

Mount Vernon Board of Adjustment
Minutes
February 5, 2013

Meeting was called to order at 6:00 p.m. Members present: Moe Richardson, Lori Boren, Liz Sparks and Gary Ulch. Also in attendance: City Administrator Michael Beimer, Zoning Administrator Matt Siders. Representing the United Methodist Church were Rev Bill Daylong, John McWilliams, Loren Hoffman and Pat McAllister with Nesper Signs.

1. Approval of Agenda. Motion made by Ulch, seconded by Sparks to approve.
2. Public Hearing and discussion and possible action on a request for a variance for a sign at 304 1st Street SW. Chairperson Moe Richardson asked Zoning Administrator, Matt Siders, to explain the application and the reason he took the action that he did. Siders said that he was approached by Pat McAllister with Nesper Signs in July 2012 in regards to the United Methodist Church seeking an electronic message sign in a Traditional Residential zone. A Building permit application was submitted in September 2012 based on the design that they had chosen. At that time Siders denied the permit based on three major criteria of the sign ordinance. First was the total square footage of the sign was too large (more than 32 square feet). Second was the height of the sign was too high (higher than 6 feet). Third was the electronic message part of the sign was not permitted in that zone. After discussions with church members, a new proposal was submitted to the City that met one of the criteria, but not all three. The second submittal was denied based on two of the criteria; the sign was still too high and it was still electronic message.

John McWilliams with the United Methodist Church gave a summary of all of the activities that the church offers and improvements that have been made to the church to better serve the community. The existing sign is up against the building and is obstructed by trees and bushes. The goal for the new sign is to identify the church and let people know what is going on in the church. Temporary banner signs have been used in the past for this but is detractive from the beauty of the church. Nesper Signs made suggestions about an electronic message board that could be changed from inside. This seemed to be the most effective way to get the messages out that they want to get out. McWilliams said that they also spoke to Historic Preservation at one of their meetings and they liked everything about the sign and the idea of getting rid of the temporary banners.

Reverend Bill Daylong then addressed the board. He said that the church is zoned as traditional residential but it is not a residence but a church that needs to effectively communicate its identity and its activities. These activities change daily and they felt that they needed to communicate in a timely manner, all of the activities that go on. This would constantly require someone to be out in the elements changing the information on the sign. He also stated that the church was there before the zoning ordinance was put in place and it does create a hardship for them to be held to the specific standards in that district. There is only one other facility in this district that is not a residence. Since most of the other buildings in the district are traditional residences that don't share the needs stated above, this is a hardship that is not shared by the other adjacent properties. They have gone to great care to make sure it is not a detriment to the community nor does it detract from the character of the community. He feels that these are the reasons that a variance should be granted and it does not create a hardship for others in the community.

Margaret Stevens, homeowner in the neighborhood, said that as a resident she would be opposed to an electronic sign in the residential district.

Boren said that there were so many other ways of conveying information, such as e-mail, websites and social networking, that signage was not the only way to communicate. Siders then said that the sign information should not have gone to Historic Preservation until after the permit had been approved by the City. They could not provide a Certificate of Appropriateness because the permit had been denied.

Sparks said that the "hardship" of not being able allowed to have an electronic sign is shared by all of the other properties in the district. Sparks then asked Nesper Sign if the capabilities and the software of the sign would be similar to the Antioch Church on Hwy 13. Pat McAllister with Nesper Signs responded that it would be similar but they have full control over what goes on their sign but the ability of the software would allow users to abide by limitations within their ordinance. Ulch asked if they had a plan for hours of operation for the sign. McAllister said that the capabilities to operate the sign at specific times were there and could be adjusted.

Sparks then clarified that the Board of Adjustment does not have the capability to change the zoning of a district or make decisions on how a property should be zoned. This has been done by the Planning and Zoning Commission. What Board of Adjustment is able to do is decide in any given situation whether a variance should be granted for specific situations.

It was the consensus of all board members that this request for a variance for an electronic sign did not meet any of the requirements needed to do so. Sparks said the only option that she could see was if the electronic sign is so restricted that it isn't really an electronic sign. If there is some way that it could be constrained so much that people would drive/walk past it, read it and not realize it was an electronic sign. If this electronic sign is of a type that it has none of the features of an electronic sign that is being prohibited, and instead is more of a letter board. Sparks then asked how something like this would be enforced. Siders then read the definition of an electronic sign from the code which states, "A sign, or portion of a sign, that displays an electronically controlled and conveyed image or video, which may or may not include text. This definition includes, but is not limited to electronic text message signs, television screens, plasma screens, digital screens, flat screens, LED screens, video boards, and holographic display".

Loren Hoffmann asked if there was a possibility of a zoning change. He was told that this would be up to Planning and Zoning to pursue.

It was the consensus of all board members present that a variance could not be granted because the criteria for granting a variance could not be met. Motion then made by Liz Sparks to uphold the denial of the United Methodist Church electronic message sign request that was made by the City of Mount Vernon Zoning Administrator and deny the request for a variance from the zoning sign regulations. Seconded by Ulch. Carried all.

Meeting adjourned at 6:44 P.M.

Respectfully submitted,
Marsha Dewell
Administrative Assistant