

**WATERVLiet CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
MEETING AND HEARING MINUTES  
SEPTEMBER 20, 2017**

Site Address: 7250 Red Arrow Hwy.

Property #: 11-21-0028-0008-05-0

Variance requested by Pamela Teeters-McNew

Request: The hearing was called at the request of Pamela Teeters for her property located at 7250 Red Arrow Hwy., Watervliet, MI. 49098. There exists on the property a sign that is approximately 120 square feet. Zoning Ordinance No. 77, Article VII, Sec. 7.05 "Signs In All Other Districts," para. A (2) reads in relevant part: "One or more on-site signs, the total of all such signs not exceeding a total area of one (1) square foot for each ten (10) square feet of wall surface area facing the front lot line, provided, no one sign shall exceed fifty (50) square feet in area. Advertising signs in parking lots shall be included in the computed sign area." Ms. Teeters is requesting a variance of 70 square feet in order to retain the current square footage of the sign.

Present: Carl Spessard, Robert Wallace, Al Bodfish

Also Present: Jessica Fette, Dan French, Diana Householder

Chairman Spessard called the meeting to order at 2:00 p.m.

Roll Call was taken.

At this point the Chairman asked for a motion to close out of the meeting and enter into the scheduled public hearing. A. Bodfish made a motion to close the meeting and enter into the public hearing. R. Wallace seconded and the motion carried unanimously. The public hearing was opened at 2:05 p.m.

C. Spessard opened the public hearing with a reading of the request from the public notice of the hearing, after which the Chair recognized Attorney D. French representing the applicant. French noted that the applicant's name is actually Pamela McNew as she had married since purchasing the property, however, her previous last name, Teeters, still appears on the legal documentation for the property. French stated that the sign, which exists on the west property line of the site is comprised of four different panels; two that remain empty, one panel advertises the sign company who built the sign and one panel that advertises McNew-Teeters Electric Service which uses the garage of the extant

business, a beauty shop, for warehousing purposes. He noted that a sign, to the east of the sign in question, advertises the beauty shop specifically. French added that the whole purpose of seeking the variance was to make the sign legal, within the Township, from a zoning aspect. French, continuing, brought attention to exhibit "A", a photograph of the primary business sign, as it existed in 2010, which was located in front of the building itself. He pointed out that in the photograph and under the sign, three posts are visible, which he noted, is the basic configuration of the current sign. He added that a sign of that basic configuration was located in that location to as far back as 1980. French said that since the old sign had deteriorated, Ms. Teeters paid to have the sign replaced in 2013. French stated that in the stretch of Red Arrow Hwy between Coloma and Hartford, it is one of the nicest signs along the highway adding, "I think they're a credit to the community and certainly to the businesses involved." C. Spessard, asking for clarification from French, stated that there have been two signs in the past, one advertising the beauty salon and another sign located where the three posts are shown in exhibit A. French stated that was correct. Spessard said, "So this is not a brand new sign." French, again, replied that was correct. Spessard continued that it is his understanding that the sign advertising the beauty salon is compliant but, because the total allowable square footage was exceeded with the new sign, it was put out of compliance. French responded; "That's correct, I think. I think the four signs may have been there from prior, but I don't know the answer to that, though." Spessard continued by asking French if Mrs. Teeters does understand that the sign does exceed the maximum square footage of a sign in that district and that the sign is over the permitted square footage limit by 70 square feet. French responded by stating that she is aware of that and that is why she is asking for the variance.

R. Wallace, addressing French, said that due to the appearance of the sign, J.C. Sign company appears to be a professional sign company and, as such, should have know that a building permit would need to have been obtained prior to construction, but it was not. Wallace further said that the sign company, had they obtained a building permit, would have been made cognizant that the off-site signs incorporated would not have been in compliance with the Township's Zoning Ordinance and that they would not have been allowed. Wallace said that an expedient solution to the problem would be to remove the off-site panels of the sign which would leave the one compliant sign advertising the electric company using the property and concluded, if that were done, a variance would not be necessary. French, responding to that, said that Teeters does receive a modest amount of revenue ( \$35.00 per month) from the off-site signs and, because of that, coupled with the investment already made for the signs construction, he believes they should be permitted. Wallace replying to that stated the Township is not asking for the structure to be removed, just the off-site panels that cause the total sign square footage to be excessive. C. Spessard stated that the issue at hand is not the off-site signs since they are not permitted by the zoning ordinance. Spessard, addressed Zoning Administrator R. Lohr for clarification of the off-site signs. Lohr said that it was correct that the off-site signs are not permitted by the Zoning Ordinance, in this case, as the relevant part of the sign Article states that any advertising sign located in a parking lot in this district can only advertise businesses the parking lot serves. Any advertisement for any other business not located on the premises would constitute an off-site sign which, by ordinance, would necessitate a Special Land Use Permit.

Wallace, requesting clarification, asked if the request for the variance was just for the square footage or included both the square footage and the off-site aspects of the structure. Lohr responded that the variance being sought was just for the physical size of the sign. Spessard asked if, by granting the variance, permission would automatically be granted for the off-site signage. J. Fette stated that by granting the variance the Township would not acquiescing to the content of the signs.

With no further comment from the audience, C. Spessard requested a motion to close the public hearing. R. Wallace made the motion to close out of the public hearing and re-enter the scheduled meeting. A. Bodfish seconded and the motion carried unanimously. The hearing portion of the meeting was closed at 2:19.

A. Bodfish began discussion by asking if the date of the photograph, as Exhibit A, was accurate? French stated it was. He said it looks like the structure was there already, however, the actual signage was not visible. R. Wallace, directing his comment to R. Lohr, asked about past images of the location on computer sites. Lohr stated that on the 2011 image of the location on Google Earth, the posts are there but there are no sign surfaces attached at that time. He further stated that, unfortunately, the 2011 image was the only past image with enough clarity and resolution to satisfy the question. D. French stated that A. Bodfish was correct in his assertion that the sign was there in 2010 as the post structures are visible.

C. Spessard stated that the Zoning Board of Appeals has specific criteria to consider before granting any variance and that one of those is that the owner cannot have created the conditions that necessitate the variance. Spessard added, "In this situation, the owner has definitely done that. From my perspective, I personally can't see how we can grant a variance." Spessard reiterated that had she or the contractor done a proper job and obtained the proper permits, they would have known what the restrictions were and the Zoning Board of Appeals would not have been convened on this day.

At this point, C. Spessard asked the other ZBA members if there was any further discussion. A. Bodfish said he had nothing else to add. R. Wallace replied, "As I said before, this is an easy fix."

R. Wallace made a motion to deny the variance as requested. A. Bodfish seconded. A roll call vote resulted as follows: A. Bodfish, yea; R. Wallace, yea; C. Spessard, yea. The motion to deny the variance carried unanimously.

With there being no further business to come before the Board, A. Bodfish made a motion to adjourn. R. Wallace seconded and the motion carried unanimously.

The meeting was adjourned at 2:24 p.m.

Respectfully Submitted,



Robert Lohr  
Zoning Administrator