

## MEETING MINUTES

### City of Jackson Zoning Board of Appeals

City Hall, 161 W. Michigan Avenue, 2nd Floor in Council Chambers  
Thursday, June 22, 2017

MEMBERS PRESENT: Shawn Christie, Karl Grieve, Gerald Montgomery

MEMBERS ABSENT: Clyde Mauldin, Andrew Dotterweich

STAFF PRESENT: Jennifer Morris, Adam East

#### 1. Call to Order

Vice-Chair Grieve called the meeting to order at 5:35 pm

#### 2. Pledge of Allegiance

Those in attendance rose for the Pledge of Allegiance.

#### 3. Roll Call

#### 4. Adoption of Agenda

*Board Member Montgomery moved, with support from Board Member Christie, to approve the agenda as presented*

**The motion passed unanimously on a voice vote**

#### 5. Zoning Board of Appeals Public Comment and Correspondence

None.

#### 6. Approval of the May 31, 2017, Zoning Board of Appeals Meeting Minutes

*Board Member Christie moved, with support from Board Member Montgomery, to approve the minutes as presented.*

**The motion passed unanimously on a voice vote**

#### 7. Consideration of variance request

##### A. 802 W. Ganson- Wild Bill's Tobacco- Dimensional Variance

Staff presented the request of the applicant, Wild Bill's Tobacco, to install awning signage that exceeds the sign area permitted by Ordinance. The Ordinance states that the sign area shall not cover more than 1/3 of the apron of each awning. The applicant was requesting to install two awning signs with signage on the face of the awning and not the apron. Staff recommended denial of the variance request.

*Board Member Grieve moved, with support from Board Member Christie, to enter the report and recommendation in the record as if read in whole.*

**The motion passed unanimously on a voice vote**

Paul Weisberger of Wild Bill's Tobacco presented to the Board their rationale for approving the variance request. Mr. Weisberger stated that while there is currently a wall sign on the building, it is intended to be temporary. He noted that the building design and architecture looks better with an awning, referencing the other tenants in the building that have awnings. He stated that not having an awning will change the character of the sign. He state that they were not trying to install an awning that had been removed, but that they wanted to reskin the existing awning with a content change.

Board Member Christie noted that the Ordinance did not prevent them from having an awning. She stated it was possible to have awning signage that complies with the Ordinance. She referenced the CVS across the street that has awnings with more subtle signage on the apron, as the Ordinance requires.

Board Member Montgomery stated that what was being proposed looked better than the temporary signage. Mr. Montgomery asked if the awning sign was "grandfathered." Staff stated that legal nonconforming signs may remain, assuming they were installed legally. Staff noted that the former awning sign when it was installed did not comply with the Ordinance and no variance was granted for the previous awning signage. Furthermore, the Ordinance states that when a legal nonconforming sign is removed, it may not be re-installed.

Board Member Grieve stated that he agreed that the building looked good with an awning but that he struggled with the proposed size of the signage on the awning. He agreed with Board Member Christie that the proposed signage was not the minimum variance request possible and the applicant could comply with the Ordinance requirements.

*Board Member Grieve made a motion, with support from Board Member Christie, to accept the Staff report and recommendation and deny the variance request.*

**The motion failed on a roll call vote  
(Grieve-Y, Christie-Y, Montgomery-N)**

**The number of members present was the minimum number required for a quorum. As such, a unanimous vote must occur for a motion to carry.**

**B. 817 W. Ganson- Jackson Vision- Dimensional Variance**

Staff presented the request of the applicant, Doug Dailey of Jackson Vision, to allow a recently installed pole sign that is 14.3 feet in height and forty (40) square feet in sign area. The zoning ordinance states that monument signs in the C-2 zoning district may not exceed five (5) feet

in height and forty (40) square feet in sign area. The applicant's pole sign exceeds the height allowed by 9.3 feet. The Ordinance states whenever a legal nonconforming structure is removed, it may not be reestablished unless it complies with the current Ordinance requirements.

*Board Member Christie moved, with support from Board Member Montgomery, to enter the report and recommendation in the record as if read in whole.*

**The motion passed unanimously on a voice vote**

Doug Dailey, owner of Jackson Vision, stated that the former sign was exactly the same height as the new sign, but that they had decreased the size of the cabinet to be closer to compliance with the Ordinance. He stated that the old sign (installed approximately 20 years previously) had recently fallen over in a wind storm. He stated that if the new sign were lowered to 5 feet to be in compliance with the Ordinance, it would be blocked by parked vehicles in front of the building. Without redesigning the parking lot, there was no appropriate place for a monument sign. He stated that there was wiring and a concrete pad in the location of the existing sign.

Kurt Bloodworth of Fritz Signs (contractor of the owner) stated that he had concerns about shortening the sign stating that trucks may hit the sign if it was too low. He said that in other communities, the standard is that the sign cabinet on pole signs must be at least eight (8) feet above grade.

Board Member Grieve stated that after reviewing the report and visiting the site, he agreed that a monument sign did not make sense with the current configuration of the parking lot.

Board Member Christie agreed but asked if the sign could be shortened to be closer to compliance. She and Board Member Grieve agreed there were unique circumstances that would prevent a monument sign, but that the sign could be shortened to be closer to compliance with the Ordinance.

*Board Member Grieve moved, with support from Board Member Christie, to deny the request to allow the sign at 14.3 feet tall but to permit a sign that is no more than 96 inches (or 8 feet) from grade level to the bottom of the sign.*

**The motion passed unanimously on a roll call vote  
(Christie-Y, Montgomery-Y, Grieve-Y)**

C) 1701 Mitchell- Alexander Holdings of Jackson- Dimensional Variance

Staff presented the request of the applicant, Mike Alexander of Alexander Holdings to construct a new building with front yard setbacks of twenty five (5) feet along Mitchell St. and twenty five (5) feet along Bagley Ave. The Zoning Ordinance requires front yard

setbacks of forty (40) feet in the front yard in the I-2 Zoning District. The proposed building is on a corner lot and therefore has two front yards. The applicant is requesting a fifteen (15) foot setback variance for both front yards. Staff recommended approval for the request.

*Board Member Christie moved, with support from Board Member Montgomery, to enter the report and recommendation in the record as if read in whole.*

**The motion passed unanimously on a voice vote**

Mike Alexander thanked Staff for working with him to develop his site plan and the Board for their time.

Board Member Montgomery stated that he supported the request as the proposed building would be setback similar to other buildings along the street.

Board Member Grieve asked staff if the applicant could building a building that could comply with the setback requirements. Staff stated that with the required forty foot front yard setbacks along both streets and the required 10 foot setbacks for the side yards, the applicant would not be able to construct both the building and have the required parking and landscaping to be in compliance with the Ordinance.

*Board Member Christie moved, with support from Board Member Grieve, to approve the variance request per the staff recommendation.*

**The motion passed unanimously on a roll call vote  
(Christie-Y, Montgomery-Y, Grieve-Y)**

**8. Old Business- None.**

**9. New Business- None.**

**10. Board Member Comments**

**11. Meeting Reminder: Next Meeting Scheduled is July 27, 2017 at 5:30pm**

A. Board Member Grieve moved, with support from Board Member Montgomery, to cancel the July meeting and to reschedule the August meeting to August 10 at 5:30pm.

**The motion passed unanimously on a voice vote**

**12. Adjournment**

*Board Member Grieve moved to adjourn the meeting with support from Board Member Montgomery.*

**The motion passed unanimously on a voice vote**

Meeting adjourned at 6.43pm

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jennifer L. Morris", is written over a horizontal line.

Jennifer L. Morris, AICP

Director of Neighborhood and Economic Operations

*These Minutes of the City of Jackson Zoning & Sign Board of Appeals are not considered final until approved at a scheduled City of Jackson Zoning & Sign Board of Appeals meeting*