

# **CITY OF GRAND LEDGE ZONING BOARD OF APPEALS**

Minutes from Regular Meeting held on July 16, 2015

## **Attendance**

Members present: Ron Graber, Ben Tobias, Ray Evert, Tim McClung, Tom Nelson & Carol Weigel  
Absent: Ben Cwayna, Dave Whaley, Lynne MacDowell & Council Representative, Chris Bartholomew. Also present: Zoning Administrator, Susan Stachowiak & Mayor Kalmin Smith.

## **Call to Order**

Chairman Ron Graber called the Zoning Board of Appeals meeting to order at 7:00 p.m.

## **Pledge of Allegiance**

Carol Weigel led the members in the pledge of allegiance.

Chairman Graber asked that the "Pledge of Allegiance" be added to all future agendas.

## **Approval of Agenda**

Mr. Tobias made a motion, seconded by Mr. McClung to approve the agenda as printed. On a voice vote (6-0), the motion carried unanimously.

## **Approval of Minutes**

Mr. Nelson made a motion, seconded by Mr. Tobias to approve the minutes from the meeting held on April 16, 2015, as printed. On a voice vote (6-0), the motion carried unanimously.

## **Business from the Floor** - None

## **NEW BUSINESS**

### **Variance Request –Ground Sign Height, Number of Wall Signs, Gas Station Pump Sign Area – 720 S. Clinton Street**

Ms. Stachowiak stated that this is a request by Speedway LLC for variances to Sections 220-78(J), (1)(b), (3) & (4) of the Zoning Ordinance. These Sections permit a maximum height of 6 feet for ground signs, a maximum of 2 wall signs and a maximum of 2 square feet for signs affixed to gas station pumps. The applicant recently received approval from the City Council to construct a new gasoline station at 720 S. Clinton Street (former Family Fare Supermarket). As part of the project, the applicant is proposing to have 2 ground signs that would each be 7 feet, 9 inches in height, 4 wall signs on the canopy and 8.5 square foot signs on the gas station pumps. Variances of 1.75 feet to the

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height limitation for ground signs, 2 to the allowable number of wall signs and 6.5 square feet to the allowable square footage for signs on gas station pumps are therefore, being requested.

Ms. Stachowiak stated that staff is recommending approval of the variance requests for the wall signs and pump signs. She said that through the use of joint driveways, parking lot connections, shared storm water facilities, etc., the future Speedway station is designed to function as one site with the future retail building to the west and even the Cedar Village Shopping Center to its west. As evidenced by the site plan included in the packet, while the west building/canopy façade will not have “road frontage” as required by the ordinance for a wall sign, it will face the internal drives which essentially function as private roads. In addition, the site is located a great distance from the north property line of the site and traffic enters the site from a drive north of the building on S. Clinton Street. Therefore, unlike most businesses, the Speedway station will have customers accessing it from all directions of the site which make the additional wall signs necessary from a customer identification standpoint and not contrary to the intent of the ordinance.

Ms. Stachowiak said that the request for an additional 6.5 square feet of signage on the pump islands will not be contrary to the intent of the sign ordinance, which is to limit signage in order to reduce visual clutter along the streetscapes. In this case, however, the signs will be located far enough away from the roads so that they are not readable or even noticeable except to motorists already on the site. Ms. Stachowiak said that since the additional square footage will not be contrary to the intent of the ordinance, denial of the variance would cause an unnecessary hardship for the applicant.

Ms. Stachowiak said that the current sign ordinance regulating the allowable height and square footage for ground signs in the “B-1” Highway district went into effect on January 1, 1997. Since that date, all new signs within the “B-1” district are in compliance with the sign ordinance. There have been several variance requests for larger and taller ground signs in this district, including requests from Rite Aid, Family Video, Walgreens and Auto Zone, all of which have been denied. Ms. Stachowiak said that since there is nothing unique about the subject property that would warrant a variance to allow a taller ground sign, approval of such a variance would set a precedent for future requests to vary the sign ordinance. Such a precedent would render the existing sign ordinance provision regulating ground signs in the “B-1” district meaningless, thus opening up the ordinance for a sign pattern that is completely contrary to the intent and purpose of the ordinance.

Mr. Graber said that the ordinance allows a maximum height of 6 feet. The applicant is proposing a total height of 7 feet, 9 inches which is a variance of 1 foot, 9 inches.

Mr. Graber opened the public hearing at 7:12 p.m.

**Michael Bergman, Speedway LLC, 8902 Vincennes Circle, Suite E, Indianapolis, IN**, spoke in support of his request. He stated that the ground signs will comply with the 60 square foot area requirements. The reason for the additional height is so that landscaping can be planted around the

base of the sign without blocking any of the sign area itself. He said that this is a standard sign for Speedway and they want it to architecturally match the store.

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**Mandy Gauss, CESO, Inc., 8164 Executive Court, Suite B, Lansing, MI**, stated that the sign will have a 1 foot, six inch base and there is a 3 inch gap between the base of the sign and the sign itself. She said that if the variance is denied, they will need to move the landscaping away from it so that it does not block the signage.

Ms. Weigel asked Ms. Gauss to clarify that the base of the sign is almost 2 feet high, while the sign itself is 6 feet high.

Ms. Gauss said that what Ms. Weigel said is correct.

Mr. Tobias asked about the landscaping that will be planted around the base of the sign. He also asked about how far the building/canopy will be setback from the roads.

Ms. Gauss stated that the building/canopy will be setback approximately 134 feet from the face of the curb along M-100 and approximately 170 feet from the face of the curb along M-43. She also showed Mr. Tobias the landscape plan and went over the types of plant materials that will surround the base of the sign. She asked Ms. Stachowiak if they would be permitted to move the landscaping away from the sign if the variance is denied.

Ms. Stachowiak replied "yes".

Ms. Weigel asked if this is the standard sign size that Speedway uses for its stores.

Mr. Bergman said that it is one of their standardized signs. He said that they have signs that are much larger and much tall than this one. Mr. Bergman said that this is one of their typical sign packages. He also said that the signs on the pump are intended as a marketing tool for customers who are already on the site.

Ms. Gauss said that they are proposing 4 signs on the canopy. She said that there will be an "S" button on the north and south walls of the canopy and a "Speedway" channel letter sign on the east and west walls of the canopy. Ms. Gauss said that the intent is to identify the station in time to give drivers more response time to stop and enter the site. She said that the higher and more visible the signs, the safer it is for motorists. Ms. Gauss stated that the pump/dispenser graphics include an "S" logo in the center and a "Speedway Café", "Fresh Coffee" or some other sign of that nature intended to provide additional advertising to customers at the pump. She said that they will not be visible or readable from the roadways.

Seeing no one else wishing to speak, Mr. Graber closed the public hearing at 7:28 p.m.

Mr. Tobias asked about window signs.

Ms. Stachowiak said that if they are on the inside of a window, they are not regulated by the Sign Ordinance.

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Mr. Graber said that the Meijer station has a similar layout but they have not applied for any variances.

Mr. McClung said that the Meijer station is on the same site as the store and is therefore, considered a “business center”. He said that the sign that Speedway is proposing is ok. It is the additional height as a result of the base of the sign that puts it over the allowable height limitation. He also said that all of the other requests for higher ground signs along M-43 have been denied.

Mr. Graber said that the proposed development will involve removing a good portion of the existing Felpausch building and what remains will be in line with the front wall of the shopping center to the west that includes the House of Hsu. He said that the gas station building, the future retail center and the existing shopping center building to the west will all be pretty much in line with one another.

Mayor Smith said that the developer will be removing the addition, including the loading dock that was put on the Felpausch building about 30 years ago. The remainder of the building will be converted to a retail center.

**Mr. McClung made a motion, seconded by Mr. Tobias to approve variances of 2 to the allowable number of wall signs and 6.5 square feet to the allowable sign area for gasoline station pumps, to permit 4 wall signs on the canopy and 8.5 square foot signs on the gas station pumps for the proposed Speedway gasoline station at 720 S. Clinton Street, based upon the findings of fact as detailed in the staff report, and to give immediate effect to the approval of the variances, as necessary for the preservation of property and hereby certified on the record. On a roll call vote (6-0), the motion carried unanimously.**

**Ms. Weigel made a motion, seconded by Mr. Nelson to deny the variance request of 1.9 feet to the height limitation to permit two, 7.9 foot high ground signs at 720 S. Clinton Street, based upon the findings of fact as detailed in the staff report. On a roll call vote (6-0), the motion carried unanimously.**

## **OTHER BUSINESS**

**Comments from the Zoning Administrator - None**

**Comments from the Chairman**

Mr. Graber stated that he is no longer on the Planning Commission. He said that Ms. MacDowell has been appointed to be the new ZBA representative on the Commission and has already attended one of the meetings.

**Comments from Council Representative**

Councilmember Bartholomew was not present at the meeting.

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**Comments from Board Members**

Mr. Tobias thanked the Mayor for attending the meeting.

**Adjournment** - Mr. Graber adjourned the meeting at 7:35 p.m.

Respectfully submitted,

Susan Stachowiak  
Zoning Administrator

Ben Tobias, Secretary  
Zoning Board of Appeals