

## MINUTES

Cascade Charter Township  
Zoning Board of Appeals  
Tuesday, October 9, 2012  
7:00 P.M.

- ARTICLE 1.** Chairman Mel Casey called the meeting to order at 7:00 P.M.  
Members Present: Casey, Hammond, James, McDonald, Alternate Neal  
Members Absent: Goldberg  
Others Present: Planning Director, Steve Peterson
- ARTICLE 2.** Chairman Casey led the Pledge of Allegiance to the flag.
- ARTICLE 3. Approve the Agenda**
- Motion was made by Member McDonald to approve the Agenda. Support by Member Hammond. Motion carried.**
- ARTICLE 4. Approve the Minutes of the September 11, 2012 Meeting.**
- Motion was made by Member McDonald to approve the Minutes as presented. Support by Member James. Motion carried.**
- ARTICLE 5. Acknowledge visitors and those wishing to speak to non-agenda items.**
- No visitors who were present wished to speak about non-agenda items.
- ARTICLE 6. Case # 12-3108 Tolson Enterprises, Inc./RG Properties  
(Public Hearing)  
Property Address: 5925 28<sup>th</sup> St SE  
Requested Action: Variance to allow a sign at 5925 28<sup>th</sup> St to advertise for 5901 28<sup>th</sup> St.**
- Planner Peterson commented that the property at 5925 28<sup>th</sup> St is the small strip mall in the front (to the west) of Walmart. 5901 28<sup>th</sup> St is the vacant office zoned piece of property north of Walmart.
- Currently 5925 28<sup>th</sup> St has an 80 sq ft sign that is used to advertise for the small strip mall on the property. The variance would allow the sign to also advertise for 5901 28<sup>th</sup> St. A variance is necessary because we do not allow for off-premise signs.
- There are a few similar types of exceptions we have allowed in the past. Directional signs were allowed for Gordon Food Service, Kraft St Partners, and Meijer. Sunrise Assisted Living was allowed to have a small sign on the subdivision entrance sign along with the other non-office use in Centennial Park. After approval of the variance the Centennial Park Study was completed and recommended that no off-premise signage be allowed.

For the directional signage that has been permitted there has been an effort to allow for all of the properties/business on the directional sign that may benefit from the sign to avoid having other requests or additional signage in the future.

If this variance request is allowed, it would be difficult to say no to other off-premise sign requests. Staff recommends denial of the requested variance.

No comments were received in regards to the public notices that were sent out.

Chairman Casey asked if there were any questions for the Planner. There were no questions.

Chairman Casey asked if the applicant would like to come forward to comment or to answer questions. Misty Sirch was present representing RG Properties out of Dayton, Ohio. Ms Sirch stated that it is a hardship that is unique to this property as they do not have access to road frontage. She believes that this will not set a precedent and that it is not materially detrimental to the community.

Misty went on to explain that this used to be one entire parcel; however the Township required that it be broken up into several parcels. She feels that it should be viewed as one parcel.

Misty said that they are really looking for a directional sign. They wish to promote the business as a whole and they want to call the development a name. They are not looking for additional signage and will not be back asking for additional signage at a later date.

Member McDonald asked if there is any specific plan for the property or is that next. Misty stated that there has been some interest in the property and that signage has a great impact on any business.

**Member McDonald made a Motion to open Public Hearing. Support by Member James. Motion carried.**

**With no one from the public wishing to speak, Member McDonald made a Motion to close Public Hearing. Support by Member Neal. Motion carried.**

**Member James made a Motion that they approve the request for the variance. Support by Member Neal.**

Member McDonald asked for discussion. He said he understands the applicants' position; on the other hand the Ordinance does not allow for off premise signs and they are not very common in the Township. He feels that it would set a bad precedent because there are many businesses that would want this same type of exposure. Member McDonald is not sure this is indeed a unique situation.

Member James said that with Cascade Commons, at least some precedent has already been set. The generic Cascade Commons signage allowed for 28<sup>th</sup> street traffic

to know that there was something back there. At some point in the past we even allowed additional signage identifying specific businesses, such as MVP. That is not the request here. At one time it was a single parcel, so it is a unique situation. If they had put the signage on before they split and sold the property it would have been an on-premise signage.

Member Hammond stated that in his view they have created their own hardship with the property split. Member Hammond is in agreement with Member McDonald.

Discussion followed.

Planner Peterson suggested that they do a roll call vote.

**Neal, yes**  
**James, yes**  
**Casey, no**  
**Hammond, no**  
**McDonald, no**

**The Motion fails to approve the variance.**

Discussion followed.

**Member James asked that they reconsider the vote by which the Variance was denied. Support by Member Neal. (A yes vote is to reconsider it.)**

**Neal, yes**  
**James, yes**  
**Casey, no**  
**Hammond, no**  
**McDonald, no**

**The Motion to reconsider the vote fails.**

**Member McDonald made a Motion to deny the variance based upon Staffs comments and documentation. Support by Member Hammond. Motion to deny the variance passed. 3 - 2.**

The Zoning Board members did ask staff to present this matter to the Planning Commission for further study and to evaluate if any changes to our sign ordinances are necessary relative to matters like these.

**ARTICLE 7. Any other business**

**ARTICLE 8. Adjournment**

**Motion was made by Member James to adjourn. Support by Member Hammond.  
Motion carried. The meeting was adjourned at 7:48 p.m.**

Respectfully submitted,  
Tom McDonald, Secretary  
Carol M. Meyer, Planning Administrative Assistant