

**NORTHFIELD TOWNSHIP
ZONING BOARD OF APPEALS
Minutes of Regular Meeting
February 16, 2016**

1. CALL TO ORDER

The meeting was called to order by Vice-Chair Amy Steffens at 7:00 P.M. at 8350 Main Street.

2. PLEDGE OF ALLEGIANCE

**3. ROLL CALL
AND DETERMINATION OF QUORUM**

Marlene Chockley	Present
Doug Del Favero	Absent with notice
Greg Kolecki	Present
Jacqueline Otto	Present
Amy Steffens	Present
Gary Wellings, Alternate	Absent

Also present:

Kurt Weiland, Zoning Administrator
Mary Bird, Assessing & Building Assistant
Recording Secretary Lisa Lemble
Members of the public

4. ADOPT AGENDA

- ▶ **Motion:** Chockley moved, Otto supported, that the amended agenda be adopted as posted.
Motion carried 4—0 on a voice vote.

5. ELECTION OF OFFICERS

- ▶ **Motion:** Chockley nominated Amy Steffens to serve as Chair. Kolecki supported.
Motion carried 4—0 on a voice vote.
- ▶ **Motion:** Steffen nominated Greg Kolecki to serve as Secretary. Otto supported.
Motion carried 4—0 on a voice vote.
- ▶ **Motion:** Chockley nominated Jacqueline Otto to serve as Vice-Chair. Steffens supported.
Motion carried 4—0 on a voice vote.

6. 2015 MEETING SCHEDULE

Steffens read the list of proposed meeting dates—the third Monday of each month at 7:00 P.M. for the remainder of the year.

- ▶ **Motion:** Chockley moved, Otto supported, that the 2016 Zoning Board of Appeals Meeting Schedule be adopted as presented.
Motion carried 4—0 on a voice vote.

6. CORRESPONDENCE

None.

8. PUBLIC HEARINGS

- ▶ **8A. Case #JZBA160001; Nowatzke Truck & Trailer; Location: 6900 Whitmore Lake Road; Parcel 02-20-300-036; Zoned GC—General Commercial; Request for variances from:**
 - Section 36-793(1) for two additional wall signs on the gasoline pump canopy.
 - Section 36-795 for eight pump toppers.
 - Section 36-803, Article XXIX and Section 36-901, and Section 36-796 to remove a portion of an existing legal non-conforming sign and install a new 6' x 12' electronic message sign.
- ▶ **Motion:** Otto moved, Chockley supported, that the public hearing be opened.
Motion carried 4—0 on a voice vote.

Jim Anderson, Huron Sign Company, appeared for Nowatzke Truck & Trailer. He said under the current sign ordinance the one illuminated sign already installed on the canopy—facing west toward Whitmore Lake Road and Alexander's Farm Market—is allowed, and they are seeking a variance to place two additional signs on the north and south sides of the canopy which would be non-illuminated vinyl.

Anderson said they are also requesting eight illuminated pump toppers—two on each side of four pumps—which are standard identification packages that come with the pumps as distributed. Nowatzke said he has no choice about accepting them or not.

Anderson also said the billboard on US-23 was in place when Nowatzke purchased the property, and they are proposing to remove 200 sq. ft. of the current sign and install a 6'x12' (72 sq. ft.) electronic message sign like the one on the sign for the gas station on the east side of US-23.

Nowatzke said when he purchased the property there were existing fuel pumps and he is now replacing

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them. He referred to additional signs that are being removed per the information distributed to ZBA members. He said they currently have four employees who are Whitmore Lake residents and he hopes to hire at least four more. He thanked Weiland for his assistance on this project.

In answer to questions from Otto, Weiland said the pole sign along US-23 where Nowatzke would like to put the electronic sign is technically not on his property, so it is considered to be a non-conforming billboard.

Chockley said she cannot vote on the sign issues that were previously acted upon as part of the site plan approval by the Planning Commission when she was a member of the Commission, but she can vote on the variance regarding the billboard. Steffens explained that this means all three other ZBA members must vote in favor of the other variance requests, and she offered to delay ZBA action on those requests until the full ZBA meets again. Nowatzke said he would prefer to proceed.

Nowatzke referred to the packet of information he distributed at the beginning of the meeting and pointed out signs that have been removed. He said the pole sign on the northwest corner by Whitmore Lake Road will also be removed.

Weiland said since there are two businesses on the property the diesel pump canopy sign—showing the Nowatzke name—is permitted in addition to the Marathon canopy signage, but pump toppers are not allowed in the zoning ordinance. He noted the toppers have been allowed by variance in some cases, but not in others, and an emblem is allowed, but not the name. Regarding the pole signs, Weiland said the Nowatzke sign on the northeast corner of the building was noted on the approved site plan to be removed, and although technically the sign ordinance would allow one pole sign on each road frontage, the total square footage allowed is 80 sq. ft. He said if the billboard is to be considered essentially an on-site sign there is a question of whether that should be included in the total 80 sq. ft. allowed for pole signs.

Steffens asking what the wording immediately on top of the pumps stating "Fueling the American Spirit" are considered to be. Weiland said he would not consider that to be signage. Nowatzke referred to photos of the Sunoco station pumps showing toppers on each of them. Kolecki noted the Speedway pumps have advertising on top of them. Weiland said he does not know if those were approved.

Weiland said because the billboard is a legal but non-conforming sign, if it blew over it could not be replaced and it is not allowed to be improved or have any greater impact than it has now. He said in his opinion that means he the ordinance would not allow the addition of the digital sign, even though the total

square footage would be reduced. Chockley noted pole signs under the ordinance are permitted to be a maximum of 15' high and this proposed signage would be a total of 46' high.

In response to questions from Otto, Nowatzke said he would be willing to enter into an agreement that the property the billboard is on cannot be sold separately from the gas station property. Otto said she would like to make sure the sign is tied to the subject property.

Anderson said if a variance had been granted when the billboard was erected in the early 1990s that variance would still be in effect today. Weiland said when the property the sign is on was separated from the rest of the Nowatzke property by creation of the current Tractor Supply parcel the sign became a billboard, and Nowatzke has not submitted any evidence that he owns the property the billboard is on. In answer to a question from Steffens, Nowatzke pointed out on the plan the property that he has an easement over for both the sign and the access to it.

Anderson said in today's world gas prices change every day, and the electronic sign would allow Nowatzke's Marathon station to be competitive in the market. Chockley said she would prefer to see the sign come into conformance with the Township's sign ordinance as required by the ordinance when changes are made to a non-conforming sign. Nowatzke noted that he is allowed to reface the sign at its current size under the ordinance, but he is offering to reduce the total square footage in exchange for permission to add the electronic sign.

Chockley asked if the height of the sign could be reduced. Anderson said a sign with a maximum 15' height would have no visibility on US-23.

Dale Brewer, 11548 East Shore Drive, said the land the billboard is on cannot legally exist at 1/16 acre and without an address, so it is clear that this is an off-site advertising sign or billboard. He said the only legitimate reasons for granting a variance are hardship or practical difficulty, and neither is true in this case. He said Nowatzke does as he likes, including removing spoiled soil from this site by dumping it in an illegal manner in Green Oak Township, and installing two new light poles on the property which are not shown on the site plan and are not down-shielded per ordinance requirements. He also said an incorrect address is shown on the application and Nowatzke is delinquent in personal property taxes.

Brewer noted that the signs referred to for other gas stations along US-23 are all on their own properties, so are not billboards, except for a billboard legally rented by Speedway which shows that there are other options for providing sufficient advertising along the highway. He said Marathon requires operators to put up as much signage as is possible within local ordinances, but does not require additional advertising. He said Nowatzke

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did not perform the required due diligence before submitting his site plan to the Planning Commission, but that is not a reason for a variance to be granted.

Nowatzke said he paid all of his taxes two weeks ago, and the soil he transferred off his site was not the cause of a ticket being issued on the Green Oak property.

- ▶ **Motion:** Steffens moved, Kolecki supported, that the public hearing be closed.
Motion carried 5—0 on a voice vote.

9. OLD BUSINESS

None.

10. NEW BUSINESS

10A. Case #JZBA160001; Nowatzke Truck & Trailer; Location: 6900 Whitmore Lake Road; Request for variances from:

- **Section 36-793(1) for two additional wall signs on the gasoline pump canopy.**
- **Section 36-795 for eight pump toppers.**
- **Section 36-803, Article XXIX and Section 36-901, and Section 36-796 to remove a portion of an existing legal non-conforming sign and install a new 6' x 12' electronic message sign.**

Parcel 02-20-300-036; Zoned GC—General Commercial.

Steffens asked why the Marathon station on Lee Road is doing well without highway signage, but Nowatzke maintains he needs that to conduct his business. Nowatzke said that station does not sell diesel. He said without the variance for the billboard he would probably sell about 75% less diesel fuel. He said he did not build these signs, he acquired them as part of the property purchase, and he feels he is doing his part to improve the appearance of his property.

Chockley asked whether it would be possible for Nowatzke to put an 80 sq. ft. sign on at the point of his property closest to US-23 that would serve his needs. Otto said she would be opposed to such a sign in addition to the existing billboard, and she is concerned that Nowatzke might abandon the upkeep of the billboard if the Township does not grant him a variance now. In answer to a question from Chockley, Weiland confirmed that a 40 sq. ft. sign along US-23 would be allowed.

Steffens said the existing billboard looks so industrial that it appears to her not be a place for non-truckers, and she feels that adding the electronic sign would reinforce the industrial nature of it. She said she is not sure this is the aesthetic the Township wants to support. She added that this sign is not visible to driver's going north, and drivers heading south do not

see it until they are past the exit to the Nowatzke station so she is unsure how much it actually benefits his station. Regarding the size of the sign, Anderson said studies show that a minimum 36" character height is necessary for drivers to notice a sign along an expressway, so the 40 sq. ft. sign being discussed would not work, especially since only 20 sq. ft. of it could be dedicated to the electronic portion.

Otto proposed setting aside consideration of the billboard sign at this meeting because there are too many concerns about it. She said she would like the proposal improved so the ZBA could approve it, and she would not be opposed to the ZBA having a special meeting to expedite this. She said the Planning Commission should have addressed the billboard at the time of the site plan approval. She said she would like to see a proposal that ties the billboard to the Nowatzke property. Chockley said the Planning Commission did not consider the billboard specifically because it is not on the site. She suggested getting input from the Township planning consultant and attorney. Nowatzke declined tabling this hearing for additional research into the parcel the billboard sits on.

Steffens said she is concerned that the notice for this meeting did not identify the sign on US-23 as an off-site advertising sign and questioned whether it needs to be renoticed.

Nowatzke said he is leaning toward simply resurfacing the billboard and putting up a new 40 sq. ft. pole sign on his property with 50% of it being electronic. Weiland said he would deny that because another pole sign would not be allowed. Nowatzke said he thought he was doing enough by removing all of the signs he has removed so far.

- ▶ **Motion:** Otto moved, Kolecki supported, that in Case # JZBA160001, Nowatzke Truck & Trailer at 6900 Whitmore Lake Road a variance be granted from Section 36-793(1) to allow for two additional wall signs on the gasoline pump canopy.
Motion carried 3—0—1 on a roll call vote, Chockley abstaining.
- ▶ **Motion:** Otto moved, Kolecki supported, that in Case # JZBA160001, Nowatzke Truck & Trailer at 6900 Whitmore Lake Road a variance be granted from Section 36-795 for eight pump toppers to read "Marathon."
Motion failed 2—1—1 on a roll call vote, Steffens opposed, Chockley abstaining.
- ▶ **Motion:** Otto moved, Kolecki supported, that in Case # JZBA160001, Nowatzke Truck & Trailer at 6900 Whitmore Lake Road variances be granted from Section 36-803, Article XXIX, Section 36-901, and Section 36-796 to remove a portion of an existing legal non-conforming sign and install a new 6' x 12' electronic signage.

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Motion failed 1—3 on a roll call vote, Steffens, Kolecki and Chockley opposed.

- ▶ **Motion:** Otto moved, Kolecki supported that in Case # JZBA160001, Nowatzke Truck & Trailer at 6900 Whitmore Lake Road a variance be granted to retain the a legal non-conforming 4' x 10" pole sign that was shown on the proposed site plan to be removed. **Motion failed 2—1—1, Steffens opposed, Chockley abstaining.**

11. MINUTES

- ▶ **Motion:** Steffens moved, Kolecki supported, that the minutes of the August 17, 2015, regular meeting be approved as presented. **Motion carried 4—0 on a voice vote.**
- ▶ **Motion:** Steffens moved, Kolecki supported, that the minutes of the September 21, 2015, regular meeting be approved as presented. **Motion carried 4—0 on a voice vote.**

12. CALL TO THE PUBLIC

Dale Brewer said when the Planning Commission considered the Nowatzke site plan all signage within

25 of the subject property was identified, but the billboard was outside that area, so the Planning Commission could not consider it. He said the billboard—if it is on a separate parcel—should be assigned a separate address.

13. ZBA MEMBER COMMENTS

Otto said the ZBA decisions at this meeting did not provide a solution for the billboard on US-23 because it is allowed to remain at its current size.

14. ANNOUNCEMENT OF NEXT MEETING

March 21, 2016, at 7:00 PM at the Public Safety Building was announced as the date and time of the next regular meeting of the Zoning Board of Appeals.

15. ADJOURNMENT

- ▶ **Motion:** Chockley moved, Kolecki supported, that the meeting be adjourned. **Motion carried 4—0 on a voice vote.**

The meeting was adjourned at 8:50 P.M.

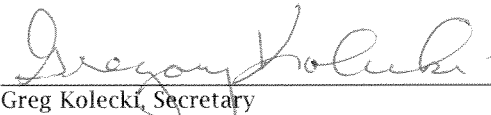
Prepared by Lisa Lemble.

Corrections to the originally issued minutes are indicated as follows:
Wording removed is ~~stricken through~~;
Wording added is underlined.

Adopted on March 21, 2016.



Amy Steffens, Chair



Greg Kolecki, Secretary

Official minutes of all meetings are available on the Township's website at http://www.twp-northfield.org/government/zoning_board_of_appeals/