
PITTSFIELD TOWNSHIP ZONING BOARD OF APPEALS MINUTES

Members Present Ann Harris, Tanya Padgett, George Cook, Gerald Krone, Scott Fisher

Members Absent: None

Others Present: Rob Hicok, Belinda Kingsley, Zoning & Code Enforcement Administrator, and Lisa Smerek, Recording Clerk

1.0 Call Meeting to Order/Determination of a Quorum

Chairperson Fisher called the meeting to order at 6:30 p.m. A quorum was present.

2.0 Approval of Agenda

Motion by Member Krone, supported by Member Cook, to approve the agenda as recommended

MOTION CARRIED

3.0 Communications and Announcements

None

4.0 Items from the Floor

None

5.0 Public Hearings

5.1 ZBA 17-03 Party City Sign
[Submitted for a variance]
(2677 Oak Valley Drive, Section 06)

Belinda Kingsley, Zoning & Code Enforcement Administrator, stated the applicant is requesting a variance to exceed the square footage permitted for a sign.

The square footage of the Party City sign equals 190 s.f. The Zoning Ordinance permits one wall sign, and the square footage permitted is 1 s.f. of signage, per linear foot of building frontage, with a maximum of 100 s.f. permitted.

The site which is zoned Form Based, and is located at 2677 Oak Valley Drive, in the Oak Valley Centre. This space was previously occupied by MC Sports, next to Chuck E Cheese. The applicant is requesting a variance to exceed the square footage permitted for a sign.

This retail location is permitted one wall sign, a blade sign and window signs covering up to 25% of the window space.

The maximum permitted wall signage for Party City is one wall sign with a maximum size of 100 s.f., based on their frontage of 176', in a Form-Based zone. They are requesting a 190 s.f. sign, and contend that due to the location of their business they will not have enough visibility with a sign that is in compliance with the Ordinance. However, there have been sign permits issued to four successful neighboring businesses in the same shopping center since the zoning changed to Form-Based that are in compliance with the Ordinance, and there have not been any requests for larger signs due to visibility issues.

Party City's request of 190 s.f. of signage exceeds even what they would have been permitted under the prior C-2 zoning by 90 s.f.

Ms. Kinsley stated the berms in front of the Party City location are being removed and the ground leveled, and therefore, the signage should be more visible once that is finished.

In accordance with Section 17.04.C, prior to granting a variance the Zoning Board of Appeals shall make findings that the following requirements have been met by the applicant for the variance:

1. *That strict compliance with the restrictions governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity with such regulations unnecessarily burdensome.*

By denying the variance request the applicant would receive the same signage allowance as any other business located in a Form-Based zoning district.

2. *That the granting of a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property and be more consistent with justice to other property owners.*

The applicant is able to receive a sign up to 100 s.f. There have been four new sign permits issued to successful neighboring businesses in the shopping center since the zoning changed to Form-Based. As new businesses locate there they will be permitted the same sign allowance as the applicant. If this applicant is granted a variance, each new business located or locating there can potentially request a variance for the same additional sign allowance, and the desired change with respect to smaller signs will not be accomplished.

3. *That the plight of the applicant is due to unique circumstances of the property and not to general conditions in the area.*

The perceived plight of the applicant is due to the zoning change in 2014, which changed the size of the signs permitted in Form Based zoning districts. The sign allowance available to this applicant is the same as all other businesses located within a Form-Based zoning district in Pittsfield Charter Township.

There is nothing unique to this property or the general conditions in the area.

4. *That the plight or problem is not self-created.*
The sign regulations are a result of the zoning change from C-2 to Form-Based that changed the amount of signage permitted in a desire to reduce the visual clutter by reducing the number and size of signs in this district.
5. *That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.*

There are signs in the same shopping center that are non-conforming as a result of the zoning change. They will be brought into compliance as businesses either update their signage or as new businesses locate in spaces vacated by current tenants.

6. *That the variance observes the spirit of the Ordinance, secures public safety, and does substantial justice.*

A variance granted would not observe the spirit of the Ordinance, and the desire to reduce the size of signs in Form Based zoning districts.

D. Nicholson, Party City Representative, stated they do not feel their sign will be visible. The applicant did revise their proposed sign and removed the tag line. This reduces the size of the wall sign from 190 sq ft to 145 sq ft.

Rob Hicok, Blair Sign Company, stated the reason the applicant desires the larger sign is because they feel from the main road, and even in the shopping center, their sign is not very visible. However, after inspecting the site, he isn't sure that a sign twice as big would help the viability problem at all.

Motion by Member Harris, supported by Member Padgett, to close the public hearing.

MOTION CARRIED

6.0 Old Business

None

7.0 New Business

- 7.1 ZBA 17-03 Party City Sign**
[Submitted for a variance]
(2677 Oak Valley Drive, Section 06)

Member Harris stated the Zoning Board of Appeals needs to stand by the Ordinance and remain consistent. A variance granted would not observe the spirit of the Ordinance.

Member Cook stated he agrees with Member Harris.

Member Padgett stated this plight is similar to the Pet Smart Sign variance request.

Member Krone agreed with Member Harris and Member Cook.

Member Fisher read the findings for ZBA 17-03 Party City Sign:

1. That strict compliance with the restrictions governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity with such regulations unnecessarily burdensome.

Member Cook disagreed with the finding.
Member Harris disagreed with the finding.
Member Padgett disagreed with the finding.
Member Krone disagreed with the finding.
Member Fisher disagreed with the finding.

2. That the granting of a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property and be more consistent with justice to other property owners.

Member Harris disagreed with the finding.
Member Padgett disagreed with the finding.
Member Krone disagreed with the finding.
Member Fisher disagreed with the finding.
Member Cook disagreed with the finding.

3. That the plight of the applicant is due to unique circumstances of the property and not to general conditions in the area.

Member Padgett disagreed with the finding.
Member Krone disagreed with the finding.
Member Fisher disagreed with the finding.
Member Cook disagreed with the finding.
Member Harris disagreed with the finding.

4. That the plight or problem is not self-created.

Member Krone disagreed with the finding.
Member Fisher disagreed with the finding.
Member Cook disagreed with the finding.
Member Harris disagreed with the finding.
Member Padgett disagreed with the finding.

5. That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts, shall be considered grounds for the issuance of a variance.

Member Fisher disagreed with the finding.
Member Cook disagreed with the finding.
Member Harris disagreed with the finding.

Member Padgett disagreed with the finding.
Member Krone disagreed with the finding.

6. That the variance observes the spirit of the Ordinance, secures public safety, and does substantial justice.

Member Cook disagreed with the finding.
Member Padgett disagreed with the finding.
Member Krone disagreed with the finding.
Member Harris disagreed with the finding.
Member Cook disagreed with the finding.

Motion by Member Cook, supported by Member Krone, to deny petition ZBA 17-03 Party City Sign on the finding that the variance request does not meet the required standards for a variance as set forth in Section 17.04 of the Zoning Ordinance.

ROLL CALL

YES: COOK, HARRIS, PADGETT, KRONE, FISHER
NO: None
ABSENT: None
ABSTAIN: None

MOTION CARRIED

8.0 Zoning Administrator's Report

Ms. Kingsley informed the Members of the Township's decision to use laptops for the Zoning Board of Appeals meetings in the near future. She stated instead of a paper packet being delivered to each Member, they will receive them electronically and a laptop will be provided at the meetings for viewing the packet information.

9.0 Member's Report

None

10.0 Secretary's Report

None

11.0 Chairperson's Report

Discussion occurred regarding the Form Base signage. The Versa Pittsfield sign package was referenced.

12.0 Approval of Prior Minutes

12.1 Minutes of March 27, 2017

Motion by Member Krone, supported by Member Cook, to approve the March 27, 2017 minutes.

MOTION CARRIED

13.0 Adjournment

Chairperson Fisher adjourned the meeting at 6:53 p.m.

s/Tanya Padgett, Secretary

June 26, 2017