

Mason County Planning & Zoning Department

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August 8, 2018

Minutes of the Mason County Zoning Board of Appeals meeting on August 8, 2018, 7:00 p.m.
held at 102 E. Fifth St., Scottville, MI.

MEMBERS PRESENT: Jerry Jensen, Richard Anderson, Doug Robidoux, Kent Collins

MEMBERS ABSENT: Joanie Wiersma (excused)

OFFICIALS PRESENT: Brady Selner, Cayla Christmas

The meeting was called to order at 7:03 pm by Chairman Jerry Jensen.

A motion was made by Dick Anderson with second by Kent Collins to approve the meeting minutes of May 16, 2018 as written. Motion carried, 4 yes 0 No.

Additions to Agenda: None

Public Comment: None

Correspondence: None

Jerry Jensen opened the public hearing for application PZ18110, Aver Sign Company, a request for a 15' variance from the required 75' setback measured from the centerline of US Hwy 10 for a freestanding sign related to an existing business. The subject property is located at 6117 E. US 10, Branch Township, parcel 002-017-013-00, zoned C-2. Brady Selner presented the staff report and photos. There was no correspondence related to this application. A portion of the staff report is below:

FINDINGS OF FACT:

1. The MDOT right of way is 120' in this location or 60' from the centerline of the road.
2. The current sign is 54' from the centerline of the road. It existed a legal non-conforming sign for several years.
3. The allowable sign size for this location is 42ft.
4. 75' from the centerline of E. US-10 would place the sign 25' from the canopy. The canopy will have a Sunoco logo wall sign.
5. The new sign will have Sunoco logo and fuel prices.

UNIQUE PHYSICAL FEATURES

There is a single-family dwelling located on the same parcel that sits behind the gas station.

Jerry Jensen asked if the applicant had anything to add.

Tim Brown, Aver Sign Company, stated if the freestanding sign was to be built where it would not need a variance, it would be over underground fuel tanks.

Jerry Jensen stated the nonconformity would be decreased from where the existing sign is built.

Jerry Jensen read the standards for granting a variance from Section 24.05 (3) A through D of the Mason County Zoning Ordinance.

- A. **The strict compliance with the ordinance would cause a practical difficulty and deprive the owner of rights enjoyed by all other property owners within the same zoning district.** The strict enforcement would cause a practical difficulty as the property owner would be forced to dig up and move the underground fuel tanks if they were required to meet the 75' setback. Meets standard, 4 yes, 0 no.
- B. **The conditions and circumstances unique to the property were not created by the owner or his predecessor in title.** The existing, nonconforming sign predates zoning. The zoning ordinance changes have created a nonconforming sign. Meets standard, 4 yes, 0 no.
- C. **The requested variance will not grant special privileges that are denied other properties similarly situated and in the same zoning district.** The Zoning Board of Appeals has seen this request previously and has approved similar requests in the past. The nonconformity of the sign would be reduced. Meets standard, 4 yes, 0 no.
- D. **The requested variance will not be contrary to the spirit and intent of this Zoning Ordinance.** The request is not contrary to the spirit of the ordinance. The spirit is not to deny businesses the advertisement they need. The request would be improving an existing nonconformity. The spirit is to improve things as much as possible. Meets standard, 4 yes, 0 no.

Doug Robidoux made a motion to approve application PZ18110 as requested. Second by Dick Anderson. Motion carried, 4 yes 0 no

Unfinished Business: None

New Business: None

Zoning and Building Director Report: Brady Selner stated there would be a meeting for a variance request for Kirk Williamson.

Planning Commission Report: Doug Robidoux stated the Planning Commission had met the previous night for a site plan amendment as well as for a determination regarding Lake Winds Energy Park's sound testing.

Public comment: None

Meeting adjourned at 7:32 pm.


Jerry Jensen, Acting Secretary
Mason County Board of Appeals