

**VILLAGE OF PAW PAW
ZONING BOARD OF APPEALS**

July 7, 2014

PRESENT: Chairperson Pioch, Barb Carpenter, Marcos Flores, John Hunt

ABSENT: None

ALSO PRESENT: Rebecca Harvey, Village Planning Consultant and one (1) member of the public.

CALL TO ORDER

Chairperson Pioch called the meeting to order at 7:00 p.m.

APPROVAL OF AGENDA

The agenda was reviewed and approved as presented.

APPROVAL OF MINUTES

The next matter to come before the Board was consideration of the proposed minutes of the May 5, 2014 Zoning Board of Appeals meeting. Ms. Carpenter moved to approve the minutes as presented. Mr. Flores seconded the motion. The motion carried unanimously.

PUBLIC COMMENTS REGARDING NON-AGENDA ITEMS

No public comment on non-agenda items was offered.

VARIANCE REQUEST – Walko

The next matter to come before the Board was the request of Ashley Walko for Variance Approval from the 30 ft front setback requirement for the proposed construction of a single family dwelling on a vacant lot. The subject property is located at 306 Maple Street and is within the “R-1” Residential District.

It was noted that the applicant was not present. The Board determined to return to the Walko Variance Request after consideration of the next agenda item.

VARIANCE REQUEST – Amores Restorante

The next matter to come before the Board was the request of Franco Lafranca of Amores Restorante and Sports Bar for variance approval from the sign requirements applicable to the B-2 District established by Section 42-443, Zoning Ordinance. The subject property is located at 117 West Michigan and is within the B-2 General Business District.

Franco Lafranca was present on behalf of the application. He confirmed his proposal to remove the existing wall signs on the east and north sides of the building and the existing freestanding sign on the northeast corner of the site. Mr. Lafranca stated that the existing signage is not visible to roadway or pedestrian traffic.

In response to Board questions, Mr. Lafranca confirmed that the proposed 'projecting sign' will be centrally located on the north building wall . . . between the restaurant space and the sports bar.

No further public comment was offered on the matter.

General Board discussion ensued wherein the surrounding zoning, land use patterns, and site layouts were reviewed. It was noted that the subject site is located in close proximity (and adjacent in part) to the Central Business District (CBD). It was further noted that the sign standards for the B-2 District and the CBD are quite different in that they are designed to apply to different kinds of commercial site development.

Referencing the graphic of the proposed projecting sign, it was noted that the sign slightly exceeds the size and height standards for projecting signs set forth in the proposed Downtown Overlay District . . . but is less than the signage permitted within the B-2 District. It was also noted that the digital element of the proposed sign will be subject to compliance with Section 42-433 which limits the changing of the message to not more than once every 12 seconds.

The Board then proceeded with a review of the variance criteria set forth in Section 42-66, noting the following findings:

1. The B-2 sign standards recognize a general 'suburban-type' pattern of development and uses freestanding signage as a primary identification/advertising option. However, the compact development pattern on the site (characteristic of commercial downtowns) limits the

ability to take advantage of the sign options permitted in the B-2 District. Further, the B-2 District sign standards do not respond to the signage needs present in a compact development pattern.

2. The building and driveway locations on the site limit the ability to establish a visible freestanding sign in compliance with setback standards, as well as the ability for wall signage to be visible and effective . . . unlike other commercial properties with suburban-type layouts in the B-2 District.
3. The proposed projecting sign is consistent with signage established on several properties within the nearby CBD . . . and with the sign standards set forth in the proposed Downtown Overlay District; the proposed projecting sign is well within the sign size, height and quantity standards of the B-2 District; the proposed projecting sign responds to the limitations of the subject site; the proposal will result in the removal of nonconforming signage . . . and, will result in signage less than that permitted in the adjacent B-2 District.
4. The sign limitations experienced on the site and the situation of the property is not typical for most B-2 zoned property within the Village.

General Board discussion continued regarding the existing sign standards set forth in the B-2 District and their application to surrounding B-2 zoned properties. It was reiterated that the subject site does not have a development pattern typical of commercial property within the B-2 District and that visibility limitations clearly exist for conforming signage on the site.

In continued review of the sign proposal, it was determined that the existing wall sign located on the north side of the building is a conforming sign and does not need to be removed. It was noted that the sign is visible to lake users and may serve a purpose.

Mr. Flores then moved to grant variance approval from the sign standards applicable within the B-2 District so as to permit the proposed 39 sq ft projecting sign, as represented on the sign graphic attached to the application, to be centrally located on the north wall of the building and conditioned upon the removal of the existing freestanding sign serving the site and the banner located on the east wall of the building. The variance is granted based upon the findings of the Board on the variance criteria set forth in Section 42-66, Zoning Ordinance. Ms. Carpenter seconded the motion. The motion carried unanimously.

In response to questions, Ms. Harvey advised the applicant that a sign permit would be required for the new projecting sign. She further noted that the two (2) existing signs proposed for removal should be removed in conjunction with the erection of the new sign.

VARIANCE REQUEST – Walko

The Board then returned to consideration of the Walko variance request.

Chairperson Pioch explained that she resides within 300 ft of the subject property and therefore, as defined by the Michigan Zoning Enabling Act, has a conflict of interest regarding the subject request. She stated that she would be abstaining from the Board's consideration of the request.

(Chairperson Pioch exited the meeting)

Ms. Carpenter agreed to serve as Acting Chairperson. She noted that the applicant was still not present.

No public comment was offered on the matter.

The Board expressed continued concern that the applicant was not present to substantiate the reasons for the request or to respond to questions. It was noted that the matter had been scheduled for considered on May 5, 2014 and again on June 2, 2014 but that the absence of the applicant had served to postpone action. Ms. Harvey advised that the applicant had been re-contacted regarding the meeting date and the request for attendance.

Mr. Flores then moved to deny the requested variance based upon the inability of the Board to conclude on the variance criteria set forth in Section 42-66, Zoning Ordinance given outstanding questions and the absence of the applicant. Ms. Carpenter seconded the motion. The motion carried unanimously.

(Chairperson Pioch re-entered the meeting.)

UNFINISHED BUSINESS

No Unfinished Business was scheduled for Board consideration.

NEW BUSINESS

No New Business was scheduled for Board consideration.

MEMBER COMMENTS

No member comments were offered.

VILLAGE MANAGER/PLANNING CONSULTANT COMMENTS

No staff comments were offered.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 8:01 p.m.