

**ZONING BOARD OF APPEALS  
APPROVED MINUTES**

**August 20, 2015**

Call to Order:

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

Roll Call: Jayne Graham, Paul Jackson, Bob King, Paul Long, Ralph Manting, Jane Johansen

PRESENT: Jayne Graham, Paul Jackson, Jane Johansen, Paul Long, Ralph Manting

ABSTAIN: Bob King (Son is employed by the Blue Cow)

ALSO PRESENT: Mark Sweppenheiser, Neighborhood Services Director

There were 1 person(s) in the audience.

Moved by Ralph Manting, seconded by Jayne Graham to approve the minutes of the June 25, 2015 ZBA meeting.

Motion passed unanimously

Public Comment Not Related to Items on the Agenda: None

Public Hearing:

Chairperson Jackson reviewed the Public Hearing procedure for the audience and opened the Public Hearing at 7:01 p.m. to consider a variance request from The Raven Brewing Company, owned by Chuck and Connie Frieberg. They have submitted an application to the ZBA requesting relief from Section 6.6:4 stating Wall or awning signs have a maximum area of one and one-half (1.5) sq. ft. times the business frontage. The maximum height for the sign is eighteen (18) ft. or one (1) foot below the second floor window trim. The applicant is requesting a variance of 37 sq. ft. to install a 75 sq. ft. wall sign. The applicant is also requesting a height variance of 12 ft. to allow the maximum height for the wall sign to be 30 ft.

Staff Report

The Raven Brewing Company, owned by Chuck and Connie Frieberg, submitted an application to the ZBA requesting relief from Section 6.6:4 stating Wall or awning signs have a maximum area of one and one-half (1.5) sq. ft. times the business frontage. The maximum height for the sign is eighteen (18) ft. or one (1) foot below the second floor window trim. The applicant is requesting a variance of 37 sq. ft. to install a 75 sq. ft. wall sign. The applicant is also requesting a height variance of 12 ft. to allow the maximum

height for the wall sign to be 30 ft.

121 N Michigan Avenue is located within the C-2 Zoning District. The building frontage is 25.25 ft., allowing a wall sign of (25.25 by 1.5) 38 sq. ft.

An aerial photo with delineated property lines has also been provided, accuracy is estimated at plus or minus one (1) foot.

When considering a non-use variance the applicant must show the ZBA the following:

1. The ordinance restrictions unreasonably prevent the property owner from using the property for a permitted purpose; and/or

***The ordinance restrictions prevent the applicant from having the proposed wall sign. The downtown area does present challenges for business because the community wants to see the traditional downtown look, with 0' setbacks. This eliminates freestanding signs, but the ordinance would allow a smaller wall sign, projecting sign, awning, and window signs.***

2. The variance would do substantial justice to the applicant, and possibly other property owners in the district, and a lesser relaxation of the regulations than that requested would not provide substantial relief to the property owner; and/or

**I guess the issue comes down to the size of the proposed sign, a component of a variance request is to grant the smallest variance needed to overcome ordinance obstacles. Could the sign be reduced by 1 sq. ft. or 10 sq. ft.?**

3. The plight of the property owner is due to the unique circumstances of the property, and not a general condition of the neighborhood; and/or

**The unique circumstance is that the property is very narrow**

4. The alleged practical difficulty has not been created by any person presently having an interest in the property.

**The practical difficulty exists because the applicant wishes to have a sign that exceeds the allowable sq. ft. for wall signs.**

Staff feels that the variance requested does not meet the requirements stated above. We recommend denial of the requested variance. Staff also recommends discussion between the applicant and Board to hopefully come to an acceptable compromise.

Applicant's Statement:

Chuck Frieberg introduced himself as the owner of the Raven Brewery and stated his home address as 14642 190<sup>th</sup> Avenue Big Rapids MI.

Mr. Frieberg stated that he also owns the business located at 119 N. Michigan Avenue, known as the Blue Cow and that he doesn't want the current ordinance regulating signs to change - he is happy with the current Sign ordinance, but in this case he would like to see an exception made to those guidelines.

Mr. Frieberg presented a slide show with pictures of what the proposed sign would look like. He also showed photos of similar wall signs on buildings in Chicago. Mr. Frieberg noted that he has been told by the company who created the logo for the sign that, if it were made smaller, the detail would not be seen from the street.

Mr. Frieberg is only asking for a variance for a sign on the South side of the building. No sign is proposed for the North side of the building because of the limited visibility due to large trees.

There will be no sign on the front of the building for foot traffic. The patio in front of the building will more than likely attract the attention of anyone using the sidewalk.

**Chairperson Paul Jackson called for those who wished to speak in support of the request – None**

**Chairperson Paul Jackson called for those who wished to speak in opposition of the request – None**

**Chairperson Paul Jackson called for any written or telephonic correspondence received by staff – None**

Applicant Rebuttal - None

Chairperson Paul Jackson closed the public hearing and went into fact finding at 7:22 p.m.

Paul Long clarified that the height of the proposed sign would be thirty (30) feet, which would be a twelve (12) foot variance if granted.

Paul Jackson questioned how many buildings in the downtown would have wall exposure to allow for a wall sign. Mark Sweppenheiser replied that there were quite a few, and reminded the board that these sign regulations are intended to be used as blanket guidelines for all of the commercial and industrial zones, not just the downtown.

Paul long stated that the applicant was actually requesting two (2) variances, one (1) for height and one (1) for the square footage of the proposed sign.

Mark Sweppenheiser stated that the number of wall signs allowed is unlimited. The square footage of the first sign would be limited to one and a half (1.5) X the property frontage feet and each sign thereafter would be limited to one (1) X the property frontage feet.

Ralph Manting asked that since Mr. Frieberg owns two adjoining properties, 119 N. Michigan Avenue and 121 N. Michigan Avenue, could the two frontages be considered one? Mr. Frieberg informed the board that both businesses use the same shared kitchen, including kitchen staff, and both businesses share one liquor license under the Michigan State Liquor Control. The taxes and bills for both businesses are paid through the Blue Cow, LLC. Mr. Frieberg also noted that there is a door between the two businesses that closes only in case of fire.

Ralph Manting asked if the Downtown Business Association (DBA) had expressed an opinion on whether or not this variance should be granted. Mark Sweppenheiser stated that he had not spoken to anyone specifically about the matter, but he has no doubt that the downtown businesses would be supportive of this project.

Mark Sweppenheiser commented that the board could consider combining the frontages from each business for one total frontage. There could be an administrative decision made regarding combining the two properties, which would eliminate the need for a variance on the square footage of the proposed sign.

#### Administrative Decision

Administrative decision was moved by Ralph Manting, seconded by Paul Long for the building at 121 N. Michigan Avenue, Blue Cow, LLC DBA Raven Brewing, to be treated as one entire frontage for Blue Cow and Raven Brewing, whereby the building is 78 Sq. feet total and that combined frontage meets the ordinance requirements for wall signs.

Yeas: Jayne Graham, Paul Jackson, Jane Johansen, Paul Long, Ralph Manting

Nays: None

Administrative Decision passed.

With a non-use variance, one or more of the following requirements must be met.

1. The ordinance restrictions unreasonably prevent the property owner from using the property for a permitted purpose; and/or

**The property is a restaurant, and nothing pertaining to this variance would prevent it from being used as such. The first requirement has not been met.**

2. The variance would do substantial justice to the applicant, and possibly other property owners in the district, and a lesser relaxation of the regulations than that requested would not provide substantial relief to the property owner; and/or

**The variance would do substantial justice to the applicant by allowing the sign to be installed at a higher height where it would become more visible. The second requirement has been met.**

3. The plight of the property owner is due to the unique circumstances of the property, and not a general condition of the neighborhood; and/or

**The plight is fairly unique to this property because many other locations do not have enough wall space to even consider a wall sign. Tall trees on the north side of the building, which block view of the building, present another unique circumstance for this property. The third requirement has been met.**

4. The alleged practical difficulty has not been created by any person presently having an interest in the property.

**The difficulty has been created by the applicant not wanting to install the sign at a lower height. The fourth requirement has not been met.**

## **MOTION**

Motion was made by Jayne Graham, seconded by Paul Long to approve the request from Raven Brewing Company for relief from Section 6.6:4 requesting a height variance of 12 feet to allow the maximum height for the wall sign to be 30 feet.

Yeas: Jayne Graham, Paul Jackson, Jane Johansen, Paul Long, Ralph Manting

Nays: None

Motion passed.

Other business:

There being no further business to come before the board, the chair declared the meeting adjourned at 8:10 p.m.

Respectfully submitted,

Tamyra K. Gillis, MMC, CMMC  
Secretary