

**ANN ARBOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
MEETING MINUTES TUESDAY, JULY 19, 2016 - 4:00 PM**

I. ROLL CALL

At 4:00 pm meeting was called to order by Chair Lee Gorman.

Present: Chair Lee Gorman, Commissioners Bud Collins, Margaret Hedstrom, and Bill Burlingame, and Clerk Rena Basch

Also present: Zoning Consultant Laura Kreps from Carlisle/Wortman Associates

II. APPROVAL OF MINUTES - Approval of Zoning Board of Appeals minutes from August 18, 2015. **Burlingame moved to approve the minutes of the meeting on August 18, 2015 with the addition of the year in the date. Collins seconded. Motion passes.**

III. OLD BUSINESS – None

IV. NEW BUSINESS

A. ZBA-1-2016: Application filed by property owners of James J. Wang for the property at 4979 Ridgeside Circle (parcel I-09-13-425-139, Lot #139 Fleming Creek II) for a rear yard setback variance in order to construct an addition that encroaches 11' into the 35' rear yard setback.

1. Petitioner or representative discusses petition – Mr. Wang was present, but made no remarks.
2. Zoning Official's report –Ms. Kreps said the request is for an 11 ft. rear yard setback variance for a sunroom. There is currently a deck at the same location that encroaches 2 ft. deeper into the setback, so this request actually reduces the variance.
3. **Public Hearing – At 4:04 pm Chair Gorman opened and closed the public hearing as there were no comments.**
4. Board questions/comments/discussion – Commissioners clarified that the proposal is for a single-story sunroom addition, there is an architectural plan, and that the same builder and plan was proposed 5 years ago. Neighbors have all been notified, and no utilities need to be moved. It was also noted that many similar variances have been granted in the Fleming Creek subdivision because the builder left the homes without decks or sunrooms, and many homes are located towards the rear of the lots.
5. Zoning Board of Appeals action - **Collins moved to grant the variance requested for the property 4979 Ridgeside Circle (parcel ID I -09-13-42-139) in order for home owner to construct a single story addition, 20' x 16' sunroom, to the**

existing house as presented in the application given the standards of determination in Sect 74-266(d) have been met. Hedstrom seconds. Motion passes.

B. ZBA-2-2016: Application filed by NOVA Consultants (on behalf of DTE Energy) and D.F. Land Development propose to construct a sign for the solar panel array at the property at 3670 Warren Road (parcel ID I-09-11-100-009) for variances from zoning code from Section 74-834 (b) of sign ordinance in order to construct a sign 72 sq. ft. larger than the 18 sq. ft. maximum allowed, and from Section 74-501 in order to position the sign at one foot from the property line in the front yard setback along M-14/US-23.

1. Petitioner or representatives discuss petition
 - a. Mr. Jeff Eckhout from NOVA Consultants - Mr. Eckhout said they previously received ZBA variances for the current size of the sign, as well as a setback variance for the whole solar array. The whole site plan approval process took about 14 months. DTE took it upon themselves to plant additional trees than what was required to address a perception problem, not a real problem of glare. Whether or not these trees had been planted, they were planning to come to the ZBA to request a larger and taller sign because they want the solar array to get better visibility and recognition. DTE is trying to create standard signage for these alternative energy projects across the state. NOVA believes the sign is reasonable because it's near the freeway and they really want to showcase the project. He claimed that it sets no precedent because there are no other solar arrays in the Township. Basch pointed out that there is indeed another large solar array in agriculture zoned land in the township.
 - b. Mr. Frank Niscoromni, DTE Program Manager – This solar array is one of 24 utility-owned arrays, and it is presently the most prominent in the state. DTE is very proud of these sites and wants to publicize them, so they are currently engaged in upgrading many signs, such as another one in Lapeer along a highway. The petitioners distributed a drawing of the sign.
 - c. Mr. John Petz from Domino's Farms Land Corporation attended but did not give a presentation.
2. Zoning Official's report - Ms. Kreps referenced Sally Elmiger's written report. Petitioners are requesting a 49-foot variance from the front yard setback requirement, and a variance for an additional 72 sq. ft. of sign face. According to the applicant's own submittal, the request is due to their own actions (planting the trees) and is therefore contrary to Section 74-266(d) (1) c. The report also pointed out the sign size variance request is 400% larger than what is allowed in the zoning ordinance, and sounds excessive. There was a question about whether MDOT had been consulted about locating a sign 1 ft off of their property line.

3. Public Hearing – At 4:22 pm Chair Gorman opened the public hearing.

Mr. Eckhout asked if the front setback was the correct one to consider given that the property address is on Warren Road, and the access drive is off of Earhart Road. Kreps verified in the Zoning Ordinance that both the front and rear setbacks are 50'. Eckhout emphasized that the sign needs to be located such that it does not shade the array, and that is the reason for the location, right near the road ROW. **Gorman closed the public hearing at 4:26 pm.**

4. Board questions/comments/discussion – Commissioners had a lot of questions and concerns. For example, Burlingame and Hedstrom expressed concern about traffic safety with such a large sign base so close to the freeway. Basch felt the petitioner did not adequately complete the variance application, for example writing on the application that the reason for re-locating the existing sign was the planted trees, which in the petitioner's presentation was disputed. The rendering distributed at the meeting differed from the architectural drawing included with the application. MDOT had not been consulted. Other sign locations had not been explored. Commissioners were concerned that the proposed sign crossed over the line of educating/notifying the public about alternative energy to being just a billboard or "visual pollution". ZBA decided there was not enough information to render a decision

5. Zoning Board of Appeals action. **Basch moved to table the matter to allow the applicant to provide additional information.** ZBA Commissioners recommended the petitioner provide:

- a. Size recommendations of signs and font height from MDOT and the Federal Highway Administration; comparisons with other educational signs along highways.
- b. Analysis of safety concerns at that site along M-14.
- c. Letter from MDOT saying that locating sign 1' off of ROW is not an issue.
- d. Analysis of other possible locations on the property for the sign; if no other location possible, a discussion of why.
- e. Clarification of which sign drawing was really being proposed.

Collins seconded. Motion passed.

Petitioner will look online to see the submittal dates in order to provide the supplemental materials in a timely manner to get on a future ZBA meeting agenda.

V. PUBLIC COMMENT - None

VI. NON-AGENDA or INFORMATIONAL ITEMS

VII. ADJOURNMENT – At 4:51 pm, Basch moved to adjourn. Burlingame seconded. Motion passed.