

Village of Fall Creek
Minutes of Zoning Board of Appeals Meeting
July 20, 2022

1. **Call to Order:** 6:00 p.m., Village Hall Meeting Room, 122 E. Lincoln Ave., Fall Creek
2. **Roll Call:** Members Present: Chairperson Marv Schmit, Westley Bennett, Val Callahan, John Kuehn, Pam Mattoon. Members Absent: Gwen Hoekstra. Staff Present: Zoning Administrator Jared McKee, Deputy Clerk Joan Drehmel. Also Present: Village President Tim Raap, Frank Snyder, SignArt USA project manager.
3. **Certify Open Meeting Law Requirements Have Been Met:** A notice of the meeting and an agenda was posted at the three public places, local newspapers were notified, and property owners within 300 feet of 721 S State Street were notified.
4. **Adopt Agenda:**
 - MOTION (Bennett/Kuehn) to adopt the agenda as printed. PASSED, without negative vote.
5. **Sign Art USA is Applying for a Variance for St Paul's Lutheran Church (721 S State St):** Chairperson Marv Schmit explained the Village Code requirements of a variance, and the actions of the Zoning Board of Appeals. Zoning Administrator Jared McKee reviewed the application for the variance, stating the size of the sign (47.45 square feet) exceeds the size limit of 32 square feet per Village Code §268-42.B. Because "size" was not listed as one of the allowable area variances in the Village Code, he could not recommend approving the application. He added the current ordinance is being reviewed by the Downtown Business District Special Committee and this may be something they change in the future if warranted. Frank Snyder of SignArt USA referred to other signs in the Village, including the school's sign that exceeds the size limit. Zoning Administrator McKee said he could not speak for his predecessor's decision to approve that sign without requiring a variance. Consensus of the members present was that previous signs that were approved without requirement of a variance was not within their power to correct. They had to refer to the Village Code as written, when considering this variance petition.
 - MOTION (Bennett/Callahan) to deny the variance petition based on the Zoning Board of Appeals lack of authority to approve the size of the proposed sign, as "size" it is not listed in the ordinance as an area variance. PASSED, roll call vote: Callahan-yes, Kuehn-yes, Mattoon-yes, Schmit-yes, Bennett-yes.
 - MOTION (Bennett/Kuehn) recommending the Downtown Business District Special Committee review the language of the ordinance to give authority to the Zoning Board of Appeals by including the word "size" in an area variance. PASSED, roll call vote: Kuehn-yes, Mattoon-yes, Schmit-yes, Bennett-yes, Callahan-yes.
6. **Adjourn @ 7:00 p.m.**

Joan Drehmel, Deputy Clerk