

MINUTES SILVER CREEK TOWNSHIP

ZONING BOARD OF APPEALS MEETING HELD ON JUNE 11, 2020

VARIANCE REQUEST BY PAM SPIVEY

Thom Brown called the Zoning Board of Appeals Hearing to order at 7:00 p.m. on Thursday, June 11, 2020. The Pledge of Allegiance to the Flag of the United States of America was recited.

MOTION TO EXCUSE DAVE GRABEMEYER

Mike Glynn motioned to excuse Dave Grabemeyer. Jean Rowe seconded. Motion passed by voice vote.

MEMBERS PRESENT: Thom Brown, alternate Wendy Fitzgerald, Mike Glynn, Jean Rowe

OTHERS PRESENT: Todd Herter, Recording Secretary Liberty Nevins, Attorney Roxanne Seeber, members from the public

ABSENT: Dave Grabemeyer – excused, Bruce Nevins

APPROVAL OF JANUARY 29, 2020 MINUTES

Jean Rowe motioned to approve the January 29, 2020 Zoning Board of Appeals minutes. Mike Glynn seconded. Motion passed by voice vote.

EXPLANATION/REASON FOR MEETING

Thom Brown recited the Notice of Public Hearing, explaining the reason for the public hearing:

The request of Creative Vinyl Signs—Pam Spivey and Lyons Industries; regarding the property addressed as 30000 M-62 (Parcel Nos. 14-130-999-400-00; 14-130-999-100-10; and 14-130-910-039-00) in the Industrial District Zoning Classification. The applicant is requesting to replace an existing “now hiring” sign with a 3’ x 4’ LED message sign on two 36” high mounting pillars setback 50’ from the center of the road. The request is to allow a second sign to remain on the zoning parcel, where only one sign is permitted; and for an 83’ variance from the required 100’ front yard setback in order to permit the new sign to be located 50 feet from the center of the road and 17 feet from the road right-of-way. Standards applicable to the industrial district are 155.084 of the Zoning Ordinance. Sign regulations are contained in Section 153.00 of the Township Code of Ordinances. Standards of review for the Zoning Board of Appeals are contained in Section 155.253 of the Zoning Ordinance.

Such other and further matters as may properly come before the zoning board of appeals.

BUILDING/ZONING ADMINISTRATOR COMMENT

Building/Zoning administrator Todd Herter requested to address the board and stated that in his review of the application, he made an error in the requirements of his written statement. He stated that the setback requirements for the sign ordinance are correct, however the requirement that allows one sign per parcel should be told to the Zoning Board of Appeals. Todd stated that in Section 153.08 District Sign Regulations, it says that there can be one sign per lot or parcel, except for entrance signs. Todd stated he would not have an issue with Lyons Industries having a second sign advertising available work positions. He stated that a sign must be placed ten feet from the property line, and the newly requested Lyons Industries sign would be approximately seventeen feet from the property line, so it's location would fall within the setback requirement.

PUBLIC COMMENT

Thom Brown asked for any public comments and stated that a person had called into the Zoom meeting saying they had property adjacent to Lyons Industries.

The community member stated that they would have no problem with a new LED sign on the Lyons Industries property.

APPLICANT COMMENT

Thom Brown asked the applicant if they had any comments or details on the matter at hand.

Pam Spivey commented that the sign would be set back properly and that the existing sign would be removed. She explained that the new LED sign would advertise the work positions available.

Thom Brown questioned what type of stand the sign would be on.

Pam Spivey answered that the sign would have metal posts and that they would call MISS DIG to make sure everything would be okay with the location. She also stated that it would take approximately a month before the sign would go up.

Jean Rowe questioned whether the new sign would look like the sign at the township hall.

Pam Spivey commented that the sign would not have an identification on the top and that it would be completely LED. She also said that it would advertise wages and shifts along with the positions of work available.

ZONING BOARD OF APPEALS DISCUSSION

Mike Glynn commented that he was on the Planning Commission when the sign ordinance was rewritten. He stated that the reason it was decided that only one sign per parcel would be allowed in industrial areas was to minimize clutter. He said that entrance signs were allowed to avoid confusion on industrial driveways.

Thom Brown asked if Lyons Industries was on three parcels. He also questioned if the signs had to be scattered so there would only be one on each parcel.

Attorney Roxanne Seeber stated that if the signs had to be on the same parcel that Lyons Industry would have to forego to put it on another parcel as a condition.

Pam Spivey stated that she would have to go to the township hall to see how the parcels are divided because she was unsure how the three parcels were located.

Chairman Thom Brown stated that he thought one of the parcels lies directly behind the main building. He said that he thought the next parcel is to the west.

Attorney Roxanne Seeber questioned whether the parcels have road frontage.

Mike Glynn commented that the way the Zoning map shows Lyons Industries, the first parcel is where the plant lies. He stated that the parcel next to it is the old Spock property, and that the third parcel is a very big parcel that goes behind the building where the addition was built. He added that all three of the parcels have road frontage. Mike stated that there are two parcels to the east of the Lyons Industries property that are the same size and are also industrial parcels.

Richard Hill stated that the property Mike Glynn mentioned is his.

Wendy Fitzgerald questioned whether the sign will be blinking or moving.

Pam Spivey commented that the sign may have a fade out effect, however it would not have a visual repetition that was too flashy.

Wendy Fitzgerald stated that no sign may contain flashing, moving, oscillating, or blinking. She stated that it is a key issue regarding traffic hazards.

Pam Spivey responded that the sign would be like a static message in which the words would fade out and then more of the message would appear.

Thom Brown stated that he was uncertain if the second sign on the Lyons Industries property was grandfathered in or if it was legally installed. He commented that if they wanted to place a new sign in its exact location and it was within the setback regulations, he would be inclined to let it happen.

Mike Glynn questioned how long the second sign had been in place.

Pam Spivey estimated that the sign had been there for at least eight years.

Lance Lyons commented that there was a sign up before the second sign originally, and he approximated that the sign had been there for twelve to fifteen years.

Pam Spivey commented that the second sign placed was an upgrade so people couple easily read their messages along with the hourly rate.

Mike Glynn stated that he remembered seeing banners on the Lyons Industries property.

Lance Lyons confirmed that there had been banners and variations for approximately twelve years. He commented that he thought they had requested for the placement of the previous signs and banners.

Mike Glynn stated that in the past they may not have needed permission since a banner is considered temporary.

Thom Brown questioned Todd Herter if there was a building permit for any sign.

Todd Herter replied that he could not find a zoning compliance permit. He stated that unless the sign did not need concrete poured, he would not have issued a building permit for it. He commented that if there was a sign there twelve years ago, Ed Goodman would have been the Zoning Administrator at the time. Todd stated that he packed Ed Goodman's records up two to three years ago and put them into storage, however Todd looked into his own records and could not find a zoning compliance permit.

Lance Lyons commented that if they wanted to limit the sign to the same parcel, he would believe it is fair.

Thom Brown requested Lance Lyons to repeat his previous comment.

Lance Lyons stated that someone had said since Lyons Industries has three parcels and there could be one sign on each. He stated since they were going to put two signs on one parcel, they would agree not to put any more on the other parcels other than driveway signs to indicate where the driveways are located.

Todd Herter commented that it could be a condition that the board could have granting the variance that no other signs would be allowed.

Thom Brown agreed. He questioned if there was any more discussion to be had.

Jean Rowe asked if she should read the Five Standards of review. She also questioned if it was a non-use variance.

Pam Spivey confirmed that it is a dimensional variance to allow two signs on one parcel.

Jean Rowe read the Five Standards of Review.

155.253 STANDARDS OF REVIEW

(A) Granting of non-use variances. A non-use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are addressed.

(1) The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.

Jean Rowe, Mike Glynn, and Pam Spivey agreed that the sign would not be detrimental.

(2) The variance will not impair the intent and purpose of this chapter.

Mike Glynn agreed that the sign would not impair.

(3) The immediate practical difficulty causing the need for the variance request was not created by any action of the applicant or predecessor.

Jean Rowe agreed.

Mike Glynn commented that there was no established practical difficulty, but that in this case it did not apply.

Thom Brown agreed.

(4) The variance requested is the variance necessary to meet the purpose and intent of the chapter and to meet the other standards of review in this section.

Mike Glynn commented that with the restriction, it would meet the standards.

Jean Rowe agreed.

(5) Would a lesser relaxation than applied for give substantial relief to the owner of the property involved and be more consistent with justice to other property owners, and whether relief can be granted in such fashion that the spirit of the chapter will be observed and public safety and welfare secured.

Mike Glynn agreed.

Thom Brown agreed and commented that with the stipulation of two signs on one parcel, but no more signs on the other parcels.

Wendy Fitzgerald commented that it should be reiterated that there should be no moving on the sign.

Mike Glynn commented that the lettering would be stagnant.

Wendy Fitzgerald commented that the ordinance states the signs may not be in the appearance of moving.

Thom Brown commented that putting the sign in place is one step, but if they were to violate the ordinance with a moving sign, another meeting would likely be necessary.

Mike Glynn stated that if that were an issue, it would be turned over to the Code Enforcement Department.

MOTION TO APPROVE VARIANCE REQUEST

Mike Glynn motioned to approve the variance for two signs on one parcel, with the restriction that no other signs are installed on Lyons properties. Jean Rowe seconded.

Roll Call Vote:

Yes (4): Thom Brown, Mike Glynn, Wendy Fitzgerald, Jean Rowe

No (0):

Motion passed by roll call vote.

Jean Rowe stated that the variance passed 4:0.

Mike Glynn questioned if members would need to stop by the township hall to sign the paper.

Lindsay Krohne commented that members could come sign Tuesday or Thursday, the sooner the better.

ADJOURNMENT

Jean Rowe motioned to adjourn.

Mike Glynn seconded.

Meeting adjourned at 7:36 p.m.

Liberty Nevins, Recording Secretary
To be approved at the next Zoning Board of Appeals meeting

Jean Rowe, Secretary