

City of Hastings Zoning Board of Appeals COMMUNICATION

DATE: September 11, 2023
TO: City of Hastings Zoning Board of Appeals Members
FROM: Dan King, Community Development Director
SUBJECT: Information – September 11, 2023 ZBA Meeting

Dear Zoning Board of Appeals Member:

The applicant, Lifegate Community Church, is seeking relief from Chapter 90, Article 90-XI- Signs, Section 90-971 (b), that if granted, will allow placement of two (2) temporary portable signs on the parcel.



Respectfully submitted:

Dan King
Community Development Director

**CITY OF HASTINGS
ZONING BOARD OF APPEALS
MEETING AGENDA
September 19, 2023**

1. Call to Order at 7:00 P.M.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval/Additions/Deletions to Agenda.
5. Approval of the Minutes – April 18, 2023, 2023 Meeting *
6. Public Hearings:
 - A. Public Hearing to Hear Comments and Make a Determination on a Variance Request from Lifegate Community Church that if Granted would Allow Placement of Two Temporary Portable Signs. *
7. Old Business: None
8. New Business:
9. Public Comments and Communications Concerning Items Not on the Agenda.
10. Board Comments.
11. Adjournment.

*Attachment included

**CITY OF HASTINGS
ZONING BOARD OF APPEALS
MEETING MINUTES
April 18, 2023**

1. Call to Order: Chair Maurer Called the Meeting to Order at 7:02 PM

2. Roll Call -- Members Present: Buehl, Dickinson, Furrow, Maurer

Members Absent: Baker

Alternates Present: Anger, Hook

Alternates Absent: None

Staff Present: Harvey, King

3. Pledge of Allegiance.

4. Approval/Additions/Deletions to Agenda.

Motion by Furrow, second by Buehl, to approve the agenda as amended.

All ayes.

Motion Carried.

5. Approval of the Minutes – March 21, 2023 Meeting.

Motion by Buehl, second by Furrow, to approve the minutes of the March 21, 2023, ZBA Meeting.

All ayes.

Motion Carried.

6. Public Hearings: None

7. Old Business

A. Consider Motion to Take from the Table the Deliberation of a Variance Request from Stephen Huver at 220 W. Muriel Street.

Motion by Anger, second by Furrow to take from the table the deliberation of a variance request from Stephen Huver at 220 W. Muriel Street.

Roll call:

Ayes: Anger, Buehl, Dickinson, Furrow, Maurer

Nays: None

Motion Carried

Mr. Huver stated that the building permit for the construction of his new garage was issued with a 15' setback. Mr. Huver explained that 15' setback creates a situation where relief from the ordinance regarding a 20' maximum driveway width at the property line would cause a hardship in accessing his new two stall garage.

Mr. Huver stated that many homes in Hastings now have two stall garages and access to these garages can be challenging with a 20' maximum driveway width.

As requested at the March 21, 2023 Zoning Board of Appeals meeting, Mr. Huver presented the board with elevation drawings of the driveway from the face of the garage to the curb.

Mr. Maurer restated the standards the Zoning Board of Appeals are required to meet in order to approve or deny variance requests.

As to standard #1, the board found the following;

#1 - substantial detriment to adjacent property and the surrounding neighborhood:

- the driveway is located consistent with required building setbacks and offers adequate separation from adjacent property
- the driveway is proposed to be paved and has been presented to adequately direct storm water runoff on site
- no concern was expressed by neighbors of the property

Maurer expressed concern that a driveway width of greater than 20 ft has a greater chance of generating storm water runoff which may negatively affect adjacent property.

As to standard #2, the board found the following:

#2 - spirit/intent of ordinance:

- the proposed driveway will be of a single width that aligns w/ the width of the garage
- the proposed driveway width will not result in a proliferation of paving within the front yard
- the proposed driveway width will allow for necessary turning movements and provide adequate area for off-street parking addressing potential safety issues

Mauer noted that a driveway width greater than the allowed 20 ft will result in a greater front yard impervious surface.

As to standard #1, the board found the following:

#1 - unique physical circumstances:

- it was recognized that the subject site is a double lot in an area of narrow lots, and so does not possess a unique physical circumstance preventing compliance
- it was further noted that the configuration of the driveway is limited by the location of the garage, which is a self-imposed limitation

As to standard #2, the board found the following:

#2 - substantial justice:

- other drives in the immediate area and in other residential areas of the City are provided widths in excess of 20 ft
- where drives exceed 20 ft in width, they are generally serving garages that are wider than 20 ft, similar to the proposal

As to standard #3, the board found the following:

#3 - the situation is of such a recurrent nature that a text amendment is more practical

- the situation is largely created due to the nonconforming location of the house and garage which do not represent a recurrent situation in the City

Based upon findings of #1 and #2 and #2 and #3 of the second set of criteria, motion by Buehl, second by Furrow to grant the applicant the requested variance of constructing a driveway with a 26' maximum width at the property line.

Roll call:

Ayes: Buehl, Dickinson, Furrow

Nays: Anger, Maurer

Motion passed with 3 aye and 2 nay votes.

8. New Business: None

9. Public Comments: (None)

10. Board Comments:

The board agreed that they would like to request the Planning Commission consider a text amendment change to Section 90-87 of the Code of Ordinances to clarify the standards subject to deliberation by the Zoning Board of Appeals.

11. Adjournment:

Motion by Anger, second by Furrow to adjourn the meeting.

All ayes.

Meeting was adjourned at 9:02 PM.

Tom Maurer—Chair

Recording Secretary - King

City of Hastings

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Zoning Board of Appeals of the City of Hastings will hold a public hearing during its regular meeting on September 19, 2023 at 7:00 PM in the City Hall Council Chambers, 201 East State Street, Hastings, Michigan 49058.

The purpose of the public hearing is to hear comments and make a determination on a variance request by owner Lifegate Community Church of 301 East State Road, Hastings, Michigan 49058.

The applicant has requested a variance from Section 90-971(b) of the City of Hastings Code of Ordinances, that if granted, will allow the placement of two temporary portable signs.

Legal description of said property is:

CITY OF HASTINGS LOTS 3-7 OF DAN STRIKERS ADDITION.
COMBINED FROM 095-103-00 & 095-104-00 FOR 2015

Written comments will be received on the above request at Hastings City Hall, 201 East State Street, Hastings, Michigan 49058 until 4:00 PM on the day of the hearing. Requests for information of said hearing should be directed to Community Development Director, Dan King at 269-945-2468 or dking@hastingsmi.gov.

The City will provide necessary reasonable aids and services upon five days notice to Hastings City Clerk (telephone number 269-945-2468) or TDD call relay services 1-800-649-3777.

Christopher R. Bever
City Clerk

Please publish in the August 31, 2023 edition of the Hastings
Banner.

Received by _____ on _____

as representative of the Hastings Banner.



APPLICATION
ZONING BOARD OF APPEALS
City of Hastings
201 E. State Street
Hastings, MI 49058

Date: 08-22-2023

1 Applicant Name: Price Scott A.
Address: 301 E State Rd Hastings MI 49058
(LAST) (FIRST) (INITIAL)
(STREET) (CITY) (STATE) (ZIP)
Telephone: 269-804-1896
(BUSINESS) (HOME, BEEPER, ETC.)

Applicant's interest in property:

2. Owner Name (IF DIFFERENT FROM ABOVE): Lifegate Community Church
3. Request: one temporary portable identification sign for N.W. corner of the property
Variance: one temporary sign that can be a portable or post sign for S.W. corner of the property.
Other:
4. Address of Property: 301 E. State Rd Hastings / P.O. Box 273
5. Legal Description: See attached
6. Current Zoning: R-2 Proposed Zoning: R-2
7. Applicable Fees: \$350.00
8. Applicant's Signature: Scott A. Price 08-22-2023
(Date)
9. Permission To Enter Property: IF needed or require 08-22-2023
(Date)
10. Staff Signature: [Signature] 8.24.23
(Date)

- OFFICE USE ONLY -

Application #: _____
Filing Date: 8.24.23
Fees Paid: \$350.00
To Clerk's Office on: _____

Date(s) Advertized: 8.31.24
Date of Meeting: 9-19-24
Board Action: _____

Supplement to Application # _____

**ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE – SUPPLEMENTAL INFORMATION**

I, Scott A. Price hereby request a variance from Section(s)
(Name)
_____, of the City of Hastings Code of Zoning
(Ordinance Number(s))

Ordinances, upon the premises known as 301 E. State Rd.

Hastings, Michigan, in accordance with the plans and descriptive documents attached.

The following describes the proposed activity for which a variance is required (attach additional sheets if necessary):

To put up a 4' x 8' temporary portable identification sign for worship services, events, and other church related activities on the northwest corner of the church's property.

To put up a temporary sign that can be a portable sign or a post sign on the southwest corner of the church's property through which information and messages are communicated.

The City of Hastings Zoning Board of Appeals will review the request for a variance to determine if the request satisfies the mandatory requirements contained within the Code of Ordinances as necessary for granting such requests. The applicant is strongly encouraged to attend the public hearing scheduled to solicit public comments regarding his/her request for a variance. The applicant will also be provided an opportunity to offer comment regarding their request, and to provide additional information to assist the Zoning Board of Appeals to properly evaluate their request.

Sec 90-87 Variance Standards and Conditions

The Zoning Board of Appeals shall have the authority to grant nonuse variances related to dimensional requirements of the Zoning Ordinance or to any other non-use-related standard in the Ordinance where there are practical difficulties in the way of carrying out the strict letter of this Ordinance so that the spirit of the Ordinance shall be observed, public health and safety secured, and substantial justice done.

(a) Standards: In determining whether practical difficulties exist, the Zoning Board of Appeals shall consider the following factors:

- 1) That the variance will not permit the establishment within a zoning district of any use which is not allowed as a permitted or special land use within the district.**

Applicant: Since Lifegate Church already has one permanent ground sign, the variance will not permit the establishment of a use which is not permitted for the special land use of a church

- 2) That compliance with the strict letter of the Zoning Ordinance would unreasonably prevent the owner or occupant of the property from using the property for a permitted purpose or would render conformity with the Zoning Ordinance unnecessarily burdensome.**

Applicant: The special use of Lifegate Church's property is unique and broader than the use of a residential home. As a church, our special use incorporates inviting and gathering many families and individuals to join us for worship, discipleship, ministry, events, outreach, etc., and communicating information and messages to our members and the public. As a result, we want to display Lifegate Church's identity, invite people to our worship services and events, and communicate other messages to people who drive and walk by Lifegate Church through the use of two added 4' x 8' temporary signs. Without the variance, the existing residential ordinance puts an unnecessary burden on Lifegate Church by constricting us from putting up a 4' x 8' temporary identification sign on the northwest corner of our property. The purpose for wanting to put the sign in that location is because Lifegate Church's permanent identification ground sign cannot be seen from most of the west side of the church's property. The ordinance also constricts Lifegate Church from using a 4' x 8' temporary portable sign or post sign on the southwest corner of our property so we can communicate events or messages we would like to communicate to people walking or driving by the church. These forms of communication are common practices of many churches and being constricted from being able to use the 4' x 8' temporary signs to follow those same practices is an unnecessary burden to our church.

Lifegate Church also owns five city lots, which almost cover half of a square city block. That far exceeds the 66' x 132' of a residential lot. The west side frontage of our property also covers the full length of the city block along Boltwood St. However, the current residential sign ordinance holds Lifegate Church to the same temporary sign standard as a residential homeowner who owns one city lot. The residential sign ordinance limits the use of temporary signs to four small wire frame signs that do not exceed four square feet in area and 30 inches in height. The amount of property we own for the church's special use, compared to the single lot of most residential homes, while only being permitted to display four small temporary signs for communication is another reason why the ordinance creates an unnecessary burden for Lifegate Church. Due to the amount of property Lifegate Church owns and the special use of our property, our church's needs for sign usage are different and of a broader nature than residential homeowners owning one city lot.

- 3) That a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the surrounding area or, in the alternative, that a lesser relaxation than that applied for would give substantial relief to the owner or occupant of the property involved and be more consistent with the Justice to other property owners.**

Applicant: Because the five adjoining lots of property we own as a church contain a larger portion of property than a single 66' x 132' residential lot, and because the special use of a church is different than the primary use of a residential home, it would be of substantial justice to grant relief to our church from the residential sign ordinance. This would permit our church to communicate its identity on the side of our property (northwest corner) where our permanent identification sign cannot be seen and communicate events and messages at the corner of our property (southwest corner) that can be seen from both State Rd and Boltwood St. The temporary portable or post sign that would be placed on the southwest corner of our property from time to time would also enable us to communicate information about special events and other messages we are unable to communicate on our permanent identification sign or the other temporary identification sign we are requesting a variance for.

It is Lifegate Church's understanding that the Zoning Board of Appeals has previously granted Green Street Church in Hastings a variance for sign usage. Because we are also a church that has a similar special use as Green Street Church, and our request for a variance is also for the purpose of sign usage, it would do substantial justice to us as a church to be granted a variance, just as Green Street Church was granted.

4) That the hardship asserted by the applicant by way of justification for a variance is due to unique circumstances of the property.

Applicant: The hardship we assert exists for us as a church, to justify the granting of a variance from the residential sign ordinance, is indeed due to unique circumstances that exist with our church's property.

Again, unlike the single residential lots that exist in the square city block where our church is located, our church property consists of five lots and covers almost half of the square city block. The west side of our property runs the whole length of the block on Boltwood St, between the corners of State Rd and Blair St. The fact that we are a church with a special use, and we own five times the amount of property than does a residential property owner of a single lot, makes our size and use unique from the size and use of all the other residential properties in our square city block.

Another unique circumstance that exists with our property is we need to use a 4' x 8' temporary identification sign on the northwest corner of our property because the sign must be placed a minimum of five feet from the sidewalk. That will place the sign in our parking lot. With that being the case, we do not want to place another permanent sign in our parking lot (which would also require a variance) because it would create a snowplowing obstacle and hazard in the winter. Therefore, the best option for our church would be to put up a temporary identification sign in the parking lot during our worship services and events.

5) That the hardship asserted by way of justification for the variance is not self-created.

Applicant: No, the hardship we assert exists for us as a church, to justify the granting of a variance from the residential sign ordinance is not self-created.

6) That, in granting a variance, the Zoning Board of Appeals is ensuring that the spirit of the Zoning Ordinance is observed, public safety secured, and substantial justice is done.

Applicant: Due to the uniqueness of the size of the property of Lifegate Church within the square city block in which it is located, and the uniqueness of the property's use, Lifegate Church would like to submit to the Zoning Board of Appeals that in granting Lifegate Church a variance from the residential sign ordinance, the spirit of the Zoning Ordinance would be ensured. Lifegate Church would also like to submit that the use of two 4' x 8' temporary signs being used for specific purposes that align with the special use of a church and that are being placed on opposite ends of an entire city block is reasonable.

The current residential sign ordinance permits a permanent ground sign that does not exceed 32 square feet in area and six feet in height and it may be an illuminated non-flashing sign. The ordinance also permits the existence of four wire frame signs per parcel that do not exceed four square feet in area and 30 inches in height.

Lifegate Church already has a permanent ground sign installed, but under the current residential sign ordinance, Lifegate Church is limited to the same four small temporary wire signs as a residential homeowner who owns just one lot that spans 66' x 132'. Therefore, even though the church covers five city lots with property frontage along a full city block on its west side, and part of the church's special use involves communicating messages to its members and people who walk and drive past our church, the church is constricted with the unnecessary burden of not being able to adequately display the information and messages the church desires to communicate because four small temporary wire signs are inadequate to do so.

Therefore, due to the significant differences that exists between the property size of Lifegate Church and the amount of road frontage that exists with the church's property versus the size of a residential lot and the amount of road frontage that exists with a single residential lot, Lifegate Church would submit that substantial justice would be granted to the church through a variance from the residential sign ordinance so that the four small wire sign limitation is lifted. Lifegate Church would also submit that due to the differences that exist between the special use of the church and its property versus the uses of a residential home and property, a variance from the residential sign ordinance would also provide substantial justice to the church and enable the church to use the two adequate 4' x 8' temporary signs for the church's special use.

Therefore, to ensure that the spirit of the Zoning Ordinance be upheld, and the public safety is secured, and that substantial justice is done, Lifegate Church requests that the Zoning Board of Appeals grant the variance(s) that will permit Lifegate Church to use the two 4' x 8' temporary signs that have been requested, which will enable the church to use signage that is appropriate for the amount of road frontage that exists with its property and that is adequate and consistent with accomplishing the church's special use.



L BLAIR ST

Temporary
4'x8' portable identification sign

4'x8' temporary portable post sign

EXISTING
permanent
sign

55-095-103-01

LIFE GATE COMMUNITY CHURCH LCP
301 E STATE RD, HASTINGS
Acreage (Assessor): 1.000
Acreage (GIS): 1.003

N HANOVER ST

15000 ST

CITY OF HASTINGS
201 E STATE STREET
HASTINGS MI 49058-1954

Receipt No: 1.142092

Aug 24, 2023

Lifegate Community Church

CHARGES FOR SERVICES - APPLICATION FEE Zoning Board of Appeals Application Lifegate Community Church 101-100-648-000 Application Fees	350.00
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Total:	350.00
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CHECK	Check No: 3258	350.00
Payor: Lifegate Community Church		

Total Applied:	350.00
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Change Tendered:	.00
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Duplicate Copy

08/24/2023 3:14 PM



THE TRUE
CHRISTMAS
Story

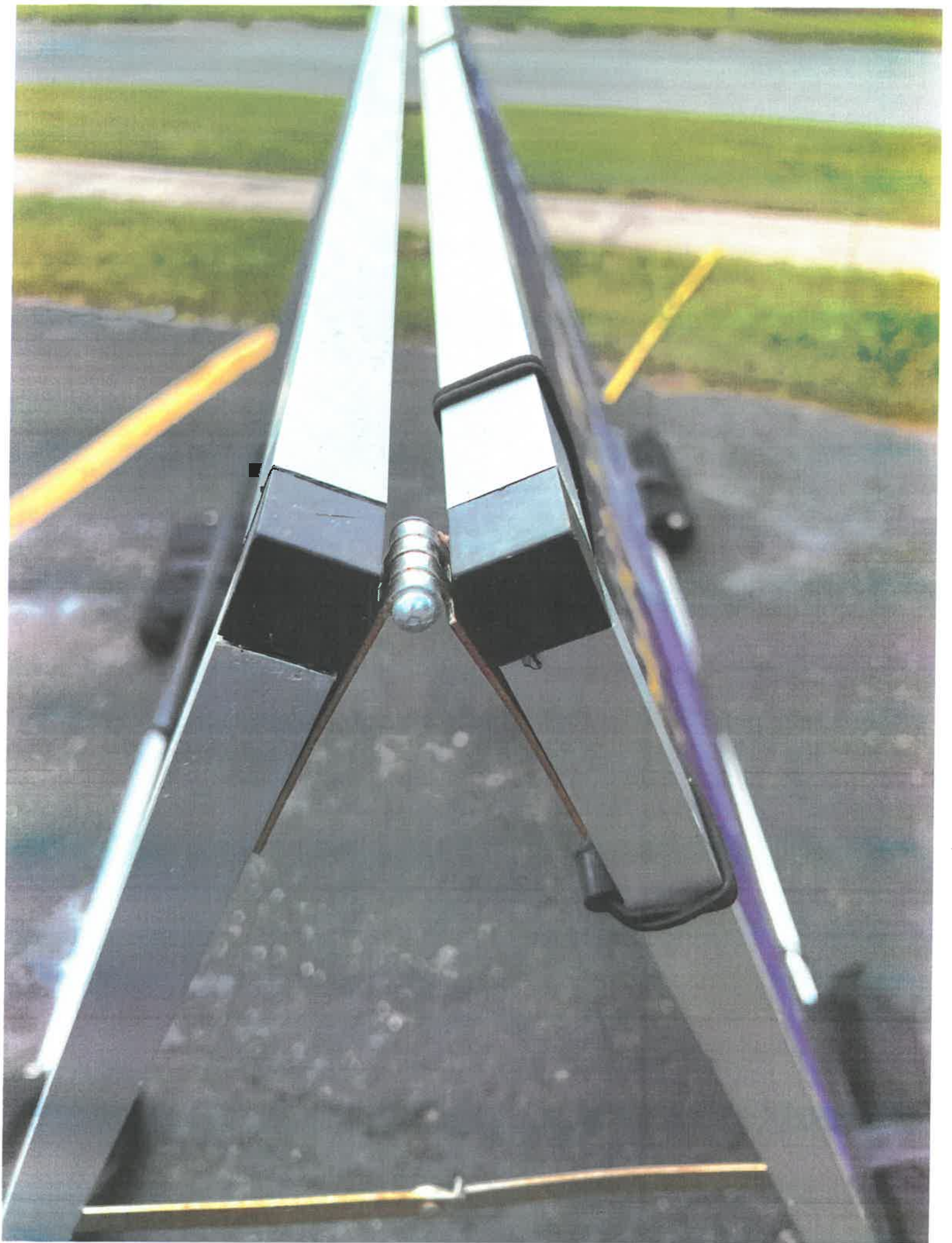
Join Us This
Christmas Season
Sundays at 10:00 a.m.

www.lifegatecc.com















Sec 90-971 Signs In The Residential Districts

Subject to R-1, R-2, R-3 and R-M districts, the following shall be permitted subject to the general rules and regulations of the Board of Health and Safety.

(a) One permanent ground sign may be permitted per parcel subject as part of an application for and approval of a special land use permit. The sign shall not exceed 32 square feet in area and six feet in height and may be an illuminated non-flashing type.

(b) Temporary signs shall be permitted as follows:

- a. During the time period where the property is actively listed for sale, one temporary sign per parcel may consist of a post sign.

(Code 1970, § 3.83; Ord. No. 301, § 5(3.90) 2-10-97; Ord. No. 305, § 1, 10-27-97; Ord. No. 525, § 1 4-27-15; Ord. No. 534, § 7 6-27-16; Ord. No. 543 § 1, 6-26-17)

Sec 22 961 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Billboard means a sign that advertises an establishment, product, service or activity not available on the lot on which the sign is located. Also called an off-premises sign.

Commercial establishment means a business operating independent of any other business located in a freestanding building, in a strip mall, a business completely separated from other businesses by walls from the ground up and with a door that may regularly be used by the public for exclusive ingress and egress to that business; in an enclosed structure with a shared climate-controlled area, a business completely separated from other businesses by walls from the ground up and with a door or entrance that may regularly be used by the public for exclusive ingress and egress to that business and that may be closed to the public even while the common area is open to the public; and in an office building, a business holding itself out to the public as a single entity, independent of other businesses or persons.

Directional sign means any sign used primarily to give information about the location of either the driver of motorized vehicles or desirable destinations.

Estate sale or auction sale means a sale of real estate and/or personal property conducted by a person or company retained by the owner of the real estate or personal property and who is paid by the owner for this service.

Exempt sign means a sign for which a sign permit is not required.

Freestanding sign means a sign not attached to a building or wall, supported by one or more poles or braces or resting on the ground or on a foundation resting on the ground.

Government sign means a sign erected or required to be erected by the city or the state or federal government.

Ground sign means a freestanding sign supported by a base that rests directly on the ground and the top of which is not more than six feet above the ground. The width of the base shall be at least 50 percent of the width of the sign in order to be a ground sign.

Identification sign means any sign intended to communicate information about services and facilities.

Marquee means a permanent structure constructed of rigid materials that projects from the exterior wall of a building.

Marquee sign means a sign affixed flat against the surface of a marquee.

Permanent sign means a sign installed on a support structure which is not intended or designed to be moved or removed but to remain for an indefinite period of time.

Pole sign means a freestanding sign supported by a structure, or poles, or braces less than 50 percent of the width of the sign and located more than six feet above the ground.

Projecting sign means a double-faced sign attached to a building or wall that extends more than 12 inches from the face of the building or wall.

Reader board means one of the following:

- (a) Manual: A sign on which the letters or pictorials are changed manually; or
- (b) Electronic message board: A sign or portion thereof that displays electronic, pictorial or text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, lightbulbs, or other illumination devices within the display area. Such signs include computer programmable, microprocessor controlled electronic displays, and video display signs.
- (c) Multi-vision sign: Any sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image or images.

Nit means a unit of illuminative brightness equal to one candela (12.5 lumens or 1.16 footcandles) per square meter, measured perpendicular to the rays of the source.

Roofline means the top of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys or other minor projections.

Roof sign means a sign erected above the roofline of a building.

Sidewalk sign means an A-frame sign which is portable and designed to be placed on the sidewalk in front of the use which the sign advertises.

Sign means a device, structure, fixture or placard that may or may not use graphics, symbols and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service or activity.

Sign means a sign intended for a limited purpose.

Banner sign, flag sign and flutter flag sign mean a sign of fabric, plastic, or other non-rigid material without an enclosing structural framework which may or may not be attached to a pole, building or structure.

Pennant means a flag or cloth that tapers to a point.

Flagged material means a material

Post sign constructed of unbendable materials firmly attached to one or more wood, metal, plastic or other rigid posts or supports placed into the ground without permanent footings.

Streamers means a long, narrow strip of material used as a decoration or symbol.

Wire frame sign means a temporary sign made of corrugated plastic, vinyl, cardboard, poster board or similar material which is supported by or attached to a metal frame.

Traffic warning sign means a sign that indicates a hazard ahead on a road that may not be readily apparent to a driver.

Vehicle sign means a vehicle primarily located or used to serve as a sign rather than as transportation. This includes semitrailers either attached or detached from a truck tractor.

Video display sign means a sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery of a television quality which may or may not include text and depicts action or a special effect to imitate movement. The presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to, the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

Wall sign means a sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than 12 inches from the exterior face of a wall to which it is attached.

Window sign means a sign installed or placed inside of a building, close to and facing a window so it is clearly visible from outside of the building.

(Ord. No. 301, § 5(3.81), 2-10-97; Ord. No. 333, § II, 5-29-01; Ord. No. 334, § I, II, 5-29-01; Ord. No. 433, § I, 12-22-08; Ord. No. 462, § I, 11-22-10; Ord. No. 495, § III, 5-13-13; Ord. No. 534, §§ 1.A—C, 6-27-16; Ord. No. 543, § I, 6-26-17)

Cross reference - Definitions generally, § 1-2

Sec 90-967 Sign Regulations Applicable To All Districts

- (a) All wall, window and freestanding signs may include reader boards.
 - (b) Any pole sign, including awnings to which signs are affixed or displayed, shall maintain a minimum clear space of eight feet from the bottom of the sign to the ground.
 - (c) Vehicles and semi-trailers intended to function as a sign may be permitted subject to all other applicable regulations of this article as a freestanding sign. Commercial vehicles that bear signs may be parked on the site provided they are located in such a manner that they do not function as signs.
 - (d) Directional signs are permitted for each parcel provided the size of each device does not exceed four square feet and three feet in height and each device is located at least five feet from any lot line.
 - (e) Temporary signs are allowed in all zoning districts subject to the following regulations:
 - (1) Temporary signs, including signs held by a person, shall be located outside of the public right-of-way and shall not hamper the visibility of a driver on or off the site.
 - (2) Temporary signs shall not be illuminated in any fashion.
 - (3) Temporary signs shall be anchored in a safe and secure manner. The anchoring of temporary signs by tying or attaching weighted objects (such as cinder blocks or tires) is prohibited.
 - (4) A temporary sign shall be located a minimum of five feet from the edge of any road or street right-of-way or public or private sidewalk except for sidewalk signs as regulated herein.
 - (5) A temporary sign shall not be displayed if it is torn, bent, faded, not upright, unreadable or otherwise unsightly.
 - (6) Prohibited temporary signs. The following types of temporary signs are prohibited:
 - a. Searchlights, laser lights, strobe lights, and lights of a similar nature.
 - b. Temporary signs shall not be illuminated except as provided by the zoning administrator.
 - c. Wire frame signs: Each sign shall not exceed four square feet in area and 30 inches in height.
 - d. Post signs: Each sign shall not exceed eight square feet in area and four feet in height.
 - e. Banner, flag and flutter flags shall not exceed 20 square feet in size and eight feet in height.
 - f. Temporary signs shall not be placed on the ground.
 - (f) Except as otherwise provided herein, no sign shall be placed in any required side yard or located upon a roof, and no sign shall exceed a height of 28 feet above ground level.
 - (g) Off-premises signs which provide directions to hospitals and schools are permitted in any zoning district subject to the following regulations:
 - (1) Such sign may be allowed on any city-owned property subject to approval by the city.
 - (2) Such sign or signs may also be permitted within the road right-of-way provided approval is granted by the city or the Michigan Department of Transportation depending on the applicable jurisdiction.
 - (h) Electronic message boards are allowed in all zoning districts subject to the following regulations:
 - (1) An electronic message board shall not consist of more than 75 percent of the allowable sign area except for signs which are 35 square feet or less in area.
 - (2) The dwell time, defined as the interval of change between each individual message, shall be at least five seconds and a change of message must be accomplished within one second or less. The dwell time shall not include the one second or less to change the message.
 - (3) An electronic message board sign shall not exceed a maximum illumination of 5,000 nits during daylight hours and a maximum illumination of 150 nits between dusk to dawn as measured at the sign's face at maximum brightness.
- Prior to the issuance of a sign permit for an electronic message board, the applicant shall certify to the zoning administrator that the illumination settings for the sign comply with the maximum illumination requirements of this subsection 90-967(h)(3).

However, even if such signs comply with the nit requirements above, such signs shall not, in the opinion of the zoning administrator, be brighter than is necessary for clear and adequate visibility, be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight, or to otherwise interfere with the driver's operation of a motor vehicle, or be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal.

- (4) An electronic message board shall be equipped with a brightness control sensor that allows the brightness to be adjusted either manually or automatically.
- (5) Electronic message board signs legally in existence upon the effective date of this subsection 90-967(h) shall be required to comply with the illumination requirements of this section and the requirements of subsection 90-966(h) regarding flashing, movement, scrolling and other methods of message display within 60 days from the effective date of this section.
- (6) Electronic reader board signs which do not face a public street or land zoned or used for residential purposes and when such signs are used for drive through restaurants, gas stations and similar establishments serving motorists then such signs are exempt from the requirements of this subsection 90-967(h).

(i) Window signs are permitted in all zoning districts subject to the following regulations:

- (1) The sign or signs shall cover no more than 25 percent of the total area of the windows.
- (2) A window sign may consist of illuminated letters including neon lights.
- (3) An electronic reader board is allowed as a window sign and shall comply with the requirements for electronic reader boards as set forth in subsection 90-967(h). Any flashing or strobe-type lights within a building or structure which are visible from the exterior of the building or structure are prohibited.

(j) Any sign allowed by this article may contain a non-commercial message.

(Ord. No. 301, § 5(3.86), 2-10-97; Ord. No. 427, § I, 9-22-08; Ord. No. 432, § I, 12-22-08; Ord. No. 455, § I, 3-22-10; Ord. No. 462, §§ III, IV, 11-22-10; Ord. No. 495, §§ I, II, 5-13-13; Ord. No. 534, § 5, 6-27-16; Ord. No. 543, § I, 6-26-17)

Sec 90-87 Variance Standards and Conditions

The Zoning Board of Appeals shall have the authority to grant nonuse variances related to dimensional requirements of the Zoning Ordinance or to any other nonuse-related standard in the Ordinance where there are practical difficulties in the way of carrying out the strict letter of this Ordinance so that the spirit of the Ordinance shall be observed, public health and safety secured, and substantial justice done.

(a) Standards: In determining whether practical difficulties exist, the Zoning Board of Appeals shall consider the following factors:

- 1) That the variance will not permit the establishment within a zoning district of any use which is not allowed as a permitted or special land use within the district.**
- 2) That compliance with the strict letter of the Zoning Ordinance would unreasonably prevent the owner or occupant of the property from using the property for a permitted purpose or would render conformity with the Zoning Ordinance unnecessarily burdensome.**
- 3) That a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the surrounding area or, in the alternative, that a lesser relaxation than that applied for would give substantial relief to the owner or occupant of the property involved and be more consistent with justice to other property owners.**
- 4) That the hardship asserted by the applicant by way of justification for a variance is due to unique circumstances of the property.**
- 5) That the hardship asserted by way of justification for the variance is not self-created.**
- 6) That, in granting a variance, the Zoning Board of Appeals is ensuring that the spirit of the Zoning Ordinance is observed, public safety secured, and substantial justice done.**

(b) Conditions: The Zoning Board of Appeals may attach conditions or limitations upon a variance, where such are necessary to insure that public services and facilities affected by a requested variance and the associated land use or activity will be capable of accommodating increased service and facility loads caused by the variance and associated land use or activity, and to protect the natural environment and conserve natural resources and energy, and to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Prior to attaching a condition or limitation to a variance, the Zoning Board of Appeals shall also specifically determine the following:

- (1) That the condition or limitation is designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity associated with the variance under consideration, residents, and land owners immediately adjacent to the land use or activity, and the community as a whole; and,**
- (2) That the condition or limitation is related to the valid exercise of the police power, and purposes which are affected by the proposed variance; and,**
- (3) That the condition or limitation is necessary to meet the intent and purpose of the zoning ordinance, is related to the standards established in the ordinance for the variance under consideration and associated land use or activity and is necessary to ensure compliance with those standards.**

Any such conditions and limitations may impose greater or more restrictions and requirements than are included in this Ordinance generally and may include the provision of reasonable financial security to guarantee performance. Violation of any such conditions or limitations shall be deemed a violation of this Ordinance.