

Chair
Gail Watkins
Vice-Chair
Jim McClelland
Secretary
Mark Simon
Members
Roger Lerg
Rex Ferguson
Justin Padgett, Alternate

CLINTON COUNTY
ZONING BOARD OF APPEALS

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Joel Haviland

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ZONING BOARD OF APPEALS SPECIAL MEETING MINUTES

**Tuesday, September 3, 2019 @ 6:00 p.m.
Clinton County Commissioners Chambers**

1. Call to Order and Roll Call –

The Clinton County Zoning Board of Appeals met on Tuesday, September 3, 2019 at 6:00 p.m. in the Clinton County Commissioners' chambers, Clinton County Courthouse, St. Johns, Michigan, with Acting Chair McClelland presiding. A quorum was reported.

Members present - Jim McClelland/Acting Chair/Vice-Chair, Mark Simon/Secretary, Rex Ferguson, Roger Lerg, Justin Padgett/Alternate

Member absent – Gail Watkins/Chair

Staff present – Doug Riley, Community Development Director, Wendy Ward, Planning & Zoning Secretary, Dan Hufnagel, Building Inspector, Community Development Department

Visitors present – Mallory McClelland, Bruce DeLong, Tyler DeLong, Lee Thelen

2. Pledge of Allegiance

The pledge of allegiance was given to the flag of the United States of America.

3. Approval of Agenda –

ZONING BOARD OF APPEALS ACTION/MOTION

Motion by Lerg, support by Secretary Simon to approve the September 3, 2019 ZBA agenda, as presented. There being no further discussion, motion carried unanimously [Vote of 5-0, all in favor, none opposed].

4. Approval of Zoning Board of Appeals Meeting Minutes – August 20, 2019

ZONING BOARD OF APPEALS ACTION/MOTION

Motion by Ferguson, support by Lerg to approve the August 20, 2019 ZBA meeting minutes, as presented. There being no further discussion, motion carried unanimously [Vote of 5-0, all in favor, none opposed].

5. Communications -

There were no communications presented.

6. Public Comments -

There were no public comments presented.

7. Old Business –

There was no old business presented.

8. New Business

**A. ZC-12-19 VR – Application for a Variance
(Public Hearing)**

An application for a variance has been submitted by Bruce DeLong, Michigan Graphics & Signs, on behalf of Beck’s Propane and Marine. Applicant is requesting variance approval for a new sign to be placed on property located at 7607 N. US-27, Parcel ID #19-090-008-100-090-00, Section 8, Greenbush Township. Applicant is requesting two (2) variances to Sections 1012 and 1006 to allow a 16’ tall sign where 8’ tall is the Ordinance standard (8’ height variance) and the sign would be setback 0’ from the highway right-of-way where a 15’ setback is the Ordinance standard (15’ setback variance).

Doug Riley, Community Development Director, provided a brief review of the staff report. There have been variances on this property in the past. Page 2 shows existence of the yellow ‘Legend’ double faced billboard sign on the north side of the parcel. MDOT did provide comments on this sign (see below in agency comments).

Local Agency comments –

Greenbush Township – The Greenbush Township Board submitted correspondence dated August 26, 2019 indicating that they are in agreement with the setback and the height of the new sign for the special use permit but they cannot support two local signs on the parcel because it violates the County ordinance and until Beck’s clears up the billboard issue with the State of Michigan, they do not fully support this variance.

Michigan Department of Transportation (MDOT – Permit Agent/Transportation Technician)

MDOT Highway Advertising Specialist submitted correspondence dated August 27, 2019 indicating that the sign on the far north of the property (the yellow Legends sign) has one state permit (although it currently advertises on premises). Beck’s could use one side of the sign now for on-premises advertising. Should they want to use the other side of the sign for off-premises advertising, they would need to purchase an interim permit from an existing permit holder and use that interim permit to apply for a permit for the second face. This is the process that needs to happen because the state has not been issuing new permits since 2007. If they want to erect the new graphic’s sign and the digital portion will contain off-premises advertising, they would need to go through the same process (as mentioned above) and each sign of the sign would require a state permit so they would need to purchase two interim permits. If they are just going to use the new graphic’s sign for on-premises advertising, they would just need to go through Planning, Zoning & Building.

NOTE: Therefore, since the existing yellow ‘Legends’ sign is currently considered “on-premise” advertising, this constitutes the one ground/pole sign permitted per parcel under County zoning. The permitting for the new (proposed sign) cannot be completed until the existing yellow Legends sign no longer contains on-premise advertising and receives appropriate permitting by MDOT (if remaining two sided).

The other option for the property owner would be for this sign to be removed (so it does not count as their one allowed on-premise advertising sign).

MDOT Permit Agent submitted correspondence date August 21, 2019 indicating that the entire (new) sign would need to be located outside of the MDOT right-of-way. It would not be able to hang into the MDOT right-of-way.

Clinton County Road Commission (CCRC) – The CCRC submitted correspondence dated August 26, 2019 indicating that since they have no jurisdiction over US-27, they will defer to MDOT for this variance.

Clinton County Drain Commissioner (CCDC) – The CCDC submitted correspondence dated August 26 2019 indicating that the Ferdon County Drain runs across the parcel but is well south of the proposed sign location. Since this issue will not affect the drain, he doesn't have any objection to the requested variance. However, one thing came to mind that the ZBA might think about. Would having the digital message center sign immediately adjacent to the MDOT right-of-way line be a greater distraction to drivers than having it set back further?

Mid-Michigan District Health Department (MMDHD) – The MMDHD submitted correspondence dated August 19, 2019 indicating that there does not appear to be any adverse impacts to on-site water and sewage disposal with the proposed variance for the sign. Therefore, they have no opposition to the proposed variance.

If the ZBA is inclined to approve the variances, Director Riley recommends two (2) conditions of approval (listed on page 7 of 8 of the staff report and read them aloud for the record.

All property owners within 300' of said property were noticed as well as the standard noticing in the paper and no comments were received.

The proposed sign is under the maximum 60 square foot standing sign allowed on a property. The Legends sign either has to be removed or converted back to a billboard sign.

Bruce DeLong, Michigan Graphics & Sign, applicant, on behalf of Beck & Fisher Investments, LLC, was present and approached the board. No part of the sign (including underground) will be in the right-of-way. The customer knows what needs to be addressed and they are communicating with the state on the Legends sign. Mr. DeLong can't proceed until the MDOT issue is handled and the ZBA approves this. Director Riley will not approve any permits until the MDOT paperwork is turned in. MDOT will not allow any changes on the existing sign.

The new sign will be a digital message center; similar to Liquid Agro, Bee's Sports, etc., and is 2-sided. Without the setback, it would mess up their traffic flow (it would be right in the parking lot).

Acting Chair McClelland opened the floor for public comment -

Lee Thelen, Greenbush Township Supervisor, approached the Board. He has a concern that Beck's will not get a state permit. Beck's knows what the rules are. He is skeptical that they will follow the rules. He questioned if this is the kind of image we want for the County. One sign is regulated through the County zoning ordinance; the other sign is through the state/MDOT.

ZONING BOARD OF APPEALS MOTION/ACTION

Motion by Ferguson to approve the two (2) requested variances to Article 10 (Signs) on the property located at 7607 N. US27, Parcel ID#090-008-100-090-00, Section 8 Greenbush Township, based upon the following reasoning and subject to the following conditions –

Reasoning:

1. The proposal satisfies the seven (7) basic conditions as set forth in Section 1506A of the Zoning Ordinance. We allowed Jim's Amish sign down the road.
2. The proposal satisfies at least one of the special conditions as set forth in Section 1506B of the Zoning Ordinance; specifically special condition #1. Special condition #1 is applicable; the height allows being able to see over the top and the parking lot placement is accepted.

Potential Conditions:

1. The permitting for the new (proposed) sign shall not be completed through the Community Development Department until the existing yellow Legends sign on the property no longer contains on-premise advertising and receives appropriate permitting by MDOT (if remaining two sided). Written verification of compliance of this sign as a billboard containing off-premise advertising from MDOT shall be required prior to County sign permit issuance for the new sign.

The other option is for this sign to be removed prior to permitting for the new sign proposed as part of this variance application.

2. As indicated by MDOT, no portion of the new sign may encroach into the highway right-of-way and shall not contain off-premise advertising; (without appropriate approval from MDOT).

Support by Secretary Simon based on the same rationale.

Director Riley wanted to clarify that MDOT approval is imperative here. No permits will be issued through our office until we receive MDOT approval or the Legends sign is removed.

There being no further discussion, motion carried [Vote of 5-0, all in favor, none opposed].

9. Other Business-

There was no other business.

10. Community Development Report-

Director Riley provided a brief report -

- The September 17th regularly scheduled ZBA meeting has been canceled due to this special meeting.
- Update on the Lawless variance, Case ZC-11-19 VR, that was denied last month, August 20th ZBA meeting. Joel Haviland, Building Official, is currently working with the applicant; he has two (2) options. He went out to the property last Tuesday and met with applicant. Applicant has to 'beef' this up to get up to standard. He will tear the old building down in the back, with a demo permit. The lien-to will be for personal use and the long building will be for the semi-trucks. He will move towards conformity and have less square footage so to eliminate the need to come back before the ZBA.
- As of today's date, we have one agenda item up for review at the October 15th ZBA meeting.

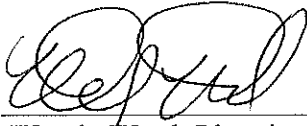
- Vice-Chair McClelland said his goodbyes and thank you to the ZBA members and staff as this is his last meeting. A reminder to attend his recognition at the upcoming September 24th County Commissioners meeting at 9:00 a.m.

11. Adjournment –

ZONING BOARD OF APPEALS MOTION/ACTION

Motion by Lerg, support by Ferguson to adjourn the September 3rd special meeting. There being no further discussion, motion carried unanimously [Vote of 5-0, all in favor, none opposed].

With no further business to come before the Zoning Board of Appeals, Acting Chair McClelland declared the meeting adjourned at 7:00 p.m.



Wendy Ward, Planning & Zoning Secretary

NOTE: The September 3, 2019 special meeting minutes were approved, as presented, at the October 15, 2019 Zoning Board of Appeals meeting.