

Village of Holly
ZONING BOARD OF APPEALS REGULAR MEETING
Minutes of October 1, 2018

Board Member Rebar called the regular meeting of the Zoning Board of Appeals of the Village of Holly to order at 7:00 P.M. in the Holly Area Schools Board of Education Meeting Room, Karl Richter Center at 920 E. Baird St., Holly, Michigan.

Board Members

Present

Larry Magaw
Joe Hutchins
Josephine Campbell
Nancy Rebar
Richard Kinnamon

Board Members

Absent

Margaret Hejhal
Bob Allsop

Others Present

Marlo Davidson

Staff Present

Katy Hughes
Janell Minnick
Jeremy Watson

Rebar opened the meeting at 7:00p.m.

Motion Kinnamon, Second Campbell to excuse the following member from the meeting: Bob Allsop.

Rebar said the Pledge of Allegiance.

APPROVAL OF THE MINUTES:

Motion Magaw, Second Campbell to approve the minutes from 8/6/2018 with the following corrections: Page 2 "Rebar said you have a method *in designing the size of this*". Motion carried by a voice vote of all ayes and no nays.

APPROVAL OF THE AGENDA:

Motion Rebar, Second Kinnamon to approve the agenda as presented. Motion carried by a voice vote of all ayes and no nays.

PUBLIC COMMENTS: NONE

GENERAL BUSINESS:

Rebar opened the Public Hearing at 7:02 PM.

A. Case 2018-001

Reviewing the variance application for requested variances from Sec. 154.04 (A) to allow a sign located on a trailer in view from the public right-of-way on the property located at 310 S. Broad St. Holly, MI .

- Steve and Melanie Pruitt – Vintage Farmhouse
- Would like to purchase a large roadside chicken, but we have not got room on our property. We would like to place it in the right-of-way in front of one of the buildings. We feel that this would not only be a marker for our building but a landmark for the village. It would add to their advertisement. The chicken is tall and slim and it would tie in with the Vintage Farmhouse reputation. They would also like to add it to parades and events in town.

- Rebar had a question for staff: Did we notify neighbors?
 - Minnick replied yes
- Rebar asked if we received any feedback.
 - Minnick replied no

- Caitlyn Habben ROWE Professionals explained the criteria that the board would use in evaluating the Variances.
 1. Practical Difficulties: There is limited space on the property. The applicant could choose a different type of sign to advertise.
 2. Substantial Justice: There is limited space on the property for a monument or statue sign. These types of signs are not allowed in the Village. The applicant could choose a different type of sign to advertise.
 3. Public Safety and welfare: Depending on where in the right-of-way the rooster is placed could determine if drivers leaving would have clear vision of existing cars on the road. The rooster statue on a trailer is being proposed to be permanently located in the public right-of-way, could be a public safety and welfare issue.
 4. Extraordinary Circumstances: Property is a non-conforming building that sits within the front, side, and rear setback. The applicant could choose a different type of sign to advertise.
 5. No safety hazard or nuisance: Depending on where in the right-of-way the rooster is placed could determine if drivers leaving would have clear vision of existing cars on the road. The rooster statue on a trailer is being proposed to be permanently located in the public right-of-way, could be a public safety and welfare issue.

6. Relationship to adjacent land uses: The surrounding land uses are a mixture of commercial, industrial and residential. This type of movable sign is not allowed in any of these districts to help protect the character of the whole community.

Board Member Comments:

- Magaw asked if it was a permanent sign.
- Pruitt said that it would be on a trailer.
- Magaw asked all year.
- Pruitt said yes.
- Kinnamon asked if there was a time limit for the trailer to be out.
- Watson said 15 days/3 times a yr. Otherwise you will get a violation.
- Rebar said she will start off and said there were several challenges in finding the criteria to be met. The biggest concern is the safety issue, for drivers to see into the roadway from the parking lot. She said she thinks that there could be a different kind of sign, wall sign, we may not have spots on the property for a monument sign but there could be another type of sign on this building. It could be a rooster motif that the business owner was trying to promote.
- Kinnamon said the Pruitts mentioned that there was something in that spot before.
- They said yes there was a water tower there.
- Magaw asked about snow removal in the winter. The snow plows go very fast and could damage the chicken. And it is not allowed anywhere in the Village.
- Rebar mentioned about the yard in the back middle by the parking lot? Could that be a possibility for a sign?
- Pruitt said that they want to make the sign highly visible. They get a lot of walking traffic. They have a truck parked in front of the side of the building so a sign there would not work. The tracks are there and outside dining...so they want to have something visible from Battle Alley.
- Hutchins mentioned the south building front porch, put it on top.
- Watson said there are limitations to height restrictions. It would be too tall, and the applicant would like more of a visual sign where people can take pictures, an advertisement.
- Kinnamon asked about the north building if you mount it on the front of the building...it will hang over the sidewalk.
- Rebar asked if we had the option of tabling this until they find another object, then they wouldn't have to pay a fee again and come back and have the ZBA look at it again.
- Watson said that is an option.
- Hadden said it would be "postponing not tabling".
- Hughes asked if there was a time frame on the purchase agreement.
- Pruitt said we need to know today. She views this as more of a draw then an issue. Safety is a concern but the chicken has very narrow legs.
- Magaw said he would like to see something worked out where it could be mounted near the north building and the sidewalk modified and the trailer would not be on there.

- Kinnamon asked if they would consider making it a permanent thing as opposed to sitting on the trailer.
- Pruitt said that would be fine but they want to use it as a landmark, for parades, etc.
- Kinnamon said maybe if it was off the trailer and permanently mounted closer to the building and the sidewalk was around it and maybe that could be the postponement to come up with a modification so that we could approve it.
- Habben said just to clarify the main component of the variance is that the sign is affixed to a vehicle or trailer and is in view in such a manner it is visible from the public right-of-way.
- Magaw asked Watson what his thoughts were on the sidewalk.
- Watson said he had to consult Brian Klaassen at DPW.
- Rebar said that she will summarize. She doesn't think the applicants are amenable to the request for post event because you have to give a decision on the purchase so these may or may not be feasible ideas. Plus the weight of the time frame to make a decision. I'm not seeing where this meets all for the criteria and there are several of the criteria that it does not meet.
- Watson said that this would be good for 30 days.

Motion Rebar, Second Hutchins to close the public hearing at 7:38 pm. Motion carried by a voice vote of all ayes and no nays.

Motion Rebar, Second Hutchins to postpone the review of the variance for 310 S. Broad St., with a 30 day postponement. Motion carried by a voice vote of all ayes and no nays.

- **A roll call vote was as follows:**
- **Voting for: Kinnamon, Campbell, Magaw, Rebar, Hutchins**
- **Voting against:**
- **Absent: Allsop, Hejhal**
- **The motion carried to postpone the review of the variance.**

BOARD MEMBER COMMENTS:

- Habben wanted to welcome a new planner that would be overshadowing her; Brad Kotrba
- She also wanted to let the Commissioners know that there will be a free seminar in Flint on Oct 30 called "Zoning Violation Nightmares".

ADJOURNMENT:

With nothing further to discuss, Motion Rebar, Second Campbell, to adjourn the meeting at 7:45 PM.

A handwritten signature in blue ink, consisting of several loops and a vertical stroke, positioned above a horizontal line.

**Janell Minnick
Deputy Clerk/Treasurer**