

**MEETING**

**CITY OF WALKER**

**ZONING BOARD OF APPEALS**

**Thursday, January 14, 2010**

**7:10 p.m.**

The meeting of the Zoning Board of Appeals was called to order by Robert Marz, Chairman at 7:00 p.m. at City Hall 4243 Remembrance Rd., N.W., Walker, Michigan.

Members present: Robert Marz, Chairman; Roger Crabtree; Charles Deschaine; Brian Boelens; John Tuffelmire; Sandi Howland; Beth Rogers and James Hickey. Also present: Jeff Nelson, Building Official; and Tammy Freedman, Recording Secretary.

**DECISION AND ORDER**

**Legal Description**

Property located at 774 Wilson, SW also known on the tax rolls as 41-13-31-253-006. Hearing requested by Timothy Szubinski.

The applicant's request is to maintain a 3375 sq. ft. detached accessory building instead of the 1200 sq. ft. allowed. To obtain a use variance to use the accessory structure for warehousing commercial goods.

**Finding of Facts**

Robert Marz, Chairman reviewed the application and site plan submitted.

No other citizens appeared on behalf of this variance.

Attorney Lafayette M Beers and Timothy Szubinski appeared on behalf of this request.

Robert Marz, Chairman read the letter submitted from Phil McCormack Chief Fire Inspector.

Robert Marz, Chairman summarized the letter submitted from Barb Nelson neighbor of Mr. Szubinski.

Robert Marz, Chairman read the letter from Randy & Shari VanAllsburg neighbor of Mr. Szubinski.

Attorney Lafayette M Beers submitted pictures to have the board review.

Attorney Beers stated that the extraordinary circumstances are this is a large piece of property with a small house. This piece of property is unique in the sense that the building is not visible from the road. This property is in the outer area of Walker. Attorney Beers indicated that Mr. Szubinski does not have semis going to his house if he does receive a load of product it is dropped off at the end of the driveway.

Attorney Beers stated that Barb Nelson mentioned that Mr. Szubinski has several personal vehicles. Mr. Szubinski uses his personal vehicles to deliver his products to different malls in the area.

Attorney Beers stated that the neighbor on the other side of the building which is the closest to the building is not bothered by the building they are the ones that submitted the letter in support of the variance.

Attorney Beers added that Mr. Szubinski wants to do whatever he can in a positive way to turn this situation around.

Mr. Szubinski hired Barb Nelson's son to help him with his business. The negative letter was written after he no longer needed to employ her son.

Beth Rogers asked the applicant when he first started the addition to the building.

Mr. Szubinski stated that he first started construction on the building several years ago.

Beth Rogers asked the applicant if he had an idea at that time that he was in violation.

Mr. Szubinski stated that he started working on his building unaware that he needed a building permit. He started working on his building and a gentleman from the City of Walker stopped by and told Mr. Szubinski that he needed to get a building permit.

Mr. Szubinski went to the City of Walker Building Department and obtained an application for a building permit, Mr. Szubinski continued to work on his building. The building inspector came back to his house the following week because he had not submitted the building permit application. Mr. Szubinski stated at that time he had all the frame work completed, braces for all the concrete, it was in November. The gentleman that was building the building for him told him he had to pour the concrete because of the time of the year otherwise they would not be able to pour the concrete until the spring. Mr. Szubinski told the builder to go ahead and pour the concrete. At that time a Stop Work Order was placed on the building. Mr. Szubinski stopped construction and went down to the City of Walker to start the process of obtaining a variance. Mr. Szubinski was told from the inspector at the City of Walker that it was very unlikely that he would be granted a use variance for his building. Mr. Szubinski uses the building to sort his product and delivers the product to the stores or he has one of his employees deliver the product. Mr. Szubinski claimed that the building sat for several years not completed. Mr. Szubinski stated that earlier this summer he was put in a bad position because of the economy, he wanted to consolidate his businesses and he eliminated his wholesale business and all he wanted to do was store product and be able to transfer the product into the stores. Mr. Szubinski decided to continue building and was in the process of completing the variance application when the City of Walker started the code enforcement process which stated the building was completed without a variance and a building permit.

Beth Rogers asked the applicant if he did receive a building permit for this project.

Mr. Szubinski replied that he had never applied for a building permit. He stated that he thought everything was evolving around the variance.

Beth Rogers stated that even though he was told by the inspector that he needed a building permit he still did not obtain one.

Mr. Szubinski stated that he was confused by what he should obtain first the variance or the building permit; he has never built a building before and was unsure of the process.

Beth Rogers asked the applicant why he completed the building without a permit.

Mr. Szubinski stated that he thought the variance and the building permit were the same thing.

Beth Rogers asked the applicant again why he did not obtain a building permit before he built his building.

Mr. Szubinski stated he did not remember this year that he needed a building permit.

Attorney Beers wanted to clarify that there was an existing building and Mr. Szubinski was adding on to the building. Attorney Beers stated that the size of the building seems quite large, but 1,400 sq. ft. of the building is a lean to. An extension of the roof on the North side of the building is 75' by 15' which is a lean to.

Robert Marz asked if the lean to Mr. Beers is referring to is enclosed.

Attorney Beers stated that the lean to is enclosed.

John Tuffelmire asked the applicant if this is his primary residence.

Mr. Szubinski replied that it is.

John Tuffelmire asked the applicant if he has always operated the business out of the building when he purchased the house.

Mr. Szubinski stated that originally when he bought the house he had stored some items in the building and he wanted to consolidate the business and work out of the building because it was convenient.

Brian Boelens asked if there was an existing building.

Mr. Szubinski stated that the existing building was 30' x 45' with a 15' x 30' lean to.

Jim Hickey asked Jeff Nelson how many times a letter of violation was sent to Mr. Szubinski?

Jeff Nelson stated that he had just become involved this year, but our former building inspector, John Stuyfzand, made many stops at the site 2 years ago, we have a whole file on this address. The City of Walker did not follow up with this site because John Stuyfzand was laid off. The City of Walker pursued this violation again this year after a complaint was received from the neighbor.

Jeff Nelson stated that the pictures that were brought by the applicant are non-conforming buildings and the building shown on the overhead is a building located on Wilson Ave which is used for agricultural purposes.

Jim Hickey stated that the agricultural building on Wilson Ave does not store agricultural products.

Jeff Nelson stated that the owner has an agricultural exemption and stores feed for farm animals in the building.

Jim Hickey asked when the building on Wilson received a building permit.

Jeff Nelson stated that the owner is exempt from building permits through the City of Walker as long as they have an agricultural exemption. The City of Walker does not issue building permits for building that are for agricultural purposes, we are not allowed to.

Roger Crabtree asked what was the size of the original accessory building prior to Mr. Szubinski owning the property.

Jeff Nelson stated that the City of Walker has one building permit for a 900 sq. ft. accessory building from the previous owner.

Robert Marz asked Mr. Szubinski if he has a personal garage for a car at his residence.

Mr. Szubinski stated that he does not.

Mr. Szubinski stated that all he has is the accessory building.

Roger Crabtree asked Mr. Szubinski what kind of product he is storing in the building.

Mr. Szubinski replied that he stores nick-knack type products for his stores in the malls in Grandville, Muskegon and Kalamazoo.

Attorney Lafayette Beers stated that when Mr. Szubinski purchased this property there was an existing 30' x 45' accessory building. Mr. Szubinski added a 30' x 30' building with a lean to along the side of the building.

Attorney Lafayette Beers stated that he would like the Board to give Mr. Szubinski a chance to clear the business out of the building, but to not make him tear down the building and give him an opportunity to pay the taxes on this building and go forward.

Robert Marz asked Jeff Nelson what size garage the applicant would be able to have?

Jeff Nelson added that the Zoning Board of Appeals notice stated Mr. Szubinski was allowed a 1,200 sq. ft. accessory building and due to the size of the property he is actually allowed a 1,500 sq. ft. accessory building with an 832 sq. ft. garage.

Beth Rogers stated that the Board could table this hearing and let the applicant go before the Planning Commission and have the property re-zoned?

Robert Marz stated that this was correct.

Jeff Nelson stated the current use at Mr. Szubinski's is an industrial use and he would have to ask the Planning Commission to re-zone the property to industrial.

Beth Rogers stated that the applicant is asking the Board in a sense to re-zone this to industrial which does not just go with the owner it but with the property.

Jeff Nelson stated the Board needs to act on the use variance and the size of the building.

Robert Marz asked the applicant if he is withdrawing the use variance.

Attorney Beers stated that they would like an approval on the size of building primarily for economic reasons the applicant does not want to have to tear down a portion of the building. Attorney Beers stated that as far as the use variance goes it sounds like the board is not in favor of it, he may take this to the Planning Commission for a rezoning of the property.

Beth Rogers asked if the applicant understood that whatever decision the Board makes the decision does not just go with Mr. Szubinski the variance goes with the property.

Attorney Beers stated that he understood that.

Beth Rogers stated that the Board is looking at the piece of property not what businesses that Mr. Szubinski has.

Attorney Beers stated that Mr. Szubinski did not do what was right the first time and I assure the Board that I will make sure Mr. Szubinski does what is correct this time.

Attorney Beers stated that Mr. Szubinski did not obtain the building permit because it was an oversight on his part. Mr. Beers stated that if the Board would give him a chance he would make sure his client follows the proper steps.

Jim Hickey stated he did not agree with Mr. Beers statement because it isn't like this happened yesterday this situation happened over 2 years ago and Mr. Szubinski disregarded the notices sent and completed the building without filing for a variance or obtaining a building permit.

Attorney Beers stated that his client received a letter from the City of Walker that stated someone was living in the building and the building was too large. Mr. Beers stated that no one has ever lived in the building.

Mr. Szubinski stated when he was contacted by the City of Walker and told that he could not run his wholesale business out of his accessory building that he did stop.

Mr. Szubinski jumped the gun because of the economy and he completed the building without the proper permits, but he is here to make things right. The completion of this building has cost him a lot of money and he does not have the means to do anything else with the building. All he wants to do is store his inventory so he can move it to the stores. This building is not an eye sore or visible from the street. The land behind his property is a wetland area and nothing will be able to be built there.

Motion

Beth Rogers moved and Jim Hickey supported the motion to deny the applicant's request to maintain a 3375 sq. ft. detached accessory building instead of the 1200 sq. ft. allowed.

Roger Crabtree moved and Jim Hickey supported the motion to deny the use variance to use the accessory structure for warehousing commercial goods.

- a. There are exceptional or extraordinary circumstances applicable to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district. There is nothing exceptional or extraordinary about the size or shape of this parcel that makes it unique in complying with the size limits of the zoning ordinance. It was not established that the property cannot be used as zoned.
- a. Authorization of the variance will not be of a substantial detriment to adjacent property and will not materially impair the intent and purpose of the ordinance or public interest in that one neighbor says that the accessory building is ok and the other neighbor says it is not. The examples of the accessory building provided were either non-conforming or have an agricultural exemption.
- b. The condition or the situation of the piece of property or the intended use of the property for which the variance is sought is not so general or recurrent a nature as to make reasonably practicable for the formulation of a general regulation there would be a lot of requests if this variance was granted because people would want to use their piece of land for an industrial purposes. The zoning already allows the size of the accessory buildings to increase proportionally to the size of the parcel.
- c. Authorization of the variance will not be of a substantial detriment to adjacent property and will not materially impair the intent and purpose of the ordinance or public interest in that the property could potentially be used in manner consistent with existent zoning; however landowner has no use as such.
- d. The condition or the situation of the piece of property or the intended use of the property for which the variance is sought is not so general or recurrent a nature as to make reasonably practicable for the formulation of a general regulation There would be a lot of requests if this variance was granted because people would want to use their piece of land for industrial purposes.

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- e. The applicant acknowledged in his application that the property can be used in a manner consistent with the zoning ordinance, but he does not desire to do so.

Motion carried unanimously.

DECISION AND ORDER

Legal Description

Property located at 4365 Lake Michigan Dr. also known on the tax rolls as 41-13-19-451-039. Hearing requested by the City of Walker.

The applicant's request is to place a "Welcome to Downtown Standale" brick ground sign at the northeast corner of Lake Michigan Dr. & Wilson Ave. The sign will be 6 ft. tall and 8 ft. long and less than 2 ft. wide. A variance is needed due to the current location of 2 existing ground signs.

Finding of Facts

Robert Marz, Chairman reviewed the application and site plan submitted.

Frank Wash appeared on behalf of the City of Walker.

No other citizens appeared on behalf of this request.

Frank Wash stated that the original hearing for this sign was scheduled for December 10, 2009, but due to a snow storm the hearing was post-poned. The construction of the sign had been scheduled to begin after the Zoning Board of Appeals meeting in December so since the meeting was cancelled the City did not cancel the construction and erection of the sign. Frank stated that it is a bit awkward because the construction had begun before a variance was granted and this is usually not the way the process goes.

Frank stated that this is a replacement sign for the Downtown Development Authority white picket fence sign.

Frank explained that when the new Walgreen's was constructed on the old Ralph Market's site they reserved the areas shown on the easement plan for a new sign for the Downtown Development Authority which would be consistent with the new master plan. The new master plan calls for brick signs they tend to be more permanent and this would also give a more contemporary look to the corner as an entrance to the Downtown area.

The Welcome Sign took a long time to reach a decision of what the sign should look like. The sign is on an easement to the City of Walker, it would

technically be the 3<sup>rd</sup> ground sign on that property.

Frank Wash explained that the sign would not be used for private commercial advertising, it would not be competing with the Walgreens sign it would be used to act as a welcome sign to the downtown area.

Charles Deschaine explained that he has no problem with the sign but whether there was a blizzard or not there was an assumption that the Zoning Board of Appeals would automatically approve the sign since it was a variance for the City of Walker. What if the applicant before this hearing would have just assumed that he could build his building and then get a variance and that everything would automatically be granted? Chuck stated that there could have been a special meeting requested, this is not an appropriate message to send from the City.

Roger Crabtree asked if the 4 corners are subject to the MDOT clear vision areas.

Frank Wash explained that this sign is not in the right of way or in the clear vision area at all.

Motion

Charles Deschaine moved and Sandi Howland supported the motion to grant the applicant's request to install a "Welcome to Standale" brick ground sign at the northeast corner of Lake Michigan Dr. & Wilson Ave. The sign will be 6 ft. tall and 8 ft. long and less than 2 ft. wide. A variance is needed due to the current location of 2 existing ground signs.

- a. There are exceptional and extraordinary circumstances applicable to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district the proposed Downtown Development Authority ground sign will be located in a public easement and will replace the previous white fence "Welcome to Standale" sign . The proposed replacement sign will serve a public purpose and will not be used for private commercial advertising.
- b. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district the City and the property owner have approved and recorded a public signage easement. Granting this variance will allow for appropriate use of the easement area.
- c. Authorization of the variance will not be of a substantial detriment to adjacent property and will not materially impair the intent and purpose of the ordinance or public interest in that the replacement sign is part of the implementation of the new "Downtown Standale Master Plan." The sign will be new but the presence of a welcome sign will be consistent with previous DDA signage in the same location. The entire easement area has been re-landscaped and made pedestrian friendly.
- d. The condition or the situation of the piece of property or the intended use of the property for which the variance is sought is not so general or recurrent a nature as to make reasonably practicable for the formulation of a general regulation the construction of municipal signs on private property does not occur on a frequent basis. Most municipal signs are located within the public road right-of-way.
- e. Does not apply.

Motion carried unanimously.

**DECISION AND ORDER**

Legal Description

Property located at 111 Maynard, SW also known on the tax rolls as 41-13-20-476-017. Hearing requested by Elizabeth Kempker.

The applicant's request is to split existing parcel creating a parcel with 25 ft. of street frontage instead of 125 ft. and exceeding the one to four width to depth ratio.

Finding of Facts

Robert Marz, Chairman reviewed the application and site plan submitted.

Jeff Nelson stated the Board is looking at two items here one is the 25' street frontage instead of the required 90' and the fact that it exceeds the 1 on 4 ratio

Elizabeth Kempker appeared on behalf of this request.

Paul Schaut of 195 Maynard appeared on behalf of this request.

Jerry Dykstra of 95 Maynard stated that he was told several years ago that the property behind them could not be built on since it was a natural drainage area has anything changed since then.

Robert Marz stated that he did not have any information on that issue.

Jerry Dykstra of 95 Maynard stated if there was a house built with a septic tank does it need to have a 125' of street frontage and what happens in the future if the new house gets demolished and someone puts up 2 houses is this a better tax base for the city?

Robert Marz stated that this Board does not consider the tax base for the City or any benefits for the City the Board is here for the preservation of rights of the property.

Robert Marz asked Jeff Nelson if he had any information on the septic tank question.

Jeff Nelson stated that you are required to have more street frontage and area if you do not have water and sewer.

Jeff Nelson stated that the size is really meant for the area for additional drain fields.

Elizabeth Kempker showed Mr. Dykstra an elevation map.

Jim Hickey asked the applicant if the side she is going to put the driveway on is located near the 6 x 8 shed.

Elizabeth Kempker stated that the location would be.

Jim Hickey stated that driveways are not allowed that close to the road. He stated that he thought it would be better for the applicant to contact the owner of the property on the other side and put the driveway on that side of her property that way there could be two lots that would be serviced with water and sewer instead of well and septic.

Elizabeth Kemper stated that she contacted United Bank of Michigan, who is the current owner of the property, they told her to check with the local municipality.

Beth Rogers asked if the variance is granted will we end up with the same situation we have on Hall and Wilson where the neighbors are disputing over using the same driveway.

Robert Marz stated that if the property is split it will be for one piece of property not for multiple properties.

Robert Marz asked if there are any screening, trees, etc for the existing house is.

Elizabeth Kempker stated there is not.

Jim Hickey asked Paul Schaut of 195 Maynard how far away he is from his North lot line to the applicant's South lot line?

Paul Schaut stated that he did not have an accurate measurement he was not sure.

Jim Hickey stated that it was at least 200' away.

Beth Rogers asked Jeff Nelson if wants the driveway hard surfaced?

Jeff Nelson stated that he would like the driveway hard surface up to the rear of the existing house to eliminate dust.

Beth Rogers asked why a hard surface driveway was needed.

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Jeff Nelson stated that we have had problems in the past where we create parcels behind existing houses and leave the road a dirt driveway it creates dust for the existing parcel.

Roger Crabtree asked if the 6 x 8 shed could be moved to maintain the 5 foot setback.

Elizabeth Kempker stated that it is a pump house shed for the pool she didn't see where that would be a problem.

Motion

Beth Roger moved and James Hickey supported the motion to grant the split for existing parcel creating a parcel with 25 ft. of street frontage instead of 125 ft. and exceeding the one to four width to depth ratio.

- a. There are exceptional and extraordinary circumstances applicable to the property in question as to the intended use of the property that do not apply generally to other properties. This property is 5.8 acres and will not be a detriment to the adjacent property. The new building site will be located behind the existing houses.
- b. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district this is a unique piece of property because this lot has 5.8 acres and other lots in this area are similar in size this will not be a problem to properties adjoining the property. Several properties are smaller in area the proposed building site.
- c. Authorization of the variance will not be of a substantial detriment to adjacent property and will not materially impair the intent and purpose of the ordinance or public in that this variance will not be of detriment to adjacent property because the driveway for this piece of property will not affect the adjacent property and the driveway will be a secondary access once the proposed plat has been developed.
- d. The condition or the situation of the piece of property or the intended use of the property for which the variance is sought is not so general or recurrent a nature as to make reasonably practicable for the formulation of a general regulation the driveway has been required to be hard surfaced which will help to deter dust to not affect the adjacent property owner.
- e. Does not apply.

The Board proposed the following conditions:

1. Use 25 ' frontage until such time the proposed road is constructed then the main driveway would then be off the road and the 25' driveway would be considered the applicant's secondary access.
2. The driveway would be hard surfaced to the West property line of lot 31.
3. 5' setback will be maintained for all existing buildings.

Motion carried unanimously.

DECISION AND ORDER

Legal Description

Property located at 2616 Alpine Ave. also known on the tax rolls as 41-13-12-104-039. Hearing requested by Ron Donaldson.

The applicant's request is to replace the existing freestanding pole sign with a new 80 sq. ft. sign and reader board which exceeds the 36 sq. ft. allowed. Also to replace the existing awning sign with a 43 sq. ft. sign instead of the 18 sq. ft. allowed.

Finding of Facts

Robert Marz, Chairman reviewed the application and site plan submitted.

Ron Donaldson appeared on behalf of this request.

Judd Meyer of Express Signs appeared on behalf of this request.

No other citizens appeared on behalf of this request.

Ron Donaldson stated the cabinet itself either needs to be repaired or replaced. The changeable copy sign is welded to the side of the pole sign and it is leaning.

Ron Donaldson stated that he would like to use the existing awning, but be able to use the same size lettering for the logo so it is visible from the road.

Ron Donaldson stated the existing pole sign sits back about 7' to 8' from all the other signs in the area and when you are driving North or South the sign is hard to see.

Ron Donaldson stated this is his 5<sup>th</sup> building he has renovated. He enjoys taking over buildings that are an eye sore to the community and renovating them. He has already spent 20,000 to renovate this building and bring it up to code. Ron feels that the signage needs to be replaced and there are some electrical issues that need to be corrected.

Judd Meyer of Express Signs stated that currently there is 74 sq. ft. of pole sign including the reader board. They are proposing 80 sq. ft. of pole sign including the reader board. Per the existing ordinance all that would be allowed is the existing pole sign. The McDonald's, Long

John Silver's and Kentucky Fried Chicken signage does not meet the current ordinance, but they are trying to be similar to the signage of the neighboring businesses.

Robert Marz stated that the current building and signage sits back farther off the road is this why the reader board stick's out farther from the current sign?

Ron Donaldson stated that this is the correct the reader board was welded onto the pole sign and was not done correctly.

Charles Deschaine asked if the current signage is non-conforming.

Jeff Nelson stated that the current sign met the old ordinance not the current sign ordinance.

Robert Marz asked the applicant if they measured the signs.

Judd Meyer of Express Signs stated that the current sign is a 4' x 8' and the reader board is 3' x 14' with a total of 74 sq. ft.

Ron Donaldson stated that they were asking for a total of 80 sq. ft. with the pole sign and the reader board.

Judd Meyer of Express Signs stated that he called the City of Walker and was told that the reader board color needs to be red, they would like to know is they can use amber?

Jeff Nelson stated that he does not review the sign permit applications this is done by Frank Wash the City Planner.

Jim Hickey asked if there were signs along Alpine Ave that were over 80 square feet.

Judd Meyer stated that KFC has 86 sq. ft. sign with their changeable reader board, Long John Silver's with their changeable reader board has 128 sq. ft., McDonald's has 504 sq. ft. with the top of the arch's, Payless Shoe Source has 128 sq. ft. and Taco Boy has 120 sq. ft.

Jim Hickey stated that the applicant needs to consider the frontage on those sites.

Judd Meyer of Express Signs stated that they did take into consideration the frontage of the businesses listed.

Robert Marz asked the applicant why they could not conform to the existing signage that is allowed for this site.

Judd Meyer stated that the signs would not be able to be seen when going North or South on Alpine because of the large signs from the neighboring businesses.

Robert Marz asked if they could comply with the existing signage.

Judd Meyer stated that they could.

Charles Deschaine stated the existing businesses that the applicant mentioned are not businesses that will be leaving this area. He is full support of the ordinance, but this area is surrounded with signs that are going to be in this area for a long time, there should be some consideration for new businesses so that they are not drowned out by the signage of the existing businesses around them.

Charles Deschaine asked if the color of the sign is going to be yellow.

Ron Donaldson stated this was correct.

Ron Donaldson stated that he is not trying to build an enormous sign he would like the sign to be reasonable for him and for the City of Walker. The 80 sq. ft. sign they are proposing is still smaller than the surrounding businesses.

Robert Marz stated that he understands what the applicant is asking for, but once they grant this variance they will be opening up the opportunity for other businesses to put up larger signs.

Ron Donaldson stated that when you drive North and South on Alpine his business sits farther back off the road than the surrounding businesses and it is harder to see his business.

Robert Marz stated that since his business sign is not in line with the other businesses there is some benefit to him for visibility.

Charles Deschaine stated that the applicant should at least be allowed to have the same size signs as his neighboring businesses.

Robert Marz stated that once the variance is granted we need to have some justification for why we are allowing this applicant to have a larger sign than what is

allowed by the ordinance so we don't have a flood of other applicants applying for the same thing.

Ron Donaldson explained that since the building sits so far off the road if they made the sign a little bit bigger so it would be easier to see the business.

Ron Donaldson stated that the new sign will look better than the existing sign.

Roger Crabtree stated that existing sign ordinance needed to be cleaned up by looking up and down Alpine Ave with all the different size signs. Roger was not sure what the Ordinance Committee was thinking on lowering square footage of signs allowed on Alpine.

Roger Crabtree explained that the Ordinance Committee shouldn't have made such drastic changes for new businesses coming into the Alpine area.

Jim Hickey stated that the reason the Ordinance Committee changed the sign ordinance so when a new business comes into the area the changes can be made at that time.

Robert Marz stated that this property has some unique circumstances. The building sits back off from Alpine Ave, the pylon sign sits back off from Alpine and the sign itself is already over the square footage that would be allowed with today's ordinance.

Robert Marz asked the applicant how many inches he was asking for.

Ron Donaldson replied that are asking for 6" on the top of the sign.

Motion

Roger Crabtree moved and Beth Rogers supported the motion to grant and replace the existing freestanding pole sign with a new 80 sq. ft. sign and reader board which exceeds the 36 sq. ft. allowed. Also to replace the existing awning sign with a 42 sq. ft. sign instead of the 18 sq. ft. allowed.

- a. There are exceptional and extraordinary circumstances applicable to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district this business has the smallest sign in that immediate area. We need it to be easier to see, to be a successful long term business in the community. We only want to redistribute the square footage.
- b. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district. Larger signs are located in the district. The request for a variance is to help make the signs more visible and to help the business be more successful.
- c. Authorization of the variance will not be of a substantial detriment to adjacent property and will not materially impair the intent and purpose of the ordinance or public interest in that approval of the request will not be a detriment to adjacent properties. By changing the sign it will look more professional and fit in better with the neighboring properties.
- d. The condition or the situation of the piece of property or the intended use of the property for which the variance is sought is not so general or recurrent a nature as to make reasonably practicable for the formulation of a general regulation. Existing sign in area larger than new ordinance allows.
- e. Does not apply.

Motion carried 4 to 3 with James Hickey, Robert Marz and Brian Boelens voting no.

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Motion

James Hickey moved and Sandi Howland supported the motion to grant the Zoning Board of Appeals minutes of November 12, 2009.

Motion carried unanimously.

Motion

Roger Crabtree moved and Brian Boelens supported the motion to adjourn the Zoning Board of Appeals at 9:14 p.m.

Motion carried unanimously.

Roger H. Crabtree  
ZBA Secretary