

**ADA TOWNSHIP ZONING BOARD OF APPEALS  
MINUTES OF THE TUESDAY, DECEMBER 1, 2015, REGULAR MEETING**

A regular meeting of the Ada Township Zoning Board of Appeals was held on Tuesday, December 1, 2015, 4:30 p.m., at the Ada Township Office, 7330 Thornapple River Drive, Ada, Michigan.

**Call to Order:**

The meeting was called to order by Chairperson Dixon at 4:30 p.m.

**Roll Call:**

Members present: Dixon, Burton, Smith, Lowry, and McNamara

Members absent: None

Staff Present: Bajdek, Ferro

Public: Approximately five

**Approval of Agenda:**

Moved by Lowry, supported by McNamara, to approve the agenda as presented. Motion carried.

**Approval of Minutes:**

Moved by McNamara, supported by Lowry, to approve the November 3, 2015, minutes as presented. Motion carried.

**Old Business:** None.

**New Business:**

1. Requests for four variances from Article XXVI Signs for a freestanding sign in the C-2 General Business District:
  - From the maximum height of 5 feet to 17 feet
  - From the maximum area of 40 square feet to 54.57 square feet
  - From the minimum setback of 5 feet to 0 feet
  - To allow a manual changeable reader board

8124 East Fulton Street, Parcel No. 41-15-35-100-026, Valley City Sign for Bob Debri

Stephen Kerr, Valley City Sign, presented the application on behalf of the owner, Bob Debri. Kerr stated the property currently has a pole-mounted sign with a changeable message reader board that has fallen into disrepair. He stated there is underground electric service to the sign. Kerr stated given the fact that the grade at the sign location is 10-feet below the grade of the highway, a sign that is only 5 feet in height would be very hard to see. Kerr also cited the distance of the property from the M-21 pavement, which is well over 100 feet, as a practical difficulty. He stated the sign area they are requesting is only 36% more than the maximum allowed, while the sign is about 400% further from the highway than most signs on M-21.

Kerr stated they believe that a changeable copy sign is important for this type of business, in order to advertise events that change throughout the week. Kerr also cited the fact that Standard Lumber has a changeable message sign.

Dixon asked for staff comments on the request.

Zoning Administrator Brent Bajdek explained that the existing sign is a legal, non-conforming sign. The proposal is for a new internally-illuminated sign at 17 feet in height, 54.57 square feet in area and at a 0 foot setback with a manual changeable reader board. He noted that changeable reader boards are currently only permitted for churches and schools.

The subject property is located on the south side of Fulton Street/M-21, with access from a service road. A decrease in elevation of approximately 10 feet exists between the eastbound lane of M-21 and the site. A similar variance for sign height only was granted for another property on the same service road in 2010.

Bajdek stated the criteria for granting a variance include the following:

1. Whether unique physical circumstances exist which cause a “practical difficulty” in complying with the Zoning Ordinance standards.

Bajdek state the grade differential of approximately ten feet from Fulton Street/M-21 to the service road lends to sight distance/visibility issues for the property and signage, warranting the requested height and setback variances.

2. Whether granting the variances would alter the essential character of the area.

Bajdek stated the granting of the height and setback variances would not alter the essential character of the area. Other similar freestanding/pylon style signage is present in the immediate area.

3. Whether the circumstances leading to the requested variances are self-created.

Bajdek stated in this case, they are not self-created.

4. Whether amending the Zoning Ordinance standards is a more appropriate remedy to the situation.

Bajdek stated an amendment of the Zoning Ordinance is not deemed an appropriate remedy for the requested height, area, and setback variances. He noted that an amendment allowing internally-illuminated changeable reader boards for uses other than churches and schools should be considered if the frequency of requests for them increases in the future.

The requested height and setback variances are reasonable due to the extreme grade condition between FultonStreet/M-21 and the service road. He stated the variance requests related to sign area and use of a changeable message board are not supported. It is recommended that the height variances from maximum height of 5 feet to 17 feet and the required setback from 5 feet to 0 feet be approved, subject to submittal and approval of a landscape plan for a planting bed around the base of the proposed sign.

McNamara asked what the current sign area is. Julie Couturier, Valley City Sign, stated it is approximately 67 square feet, so they are proposing a reduction.

Dixon opened the public hearing.

Julie Couturier, Valley City Sign, stated that with the 110 feet of distance between the sign and the highway, which is 400% further than other signs on the highway, they are requesting only a 36% increase above the

ordinance maximum. She stated their intent is to make sure the sign text is legible for drivers travelling at highway speeds. She stated the restaurant has special events that are easily communicated with a changeable message sign. It would hurt the business if they are not able to communicate them.

McNamara asked what the reason is for limiting changeable message board signs to churches and schools. Ferro stated he did not know the rationale, but it has been in the ordinance at least as far back as 1987, when the sign rules were totally re-written.

Burton asked whether the Envision Ada project may create the need for re-examining the sign regulations. Ferro stated there may be a need to look at the rules that apply in the Village, but that the issues in the Village will be unique and not necessarily be applicable to highway frontage property. He stated that he doubted whether changeable message boards would be considered for being allowed in the Village.

Ferro stated the challenge for the Board is to consider the unique circumstances that apply to this property and evaluate how much relief from the rules is necessary, keeping in mind that the spirit and intent of the zoning rules is to reduce non-conformities over time, and bring everything into compliance with the ordinance.

Ferro stated he felt the applicant's comments regarding the need for added sign size are worth considering, but he does not believe this site has any characteristics that justify allowing a changeable message sign, relative to any other sites along the highway.

Dixon suggested addressing the variance requests individually.

With regard to the requested height variance, Dixon stated he felt the elevation difference between the site and the highway justified the height variance.

Lowry stated he drove the highway corridor adjacent to the site, and concurs that there is difficulty seeing the sign.

Moved by McNamara, supported by Burton, to approve the height variance as requested. Motion carried.

With regard to the requested variance from sign area limits, Dixon pointed out that the business identification portion of the sign is less than 40 square feet. He stated that if the changeable message sign were eliminated, the business identification sign could be increased in size, to 40 square feet. He stated he is hesitant under these circumstances to approve a sign area variance.

McNamara suggested the request for the changeable message sign be considered prior to the request for enlarged sign area.

Burton asked whether there are changeable message signs in the Township other than churches and schools. Dixon stated the Standard Lumber sign was mentioned earlier.

Bob Debri, owner of the Riverbend, stated gas stations have changeable message signs for gas prices.

Ferro stated he did not know whether the Standard Lumber sign was installed prior to the prohibition on changeable message signs, or whether it was authorized by a variance. He stated to his knowledge that is the only other changeable message sign on the highway corridor. Ferro also stated he does not know if gas price signs are specifically addressed in the sign regulations.

Dixon stated he believed the more text that is contained on a sign, the more potential there is for eyes off the road.

Couturier stated that studies conducted by highway agencies and sign companies show that changeable message boards do not lower safety. She also noted that the message on the board would be static, not changing.

Bob Debri, the applicant, stated he did not see why he would not be permitted a changeable message sign, when others exist in the community.

Following discussion, it was moved by Smith, supported by McNamara, to deny the variance request to allow a changeable message sign. Motion carried unanimously.

Moved by Burton, supported by Smith, to deny the request for a variance from the 40 square foot limit on maximum sign size. Motion carried unanimously.

Moved by Smith, supported by McNamara, to grant the setback variance as requested. Motion carried unanimously.

**Correspondence:**

Dixon noted that a letter was received from John Postma of Re/Max of Grand Rapids, opposing the variance request from the Riverbend Bar & Grill.

Debri asked why his sign was not “grandfathered.” Bajdek explained that a change to an existing nonconforming sign requires that the sign be brought into conformance with the current sign regulations.

**Public Comment:**

There was no public comment.

**Adjournment:**

Moved by McNamara, supported by Burton, to adjourn at 5:05 p.m. Motion carried.

Respectfully submitted,

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Jacqueline Smith  
Ada Township Clerk

RS: js