

ISABELLA COUNTY
ZONING BOARD OF APPEALS
June 16, 2010

Room 225
Isabella County Building

A regular meeting of the Isabella County Zoning Board of Appeals was held April June 16, 2010 in room 225 of the Isabella County Building, 200 North Main Street, Mount Pleasant, Michigan.

MEMBERS PRESENT: Jim Wynes, Gordon Gilchrist, Marilyn Fosburg, Tom Courser, Kelly Bean.

MEMBERS ABSENT: None.

SUPPORT STAFF PRESENT: Mike Zalewski, Planner/Zoning Administrator
Lisa Hoisington, Recording Secretary

The meeting was called to order by the chair at 9:02 a.m.

The Pledge of Allegiance was recited by the board.

APPROVAL OF AGENDA

The agenda was approved as submitted.

PREVIOUS MINUTES

Ms. Fosburg stated that the meeting was held in room 225 not in 320.

Mr. Bean stated that he was absent but was listed as voting in the adjournment.

The minutes of the April 21, 2010 meeting were approved with changes.

PUBLIC COMMENTS

None heard.

VARIANCE REQUEST #10-03

Mr. Zalewski explained that Robert Goldsworthy is requesting three variances to construct a 106 square foot sign, 7' from the front property line that will be unobstructed in any way other than the support posts to a height of 12', for a filling station in the General Agricultural District (AG-2). The Zoning Ordinance requires signs for a filling station in the AG-2 district to be constructed 15' from the front property line and further requires the sign to be installed so that a clear view of street traffic by motorist or pedestrians is not obstructed in any way other than support posts to a height of 16' and the sign shall not exceed 25 square feet. The property is located at 6993 W. Blanchard Road in Section 13 of Rolland Township. The proposed 7' 1 3/8" x 14' 8" sign would replace the existing 7' x 14' sign that is on the ground. The new sign will

also be set back 7' from the front property line which is further from the road than the existing sign.

Mr. Goldsworthy stated that he wants to update to a newer sign. The existing sign is under power lines that travel east and west as well as north and south, so therefore they would like to move the sign straight back.

Mr. Gilchrist asked if the sign would be illuminated.

Mr. Zalewski asked if the sign would be lit internally.

Mr. Goldsworthy stated that the sign would be lit internally.

Mr. Courser asked if the sign is being moved back the extra 3' and put behind the building.

Mr. Goldsworthy stated that yes the sign will be behind the building. If it is moved too far back it would be behind the canopy and then you would not be able to see it when coming down the road.

Mr. Courser asked if the sign is standard or could a smaller one be installed.

Mr. Goldsworthy stated that the height could be shorter, but are we talking ground clearance?

Mr. Courser stated the he was talking about making square footage of the sign smaller.

Mr. Goldsworthy stated that they could make the sign smaller if they had to, by using 2 price signs rather than 3. This sign is the same size as the station that is in Winn. This is a standard sized Marathon sign.

Mr. Bean stated that the setback requested is to keep you from going behind the canopy where the sign would be hidden.

Mr. Goldsworthy stated that if the sign is moved too far back it will be hidden behind the canopy and not seen from Blanchard Rd. They would also like to get it out from under the existing power lines.

Mr. Wynes asked Mr. Zalewski to explain what is meant by ground clearance.

Mr. Zalewski explained that ground clearance is the clear view by motorists or pedestrians, the non-obstructed portion of the sign, except for the support post. This sign has to have a 16' clearance, but the applicant is requesting to have a 12' clearance. The setback is 15' to the property line and the applicant is requesting to place it 7'. Further, the sign is larger than what is allowed in the district.

Mr. Wynes asked if that because the sign is for a commercial business, does that make any difference.

Mr. Zalewski explained that a sign has to be 25 sq. ft. or less in the Ag District, if it was in a commercial district it could be 80 sq. ft. or less.

Mr. Courser stated that the existing sign is about 80 sq. ft.

Mr. Goldsworthy stated that it is about that, it is 7' wide.

Mr. Zalweski stated that the existing sign is 7' x 14'.

Mr. Gilchirst stated that the existing sign creates a traffic hazard because you practically have to pull out onto Blanchard Rd. to see beyond it. This new sign is a standard commercial Marathon sign. He further asked about signs on building.

Mr. Goldsworthy stated that there will be a reader board on the front corner, a marathon emblem on the front and a reader board on the back.

Mr. Gilchirst stated that there will be no other signs that protrude past the front of the building. After moving the sign back as you have how far are you from being in line with the building?

Mr. Goldsworthy stated that if moved back the 7' it will be just on the edge of the canopy maybe behind it a little bit. He also explained that they had talked about putting a sign on the other corner, but the building sets right on this corner so it would have been an even worse spot.

Mr. Bean stated that in the picture of the sign it is about 10' from the bottom of the fresh popcorn sign to the ground.

Mr. Goldsworthy stated that the sign sits on a cement pedestal.

Mr. Beans stated that this would make the sign higher than 25'. By adding all the dimensions it comes to almost 15' then subtracting that from 25' you would be left with 10'.

Mr. Goldsworthy stated that it is supposed to be 25', the standard sign is 20'.

Mr. Bean asked if there was a restriction on how tall a sign can be.

Mr. Zalewski stated that it would be the maximum height of a structure which is 35'. He also explained that if part of the sign is taken off, it will be less than is proposed and a variance can't be granted on that unless another public hearing notice is published.

Mr. Wynes stated that the power lines are an issue to comply with the 16' ordinance requirement.

Ms. Fosburg stated that if the applicant is required to go back 15' the circumstances will change.

Mr. Goldsworthy stated that the sign currently has power lines going east and west over top of it and beside it are power lines that run north and south. Therefore the higher the sign is there the closer the power lines are to it.

Mr. Zalewski clarified that there are 3 different variances and if there are no further question of the applicant the public hearing should be opened for comment.

The public hearing was opened for comment at 9:25 a.m.

Mr. Dan Shaw, Rolland Township Supervisor, stated that the township at their last board meeting reviewed this case. The township is in favor of Mr. Goldsworthy's efforts. This business has been there for a long time. This circumstance was inherited from days when people did not have to comply with zoning, so it was out of Mr. Goldsworthy's control. The township is encouraging this business to stay here and in Isabella County. Rolland Township asks that these variances be granted to let the applicant put up the sign as requested.

Mr. Zalewski stated that he also received a letter from Dan Shaw in the mail (see attached) and a signed petition from property owners in the area in favor of the request.

The public hearing was closed at 9:30 a.m.

Ms. Fosburg stated that the sign really needs to be back 15' to be able to see down the road.

Mr. Gilchrist stated that if the board denies these requests the applicant can leave the sign where it is today.

Mr. Zalewski stated that if the sign is moved back 7' and with the clearance that is proposed will improve the visibility issue. Where the sign sits now is not necessarily an issue because when pulling out you can clearly see without being in the road.

Mr. Bean stated that driving all over the state they might want a business that looks standard to others makes it more likely for people to stop in and do business.

Mr. Gilchrist stated that the proposed sign is off the ground 12' and will not obstruct a driver's view, even for a semi. Moving the sign back the distance requested is a positive because the power lines are currently over it. The power lines were put there before the applicant was the owner. There are clearances you have to have between structures and power lines. The applicant is also locked into a little corner of the property, and wants to only increase the sign by 1 3/8" and 8" which is not a significant increase. Because the sign will be higher and back further from the road as proposed it will probably look smaller than the present sign. As for the ground clearance 12' is more than likely taller than the largest tractor/semi that would come in there to fill up with diesel fuel. There will also be more room for the road to be plowed in the winter.

Mr. Courser stated that he can find justification for the height and the setback, but the size is much larger than the ordinance allows.

Mr. Zalewski stated that the board could make a motion to approve all three or they could be handled as three different motions.

Mr. Courser stated that the applicant had indicated that the size of the sign could be decreased, how much could it be reduced?

Mr. Goldsworthy stated that they would have to take out one of the reader boards at the bottom.

Mr. Zalewski stated that a motion could be made to grant a variance for a smaller size than what is being asked, not one that is larger.

Mr. Gilchrist stated that this applicant has spent a lot of time and money on this. The ordinance is faulty. The sign ordinance has been in question for as long as I have been on the board and the Planning Commission has begun to see fault in it as well. It seems that we are squabbling over little things on this case.

Mr. Zalewski stated that this variance has to be approved based on what our ordinance states today.

Mr. Bean stated that many signs do conform to the current sign ordinance that is in place.

Mr. Zalewski stated that there are different zoning jurisdictions up and down Coldwater and Blanchard Roads.

Mr. Courser stated that applicants need to come as close as possible to complying with the ordinance requirements. The costs that the applicant has spent can not come into consideration when deciding this case either.

Mr. Bean stated that the requested sign is not out of line with the standard size sign. This sign is not much bigger than what is currently there and others in the neighborhood.

Mr. Zalewski stated that the board has to go by the standards that are set in place by the ordinance. The board also has to find justification for granting a variance within the standards of the ordinance. Staff would recommend that each variance be voted on separately.

Mr. Courser stated that there is justification for the setback in the way the property is laid out. There is justification for the height as well.

Ms. Fosburg stated that there is plenty of room in the back to comply with the setback that is required.

Mr. Gilchrist stated that the setback that is being requested is with in reason considering the obstacles set forth on the property.

A motion was made by Mr. Bean, supported by Mr. Gilchirst, to approve the setback for variance #10-03 as submitted because of the layout of the property, the power line placement. There is limited room for the sign because of the canopy. It is necessary for the preservation and enjoyment of a substantial property right. This variance will not be detrimental to adjacent property owners and will not impair the intent of the ordinance. The sign will be further off the road and will not impair the view. These difficulties were not created by the applicant.

Roll Call Vote:

Fosburg: No
Courser: Yes
Wynes: Yes
Gilchrist: Yes
Bean: Yes

Motion carried.
Variance approved.

A motion was made by Mr. Courser, supported by Mr. Gilchrist, to approve the sign height for variance #10-03 to allow 12' of clearance from the bottom of the sign to the ground, because of the layout of the property, the power line placement. There is limited room for the sign because of the canopy. It is necessary for the preservation and enjoyment of a substantial property right. This variance will not be detrimental to adjacent property owners and will not impair the intent of the ordinance. The sign will be further off the road and will not impair the view. These difficulties were not created by the applicant.

Roll Call Vote:

Fosburg: No
Courser: Yes
Wynes: Yes
Gilchrist: Yes
Bean: Yes

Motion carried.
Variance approved.

Mr. Courser stated that the size of the sign should be cut down some.

A motion was made by Mr. Gilchrist, supported by Mr. Bean, to approve the sign size for variance #10-03 as submitted because location is in a rural area and it is in a singled out spot. The location on the property is limited. The present building structure and canopy created an extraordinary situation for the applicant. The size of the sign will not infringe upon anyone and will not impair the purpose or intent of the ordinance.

Roll Call Vote:

Fosburg: Yes
Courser: No
Wynes: Yes
Gilchrist: Yes
Bean: Yes

Motion carried.
Variance approved.

STAFF COMMENTS

None Heard.

BOARD COMMENTS

Mr. Bean asked if an email can be sent out if staff hears of any continuing education opportunities.

Mr. Gilchrist stated that the trend of people moving from cities to the country came to a halt in 2008. The young people that are getting jobs now are educated. The new jobs that are coming to Michigan require a high level of preparation. Our economy has been severely affected, and therefore our ordinances have to be changed.

ADJOURNMENT

A motion was made by Ms. Fosburg, supported by Mr. Bean to adjourn at 10:08 a.m.

Yes: Wynes, Gilchrist, Fosburg, Courser, Bean.

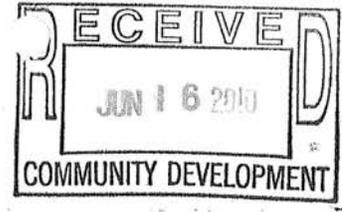
No: None.

Motion Carried.

Marilyn Fosburg, Secretary

Lisa Hoisington, Recording Secretary

Rolland Township
Isabella County
Supervisor
P.O. Box 53
Blanchard, MI 49310



June 9, 2010

Isabella County Community Development Department
C/O Mike Zalewski, Administrator
200 N. Main St.
Mt. Pleasant, Michigan 48858

Hello Mike,

I write to you in support of Variance #10-03, Robert Goldsworthy's request to erect an ordinance non-complying sign at 6993 W. Blanchard Rd. I have reviewed his proposed sign plan, have seen others like it in the surrounding area and I believe it will not compromise the aesthetics or safety of the area in which he wants to erect it. I am pleased that Mr. Goldsworthy has chosen Isabella County to locate his business and feel that we should help him in every way possible. And so again, I heartily support the request and ask the Variance Board of Review to grant the necessary variances for Mr. Goldsworthy's project at 6993 W. Blanchard Rd, parcel # 12-013-10-004-00.

With kind regards,

A handwritten signature in cursive script that reads "Daniel L. Shaw". The signature is written in dark ink and is positioned above the printed name.

Daniel L. Shaw