

**CITY OF LAPEER
MINUTES OF A REGULAR
ZONING BOARD OF APPEALS MEETING
AUGUST 28, 2017**

A regular meeting of the City of Lapeer Zoning Board of Appeals was held in the Commission Chambers of Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan on Monday, August 28, 2017 at 7:00 p.m.

Members Present: Chairman Joe Black, Vice Chairman Bernard Jocuns, Mr. A. Wayne Bennett, Mr. Paul Parsch, Mr. Jeff Hogan and Ms. Alyssa Walker.

Members Absent: Mr. Wes Butterfield.

Also Present: Mr. Scott Kree, Rowe Professional Services Company Planning Consultant.

Chairman Black called the meeting to order at 7:00 p.m.

MINUTES

It was moved by Mr. Hogan and supported by Mr. Jocuns to approve the minutes of the meeting held on April 24, 2017 as presented. **MOTION CARRIED.**

PUBLIC COMMENTS

There were no public comments

PUBLIC HEARING SCHEDULED

Odish Odish, Inc. – Sunoco – 715 S. Main – Window Signage

Mr. Kree reviewed the request from Odish Odish, Inc. for a variance to the window signage requirements of Section 7.17.05, Table 7.17.3 in order to allow window signage to occupy 99% of the existing windows at the Sunoco gas station located at 715 S. Main Street. Mr. Kree reviewed the site location and photos of the existing window signage which covers 99% of the windows stating the signage is transparent from inside the building, that the owners were unaware of the requirements for window coverage when the signage was installed and that the owners have been cited by the Building Department for the violation. Mr. Kree stated the building has a total of 12 windows which are completely covered with the exception of a two inch bottom border and reviewed the requirements of Section 7.17 which permits a maximum allowance of 25% for window coverage by signage. Mr. Kree reported the Building Department considers all building windows when calculating the 25% maximum, reviewed the available conditions and standards required to be met in order to approve the variance and stated the building has no wall signage and the canopy blocks the view of the building.

Discussion was held regarding the purpose of the windows to provide safety, view of activity on the site and design aesthetics, the 12 total windows consisting of 3 on the north side and 9 on the west side of the building, whether it is necessary to fill every window, that there is no existing wall signage and the fact the existing non-conforming pole sign on the site cannot be altered.

Chairman Black opened the public hearing at 7:13 p.m.

Mr. Yousif Odish was present and stated he and his family own 3 Sunoco stations in the City, that you can see thru the signage from inside the building, that he is unable to put additional signage on the pole sign, that Buscemis pizza company is a franchise operation, that no prices are included on the signage, that the windows are not that big and he has not received any complaints. Mr. Odish stated that at night approximately 90% of the inside is visible from the outside, that he has a contractual agreement with Buscemis to have signage, that he did not apply to the City for permits prior to the signage installation, that there is similar signage in other communities and that the signage does not change.

Discussion was held regarding the interior LED window lighting which was installed prior to the signage, the lack of indication of what is required by Buscemis for signage, the applicant being unaware of the 25% maximum coverage requirement, whether the applicant has considered any alternative signage ideas and the possibility of reducing the number of windows covered.

There being no further comments, the public hearing was closed at 7:23 p.m.

Discussion was held regarding the fact the request does not meet the standards required to grant the variance, other ways to advertise the franchise operation, the request's huge deviation from the ordinance restrictions, wall signage options for the site, the fact the Buscemis logo is only included on two of the windows, the compliance option of covering 3 of the 12 windows, efforts by the City to reduce the amount of window signage on commercial buildings and the fact the request does not affect the status of the non-conforming pole sign on the site.

After discussion, it was moved by Mr. Parsch and supported by Mr. Jocuns to deny the request from Odish Odish, Inc. for a variance to allow 99% window coverage for the Sunoco gas station located at 715 S. Main Street due to the inability to meet all five standards.

- The following standards have not been met and is reason for the denial of the variance:
 - Standard #4 The applicant has not demonstrated the need to cover four times the amount of window permitted for signage. A lesser variance might be more appropriate as all 12 of the windows, except for a 2" strip at the bottom of some windows, is covered with signage; and
 - Standard #5 There are concerns that blocking the transparency of the windows from the exterior with signage could pose public safety issues.

MOTION CARRIED.

Downtown Development Authority (DDA) – 143 S. Main – Monument Sign Size Variances

Mr. Kree reviewed the request from the City of Lapeer Downtown Development Authority (DDA) for variances to the sign height and size requirements of Section 7.17.05, Table 7.17.3 in order to modify the existing monument sign located at 143 S. Main Street. Mr. Kree reviewed the site location, photos of the existing sign and stated the current

electronic message board no longer functions and that the existing City of Lapeer logo section and planter structure are not included in the signage calculations. Mr. Kree provided aerial photos of the area prior to and after the M-24 reconstruction project, photos of the new fence installed by MDOT blocking the street level view of the existing sign and the design of the proposed 8 foot high sign with a 3 foot high base.

Mr. Kree reviewed the available conditions and standards required to be met in order to grant the variance and concluded that:

- A variance is being asked because of obstructions that have taken place on adjacent properties outside of the City's jurisdiction;
- Granting the variances for height and square footage will allow the sign to be visible;
- The variance will allow the dysfunctional message board sign, to be useful again and bring it into compliancy in that respect;
- Being that this is the DDA sign and multiple businesses and events within the DDA are advertised on it, this could be compared to a Business Center Sign; for which a height variance would not have been needed (16 feet allowed) and would require a lesser square footage variance (128 S.F. permitted) per Section 7.17.05 Table 7.17.3 in comparison;
- The sign is conforming to the existing monument structure and is not changing location; and
- A large part of the sign increase is louvers for venting and not actual signage.

Discussion was held regarding the aluminum louvers on the sign, the fact the sign will be programmed remotely, restrictions on digital signs from flashing or including animation, the existing sign base and planter and previous signage on the site.

Chairman Black opened the public hearing at 7:52 p.m.

Mr. Dan Osentoski, DDA board member, was present and stated the sign promotes downtown to 30,000 cars per day, that the new sign will be nicer and more visible, that the messages will change daily and the new sign will be a benefit to the City and the downtown. Mr. Osentoski also stated the DDA intends to charge for advertising time on the sign.

There being no further comments, the public hearing was closed at 7:53 p.m.

Discussion was held on the practical difficulties present to support the request. After discussion, it was moved by Mr. Bennett and supported by Mr. Hogan to approve the request from the City of Lapeer Downtown Development Authority for a variance of 3-foot to the permitted height of a monument sign per Section 7.17.05, Table 7.17.3 and to approve a variance of 48 square feet (24 square feet per side) to the permitted monument sign square footage requirements per Section 7.17.05, Table 7.17.3 in order to permit an 11 foot high, 160 square foot monument sign at 143 S. Main Street. The sign variance approval is based upon:

- The condition stated in Section 7.22.04(f)(1) as the applicant has demonstrated that variances are needed due to practical difficulties of improvements made by MDOT; and

- The following standards:
 - Standard #1 has been met due to practical difficulties with the existing sign being obstructed by improvements in the right-of-way which is outside the jurisdiction of the property owner or City.
 - Standard #2 has been met due to the unique condition of the site and existing layout. The sign location has no other location options on site. The sign is in need of repair and now visibility.
 - Standard #3 the base of the sign is wide (3'-6") as it is assumed this regulation was put in the sign ordinance to stop applicants from producing pole signs and claiming the pole (usually under 12" wide) was a base. The variance would continue to uphold the spirit and equality of the ordinance as a base is still present in the design.
 - Standard #4 the minimum variance is being proposed as the sign is larger than the previous sign. The base size is not changing nor is the location. The variance would provide substantial justice to the sign owner.
 - Standard #5 is met due to the fact that the sign is protecting the public health and safety and the location was previously approved, 15 years ago, by MDOT and the City. No changes to clear vision zones or a location closer to the existing right-of-way is being proposed which supports the need for the variances.

MOTION CARRIED.

ADJOURNMENT

There being no further business, it was moved by Mr. Bennett to adjourn the meeting at 7:55 p.m. **MEETING ADJOURNED.**

Mr. Joe Black
Chairman