

MANISTEE CITY ZONING BOARD OF APPEALS

70 Maple Street, P.O. Box 358

Manistee, MI 49660

MEETING MINUTES

March 20, 2003

A meeting of the Manistee City Zoning Board of Appeals was held on Thursday, March 20, 2003 at 5:30 p.m. in the City Council Chambers of City Hall, 70 Maple Street, Manistee, Michigan.

MEMBERS PRESENT: Ray Fortier, John Perschbacher and Mark Wittlief

MEMBERS ABSENT: Ed Grabowski and Marlene McBride

ALTERNATES PRESENT: Tom Bramble and William Kracht

OTHERS PRESENT: Tom Amor Sr. (Amor Sign Studio), Tom Amor Jr. (Amor Sign Studio), Larry Bielski (Super 8), Roger Anderson (Representative - Super 8), John Hansen (Michigan State Police), Cindy Scott, Phil Celestino, Mr. & Mrs. John Ball, Denise Blakeslee, Jon Rose (Community Development Director) and Mark Niesen (Building and Zoning)

The meeting was called to order at 5:30 p.m. by Chair John Perschbacher.

PUBLIC HEARING:

John Perschbacher informed the Zoning Board of Appeals and the people in attendance that the meeting had two public hearing scheduled. A request from Carriage Inn and Little Riverside Bar BQ. The request from the Little Riverside Bar BQ has been removed from the agenda. Jon Rose explained that review by the City Attorney determined that the request was actually a Use Variance. The Zoning Board of Appeals cannot act on Use Variances. The applicant will be refunded the fee.

Carriage Inn, 200 Arthur Street

The Carriage Inn is updating the signage on their property. The large sign located on the south property line is allowed under a Special Use Permit and does not figure into the calculation of total signage allowed. They have installed a new face on the south sign and a new awning. They will be updating the sign near the restaurant entrance and will meet the requirements of the ordinance. The proposed sign located on the north end of the property will require three variances.

The variances are as follows:

1. Variance to allow a second free standing sign on their property (sign located on north property line).

2. Variance to reduce the set-back from 10 feet to 2 feet for the sign located on north property line.
3. Variance to increase the height limitation of the north sign from 7 feet to 17 feet.

Tom Amor Sr., Amor Sign Studio passed out information supporting the proposed signage. The Carriage Inn has approximately 1,500 feet of frontage on U.S. 31 with three curves. Ray Fortier asked how the frontage effected the signage. Mr. Rose explained that the sign ordinance only allows one freestanding sign per parcel, the ordinance does not have any language allowing extra freestanding signs if the parcel has over a specific amount of frontage.

Sgt. Hansen, Michigan State Police, 212 Arthur Street expressed the concerns that the State Police have regarding the proposed signage. The State Police Post is the property owner to the north of the Carriage Inn Sign and they have reviewed the request and feel that the sign could block the vision of troopers responding to an emergency. They felt it could also block motorists view of police vehicles responding to emergencies. The State Police are against the granting the request for safety purposes. A letter had been sent to the Zoning Board of Appeals from Brain Postma, First Lieutenant, Commanding Officer of the Manistee State Police Post (attached).

Ray Fortier asked why the sign has to be a groundmount sign? Tom Amor Sr. said that they want to have color recognition with the new signage but that, if necessary, the skirting could be eliminated.

Roger Anderson, Representative for Robert Horvat owner of the Super 8 Motel, 220 Arthur Street felt the variance would be inappropriate. They currently have one additional sign that would not be allowed under the current ordinance. Mr. Anderson is also the City Attorney for Ludington and said that most requests that come before the Zoning Board of Appeals should be denied because they are unable to meet the requirements of the findings of fact. Mr. Anderson felt that by having to come into compliance with the ordinance no undue hardship could be proven, he asked that the board deny the request.

Tom Amor Sr. stated that the Carriage Inn would experience a hardship by losing a sign that has been there for 30 years. Ray Fortier asked if the sign could remain as is if nothing were done. Mr. Rose read section 1416. Nonconforming Signs out loud. Under section 1416 the sign would need to be removed because the sign was altered by removing the top of the sign.

Larry Bielski, Super 8 is also opposed to the sign. Mr. Bielski felt that safety should come before hardship. Mr. Bielski also noted that the sign gives people the impression that the lobby is located by the driveway where the sign is. The lobby is actually located further south and people will then pull back out on U.S. 31 to drive down to the lobby entrance. Tom Amor Sr. said that the new sign would address the confusion created by the current sign by indicating that the lobby entrance is further ahead.

John Perschbacher asked Jon Rose if there was any other way to allow a second sign. Mr. Rose said that an application could be made for a Zoning Amendment to change the ordinance. Mr. Perschbacher asked if by granting the variance they would be setting a precedence. Mr. Rose said that by granting a variance they would need to prove under the finding of facts that there were special and unique circumstances to allow the signage.

Ray Fortier asked if they could leave the sign as it is. Mr. Rose said that by removing the top portion of the sign they have altered the sign and it now would have to be removed if a variance were not granted.

There being no further discussion the public hearing closed at 6:40 p.m.

BUSINESS SESSION:

Minutes

MOTION by Ray Fortier, supported by Tom Bramble that the minutes from the January 9, 2003 Zoning Board of Appeals Meeting be approved.

MOTION PASSED UNANIMOUSLY

Carriage Inn, 200 Arthur Street - Variance to allow a second free standing sign.

A Public Hearing was held earlier in response to a request from Carriage in to allow a second free standing sign.

Chairman Perschbacher went through each of the Findings of Fact and polled the members for their votes. The poll was as follows:

Findings of Fact:

1. Do special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same Land Use District?
0 - Yes
5 - No (Bramble, Fortier, Kracht, Perschbacher, Wittlief)
2. Would the literal interpretation of the provisions of this Ordinance deprive the applicant of rights commonly enjoyed by other properties in the same Land Use District under the terms of this Ordinance?
0 - Yes
5 - No (Bramble, Fortier, Kracht, Perschbacher, Wittlief)
3. The special conditions and/or circumstances are NOT the result of actions taken by the applicant or the previous property owner since adoption of the current Ordinance?
5 - Yes (Bramble, Fortier, Kracht, Perschbacher, Wittlief)
0 - No
4. Would granting of the variance be in harmony with the general purpose and intent of the Ordinance and would NOT be injurious to the neighborhood, or otherwise detrimental to the public welfare?
0 - Yes
5 - No (Bramble, Fortier, Kracht, Perschbacher, Wittlief)

NOTE: IN ORDER TO COMPLY WITH STANDARDS AS ESTABLISHED IN MICHIGAN COURTS AND THE REQUIREMENTS OF THE ORDINANCE, ALL OF THE ABOVE ITEMS MUST BE ANSWERED 'YES', OTHERWISE NO VARIANCE CAN BE ISSUED.

5. Do the reasons set forth in the application justify the variance and is the requested variance the minimum variance that will make possible the reasonable use of the land, building or structure?
0 - Yes
5 - No (Bramble, Fortier, Kracht, Perschbacher, Wittlief)
6. Does the requested variance include the allowance for a use which is not permitted in the Land Use District in question? [If Yes, the variance CANNOT be granted]
0 - Yes
5 - No (Bramble, Fortier, Kracht, Perschbacher, Wittlief)

MOTION by Bill Kracht, seconded by Mark Wittlief that the request from Carriage Inn, 200 Arthur Street allowing a second free standing sign be denied because the requirements of the finding of facts could not be met. Motion passed with voting as follows:

5 - Yes (Bramble, Fortier, Kracht, Perschbacher, Wittlief)
0 - No

REQUEST DENIED

With the denial of the request allowing a second freestanding sign the other variance requests are not applicable.

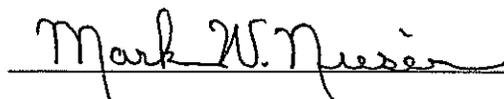
OTHER BUSINESS:

None

ADJOURNMENT:

There being no further business meeting motion by Ray Fortier, seconded by Bill Kracht that the meeting be adjourned. Meeting adjourned at 6:24 p.m.

Respectfully Submitted



Mark W. Niesen, Recording Secretary



ANNUNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF STATE POLICE
MANISTEE POST



COL. TADARIAL J. STURDIVANT
DIRECTOR

March 11, 2003

City of Manistee
Zoning Board of Appeals
C/O Mr. Mark W. Niesen
70 Maple Street
P.O. Box 358
Manistee, Michigan 49660

Dear Zoning Board Members:

I am writing to express concerns that I have reference the Carriage Inn's request for a sign variance at the north end of their property line. The property and sign location, are immediately adjacent to the Michigan State Police Post. Granting the requested variance would pose a threat to the safety of motorists, cyclists, and post personnel.

The post is located on US-31 between two substantial curves in the roadway, which already limits visibility. The sign location is approximately 75 feet from the driveway of the State Police Post. Construction of the proposed sign would create a wall, which would further limit visibility. In fact, cyclists using the sidewalk would not be visible until they almost reached the sign.

Troopers responding to an emergency are exempt from the requirement to come to a stop upon leaving a private drive. This barrier would reduce their ability to respond to emergencies in a more timely fashion. Additionally, motorists would panic when they come around the sign and are confronted by an emergency vehicle with lights and siren activated.

The proposed sign and variance would clearly increase the likelihood of traffic crashes in this and adjacent locations. As governmental entities we must do whatever we can to ensure the safety of citizens and visitors to our area. Therefore, it is my recommendation and request that this variance should be denied.

I will be returning from out of town on March 20, 2003, but will make every attempt to attend this hearing. If you have any questions please feel free to contact me.

Sincerely,

BRIAN J. POSTMA, FIRST LIEUTENANT
Commanding Officer
Manistee State Police Post

