CITY OF LUDINGTON
BOARD OF ZONING APPEALS
Minutes –March 16, 2004

A regular meeting of the Ludington Board of Zoning Appeals was held on March 16, 2004 at the Ludington Municipal Building, 400 S Harrison St., Ludington, MI, and was called to order by Tom Tyron, Chairperson at 5:30 p.m.

PRESENT: Tom Tyron, Ken Vanderbilt, Brian Purtee, Joe Moloney, Leon Vandawater and Bonnie Vaught.

ABSENT: John Markov (excused)

ALSO PRESENT: Building Inspector, John Healy and Recording Secretary Carol Ann Foote

ROLL CALL: The roll call gave the above results.

AGENDA APPROVAL: A motion was made by Ken Vanderbilt to approve the agenda, seconded by Bonnie Vaught. Motion carried unanimously.

MINUTES: A motion was made by Brian Purtee to approve the minutes of October 21, 2003, as written, seconded by Bonnie Vaught. Motion carried unanimously.

PUBLIC HEARING:
Consideration of a request by James T. Nordlund for an additional four square feet of signage over the allowed four square feet for a nameplate sign in the R3A (Multi-Family Residential) district, Section 800.7:2 of the Ludington Zoning Ordinance #23-00 at the following described property: KASSON'S ADDITION LOTS 7 & 8, BLOCK 2, also known as 813 E. Ludington Ave.

The recording secretary reported that sixty-seven notices were sent with no response.

Diana Bondeson, Northwoods Signs, 111 S. Jebavy Dr, said that she was representing Jim Nordlund. She explained that they were asking for a small addition to the allowed signage on the front of the building. At one point the building had lettering in the same location, but the building was resided and the signage taken down. He would like to replace that signage with this, which is a bit smaller than what was there in the first place.

Joe Moloney asked if the sign that is currently up. Ms. Bondeson said that the one currently up was an allowed freestanding sign of approximately seven square feet. They are allowed and additional four square feet on the building and they are asking for eight. The reason we want to do this is that there is a curve in the road and the free standing sign is easy to read from east to west, but it is difficult to read from west to east.

Bonnie Vaught stated that there was a curve in the road, which made it difficult to read when traveling west to east, but this is a new sign. Ms. Bondeson said that it was actually the same sign, just a little larger and a different color. Bonnie Vaught stated that under that sign there was another one that read West Michigan Testing. Ms. Bondeson said that it was an additional three square feet, so the total of the free standing would be twelve square feet. Bonnie Vaught asked if there was any consideration to move that free standing sign. Ms. Bondeson said that they did consider it, but then it would have been difficult to read it from east to west. It really did not matter what they did.

Brian Purtee stated that they had not received permission from Mr. Nordlund for representation in this matter. John Healy told Brian that they had received permission that day and it was submitted to the Chair.

Leon Vandawater said that he thought that the sign was more visible where it was located now. It would not be seen when driving by, if it were located on the building. Ms. Bondeson said that they wanted to keep both signs. They are allowed two signs, they are over square footage. Ken Vanderbilt asked if there was a reason that they could not stay within the square footage allowance. Ms. Bondeson told him that the name was so big; it would take the whole eight feet. He asked if she could use smaller letters. She said that they could, but why bother.

Tom Tyron said that she would have to prove that she could not stay within the Ordinance, and it looked to him like she could. Just because you have difficulty reading the name is not adequate, in my estimation.

Brian Purtee said that it was not like a restaurant competing against another restaurant. You are going to go look for that place to do business with it. He stated that he could not find the numbers on the business. Bonnie Vaught said that she did not see the 813 on the business either. That would be a difficulty for any location in the city.

Public Hearing Closed

Bonnie Vaught reported that the Board had received communication from Tom Coleman, chairman of the Planning Commission with background on the U.S. 10 strip development. The concern back as far as 1995 that the U. S. 10 strip development was having a detrimental affect on the downtown businesses and provides a chaotic uninviting entrance to the community. A year ago Jim Nordlund requested rezoning the property from R3A to LC. He was making the request to bring the property back into conformance. Converting it back to residential would be a considerable expense. At that time, they tabled the issue. The committee met with Mr. Nordlund and it was brought back to the Commission. There was discussion of the Master Plan affecting the issue. The intent was not to promote additional commercial. Mr. Nordlund didn't have any other reason to change the zoning and the Planning Commission felt the current zoning was ok. The signage that is in the multi-family district is what we are dealing with.

Tom Tyron stated that it was good that the Planning Commission sent them the communication, but he did not feel that it had to do with anything that they were after; whether we are going to grant a variance in order to increase the size of a sign. Basically, we need to decide if we are going to grant a variance or we are not.

Tom Tyron started discussion on the variance scoreboard for a dimensional variance:

Are there practical difficulties, is there something unique about the property which makes it <u>difficult</u> for the owner to use his property in the manner that others can use their property?

Brain Purtee pointed out that the business was already being run in a residential area. He is grand fathered. Tom Tyron said that it was obvious that there was a lot of commercial before you get to Nordlund. It is not the entryway to Ludington. There is not practical difficulty. There is no reason why they cannot comply with the Ordinance. Bonnie Vaught said that the business was not doing anything different from the businesses around them. Brian Purtee said that the idea is to reduce the

impact. If they want to put up an additional sign and be within the Ordinance, that is fine. I don't see a practical difficulty that they need more space than allowed. Joe Moloney agreed with Brian. Leon Vandawater commented that if you allowed this, you would be setting a precedence. That kind of thing balloons and I have a problem with that. Bonnie Vaught said that she agreed. Tom Tyron said that if it were agreed, they would go not further

Bonnie Vaught made a motion to deny the request for additional square footage to a sign, seconded by Brian Purtee. Motion carried unanimously.

OLD BUSINESS:
None

NEW BUSINESS:
Elect Officers (Chairman, Vice-Chairman)
Bonnie Vaught nominated Ken Vanderbilt as Chairman. Brian Purtee made a motion to close the nominations seconded by Bonnie Vaught. Motion carried unanimously to elect Ken Vanderbilt as Chair.

Ken Vanderbilt nominated Brian Purtee as Vice-Chairman. Bonnie Vaught made a motion to close the nominations seconded by Ken Vanderbilt. Motion carried unanimously to elect Brian Purtee as Vice-Chairman.

Set Meeting Time, Date and Place
Bonnie Vaught made a motion to meet at 7:00 p.m. on the third Tuesday of each month, when business, at the City Municipal Building, seconded by Tom Tyron. Motion carried unanimously.

PUBLIC COMMENT:

ADJOURNMENT:

Ken Vanderbilt made a motion to adjourn the meeting at 6:05 p.m., seconded by Joe Moloney. Motion carried unanimously.

Respectfully submitted,
Carol Ann Foote, Recording Secretary