

CITY OF IONIA
Sign Board of Appeals/Zoning Board of Appeals
April 26, 2011
Meeting Minutes

CALL TO ORDER The meeting was called to order by Chairperson Mike Kirgis at 12:09 PM.

ROLL CALL Roll call revealed Board Members Jim Denny, Joe Dunn, Mark Jennings, Mike Kirgis and Jeff Winters present.

Also in attendance was City Manager Jason Eppler and Mike Longley, Quality Dining.

APPROVAL OF AGENDA Chairperson Kirgis reviewed the agenda with the Board. After review, it was moved by Member Denny, seconded by Member Winters to approve the agenda for the April 26, 2011 meeting as presented. MOTION CARRIED.

SELECT OFFICERS The City Manager reported that the Sign Board of Appeals/Zoning Board of Appeals By-Laws and Rules of Procedure requires that the Board, at the first meeting of the calendar year, select officers who shall serve until the first meeting of the following calendar year. Current officers are eligible for re-election.

It was moved by Member Winters, seconded by Member Jennings to select the following as officers for 2011:

Chairperson	Mike Kirgis
Vice-Chairperson	Jim Denny
Secretary	Joe Dunn

MOTION CARRIED.

APPROVAL OF MINUTES Chairperson Kirgis reviewed the minutes of the December 14, 2010 meeting with the Board. After review it was moved by Member Winters, seconded by Member Denny, to approve the minutes of the December 14, 2010 meeting as presented. MOTION CARRIED.

PUBLIC HEARING Chairperson Kirgis called to order the Public Hearing to receive comments on the request from Bravogrand, Inc., (Burger King) for variances from Chapter 1234 of the City Code regarding the relocation of an advertising sign (pole sign) from 120 South Dexter Street to 243 South Dexter Street. The existing sign is non-

conforming and does not comply with the address number, size and height requirements contained in Chapter 1234.

The City Manager reported that notice of the Public Hearing was published in the April 10, 2011 edition of the *Sentinel-Standard Weekender*. He further stated that notice of the Public Hearing was mailed to those residing or owning property within 300' of 243 South Dexter Street. He stated that he has received no comments on the request.

The City Manager further stated that Quality Dining must obtain variances from the following sign ordinance provisions in order to relocate the sign at the existing Burger King at 120 South Dexter Street to the location of the proposed new Burger King at 243 South Dexter Street:

- A variance from Section 1234.14(c)(1) of the City Code for permission to install a pole sign without address numbers. Bravogrand is proposing the relocation of the sign which does not have address numbers. Section 1234.14(c)(1) states that all freestanding signs (including pole signs) are required to post the address number either on the sign or on the pole facing the public right-of-way.
- A variance from Section 1234.14(c)(2) of the City Code for permission to install a pole sign with a sign face larger than permitted. Bravogrand is proposing the relocation of the sign which has a total face area of 208 square feet per side. Section 1234.14(c)(2) states that the sign face of a pole sign shall not exceed 48 square feet per side in the B-3 zoning district, when standard setback requirements are met.
- A variance from Section 1234.14(c)(2)D of the City Code for permission to install a pole sign which exceeds the maximum height permitted. Bravogrand is proposing the relocation of the sign which has a total height of 50 feet. Section 1234.14(c)(2)D states that the height of a pole sign shall not exceed 25 feet in the B-3 zoning district.

Chairperson Kirgis called for comments. Hearing no comments, Chairperson Kirgis closed the Public Hearing.

PUBLIC COMMENTS

None.

BUSINESS

Request for Variances – Bravogrand (Quality Dining): Chairperson Kirgis introduced Quality Dining representative Mike Longley. Mr. Longley stated that Quality Dining recently received site plan approval from the City's Planning Commission to construct a new Burger King at 243 South Dexter Street on a portion of the property formerly occupied by Ionia Ford. He stated that the current location at 120 South Dexter Street is leased and efforts to renew the lease have been unsuccessful. Mr. Longley explained that Quality Dining desires to relocate the pole sign at the existing Burger King to the new site. He explained that the sign exceeds both the size and height requirements of the sign ordinance but feels it is necessary to continue to use the sign considering brand identification, safety considering the traffic volume along Dexter Street and market share. He shared with the Board that in both Taylor and Belleville Michigan smaller signs were installed at new sites which resulted in a reduction of business activity at both locations.

Chairperson Kirgis shared with the Board the comments offered by the City's Planning Consultant, Tim Johnson, regarding the request. Mr. Longley stated that he reviewed Mr. Johnson's comments prior to the meeting and did not see how Quality Dining could address the concerns that Mr. Johnson expressed. Considering Mr. Johnson's comments, Mr. Longley presented a revised pole sign plan for the new Burger King site which revises the variance request as follows:

- Address numbers will be placed on the new pole sign. Mr. Longley stated that this was an oversight on the part of Quality Dining.
- Total sign size will be reduced from 208 square feet to 106.3 square feet.
- Total height of the size will be reduced from 50 feet to 35 feet.

Mr. Longley stated that in working with Burger King corporate, they have designed a new pole sign that is smaller and shorter yet will address their brand identification needs and safety concerns. He stated that Quality Dining is willing to spend the additional \$20,000 on a new sign assuming that the Board is supportive of their revisions.

The City Manager discussed with the Board the topography of the proposed new site compared to properties to the north and south of this site. He also reviewed with the Board the lane configuration

changes that will be made as part of the Dexter Street reconstruction project (at this location – two north bound lanes, one south bound lane and one left turn lane). He also reviewed with the Board the current ordinance standards for pole signs in the B-3 zoning district.

Chairperson Kirigis introduced discussion regarding the revised Quality Dining proposal.

After discussion, it was moved by Member Winters, seconded by Member Dunn to approve the variance requests submitted by Bravogrand Inc., (Quality Dining) as revised per the drawings dated April 5, 2011 permitting a pole sign measuring 35 feet in height and 106.3 square feet in size with address numbers to be installed at 243 South Dexter Street based on the request complying with the following standards for variance approval contained in Chapter 1234 of the City Code:

Standard: The Board must find that practical difficulties exist for each of the variances requested and that other alternatives which would comply with the ordinance do not exist.

Finding: The applicant has stated that based on prior experience a significant revenue reduction may be realized if a smaller sign is installed and that Dexter Street (M-66) is unique based on traffic volumes compared to what is experienced by commercial land uses in downtown Ionia or along M-21.

Standard: The fact that other larger signs constructed under prior sign ordinances exist in the area shall not be sufficient reason to declare a practical difficulty or unnecessary hardship.

Finding: The applicant currently has the largest sign along Dexter Street and has agreed to install a smaller sign at their new location.

Standard: The practical difficulty or hardship is not self-created.

Finding: The request is not self-created. The applicant has attempted to renew their lease at their current location without success (which would have permitted the existing larger sign to continue to be used to advertise the business).

Standard: The fact that the sign is only available in a standardized size and/or material shall not constitute a practical difficulty or hardship.

Finding: The applicant's revised proposal is not a standardized sign. It was custom designed by the applicant in conjunction with corporate officials in order to more closely resemble the City's current sign standards.

Standard: The practical difficulty or hardship which is alleged to result from a failure to grant the variance must include substantially more than mere inconvenience or the mere inability to attain a higher financial return.

Finding: Since the applicant currently utilizes a sign larger than what is proposed at the new location, financial return is not the basis of the request but, rather, safety and convenience for the public.

Standard: It must be demonstrated by the applicant that granting the variance will result in substantial justice being done, while consideration is given to the impacts on the public health, safety and welfare.

Finding: The approval of the request will promote safety considering the larger sign will give advance notice to the motoring public considering the planned changes to the configuration of the lanes along Dexter Street.

Standard: The granting of the variance shall not impose a negative impact on the rights of others.

Finding: Based on the location of the site, the new sign will not impact the advertising or land use rights of other businesses/property owners in close proximity to the site.

MOTION CARRIED.

MEMBER COMMENTS

None

ADJOURNMENT

Upon a motion by Member Denny, seconded by Member Jennings, the Sign Board of Appeals meeting was adjourned at 12:50 PM.
MOTION CARRIED.

Respectfully Submitted,

Jason Eppler, Recording Secretary
for Joe Dunn, Secretary