

OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS

MINUTES OF A MEETING HELD JANUARY 26, 2010

Agenda

**DUNSHEE AUTO BODY – WALL SIGN DEVIATION – 6585 WEST KL AVENUE -
(PARCEL NO. 3905-23-335-035)**

A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held on Tuesday, January 26, 2010, commencing at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Dave Bushouse
Robert Anderson
Roger Taylor
Cheri Bell
L. Michael Smith
Neil Sikora, First Alternate
James Sterenberg, Second Alternate

MEMBERS ABSENT: None

Also present were Jodi Stefforia, Planning Director; Chris West, Associate Planner; James W. Porter, Township Attorney, and two other interested persons.

Call to Order/Pledge of Allegiance

The meeting was called to order by the Acting Chairman, Robert Anderson at approximately 3:00 p.m., and the "Pledge of Allegiance" was recited.

Elect Officers

The Acting Chairman said the next item on the Agenda was the election of officers. The Acting Chairman said he would entertain a motion for nominations for Chair. Mr. Anderson noted that, even though he was told by counsel that he could technically serve as the Chair, he was not comfortable doing so because he was also the Planning Commission liaison. Attorney Porter noted that there might be times when he could not vote on issues at the Planning Commission level or at the Zoning Board of Appeals level, depending upon whether he made a prior decision as a member of the alternate board. Mr. Sikora said he thought it would be best if a regular ZBA member was chosen to be the Chair. Ms. Bell made a motion to have Roger Taylor serve as the Chair of the Zoning Board of Appeals. The Acting Chairman asked if there were any

other nominations, and hearing none, he called for a vote on the nomination. Mr. Taylor's nomination passed unanimously.

The Acting Chairman then asked for nominations for Vice Chair. Mr. Smith nominated Cheri Bell for the position of the Vice Chair person. The Acting Chairman asked if there were any further nominations. Hearing none, he called for a vote on the nomination. The nomination passed unanimously.

The new Chairman assumed his position.

Minutes

The Chairman said the next item on the Agenda was approval of the minutes of September 22, 2009. The Chairman asked if the members had reviewed the minutes, as submitted, and asked if there were any corrections. Hearing no corrections, he called for a motion. Mr. Anderson made a motion to approve the minutes, as submitted, and Mr. Smith seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously.

DUNSHEE AUTO BODY – WALL SIGN DEVIATION – 6585 WEST KL AVENUE - (PARCEL NO. 3905-23-335-035)

The Chairman stated the next item up for consideration was the application for a wall sign deviation on behalf of Dunshee Auto Body to allow the placement of a legal nonconforming wall sign. The Chairman noted that the property is located at 6585 West KL Avenue, Parcel No. 3905-23-335-035. The Chairman called for a report from the Planning Department. Mr. West submitted his report to the Board, and the same is incorporated herein by reference.

Mr. West took the Board through his report and indicated the applicant was requesting a deviation both from size and the number of signs allowed for an industrial use. In reviewing the deviation criteria, Mr. West stressed the fact that the proposed wall sign would be replacing a wall sign which had been in place for nearly 16 years and the size of the sign would not be increased. In addition to his report, he noted that the Zoning Ordinance did not distinguish between the different types of industrial uses in imposing the wall sign size limitations. He noted that this type of use was quasi commercial as opposed to manufacturing, and therefore, would likely warrant a larger sign. He said perhaps the industrial use sign provisions need to be reviewed for possible changes.

The Chairman asked if there were any questions of staff.

Mr. Sikora asked who owned the property east of the subject property. Mr. West said the property was owned by the same party that owns Dunshee Auto Body.

Mr. Sikora asked Mr. West about the number of signs at issue. Mr. West clarified that there was one sign on the north side of the building, as well as the east side of the

building. He said, because the current Ordinance limits the building to only one sign, the applicant would need a deviation both as to number, as well as the size of the replacement sign being requested.

Mr. Anderson asked if the sign on the front of the building met the size requirements. Mr. West said it would if it were, in fact, the only sign on the building.

Mr. West asked that the Board take note of the fact that the land to the east is also zoned industrial, and a deviation would not likely have any type of negative impact on adjacent properties.

The Chairman asked if there were any more questions of the staff. Hearing none, he asked to hear from the applicant.

Mr. Scott Roberts, on behalf of Dunshee Auto Body, introduced himself to the Board. He indicated that he is a sign contractor from Sign Depot and would address any questions which the Board might have. He noted that the old sign was deteriorating and needed to be removed. He said the new sign would attach closer to the building and would be less negatively impacted by snowfall.

Mr. Anderson asked how the sign would be illuminated. Mr. Roberts said it would be illuminated the same way which the current sign is, by internal illumination. He said a new sign might appear to be a bit brighter, but that it would not be noticeably different from the light which is currently emanating from the existing sign.

The Chairman asked about the barn located north of the subject property. Mr. Roberts said that the barn was also owned by the owner of Dunshee Auto Body.

Mr. Roberts noted that if the sign on the east side of the building was reduced to 50 square feet, it would not even be readable from 9th Street.

Ms. Stefforia asked if the current sign could be repaired. Mr. Roberts, as well as the manager for Dunshee Auto Body, said that it could, but that it was cost prohibitive. The Dunshee Auto Body Manager said that he had spent \$2,600 last year maintaining the sign and that it was no longer financially feasible to do so.

The Chairman asked if there was any public comment. Hearing none, he called for Board deliberations.

Mr. Bushouse noted for the Board's consideration that, when the beer distributing company on 11th Street expanded, it wanted to enlarge its sign, and while the Board did not allow the beer company to do that, the Board did allow the company to move its existing sign, which was larger than permitted under the current Ordinance, to the new addition. He said he thought that was similar to what was being requested here, that is replacing an existing sign which had been there for an extended period of time.

Mr. Smith said he thought it was a slam dunk. He said he based his opinion on the fact that the size was appropriate for the use, the building size, and its location. He also said that there would be no adverse effect on surrounding properties.

The Chairman noted that most of the people coming to the site would locate it based upon the sign facing 9th Street, since the traffic on KL Avenue dropped off significantly past the 9th Street intersection.

Ms. Bell noted that the size of the building, coupled with the fact that the applicant needed to advertise for commercial purposes, made, in her mind, the request for a deviation appropriate. She said if the Board denied the deviation, she thought that the denial would be unreasonable.

Mr. Sikora asked if the applicant would still have to obtain a sign permit. Mr. West said that the applicant would, and would have to comply in other respects with the Sign Ordinance.

The Chairman asked if the Board should inquire as to how much light would be given off by the proposed sign. Attorney Porter noted that there were no restrictions within the Zoning Ordinance itself which would restrict the amount of lumens coming off the proposed sign and thought that would fall outside the Board's authority.

Mr. Bushouse asked if the applicant later wanted a ground sign, if a ground sign could be secured. Ms. Stefforia indicated that the applicant could install a ground sign, provided the current Zoning Ordinance requirements were complied with, including the limit on the number of ground signs.

The Chairman asked if there was any other discussion, and hearing none, he called for a motion. Mr. Smith made a motion to approve the proposed deviation based upon the statements in the record and the findings in the staff report. The motion was seconded by Mr. Anderson. The Chairman called for further discussion. Hearing none, he called for a vote on the motion. The motion passed unanimously.

Adopt 2009 Annual Report

Next, the Chairman introduced the 2009 Annual Report. Mr. Anderson moved to approve the 2009 Annual Report, as submitted, and Mr. Smith seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously

Adopt 2010 Meeting Dates

The Chairman then introduced the proposed meeting dates for 2010. Mr. Smith moved to approve the 2010 meeting dates, as submitted. The motion was seconded by Ms. Bell. Upon vote, the motion passed unanimously.

Public Comment on Non-Agenda Items

None.

Any Other Business

Mr. Bushouse expressed a concern regarding the size of billboards within the Township and the fact that they appear to be expanding beyond their pre-approved borders.

Ms. Bell noted, as a public service announcement, that there would be a tax initiative underway to assist low income residents with preparing their Federal and State income tax returns.

Adjournment

There being no further business to come before the Board, the Chairman called for adjournment of the meeting at approximately 3:40 p.m.

Minutes Prepared:
January 29, 2010

Minutes Approved:
_____, 2010