



MEETING MINUTES
Cadillac Zoning Board of Appeals
5:30 P.M.
September 15, 2016

CONVENE MEETING

Chairperson Nichols called to order a meeting of the Cadillac Zoning Board of Appeals at 5:31 p.m. on September 15, 2016.

ROLL CALL

MEMBERS PRESENT: Allen, Engels, Nichols, Paveglio, Knight, Genzink
MEMBER ABSENT: Ault, Bontrager, and Walkley
STAFF PRESENT: Coy

APPROVAL OF MEETING AGENDA

Motion by Knight, supported by Paveglio, to approve the September 15, 2016 meeting agenda. The motion was unanimously approved on a roll call vote.

APPROVAL OF MEETING MINUTES

Motion by Engels, supported by Allen, to approve the July 21, 2016 meeting minutes as presented to the board. The motion was unanimously approved on a roll call vote.

PUBLIC COMMENTS FOR NON-HEARING ITEMS

None

PUBLIC HEARINGS

Sign Variance Application from Goodrich Quality Theaters, Inc. for their movie theater at 202 S. Mitchell Street (Cadillac 5 Theatre) to construct a new projecting sign that will require a variance from the Cadillac Code of Ordinances for the height they wish to hang the new sign. They are asking for a variance of nine feet to have the top of the new sign at 24 feet above the sidewalk on South Mitchell Street.

APPLICANT

Goodrich Quality Theatres
4417 Broadmoor SE
Kentwood, MI

Reed Simon, Regional Manager for Goodrich Quality Theatres and Richard Schulz, Manager of the Cadillac 5 Theater attended.

SITE AND ZONING

The property site is described as; LOT 5, BLK A MITCHELLS REVISED PLAT OF THE VILLAGE OF CLAM LAKE, CITY OF CADILLAC, (Tax Identification Number 10-086-00-

008-00) and the abutting site is: LOT 6, BLK A MITCHELLS REVISED PLAT OF THE VILLAGE OF CLAM LAKE, CITY OF CADILLAC (Tax Identification Number 10-086-00-010-00) As noted, the common address is 202 South Mitchell Street, Cadillac, MI 202 S. Mitchell Street is in our B-2 Central Business District. The surrounding properties across Mitchell Street to the east along with properties to the south, west, and north are also zoned B-2 Central Business District.

Chairman Nichols opened the case stating a variance application has been filed by the applicant. He referred the matter to staff for comment.

Mike Coy, Community Development Analyst while using a power point presentation discussed the **ZBA staff report**. He explained that the projecting sign needs review by the Zoning Board of Appeals for its height. The sign ordinance for the B-2 Central Business District allows for a projecting sign to be up to 15 feet high. It must also be at least seven feet off the ground. The proposed sign is roughly 17 feet in height which if mounted seven feet off the ground will make it a total of 24 feet high but below the roof line.

Coy explained that the sign ordinance for projecting signs in our B-2 District allows for projecting signs that extend out over the sidewalk up to 42 inches. The current awning/projecting sign at the Cadillac 5 Theatre extends out seven and a half feet out from the east wall. The new proposed sign will extend out from the wall 40 inches. Also the proposed sign is smaller at 60 square feet in size from the current awning sign.

Coy discussed the zoning of the B-2 District and added that two blocks to the south where the Shell gas station is located in a B-3 General Business District has different sign standards. He showed a picture of the Shell pole sign which is 28 feet in height. He also added that one block east of the Cadillac 5 Theatre going up the hill of East Cass Street the zoning changes to an OS-1 Office Service District which also allows for taller pole type signs.

Section 46-69(4) of the Cadillac City Code states that in consideration of a variance, the Zoning Board of Appeals shall first determine that the proposed variance will not result in conditions which:

Standard – *The variance will not impair an adequate supply of light and air to adjacent property.*

Finding – There should be no impact on light and air to adjacent properties.

Standard - *The requested variance will not unreasonably increase congestion in public streets.*

Finding – The proposed request and site plan should not impact traffic congestion on public streets.

Standard – *The requested variance will not increase the danger of fire or endanger the public safety.*

Finding – Public safety should not be affected.

Standard – *The requested variance will not unreasonably diminish or impair established property values within the surrounding area.*

Finding – Updating the front of the theatre with a new facade may improve neighboring property values. Construction of the new plaza area in our downtown is already having a positive impact on property values.

Standard – *The requested variance will not impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city.*

Finding – Construction of a new sign should not impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Cadillac. Coy added that both a mechanical and electrical permit would be required for the installation of the sign.

Coy also brought up that sign variances need to be reviewed according to Section 46-664(j) from the City Code of Ordinances. Specifically Sec. 46-664(j)(3)(d) reads *“Before a variance is granted, it must be shown that the alleged hardships or particular peculiar difficulties of the person requesting the variance result from conditions which do not exist generally throughout the city.”*

Coy said that in his opinion there may be a condition that does not exist throughout the immediate neighborhood. Two blocks to the south the zoning changes from a B-2 Central Business District to a B-3 General Business District and one block to the east zoning changes to an OS-1 Office Service District. Both of these districts allow for signage taller in height than what is proposed for the theatre. Coy also showed a picture of the projecting sign downtown in front of the Masonic Building which is in the B-2 District. It extends upward higher than 15 feet.

Coy said that notification of the public hearing on this application was given via first-class mail to all property owners and residents within 300 feet of the subject site and a notice of the hearing was placed in the Cadillac News. These notices were provided not less than 15 days prior to the hearing date.

The city did receive a letter of support for the new sign from the Downtown Development Authority (DDA). ZBA members received a copy of the letter with the staff report. Coy added that at the DDA meeting in August the group viewed the Cadillac 5 concept and felt it would create a nice visual look for drivers coming into Cadillac from the east on M-55 when they reach this major downtown intersection.

Coy concluded his presentation with *“based on a finding of compliance or non-compliance with the standards of the ordinance, the Board shall approve, approve with conditions, or deny the variance application.”* Reasonable conditions may be attached to an approval in order to achieve compliance with the standards of the ordinance.

Coy said that a condition was included with the approval of the projecting sign at Clam Lake Beer Co. that went before the ZBA in 2013. That condition was that the sign needed to be

attached to the building in a secure fashion that would not require cables or chains to support the weight.

Nichols opened the meeting for discussion of the application and questions.

Engels said he felt the sign concept is attractive and agrees with the DDA that this will be an attractive addition to this main street intersection.

Allen asked what the projecting objects where on the façade? Mr. Simon said they are the new exterior lights. He added that the sign and façade lighting will be LED and more energy efficient. Mr. Simon was also asked about the changes to the façade with respect to the information posted on current movies showing at the theatre. Simon said the Cadillac News recently asked him about the same thing. He said currently with the use of smart phones and other technology the older fashion posters are not as effective for advertising. He also said the reason the sign does not say “Cadillac 5” is that in the future they may wish to combine two theaters to make one large one.

Knight asked if the weight of the sign would require cables? Simon said no and that a structural engineer will be consulted as to how best to secure it to the wall prior to the sign being installed.

Genzink brought up the request for a sign variance that Temple Hill Baptist Church brought before the ZBA that this board turned down and is this different? Nichols and Paveglio both agreed that the downsizing of total square footage along with reducing the projection over the sidewalk right-of-way were reasons they like the new sign concept. Coy added that the difference between this being a commercial district and the Temple Hill Baptist Church being in a residential neighborhood is also a factor to consider.

There being no additional public comments, Chairman Nichols closed the public speaking portion of the hearing and asked board members for a motion.

After discussion Engels made a motion to approve the applicants request for a variance with the condition that it be attached to the exterior wall without the need for cables or chains to support the weight. Support by Knight. On a roll call vote, the motion passed unanimously

NEW BUSINESS - None

Public Comments, other business, board member comments - None

ADJOURN

Chairperson Nichols adjourned the meeting at 6:09p.m.