

## **Zoning Board of Appeals** **January 9, 2024**

The City of Sturgeon Bay Zoning Board of Appeals was called to order at 12:00 p.m. by Chairperson William Murrock in Council Chambers, City Hall, 421 Michigan Street.

**Roll call:** Members William Murrock, Dave Augustson, Morgan Rusnak were present. Bill Chaudoir appeared via zoom. Member Nancy Schopf was excused. Also present were Community Development Director Marty Olejniczak, Planner/Zoning Administrator Stephanie Servia and Office Accounting Assistant II Tricia Metzger.

**Adoption of agenda:** Moved by Mr. Augustson, seconded by Ms. Rusnak to adopt the following agenda:

1. Roll call.
  2. Adoption of agenda.
  3. Approval of minutes from November 28, 2023.
  4. Public Hearing: Variance from Section 27.12(4) of the municipal code for an electronic variable message sign for Prince of Peace Lutheran Church located at 1756 Michigan Street, parcel #281-62-21000101.
  5. Consideration of: Variance from Section 27.12(4) of the municipal code for an electronic variable message sign for Prince of Peace Lutheran Church located at 1756 Michigan Street, parcel #281-62-21000101.
  6. Adjourn.
- All ayes. Carried.

**Approval of minutes from November 28, 2023:** Moved by Mr. Augustson, seconded by Mr. Murrock to approve the minutes of November 28, 2023. All ayes. Motion carried.

**Public Hearing: Variance from Section 27.12(4) of the municipal code for an electronic variable message sign for Prince of Peace Lutheran Church located at 1756 Michigan Street, parcel #281-62-21000101:**

Chairperson Murrock opened the public hearing at 12:05 p.m.

Ms. Servia explained Prince of Peace Lutheran Church would like to replace their existing ground sign with an electronic variable message (EVM) sign, on their property located at 1756 Michigan Street. This type of sign is not permitted in the Single-Family Residential (R-2) zoning district without a variance. The proposed sign will use the existing sign base. The proposed sign will be 24 square feet. The final design must also be approved by the Aesthetic Design and Site Plan Review Board. Bayview Lutheran Church had a similar request in July 2023. The size of the sign is the same and variance was granted with conditions. The United Methodist Church was also granted a variance with similar conditions as Bayview in August 2021. Included in the packet is an email from the applicant regarding neighbor concerns brought up to the church, predominantly related to brightness, video messaging, display hours, and message interval.

Mr. Murrock asked if electronic signs have been received well by the public. Any complaints or issues since the other variances were granted? Mr. Olejniczak was not aware of any complaints regarding the EVM's approval of the other 3 churches.

Jim Hoyer, representing Prince of Peace, explained the sign is part of the church's 50<sup>th</sup> anniversary and a way to communicate event happenings within the congregation with the community. The church also hosts activities and events the community may not be aware of, such as the Peninsula Symphonic Band and twice

monthly community dinners.

Mr. Hoyer stated the sign comes from Golden Rule Signs of Shelbyville Kentucky. The sign can be controlled in numerous ways from brightness to messages. He deferred to Tom Strong for more explanation.

Tom Strong, 5033 Shady Lane, Egg Harbor explained the sign depicted in the packet information has the same dimensions as the current sign. The sign is high resolution with a lot of capabilities, with the understanding that there are certain limitations the church will need to adhere to. The capability exists to display video messages, but the sign will not be used this way. The sign has the ability to turn off/on at a certain time or dim in the evening. There are three different options for dimming.

Chairperson Murrock then asked if there was anyone in the public who wished to speak in favor of the variance. No one spoke in favor of the variance. There were no letters in favor of the variance.

Chairperson Murrock asked if anyone would like to speak in opposition to the variance request.

Patrick O'Connell, 208 N 18<sup>th</sup> Ave, is opposed for a number of reasons. As a neighbor of the church, he has two specific concerns: maintaining the residential character of the neighborhood and safety. The church is in a residential neighborhood, this type of sign is not allowed in a residential area. An animated sign changing more than once a day is not appropriate for a residential neighborhood. His second concern, is that the location of this sign at the corner of N 18<sup>th</sup> and Michigan St. It is a busy corner with traffic coming off Hwy 57 that has not slowed down, a shortcut across town and hospital traffic. Any sign is a distraction, crossing an intersection requires focus on your driving, this corner is a safety concern.

Additionally, Mr. O'Connell stated a concern about increasing light pollution. This new sign having less light than the existing sign is not the concern but the direction of the light unless it is directed downward. Some of these concerns could be alleviated by the correct design of the sign but safety is not possible.

Phil Bryan, 22 N 17<sup>th</sup> Drive, stated he has great admiration for the church. They are a benefit to the community, and he does not want to oppose the church, but he has three concerns. He is concerned the sign from the church, which is in color, changing message, bright, and distracting will shine through his home's back window. Secondly the corner of N 18<sup>th</sup> Ave and Michigan Street is a terrible intersection. The hospital traffic, traffic coming off the highway, traffic heading toward the highway and traffic going North is crazy. Traffic is coming from all directions. If the new sign is similar to the current sign, it is much different than what is portrayed today. The sign at the United Methodist Church is a narrow, single colored with a simple message. St. Peters Church sign has multicolored flashing lights but is not at a busy intersection like Prince of Peace Church. Finally, Mr. Bryan is concerned about light pollution the sign puts out tremendous light. He noted in the application, the Church is planning parking lot lights and there are concerns about those additional parking lights.

Michael Brenner, 1726 Michigan Street, stated there is a significant amount of light that already comes off Prince of Peace. Their parking lot and exterior lights are on 24 hours a day. They have to pull blinds at night to shut the light out. The parking lights are down facing. His concern is the proximity to their location. The sign is a directional light that will come through his dining room window. His home is the first residential property closest to the sign. The existing sign is peaceful and readable. The new sign changing messages every 30 seconds means for the time that my family lives in this home, until the church changes the sign, every 30 seconds we will have a distraction. His request is not to have a high visibility advertisement outside the house.

There were no letters of correspondence in opposition of the variance request.

Chairperson Murrock asked if there was any rebuttal testimony from both sides.

Jim Hoyer thought it would be helpful to have Ethan Wood of Golden Rule Signs speak to some of the concerns expressed in terms of lighting and timing.

Ethan Wood explained the brightness can be controlled three different ways. As to concerns about light pollution, it would not occur if the sign is turned off at the proper time. The automatic feature will also dim the sign to whatever level. It is not one set level like a light sensor decides the appropriate level. The feature can be set to different levels with that, or the sign can be turned off altogether at any time by phone, tablet or PC, since everything is controlled on the cloud. The resolution chosen is the highest manufactured, at 6mm. This is not with the intention of making video more visible; but to make for better characters. The characters from some distance do not look much different than a static sign that was printed on a polycarbonate panel. It is up to the church to program the sign as neutral as possible. At the 30 second interval, they may decide to display several messages per day, or the same message can stay up all day. 30 seconds was a starting point whether there is an interval that is fair, a shut off time and maximum lighting level. He further stated many municipalities have some type of cap for brightness such as 5,000 or 7,000 nits, which is a measurement of brightness, but some don't have a cap. Cloud programming will allow the church to address any concerns.

Mr. Augustson asked if there is a measurement of brightness in nits, 5000, 7000, What is it when turned off? Zero?

Mr. Wood replied yes, light is not being emitted from the sign. It is then a sliding scale to adjust the brightness.

Mr. Augustson asked if this is similar to the brightness in lumens?

Mr. Wood replied that it is, like the monitor on a computer or T.V. He stated problems can arise after the sign is purchased, especially in municipalities that are not enforcing requirements. If people do not understand advertising, they may change the message too often, or lay incorrect colors together, which can create disruption versus the value of the sign. The 6mm pitch sign the church is proposing appears less like an LED sign.

Mr. Augustson questioned how the nits in a static cabinet sign with a light background and black letters would compare with the proposed sign?

Mr. Wood stated he could not provide a direct answer. That type of sign has a standard brightness from a certain distance. The LED sign tops out at 10,000 plus nits. The proposed 6mm ultra high tops out at 6,500 to 7,000 nits. The church's sign will not be running at this level unless the sun is on it, in which case that will overpower any brightness issues from across the street. The sign will adjust to a comfortable light level when the sun goes down.

Mr. Augustson asked if the sign is equipped with an automatic sensor.

Mr. Wood explained the light sensor will adjust on its own, but it can be an automatic feature.

Mr. Hoyer commented that our neighbors are concerned about the light levels, we are too and as a good neighbor he suggested that they work together to adjust the sign appropriately.

Mr. Strong added that they are concerned with the neighbors' opinions and want to be respectful of them.

Mr. Augustson asked if they considered an operational time for the sign.

Mr. Strong replied they are comfortable with the conditions this Committee sets.

Mr. Augustson asked if the sign will be in the same location as the existing sign.

Mr. Strong stated the sign will be in the exact location using the same base.

Chairperson Murrock questioned the landscaping. Are there any landscaping improvements to freshen the area or will it remain the same?

Mr. Hoyer stated currently hostas are planted but they could do anything requested.

Chairperson Murrock asked if anyone in opposition of the variance request would like to come forward to speak.

Patrick O'Connell stated he is in favor of compromise, but he cannot see a way around the safety distraction regardless of the type of sign. The location is just a bad corner.

Chairperson Murrock questioned if he was distracted by the parking lot lights.

Mr. O'Connell replied not at all, nothing about the church is a problem.

Chairperson Murrock stated the parking lot lights are going to be 20 times brighter than this sign.

Mr. O'Connell stated the parking lot lights will be pointing down. He is not concerned with light shining into his home, the concern is the corner. The current sign is bright.

Phil Bryan commented that if the variance moves forward, a precedence is being set for the Family Worship Center. He will then have light coming through the back and front of his home. The Family Worship Center currently has a larger static sign than Prince of Peace. He anticipates they will want to replace their sign.

Mike Brenner stated he was unfamiliar with this process. Is this an all or nothing approval today? There is talk about the timing, intervals, talk about the capacity of this sign to burn brightly all night or automatically turn off. He does not want to police the church's sign in the future. He asked for clarification about what is happening today, who sets all the rules for the sign and as people turn over at the church, how would this work?

Ms. Servia pointed out that per the EVM sign ordinance, the interval stated in the code is 6 seconds, the 30 second interval was a condition determined at a previous EVM sign variance meeting. It was determined that the time it takes a car to pass the sign, the message would not change in 30 seconds. The church has already stated they are fine with a 5-minute interval or another interval.

Chairperson Murrock asked what some of the other restrictions were for the other churches the Board granted.

Ms. Servia stated a 30 second interval was granted for Bayview Lutheran Church and the United Methodist Church and a planting bed surrounding the base. St. Peters EVM was granted due to the property location being adjacent to commercial properties and verifying the setbacks. There haven't been restrictions relating to time of day. The churches provided their own shut-off times.

Ms. Servia added the Board can add a time restriction, when the sign shuts off, when it dims etc.

Mr. Olejniczak responded to Mr. Brenner, explaining the ZBA is the body charged with reviewing and considering variances to the code. Their decision is final unless appealed. The variance will run with the land. If the land were purchased the new owner can continue to use that variance. The other options for the church would be to rezone it to a different zoning classification that allows electronic messaging signs or request the Council to consider changing the rules. Ms. Servia mentioned the Board has the authority to approve it, deny it or approve with conditions. The conditions can consist of operations of the sign, size, and location.

The public hearing was closed at 12:58 p.m.

**Consideration of: Variance from Section 27.12(4) of the municipal code for an electronic variable message sign for Prince of Peace Lutheran Church located at 1756 Michigan Street, parcel #281-62-21000101:**

Mr. Chaudoir commented there is a strong desire to work towards a compromise as more people are moving towards this type of sign. There are benefits and constraints. He stated he is inclined to support the church's desire to upgrade and modernize their sign. It is a matter of conditions that would address the concerns of the neighbors. There is no question N 18th Ave and Michigan St. is a very busy intersection, it is appropriate to consider some unique conditions for the location.

Members discussed the sign brightness and message interval timing. Mr. Augustson suggested increasing the interval to 90 seconds versus 30 seconds as traffic will have moved out of the intersection. He stated the illumination per code must be automatically controlled and automatically dim based on ambient light. Mr. Chaudoir stated he is inclined to approve a level of brightness, if it is not satisfactory to either party, they can come back and address it.

Moved by Mr. Chaudoir to approve the variance request with conditions of maintaining a planting bed around the base of the sign, the message interval should not exceed 90 seconds, the brightness should not exceed more than 8,000 nits. Motion seconded by Ms. Rusnak.

Mr. Olejniczak clarified Mr. Chaudoir's motion whether the 90 second interval is maximum or minimum.

Mr. Chaudoir confirmed the interval should be a 90 second minimum.

Mr. Augustson moved to amend the motion adding the sign shuts off no later than 9:00pm and turns on no earlier than 6:00am, seconded by Mr. Chaudoir. Roll call vote, all ayes. Carried. Roll call taken on original motion as amended to read; approving the variance request with the conditions of maintaining a planting bed around the base of the sign, a minimum of 90 seconds between display messages, brightness should not exceed more than 8,000 nits and no display hours from 9:00pm to 6:00am. All ayes. Carried.

Moved by Mr. Augustson, seconded by Ms. Rusnak to adjourn. All ayes. Motion carried. The meeting adjourned at 1:14p.m.

Respectfully submitted,  
Tricia Metzger