

ACME TOWNSHIP
Zoning Board of Appeals
June 09, 2005

Thursday, 7:30 p.m.
Acme Township Hall
Acme, Michigan

Meeting called to order at 7:30 p.m.

Members present: L. Belcher (Vice Chair), P. Collins, D. Kipley, D. Krause, D. Smith

Members excused: J. Kuncaitis

Staff present: J. Hull, Zoning Administrator
S. Corpe, Office & Planning Coordinator/Recording Secretary

1. **Review and approval of the agenda, inquiry as to conflicts of interest:** No conflicts of interests noted.

Motion by Krause, support by Smith to approve the agenda as presented.
Motion carried unanimously.

2. **Correspondence:** None

3. **Reports:** None

4. **Hearings:**

a) **Interpretation of §7.4, Signs, regarding temporary signs: §7.4.1(1)k. and §7.4.1(4)d** (Attachment A included and incorporated by reference): The question is: who has the authority to approve temporary sign permits: the Zoning Administrator/Planner or the Board of Trustees? The two referenced sections of the ordinance appears to give conflicting direction on this point. Belcher could not recall any specific history on this issue. Smith stated that years ago when it was noted that a variety of signs were being put up in East Bay Township including billboards, Acme Township amended its sign ordinance to provide desired guidelines. He recalled that Tom's asked for larger than normal signage to enhance visibility but has been held to the standard requirements and has managed well. The Resort also sought larger signage. The township has remained firm over the years as far as the size of permanent signage. Real estate "for sale" signs may be 9 sq. ft. in size. Smith feels that it would be appropriate to allow temporary signs that otherwise meet ordinance requirements to be approved by the Zoning Administrator/Planner, and signs that do not otherwise meet requirements would require approval by the Board of Trustees.

Belcher recalled that K-Mart originally said that it didn't have a sign that met our size requirements, but they did come up with one. He does not recall that the ZBA has ever issued a sign size variance. In 1986 when one of the ordinance amendments was made, planning/zoning staff was part-time. By 1995 when the other amendment was made there was full-time staff and the Board likely desired to give the temporary sign permit issuance authority to the staff.

Kipley asked if concerns regarding Hull's manner of enforcement have been raised. Hull stated that Supervisor Kurtz had expressed a desire that he begin directing temporary sign permit requests to the Board. The ordinance requirements for the process were unclear, which leads to the need for interpretation by the ZBA. Hull has generally been able to negotiate reasonable temporary sign usages with property owners. Belcher asked if Hull had reviewed Board or Planning Commission minutes from 1986 and 1995 to see if there is documentation of why the ordinance amendments were made; he had not. Also, records that far back in the past do not tend to be as full of commentary as ones taken since Corpe has been the Recording Secretary.

Belcher believes that in 1995 it was the Board's intent to delegate the responsibility for temporary sign permits to the staff, and that they neglected to change the section mentioning that the authority was vested in the Board. However, where the situation is unclear he also tends to prefer taking a conservative approach. Perhaps if the authority is left with the Board they will delegate it to the staff. On the other hand, if people learn that they must wait for temporary sign permits until their request can be addressed at a Board meeting, it may increase the incidence of violation. People may just put up signs without permits, and notices of violation provide 30 days for correction so the signs could be up for a while.

Smith expressed concerns about vesting the authority entirely with the staff, and wondered if it would be possible to come to an arrangement whereby Hull plus one or two Board members would be able to approve temporary sign permits as needed as a committee.

Kipley read both portions of the sign permit. He noted that the first section revised in 1995 applies to all properties within the township, but that the second section revised earlier in 1986 clearly applies only to properties zoned for business use and only certain types of temporary signs. He noted the language that permits announcement of a special event but does not allow promotion of a specific product, and thereby provides clear guidelines. He believes that the generic temporary signs in all zoning districts, including business, are to be approved by the staff per the first section. Therefore, he believes the ordinance calls for the authority to be vested in the Zoning Administrator/Planner, and does not understand why the additional language regarding wall signage in the business district is there. Kipley also noted that a process has been in place for some time now that seems to be functioning well. He recalls that in times past Rusty Rast was the Zoning Administrator and approved such things as Hull has been. Hull seems comfortable making the necessary decisions. Why fix something that isn't broken?

Krause asked if Hull is comfortable policing sign issues as they come up; Hull replied affirmatively. He expressed concerns about directing all temporary sign permits to the Board from a practical standpoint – people can't always wait until the next Board meeting as their need may come and go sooner. Hull did mention that if the ordinance were to be further amended, perhaps it would make everyone more comfortable if more specific guidelines about the nature and duration of temporary signs are spelled out in the ordinance so that the Board could have faith that current and future staff have a clear understanding.

Belcher expressed agreement with Kipley's interpretation of the ordinance. If the Board is displeased with the decision they can ask the Planning Commission to consider an amendment that vests the authority either in the Board alone or in a committee of staff and Board members. Smith expressed concern that the standards that are in place remain firm going forward for sign sizes and placements.

Motion by Kipley, support by Smith to interpret the ordinance to say that that the Zoning Administrator has the authority to approve temporary signs in any zoning district as provided by Section 7.4.1(1)k, such section taking precedence over Section 7.4.1(4)d.

Belcher also noted that if Hull needs assistance with a decision he can always ask for Board help.

Motion carried unanimously.

5. **Other Business:** None
6. **Approval of minutes from the May 12, 2005 regular meeting:**

Motion by Smith, support by Collins to approve the minutes of the May 12, 2005 meeting as presented. Motion carried unanimously.

Meeting adjourned at 8:13 p.m.