



# DEXTER TOWNSHIP

## ZONING BOARD OF APPEALS

6880 DEXTER-PINCKNEY ROAD  
DEXTER, MI 48130

TELEPHONE: 734-426-3767  
FAX: 734-426-3833

WWW.DEXTERTOWNSHIP.ORG

BROOK SMITH  
CHAIRPERSON  
BETH FILIP  
VICE CHAIRPERSON  
PETER MAIER  
SECRETARY

KATHY BRADBURY  
MARTY STRAUB

DON DARNELL, *ALT.*  
VACANT, *ALT.*

JANIS MILLER  
RECORDING SECRETARY

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### REGULAR MEETING OF THE ZONING BOARD OF APPEALS

**Tuesday April 2, 2024**

Members present: Chairperson Brook Smith, Vice-Chairperson Beth Filip, Secretary Peter Maier, Marty Straub, and Kathy Bradbury. Absent: None.

Also present: Ashley Cepeda, Zoning Administrator; and Janis Miller, Recording Secretary.

**1. Call to Order:** Chairperson Smith called the meeting to order at 6:12 PM. Delayed start due to technical issue with the Livestream video.

**2. Pledge of Allegiance:** Recited by all.

**3. Approval of Agenda:**

With no corrections or additions, the Chair deemed the agenda approved as submitted.

**4. Approval of Minutes:**

Motion by Maier to approve the January 9, 2024 minutes as presented. Motion seconded by Straub. All ayes. Motion carried.

**5. Public Comment – Non-Agenda Items:** Opened 6:14 PM. No public comments.

**6. Action Item:**

**Item #1 (24-ZBA-001) Image 360 Brighton on behalf of Wonderland Marine [formerly Klaves Marina] 8789 McGregor Road**

**Variance:**

a) Request for variance from Section 19.06(A) – Maximum sign area 16 square feet.

**A. Conflict of Interest/Ex-parte Contact Review:**

No conflicts of interest by Zoning Board Members.

**B. Staff Presentation and Questions from ZBA members:**

Zoning Administrator Cepeda stated the current business sign is non-compliant and there is no evidence of a permit issued for the erection of this sign. There is no code enforcement activity on the current sign as there have been no complaints. The applicant would like to replace the ten-foot pole business sign with one at ground level that is thirty-two square foot, which the current Zoning Ordinance does not allow. Future land use is Neighborhood Commercial (not existing today) which may allow larger business signs.

**C. Petitioner Presentation and Questions from ZBA members:**

Joe Aigus, Image 360 Brighton

They want to replace the ten-foot pole sign with a low-profile sign on the ground for visibility. The sign would be lit, with messaging movement in the lighting, and the ability to make message changes in real-time. The variance would allow them to increase the square footage of the sign to thirty-two feet as the current allowable square footage is sixteen feet, which he says is a hardship. The current sign on the ten-foot pole is non-conforming.

**D. Public Comment: Opened 6:39 PM.**

**i. letters and/or emails:** None.

**ii. comments from public in attendance:** No public comments.

**E. Zoning Board of Appeals deliberations and Standards of Review:**

Deliberations: The objective of the township is to replace current non-compliance but this sign would create another non-compliance by its size. Wonderland is currently in an RR (Rural Residential) District a LR (Lake Residential) District. Changing the district to C (Commercial) might allow the requested sign, but might create other zoning issues. Comment that they have done a good job of revamping the front of the property and the requested sign would upgrade the neighborhood. Cannot determine practical difficulty. Does the curve in the road make this a special circumstance? Although the ZBA Board likes the proposed low-profile sign, under the current Zoning Ordinance they cannot grant the request, so maybe this should be addressed by the Planning Commission.

**Standards of Review:**

(1) Practical Difficulty §29.06(C)(1) Does the requested variance meet the following standard	19.06(A) Sign Coverage
<b><i>The strict application of the terms of this Ordinance would constitute a practical difficulty.</i></b>	<u>YES</u> None
Notes: Bradbury: Based on the definition of practical difficulty in our zoning ordinance, it does not meet the criteria. Filip: It pains me to vote no. Straub: Likewise, it pains me to vote no.	<u>NO</u> Bradbury Filip Straub Maier Smith

Chairperson Smith: In order to grant a variance, we have to get three yes votes on all seven of our criteria. Since the practical difficulty vote failed on five to zero, I don't think we need to go forward with the rest of the criteria.

(2) Physical Conditions §29.06(C)(2) Does the requested variance meet the following standard	19.06(A) Sign Coverage
<b><i>The practical difficulty is due to some physical condition peculiar to the property involved.</i></b>	<u>YES</u> X

*Documents regarding the agenda items can be obtained at the Township Hall during normal business hours, the Townships website: [www.dextertownship.org](http://www.dextertownship.org) and can be viewed on [ew.livestream.com/dextertownship.org](http://ew.livestream.com/dextertownship.org).*

Notes:	<u>NO</u> X
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<b>(3) Self-Created §29.06(C)(3)</b> Does the requested variance meet the following standard	<b>19.06(A)</b> Sign Coverage
<b><i>The practical difficulty is not self-created.</i></b>	<u>YES</u> X
Notes:	<u>NO</u> X

<b>4) Reasonable Amount Necessary §29.06(C)(4)</b> Does the requested variance meet the following standard	<b>19.06(A)</b> Sign Coverage
<b><i>The variance is a reasonable amount necessary to mitigate the practical difficulty.</i></b>	<u>YES</u> X
Notes:	<u>NO</u> X

<b>(5) Public Health, Safety, and Welfare §29.06(C)(5)</b> Does the requested variance meet the following standard	<b>19.06(A)</b> Sign Coverage
<b><i>Approval of the variance will not be injurious to the public health, safety, and welfare.</i></b>	<u>YES</u> X
Notes:	<u>NO</u> X

<b>(6) Adverse Effect §29.06(C)(6)</b> Does the requested variance meet the following standard	<b>19.06(A)</b> Sign Coverage
<b><i>Approval of the variance will not affect the use of the adjacent properties or the area in a substantially adverse manner.</i></b>	<u>YES</u> X
Notes:	<u>NO</u> X

<b>(7) Intent of the Ordinance §29.06(C)(7)</b> Does the requested variance meet the following standard	<b>19.06(A)</b> Sign Coverage
<b><i>Approval of the variance is consistent with the intent and purpose of this Ordinance.</i></b>	<u>YES</u> X
Notes:	<u>NO</u> X

**F. Motion by Zoning Board of Appeals:**

**Motion by Filip to deny the variance for petition number (24-ZBA-001), at the property located at 8789 McGregor Rd., tax id D-04-01-470-005, in the name of Image 360 Brighton on behalf of Wonderland Marine, for a request for a thirty-two square foot sign as opposed to the Ordinance-allowed sixteen square foot sign as set forth in Section 19.06(A). Motion seconded by Maier.**

**Roll Call Vote: Yeas – Bradbury, Filip, Straub, Maier, and Smith: Nays - None: Absent – None. Motion carried 5 - 0.**

**7. Public Comment:** Opened 7:18 PM. No public comments.

**8. Concerns of Zoning Board of Appeals Members, Director of Planning and Zoning, and Recording Secretary:**

**Chair Smith:** Questioned how the equipment was not working properly tonight. Response from the Recording Secretary was that the system was shut down and we don't know why. The solution would be to arrive earlier to test Livestream prior to the meeting.

**Zoning Administrator Cepeda:** She noted the monthly Planning and Zoning report was included in the ZBA packets. The department is undergoing an extensive records management update with digitalizing all planning and zoning records.

**Bradbury:** Concerned about the flashing and blinding light from the sign at North Lake Church, and questioned whether they were in compliance. Response was no.

**Straub:** Regarding Wonderland Mariane, stated that this was a frustrating situation where somebody wants to do something that makes a lot of sense, but the zoning ordinance doesn't allow it. All the information was available before the purchase of the property so the applicant should have known it was a commercial business on a Lake Residential zoned property.

**9. Adjournment:**

Chairperson Smith declared the meeting adjourned at 7:22 PM.

Respectfully submitted,

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Peter Maier, Secretary

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Janis Miller, Recording Secretary