

**OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS**

MINUTES OF A VIRTUAL MEETING HELD JUNE 22, 2021

Agenda

Public Hearing – Sign Variance Requests

Consideration of the application of SignArt, Inc., on behalf of Advia Credit Union for Multiple Sign Variances for a New Multi-Tenant Commercial Center

Property: 6400 W Main Street, Parcel Number 05-14-255-010; 6404 W Main Street, Parcel Number 05-14-255-050

Zoning: C: Local Business District

Section(s): Section 55.80 - Commercial and Office Land Uses
Section 57.130(D) - Character and Placement

A virtual meeting of the Oshtemo Charter Township Zoning Board was held Tuesday, June 22, 2021, beginning at approximately 3:00 p.m.

MEMBERS PRESENT: Neil Sikora, Chair
Dusty Farmer (arrived at 3:08 as the public hearing began)
Fred Gould
Micki Maxwell
Anita Smith, Vice Chair
Louis Williams
(All attending within Oshtemo Township)

MEMBER ABSENT: Ollie Chambers

Also present were Iris Lubbert, Planning Director, James Porter, Township Attorney, Colten Hutson, Zoning Administrator, and Martha Coash, Meeting Transcriptionist.

Guests present included Steve VanderSloot, SignArt, Inc. and Advia representatives Cheryl DeBoer and Chad Farrer.

Call to Order and Pledge of Allegiance

Chairperson Sikora called the meeting to order and invited those present to join in reciting the “Pledge of Allegiance.”

APPROVAL OF AGENDA

The Chair determined no agenda changes were needed, let it stand as presented, and moved to the next agenda item.

APPROVAL OF THE MINUTES OF MAY 25, 2021

The Chair asked if there were any additions, deletions, or corrections to the minutes of May 25, 2021. Hearing none, he asked for a motion.

Ms. Maxwell made a motion to approve the Minutes of May 25, 2021, as presented. Mr. Gould seconded the motion. The motion was approved unanimously by roll call vote.

Chairperson Sikora moved to the next agenda item and asked Mr. Hutson for his presentation.

PUBLIC HEARING – SIGN VARIANCE REQUESTS

CONSIDERATION OF THE APPLICATION OF SIGNART, INC., ON BEHALF OF ADVIA CREDIT UNION FOR MULTIPLE SIGN VARIANCES FOR A NEW MULTI-TENANT COMMERCIAL CENTER

Mr. Hutson indicated Sign Art, Inc., on behalf of the Advia Credit Union, was requesting three separate variances pertaining to on-site signage and building address numbers. For **Request A**, the applicant was requesting relief from Section 55.80 of the zoning ordinance which governs the use, area, type, height, and number of signs allowed for a commercial or office land use, to establish a pylon sign that is 23'4" in height where only 20' is permitted, 144 SF in area where only 60 SF is permitted, and a sign support area of 72 SF where only 43 SF is permitted. In **Request B**, the applicant was requesting relief from Section 55.80 of the zoning ordinance to allow the proposed wall signs to be mounted at approximately 50' in height, exceeding the maximum permitted mounting height of 30'. For **Request C**, the applicant was requesting relief from Section 57.130(D) of the zoning ordinance which dictates the character size and placement of address building numbers based on the building setback distance from public right-of-way, to mount the building numbers at 47' in height whereas only a maximum mounting height of 25' is allowed.

He said the Advia Credit Union site is located on the north side of W Main Street between N 10th Street and N 9th Street. The subject property spans over 38 acres and has approximately 1,300' of road frontage adjacent to W Main Street. If signage is proposed to differentiate from what the Zoning Ordinance allows with respects to placement, height, size, and the number of signs, a variance request is required. Since the nature of these requests conflict with the code, the applicant has requested that the Zoning Board of Appeals consider the three variances for their proposal for relief from Section 55.80: Commercial and Office Land Uses and Section 57.130(D): Character and Placement.

SECTION 55.80: Commercial and Office Land Uses and SECTION 57.130(D): Character and Placement

Mr. Hutson explained the applicant provided the following rationale for the variance requests from Section 55.80 and Section 57.130(D):

“Advia Credit Union is in the final stages of constructing their unique corporate headquarters. The 150,000 square foot, three-story facility is situated on 38 acres, possesses over 1,300 linear feet of road frontage, and a building setback of approximately 400 linear feet from tremendously wide West Main right-of-way. It will include a full service branch, ATM, night deposit box, meeting and event rooms, and retail space for up to five (5) commercial retail tenants. Given the uniqueness of this mixed-use development, the proposed sign plan requests a sign deviation to provide reasonable identification for Advia Credit Union as well future commercial retail tenants.”

STANDARDS OF REVIEW - STAFF ANALYSIS

Mr. Hutson explained the Michigan courts have applied the following principles for a dimensional variance, which collectively amount to demonstrating a practical difficulty and said he would address each of the three variance requests separately:

- Special or unique physical conditions and circumstances exist which are peculiar to the property involved and which are not generally applicable to other properties in the same district.
- Strict compliance with the standard would unreasonably prevent the landowner from using the property for a permitted use; or would render conformity to the ordinance unnecessarily burdensome.
- The variance is the minimum necessary to provide substantial justice to the landowner and neighbors.
- The problem is not self-created.
- Public safety and welfare.

MR. HUTSON FIRST ADDRESSED VARIANCE REQUEST A:

(A: Unique Physical Circumstances)

The 38-acre parcel has approximately 1,300' of road frontage adjacent to W Main Street. The subject sign is proposed to be placed immediately west of the entrance on W Main Street and to be setback approximately 10' from the front property line. The sign is proposed to be located on a small outlot adjacent to the site's entrance that Advia Credit Union also owns. It should be noted that as offsite signage is not permitted, the outlot in question will need to be combined with the Advia site if the sign is to be placed at this location. The proposed pylon sign will encompass signage for Advia Credit Union in addition to the five commercial tenants located at this site. W Main Street is a five-lane highway with a speed limit of 50 mph in this area. It could be argued that a 60 SF multi-tenant pylon sign in this location is at a visual disadvantage compared to a normal 60 SF pylon sign representing one business due to the speeds in this area. However, all businesses on W Main Street share the same disadvantage. Even though Advia Credit Union has a significantly large building and significant frontage on W Main Street there are no major physical limitations which warrant the pylon sign to exceed the size and height requirements outlined in the zoning ordinance for commercial and office land uses. There are no

significant elevation changes as the area where the sign is proposed is relatively flat. The sign will have the same setback requirements compared to any other sign adjacent to W Main Street that is representing a commercial enterprise. There is no easement interference or topographical issues which warrant a 23'4" tall pylon sign that is 144 SF in sign area. **If the proposed sign is to be placed on the outlot, independent of whether this variance is approved or not, parcels 05-14-255-010 and 05-14-255-050 will need to be combined.**

(A: Unnecessarily Burdensome)

The proposed pylon sign will not represent one commercial business, but rather a total of six. Since Advia Credit Union is hosting five tenants, it can be expected that a larger sign area and sign height are desired. However, the applicant can still propose adequate signage that encompasses each business while meeting the height, sign area, and sign support area requirements outlined in the zoning ordinance. It can be argued that conformance is not unnecessarily burdensome, and that denial of the variance would not take away from the reasonable use of the property.

(A: Substantial Justice)

In researching past ZBA decisions regarding sign size relief for commercial developments, Planning Department staff identified two comparable cases. These findings are described below.

1. *Gesmundo, LLC, Parcel ID: 05-25-240-009 (Northwest Corner of Stadium Drive and Drake Road), May 26, 2015:* The applicant requested a sign variance to allow the installation of a multi-tenant sign with a sign area of 172 SF, which is 88 SF greater than what the code allows. This request also included a variance for the overall sign height of 32', which is 12' taller than the maximum permitted. Based on the previously approved variances for multi-tenant centers, and considering the unique nature of the site, its size, and its location on a major arterial, the Zoning Board of Appeals approved the request to allow the applicant a larger sign square footage and taller sign height.
2. *West Main Mall, Parcel ID:3905-13-430-036, March 09, 2004:* The applicant requested a sign variance to allow an increase in the sign area and height for a pylon sign on W Main Street to service a multi-tenant commercial center. The applicant requested to increase the total height of the existing sign from 25' to 30', and to expand the sign area by an additional 67 SF. Based on variances approved in the late 1990's for West Century Center and Maple Hill Mall, the Zoning Board of Appeals approved the request to allow the applicant the same larger sign square footage that was permitted to its competitors. The

property's limited visibility from W Main Street was also considered a reason for approval.

(A: Self-Created Hardship)

It is the applicant's desire to create a pylon sign with an overall sign area that is two and a half times the maximum size allowed per ordinance. The applicant proposed a pylon sign that exceeds that maximum height allowed per ordinance. It is also the applicant's desire to have a pylon sign with supports and uprights that exceed the maximum area allowed by the code. Installing a pylon sign that is out of compliance with all aspects of the zoning ordinance is not required nor necessary. The request is a self-created hardship.

(A: Public Safety and Welfare)

The proposed pylon sign is approximately 144 SF in area. The maximum sign area allowed for commercial developments of this nature is a total of 60 SF. This means that the pylon sign is nearly two and a half times the sign area allowed by code. The subject sign is proposed to be 23'4" tall and have a sign support area of 72 SF. Based on the proposed sign, the code would only allow a maximum height of 20' and a sign support area of 43 SF. Although the sign would follow the same setback requirements compared to any other commercial sign, a sign this large may potentially distract motorists and will set a precedence for future requests.

MR. HUTSON THEN ADDRESSED STANDARDS OF APPROVAL FOR VARIANCE REQUEST B:

(B: Unique Physical Circumstances)

Advia Credit Union received formal approval from the Planning Commission on February 28, 2019, to construct a 150,000 SF building at the subject property. The building is three-stories and is 53' tall. The zoning ordinance only allows for wall signs to be placed at a maximum mounting height of 30' above grade. Due to the building's height, the applicant was requesting a variance to mount the wall signs at approximately 50' above grade. It is common for wall signs to be mounted near the top of any building. The scale of the approved 150,000 SF, three story building is unique.

(B: Unnecessarily Burdensome)

Other than the handful of hotels in the Township, there are no buildings that have a height similar to the subject building. The building is approximately 53' tall. If the variance request for the wall signs is denied for a mounting height of approximately 50', the wall signs would need to

be placed at half of the vertical distance of the building between windows. As noted previously, it is common practice to place wall signs near the top of a building. However, it can be argued that if the variance for the wall signs was denied, that reasonable use of the property would still exist.

(B: Substantial Justice)

In researching past ZBA decisions regarding mounting height for wall signs in commercial developments, Planning Department staff identified two comparable cases. These findings are described below.

1. *Holiday Inn Express and Suites, 5724 W Main Street, June 26, 2018:*
The applicant requested a sign variance to increase the height of their two wall signs. The height of the building was approximately 45' and located in proximity to US-131. The applicant proposed to place their wall signs at a height of approximately 40', 10' above the maximum allowed placement for a sign. Since the site was located within a Planned Unit Development (PUD), the Zoning Board of Appeals made a motion to forward the request for a departure from the sign ordinance to the Planning Commission to be reviewed under the PUD ordinance, outlined in Section 60.405 at the time. On July 26, 2018, the Planning Commission met and approved the request. Following the approval they updated the ordinance allowing the height of wall signs for buildings within the Westgate PUD with heights taller than 35' shall be placed no higher than 5' below the roofline/parapet wall of the building to which the sign is attached.
2. *Best Western; 2575 South 11th Street; March 17, 2009:* Best Western requested a variance to increase the height of their east and west facing wall signs. The applicant indicated the request was to help increase visibility from US-131 even though the hotel did not directly abut the highway. The ZBA granted the variance for increase height for the eastern wall sign facing US-131 from a mounting height of 30' to 39' but not the western wall sign facing S 11th Street.

(B: Self-Created Hardship)

The applicant proposed to design their building to be 53' tall for their corporate headquarters and host five tenant spaces. However, it can be argued that when Section 55.80 of the zoning ordinance was adopted that it did not consider the mounting height for wall signs on a building of this size. Again, the subject building is one of few buildings in the Township that exceeds the height of 30', which also serves as the maximum mounting height allowed per ordinance. The zoning ordinance does not have a maximum building height allowed for commercial developments. The applicant followed all requirements outlined in the zoning ordinance while developing the site.

(B: Public Safety and Welfare)

It is common for a business to have their wall signs near the top of their respected building. The code allows for a maximum wall mounting height of 30', whereas the proposed signs would be mounted at approximately 50'. This request will not negatively impact anyone in the community.

MR. HUTSON THEN ADDRESSED STANDARDS OF APPROVAL FOR VARIANCE REQUEST C:

(C: Unique Physical Circumstances)

Address numbers on buildings are a general requirement for any given development going through the formal review process. More importantly, placement of the building numbers which identifies the address of the structure is a safety requirement in terms of emergency responders. The Advia building was approved at approximately 53' in height. The zoning ordinance only allows for buildings with a setback of this nature to have their building numbers mounted at a maximum height of 25'. The applicant is requesting to mount the building numbers at a height of 47'. The scale of the approved building is unique.

(C: Unnecessarily Burdensome)

Section 57.130(D) of the zoning ordinance requires buildings with a large enough building setback from the public right-of-way to have their building address numbers placed at a mounting height of 25' or less. At the time this section of the zoning ordinance was adopted, staff did not consider additional ordinance requirements pertaining to buildings of this scale. However, the ordinance does offer a provision for the placement of address numbers that cannot meet the height requirements noting that in those instances the addressing shall be placed on a freestanding sign between the structure and the road and visible from the road. Compliance is not unnecessarily burdensome.

(C: Substantial Justice)

In researching past ZBA decisions regarding mounting height for building address numbers, Planning Department staff was unable to identify any comparable cases. Section 57.130(D) of the ordinance is relatively new and was adopted in 2019.

(C: Self-Created Hardship)

Like the language of Request B, the applicant proposed to design their building to be 53' tall. However, it can also be argued that when Section 57.130(D) of the zoning ordinance was adopted that it did not consider the mounting height for building numbers on a building of this size. The code only allows for a maximum

mounting height of 25' for buildings in which are set back a great distance from adjacent public right-of-way. The zoning ordinance does not have a maximum height allowed for buildings within commercial developments. The applicant constructed a building at 53' in height under the allowable parameters of the zoning ordinance. However, as noted previously, the code does offer a provision for the placement of address numbers that cannot meet the height requirements outlined in the code, noting that in those instances the addressing shall be placed on a freestanding sign between the structure and the road and visible from the road. It is the applicant's desire to place the building numbers on the building rather than on a freestanding sign. The request is a self-created hardship.

(C: Public Safety and Welfare)

For building numbers, the code allows for a maximum mounting height of 25' depending on how far the building is setback from the public right-of-way. The height of the building is double the vertical distance than what the code allows as the building numbers are proposed to be mounted at approximately 47'. In terms of fire and safety, it is important for emergency responders to have a visual of the building numbers to locate a structure. The Fire Marshal is satisfied with the proposed positioning of the building numbers as they are placed in a recommended location on a building. **As a condition of approval, however, the Fire Marshal would like to request that the building numbers be installed with the same backlighting used for the proposed wall signs due to fire and safety reasons.** Approving this variance request would not negatively affect the health, safety, and welfare of the public.

POSSIBLE ACTIONS

Mr. Hutson indicated the Zoning Board of Appeals might take the following possible actions:

- Motion to approve as requested (conditions may be attached)
- Motion to approve with an alternate variance relief (conditions may be attached)
- Motion to deny

He said the motion should include the findings of fact relevant to the requested variance. Based on staff analysis, he presented the following findings of fact:

- Support of variance approval for **Request A**
 - The property is located on a 50mph five-lane highway. The higher speeds in this area warrants a larger sized sign to provide appropriate advertisement to commuters on such traveled way.
 - There are two previous cases in which multi-tenant centers were granted a variance to allow for significantly larger pylon signs. One of which was also on W Main Street.
- Support of variance denial for **Request A**
 - There are no major physical limitations to have a larger sign.

- The variance request is a hardship that is self-created, as the applicant is not required to install a larger sign.
- Reasonable use of the property would still exist if the variance were denied.
- Reasonable options for compliance are available
- Support of variance approval for **Request B**
 - Advia Credit Union received formal approval from the Planning Commission on February 28, 2019, which allowed the applicant to construct the building this size and height, presenting a unique physical circumstance.
 - There are two previous cases in which buildings of a similar height were granted a variance to allow for a greater mounting height for wall signs.
 - If the variance were granted, it would not negatively impact the health, safety, and welfare of the community.
- Support of variance denial for **Request B**
 - Reasonable use of the property exists if the variance is denied.
 - The request for the variance is a self-created hardship.
- Support of variance approval for **Request C**
 - Approval of the variance would not negatively impact the health, safety, and welfare of the community, only enhance it. The Fire Marshal is satisfied with the proposal.
 - Advia Credit Union received formal approval from the Planning Commission on February 28, 2019, which allowed the applicant to construct the building this size and height, presenting a unique physical circumstance.
- Support of variance denial for **Request C**
 - It is the applicant's desire to place the building numbers on the building rather than on a freestanding sign. The request for the variance is a self-created hardship
 - Reasonable use of the property exists if the variance is denied.
 - Reasonable options for compliance are available.

He indicated the following possible motions for the Zoning Board of Appeals to consider:

1. Variance Approval for **Request A**

The Zoning Board of Appeals approves the variance request due to the sign representing a multi-tenant commercial center and minimum necessary for substantial justice with condition that a land combination is submitted and approved by the Township.

Variance Denial for **Request A**

The Zoning Board of Appeals denies the variance request as the need for the variance is a self-created hardship and conformance with code requirements is not unnecessarily burdensome.

2. Variance Approval for **Request B**

The Zoning Board of Appeals approves the variance request due to unique physical circumstances of the property in question, minimum necessary for substantial justice, and approval will not negatively impact the health, safety, and welfare of the public.

Variance Denial for **Request B**

The Zoning Board of Appeals denies the variance request as the need for the variance is a self-created hardship and conformance with code requirements is not unnecessarily burdensome.

3. Variance Approval for **Request C**

The Zoning Board of Appeals approves the variance request due to unique physical circumstances of the property in question and approval will not negatively impact the health, safety, and welfare of the public with condition that the building address numbers be illuminated for visual purposes. Such illumination shall meet zoning ordinance requirements.

Variance Denial for **Request C**

The Zoning Board of Appeals denies the variance request as the need for the variance is a self-created hardship, reasonable options for compliance are available, and reasonable use of the property exists if the variance is denied.

Mr. Hutson indicated the applicant team wished to propose an alternative to **Request A** in response to the staff report.

Attorney Porter reminded the Board of the scope of its authority, saying it is appropriate for the applicant to suggest an alternative proposal and in response the Board may grant a lesser deviation, but not more than the original request.

Chairperson Sikora asked if there were questions for Mr. Hutson.

Ms. Maxwell asked how the applicant wished to change **Variance Request A**.

Ms. Lubbert indicated Mr. Steve VanderSloot would address that in detail.

Mr. Williams asked how far the pylon would be located from West Main Street.

Mr. Hutson said the pylon would be 10 feet from the public right-of-way.

Ms. Lubbert noted 10 feet is standard and would meet requirements.

Ms. Smith asked how the requested wall sign location compared to the approved wall sign deviation at the Holiday Inn. She stressed there should be consistency.

Ms. Lubbert responded that the proposed wall sign is three feet down from the top of the building; The Holiday Inn sign is five feet down.

Mr. Gould was concerned about the fall zone since the sign is 10 feet from the public right of way. He wanted to be sure if a storm came through it would not fall in the right-of-way. He also asked if the Planning Commission knew there would be tenant signs when they approved the building.

Mr. Hutson indicated the Planning Commission was aware of the multi-tenant use of the building and would have known of the respective signage.

Attorney Porter said fall zone language is applicable to towers, not signs.

Ms. Maxwell confirmed with Attorney Porter the sign for five tenants meets code and what was approved by the Planning Commission.

Mr. Gould said at some point the size of larger buildings being proposed needs to be looked at to see if all ordinances are complied with or there will be a lot of variance requests. Taller buildings were not considered when ordinances were originally adopted.

Ms. Farmer said during presentations of variance requests, different buildings' requests approved in history have been given as a prerequisite for approval. It has been the desire to reduce the amount and size of signage in the Township. Just because a variance was approved does not mean that fifteen years later that decision should dictate approval.

Attorney Porter indicated prior decisions are relative as to substantial justice. Other approvals for buildings with similar structures is pertinent. The governing body does not necessarily have to approve a request because of a historical decision, but it does have to take prior decisions into account. When applying the facts of this case, if you think it is similar to other requests, substantial justice does weigh in favor of granting a variance.

Chairperson Sikora added if it is determined a prior decision was bad, that should not mean a current request has to be approved. Substantial Justice is just one of five criteria.

Attorney Porter agreed all five criteria are factors that need to be weighed when making a factual decision. Maybe substantial justice is discounted because of recent decisions.

Hearing no further questions, the Chair asked if the applicant wished to speak.

Mr. Steve VanderSloot, SignArt, said he would like to clarify a couple of areas from the staff report and noted Ms. Cheryl DeBoer, President and CEO of Advia, and Mr. Chad Farrer, also with Advia were present.

Regarding Request A, he said he believes the nature of the request for a multi-tenant area wall sign is conservative in approach and size. Each commercial tenant will be allowed 20 square feet. He felt it would be unfair to group Advia with other businesses along West Main Street. He explained the lighting will be indirect halo lighting. He noted the comment in the staff report that suggested the size of the sign might be distracting to drivers was not evidentiary, in fact a sign that is too small is really the problem when drivers are looking for a business.

He indicated the alternative to the original proposal for Request A would not change the sign area request, but that they would consider a reduction of the height to 20 feet and the masonry base requirement to 43 square feet.

Mr. VanderSloot noted the 10 foot setback at the property line right-of-way actually results in the sign being 65 feet back from the nearest traffic light, which is significant.

He addressed Mr. Gould's question about illumination saying the illumination will be from the back and will only illuminate the lettering itself for both the Advia and tenant portions of the sign. The background color will remain monochromatic, dark grey to blend with the building in the Advia way.

In response to a question from Ms. Maxwell, he assured her there would be no electronic message center included on the sign and that in fact, at 35 rebranded Advia locations all electronic message centers were removed.

He answered a question from Mr. Williams who wondered if the base of the sign would be illuminated, saying the masonry for the base would match the building façade and that there would be no lighting of the base to his knowledge. He indicated the base size is dictated by setback.

Mr. VanderSloot had no comments regarding Variance Requests B and C.

Chairperson Sikora confirmed with Mr. VanderSloot that the only deviation to the ordinance if the second "A" alternative were approved, would be in the area change from 60 square feet, allowed by ordinance, to 144 square feet. The sign height would be at the allowed 20 feet rather than the requested 23 feet, 4 inches, and the base would be 43 square feet rather than the requested 72 square feet.

Ms. Cheryl DeBoer indicated the difference from the original request is a three foot difference in height. They still prefer the original height of 23 feet, 4 inches, but if there needs to be a change, that is their compromise proposal. They feel the sign is minimalistic. They own all 38 acres at the site and if it were to be developed differently,

there could potentially be many more signs. She noted Advia requested and paid for the traffic light to be installed at their entrance to slow down traffic. This is a unique situation due to the size of the building. She said she thinks the building itself looks beautiful and as greenery is added and matures, it will be more beautiful over time. They plan to add a walking path and pond to the campus and wish it to be soothing. She added the sign name needs to be at the top of the building to be visible but not obtrusive. With 38 acres and a 150,000 square foot building, the sign will not look out of place. She noted there will be a way finder sign near Meijer, rather than another pylon sign.

Mr. VanderSloot explained in a perfect world Advia would prefer not to have to share a sign with tenants, but tenants have to “check a box” for free-standing signs and a grade is assigned for how good the sign is – traffic count is valuable. This will be a tasteful, adequate sign.

Mr. Farrer indicated the sign structure was designed and sealed with an engineer registered with the State of Michigan to ensure Michigan code compliance. He noted the sign will be sturdy in high winds.

Mr. VanderSloot explained at night the reverse channel letters will be lighted from the back and reflect an understated look. He said an example of this type of lighting can be seen on Stryker Instruments signs, which are attractive, low key and complementary.

Ms. Maxwell asked if the applicant was changing their request for variance “A” or if the original request was still in place.

Ms. DeBoer said they still want the original request approved, but were providing an alternative. She noted the difference would mean they would remove two courses of stone from the base, the original request would include five courses, the alternative would include three courses.

Hearing no further comments from the applicant, the Chair moved to Board Deliberations.

Ms. Maxwell felt the size of the building requires more gravitas and proportional signage and supported the original variance request for A. She supported both B and C.

Mr. Gould agreed with her and commented the project is tastefully designed and as it is completed will be a good addition to the neighborhood. He thanked Advia for building their world-wide headquarters in Oshtemo Township and showing their confidence in the community.

Ms. Smith felt if less than five feet below the top of the building is allowed, then the ordinance needs to be changed. There should be a standard set. If we are saying freestyle is ok, the ordinance should reflect that. Conformity is needed. More and more companies will be building larger buildings and without standards, that will generate more and more variance requests. The Holiday Inn variance for sign height was a

different situation. It was approved so people could see it from the highway. There should be different standards for different height buildings

Mr. Williams agreed that an ordinance needs to be consistent for all businesses.

Attorney Porter said he understood the frustration and said one solution could be to say a sign would not exceed the height of a building. He suggested the ZBA could ask the Planning Commission to take this issue up in the future, but this was not an issue for the ZBA at this meeting.

Chairperson Sikora said he liked the change in the "new A" which would make it easier for him to consider. He felt B and C were good additions and that Advia made a good case. He confirmed the option offered by Advia for "A" is still 144 square feet in area, but brings the height down three feet.

Both Ms. Maxwell and Mr. Gould felt it was more proportional to leave the height at 23 feet 4 inches, but said they could vote for the alternative with the height of 20 feet.

Ms. Farmer supported the shorter sign alternative for "A" and supported both "B" and "C" as proposed.

Attorney Porter suggested two motions be made: one for "A," and one for "B" and "C" together.

Mr. Williams **made a motion** to approve the alternative "A" variance request from Advia for a pylon sign 20 feet in height (adjusted down from 23 feet, 4" to meet ordinance requirements), 144 square feet in area (variance) and a sign support area of 43 square feet (adjusted down from 72 square feet to meet ordinance requirements) for reasons as set forth in the Staff Report:

- The property is located on a 50mph five-lane highway. The higher speeds in this area warrant a larger sized sign to provide appropriate advertisement to commuters on such traveled way.
- There are two previous cases in which multi-tenant centers were granted a variance to allow for significantly larger pylon signs. One of which was also on W Main Street.

Ms. Farmer **seconded the motion.** **The motion was approved unanimously by roll call vote.**

Chairperson Sikora **made a motion** to approve **Variance Request "B"** to mount proposed wall signs at approximately 50 feet in height, (based on unique physical circumstances of the property in question, minimum necessary for substantial justice, and approval will not negatively impact the health, safety, and welfare of the public) and **Variance Request "C"** to mount the building numbers at 47 feet in height as requested, (based on unique physical circumstances of the property in question and approval will not negatively impact the health, safety, and welfare of the public with the condition that the building address numbers be

illuminated for visual purposes. Such illumination shall meet zoning ordinance requirements.)

Ms. Farmer **seconded the motion.** **The motion was approved 5 – 1,** by roll call vote, with Ms. Smith voting No.

Public Comment on Non-Agenda Items

There were no comments from the public.

Other Updates and Business

Chairperson Sikora indicated it was the consensus of the group to ask the Planning Commission to review the sign ordinance again in consideration of the discussion earlier in the meeting regarding sign height requirements.

Ms. Maxwell noted she would be absent from the scheduled July meeting.

Adjournment

Chairperson Sikora noted the Zoning Board of Appeals had exhausted its Agenda. There being no other business, he adjourned the meeting at approximately 4:45 p.m.

Minutes prepared:
June 23, 2021

Minutes approved:
September 28, 2021