



**Zoning Board of Appeals Meeting Minutes
Remote Meeting by Zoom**

CALL TO ORDER

Chair William Darbee called the meeting to order with a quorum at 7:00 p.m.

INTRODUCTIONS & ROLL CALL

Present: W. Darbee, J. Rise, C. Congdon, L. Elliott

Absent:

Excused: C. Greenleaf, L. Dowd

Others: Staff Liaison, Scott McKillop

APPROVAL OF MINUTES

None.

PUBLIC COMMENT - NON-AGENDA ITEMS

None.

NEW BUSINESS

Motion made to open public discussion by J. Rise, seconded by W. Darbee.

SBA 21-01 302 Lafayette

Appellant is requesting relief from sign regulation precluding placement of signs in clear vision triangles of intersecting streets in order to erect a sign within the westernmost clear vision triangle at 302 Lafayette.

Present: Dennis Banaszak from D and M Site.

Mr. Banaszak cited examples of other gas stations with signs inside of the clear vision triangle. The sign for Sunoco on Henry St. is identical to what is desired.

The dimension on the drawing indicated 84 inches. W. Darbee asked if the sign was seven feet in height over-all. He thought the sign on Henry St. might have been smaller but was not sure. Mr. Banaszak said he just took his client's word that the sign was the same size.

W. Darbee said he thought there had been a problem with the sign on Henry St. Staff stated it was allegedly legal. They did not get a variance to place it where it was. He said the sign permit indicated it was to be placed outside of the clear vision triangle and did not know if had been. Staff said it would be in violation of the City code if it was in the clear vision triangle.

Mr. Banaszak explained the lane on the far side of the road directly in front of the property is striped by MDOT and not supposed to be used by traffic. The traffic is supposed to use the lane closest to the center

line and he feels this gives a buffer for traffic to be able to see around the sign for oncoming traffic to the right. He said the road is pretty clear during most of the day except for morning and evening rush hours and didn't believe the sign would be an issue.

W. Darbee explained a variance could only be granted if unique circumstances are found. He said the first standard refers to the uniqueness or peculiarity of the property that does not exist throughout the city. He felt it was not unique and pretty much a general condition that existed as opposed to a triangle or railway at a corner etc. He wanted to know why this situation was unique.

Mr. Banaszak said he had intended on erecting a dummy sign to get some video but had not gotten to it with the cold weather. He did not have anything to present as justification as to what he feels is the situation at the corner in terms of being able to see oncoming traffic. He said he understood eastbound traffic may have a harder time seeing and claimed his only argument was that traffic was not very heavy most of the day there. He did say however, that traffic backs up past A&W during peak times which could be a hinderance but felt that corner is problematic anyway.

J. Rise inquired where the egress would be located when cars leave the gas station. Mr. Banaszak replied most of the traffic would depart from the front on Lafayette although they could use Wilson St. and the alley too.

L. Elliot was concerned three egresses would increase traffic making it more of a hazard for residents turning west from Wilson St when traffic is high. Mr. Banaszak commented he did not anticipate many people using Wilson St. as an egress.

J. Rise was concerned because she felt that road is pretty busy approximately between 2:30 p.m. to 6:00 p.m. Mr. Banaszak said he mainly sees high volume at 8:00 in the morning and then at 5:30 in the evening when he goes through there, but it's not as high throughout the rest of the day.

W. Darbee explained the second item they have to address is whether not granting the variance will cause more than a mere inconvenience or inability to attain a higher financial return. He felt if the sign is not there it would cause a lower financial return because people need to see the price of the gas.

Mr. Banaszak remarked the sign is a competitive edge that is needed.

L. Elliott inquired if not putting a pilon sign there like the signs at Speedway on Broadway wasn't just a mere inconvenience and asked Staff if a pilon would be appropriate.

Staff replied a pilon would create less of a visual obstruction but was still against the standards. It would still be a grant of relief but would take up less width than the proposed sign.

W. Darbee asked if there had been any comments or correspondence received concerning the sign. Staff replied there had not.

Motion for discussion made by J. Rise, seconded by L. Elliott.

DISCUSSION:

J. Rise felt the street is too busy to have a monument sign. Traffic backs up too far and feels it would be difficult to see a monument sign but that her main issue is the traffic volume.

L. Elliott is concerned about having a monument sign and felt it was a completely different situation than the sign on Henry St. because of the Wilson St. issue though he does understand the need for a sign. He felt it was peculiar in that it has an alley in the back making it difficult to locate the sign on the other side of the property. He did feel the monument sign would create issues though.

J. Rise added she felt the egress may cause more problems later when the road is repaved by the state. She said the state tries to lessen the number of egresses and surmised Wilson St. could end up being used more by vehicles pulling out, making it a stickier situation with the corner.

Staff commented to keep in mind that the applicant was working with MDOT because it is a state route and mentioned there was a full site plan on page 10 of the staff report.

W. Darbee felt there had to be a different way of promoting the price of gas that would not take up space on the corner that would impair travel.

Motion to close discussion made by W. Darbee to deny the request for the variance for reasons stated in the open meeting.

L. Elliott stated standard three had not been addressed and wondered if they couldn't grant a lesser variance to allow a pylon or canopy sign. Staff explained this could be done and entered into a brief discussion with the members regarding canopy and pylon signs.

Motion made by L. Elliott to re-open public comment to allow Mr. Banaszak to address the issue, seconded by J. Rise.

Motion carried unanimously.

Mr. Banaszak said he had not agreed with his client regarding a monument sign in the city and was in favor for an alternative pylon sign. He related he was not the original engineer and knew the sign should not be placed in the proposed location but did what his client requested.

J. Rise asked if W. Darbee was in favor of amending the motion to allow for the pylon sign at 12 feet with the 32-foot square sign on top. W. Darbee replied he had assumed his motion had been withdrawn

L. Elliott thought a variance for a pylon sign would allow for substantial justice as noted in standard three, section c, giving the ability to advertise their price. He said it helped drivers as a pylon sign would give the opportunity to be able to view traffic and would not negatively impact other businesses or properties that may ask for similar things.

W. Darbee wondered if the pylon sign should sit at least four feet from the property line. Staff explained a pylon sign typically dictates how far it will sit back off the property line providing it does not overhang or encroach upon the road right-of-way.

Mr. Banaszak confirmed the proposed distance of the sign was 1.5 to two feet from the edge of the sidewalk. Staff stated two feet would probably be ample room with four being more than enough, but the sign was required to be oriented so that it would not project over the road right-of-way.

W. Darbee said his thoughts were for the sign to be no closer than four feet as a 6-foot sign would project almost to the road right-of-way.

Staff commented the site plan indicated a 1.2-foot setback from the Wilson St. right-of-way and a 2-foot setback from the Lafayette right-of-way in the area where a pylon sign would be placed.

W. Darbee said the request was for a 6-foot base sign with a setback of two feet and placing a pylon sign four feet back would give the same effect except for being up in the air. He stated the 1.2-foot setback on the Wilson St. side was not an issue with him because it would not be an obstruction to drivers. He stated the sign should be four feet south of the Lafayette right-of-way and two feet east of the Wilson right-of-way.

Motion made by L. Elliott based on the discussion to allow a variance with an exception that the variance would be for a pylon sign with a 4-foot setback to the pylon from the Lafayette right-of-way and a 1-foot, 2-inch setback from the Wilson right-of-way based on the findings-of-facts.

W. Darbee requested the bottom of the pylon sign to be no less than six feet from the ground up to give the ability to see through the pylon. L. Elliott agreed.

Seconded by W. Darbee.

Roll call vote: “Yes” vote in favor for the sign with the variance aspects.
Four “Yes” votes. Motion carried. Request is approved.

OLD BUSINESS

None.

OTHER BUSINESS

None.

ADJOURN

Motion made by L. Elliott, seconded by W. Darbee, to adjourn the meeting at 7:41 p.m. Meeting adjourned.

Prepared by: Lisa Griffiths, Planning & Zoning Administrative Assistant