

**AGENDA  
CITY OF SWARTZ CREEK  
ZONING BOARD OF APPEALS  
WEDNESDAY, JANUARY 20, 2020  
6:00 P.M.**

- 1. CALL TO ORDER:**
- 2. PLEDGE OF ALLEGIANCE:**
- 3. ROLL CALL:** Commissioners: Packer, Plumb, Gilbert, Smith, Wyatt.  
Alternates: Cramer, Hicks
- 4. APPROVAL OF AGENDA:**
- 5. APPROVAL OF MINUTES:**
- 6. CORRESPONDENCE:**

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- 7. MEETING OPENED TO THE PUBLIC:**
- 8. VARIANCE APPLICATION:**
  - A. 58-35-551-008; 8522 Miller Road (LED Sign)
- 9. OTHER BUSINESS: None**
- 9. MEETING OPENED TO THE PUBLIC:**
- 10. ADJOURNMENT:**

**RESOLUTIONS  
CITY OF SWARTZ CREEK  
ZONING BOARD OF APPEALS  
WEDNESDAY, JANUARY 20, 2021  
6:00 P.M.**

**Resolution No. 210120-01**

**(Carried/Denied)**

Motion by Boardmember \_\_\_\_\_, support by Boardmember \_\_\_\_\_, the Swartz Creek Zoning Board of Appeals approves the agenda for the January 20, 2021 ZBA meeting.

YES: \_\_\_\_\_.

NO: \_\_\_\_\_. Motion declared carried/denied.

**Resolution No. 210120-02**

**(Carried/Denied)**

Motion by Boardmember \_\_\_\_\_, support by Boardmember \_\_\_\_\_, the Swartz Creek Zoning Board of Appeals approves the minutes for the September 16, 2020 ZBA meeting.

YES: \_\_\_\_\_.

NO: \_\_\_\_\_. Motion declared carried/denied.

**Resolution No. 210120-03**

**(Carried/Denied)**

Motion by Boardmember \_\_\_\_\_, support by Boardmember \_\_\_\_\_, the Swartz Creek Zoning Board of Appeals makes the following findings in relation to the variance application for 8522 Miller Road:

1. The site presents the following unique circumstances: \_\_\_\_\_.
2. The site presents the following undue hardships: \_\_\_\_\_.
3. The LED is replacing a pre-existing wall sign.
4. The petitioner acknowledges that a ground sign is not practical.
5. The variance request otherwise meets expectations for a sign variance as enumerated in Zoning Appendix A Section 14.11.
6. \_\_\_\_\_
7. \_\_\_\_\_

YES: \_\_\_\_\_.

NO: \_\_\_\_\_. Motion declared carried/denied.

**Resolution No. 210120-04**

**(Carried/Denied)**

Motion by Boardmember \_\_\_\_\_, support by Boardmember \_\_\_\_\_, the Swartz Creek Zoning Board of Appeals approves/denies the variance request for an wall mounted, 100% LED changeable message sign for 8522 Miller Road with the following conditions:

1. The site shall forfeit all ground sign rights.
2. \_\_\_\_\_
3. \_\_\_\_\_

YES: \_\_\_\_\_.

NO: \_\_\_\_\_ Motion declared carried/denied.

**Resolution No. 210120-05**

**(Carried/Denied)**

Motion by Boardmember \_\_\_\_\_, support by  
Boardmember \_\_\_\_\_, the Swartz Creek Zoning Board of Appeals  
adjourns the January 20, 2021 Zoning Board of Appeals meeting.

YES: \_\_\_\_\_.

NO: \_\_\_\_\_ Motion declared carried/denied.

**CITY OF SWARTZ CREEK  
VIRTUAL ZONING BOARD OF APPEALS MEETING  
ACCESS INSTRUCTIONS  
WEDNESDAY, JANUARY 20, 2021 AT 6:00 P.M.**

**January 20, 2021** starting at 6:00 p.m. and will be conducted virtually (online and/or by phone), due to health concerns surrounding Coronavirus/COVID-19 under the Governor of Michigan’s Executive Orders 2020-15 and 2020-21.

To comply with the **Americans with Disabilities Act (ADA)**, any citizen requesting accommodation to attend this meeting, and/or to obtain the notice in alternate formats, please contact Connie Olger, 810-429-2766 48 hours prior to meeting,

**Zoom Instructions for Participants**

**To join the conference by phone:**

1. On your phone, dial the teleconferencing number provided below.
2. Enter the **Meeting ID** number (also provided below) when prompted using your touch-tone (DTMF) keypad.

**Before a videoconference:**

1. You will need a computer, tablet, or smartphone with speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. Details, phone numbers, and links to videoconference or conference call is provide below. The details include a link to **“Join via computer”** as well as phone numbers for a conference call option. It will also include the 9-digit Meeting ID.

**To join the videoconference:**

1. At the start time of your meeting, enter the link to join via computer. You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to [join.zoom.us](https://join.zoom.us) on any browser and entering the Meeting ID provided below.

If you are having trouble hearing the meeting, you can join via telephone while remaining on the video conference:

1. On your phone, dial the teleconferencing number provided below.
2. Enter the **Meeting ID number** (also provided below) when prompted using your touchtone (DMTF) keypad.
3. If you have already joined the meeting via computer, you will have the option to enter your participant ID to be associated with your computer.

**Participant controls in the lower left corner of the Zoom screen:**



Using the icons in the lower left corner of the Zoom screen you can:

- Mute/Unmute your microphone (far left)
- Turn on/off camera (“Start/Stop Video”)
- Invite other participants
- View participant list-opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand during Call to the Public
- Change your screen name that is seen in the participant list and video window
- Share your screen

Somewhere (usually upper right corner on your computer screen) on your Zoom screen you will also see a choice to toggle between “speaker” and “gallery” view. “Speaker view” show the active speaker.

Connie Olger is inviting you to a scheduled Zoom meeting.

**Topic: City of Swartz Creek Zoning Board of Appeals Meeting**

**Time: Jan 20, 2021 06:00 PM Eastern Time (US and Canada)**

Join Zoom Meeting

<https://us02web.zoom.us/j/82784129890>

Meeting ID: 827 8412 9890

One tap mobile

+19292056099,,82784129890# US (New York)

+13017158592,,82784129890# US (Washington D.C)

Dial by your location

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington D.C)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 827 8412 9890

Find your local number: <https://us02web.zoom.us/j/82784129890>

**If you have any further questions or concern, please contact 810-429-2766 or email [colger@cityofswartzcreek.org](mailto:colger@cityofswartzcreek.org). A copy of this notice will be posted at City Hall, 8083 Civic Drive, Swartz Creek, Michigan.**

## **CITY OF SWARTZ CREEK VIRTUAL (ELECTRONIC) MEETING RULES AND PROCEDURES**

In order to conduct an effective, open, accessible, and professional meeting, the following protocols shall apply. These protocols are derived from the standard practices of Swartz Creek public meetings, Roberts Rules of Order, and city board & commission procedures. These procedures are adopted to govern participation by staff, councilpersons and members of the public in all City meetings held electronically pursuant to PA 228 of 2020. Note that these protocols do not replace or eliminate established procedures or practices. Their purpose is to augment standing expectations so that practices can be adapted to a virtual meeting format.

The following shall apply to virtual meetings of the city's public bodies that are held in accordance with the Open Meetings Act.

1. Meetings of the City Council, Planning Commission, Zoning Board of Appeals, Downtown Development Authority, Park Board, or committees thereunder may meet electronically or permit electronic participation in such meetings insofar as (1) the Michigan Department of Health and Human Services restricts the number of persons who can gather indoors due to the COVID-19 pandemic; (2) persons have an illness, injury, disability or other health-related condition that poses a risk to the personal health or safety of members of the public or the public body if they were to participate in person; or (3) there is in place a statewide or local state of emergency or state of disaster declared pursuant to law or charter by the governor or other person authorized to declare a state of emergency or disaster.
2. All meetings held hereunder must provide for two-way communication so that members of the public body can hear and respond to members of the general public, and vice versa.
3. Members of the public body who participate remotely must announce at the outset of the meeting that he/she is in fact attending the meeting remotely and by further identifying the specific physical location (by county, township, village and state) where he/she is located. The meeting minutes must include this information.
4. Notice of any meeting held electronically must be posted at the City Offices at least 18 hours before the meeting begins and must clearly explain the following:
  - (a) why the public body is meeting electronically;
  - (b) how members of the public may participate in the meeting electronically, including the specific telephone number, internet address or similar log-in information needed to participate in the meeting;
  - (c) how members of the public may contact members of the public body to provide input or ask questions on any business that will come before the public body at the meeting;
  - (d) how persons with disabilities may participate in the meeting.
5. The notice identified above must also be posted on the City's website homepage or on a separate webpage dedicated to public notices for non-regularly scheduled or electronic public meetings that is accessible through a prominent and conspicuous link on the website's homepage that clearly describes the meeting's purpose.

6. The City must also post on the City website an agenda of the meeting at least 2 hours before the meeting begins.
7. Members of the public may offer comment only when the Chair recognizes them and under rules established by the City.
8. Members of the public who participate in a meeting held electronically may be excluded from participation in a closed session that is convened and held in compliance with the Open Meetings Act.

## **MAINTAINING ORDER**

Public body members and all individuals participating shall preserve order and shall do nothing to interrupt or delay the proceedings of public body.

All speakers shall identify themselves prior to each comment that follows another speaker, and they shall also indicate termination of their comment. For example, "Adam Zettel speaking. There were no new water main breaks to report last month. That is all."

Any participants found to disrupt a meeting shall be promptly removed by the city clerk or by order of the Mayor. Profanity in visual or auditory form is prohibited.

The public body members, participating staff, and recognized staff/consultants/presenters shall be the only participants not muted by default. All other members must request to speak by raising their digital hand on the Zoom application or by dialing \*9 on their phone.

## **MOTIONS & RESOLUTIONS**

All Motions and Resolutions, whenever possible, shall be pre-written and in the positive, meaning yes is approved and no is defeated. All motions shall require support. A public body member whom reads/moves for a motion may oppose, argue against or vote no on the motion.

## **PUBLIC ADDRESS OF BOARD OR COMMISSION**

The public shall be allowed to address a public body under the following conditions:

1. Each person who wishes to address the public body will be first recognized by the Mayor or Chair and requested to state his / her name and address. This applies to staff, petitioners, consultants, and similar participants.
2. Individuals shall seek to be recognized by raising their digital hand as appropriate on the digital application.
3. Petitioners are encouraged to appropriately identify their digital presence so they can be easily recognized during business. If you intend to call in only, please notify the clerk in advance of your phone number.
4. The city clerk shall unmute participants and the members of the public based upon the direction of the mayor or chair. Participants not recognized for this purpose shall be muted by default, including staff, petitioners, and consultants.
5. Individuals shall be allowed five (5) minutes to address the public body, unless special permission is otherwise requested and granted by the Mayor or Chair.
6. There shall be no questioning of speakers by the audience; however, the public body, upon recognition of the Mayor or Chair, may question the speaker.

7. No one shall be allowed to address the public body more than once unless special permission is requested, and granted by the Mayor or Chair.
8. One spokesperson for a group attending together will be allowed five (5) minutes to address the public body unless special permission has been requested, and granted by the Mayor or Chair.
9. Those addressing the public body shall refrain from being repetitive of information already presented.
10. All comments and / or questions shall be directed to and through the Mayor or Chair.
11. Public comments (those not on the agenda as speakers, petitioners, staff, and consultants) are reserved for the two "Public Comment" sections of the agenda and public hearings.

## **VOTING RECORD OF PUBLIC BODIES**

All motions, ordinances, and resolutions shall be taken by "YES" and "NO" voice vote and the vote of each member entered upon the journal.

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF THE ZONING BOARD OF APPEALS  
SEPTEMBER 16, 2020**

The Regular Meeting was called to order at 6:05 pm by Vice Chair Plumb in the Swartz Creek City Council Chambers, 8083 Civic Drive.

Board members Present: Plumb, Gilbert, Smith.

Alternates Present: Fountain & Hicks (Both Participating).

Board members Absent Wyatt & Packer.

Staff Present: Adam Zettel.

Others Present: None.

**APPROVAL OF AGENDA**

**Resolution No. 200916-01**

**(Carried)**

Motion by Board Member Fountain  
Second by Board Member Smith

The Swartz Creek City Zoning Board of Appeals hereby approves the Agenda of the Regular Board Meeting of September 16, 2020 as printed.

Unanimous Voice Vote  
Motion declared carried

**APPROVAL OF MINUTES:**

**Resolution No. 200916-02**

**(Carried)**

Motion by Board Member Smith  
Second by Board Member Gilbert

The Swartz Creek City Zoning Board of Appeals hereby approves the Minutes of the Regular Board Meeting November 20, 2019 to be approved.

Unanimous Voice Vote  
Motion declared carried

**Meeting Open To The Public:** No comments.

**Variance Application:** None.

**Interpretation:** None.

**Appeals:** None.

**OTHER BUSINESS:**

**Selection of Chairperson, Vice Chairperson & Secretary**

**Resolution No. 200916-03**

**(Carried)**

Motion by Board Member Smith  
Second by Board Member Gilbert

**I Move**, the Swartz Creek Zoning Board of Appeals selects Board Member Packer to serve as the ZBA Chairperson, Board Member Plumb to serve as the ZBA Vice-Chairperson, and Board Member Smith to serve as the ZBA Secretary for a twelve month period commencing immediately and ending at the next annual meeting or as stated in the bylaws.

Unanimous Voice Vote  
Motion declared carried.

**Meeting Open To The Public:** No comments.

**ZBA General Training Session**

Mr. Zettel conducted a training session consisting of a PowerPoint slide show (on file) and Q&A session. The training lasted about 1 hour & 35 minutes.

**Adjourn**

**Resolution No. 200916-04**

**(Carried)**

Motion by Board Member Smith  
Second by Board Member Gilbert

**I Move** the Swartz Creek Zoning Board of Appeals adjourns the September 16, 2020 ZBA meeting.

Unanimous Voice Vote  
Motion declared carried

The board unanimously declared the meeting adjourned at approximately 7:35 p.m.

Swartz Creek Zoning Board of Appeals  
Draft Minutes: September 16, 2020

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Ronald Smith  
Secretary



Adam Zettel, AICP  
City Manager  
[azettel@cityofswartzcreek.org](mailto:azettel@cityofswartzcreek.org)

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Date: January 13, 2021

**To: Zoning Board of Appeals Commissioners**  
**From: Adam Zettel, AICP**  
**Subject: January 20, 2021 ZBA Meeting**

Hello everyone,

**The Zoning Board of Appeals shall convene at 6:00pm on Wednesday, January 20, 2021 This will be a 100% virtual meeting for commissioners, staff, petitioners, and public. The instructions are attached.** The exclusive purpose of this meeting is to hear a variance proposal related to an LED changeable message sign as a wall sign located at 8522 Miller Road (the Letavis Car Wash). Enclosed, you will find the meeting agenda, September 16, 2020 meeting minutes, and the variance application materials. Also, please join Mr. Cramer to the ZBA! He replaces Mrs. Fountain. **Please read and study all materials carefully!**

Please see the plans for layout details. Note that the owner indicated a willingness to have ZBA members visit the site if they so choose to. If you intend to do so, please be courteous and identify yourself prior to observing the site.

Note that the sign has been placed without a permit. The variance is being sought to secure compliance. The petitioner is not vested with rights to maintain the sign. However, this does not preclude them from attempting to validate the construction. The city has placed a stay on enforcement, pending the findings and determination of the ZBA.

The petitioner has sent some images and a narrative, which I will include in the packet.

The LED sign replaces a former wall sign of similar size.

The sign does not comply with the ordinance and seeks variances for the following:

*E. Reader boards and changeable message signs.*

- 1. Reader boards and changeable message signs are permitted only on ground signs in nonresidential zoned areas. [The Sign is a wall sign.]**

2. *Reader boards and changeable message signs shall not exceed more than 50 percent of the total sign area. **The sign is 100% LED***
3. *No message occurrence shall be less than ten seconds in duration.*
4. *Such signs shall not be programmed with any animated, scrolling, or flashing messages, symbols, logos, or other graphics. Only static text and static logos are permissible.*
5. *Gasoline price signs may be permitted as part of a ground sign, but the price signs shall not exceed 20 square feet in area.*
6. *Changeable marquee signs may be permitted for theaters but are not to exceed 100 square feet in area.*
7. *Colors of reader boards and changeable message signs shall be limited to a single background color and a single text color.*
8. *Reader boards and changeable message signs shall be maintained in good repair at all times. If any part of the message display is not functioning properly, the use of the reader board sign will be discontinued until sufficient repairs are made.*
9. *Electronic reader boards shall have a minimum separation distance of 200 feet from any other reader board.*
10. *Electronic reader boards must comply within the following thresholds for luminance: Day 600—1,000 cd/m<sup>2</sup> ; Night 100—350/m<sup>2</sup> . The day/night transition shall occur within one-half hour of the official sunrise/sunset.*
11. *Electronic reader boards may only operate during normal business hours or from 6 a.m. to 11 p.m., whichever is greater.*

The petitioner's proposal is reviewed as follows, under ordinance section 21.11:

A. Variances may be granted for any **one** of the following conditions:

1. *The applicant has demonstrated a variance is needed due to a practical difficulty on the site, such as varied topography, horizontal or vertical road curvature, or presence of structures or desired trees that limit visibility of a sign on the premises compared to similar sites with conforming signs in the same zoning district;*

The petitioner indicates that a ground sign is not possible due to the layout of the parking lot and driving lanes for ingress and egress of the oil change and car washing station. This leaves no option for a ground sign and accompanying LED. They are willing to forfeit their future rights to a ground sign, finding that this will increase safety through visibility and the reduction of obstacles.

*2. A variance is warranted due to the relatively large size of the site, frontage or building in comparison to other establishments in the same zoning district;*

The configuration of the double business model with a shared parking lot and no frontage for a ground sign is rare, but not unique.

*3. A variance would significantly improve the conformity of an existing sign.*

The pre-existing sign was not less conforming.

**Summary.** The key here is that this single user site is requesting to have similar sign rights as surrounding properties.

B. To grant a variance for one of the conditions specified above, **all** of the following standards must also be met:

*1. The inability to conform with the requirements of this Article is due to a hardship or practical difficulty that includes more than mere inconvenience or mere inability to attain a supposed higher financial return;*

See applicant narrative.

*2. That the alleged hardships or practical difficulties, or both, are exceptional and peculiar to the property of the person who requested the variance, and result from conditions which do not exist generally throughout the city;*

See applicant narrative.

*3. That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Ordinance, the individual hardships that will be suffered by a failure of the Zoning Board of Appeals to grant a variance, and the rights of others whose property would be affected by the allowance of the variance, and will not be contrary to the public purpose and general intent of this Article; and*

See applicant narrative.

*4. The variance granted is the minimum necessary to allow the applicant to enjoy the same rights as other establishments in the same zoning district, have a reasonable outlet for free speech and meet the intent of this Article;*

See applicant narrative.

*5. The variance will not adversely affect the health, safety and welfare of the public.*

No adverse findings by staff.

### **Summary Findings**

This is not a clear-cut case. I do believe the site offers some hardships that are rare enough to qualify as unique. This lies in the fact that the site has a front yard that is entirely paved and dedicated to ingress or egress, making a ground sign for the site problematic concerning safe placement for vehicles and clear vision. This was not an issue in the past because there was a former pylon sign, which is no longer permitted by ordinance. It is also true that the site houses two separate buildings and businesses.

If the application is willing to forfeit rights to a future ground sign, there is certainly some validity to discussing an LED wall sign. This is especially true since the LED is in place of a former, non-conforming wall sign. Another issue is the pre-existing canopy signs that the business has on each building. These are non-conforming as well and constitute wall signs. Whether or not the criteria in Section B are met is very subjective though. This will be entirely up to the ZBA to vet once they hear public comment. Obviously, there will be a lot to discuss, so I hope the virtual format goes well. If you have any concerns about using Zoom, contact me straight away.

Note that resolutions are ALWAYS originally written in the affirmative. This includes the provision for forfeiting a ground sign. Resolutions can be denied, altered, affirmed, or completely re-written based upon the findings and needs of the ZBA.

If you have any questions or have comments, please contact the city office or send me an email. I shall see you at the meeting.

Sincerely,



Adam H. Zettel, AICP

January 20, 2021  
Zoning Board of Appeals  
8522 Miller Sign Variance Request

City Manager  
City of Swartz Creek

---

8083 Civic Drive  
Swartz Creek Michigan 48473

Phone: (810)-635-4464

Fax: (810)-635-2887

[www.cityofswartzcreek.org](http://www.cityofswartzcreek.org)

<ftp://cityofswartzcreek.org>



Where Friendships Last Forever

**APPLICATION FOR VARIANCE**  
City of Swartz Creek  
8083 Civic Drive  
Swartz Creek, MI 48473  
810-635-4464

Fee Received: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Receipt No: \_\_\_\_\_

**NOTICE TO APPLICANT:**

This application for Variance must be filed approximately twenty (20) days before a meeting may be scheduled.

The property sought to be used as a "Special Use" is located and described, as follows:  
Assessment Roll Description No. 58-\_\_\_\_-\_\_\_\_-\_\_\_\_

Fast Eddies Car Wash / Oil change  
8522 Miller Rd Swartz Creek

It has a frontage of: \_\_\_\_\_ feet and a depth of: \_\_\_\_\_ feet.

**PRESENT ZONING:**

**TO THE ZONING BOARD OF APPEALS:**

I, (We), the undersigned, do hereby respectfully make application for a Variance, for the following reason:

Installed an LED sign in place of existing (larger) sign on wall.  
No room in front of building for monument sign.

Business struggling due to Covid. Need to Advertise safety info + other communication!

**PROPERTY SOUGHT FOR VARIANCE IS OWNED BY:**

Name: Ed Letavis  
Address: 8478 Miller Rd Swartz Creek, MI 48473  
Phone Number: 810-635-7013

CRUCIAL POINTS OF VARIANCE: (All elements must be present)

- A Undue Hardship
- B Unique Circumstances

Attached hereto are two (2) prints of the subject property plot plan showing the lot or parcel location within the City. These prints are made a part of this petition and are drawn to scale showing the existing and proposed structures.

Kevin Holt  
Signature of Applicant

Address: Signtec 3075 boardwalk Dr. Saginaw, MI. 48603

Phone Number: 989 239 5424

Email Address: Kevin@signtec1.com

A. Action Taken by the Zoning Board of Appeals:

1. Date application:      /      /
2. Date of Public Hearing:      /      /
3. Findings of Zoning Board of Appeals:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Final Disposition of Zoning Board of Appeals:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
LETAVIS REV TRUST, EDWARD	LETAVIS, GLORIA	0	05/03/2017	QC	QUIT CLAIM	20170720005064		0.0
LETAVIS, GLORIA	LETAVIS, GLORIA TRUST	0	05/03/2017	QC	QUIT CLAIM	20170720005064		0.0
LETAVIS, GLORIA TRUST	LETAVIS MILLER, LLC	0	05/03/2017	QC	QUIT CLAIM	20170721005080		0.0
LETAVIS, EDWARD F & GLORI	LETAVIS REV TRUST, EDWARD	0	06/14/2000	QC	INVALID SALE	4559/350		0.0

Property Address	Class: COMMERCIAL IMPROV	Zoning: GBD (	Building Permit(s)	Date	Number	Status
8522 MILLER RD	School: SWARTZ CREEK		REMODEL INT.	10/07/2008	08-AC1	COMPLETED
	P.R.E. 0%					

Owner's Name/Address	MAP #:
LETAVIS MILLER, LLC 8478 MILLER RD SWARTZ CREEK MI 48473	2020 Est TCV 317,750 TCV/TFA: 134.64

X	Improved	Vacant	Land Value Estimates for Land Table COM.COMMERCIAL						
Public Improvements			* Factors *						
Description	Frontage	Depth	Front	Depth	Rate	%Adj.	Reason	Value	
Dirt Road	130.00	200.00	1.0000	1.0000	1000	100		130,000	
Gravel Road	130 Actual Front Feet, 0.60 Total Acres							Total Est. Land Value =	130,000

Tax Description	Land Improvement Cost Estimates	Rate	Size	% Good	Cash Value		
W 80 FT OF LOT 8 AND E 50 FT OF LOT 9 SCANLON SUB	Description						
Comments/Influences	Commercial Local Cost Land Improvements						
	Description	Rate	Size	% Good	Arch	Mult	Cash Value
	Electric	1.15	19000	47	100		10,269
	Gas	2.10	1928	57	100		2,308
	Curb	10.00	100	62	100		620
	Street Lights	Total Estimated Land Improvements True Cash Value =					13,197
	Standard Utilities						
	Underground Utils.						



Topography of Site	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
Level	2020	65,000	93,900	158,900			148,468C
Rolling	2019	58,500	87,200	145,700			145,700S
Low	2018	37,200	122,800	160,000			160,000S
High	2017	37,200	157,000	194,200			184,876C
Landscaped							
Swamp							
Wooded							
Pond							
Waterfront							
Ravine							
Wetland							
Flood Plain							

The Equalizer. Copyright (c) 1999 - 2009.  
Licensed To: City of Swartz Creek, County of Genesee, Michigan

\*\*\* Information herein deemed reliable but not guaranteed\*\*\*

Desc. of Bldg/Section: Calculator Occupancy: Garages - Mini-Lube		Class: C      Quality: Average		Calculator Cost Computations		>>>>	
Class: C		Construction Cost		Stories: 1      Story Height: 10      Perimeter: 200			
Floor Area: 2,360		High	Above Ave.	Ave.	X	Low	
Gross Bldg Area: 2,360		** ** Calculator Cost Data ** **		Base Rate for Upper Floors = 115.06		Average Basement Basement, Base Rate for Basement = 71.45	
Stories Above Grd: 1		Quality: Average		(Basement Fireproofing Rate = 0.00)			
Average Sty Hght : 10		Heat#1: Space Heaters, Gas with Fan      100		(10) Heating system: Space Heaters, Gas with Fan      Cost/SqFt: 4.20      100%			
Bsmnt Wall Hght : 10		Heat#2: Forced Air Furnace      0%		Bsmnt Heating system: Space Heaters, Gas with Fan      Cost/SqFt: 5.56			
Depr. Table : 2.5%		Ave. SqFt/Story: 2360		Adjusted Square Foot Cost for Upper Floors = 119.26			
Effective Age : 15		Ave. Perimeter: 200		Adjusted Square Foot Cost for Basement = 77.01			
Physical %Good: 68		Has Elevators:		Total Floor Area: 2,360		Base Cost New of Upper Floors = 281,453	
Func. %Good : 100		*** Basement Info ***		Basement Area: 400		Base Cost New of Basement = 30,804	
Economic %Good: 100		Area: 400		Reproduction/Replacement Cost = 312,257			
1968	Year Built	Perimeter: 80		Eff.Age:15      Phy.%Good/Abnr.Phy./Func./Econ./Overall %Good: 68 /100/100/100/68.0		Total Depreciated Cost = 212,335	
	Remodeled	Type: Average Basement		Unit in Place Items		Rate      Quantity      Arch      %Good      Depr.Cost	
	Overall Bldg	Heat: Space Heaters, Gas with Fan		/CI14/UCARW/ADRICW/CCLAS/BAVE		99.60      2880      1.00      63      180,714	
	Height	* Mezzanine Info *		Local Cost Items		Rate      Quantity/Area      %Good      Depr.Cost	
Comments:		Area #1:		LC CANOPY		8.00      48      61      234	
		Type #1:		AVG CANOPY		12.00      420      68      3,427	
		Area #2:		<<<< Calculations too long. See Valuation printout for complete pricing. >>>>			
		Type #2:					
		* Sprinkler Info *					
		Area:					
		Type: Average					

(1) Excavation/Site Prep:		(7) Interior:		(11) Electric and Lighting:		(39) Miscellaneous:	
(2) Foundation:		(8) Plumbing:		Outlets:		Fixtures:	
X	Poured Conc	Brick/Stone	Block	Many Above Ave.	Average Typical	Few None	
(3) Frame:		Total Fixtures		Urinals		Few Average	
		3-Piece Baths		Wash Bowls		Many Average	
		2-Piece Baths		Water Heaters		Unfinished Typical	
		Shower Stalls		Wash Fountains		Flex Conduit	
		Toilets		Water Softeners		Rigid Conduit	
(4) Floor Structure:		(9) Sprinklers:		Armored Cable		Incandescent	
				Non-Metallic		Fluorescent	
				Bus Duct		Mercury	
(5) Floor Cover:		(10) Heating and Cooling:		(13) Roof Structure:      Slope=0		(40) Exterior Wall:	
		Gas	Coal	Hand Fired			Thickness
		Oil	Stoker	Boiler			Bsmnt Insul.
(6) Ceiling:				(14) Roof Cover:			

\*\*\* Information herein deemed reliable but not guaranteed\*\*\*



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**PROOF OF SERVICE**

Sue Arvoy, being first duly sworn, deposes and says that on December 22, 2020, she served true copies of attached Notice of Public Hearing Zoning Board of Appeals:

**\*\*\*SEE ATTACHED LIST**

by depositing sealed envelopes containing same, plainly addressed to said parties with First Class postage fully prepaid, in a United States mail receptacle.

  
\_\_\_\_\_  
Sue Arvoy

Subscribed and sworn to before me this December 22, 2020.

  
\_\_\_\_\_  
Jody J. Key, Notary Public  
Genesee County, Michigan

My Commission expires: 1-15-2023

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
NOTICE OF PUBLIC HEARING  
ZONING BOARD OF APPEALS**

DATE – TIME: Wednesday, January 20, 2021 at 6:00 p.m.

PLACE OF HEARING: City Hall, 8083 Civic Dr., Swartz Creek, MI 48473  
Virtual meeting may be required. Please refer to [www.cityofswartzcreek.org](http://www.cityofswartzcreek.org), posting to the main entrance to City Hall, or contact the City Clerk.

APPLICANT: Letavis Miller, LLC

PROPERTY LOCATION: 8522 Miller Rd., Swartz Creek, MI 48473,  
Commonly known as the Letavis Car Wash and Oil Change

PROPERTY OWNERS: Letavis Miller, LLC

LEGAL DESCRIPTION: Tax ID No. 58- 35-551-008

APPLICABLE SECTIONS: Zoning - Section 14.05A,E, Section 14.11

PURPOSE: Notice is hereby given that a public hearing will be held for the purpose of hearing all persons interested in a sign variance application to permit a changeable message sign variance for a wall sign on commercial property.

The applicant seeks to place a changeable LED wall sign on the site that shall replace a non-illuminated/non-changeable copy of similar size (sign placed previously without permit). Such signs are supposed to be limited to 50% of the sign area and placed on ground signs only.

Written comments may be submitted to the City Clerk’s office prior to the public hearing.

James Packer, Chairperson  
Zoning Board of Appeals

Adam Zettel  
City Manager  
City of Swartz Creek



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BAKER, THOMAS TRUST  
10317 MILLER RD  
SWARTZ CREEK MI 48473

MESSIAH LUTHERAN CHURCH  
8497 MILLER RD  
SWARTZ CREEK MI 48473-1262

SWAR, LLC  
58862 PETERS BARN DR  
SOUTH LYON MI 48178

FOUNTAIN, AARON  
5022 WINSTON DR  
SWARTZ CREEK MI 48473-1225

MESSIAH LUTHERAN CHURCH  
8497 W MILLER RD  
SWARTZ CREEK MI 48473-1262

SMITH, BRYAN  
815 S LEROY ST  
FENTON MI 48430

POSTERIOR LLC  
51 W CETNER ST, SUITE 600  
OREM UT 84057

HOHENSTEIN, JO ANN  
8468 MILLER RD  
SWARTZ CREEK MI 48473-1248

LETAVIS MILLER, LLC  
8478 MILLER RD  
SWARTZ CREEK MI 48473

LETAVIS MILLER, LLC  
8478 MILLER RD  
SWARTZ CREEK MI 48473

LUM, ROBERT & PATRICIA  
PO BOX 9  
SWARTZ CREEK MI 48473-0009

LETAVIS MILLER, LLC  
8478 MILLER RD  
SWARTZ CREEK MI 48473

SPEEDWAY LLC  
PROPERTY TAX DEPT  
539 S MAIN ST  
FINDLAY OH 45840

POSTERIOR LLC  
51 W CENTER ST, SUITE 600  
OREM UT 84057

POSTERIOR LLC  
51 W CENTER ST, STE 600  
OREM UT 84057

POSTERIOR LLC  
51 W CENTER ST, SUITE 600  
OREM UT 84057

POSTERIOR LLC  
51 W CENTER ST, STE 600  
OREM UT 84057

MJS SWARTZ CREEK LLC  
J & W MANAGEMENT CORP  
505 PARK AVENUE SUITE 302  
NEW YORK, NY 10022

MANIBA LLC  
9010 MILLER RD  
SWARTZ CREEK, MI 48473

Petitioner Narrative

A. Variances may be granted for any one of the following conditions:

1. The applicant has demonstrated a variance is needed due to a practical difficulty on the site, such as varied topography, horizontal or vertical road curvature, or presence of structures or desired trees that limit visibility of a sign on the premises compared to similar sites with conforming signs in the same zoning district; or

**There is no room on entire property for a monument sign. A single-side wall sign is in exchange of any future pursuit of a monument sign.**

2. A variance is warranted due to the relatively large size of the site, frontage or building in comparison to other establishments in the same zoning district; or

**There are two separate buildings on this lot and only one wall sign of a reasonable size. (4’x8’)**

3. A variance would significantly improve the conformity of an existing sign.

**We are requesting a variance for this one and only wall sign in exchange of a future monument sign.**

B. To grant a variance for one of the conditions specified above, all of the following standards must also be met:

1. The inability to conform with the requirements of this article is due to a hardship or practical difficulty that includes more than mere inconvenience or mere inability to attain a supposed higher financial return; and

**With no place to install a monument sign owner has had no way of advertising his service as much as other businesses are allowed.**

2. That the alleged hardships or practical difficulties, or both, are exceptional and peculiar to the property of the person who requested the variance, and result from conditions which do not exist generally throughout the city; and

**This is peculiar due to the fact that there is no opportunity to install a monument sign.**

3. That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this ordinance, the individual hardships that will be suffered by a failure of the zoning board of appeals to grant a variance, and the rights of others whose property would be affected by the allowance of the variance, and will not be contrary to the public purpose and general intent of this article; and

**Allowing this sign in exchange for a monument sign will not affect neighbors in any way.**

4. The variance granted is the minimum necessary to allow the applicant to enjoy the same rights as other establishments in the same zoning district, have a reasonable outlet for free speech and meet the intent of this article; and

**A variance for this sign grants this business a reasonable substitute to a monument sign.**

5. The variance will not adversely affect the health, safety and welfare of the public.

**This sign will not adversely affect the health, safety or welfare of the public in any way.**