

Village of Paw Paw
Zoning Board of Appeals
October 1, 2018
114 N. Gremps Street, 7:00pm

Present: Chairperson Julie Pioch, Barb Carpenter, Terry Davis, Marcos Flores, Mary Lou Hartwell,

Absent: None

Also Present: Village Manager Sarah Moyer-Cale, Wayne Wilhelmi (Alternate), Harold Schuitmaker, Steve Vandersloot, and 1 other member of the public.

CALL TO ORDER: The meeting was called to order at 7:00 pm by Chairperson Pioch.

APPROVAL OF THE AGENDA: The agenda was approved as presented.

APPROVAL OF MINUTES: Motion by Carpenter, supported by Flores to approve the minutes of the regular meeting of August 7, 2017. All members present voting yes. The motion carried.

PUBLIC COMMENT: No public comment was received.

PUBLIC HEARING:

Variance request from internal illumination standards in the Downtown Overlay District for 118 N. Kalamazoo Street by Steve VanderSloot on behalf of OMNI Community Credit Union.

Steve Vandersloot spoke on behalf of the application. He stated that OMNI purchased the property of the former Old National Bank. He stated that signage is important in the commercial banking industry and that there are several banks in Paw Paw and none of them do not have internal illumination. The building in question was constructed in the 60s or 70s and was renovated in the 80s. The property has always been and likely will always be used as a bank. It has a drive through with 3-4 service lanes, as well as an ATM drive. He stated he believes this should be considered a gateway property, noting that it is not a historic building and is not consistent with other buildings in the Downtown Overlay District.

Vandersloot further stated that OMNI wants to be visually competitive as would any other financial institution and that having an externally-illuminated sign would be an "oddity". Previous banks at this location have all had internally-illuminated signs. He stated that external illumination would be a hardship because a bank cannot be successful without the proposed signage. Vandersloot further indicated that internal illumination would create the less light pollution and illuminate a lesser amount of sign surface area than external illumination.

No other public comment was received at the meeting.

Moyer-Cale reported that no public comment had been received at the Village office about this application.

Chairperson Pioch closed the public hearing to allow the ZBA to discuss the application. The Board proceeded with a review of the variance criteria set forth in Section 42-66. **The following findings were noted:**

1. That there are no exceptional or extraordinary circumstances or conditions applying to the subject property that do not apply to other properties in the district. Further, the Board found that the nature of the use of the site as a 'bank' did not qualify as an exceptional circumstance of the property. It was noted that the subject site is situated such that it may be considered to function as a 'gateway property' to the downtown area, however, it has not been identified as a 'gateway property' by Sec 42-259 and so is not afforded the options for modification afforded by said section.
2. External illumination of signage on the site does not prevent "reasonable use" of the property.
3. In consideration of substantial justice to other properties in the vicinity or in the same district, it was noted that the subject site is located opposite a similarly situated 'gateway lot' that is currently subject to the same lighting standard.
4. In considering the impact on adjacent property, it was determined that although the subject property is not provided frontage on Michigan Ave, it is still recognized as part of the 'downtown core' and the standards should be applied consistently within the district to result in similar form/design within that 'core'.
5. A variance would not be consistent with the intent of the ordinance because it would both alter the visual impact of the downtown core as well as remove the possibility of eventual conformity within the district with existing nonconforming signage.
6. The condition of the property is of a general nature and is not distinct other than its geographical situation.

Motion by Flores, supported by Pioch to deny the requested variance from the sign illumination standard set forth in Sec 42-259 B.1.d. based upon the findings of the Board on the variance criteria set forth in Section 42-66, Zoning Ordinance. It was noted that the request suggests there may be support for the Planning Commission to reconsider modifying the sign standards of the DOD District as they apply to 'gateway properties'.

Voting Yes: Flores, Pioch, Davis

Voting No: Hartwell, Carpenter.

Motion Carried. **Variance Denied.**

ONGOING BUSINESS: No Ongoing 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.

Meeting Adjourned at 8:20 pm.

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