

WHITEWATER TOWNSHIP ZONING BOARD OF APPEALS
MEETING MINUTES OF July 25, 2013

Call to Order by Chair Bowen at 7:00 p.m.

Roll Call: Lake, Lyons, Halstead, Bowen, Benak

Absent: None

Also in attendance: Recording Secretary-MacLean, acting Zoning Administrator-Popp and 3 in audience.

Public Comment (For items not on the agenda) None

Approval of Minutes of 3/19/2013 Regular Meeting. Motion to approve by Lyons, seconded by Lake.
All in favor. Motion carried.

Business Session

Notices were sent out and posted.

- 1) Open Public Hearing at 7:03 on Appeal #A13-004, of applicant: Glenn and Renee Savage, Renee's House of Quilting, parcel #28-13- 003-010-20, C01 COPUD, requesting a variance from Article 30.17 (A)(s), more specifically the 15' set back requirement from the nearest existing right of way.

Zoning Administrator Presentation: Popp: Notices posted and mailed to near properties for a request for a Variance of Article 30.17 A-2, sign set back.

Background information. Other signs in the area are at or in the setback designated areas.

Review of satellite image of that particular section of M72. Property boundary discussion showing property lines extending to the center-line of the road. Road easements / road right-of-ways are still there just not shown on the map. State claims the 33' easement by matter of right. Renee's House of Quilting's sign is one of few that are in compliance with the 15' setback from the easement. Most are sitting right at the property boundary line with no setback.

Recommend the variance with modifications.

Findings of Fact:

Application completed and filed. Not contrary to public interest. No adverse affect to the property or in the vicinity. Other parcels have similar signs with similar locations.

Will do substantial justice to the applicant but the decision shall not bestow property special development rights not enjoyed by other properties in the same district, or which might result in substantial adverse impacts on properties in the vicinity which may endanger the public health, safety or welfare. Granting the variance may improve traffic safety and flow by minimizing involuntary and reactionary vehicle braking and turning.

Additional requirements: Applicant must release, via affidavit, Whitewater Township from all claims and damages now and future, if any, resulting from signs located in or near road right-of-ways or easements of any kind.

Petitioner Presentation: Glenn and Renee Savage: Renee Savage requesting to move the sign forward. The sign is now on the downside of a hill and cannot be seen until you are right on top of the drive-way. The new sign has the Mariner's Compass. People tell them that they cannot see the sign. Will keep the raised bed around the base of the sign. Will do ground lighting to shine up onto the sign. Would like to go two feet higher than it is right now. We want to make sure this is all done properly, following the rules.

Benak: Pole signs can be 20' high. Renee: Safety issue noted that a single pole sign would be dangerous and inappropriate due to the high velocity winds.

Mr. C's has offered to move the large rock for better visibility for Renee's House of Quilting.

Popp: In section 30.17 there is nothing stating any maximum heights for a "non pole" sign. Free standing sign definition as of 7/25/2013.

Benak recommends the PC looks at the sign ordinance – it is on the PC future topics list.

Popp: No height definition is listed.

Correspondence : None

Report on site visit:

Bowen: It is very difficult to see the current sign and the topography does make it difficult. The rock is in the way. Acknowledge that there is an issue with visibility.

Lake: Break pedal reaction can cause a lot of problems at the lane merge. Cannot see it.

Halstead: Cannot see the sign. The lane change/merge right there is a problem.

Lake: Recommended the sign placement at the point of their initial opening and sign.

Benak: Visibility not good coming from the east it is more visible coming from the west.

Benak: If the state ever comes through or sidewalk goes through everyone will just have to move the signs. Grant the variance because it is similar to what is already happening in the area.

Lyons: The Savages have taken the proper steps to do it correctly.

Public Comment:

In favor: Vaughn Harshfield, 4404 Broomhead Rd., is in favor of the appeal.

In opposition: None

Any Comment on this Appeal: None

Close Public Hearing: 7:50 p.m.

Discussion: Bowen: There are a lot of good arguments on both sides of this issue. I can see the visibility as a point, it is a conundrum in looking at the other "sign issues" in the area.

Benak: This is not something they have created, it is in the interest of safety for people on the highway. Looking for clarification of the height rule: from the raised bed area or the land?

Renee: Keep the sign up and the ground down for better visibility.

Popp: As stated in the ordinance "Minimal earth change is desirable".

Bowen: The sign height is not truly described in the ordinance. Are we creating an issue by allowing them to have 12' instead of 10'?

Popp: This will be discussed with the Planning Commission. There is nothing stating a height limit so they really do not need to ask us for the additional 2'. Nothing in the ordinance to provide the authority to not approve (or even have them have to request). Thoughts for the PC: Does additional elevation allow people to see under? Does additional height make them more visible? The width of the lot is what makes the signs visible or not.

Bowen: Will the additional 2 feet cause a blockage of the Mr. C's sign? (No)

Benak: Glenn says they do not plan to move the sign right to the edge of the 15'.

Findings of Fact:

Not contrary to public interest.

No adverse affect to the property or in the vicinity.

Other parcels have similar signs with similar locations.

Will do substantial justice to the applicant but the decision shall not bestow property special development rights not enjoyed by other properties in the same district, or which might result in substantial adverse impacts on properties in the vicinity which may endanger the public health, safety or welfare.

Granting the variance may improve traffic safety and flow by minimizing involuntary and reactionary vehicle braking and turning.

Additional requirements: Applicant must release, via affidavit, Whitewater Township from all claims and damages now and future, if any, resulting from signs located in or near road right-of-ways or easements of any kind.

Conclusion: Grant the request.

Reasons for Conclusion: Based on the findings of fact, customary use and health, safety and welfare are not in jeopardy.

Decision: Grant the request with condition that the sign will not extend toward the road further than the current locations of the EPI sign and the Mr. C's sign.

Motion by Lake to grant a variance based on the findings of fact, with condition that the sign will be placed 12" north from an imaginary line as drawn from the leading edge of the EPI sign and the Mr. C's sign as of this date, and parallel to M72 right of way, seconded by Lyons (EPI of 8951 E M72, parcel 28-13-004-001-10, owned by James Brunackey; Mr's C's of 9009 E M72, parcel 28-13-003-010-13, owned by Windy Weather Holdings, LLC). Roll call: Lake – yes; Lyons – yes; Halstead – yes, Benak – yes; Bowen - yes. All in favor. Motion carried.

Adjournment at 8:19 pm.

Respectfully Submitted by Recording Secretary MacLean