

MEETING

CITY OF WALKER

ZONING BOARD OF APPEALS

Wednesday, May 12, 2010

7:00 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; Brian Boelens; Randy Smith; Beth Rogers and James Hickey. Member absent: Charles Deschaine. Also present: Jeff Nelson, Building Official; and Tammy Freedman, Recording Secretary.

DECISION AND ORDER

Legal Description

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

The applicant's request is to add (2) additional 9 square foot awning signs and 150 square feet wall signs on existing building, with total signage on the Quality Express building to be 210 square feet.

Finding of Facts

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

No other citizens appeared on behalf of this request.

Robert Marz informed the applicant that there is one board member absent would he like to proceed with the hearing.

Ron Donaldson appeared on behalf of this request and wanted to proceed with the hearing.

Ron Donaldson showed some pictures of what the building looked like before he had made the cosmetic changes on the inside and outside of the building.

Ron Donaldson stated that he apologized for adding the additional signage without proper permits above what he was granted from the Zoning Board of Appeals on January 14, 2010. One

of the reason he added this signage was the previous tenant put some liquid nail on the wall and they were unable to remove it so he put the sign on the wall to cover up this cosmetic issue. Ron Donaldson noticed a substantial difference in sales from the first month of being in business to the second month after the signs were installed people were able to read what services they offered.

Beth Rogers asked if Mr. Donaldson felt this was a viable business since the numbers doubled from the first month to the second month.

Ron Donaldson stated that he is not sure how the business at this location will do.

Ron Donaldson stated that he does a lot charity work through his business for the local community.

Ron Donaldson stated he wants to be a different kind of car repair business then the other repair businesses in the community.

Robert Marz asked if the awning on the front of the building is the same as the original awning.

Ron Donaldson stated that this was the same awning, but he added same day service and free inspection to the awning.

Brian Boelens asked why the reader board had not been installed that was approved at the Zoning Board of Appeals meeting on January 14, 2010.

Ron Donaldson stated the reader board was back ordered and that it was being installed today.

Robert Marz asked what size is the reader board.

Jeff Nelson stated that the reader board is 2.5 sq. ft. x 8 ft for a total of 20 sq. ft .

Robert Marz asked if the applicant if the reader board will be enough to advertise what items they offer at this business.

Ron Donaldson stated he hoped the reader board would help, but he wasn't sure.

Jim Hickey stated that this applicant was already granted two times the amount of signage allowed per the ordinance at the Zoning Board of Appeals meeting on January 14, 2010 meeting.

Roger Crabtree stated that he agreed with Jim Hickey. Roger stated that he felt the applicant should be able to advertise what he offers at his business on the reader board. Roger Crabtree felt that one of the best marketing tools for the applicant is to have good service and good prices word of mouth will help his business be a success.

Jim Hickey asked Jeff Nelson why the applicant is back to the Zoning Board of Appeals since he was just at a meeting on January 14, 2010.

Jeff Nelson stated that when he went to the site to do a final inspection on the signs he noticed there was more signage on the building then what was approved at the Zoning Board of Appeals meeting on January 14, 2010. Jeff Nelson explained to Ron Donaldson that he either needed to remove the additional signs from the building and awning or apply for another variance. Jeff Nelson stated that he could add additional signage on the inside of the windows.

Roger Crabtree stated he felt having the menu of what type of services are offered at this business on the front of the window isn't going to help customers.

Beth Rogers explained that the signs hanging in the windows of businesses do not look very good.

Robert Marz stated that if this variance is granted it goes with the property.

Robert Marz stated that the applicant has enough signage on the building and with the reader board he should be able to get the message out to the public what kind of services he offers at his business.

Randy Smith asked what signage would need to be removed to have the signage that was approved on January 14, 2010, since he was not at the meeting.

Jeff Nelson stated that the signage on the wall, same day service and free inspections on the awning would need to be removed.

Ron Donaldson asked if the Zoning Board of Appeals asked him to remove the signage on the wall could keep the same day service and free inspections on the awning.

Robert Marz asked how many square feet the same day service and free inspection signage would be.

Jeff Nelson stated that it would be two 9 square foot signs on the awning with a total of 18 sq. ft.

Randy Smith asked if the Zoning Board of Appeals could put a time limit of 6 months to leave the signage on the building.

Jeff Nelson stated he felt the Zoning Board of Appeals has the authority to do that.

Ron Donaldson stated he would appreciate if the Zoning Board of Appeals could give him until labor day weekend to remove the additional signage.

Robert Marz stated that if the Zoning Board of Appeals gives the applicant 6 months to keep the additional signage on the building then the applicant would need to attend another Zoning Board of Appeals hearing to permanently keep the signage on the building.

Randy Smith asked Jeff Nelson how much time he would give the applicant to remove the additional signage if the variance is denied.

Jeff Nelson stated that he would give him at least 30 days to remove the additional signage.

Jeff Nelson stated that the reader board cannot scroll anymore than every 30 seconds.

Jeff Nelson stated that the applicant would be able to apply for a temporary sign permit. The new sign ordinance also allows for banners without a permit during certain holiday periods.

Motion

Jim Hickey moved and Brian Boelens supported the motion to table the applicant's request for 6 months to add (2) additional 9 square feet awning signs and 150 square feet wall sign on existing building, with total signage on the Quality Express building to be 210 square feet.

- 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.

- 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.

- 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

- 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.

- e. Does not apply.

Motion carried uniamously.

DECISION AND ORDER

Legal Description

Property located at 2500 Turner also known on the tax rolls as 41-13-12-129-006. Hearing requested by Richard Baylie.

The applicant's request is to hold outdoor concerts in conjunction with the temporary outdoor events allowed in commercial districts.

Finding of Facts

Robert Marz informed the applicant that they are short one board member would they like to proceed with the hearing

Rich Baylie stated they would like to proceed.

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

Robert Marz read the comment submitted by Frank Wash, City Planning Director.

Robert Marz read the comment submitted by Scott Connors City Engineer.

Robert Marz read the memorandum submitted by Phil McCormack, Chief Fire Inspector.

Robert Marz read the letter submitted by Pam Whitehead.

Robert Marz read the letter submitted by Marla Schoenborn.

Rich Baylie Executive Director of the Delta Plex stated they are trying to adapt to market conditions and compete in the marketplace in the months they extremely slow. The majority of the events are from May through September they have lost money because people do not want to be indoors during the summer months they would prefer to be outside. The Delta Plex is feeling the struggles of the economy. There is new competition in the marketplace and they are trying to compete with the outdoor events in the area. They are not looking to have events outside for 90 days. They are looking to have live entertainment on selected events and their indoor arena racing track they would like to have a championship race in August. They are only looking for approval of 5 to 8 events. It is hard for him to predict the scheduled events because he

could receive a phone call from a talent agency in 4 weeks from today asking to use their facility he needs to be ready to say the facility is available.

Rich Baylie stated they are trying to be creative on the ways they can bring people to the arena. A few of the events they would like to pursue would be a quarter midget racing championship. They will be taking the race track they have in the arena and put it outside in the East part of their parking lot and draw national, regional and local quarter midget drivers to run a championship race on a Friday or Saturday night. They will not be running loud music or motorized vehicles after 10:00 p.m. They are primarily looking at doing these events on Friday and Saturday from June through September. Another idea is to take the B-93 Rib Jam and expand it with national music and a national headliner to attract to the festival a larger group of people. They would like to make this festival larger by having 2 stages in the parking lot instead of one.

Stan Sacha, Assistant General Manager of the Delta Plex showed on a site plan where the outdoor events would be held. Stan Sacha showed on the site plan that they would enclose the perimeter of where the outdoor concerts would be held with a snow fence and he explained the only way people would be allowed and in and out of the event would be through an access point which will be separate from the main entrance. The north driveway will be used for vendors or staff to the facility. Stan explained they would keep the outdoor concerts on the East side of the property closest to the industrial properties so not to disturb the residential property on the West side of their property.

Jeff Nelson stated that in their current zoning district all activities be in an enclosed building. There is an exception in the zoning ordinance which allows for some special events to be outside for a period of 30 days. The special events do not include the following: flea markets, livestock shows, motorized vehicle racing or concerts. The application did not mention motorized vehicle racing in his application he only included outdoor concerts. The notices for this hearing were sent to the property owners within 300' of this property for outdoor concerts only. The notices will need to be re-sent because people may not object to the outdoor concerts, but object to the motorized vehicle racing. Each item they would like to do at their facility would need to be included on the notices.

Rich Baylie stated the narrative he supplied with the application did mention the motorized vehicles and did explain the event.

Jeff Nelson stated that since he did have it in the narrative we can send out new notices if it was not in the narrative the City of Walker would ask for a new Zoning Board of Appeals Application.

Rich Baylie stated that both events are important to them and the racing event will require a lot of event coordinating.

Roger Crabtree stated that since the ordinance does not allow the outdoor concert or the motorized vehicles he would like to table this hearing and what until we have a full board and handle both events at one time.

Jim Hickey stated he would like the police to give a report on how the crowd and traffic will be controlled. He would like the Fire department to give a report on how they will access the building. Jim Hickey stated he would like a report from Frank Wash and Scott Connors on how the parking could be handled.

Jeff Nelson asked for a copy of the site plan that Stan Sacha showed the Zoning Board Members.

Rich Baylie stated that the outdoor event capacity will be less than what they are allowed to have inside the building. The parking is sufficient and they have access to parking lots that are owned by their sister company on Turner Ave for overflow parking. They have not had the City of Walker police department managing their traffic within the last 2 years because they can maintain the traffic.

Robert Marz stated that he felt the Zoning Board of Appeals members were not comfortable with hearing the concerts separate from the motorized vehicles event.

Robert Marz stated that the Delta Plex should do a little public relations with the residential houses within their area.

Motion

Roger Crabtree moved and Brian Boelens supported the motion to table the applicant's request is to hold outdoor concerts in conjunction with the temporary outdoor events allowed in commercial districts.

- 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.

- 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.

- 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

- 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.

- e. Does not apply.

Motion carried unanimously

MOTION

ZBA – 5-12-2010

Brian Boelens moved and Roger Crabtree supported a motion to approve the minutes from April 14, 2010.

Roger Crabtree moved and Jim Hickey supported a motion to adjourn the Zoning Board of Appeals meeting at 8:15 p.m.

Roger Crabtree
Zoning Board of Appeals Secretary

Tammy Freedman
Recording Secretary