and only replace the sign face, he could do so, **but**, if he chose to replace the sign *structure/poles/etc.*, the required setback of 10' from the road right-of-way would be required.

Zoning Administrator Barnes stated shortly after issuing the permit she received several complaints that the sign was too close to the road right-of-way. After visiting the site, she determined a completely new sign structure with signs were erected, and it was only 7 ½ inches from the road right-of-way.

Mr. Wallace stated his sign contractor came to erect the new sign(s) and he said the poles of the existing sign structure were rotting and he was concerned it would not hold the weight of the signs. Mr. Wallace stated at that point he instructed the sign contractor to just put the new sign poles in the same place where the old ones were and to completely replace the entire sign and structure.

Zoning Administrator Barnes stated Mr. Wallace ordered a completely new sign 7 ½ inches from the road right of way without permission and with no regard for the ordinance. Discussion followed.

One (1) phone call was received stating they did not care either way if Mr. Wallace received the variance.

Meeting closed to the floor at 9:39 a.m.

Acting Chair Kukuk asked for comments from the Board.

Member Straub stated the sign could have been moved by the fence. He also stated there are setbacks for a reason and all must adhere to them. He, as a builder, could not unilaterally decide to place a building too close to the road right-of-way. Setbacks are required for a reason.

Chair Kukuk stated when Mr. Wallace came in for the permit, he was given the rules and setbacks for his project, and it was also indicated on the permit itself.

Member Baase complimented Mr. Wallace on the looks of the building, but stated the sign was too close to M-55, and he feels it may cause a traffic hazard when trying to pull out onto M-55. He added that there are some signs along M-55 that are close to the road, but as they come down, they are required to meet the setbacks when they go back up. Member Seegraves stated the sign needed to conform to the ordinance requirement.

Motion by Baase supported by Straub to deny the request of Larry Wallace of BIVI Investments LLC for a front lot line setback variance for a sign that was constructed and is non-conforming.

Roll Call:

Baase: Aye Reason: Sign obstructs view and is too close to the road.

Straub: Aye Reason: The permit's instructions were clear and concise, and were not followed.

Seegraves: Aye Reason: Setback requirements are to be followed, when a problem arose such as the poles being rotted, Mr. Wallace should have stopped right there and contacted the Zoning Administrator's Office, and other signs in the Township have had to meet the required setback.

Kukuk: Aye Reason: Mr. Wallace was told on original permit the requirements that were required.

Motion Carried.

Mr. Wallace left the meeting.

Acting Chair Kukuk stated Mr. Wallace will have 21 days from the approval date of these minutes to appeal this decision to Circuit Court if he wishes to do so.

There being no further business,

Motion by Straub supported by Kukuk to adjourn the meeting at 9:47 a.m.

Ayes 4 Nays 0 Motion Carried.

Respectfully submitted,

Theresa M. Wagner, Secretary
