

MINUTES
MARSHALL CITY ZONING BOARD OF APPEALS
Regular Meeting Thursday, December 17, 2015
7:00 P.M. – COUNCIL CHAMBERS

CALL TO ORDER

This meeting was called to order by Chair Feneley at 7:03 p.m.

ROLL CALL

Members Present: Board Members Degraw, Byrne, Karns, Revore, Feneley and Daily.

Members Absent: Council Liaison Gerten and Alternate Beach.

Staff Present: Natalie Dean, Director of Community Services & Assistant City Manager and Jon Skiles, GIS Specialist & Project Manager.

APPROVAL OF MINUTES

Motion by Degraw, supported by Karns, to accept the minutes of the September 17, 2015 regular meeting as submitted. On a voice vote; **Motion Carried.**

APPROVAL OF AGENDA

Motion by Karns supported by Byrne, to approve the agenda of the December 17, 2015 meeting as submitted. On a voice vote; **Motion Carried.**

AUDIENCE PARTICIPATION

William Thick, Commander of the Veterans of Foreign Wars (VFW) Post #4073 located at 800 E. Michigan Ave in Marshall, MI, asked the board to consider the VFW's request for variance. Thick commented that the VFW depends on the income from renting out their facility, which would make it imperative that their sign be highly-changeable to advertise their events to the community.

John Robinson, a member of the VFW and resident of 366 Butler Ct., spoke on behalf of the VFW and explained that historically, there has not been much identification or signage on the building. Robinson explained that membership and dues have dropped over the last few years, making the advertisement of the building for rental space essential.

NEW BUSINESS

Appeal #15.09 – filed by VFW at 800 E. Michigan Ave. for a Dimensional Variance from **\$152.02 Sign Ordinance: Definitions & Regulations: Changeable Copy Sign** to install a sign that exceeds the allowable 25% in changeable copy.

(official)

Staff reported that a representative from the VFW came and spoke to staff in regards to acquiring a sign permit, although at the time changeable copy was not discussed. Staff explained that the VFW is in a residential district, but they qualify as an institution, allowing them to have a ground sign. It was noted that ordinance states that only 25% of a sign can be changeable copy. Staff reported that the current request for the sign is approximately 75% changeable copy. Staff noted that restricting the amount of changeable copy on signs is due to the need for stability of content within the city, and also to limit the amount of portable signs.

Staff noted that she received no letter for or against this appeal.

William Thick, Commander of VFW Post #4073, explained that the proposed sign would be 40 inches tall and 90 inches wide, lit internally, and have the words “Veterans of Foreign Wars” with a full-color logo printed across the top of the sign. Thick stated that the sign will sit perpendicular to the building so that west-bound and east-bound traffic can easily view it.

Commissioners inquired as to whether or not the sign would be illuminated at all times. Thick explained that lighting plans were not fully discussed, but that he could see the VFW keeping it illuminated at night and during the winter months, at all times due to the fluorescent bulbs.

Public Hearing on Appeal #15.09 – filed by VFW at 800 E. Michigan Ave. for a Dimensional Variance from §152.02 Sign Ordinance: Definitions & Regulations: Changeable Copy Sign to install a sign that exceeds the allowable 25% in changeable copy.

Public Hearing Open

Ken Reddick, resident of 1205 Verona Rd. and Quartermaster of the local VFW, spoke about the depleting member base and how the new sign would help with their financial needs.

Public Hearing Closed

Motion by Daily, supported by Karns, to approve Appeal #15.09 – filed by VFW at 800 E. Michigan Ave. for a Dimensional Variance from §152.02 Sign Ordinance: Definitions & Regulations: Changeable Copy Sign to install a sign that exceeds the allowable 25% in changeable copy.

Using the Dimensional Variance Worksheet, the board cited the following items pertaining to this variance:

- Strict Compliance with the specified dimensional standard(s) will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or unreasonably prevent the owner from using the property for a permitted purpose. ***Board Members discussed that ordinance would allow an Institutional Use sign in this R-3 district by a permit and commented that the speed limit in the area could potentially make the 25% allowed changeable copy hard to read for drivers, creating an unnecessary burden on the applicant.***

(official)

- The variance will do substantial justice to the applicant, as well as to other property owners, and a lesser variance than requested will not give substantial relief to the applicant or be consistent with justice to other property owners. ***Board Members commented that the requested sign would create substantial justice to the applicant by allowing advertisement of hall rentals and events, however it would not create substantial justice for surrounding property owners.***
- The need for the variance is due to unique circumstances peculiar to the land or structures involved that are not applicable to other land or structures in the same district. ***Board Members noted that the building was built as a VFW and not as a home on the edge of town at the time. Board Members expressed that the location was unique due to it being in a residential district on a state trunkline.***
- The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors. ***Board Members discussed that the applicant has requested a variance to resolve an issue that only they've felt is critical, the use of a sign with a larger changeable copy coverage percentage than is allowed. However, Board Members discussed that businesses with similar signs are on roads that allow for slower speeds, which is advantageous as compared to the road that the VFW is on.***
- The variance will not cause significant adverse impacts to adjacent properties, the neighborhood or the City and will not create a public nuisance or materially impair public health, safety, comfort, morals, or welfare. ***Board Members commented that the sign would decrease the amount of sandwich board signs and decorations during hall rentals, however it could produce a visual non-conformity with the surrounding properties due to it being in a residential district.***
- The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience, or an inability to attain a higher financial return. ***Board Members discussed that a failure to grant the variance could affect the financial returns of the applicant due to the VFW being a rental facility.***

On a roll-call vote-ayes: Degraw, Byrne, Karns, Revore, Feneley, & Daily; nays -none. **Motion Carried.**

Approve 2016 Meeting Dates and Submission Deadlines.

Motion by Degraw, supported by Daily, to approve 2016 Meeting Dates and Submission Deadlines as submitted. On a voice vote; **Motion Carried.**

OLD BUSINESS

None

PUBLIC COMMENT

None

REPORTS

(official)

None

ADJOURN

Meeting adjourned at 8:04 pm.

Respectfully submitted,

Elizabeth Renaud