

**CITY OF WILLIAMSTON
ZONING BOARD OF APPEALS
JANUARY 12, 2010
REGULAR MEETING MINUTES**

1. Call To Order:

The meeting was called to order at 7:00 p.m. in the City Hall Council Chambers by Chair Brooke Locke and the Pledge of Allegiance was recited.

3. Roll Call:

Chairman Brooke Locke, Board Members Eric Genske, Jane Reagan, Rachel Olson, and Jeff Markstrom. Absent: Robert DeGarmo.

Also Present:

City Clerk Holly Thompson, City Attorney Timothy Perrone, Planning & Development Administrator Zeb Acuff, and Centurion Medical Supply Representative Kelley Kuehne.

4. Audience Participation:

Chairman Locke called for public comment at this time and there was none.

5. Approval of Agenda:

Add 9a. Effectiveness of Getting Meeting Packets Earlier.

Motion by **Reagan**, second by **Genske**, to approve the agenda as amended.

Motion passed by voice vote.

6. Zoning Board of Appeals Regular Minutes of October 13, 2009:

Motion by **Reagan**, second by **Genske**, to approve the October 13, 2009 minutes as presented. Yes: Locke, Markstrom, Reagan, Genske, Olson. No: None.

Motion passed.

7. Public Hearing- Variance for Ground Sign Location- 100 Centurion Way- Centurion Medical Products

7a. Chair Opens Public Hearing:

Chair Locke opened the public hearing at 7:05 p.m.

7b. Chair States the Purpose of Hearing and Rules of Procedure:

Chairman Locke stated the purpose and rules of procedure for the public hearing.

7c. Presentation by Staff Summarizing the Item:

Planner Acuff presented a written report and stated his findings for the request for variance in the applicant's favor.

7d. Questions from Board to Staff:

Member Reagan questioned the new size of the sign.

Planner Acuff answered that it is going to be 5 feet 8 inches high from the base and 12 feet long.

Chairman Locke questioned the seven criteria and their consistency with what has been done before.

Planner Acuff answered that the criteria are suggestions and can be altered by the board.

Member Markstrom questioned if there could be other businesses built next door to Centurion in the future.

Planner Acuff answered that hypothetically there could be.

Member Olson made suggestions to the wording of the seven criteria.

7e. Presentation by Applicant:

Kelley Kuehne commented that the intention of Centurion when they purchased the large lot was to be able to make it into a campus type atmosphere.

7f. Questions from Board to Applicant:

Member Markstrom asked if they are planning to put in a second sign.

Kelley Kuehne answered that they are putting signs in different locations.

7g. Testimony from Public

1. **Presentation of Written Comments:** No written comments were received.
2. **Presentation of Oral Comments:** None.

7h. Concluding Comments from Applicant:

None.

7i. Concluding Comments from Staff:

Attorney Perrone stated that he has provided three resolutions for the board's consideration. Option one is granting the variance, option two is granting the variance with conditions, and option 3 is denying the variance. He added that the language is optional and can be amended by the board.

7j. Concluding Questions or Comments from Board:

None.

7k. Close Public Hearing:

Chairman Locke closed the public hearing at 7:35 p.m.

8a. Adoption of 2010 Meeting Dates & Times:

Motion by **Reagan**, second by **Genske**, to approve the 2010 meeting dates and times as presented. **Motion passed by voice vote.**

8b. Variance Request for Ground Sign Location- 100 Centurion Way:

Motion by **Genske**, second by **Reagan**, to adopt resolution option two, granting the variance with conditions as amended and changed by the Zoning Board of Appeals and recorded by the City Attorney. Yes: Reagan, Locke, Olson, Markstrom, Genske. No: None. **Motion passed.**

**RESOLUTION
GRANTING VARIANCE WITH CONDITIONS**

BE IT RESOLVED that the Williamston Board of Zoning Appeals hereby finds, with respect to the request for a 25 foot variance from the side lot line setback requirement for a sign in the I-1 Industrial District, requested by Centurion Medical Products, Petitioner/Property Owner, of 301 Catrell Dr., P.O. Box 170, Howell, Michigan 48843, from the Zoning Ordinance of the City of Williamston, being Ordinance No. 256, Article 18, Section 18.4.5.1, Signs, for the property located at 100 Centurion Way, Williamston, Michigan, Tax ID No. 33-18-07-01-300-020, as follows:

1. That special conditions and circumstances exist which are peculiar to the land or building involved, such that the side lot line setback variance for the sign is necessary to allow the proper designation of the business use visible to the public, considering the topographical site raising safety concerns which exceeds 37 acres in size, the building is set back significantly from the road, and there is a wide separation existing between the edge of Progress Court and the side lot line of the property.
2. That the side lot line setback variance for a sign is unique to this specific lot due to its size and location, the current building location, the location of required light poles and landscaping, and the topographical slope which would make the sign appear larger if set back as required.
3. The special conditions and circumstances supporting the variance, being the location of the side lot line and the edge of Progress Court, the existence of required light poles, and landscaping, and the topographic features of the site do not result from the actions of the applicant.
4. That the literal interpretation of the Zoning Ordinance would deprive Petitioner of rights commonly enjoyed by other properties in the same district, because other signs are readily visible, and because requiring the 50-foot setback would make the driveway to the site harder to identify.

5. That the sign setback variance will not be injurious to the neighborhood, or otherwise detrimental to the general welfare, because there are no other developed properties in the vicinity, and compliance with the 50-foot setback requirement could require drivers to divert their attention far from the road to read the sign raising public safety concerns.
6. That the sign setback variance is the minimum variance that will make possible the reasonable use of the land and building in the placement of a sign sufficient to identify the business and entrance drive in a manner that is visible to the public considering the topographical slope of the site.
7. That the spirit, purpose and intent of the Zoning Ordinance will be observed, and the public safety secured, because the requested sign setback variance would not negatively affect surrounding properties, but rather would allow the reasonable identification of the site and entrance drive through signage visible to the public, without blocking vision along Progress Court.

BE IT FURTHER RESOLVED, that based in the aforementioned findings of practical difficulties, the variance requested by Petitioner is hereby granted to permit the construction of a sign so that the sign may be located 25 feet from the side lot line on the west side.

BE IT FURTHER RESOLVED, that the variance granted to Petitioner shall be subject to strict compliance with the following conditions:

1. The variance must be used within one (1) year from this date.

8c. Election of Vice Chair:

Motion by **Reagan**, second by **Markstrom**, to appoint Eric Genske as Vice Chair. Yes: Genske, Reagan, Locke, Olson, Markstrom. No: None. **Motion passed.**

9. Discussion Items

9a. Effectiveness of Getting Packets Earlier:

Chairman Locke questioned the board if they are okay with getting the packets when they do.

The board stated that they are receiving the packets early enough. They asked if they could be notified that they are going to have a meeting earlier though.

Clerk Thompson stated that she would forward the notice that is sent to the Enterprise when she receives it.

11. Audience Participation:

Chairman Locke asked for public comment at this time and there was none.

12. Member Comments:

Member Olson questioned if Steve Shaw or William Schall might be interested in serving on the board.

Chairman Locke stated that the Council meeting had a very productive discussion regarding the Zoning Ordinance and the second reading is scheduled for January 25th.

13. Adjournment:

Motion by **Genske**, second by **Reagan**, to adjourn. **Motion passed by voice vote.**

Meeting Adjourned at 8:31 p.m.

***THE PRECEDING MINUTES ARE A SYNOPSIS OF A ZONING BOARD OF APPEALS MEETING AND DO NOT REPRESENT A VERBATIM RECORD.**

Respectfully Submitted by: _____
Holly M. Thompson, City Clerk

Date Approved: _____