

Approved: 5/ /08
Clerk: 5/ /08

**MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS
April 10, 2008 7:30 P.M.
CAPITAL AREA DISTRICT LIBRARY, 401 S. CAPITOL AVENUE**

I. ROLL CALL

The meeting was called to order by Chairman Burgess at 7:30 p.m. Chairman Burgess read the BZA introduction. Roll call was taken.

Present:

B. Burgess A. Frederick G. Swix B. McGrain G. Hilts

Absent:

M. Mayberry E. Horne

Staff:

S. Stachowiak H. Stanley

A. A quorum of five members was present, allowing voting action to be taken at the meeting.

II APPROVAL OF AGENDA

A. Frederick moved, seconded by B. McGrain to approve the agenda with the addition of "Excused Absence" under new business.

On a voice vote, the motion carried 5-0.

III. HEARINGS/ACTION

A. BZA-3923.08, 801 S. ML King Blvd.

This is a variance request by Aver Sign Company. The applicant is proposing to replace the existing ground sign at 801 S. ML King (Buddy's/Marathon) with a new ground sign that will be 54.24 square feet in area, 18.16 feet in height and will have a zero (0) foot setback from the front property line(s). Section 1442.12 (h)(5) of the Sign Code requires a minimum setback of 18 feet for a sign with these dimensions. A variance of 18 feet to the setback requirement for a pole sign is therefore, being requested. Staff recommended approval of the request on a finding that the variance would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application.

John Miller, Ahead Investments, spoke in support of his request. He stated that they are changing the gasoline brand at 801 S. MLK to BP which does not allow the canopy signs. In response to a question from Mr. Swix, Mr. Miller said that the sign will be positioned so that it is visible to Main Street and MLK.

Mr. Burgess asked if anyone else wished to address the Board. Seeing none, the Board

moved into the Committee of the Whole.

Mr. Hilts stated that BP may have certain standards, but there are situations where they have to make concessions based upon ordinance limitations. He said that right now there are no ground signs on the property and the canopy signs work well to advertise the price of gasoline.

Ms. Stachowiak stated that at one point there was a ground sign in the same location as the proposed sign, and there were two light poles that each had price signs on them. She said that all of these signs have been removed and the applicant is just proposing one ground sign, and they are proposing to remove all of the canopy signs. Ms. Stachowiak said that overall amount of signage on the property will therefore, be decreased. She also said that if the sign were to be moved to the required 18 foot setback, it would interfere with the on-site traffic circulation which constitutes a practical difficulty.

Mr. Frederick stated that the applicant could construct a larger sign and move it back further on the property. He also said that there has been a gasoline station at this location for a long time and while he does not agree that the practical difficulty described in the staff report is legitimate, he does believe that authorization of the variance will result in a substantial reduction of overall signage on the property.

Mr. Swix stated that this is the only gasoline station in the area and so it is necessary for it to be easily identifiable. He also said that larger signs are easier to read and are therefore, less of a hazard to motorists.

G. Swix moved to approve BZA-3923.08, a variance of 18 feet to the required setback for an 18.16 foot high, 54.24 square foot ground sign at 801 S. ML King Blvd., on a finding that the variance would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application, with the condition that the canopy signs are removed. Seconded by B. McGrain.

VOTE	YEA	NAY
Burgess	X	
McGrain	X	
Swix	X	
Hilts	X	
Frederick	X	

Motion carried, 5-0, BZA-3923.08, was approved.

B. BZA-3922.08, 717 S. Pennsylvania Avenue

A. Frederick made a motion to remove BZA 3922.08 from the table. G. Swix seconded the motion. On a voice vote (5-0), the motion carried unanimously.

This is a variance request by Adams Outdoor Advertising to alter the billboard at 717 S. Pennsylvania Avenue that would include maintaining the existing 672 square feet of sign area, increasing the overall height from 42 feet to 55 feet and replacing one of the sign faces with a digital panel capable of electronic message changes. The subject billboard is located approximately 500 feet from the nearest billboard and approximately 20 feet from the nearest

residentially zoned parcel of land. Section 1442.22 of the Sign Ordinance requires a minimum distance of 1,000 feet between billboards and a minimum distance of 200 feet between a billboard and a residentially zoned parcel of land. Variances of 500 feet to the spacing requirement between billboards and 180 feet to the required distance from a residentially zoned parcel of land are therefore, being requested. Staff recommended approval of the request on a finding that the variances would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application.

Ms. Stachowiak stated that at the March 13, 2008 meeting, the applicant proposed the removal of two billboards in exchange for approval of this variance. She said that since the ultimate goal of the billboard ordinance is to reduce the number of billboards in the city, the intent of the ordinance will be upheld by approval of this variance. She stated that the applicant has already removed one billboard on Cedar Street, just south of Maplehill Avenue, and the other billboard that is proposed for removal is in the downtown on Kalamazoo Street, just east of Capitol Avenue. Ms. Stachowiak stated that the city is getting two billboards removed in exchange for allowing one billboard to be raised an additional 13 feet in height.

Jessica Millett, 913 E. St. Joseph Street, spoke in opposition to the variance. She said that this billboard is right next to her home and she can see it outside of her windows. Ms. Millett said that traffic is already a hazard near her home and the proposed changes to the billboard will only exacerbate the problem by further distracting drivers in the area.

Bill Jackson, Adam's Outdoor Advertising, spoke in support of his request. He stated that the billboard is intended to be seen from I-496 rather than the local streets which is the reason why they want the variances in the first place.

Mr. Frederick stated that the State of Michigan allows the digital signs and while he understands the traffic concerns, the increased height will only make the billboard more visible to freeway traffic and is not likely to have any impact on local street traffic.

Mr. Hilts stated that he spoke with the safety staff at MDOT and they stated that raising the billboard will only make it easier to read and will therefore, be less of a hazard to traffic.

Mr. Swix said that a larger sign is easier to read and therefore, does not take your eyes off the road for as long.

The board members discussed an appropriate length of time to have the billboard on Kalamazoo Street removed. Mr. Jackson stated that he could have it down easily within 30 days.

B. McGrain moved to approve BZA-3922.08, a variance of 500 feet to the spacing requirement between billboards and 180 feet to the required distance from a residentially zoned parcel of land to permit the billboard at 717 S. Pennsylvania Avenue to be raised from 42 feet high to 55 feet high and to permit one of the existing sign faces to be replaced with a digital face, on a finding that the variance would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application, with the condition that the billboard on the south side of Kalamazoo Street, just east of S. Capitol Avenue, is removed within 45 days from the date of this approval. Seconded by G. Hilts.

VOTE	YEA	NAY
Burgess	X	

VOTE	YEA	NAY
McGrain	X	
Swix	X	
Hilts	X	
Frederick	X	

Motion carried, 5-0, BZA-3922.08, was approved.

VI. OLD BUSINESS

- A. Rules of Procedure - No action
- B. BZA-3817.04, 1014 S. Pennsylvania Avenue - No action

VII. PUBLIC COMMENT - None

VIII. APPROVAL OF MINUTES

A. Minutes of Regular Meeting held March 13, 2008

A. Frederick moved, seconded by B. McGrain to approve the minutes of March 13, 2008, as printed.

On a voice vote, the motion carried unanimously (5-0).

IX. NEW BUSINESS

A. Excused Absence

Mr. Frederick made a motion, seconded by G. Hilts to grant an excused absence for Ms. Horne for the March 13, 2008 meeting.

On a voice vote, the motion carried unanimously (5-0).

X. ADJOURNMENT AT 8:05 p.m.

Respectfully submitted,

Susan Stachowiak, Zoning Administrator