
ZONING BOARD OF APPEALS MINUTES

January 16, 2025
Regular Meeting - 7:00 PM

1) **CALL TO ORDER**

IN A REGULAR SESSION held on Thursday, January 16, 2025, at 7:00 PM in the Council Chambers of City Hall, 323 West Michigan Ave, Marshall, MI 49068, the Marshall Zoning Board of Appeals was called to order by Chair Fisher-Short.

2) **ROLL CALL**

Roll was called:

Present: Chair Fisher-Short, Byrne, Hill, Karns, Stewart and alternate Underhill

Also Present: Director of Community Development Strange and Deputy Clerk Cary

Absent:

3) **PLEDGE OF ALLEGIANCE**

4) **APPROVAL OF AGENDA** - Items can be added or deleted from the Agenda by City Council action.

Director Strange stated that the city was notified that appeal 25.01 211 & 213 E Michigan Ave use variance for first floor residential was requested to be removed from the agenda by the Owner.

Moved by Ian Stewart, supported by Jeff Karns to update the agenda to remove the hearing of Appeal 25.01 On a voice vote: **Motion Carried.**

Chair Fisher-Short noted that those of you here who were hoping to comment on that item will have time to comment on non-agenda items. So, although that item is no longer on the agenda, there is a comment period later in the meeting following the appeals that we will still hear this evening on non-agenda items.

Moved by Ian Stewart, supported by Jeff Karns to approve the amended agenda On a voice vote: **Motion Carried.**

5) **APPROVAL OF MINUTES** - Items can be added or deleted from the Agenda by board action.

A. Approve December 19, 2024, Meeting Minutes

Moved by Jeff Karns, supported by Art Hill to Approve the December 19, 2024, Meeting Minutes On a voice vote: **Motion Carried.**

6) **PUBLIC COMMENT ON AGENDA ITEMS** Persons addressing the board are required to give their name and address for the record when called upon by the Chair. Members of the public shall be limited to speaking for a maximum of five (5) minutes. Comments should address AGENDA ITEM topics. Public Hearing items should be addressed during the PUBLIC HEARING portion of the meeting agenda. Non-Agenda items should be addressed during the PUBLIC COMMENT-NON-AGENDA ITEMS portion of the meeting agenda.

none

7) OLD BUSINESS

none

8) REPORTS AND RECOMMENDATIONS/NEW BUSINESS

A. Appeal #25.01 211 + 213 E Michigan Avenue - Use Variance: First Floor Residential

Appeal #25.01 was removed from agenda on January 16th, 2025.

B. Appeal #25.02 112 N Eagle St- Dimensional Variance

Director Strange discussed that the department received a signage application for two signs to be installed at the new venue 19zero9 at the 12 North Eagle St. The front sign is a projection sign which is allowed at this time the city has an existing sign ordinance and then we are also working on a new sign ordinance through efforts between the city council and the planning commission. When we reviewed this sign, the ordinance doesn't allow for quite as large of sign. The front sign that was applied for was just over 18 square feet. The back awning sign that is attached to a face of an awning coming off the back entrance is just over 17 and half square feet. Since the signs do not meet the ordinance, they are here today to ask for a variance. There was an existing sign on the front of the building that was torn down and could no longer be used. So, refurbishing that existing sign was not an option for them. They did go back and try to measure what that would have been. Attached to the agenda packet there are some photos that were submitted. We approximated what the sign would have been, which probably would have been even larger than what the sign they are asking for. Both signs are desired to be lite, we don't see that as being an issue with way they are proposing that to be done.

Joe Caron- I'm here on behalf of Schuler's Restaurant Venue 19zero9. We are doing a quite expansion renovation to the old Dreamers Furniture building. Our intent with these signs, we were hoping to utilize that previous sign that was up there. We actually developed our logo for the venue around the shape and design of that sign. Unfortunately, once we kind of took a look at it, it was so degraded that it wasn't able to be really refinished in a way that would be useful to us. So, we would like to do something slightly smaller than what was up there. We feel like the size of the building that this size of sign still fits, and it also makes our space visible for Michigan Avenue, which is going to be something that's important to us. We're hoping that this space attracts a lot of visitors from outside of town. And so having that visibility for Michigan Avenue will certainly help with the wayfinding of the venue. The back portion of the building, the sign is intended to go in the overhang over the stairs, it'll be a flat sign, but we would like to have it backlit, so it's able to be viewed.

Board Discussion:

- Strict compliance with the specified dimensional standard(s) will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or unreasonably prevent the owner from using the property for a permitted purpose.

- The variance will do substantial justice to the applicant, as well as to other property owners, and a lesser variance than requested will not give substantial relief to the applicant or be consistent with justice to other property owners.
- The need for the variance is due to unique circumstances peculiar to the land or structures involved that are not applicable to other land or structures in the same district.
- The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors.
- The variance will not cause significant adverse impacts to adjacent properties, the neighborhood or the city, and will not create a public nuisance or materially impair public health, safety, comfort, morals or welfare.
- The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience, or an inability to attain a higher financial return.

Hill- Asked about the current sign ordinance. And the upcoming new sign ordinance.

Director Strange- The new size of sign under the new ordinance would be 12 square feet. When you start doing curved signs, you have to measure from the extents of the sign.

Stewart- The true area of the sign is approximately 14 square feet. However, as the sign ordinance is written, it isn't the actual, the true area it is the rectangle or square space that it occupies. seeing the renderings, the drawings that were provided. As far as scale is concerned with the facade of the building, I do think its proportional. From a design perspective yes, it looks great but from an ordinance perspective it is not in compliance.

Hill- Question why have an ordinance if we are just going to allow bigger still.

Stewart- As a part of the new sign ordinance that has to do with vintage sign design. This would have been an excellent candidate for that because of the historic character of it. Keeping the old dreamer sign in sight and understanding that was the original intention was to be able to maintain that sign. The character of it does reflect more historic nature. So had this process been up and running that would have been my recommendation for then to actually go through that process through planning commission. I do believe it is within the correct zone, does have the historic architectural character in mind.

Stewart- Taking into account of the proximity to other building, the street it's on. Safety

is the key one, it means the distance from grade to the bottom of the sign (eight feet is the minimum), it is well above that. If there were other business next door to it, and the 18 square foot sign overshadowed those other businesses. I don't see it impacting the dentist office across the street or small businesses just south of there. In the back of the building if the sign was overshadowing another business that would be unfair.

Fisher-Short- I'm looking at the six criteria here where if we fail to grant the variance, will include substantially more than a mere inconvenience or an inability to attain a higher financial return. I understand the significant investment but again are we setting a precedent where if you send money, then you may skirt the rules.

Director Strange- Instead of the sign variance going through zoning board of appeals, it would go through the planning commission to see if that aesthetic and historical impact of the sign, the look and feel correlates with the historical look and feel of the building that it would be associated with.

Hill- How close is that vintage process might be to fruition?

Stewart- if were technically basing the decision making off of thud draft sign ordinance, it is in process.

Director Strange- We are referencing the future sign ordinance for sizing for the signs coming in. We are trying to get a joint meeting between city council and planning commission, but that might take a month or two. It could be six months before we really see that implemented in full scale.

Fisher-Short- I think it is wise that we consider the request on its face for the variance sought without consideration to the hypothetical paths that may present themselves in the future.

Hill- I don't actually agree, I think if the city is working on a process and they have made progress and they have a direction that they have communicated to us, that's worth considering.

Moved by Ian Stewart, supported by Art Hill to approve Appeal 25.02 112 N Eagle St Dimensional Variance On a roll call vote: **Motion Carried.**

Ayes: Russ Byrne, Jeff Karns, Ian Stewart

Nays: Justin Fisher-Short, Art Hill

Abstain: Ryan Underhill

- 9) PUBLIC COMMENT ON NON-AGENDA ITEMS** Persons addressing the board are required to give their name and address for the record when called upon by the Chair. Members of the public shall be limited to speaking for a maximum of five (5) minutes. Comments should address NON-AGENDA ITEM topics. Public Hearing items should be addressed during the PUBLIC HEARING portion of the meeting agenda. Agenda items should be addressed during the PUBLIC COMMENT-AGENDA ITEMS portion of the meeting agenda.

Caryn Drenth at 602 Laura Lane in the city of Marshall made a comment recommending disapproval of first floor residential in downtown Marshall.

Mike Lounds at 223 1/2 E Michigan Ave made a comment recommending disapproval of first floor residential in downtown Marshall.

Penny Kinter at 211 Chauncey Court made a comment recommending disapproval of first floor residential in downtown Marshall and express concerns about parking downtown.

Director Strange received a letter from Matt Davis requesting disapproval first floor residential in downtown Marshall. This will be included with the meeting packet.

Ron Handold at 155 West Michigan Ave made a comment recommending disapproval of first floor residential, in agreement with previous commentators.

10) BOARD REPORTS

None.

11) ADJOURNMENT

The meeting was adjourned at 7:47pm.

Respectfully submitted by,

Brandie Cary
Deputy Clerk