

Schoolcraft ZBA minutes
June 7, 2018

PRESENT: Terry Blodgett, Ray Hocesvar, Greg Feldmeier, Jack Westendorp (alternate for John Gardner)

ABSENT: Gary Steensma, John Gardner

Chairman Blodgett opened the meeting at 7 pm, called the roll, indicated that members Steensma and Gardner were absent, but that Jack Westendorp was an alternate for John Gardner.

1. Kiwi Properties LLC c/o Joyce Messer 1646 E W Ave
Vicksburg, MI 49097

Chairman Blodgett announced that the first item on the agenda for the placement of a new sign on the corner of E. W Ave. and Portage Road for the Citgo station seeking an interpretation and/or variance for the placement of the sign and also on the size requirement.

Paul Schram and attorney Jeff Sweanerton , Joyce Mercer(owner)representing Kiwi LLC and Jeff Goodhart from AEP were present. Mr. Goodhart explained that this is a safety issue and the sign must be lowered. Mr. Schram presented a powerpoint presentation showing the location of the property and current and proposed signage.

The current sign is thirty feet high and the new sign will be on a solid base totaling a height of 10 feet .

Attorney Sweanerton explained that under section 25.11 a sign must be located in the middle one third of the property on

the street address, which in this case is W Ave. but the property also borders Portage Road. Under the interpretation of the Zoning Administrator, the sign would be located in the paved area. He believes that the ordinance is not clear on a definition of frontage and that the property fronts both Portage and W Ave. They instead would like to locate the sign on the corner of the two streets with plenty of setback. This is not a self-created situation since they must remove the current sign. The sign itself is just under 80 square ft. which would meet the size requirement. However if the Township considers including the base, the sign that would exceed the 80 ft. They believe that the base should not be counted.

Next the chairman requested that the Zoning Administrator, Chris Hamilton respond. Ms. Hamilton stated that the sign should include the base. She also reiterated the plain language of the ordinance of Section 25.11D in calculating the location of the sign for frontage purposes.

The chairman then opened the public hearing. Hearing no comments the public hearing was closed.

The first item discussed was whether or not the size of the sign should be interpreted to include the base.

The members felt that the poles of the current sign are not counted as part of the size of a sign. Likewise there could be several types of bases and did not see why this would be counted as the actual advertising sign. They instructed the zoning administrator to convey their opinion to the planning commission to see if the planning commission would want to clarify what constitutes size. Jack Westendorf then made a motion seconded by Greg Feldmeier to interpret section 25.12 that the size of the sign would not include the base upon which

a sign was placed. The chairman called for a vote and the motion carried 4 to 0.

Next the ZBA reviewed the interpretation by the zoning administrator as to the location of the sign in section 25.11 D. Motion was made by Greg Feldmeier and seconded by Jack Westendorf to affirm interpretation of the zoning administrator. The chairman called for a vote and the motion carried 4-0.

Finally, an overall motion with findings of fact and review of the standards was made by Mr. Feldmeier seconded by Ray Hocevar to approve the sign and location of the sign.

Kiwi Properties LLC ZBA Decision
Schoolcraft Township ZBA
June 7, 2018

Kiwi properties located at 1646 E. W Ave. Schoolcraft Township (Citgo Gas Station) has requested an interpretation and/or a variance from section 25.11D on the location of a new sign and a variance and/or an interpretation from the size requirement.

The applicant explains that the American Electric Power company has requested a 60 foot wide easement over the applicant's property, resulting in new transmission poles and lines, so the Citgo Gas Station sign must be moved.

The property frontage is located on W Ave., and according to section 25.11D of the zoning ordinance, the sign must be located outside of the middle one third of the front lot that has road frontage.

The applicant wishes to place the sign at an angle on the corner of W and Portage Road. They interpret the ordinance to apply to either street and request an interpretation and/or a variance regarding their sign.

The ZBA finds that removal of the existing sign is not self-created because AEP has to install new transmission lines and the height of the current sign would interfere. The address of the property fronts W Ave. Although the interpretation of article 25.11 D by the Zoning Administrator is correct, it would result in the sign being placed in the paved area of the gas station which could have some unintended consequences.

The applicants request that the sign be placed at an angle on the corner of W and Portage Rd, which appears to be a reasonable location for a corner business and will not obstruct motorists view.

The Zoning Board of Appeal finds that, after reviewing section 25.12 regarding the size of a sign, it shall not include the base upon which the sign rests. Therefore, the sign without the base meets the 80 ft square maximum size requirement.

2. Tom and Dawn Stapert request for a sign variance to permit multiple signs on their property.

The Chairman announced that the next item on the agenda was the request of Tom and Dawn Stapert of 4115 East Y Ave and 4080 Kimble Lake Drive . Section 25.6 of the Zoning Ordinance permits one, one foot by one foot identification sign in the R-1

and R-2 zoning district. There are currently 8 signs on the property according to the report by the Zoning Administrator.

The Chairman explained again that it is missing two members – Greg Steensma and Jack Gardiner but that Jack Westendorp was replacing Mr. Gardiner as an alternate. They were given the option to postpone until there was a full board but the Staperts decided to go forward with the hearing.

Mr. Stapert explained that there had had problems trespassing on their property, even after a lawsuit was decided in their favor. Mr. Stapert then distributed copies of a judgment from losses. He has several signs on this property for “no trespassing private property” and two signs that state and “authorized vehicles will be towed” with the name of the towing company and other information. The towing company will not tow without proper signage and notice.

Next the board heard from the Zoning Administrator who explained that under section 25.6 which only permits one one foot by one foot identification sign in the R1 and R2 zoning districts.

The chairman inquired as to why an access sign, no parking signs, and no trespassing signs were needed and did not see a need for that many signs. Mr. Stapert agreed that some signs could be eliminated.

The chairman announced that he had received four letters from residents. All four explained how they were against all of the signage. The letters were from Mark and Kathy Weeks, Frank Smetana, Lyle LaDuke and Kathryn Thomas, Randolph W Noel and Debra D Loomis.

The Chairman then opened the public hearing. Mr. LaDuke wanted the signs and posts removed. Kathryn Thomas inquired as to a green address sign. The signs were confusing. There are too many signs in the easement area. Deborah Loomis referenced her letter and stated she felt that there were signs in the easement area, including the posts. Signs must be on private property and not in the easement. Steve Vanfulper stated he was a trustee for four parcels on Kimble Lake and was against all of the signage.

Hearing no further comments the public hearing was closed.

The chairman inquired of the applicants whether they would consider removing some of the signs and they said that they would. The Chairman reviewed the language on the towing signs noting that according to the statute that the letter size seems to be correct . Couldn't they get by with one sign placed at the entrance to the property?

Finally, an overall motion with findings of fact and review of the standards was made by Mr. Feldmeier seconded by Ray Hocevar to approve one sign and location of the sign.

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Stapert Property ZBA Decision
Schoolcraft Township ZBA

June 7, 2018

On or about early April 2018 the Schoolcraft Township Zoning Administrator was contacted about multiple posted signs (as many as eight) on the property at 4115 East Y Avenue, located near the Kimball Lake road easement in Schoolcraft Township. She found these signs in violation of the Township Zoning ordinance and ordered them removed. On April 14th 2018, property owners Tom and Dawn Stapert appealed the decision and requested a variance from section 25.6 of the Zoning ordinance which only permits one identification sign per property. In their letter to the ZBA they claim that they cannot get illegally parked cars removed without clearly labeled signage. They claim they need many signs in order to protect their property from trespassers. Upon reviewing the standards found in section 28.9:

1. The ZBA finds that although the property is accessed by an easement there are no exceptional topographic conditions that would prevent compliance with the sign ordinance.
2. All properties must meet the sign requirements and there are no exceptional conditions on this property different from any other property.
3. The requested variance to have multiple signs on the property would be a detriment to adjoining property owners who are complying with the ordinance.
- 4 The request to have multiple signs will impair the intent and purpose of the R-1 and R-2 residential district which only allows for one 1 ft square identification sign.
- 5 Preservation and enjoyment of the property will not be impaired by the elimination of multiple signs.

- 6 The ZBA further finds that the sign ordinance restricting residential property by one identification sign does not unreasonably restrict or become an unreasonable burden to property owners
- 7 If the variance was granted this would set a precedent so that all other property owners could insist on having multiple signs and thus undo section 25.6 of the ordinance.
- 8 Granting this variance would result in a substantial injustice to the surrounding neighbors.
- 9 The requested variance is self created by the property owners.

However, since the applicant is concerned with past disputes, including other property owners parking cars on their property, the ZBA shall permit a size variance allowing one sign approximately two and one half feet by one and a half feet or smaller to indicate “unauthorized vehicles would be towed” or similar to the current sign in order for the applicant to be able to keep unwanted vehicles off their property. The sign shall be located 25 feet on the south side to the entrance to the easement confirmed by the zoning administrator.

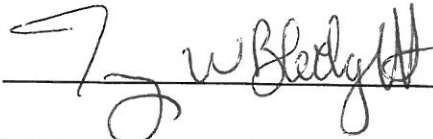
The ZBA also finds that all other existing signs and poles shall be removed within 14 days of this decision.

Granting this variance would address the fact that the ordinance permits one sign and allows space for the extra language necessary to enforce towing. This would give relief to the applicant as well as give a fair notice to

others about the property. By granting the variance the ZBA is not setting a precedent for other property owners to have a larger sign, but addresses the past history of disputes. The goal is to help alleviate potential problems in regards to the property at issue and at the same time uphold the intent of the ordinance.

3. Approval of March 1 2018 minutes Mr. Holcomb made a motion seconded by Mr. Blodgett to approve the minutes with minor corrections as presented.

Motion to adjourn was made by Mr. Feldmeier seconded by Mr. Westendorf . Motion carried meeting was adjourned at 9:00 pm.

Approved  _____

Terry Blodgett ZBA Chairman ZBA Board