

MINUTES

ZONING BOARD OF APPEALS

May 31, 2017

COUNCIL CHAMBERS, CITY HALL

CALL TO ORDER:

Chairman Elwood Anderson called the Zoning Board of Appeals to order at 5:00 p.m.

ROLL CALL:

Present: Anderson, Bray, Guest, Lamble, Polluch

Absent: Lewis

Chairman Anderson opened the public hearing and explained the procedures for the hearing.

Public Hearing of Case ZBA17-02

Adam Poll, Planning and Development Director presented the zoning use variance request as follows: Valley City Sign, 5009 West River Drive, Comstock Park, MI 49321 on behalf of MidMichigan Health, is requesting a variance to allow a sign 141 square feet (61 square feet more than allowed) and 24.25 feet tall (14.25 feet taller than allowed) to be constructed located at **1501 W. Chisholm Street**. Article 4.5

Property Address: 1501 W. Chisholm Street

Member Polluch wanted the board to know that he is employed through MidMichigan and it would not affect his decision at all.

Adam Poll, technically said that Member Polluch has announced that there might be a possible condition that would make him unqualified to vote. Usually what happens, the board will make a determination based on the vote if they are allowed to abstain or not. In this case, Member Polluch does not think he needs to but it would be good for the board to at least make some sort of action that lets him know what direction he should take.

Member Lamble asked what position is at issue. Member Polluch said he works for MidMichigan in security.

Member Lamble made a motion for the members to allow Member Polluch to vote on this variance. Chairman Anderson seconded the motion.

Ayes: Anderson, Bray, Guest, Lamble

Abstaining: Polluch

Notices were sent to all adjoining property owners within 300 feet of the subject property.

To authorize a variance, the board shall find that all of the following conditions are met:

1. The building, structure, or land cannot be reasonably used for any of the uses permitted by right or by a special use permit in the zoning district in which it is located.
2. The need for the requested variance is due to unique circumstances or physical conditions of the property involved such as narrowness, shallowness, shape, water or topography, and is not due to the applicant's personal or economic hardship.
3. The proposed use will not alter the essential character of the neighborhood.
4. The immediate hardship causing the need for the use variance was not created by the property owner or the previous property owners (self-created).

CONDITIONS: The Zoning Board of Appeals may impose such conditions or limitations in granting a variance as deemed necessary to protect the character of the area, as provided for in Section 9.9.

FINDING OF FACT: In granting or denying a variance, the board shall state in a written statement of findings of fact, which you can do verbally, the grounds upon which it justifies the granting of the variance.

Staff evaluation of the four conditions relative to this petition is as follows:

1. The hospital has been in existence for over 50 years in this location and during that time has functioned with signage that meets the required zoning code. Staff had discussions with various city departments and questioned if the existing signage size has been an issue. Engineering and police were not aware of any issues caused by the existing sign regulations. The fire department noted that there were some instances of individuals who drove to the main entrance, but intended to utilize the emergency room which has an entrance on the south side of the building. Staff believes that increasing the size of the main sign will not have a significant impact on that issue.

Staff would note that the hospital has a number of other free-standing signs on the campus, that staff considers directional signage. The directional signage that has been allowed is significantly larger than what usually would be allowed and has been for years as staff recognizes that safety of the public is paramount to the community. These signs

will also be modified or replaced, but will be done with signs of similar size. The only sign with a significant increase in size is the sign at the main entrance.

The applicants have indicated that the current sign regulations hinder the public's ability to recognize MidMichigan health's campus in a manner that is clear, visible, and safe. Staff is unaware of any issues or complaints that would be solved by allowing this variance.

2. The applicants have indicated that the property is unique as the hospital campus is very large when compared to other businesses allowed in this zoning district, and larger signage would appear to fit the scale of the campus.

The property in question is larger than most other properties being over 40 acres and has about 1,800 feet of frontage on Chisholm Street or about a third of a mile.

3. The applicants have indicated that the proposed sign would not negatively impact the surrounding neighborhood. They have indicated that the site is relatively isolated as it is the only commercial use on U. S. 23 between the Thunder Bay River and Long Rapids Road.

This section of Chisholm Street is isolated as the opposite side consists of Island Park and Duck Park. Island Park is part of the wildlife sanctuary. Further north there are some car dealerships that were granted variance signage requirements for signs that were smaller than what is requested. These variances were granted as the signs were legal non-conforming signs that had existed previously and in good condition, and they were located in a commercial corridor closer to the edge of the city.

4. The applicants have indicated that the hardship was created by the inadequate allotment of signage for this site in the Zoning Ordinance for a campus that is significantly larger than other uses allowed in the same zoning district.

In granting a variance, the board may attach conditions regarding the location, character and other features of the proposed structure as it may deem reasonable in furtherance of the purpose of this ordinance. In granting a variance, the board shall state the grounds upon which it justifies the granting of said variance.

Staff observations:

The applicant has indicated that current sign regulations hinder the public's ability to recognize MidMichigan Health's campus in a manner that is clear, visible and safe. Sign regulation by content is not allowed, but certain exceptions can be made, with safety and welfare being qualifying reasons.

Other sign variances have been approved in 2012 for uses north of the proposed site for both the Ford and Buick dealerships. Those cases were unique in that the signs in question were existing legal non-conforming signs without an electronic message board that were allowed to move to another area of the city. These are also located in a B-3 Commercial District and contain large vehicular displays. The sign for the Ford Dealership measured 131 square feet and the Buick Dealership was 121 square feet.

The hospital does have trees present that block the existing primary sign while driving north on Chisholm Street. Allowing additional height may increase visibility.

Due to the facts of the case, staff would not recommend approval of the variance as requested.

The property is unique in that it is large with a great deal of street frontage. There would not appear to be precedent to approve a new sign of this size, and while a larger sign would appear to increase visibility, it is unclear if safety would be impacted, as there does not appear to be a safety issue at this time.

Chairman Anderson addressed Adam Poll and said that due to the facts of this case, staff would not recommend approval of this variance as requested. Chairman Anderson asked Adam Poll if this signage, the square foot, is that an obstacle?

Adam Poll, said in his mind yes. The sign request is larger than we have had previously or at least approved previously. It is significantly larger than any new sign that we have ever allowed. We have allowed old ones that were legally non-conforming signs to be moved within the city. But at least in the case of the dealerships, they were moved closer to the edge of the city, where it seemed more appropriate.

Member Guest asked Adam Poll if there are any issues with the height of the sign. Mr. Poll said the height is significantly larger than what we have allowed for new signage as well. Adam did say there are some trees that do partially block the existing signage.

PUBLIC COMMENT:

Chairman Anderson asked if there was anyone who desired to speak either for or against this variance.

Jeff Surman from Valley City Sign Company and Dan Daoust, Facilities Director at MidMichigan Medical Center addressed the board. Jeff Surman said he wanted to expand a little bit more on the size of the sign, the current sign is called a monolithic structure that comes up from the ground. It is basically the same from the ground to the top of the sign, which is about twelve and a half feet tall right now. It is about 105 inches wide at the base. What they are proposing is to put the sign up higher as they want to increase the visibility around the sign particularly for traffic that is pulling out. By narrowing it down to a 42-inch wide pole cover, were taking from 105 inches and bringing it down to 42 inches and raising the sign up in the air to increase that visibility.

The size of the sign is a function of identifying it and hospitals are one of those truly unique facilities that face these questions all the time. As they continue to offer more services, many hospitals are employing the use of electronic message centers as a means to provide a community with vital health information. The size of the sign is always the function, the speed, and the readability which all comes into the safety issue of it. We want people, when they see something, identify it, slow down, and turn in, in a safe manner. That is the reason why we have the size of the sign we currently have.

Chairman Anderson asked Mr. Surman if they have installed any similar signs recently. Mr. Surman said MidMichigan has a similar size sign in the Mt. Pleasant area that they just recently installed. They are employing that into the branding of the hospital.

Member Guest said the city had come up with a recommendation that the staff would not recommend the approval of the variance as requested. It seems the city's point is, is it possible that there could be an alternative sign that would be a lot smaller in size more in compliance with the code. He asked, what are your thoughts on that, on that specific point?

Dan Daoust said they had talked about that earlier. They are willing to have some discussion on a reasonable compromise if that is what it takes to get through this evening, and get something approved so they can move forward.

Member Polluch asked if they were to approve this, you were always talking about uniformity, if we had you bring it down that two feet by five feet, would you be inclined to support that.

Mr. Surman said he thinks they could. He said with message centers they are in even foot increments. If you are going to bring the length down, you are also going to bring the height down to a certain proportion. If they did it, it would drop the size to around 120 square feet.

Member Guest said if they are going to grant a variance at less than what they originally requested, to him it would make sense to grant them a variance with something that is doable.

Further discussion ensued pertaining to the square feet of the sign.

Since no one else wished to speak on this case, either for or against, Chairman Anderson closed the public comment portion of the meeting at 5:30 p.m. to deliberate for case ZBA17-02.

DISCUSSION BY BOARD MEMBERS:

Chairman Anderson said there is such a thing known as blur speed. Blur speed has to be such that you don't want to look twice or three times to see where something is because you slow down and it's a safety issue. It comes down to safety issue and need. It has to be for safety, it has to be for the need for the hospital use.

Member Lamble said the whole purpose behind a sign ordinance is one for aesthetics. We are talking about is a corridor where we have the park with the new covered bridge with the water tower that was donated, substantial investments. We are now proposing right across the street to put this monolith with a message board on the bottom. Frankly from an aesthetic standpoint, it's a horrible idea. Because it takes away from what is occurring across the street, which the city has been heavily involved in terms of supporting those endeavors. He is not aware of a single instance where somebody has not been able to find Alpena Regional Medical Center, now MidMichigan Medical Center. It has been there long enough, virtually everyone knows where the hospital is. He thinks this is an entirely self-created request by the hospital. He has not heard one justification that would warrant it. We do not have anything that has occurred that would warrant this from a safety standpoint that would warrant this change. This is really a sign that would be appropriate next to an expressway.

Member Guest said there is one thing that he would like to address. There is a justification that he sees that the existing sign is wide at the base and it has potential to block your view of U. S. 23. He is more inclined if a lesser variance that would do the same job, would be good. He would be inclined to approve a variance for a 120 square foot sign.

Member Polluch said he does not think it is going to take away from the bridge by getting the sign up in the air and making it a little bit smaller. He does not see where it would take away the beauty of that area. There is no traffic going in and out, except to the hospital.

Member Bray said he likes the idea of visibility. As Mr. Guest said, to get rid of that base that's blocking a little bit of visibility there. To get above the trees, he likes that idea. He does not really have a major problem with it, except if we could get the square footage of it from 141 square feet down smaller, that you mentioned earlier. You wanted 120 square feet, and you would be OK with that.

Chairman Anderson said what we have to do is get a motion to deny the 141 square foot sign they have requested.

Member Lamble said what about the criteria in terms of the grant of a variance and whether or not this is in fact a self-created situation. He thinks this is wholly self-created. We have an ordinance in place, now we are looking to set aside that ordinance to grant this variance in a situation where the applicant has created the situation.

Chairman Anderson said we are not allowed to change any ordinance.

Adam Poll said the applicant basically made a statement that the zoning ordinance does not take into account for properties of this size and magnitude. That would be their reasoning in that particular area.

There was no further discussion on this variance from the board members.

Member Lamble made a motion that they deny this request for a variance for a 141 square foot sign.

Chairman Anderson seconded the motion.

ROLL:

Ayes to deny the variance for a 141 square foot sign:

Anderson, Bray, Guest, Lamble, Polluch

Nays: None

Member Guest made a motion that we allow a variance to make a sign at 120 square feet referencing the justification of the four conditions that we discussed.

Mr. Surman had mentioned the height would go down as the size of the sign would go down.

Member Bray asked the representatives of the hospital, if at 120 square feet would they be able to produce that same sign, or would that whole configuration have to be redesigned?

Mr. Surman said when you take it and shrink it down in terms of height, the width of the sign, and the overall height itself, it would be proportionately the same. Member Bray asked Mr. Daoust if that would meet their needs. Mr. Daoust said he believes it would. Mr. Surman said it would be about a 22 foot high sign. Mr. Surman said everything would come down smaller, the size, height, and text.

Member Guest amended his motion for the variance to make a sign at 120 square feet and not to exceed 22 feet in height.

Member Polluch seconded the motion.

ROLL:

Ayes to approve the smaller size and height for the sign:

Anderson, Bray, Guest, Polluch

Nays: Lamble

The proposal to erect a smaller sign in size at 120 square feet and not to exceed 22 feet in height has passed.

OLD BUSINESS:

There was not any old business per Adam Poll

NEW BUSINESS:

The minutes from the March 29, 2017 meeting has been approved as written.

ADJOURNMENT:

With no other business to discuss, Chairman Elwood Anderson adjourned the meeting at 5:45 p.m.

Alan Guest, Secretary

Elwood Anderson, Chairman