

CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING AGENDA
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, MARCH 27, 2013, 6:30 PM
TOWN HALL ROOM, OPEN TO PUBLIC

A. CALL MEETING TO ORDER

B. APPROVAL OF AGENDA

C. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

- o Wednesday February 27, 2013

D. UNFINISHED BUSINESS

1. ZBA CASE NO. 13-02-27-1 WILLIAM WHITE/WHITE BROS. MUSIC, 4706 OKEMOS ROAD, OKEMOS, MI 48864

DESCRIPTION: 4706 Okemos Road
TAX PARCEL: 21-406-001
ZONING DISTRICT: C-2 (Commercial)

The applicant is requesting a variance from the following section of the Code of Ordinances:

- 86-687(3)c., which states in the case of multitenant structures, one wall sign shall be permitted for each tenant having an individual means of public access up to a size equivalent to one square foot for each one lineal foot of building frontage occupied.

The applicant is requesting to install a larger than allowed sign on the canopy at 4706 Okemos Road; therefore the applicant is requesting a variance.

*This case was tabled by the Zoning Board of Appeals at the February 27, 2013 regular meeting of the Zoning Board of Appeals. Prior to hearing the case the Zoning Board of Appeals must first vote to take the case off the table.

E. NEW BUSINESS

1. ZBA CASE NO. 13-03-27-1 MERIDIAN TOWNSHIP DEPT. OF PUBLIC WORKS & ENGINEERING, 5151 MARSH ROAD, OKEMOS, MI 48864

DESCRIPTION: North of Jo Pass (Keystone Woods)
ZONING DISTRICT: RAA (Single Family, Low Density)

The applicant is requesting variances from the following sections of the Code of Ordinances:

- Section 86-471(b)(1), which states all structures and grading activities shall be setback forty (40) feet from the edge of a wetland regulated by the township, the state, or by federal law equal to or greater than two (2) acres in area.
- Section 86-471(b)(4), which states all structures and grading activities shall be setback fifty (50) feet from the an open county drain or creek as measured from the top of the bank on the side of the drain where the structure is to be located or grading activity is to occur.

- Section 86-471(c)(1), which states a twenty (20) foot natural vegetation strip shall be maintained from the edge of a wetland regulated by the township, the state, or by federal law.
- Section 86-471(c)(3), which states a twenty-five (25) foot natural vegetation strip shall be maintained from the top of the abutting bank of an open county drain or creek.
- 86-687(3)c., which states in the case of multitenant structures, one wall sign shall be permitted for each tenant having an individual means of public access up to a size equivalent to one square foot for each one lineal foot of building frontage occupied.

The applicant is requesting to construct an 8-foot wide bridge to provide a connection from the pathway in the Keystone Woods subdivision to the Interurban Pathway, which is located north of the Eberly Drain. A portion of the existing 7-foot wide pathway (which will be reconstructed) and proposed bridge are located within the setback and natural vegetation strip of a regulated wetland and open county drain; therefore the applicant is requesting variances.

☞ Variance requests may be subject to change or alteration upon review of request during preparation of the staff memorandum. Therefore, Sections of the Code of Ordinances are subject to change. Changes will be noted during public hearing meeting.

F. OTHER BUSINESS

G. PUBLIC REMARKS

H. BOARD MEMBER COMMENTS

I. ADJOURNMENT

J. POST SCRIPT –ELIZABETH LEGOFF

Information regarding the request may be examined at the Department of Community Planning and Development, 5151 Marsh Road, Okemos, Michigan 48864-1198, between the hours of 8:00 am and 5:00 pm, Monday through Friday. Comments may be made in writing addressed to the Zoning Board of Appeals at 5151 Marsh Road, Okemos, MI 48864 or may be made at the hearing.

BRET DRYFUSS
TOWNSHIP CLERK

ZONING BOARD OF APPEALS PUBLIC HEARING PROCEDURE

Persons wishing to address the topic of a scheduled public hearing are encouraged to present their remarks during the public hearing portion of the Zoning Board of Appeals meeting. **If you do intend to speak before the Zoning Board of Appeals please sign in at the door.** During a public hearing, the following order shall be used:

1. Township Staff Review
2. Comments by the applicant or applicant's designee(s)
3. Comments by other persons
4. Applicant rebuttal
5. ZBA members discuss the case. If necessary, the applicant may be asked to respond to questions from the ZBA members
6. Action by the ZBA

Persons wishing to appeal a decision of the Zoning Board of Appeals shall do so in accordance with Michigan Court Rules of Appeals to Circuit Court MCR 7.101.

CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING MINUTES ***DRAFT***
5151 MARSH ROAD, OKEMOS MI 48864-1198
517.853.4000
WEDNESDAY, FEBRUARY 27, 2013

PRESENT: Members Jackson, Ochberg, Ohlrogge, Hershiser, Chair Beauchine
ABSENT: None
STAFF: Martha Wyatt, Associate Planner /Landscape Architect

A. CALL MEETING TO ORDER

Chair Beauchine called the meeting to order at 6:30 p.m.

B. APPROVAL OF AGENDA

MEMBER HERSHISER MOVED TO APPROVE THE AGENDA AS WRITTEN

SECONDED BY MEMBER JACKSON

VOICE VOTE: Motion carried unanimously.

C. CORRECTIONS, APPROVAL, & RATIFICATION OF MINUTES

Wednesday, February 13, 2013

MEMBER JACKSON MOVED TO APPROVE THE MINUTES AS WRITTEN

SECONDED BY MEMBER LEGOFF

VOICE VOTE: Motion carried unanimously.

D. NEW BUSINESS

1. ZBA CASE NO. 13-02-27-1 WILLIAM WHITE/WHITE BROTHERS MUSIC, 4706 OKEMOS ROAD, OKEMOS MI 48864

DESCRIPTION:	4706 Okemos Road
TAX PARCEL:	21-406-001
ZONING DISTRICT:	C-2 (Commercial)

The applicant is requesting a variance from the following section of the Code of Ordinances:

- 86-687(3)c., which states in the case of multitenant structures, one wall sign shall be permitted for each tenant having an individual means of public access up to a size equivalent to one square foot for each one lineal foot of building frontage occupied.

The applicant is requesting to install a larger than allowed sign on the canopy at 4706 Okemos Road; therefore the applicant is requesting a variance.

Ms. Wyatt outlined the case for discussion.

Mr. William White, 4706 Okemos Road, Okemos, the applicant, stated he thought this was a standard sign replacement and should not require a variance. He said they have lost over half of their business since relocating because the sign has not been moved. He said he had measured both signs, the White Brothers Music and the CC Greenery signs at 4.5 by 20 feet or 90 square feet. Mr. White said he would use the sign frame at 4695 Okemos Road and install the frame and sign onto the canopy at 4706 Okemos Road. He said he would like clarification of which directional signs are allowed at the back of the building. Mr. White stated a 50 square foot sign would be too small to identify his business.

Chair Beauchine asked Mr. White to explain his questions about the directional signs.

Mr. White explained he is proposing to remove the existing CC Greenery lettering on the canopy over the rear (east) door and install stick letters for White Brothers Music (6 inches by 88 inches or 3.6 square feet). He wanted to make sure he did not need additional permission for the changes. He explained he would remove the existing wall sign (on the rear façade) and replace it with one that says "Enter Here" and lists the store hours. The proposed sign is 14 inches by 22 inches or 2.1 square feet.

Chair Beauchine asked if the original CC Greenery canopy was in compliance with the current ordinance regarding the canopy and sign being located within the other tenant's space.

Ms. Wyatt replied it had not been determined if the original canopy was in compliance. She said there is not a sign for the other tenant on the front of the building.

Chair Beauchine said he would like a township official to measure the sign to ensure Mr. White's measurements are correct. He commented the Zoning Board of Appeals is concerned with ensuring the Township residents wish for limited signage is carried out. He said the plastic cabinet sign and frame (at 4695 Okemos Road) looks different to him than the original fabric sign on the canopy (at 4706 Okemos Road) and it is not a true replacement panel. He said perhaps the fabric of the canopy should be replaced rather than being replaced with the plastic sign.

Member Hershiser commented since the board does not have answers to several pertinent questions regarding the case they should not make a decision at this time. He said they need to be sure of the lineal footage used by this tenant, if the sign will encroach on the other tenant's space and whether or not the signs are actually the same size as asserted by the applicant. He said he needs answers to these questions before he can make a decision.

Chair Beauchine asked for the Board to review all the information and identify any other questions before making a decision to table or postpone so the issue can be resolved in a timely fashion.

Member Hershiser asked if they could review the information about the directional signs even though they are not outlined in the information packet.

Chair Beauchine asked staff if the citation in the packet was for the directional signs or for the main sign.

Mr. White said it was for a free standing sign in front of the building that must be removed. He said he agrees the frontage of his tenant space is 50 feet but if he cannot have a 90 square foot sign he will have to look for a new location because he will not attract enough business.

Chair Beauchine said the Zoning Board of Appeals is not able to consider the cost factor in their decision. He suggested the best solution would be to replace the canvas panel with another canvas panel.

Member Ohlrogge asked staff if the canopy (4706 Okemos Road) was installed without a building permit or if there was a variance for it.

Ms. Wyatt replied a variance was granted in 1989 for the front yard setback from Okemos Road for the building. A building permit was issued to install the canopy in 1991 but it never came before the Zoning Board of Appeals regarding the front yard setback. She commented the canopy encroaches further into the front yard setback thus it is considered non-conforming.

MEMBER HERSHISER MOVED TO TABLE THE DISCUSSION.

MOTION DIED FOR LACK OF A SECOND.

Member LeGoff asked if the measurements could be verified by the Township after tabling the variance request.

Chair Beauchine stated all the questions the Zoning Board of Appeals has should be outlined before any motion to table the discussion is made.

Member Ohlrogge asked how the sign would be attached to the canopy. She said this question should be answered before any decision.

Chair Beauchine said his understanding is that the two different materials may not be compatible with one another and may not be able to be easily interchangeable.

Member Hershiser said he did not see where staff had asked the Zoning Board of Appeals to make a determination concerning the materials used on one sign versus the other.

Ms. Wyatt said there was not a request for an interpretation by the Zoning Board of Appeals regarding the sign materials as staff had already determined the White Brothers plastic sign panel is not considered a replacement panel for the CC Greenery canopy sign.

Member Hershiser asked staff to make a determination of whether the different materials are interchangeable. He said staff should determine if any other variances would be needed for the mounting of a different material to the canopy.

Chair Beauchine asked staff how much signage would be allowed inside the front windows of the façade.

Ms. Wyatt replied signs inside the windows could be 40 percent of one pane but could not exceed 10 percent of the total square footage of the front façade.

Chair Beauchine asked if the White Brothers sign could be inside the window.

Member Hershiser asked if the signs are exactly the same size.

Mr. White replied they are exactly the same size.

Chair Beauchine outlined the questions discussed so far:

1. Are the signs the same size (need actual measurements)?
2. Will the sign/canopy encroach upon the other tenant space?
3. Must the materials be the same for it to be considered a replacement?
4. How will the sign be attached to the canopy?
5. Are other variances required?
6. How will the sign be illuminated?
7. How much signage would be able to be placed inside the windows?
8. Are variances required for the directional signs?
9. Is the freestanding sign going to remain?

Mr. White commented he could answer all of the questions for the board.

Chair Beauchine remarked the staff would have to make the determination on the majority of the questions.

MEMBER HERSHISER MOVED TO TABLE ANY DECISION UNTIL ALL OF THE OUTLINED QUESTIONS COULD BE ANSWERED.

SECONDED BY MEMBER OHLROGGE

VOICE VOTE: YES: Member Hershiser, Ohlrogge, Jackson, LeGoff and Chair Beauchine.

NO: None

Motion carries 5-0.

E. OTHER BUSINESS

None

F. PUBLIC REMARKS

Mr. White stated according to the ordinance Section 86-682 Existing Nonconforming signs, paragraph C he is allowed to replace the sign and it should not require any variance. He said he appreciated the board members doing their due diligence but it seems they are making a very simple matter very complicated.

G. BOARD MEMBER COMMENTS

None

H. ADJOURNMENT

Chair Beauchine adjourned the meeting at 7:24 p.m.

Respectfully Submitted,

Angela M. Ryan
Recording Secretary

MEMORANDUM

TO: Zoning Board of Appeals

FROM: 
Martha K. Wyatt
Associate Planner/Landscape Architect

DATE: March 22, 2013

RE: ZBA Case No. 13-02-27-1
Addendum to original staff memorandum dated March 22, 2013

ZBA CASE NO.: 13-02-27-1 WILLIAM WHITE/WHITE BROS. MUSIC, 4706 OKEMOS ROAD, OKEMOS. MI 48864

DESCRIPTION: 4706 Okemos Road

TAX PARCEL: 21-406-001

ZONING DISTRICT: C-2 (Commercial)

After completion of the original staff memorandum for ZBA Case #13-02-27-1, dated March 22, 2013, staff had a phone conversation with James Sinadinos, a representative of Socrates Investment, LLC, which owns 4706 Okemos Road. Mr. Sinadinos stated he has not granted permission for Mr. White to install the 'White Bros. Music' sign panel onto the canopy frame (at 4706 Okemos Road) as proposed. Mr. Sinadinos noted he would consider a canopy sign that would match the existing C.C. Greenery sign regarding color, type of sign material, and location of the sign.

Mr. White was notified he needed to provide a letter from the property owner stating he has permission to install the sign panel onto the canopy at 4706 Okemos Road. A letter from Mr. White has not been submitted as of the date of this memorandum. As such, staff is recommending the Zoning Board of Appeals not take ZBA Case #13-02-27-1 off the table.

MEMORANDUM

TO: Zoning Board of Appeals

FROM: 
Martha K. Wyatt
Associate Planner/Landscape Architect

DATE: March 22, 2013

RE: ZBA Case No. 13-02-27-1

ZBA CASE NO.: 13-02-27-1 WILLIAM WHITE/WHITE BROS. MUSIC, 4706 OKEMOS ROAD, OKEMOS. MI 48864

DESCRIPTION: 4706 Okemos Road

TAX PARCEL: 21-406-001

ZONING DISTRICT: C-2 (Commercial)

At the February 27, 2013 regular meeting of the Zoning Board of Appeals, the Zoning Board of Appeals voted to table ZBA Case #13-02-27-1 until additional information was provided. The variance request is to remove the existing plastic sign panel ('White Bros. Music') from the sign cabinet located at 4695 Okemos Road (former White Bros. Music store) and install the panel onto the canopy at 4706 Okemos Road (C.C. Greenery). The applicant intends to remove the existing 'C.C. Greenery' canopy sign.

Prior to hearing the variance request, the Zoning Board of Appeals must first vote to take the case off the table, if that is the consensus of the Board. Should the Board choose to hear the case, staff has addressed the questions raised by the Board at the February 27, 2013 (ZBA) meeting as listed below:

1. Size of each sign (at 4695 and 4706 Okemos Road) based on field measurements
2. Lineal frontage of the applicant's tenant space and whether the existing sign at 4706 Okemos Road (C.C. Greenery) encroaches into the adjacent tenant space
3. How will the 'White Bros. Music' sign panel be attached to the canopy at 4706 Okemos Road?
4. How will the sign panel be illuminated?
5. How much signage would be allowed to be placed inside the windows (facing Okemos Road)?
6. Are variances required for the directional signs (on the rear façade)?
7. Is the freestanding sign going to remain?
8. Are other variances required?
9. Do the sign materials have to be the same for the sign panel to be considered a replacement?
10. An explanation regarding Section 86-682(c)-repairs, alterations, and improvements to a lawful nonconforming sign

The answers to these questions are outlined below followed by a summary of the variance request.

1. Size of each sign

As a point of clarification, the Township's method of measurement to determine the size of a wall sign is to measure to the fullest extent of the sign (height and width), which is to the outside dimensions of any letter, symbol, logo, or the outside dimensions of a sign cabinet.

Staff met on-site with Mr. White on March 4, 2013 to measure the wall signs at 4695 and 4706 Okemos Road. The dimensions of the wall signs are as follows:

4695 Okemos -Former White Bros. Music building (Photographs 1, 2, and 3)

- 61" (height) by 240" (width), or 101.66 square feet
(As measured to the outside edges of the sign cabinet, height and width)

The plastic sign panel has a raised area where the lettering and instrument drawings are located and an additional 3" wide flange on all sides of the raised area. The panel flange fits into the frame of the sign cabinet. The height of the raised panel is 55" (see Photograph 3). The width of the raised panel is 234", if the 3" flange is subtracted from each end of the raised panel. Using these dimensions, the raised panel is approximately 89.37 square feet (55" x 234").

The building permit issued for the Rite Aid wall sign states the sign is 5' by 20' (PB #20237). The sign permit for the White Bros. Music replacement panel states the sign is 5' by 20' (PB #99-0159). Based on the sign permit information each sign is approximately 100 square feet.

4706 Okemos Road-Former C.C. Greenery store (Photographs 4, 5, and 6)

- 54" (height) by 240" (width), or 90 square feet
(Sign area with 'C.C. Greenery' and additional wording)

The building permit issued for the C.C. Greenery wall sign states the sign is 4' by 20' or 80 square feet (PB #20726).

Based on Mr. White's e-mail and drawing submitted on March 20, 2013, he intends to remove the existing C.C. Greenery canopy sign and install the sign panel ('White Bros. Music') into the same location as the C.C. Greenery sign. Per the applicant, the plastic sign panel will be cut down to fit into the same space as the C.C. Greenery sign. The drawing states the "plastic face" will be 54" in height; however the raised area of the existing sign panel is 55" in height. The applicant did not state the proposed width of the sign. As noted above, if the 3" flange is removed from both ends of the sign panel, the sign width would be approximately 234".

2. Lineal frontage of tenant space and wall sign location

Based on the field measurements, the applicant has 50 lineal feet of frontage. The existing canopy sign for C.C. Greenery is located entirely within the applicant's tenant space. Per Section 86-687(3)c., one wall sign, up to 50 square feet, is permitted on the front façade and

the rear façade, as long as an individual means of public access is provided on each side of the building within the applicant's tenant space.

3. Method of sign installation at 4706 Okemos Road

The applicant has provided a sketch submitted on March 20, 2013, showing the proposed method of installation of the sign panel ('White Bros. Music'). The applicant intends fasten the plastic sign panel into the steel frame of the canopy (at 4706 Okemos Road) with screws placed every 14 inches. As noted previously the existing C.C. Greenery canopy sign will be removed. The installation details will be reviewed by the Building Division as part of the review of the building permit for the sign.

4. Sign illumination

The applicant has stated the sign panel will be illuminated with the existing light fixtures which are located behind the sign canopy (8 fluorescent bulbs).

5. Window signage (Windows on front façade at 4706 Okemos Road)

The Board asked staff if the existing sign cabinet (White Bros. Music) could be installed as a window sign at 4706 Okemos Road and how much window signage is permitted. Per Section 86-687(12), *window signs shall not exceed more than 40 percent of the surface area of the window in which they are displayed. Window signs shall not exceed ten percent of the building face of which the window is a part.*

A window is comprised of a pane of glass and frame structure around the window pane. For a sign to be classified as a window sign, the sign must be located entirely within a window frame and not extend beyond the limits of the window. The front façade of the applicant's tenant space has five (5) windows, three (3) windows south of the entrance door and two (2) north of the entrance door. The sign cabinet or sign panel would extend beyond the limits of any of the windows due to its size and therefore could not be considered a window sign. As a result, staff did not measure the windows.

6. Directional signs on the rear facade

The applicant has provided drawings for two (2) proposed signs on the rear side of the tenant space. One sign is located on the flat edge of the awning over the rear entrance door. The sign, 'White Bros. Music' is 6" (height) by 88" (width) or 3.66 square feet. Staff considers this sign a canopy sign. The other sign is located on the wall near the entrance door. The sign, 'Enter Here' is 18" (height) by 24" (width) or 3 square feet. The applicant initially submitted a sign drawing which also listed the hours of operation but has eliminated that from the sign per his letter dated March 18, 2013. With the hours of operation eliminated from the sign, staff considers this sign as a directional sign and not a wall sign as the sign is providing directional information only.

One wall sign or one canopy sign is permitted up to a size equivalent to one square foot for each one lineal foot of building frontage occupied. The applicant is permitted one (1) 50 square foot wall sign or canopy sign. One (1) canopy sign, 3 square feet, is proposed thus a variance is not required.

7. Freestanding sign

The applicant has placed an illegal ground sign near the entrance door on the west side of the building (Okemos Road) and two (2) unshielded light fixtures. A violation notice was sent by the Township Building Division on January 22, 2013. The ground sign has been allowed to remain until the other signage issues are resolved in order for the applicant to have some signage on the site. The sign and the unshielded light bulbs are still in violation and the matter will be pursued by the Building Division.

8. Other variances

Based on the submitted information, a variance from Section 86-687(3)c. is required for the applicant to install a larger than permitted sign on the C.C Greenery canopy. Other variances are not required at this time. If the applicant was to install the sign upright on the slope of the canopy and not flat against the canopy, then a variance from Section 86-687(3)a. would be required, for a wall sign that is not located flat against the front façade or parallel to the front façade on a canopy.

9. Sign materials & 10. Nonconforming signs

Section 86-682 discusses issues regarding existing nonconforming signs. Each sign is considered nonconforming as each sign exceeds the allowed square footage per the current zoning standards. Following are the sections of ordinance pertaining to this case.

Section 86-682(a) Purpose. It is the intent of this article to permit the continuance of a lawful use of any sign or outdoor advertising structure existing at the effective date of this chapter, although such sign or outdoor advertising structure may not conform with the provisions of this chapter. It is the intent of this article that nonconforming signs and outdoor advertising structures shall not be enlarged upon, expanded or extended. Further, it is the intent of this article that nonconforming signs and outdoor advertising structures shall be gradually eliminated and terminated upon their natural deterioration or accidental destruction. The continuance of all nonconforming signs and outdoor advertising structures within the township shall be subject to the conditions and requirements set forth in this article.

Section 86-682(b) Structural changes. The faces, supports or other parts of any nonconforming sign or outdoor advertising structure shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, altered, substituted, or enlarged sign or outdoor advertising structure conforms to the provisions of this chapter for the district in which it is located, except as otherwise provided for in this article.

Section 86-682(c) Repairs, alterations, and improvements. Nothing in this article shall prohibit the repair, reinforcement, alteration, improvement, or modernizing of a lawful nonconforming sign or outdoor advertising structure; provided, that such repair, reinforcement, alteration, improvement, and modernizing do not exceed an aggregate cost of 30 percent of the appraised replacement cost thereof as of the effective date of this chapter, as determined by the director of community planning and development, unless the subject sign or outdoor advertising structure is changed by such repair, reinforcement, alteration, improvement, or modernizing to a conforming structure. Nothing in this article shall prohibit the periodic change of message on any outdoor advertising structure.

When reviewing this case the Zoning Board of Appeals must consider Section 86-682 in its entirety. While a lawful nonconforming sign is permitted to remain the overall intent of Section 86-682 is to eventually eliminate the nonconforming sign. The ordinance specifically limits what can be done to a nonconforming sign to accomplish that intent.

Section 86-682(b) states the face of a nonconforming sign cannot be structurally changed, altered, substituted, or enlarged unless it is brought into compliance. This section as written could be read and applied to be very restrictive. Staff has interpreted the section to mean the size, shape, and type of sign could not change.

Combining two different types of nonconforming signs without bringing it into compliance does not meet the intent of the requirements of this section.

Section 86-682(c) states repairs, alterations, improvements, or modernizing of an existing lawful nonconforming sign may be permitted as long as such changes do not exceed an aggregate cost of 30 percent of the appraised replacement cost of the sign. The applicant is not proposing to repair the nonconforming sign and staff would not consider replacement of the existing canopy sign with a thirteen (13) year old plastic panel as an improvement or modernizing the existing C.C. Greenery sign. Staff believes the term "alterations" as used in Section 86-682(c) does not mean the entire sign could be removed and replaced with a different type of sign. The intent is to keep the existing nonconforming sign but to allow some changes. As an example of an alteration, the vinyl lettering along the bottom of the C.C. Greenery sign could be replaced with new vinyl lettering. The cost for repairs, alterations, and improvements is limited per Section 86-682(c) as a means to gradually eliminate a nonconforming sign.

Summary of the variance case

The applicant is proposing to remove the 'White Bros. Music' sign panel and cut it down to the approximately of 54" in height. Although not specified by the applicant, staff is assuming the width is 234" if the 3" flange is cut off from each end of the sign panel. Based on these dimensions, the overall size of the sign panel is 54" by 234" or approximately 87.75 square feet. The applicant then intends to install the sign panel into the space formerly occupied by the C.C. Greenery sign, which is approximately 54" in height by 240" in width or approximately 90 square feet.

Upon further review of Section 86-682 and the variance request, staff has concluded the applicant is proposing to structurally change the face of a nonconforming sign (C.C. Greenery sign) by installing the 'White Bros. Music' sign panel in place of the C.C. Greenery canopy sign. The structural change includes a change or substitution of sign materials, from awning fabric to a plastic panel. Per Section 86-682(b), a structural change is permitted if the change brings the sign into conformance. The proposed structural change does not bring the sign into conformance as the allowed square footage for the sign is 50 square feet and the proposed sign is 87.75 square feet. The proposed sign panel is not considered a repair, alteration or improvement of an existing nonconforming sign and therefore it is staff's opinion it cannot be reviewed under Section 86-682(c).

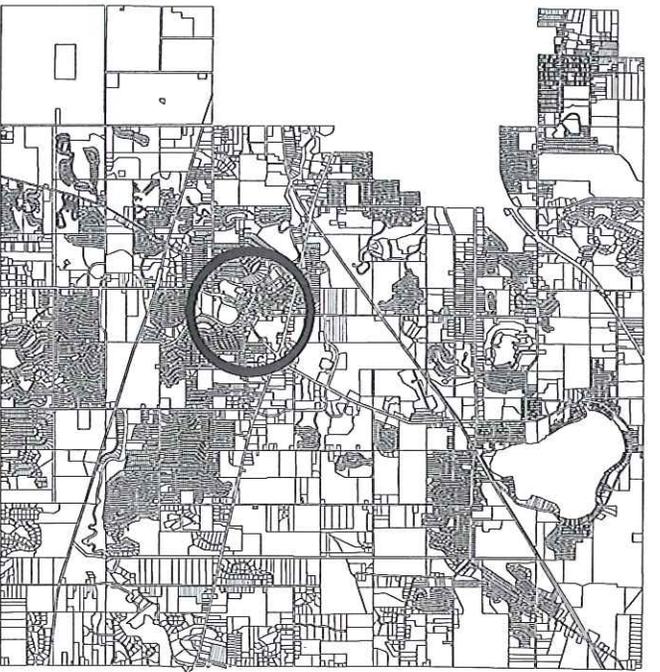
The proposed sign is not in conformance as it exceeds the allowed square footage for a canopy sign as outlined in Section 86-687(3)c., which states in the case of multitenant structures, one wall sign shall be permitted for each tenant having an individual means of public access up to a size equivalent to one square foot for each one lineal foot of building frontage occupied. In staff's opinion, a variance from Section 86-687(3)c. is required for the proposed sign to be installed on the canopy at 4706 Okemos Road.

The following chart outlines the variance from Section 86-687(3)c.:

	Permitted	Proposed	Variance
Sign	50 sq. ft.	87.75 sq. ft.	37.75 sq. ft.

Attachments

1. Application
2. Site Location Map
3. Communication (e-mail) from Applicant dated March 20, 2013
4. Sign Drawings from Applicant submitted on March 20, 2013
5. Communication (e-mail) from Brian Hicks dated March 14, 2013
6. Photographs #1, 2, & 3 (4695 Okemos Road-former White Bros. Music building)
7. Photographs #4, 5, & 6 (4706 Okemos Road-applicant's current retail space)



**ZONING BOARD OF APPEALS #13-02-27-1
(WILLIAM WHITE/WHITE BROS. MUSIC)
*MARCH 27, 2013 ZBA MEETING***

**REQUEST TO INSTALL LARGER
THAN ALLOWED SIGN ON FRONT
CANOPY; INSTALL WALL SIGN
NOT FLAT AGAINST FRONT FACADE;
INSTALL 2 WALL SIGNS ON REAR
FACADE AT 4706 OKEMOS ROAD**

CHARTER TOWNSHIP OF MERIDIAN



CHARTER TOWNSHIP OF MERIDIAN
PLANNING DIVISION
5151 MARSH ROAD, OKEMOS, MI 48864
(517) 853-4560

VARIANCE APPLICATION

A. Applicant William White / White Bros. Music
Address of Applicant 4706 Okemos Rd
Okemos MI 48864
Telephone (Work) 517 349-3806 Telephone (Home) _____
Fax _____ Email address: white@whitebrosmusic.com
Interest in property (circle one): Owner Tenant Option Other

B. Site address/location 4706 Okemos Rd
Zoning district C-2 Parcel number 21-406-001

C. Nature of request (Please check all that apply):
 Request for variance(s)
 Request for interpretation of provision(s) of the "Zoning Ordinance" of the Code of Ordinances
 Review an order, requirements, decision, or a determination of a Township official charged with interpreting or enforcing the provisions of the "Zoning Ordinance" of the Code of Ordinances

Zoning Ordinance section(s) 86-687 (3), (4), and (13)

D. Required Supporting Material Supporting Material if Applicable
-Property survey -Architectural sketches
-Legal description -Other
-Proof of property ownership or approval letter from owner
-Site plan to scale
-Written statement, which demonstrates how all the review criteria will be met (See next page)

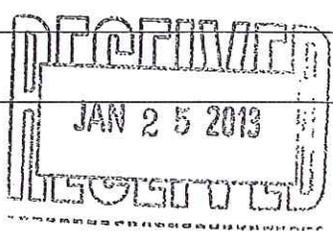
[Signature] William White 1.25.13
Signature of Applicant Print Name Date

Fee: 200 = Received by/Date: Martha Wyatt 1/25/13

I (we) hereby grant permission for members of the Charter Township of Meridian Zoning Board of Appeals, Township staff members and the Township's representatives or experts the right to enter onto the above described property (or as described in the attached information) in my (our) absence for the purposes of gathering information including but not limited to the taking and the use of photographs. (Note to Applicant(s): This is optional and will not affect any decision on your application.)

Signature of Applicant(s) Date

Signature of Applicant(s) Date



Martha Wyatt

From: Mr White <mrwhite@whitebrosmusic.com>
Sent: Wednesday, March 20, 2013 4:23 PM
To: Martha Wyatt
Subject: Re: sign variance

Martha -

Just faxed over the drawings page, which should reproduce better. Let me know if you still need the original and I will drop it off.

The sign will be illuminated just like the CC Greenery sign is currently, with the existing back-lit flourescents. It will be cut down to fit exactly and placed on the same frame as the CC Greenery sign after removing the existing panel. If there are any problems with this procedure we will replace the vinyl face with a new one.

Hope this answers your questions!

Will

----- Original Message -----

From: Martha Wyatt
To: mrwhite@whitebrosmusic.com
Sent: Tuesday, March 19, 2013 1:51 PM
Subject: sign variance

Hi Will-

Thanks for the information. I have a few questions as listed below:

-The sign drawings are hard to read and I was wondering if I can have the original copy so I can make copies from that one.

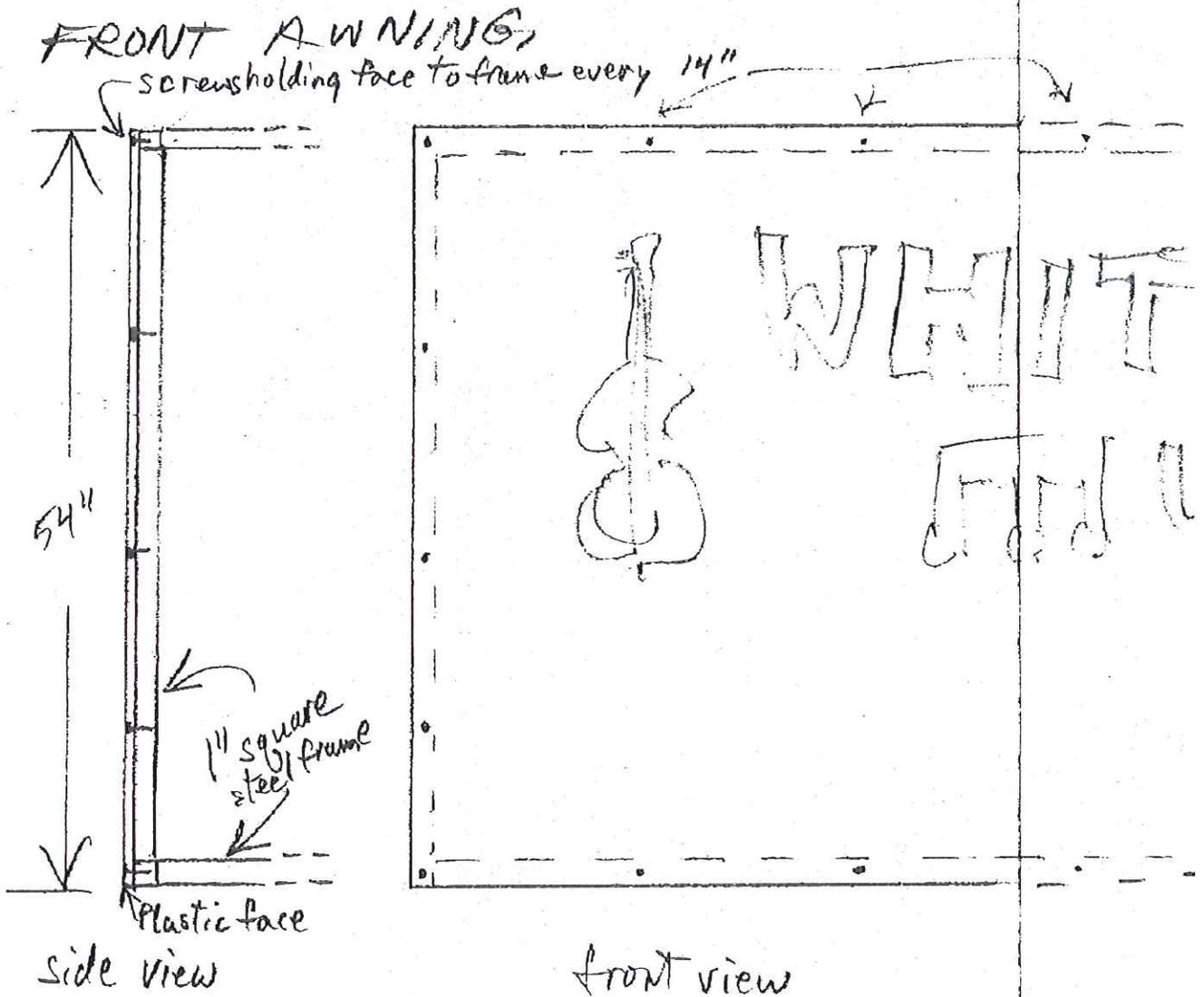
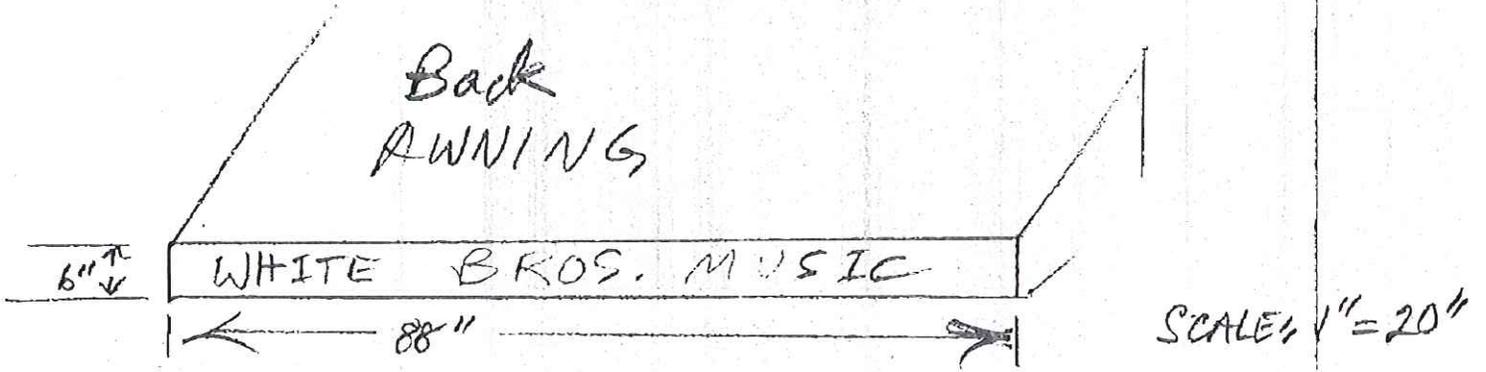
-Will the sign panel (plastic face) be illuminated?

-Will the sign panel be placed directly over the C.C. Greenery panel? (i.e. you will not be removing the existing C.C. Greenery panel)

-Will you use the entire plastic panel or cut it down to just have the raised part of the sign? Based on your field measurements the entire plastic panel (White Bros. Music) with the raised area and flange all around, the dimensions are 61" by 20' (or 240") so the sign is 101.66 square feet. The C.C. Greenery panel based on your field measurements is 54" by 20' or 90 square feet. So the plastic panel is larger than the C.C. Greenery sign and will overhang the canopy sign area. If you cutoff the flange of the White Bros. Music sign, the size is approximately 55" by 240" or 91.66 square feet. We need clarification on this.

Thanks again.

Martha Wyatt
Associate Planner/Landscape Architect
Phone: 517.853.4580
Fax: 517.853.4095
wyatt@meridian.mi.us
www.meridian.mi.us



RECEIVED
MAR 20 2013
RECEIVED

Martha Wyatt

From: Brian Hicks <ceo@brianhicks.com>
Sent: Thursday, March 14, 2013 3:46 PM
To: Martha Wyatt
Cc: Mark Kieselbach
Subject: ZBA #13-02-27-1 (William White/White Bros. Music)

Hello Martha:

It has been some time since I have had occasion to contact you; I hope you are well.

I received a notice in the mail for the above captioned matter and wanted to offer a few brief comments.

While I have no particular opinion one way or the other as to the relative merits of Mr. White's application to the ZBA, I would point out that whatever action the ZBA takes is going to be viewed as precedent-setting for the commercial blocks which constitute "downtown Okemos". As you are probably aware, we are the agent for Meridian Investors, L.L.C., which is the ownership entity for all of the other buildings in the same block as Mr. White's new business location. In the event the ZBA elects to accommodate Mr. White's request for a more permissive/expansive interpretation of the sign ordinance, we will certainly in the future look to the ZBA for equivalent treatment for our commercial tenants, consistent with any variance granted to Mr. White.

Please feel free to contact me if you wish to discuss the matter further.

Thank you for your time.

BLH

Brian L. Hicks
ceo@brianhicks.com

Office: 517.349.4610
Fax: 517.349.3323
Cell: 517.930.2878

Hicks Brothers Real Estate, LLP
1675 Watertower Place, Suite 800
East Lansing, Michigan 48823-8047

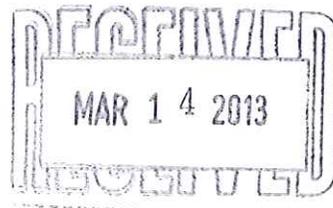




PHOTO 1: 4695 OKEMOS ROAD
EXISTING WALL SIGN

JAN 29 2013

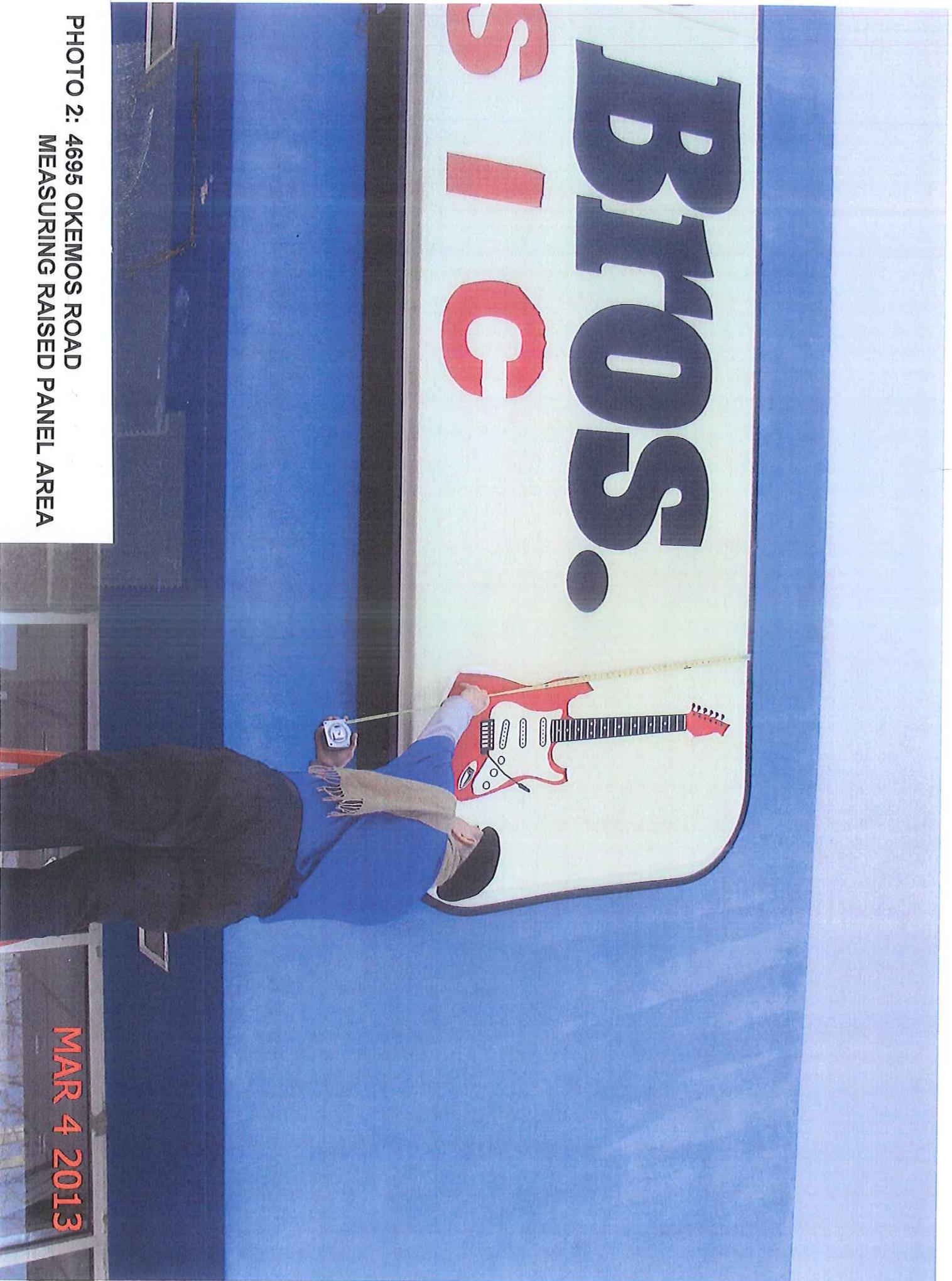
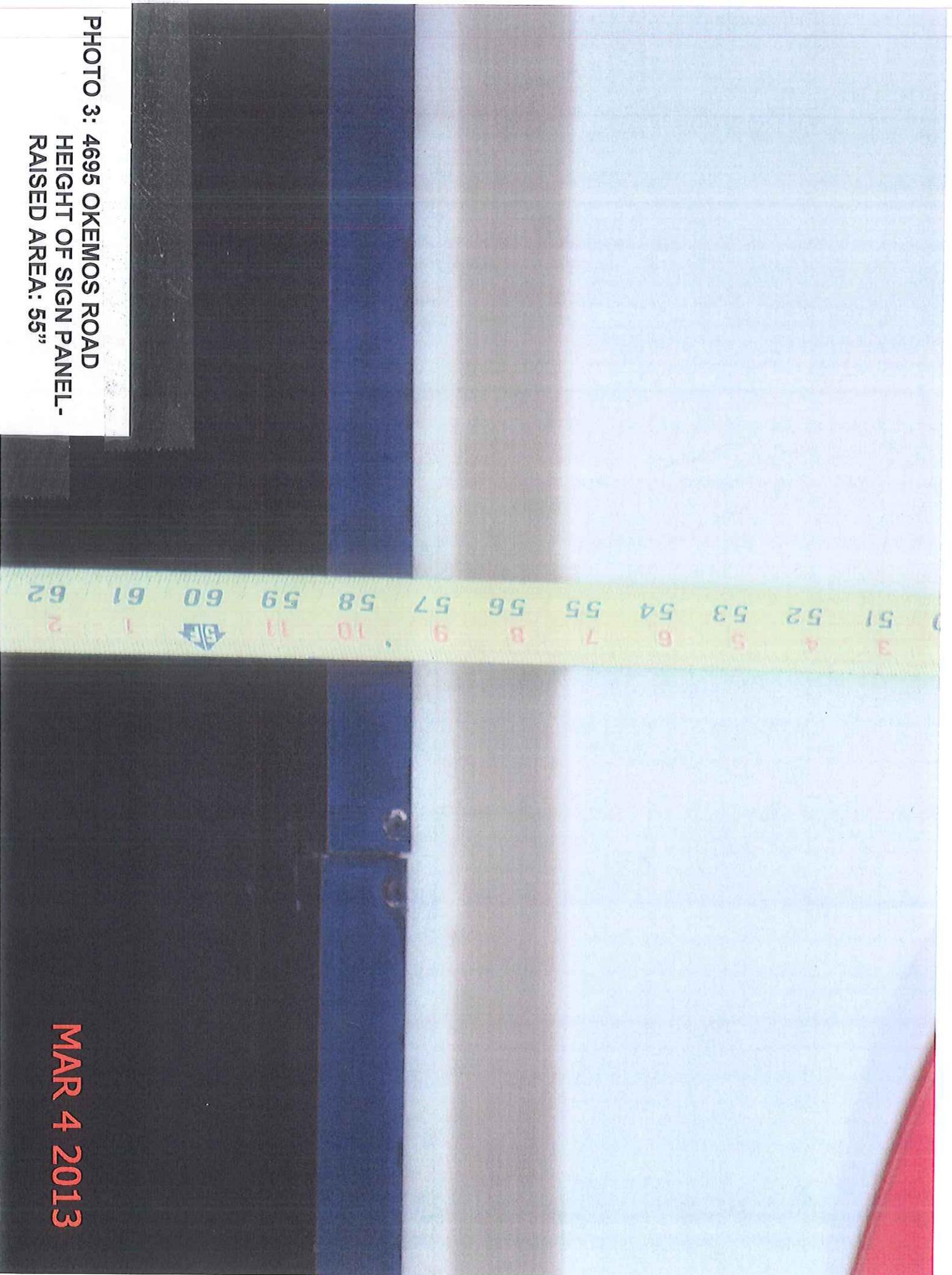


PHOTO 2: 4695 OKEMOS ROAD
MEASURING RAISED PANEL AREA

MAR 4 2013

PHOTO 3: 4695 OKEMOS ROAD
HEIGHT OF SIGN PANEL -
RAISED AREA: 55"



MAR 4 2013



PHOTO 4: 4706 OKEMOS ROAD
EXISTING CANOPY SIGN

FEB 20 2013

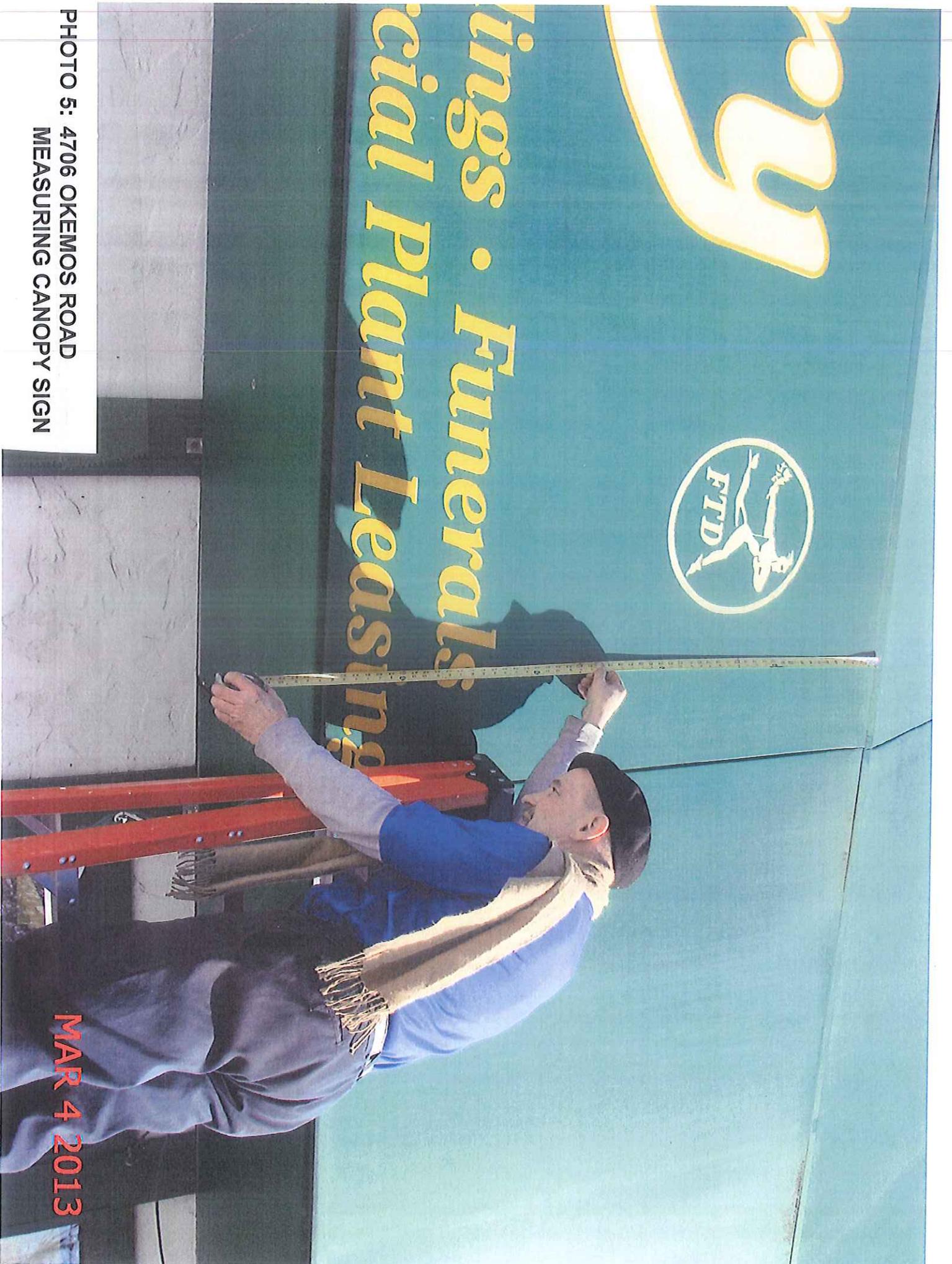
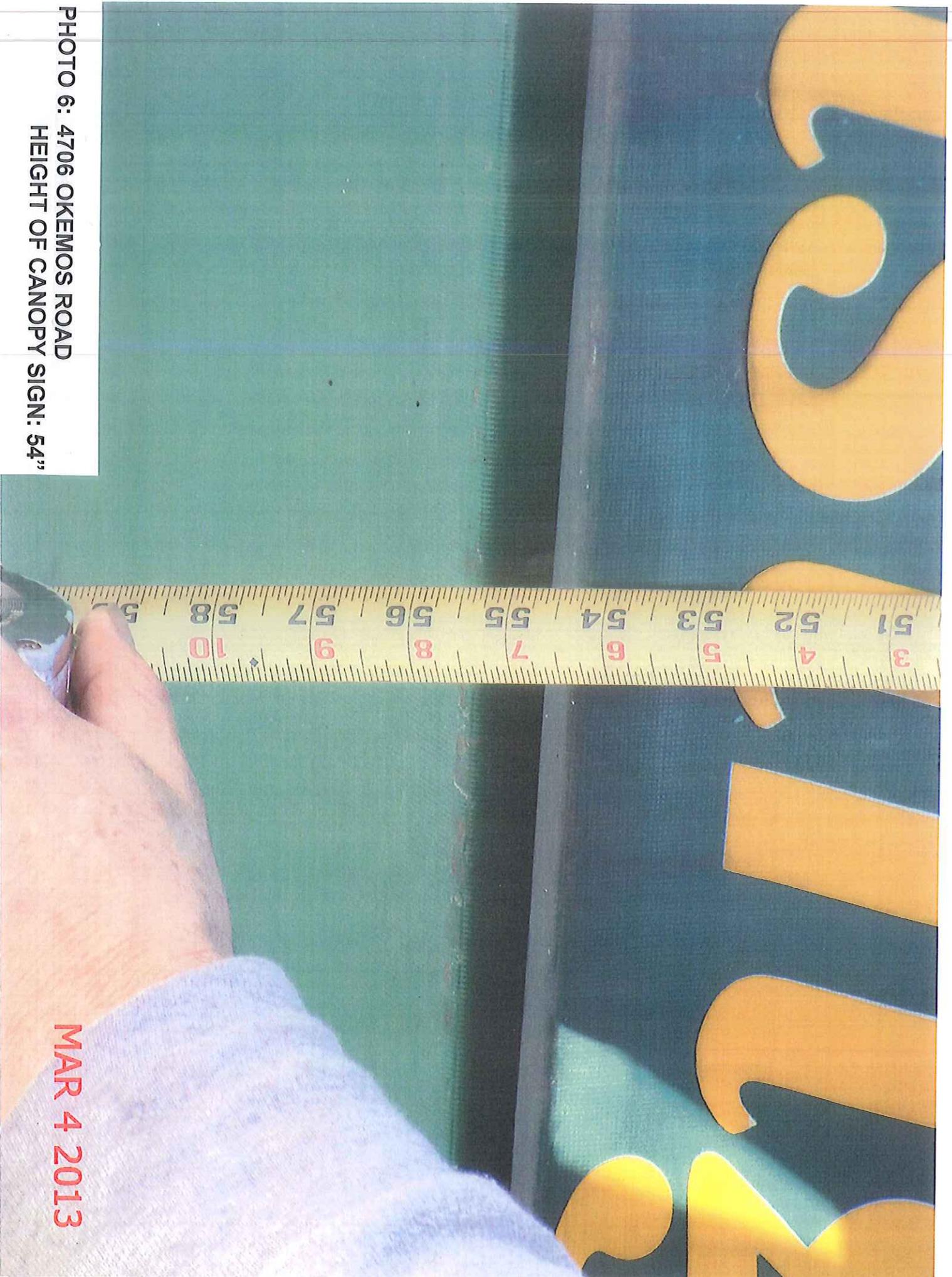


PHOTO 5: 4706 OKEMOS ROAD
MEASURING CANOPY SIGN

MAR 4 2013

PHOTO 6: 4706 OKEMOS ROAD
HEIGHT OF CANOPY SIGN: 54"



MAR 4 2013

MEMORANDUM

TO: Zoning Board of Appeals

FROM: 
Martha K. Wyatt
Associate Planner/Landscape Architect

DATE: March 22, 2013

RE: ZBA Case No. 13-03-27-1

ZBA CASE NO.: 13-03-27-1 MERIDIAN TOWNSHIP DEPT. OF PUBLIC WORKS & ENGINEERING, 5151 MARSH ROAD, OKEMOS, MI 48864

DESCRIPTION: Section 16, north of Jo Pass in Keystone Woods subdivision, between 5511 Jo Pass (Unit 6) and 5517 Jo Pass (Unit 7) and south of the Interurban Pathway

ZONING DISTRICT: RAA (Single Family, Low Density)

The applicant is requesting variances from the following sections of the Code of Ordinances:

- Section 86-471(b)(1), which states all structures and grading activities shall be setback forty (40) feet from the edge of a wetland regulated by the township, the state, or by federal law equal to or greater than two (2) acres in area.
- Section 86-471(b)(4), which states all structures and grading activities shall be setback fifty (50) feet from the an open county drain or creek as measured from the top of the bank on the side of the drain where the structure is to be located or grading activity is to occur.
- Section 86-471(c)(1), which states a twenty (20) foot natural vegetation strip shall be maintained from the edge of a wetland regulated by the township, the state, or by federal law.
- Section 86-471(c)(3), which states a twenty-five (25) foot natural vegetation strip shall be maintained from the top of the abutting bank of an open county drain or creek.

The Meridian Township Department of Public Works and Engineering (applicant) is proposing to install a bridge over the Eberly Drain in order to provide a connection from the existing 7-foot wide pathway in Keystone Woods to the Interurban Pathway. The 12-foot wide Interurban Pathway is located north of the Eberly Drain and generally runs east-west from Burcham Road to Marsh Road within an easement on Consumers Energy's property. The proposed bridge is part of the Township's Pedestrian/Bicycle Pathway Master Plan.

The existing section of the 7-foot wide pathway in Keystone Woods was constructed in 2005 as part of the Keystone Woods development, which was approved in 2004 under Planned Use Development #04014. The 7-foot wide pathway, approximately 145 lineal feet, starts north of Jo Pass (cul-de-sac portion of Jo pass), between 5511 and 5517 Jo Pass, and ends at the southern edge of the Eberly Drain. The Eberly Drain is an open county drain with a 100-foot easement and is under the jurisdiction of the Ingham County Drain Commissioner's office.

ZBA Case No. 13-03-27-1

March 22, 2013

Page 2

The section of the Interurban Pathway located west of Okemos Road and south of the Consumers Energy sub-station was constructed in 2007. Variances were granted in 2007 by the Zoning Board of Appeals for the construction of the Interurban Pathway for areas where the pathway was located within the setback and natural vegetation strip of the Eberly Drain and regulated wetlands (ZBA Case No. 07-03-28-2).

The proposed pathway and bridge project includes removal of a portion of the existing 7-foot pathway in Keystone Woods (approximately 57 lineal feet) and replacing new sections of the pathway in the same location, with grade adjustments to properly connect to the new bridge. A new 8-foot wide steel bridge (with wood decking) will be constructed over the Eberly Drain, from the existing 7-foot wide pathway to the Interurban Pathway. The bridge is approximately 35 feet in length. The bridge will be supported on each end by concrete abutments, which are constructed on each side of the drain.

The 100-year floodplain (elevation of 842.5 feet above mean sea level) is located within the Eberly Drain. The proposed bridge and support structures (abutments) are located within the 100-year floodplain and a special use permit is required. A compensating cut (3 cubic yards) is proposed in the drain bank for the proposed fill (abutments). The applicant has applied for a special use permit (SUP #13031). The public hearing for Special Use Permit #13031 is scheduled to be heard at the March 25, 2013 regular meeting of the Planning Commission. The applicant has requested a decision be made on the same night as the public hearing.

A permit is required from the Michigan Department of Environmental Quality (MDEQ) for the proposed work within the county drain (Inland Lakes and Streams permit). The applicant has applied for the permit. A permit is also required from the Ingham County Drain Commissioner's office (ICDC) for work within the 100-foot drain easement associated with the Eberly Drain. The applicant has applied for a permit from the ICDC.

The Township Wetland map indicates the presence of a state and Township regulated wetland (Township Wetland #16-4) within the Eberly Drain. The Eberly Drain is also associated with an adjoining wetland complex (Township Wetland #9-15) which is located north, east, and west of the subject site. The total wetland complex is over 70 acres in size. The wetland boundaries for the proposed project area were verified by the Township Environmental Consultant in October 2011 and are shown on the submitted site plan. Per the Township Environmental Consultant a wetland use permit is not required for the project as the wetland is totally located within the banks of the Eberly Drain. Section 86-471(d)(10) outlines exemptions regarding wetland setbacks for a driveway, pathway, or sidewalk, less than or equal to 12 feet in width, which passes through a regulated wetland and has received a permit from MDEQ. This exemption does not apply to the subject site as the bridge is not passing through a wetland and a wetland use permit is not required.

Following is a summary of the variance request per Ordinance section.

Variances associated with the regulated wetland (Township Wetland #16-4)

A 40-foot structure and grading setback and a 20-foot natural vegetation strip are associated on each side (north and south) of the regulated wetland. The wetland is located in the bottom of the drain. The proposed grading activities associated with the construction of the 7-foot pathway, the 8-foot wide bridge, and the two (2) abutment structures encroach into the setback and natural vegetation strip of the regulated wetland; therefore the applicant is requesting variances from Section 86-471(b)(1) and Section 86-471(c)(1).

The following chart outlines the variance request:

	Required Setback	Proposed Setback	Variance Request
Wetland Setback-South Side	40 feet	0 feet	40 feet
Natural Vegetation Strip-South Side	20 feet	0 feet	20 feet
Wetland Setback-North Side	40 feet	0 feet	40 feet
Natural Vegetation Strip-North Side	20 feet	0 feet	20 feet

Variations associated with the open county drain (Eberly Drain)

A 50-foot structure and grading setback and a 25-foot natural vegetation strip are associated with the open county drain (Eberly Drain), as measured from the top of the abutting bank, on each side of the drain (north and south). The proposed grading activities associated with the construction of the 7-foot pathway, the 8-foot wide bridge, and the two (2) abutment structures, encroach into the setback and natural vegetation strip of the open county drain; therefore the applicant is requesting variations from Section 86-471(b)(4) and Section 86-471(c)(3).

The following chart outlines the variance request:

	Required Setback	Proposed Setback	Variance Request
Eberly Drain Setback-South Bank	50 feet	0 feet	50 feet
Eberly Drain Natural Vegetation Strip –South Bank	25 feet	0 feet	25 feet
Eberly Drain Setback-North Bank	50 feet	0 feet	50 feet
Eberly Drain Natural Vegetation Strip-North Bank	25 feet	0 feet	25 feet

ZBA Case No. 13-03-27-1

March 22, 2013

Page 4

If the Zoning Board of Appeals decides to approve the request, staff recommends the following conditions:

- The applicant shall obtain an approved special use permit from the Township (SUP #13031).
- The applicant shall obtain a soil erosion and sedimentation control (SESC) permit from the Township Department of Public Works and Engineering. The proposed project shall adhere to all conditions of an approved SESC permit.
- Prior to any construction or grading activities, the applicant shall obtain all necessary permits and approvals from the Township, the Ingham County Drain Commissioner's office, and the Michigan Department of Environmental Quality.
- The applicant shall install erosion control silt fencing along the upland edge of the regulated wetland prior to the commencement of any grading, construction, or clearing activities on the subject site.

Site History

- On December 21, 2004 the Township Board granted final approval of Planned Unit Development #04014 for Keystone woods (12 residential units).
- On March 28, 2007, the Zoning Board of Appeals granted variances associated with grading activities and structures located within the setback and natural vegetation strip of a regulated wetland and open county drain (Eberly Drain) for the construction of the interurban pathway, north of Keystone Woods.
- Special Use Permit #13031 for the proposed work in the 100-year floodplain is currently under review.

Attachments

1. Application
2. Site Location Map
3. Letter from Applicant dated February 19, 2013
4. Letter from Applicant dated March 6, 2013
5. Photographs (3) from Applicant
6. Wetland Report and Attachments (for project area) dated January 11, 2012
7. Site Plan with Bridge Details for Project Area
8. Overall Site Plan for Keystone Woods (PUD #04014)

CHARTER TOWNSHIP OF MERIDIAN
PLANNING DIVISION
5151 MARSH ROAD, OKEMOS, MI 48864
(517) 853-4560

VARIANCE APPLICATION

A. Applicant Meridian Township Engineering Dept. - Nyal Nunn
Address of Applicant 5151 Marsh Rd.
Okemos, MI 48864
Telephone (Work) 517.853.4468 Telephone (Home) _____
Fax 517.853.4295 Email address: nunn@meridian.mi.us
Interest in property (circle one): Owner Tenant Option Other

B. Site address/location BTWN 5511 & 5517 Jo Pass
Zoning district RAA Parcel number 33-02-02-16-126-009

C. Nature of request (Please check all that apply):
 Request for variance(s)
 Request for interpretation of provision(s) of the "Zoning Ordinance" of the Code of Ordinances
 Review an order, requirements, decision, or a determination of a Township official charged with interpreting or enforcing the provisions of the "Zoning Ordinance" of the Code of Ordinances

Zoning Ordinance section(s) 86-471

D. Required Supporting Material Supporting Material if Applicable
-Property survey -Architectural sketches
-Legal description -Other
-Proof of property ownership or approval letter from owner
-Site plan to scale
-Written statement, which demonstrates how all the review criteria will be met (See next page)

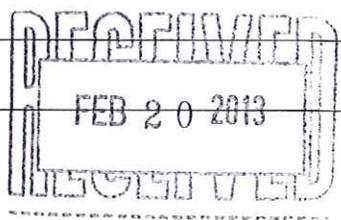
[Signature] Nyal Nunn 2/18/13
Signature of Applicant Print Name Date

Fee: NA Received by/Date: Mark Wyatt 2/20/13

I (we) hereby grant permission for members of the Charter Township of Meridian Zoning Board of Appeals, Township staff members and the Township's representatives or experts the right to enter onto the above described property (or as described in the attached information) in my (our) absence for the purposes of gathering information including but not limited to the taking and the use of photographs. (Note to Applicant(s): This is optional and will not affect any decision on your application.)

[Signature] 2/18/13
Signature of Applicant(s) Date

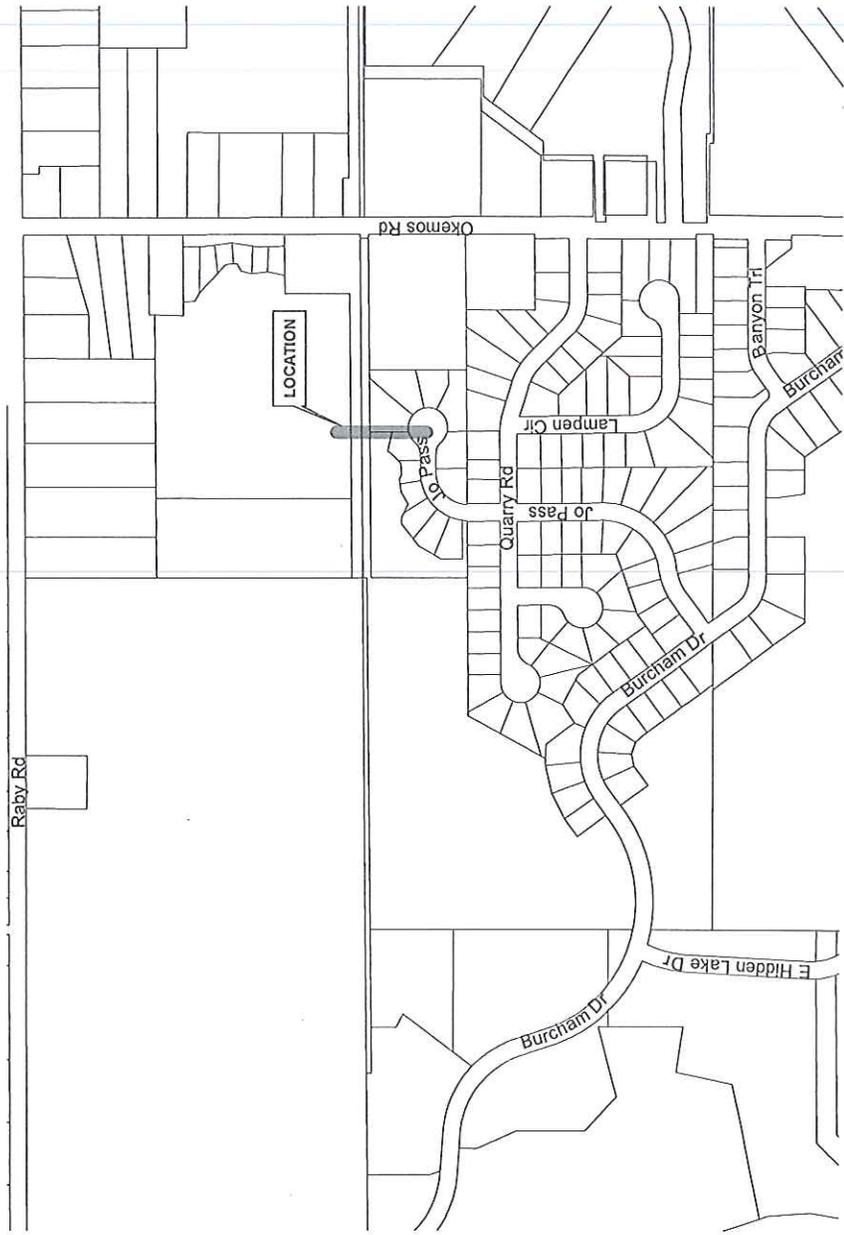
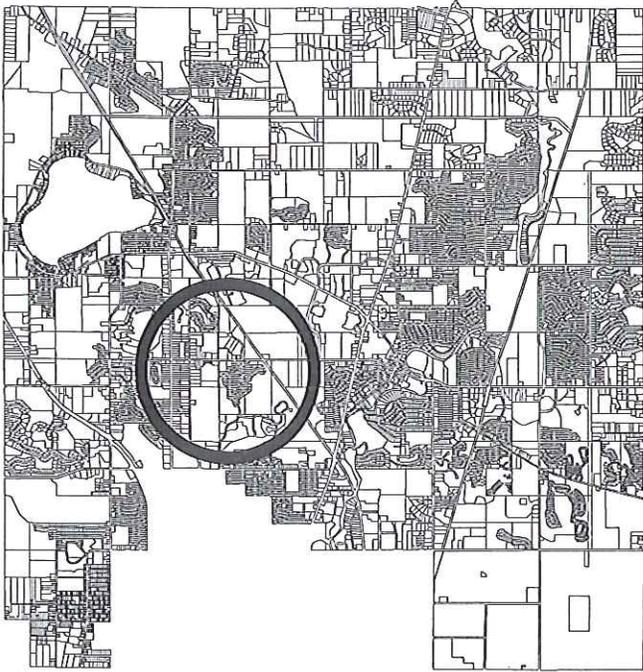
Signature of Applicant(s) Date



**ZONING BOARD OF APPEALS #13-03-27-1
(MERIDIAN TOWNSHIP DEPT. OF ENGINEERING)**

**REQUEST TO CONSTRUCT 7 FT.
WIDE PATHWAY & GRADE
WITHIN SETBACK & NATURAL
VEGETATION STRIP OF
WETLAND & DRAIN LOCATED NORTH
OF JO PASS IN KEYSTONE WDS.**

CHARTER TOWNSHIP OF MERIDIAN



CHARTER TOWNSHIP OF MERIDIAN

Elizabeth Ann LeGoff Supervisor
Brett Dreyfus Clerk
Julie Brixie Treasurer
Gerald J. Richards Manager



Milton Scales Trustee
Ronald Styka Trustee
John Veenstra Trustee
Angela Wilson Trustee

February 19, 2013

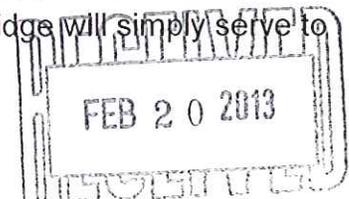
Zoning Board of Appeals

Re: *Jo Pass Pathway Connector*

Dear Board Members:

The following points are in response to the Review Criteria for our variance application:

1. The site was set aside in the subdivision plan specifically for public access with the intent to connect the subdivision to the Interurban Pathway.
2. The site was designated for public access in the condominium master deed which the Engineering Department does not control.
3. The ordinance prohibits work within the drain setback. Although the bridge structure would be constructed above the drain the ends must be anchored within the wetland setback.
4. No structure could be constructed at this location without entering into the drain setback which would prevent a public connection between the subdivision and the adjacent trailway.
5. With a variance to work within the drain setback the spirit of the Zoning Ordinance will be upheld as the work will not impact the drain. Additionally, the construction of the bridge is in the public interest as it will increase the recreational opportunities in the area.
6. Impact to the adjacent properties will be minimal aside from providing immediate access to the surrounding trails and pathways, which is positive. Moreover, there is an existing concrete pathway located at this site; the bridge will simply serve to connect two existing pedestrian walkways.



5151 MARSH ROAD, OKEMOS, MICHIGAN 48864-1198 (517) 853-4000 FAX (517) 853-4096

www.meridian.mi.us

An Equal Opportunity Employer

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7. Creation of a regulation or ordinance for this purpose is not necessary at this time. Use of such bridge structures on the Township's Pathway system is quite infrequent.
8. To expand upon point number 5, the residents of the Township have repeatedly voted to make pedestrian/bicycle facilities a priority. Additionally, this bridge is a link within the Pathway system which has been approved by the Township Board. Thus this project is consistent with the public interest and, by avoiding work within the drain, is in line with the purpose and intent of the Zoning Ordinance.

Sincerely,



Nyal Nunn

Meridian Township
Project Engineer
(517)853-4468 Office
(517)853-4095 Fax
(517)316-6935 Cell
nunn@meridian.mi.us

CHARTER TOWNSHIP OF MERIDIAN

Elizabeth Ann LeGoff Supervisor
Brett Dreyfus Clerk
Julie Brixie Treasurer
Gerald J. Richards Manager



Milton Scales Trustee
Ronald Styka Trustee
John Veenstra Trustee
Angela Wilson Trustee

March 6, 2013

Zoning Board of Appeals

Re: *Jo Pass Pathway Connector*

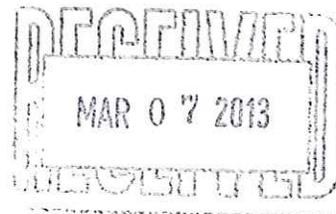
Dear Board Members:

The Engineering Department respectfully requests that the Variance Application for the proposed pedestrian bridge be considered prior to the official ruling from the Planning Commission for a Special Use Permit. We have requested a determination regarding the SUP on the same night as the public hearing but we would not have the official ruling before the March 27th ZBA meeting must be scheduled. We would like to begin construction work in April and so your leniency in this matter would be greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Nyal Nunn", with a long horizontal flourish extending to the right.

Nyal Nunn
Meridian Township
Project Engineer
(517)853-4468 Office
(517)853-4095 Fax
(517)316-6935 Cell
nunn@meridian.mi.us



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PPRFFVFF
FEB 20 2013
PPRFFVFF

January 11, 2012
Project No. G110802

Mr. Mark Kieselbach
Charter Township of Meridian
5151 Marsh Road
Okemos, MI 48864

Re: Wetlands Investigation
Proposed Pathway Segments, Meridian Township, Ingham County, Michigan

Dear Mr. Kieselbach:

On October 17, 2011, Fishbeck, Thompson, Carr & Huber, Inc. (FTC&H) staff conducted a field investigation to determine whether wetlands are present at three proposed pathway locations in Meridian Township (Town 4 North, Range 1 West), Ingham County, Michigan (Figure 1). The proposed pathway segments consist of:

- Two Raby Road trail segments, located between Haslett Road and an existing pedestrian pathway south of Raby Road (in the south 1/2 of Section 10).
- The Jo Pass connector trail, located between Jo Pass Drive and an existing pedestrian pathway (in the northwest 1/4 of Section 16).
- The Grand River Avenue segment, located on the north side of Grand River Avenue between Cornell Road and Northview Road (in the southwest 1/4 of Section 23 and the southeast 1/4 of Section 22).

The purpose of this letter is to summarize the results of the wetlands investigation. The investigation was conducted in a manner consistent with the 1987 *Corps of Engineers Wetlands Delineation Manual* and 2009 *Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region* (the USCOE Manual Supplement). The wetlands identification and delineation procedures outlined in these manuals require evaluation of site vegetation, soils, and hydrologic characteristics.

LITERATURE REVIEW

According to the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) *Web Soil Survey* (Appendix 1), hydric soil (Houghton muck) is mapped throughout the proposed Raby Road Trail segment locations. Colwood-Brookston loams are mapped at the proposed Jo Pass Pathway connector location. The NRCS Web Soil Survey identifies this soil series as partially hydric. However, both the Colwood and Brookston soil series are listed as hydric. These two soil series comprise 80% of the soil mapping unit.

The soil survey indicates the presence of partially hydric soil series within the area of investigation along the Grand River Avenue right-of-way. These soil mapping units contain inclusions of hydric soil in depressions.

The National Wetlands Inventory (NWI) map (Appendix 2) indicates emergent, scrub-shrub, and forested wetlands are mapped throughout the proposed Raby Road Trail segment locations. No wetlands are mapped at the proposed location of the Jo Pass Trail connector. However, forested and emergent wetlands are mapped in the general vicinity of this segment to the north, east and west. The NWI map indicates scrub-shrub wetland extends into the Grand River Avenue right-of-way at one location within the area of investigation.

5913 Executive Dr.
Suite 100
Lansing, MI
48911
ph: 517.882.0383
fax: 517.882.0388
www.ftch.com

SITE INVESTIGATION

FTC&H personnel met Mr. Jay Graham, Meridian Township Drafting Manager, at the Raby Road site on October 17, 2011. Mr. Graham provided assistance in locating the proposed trail segments and surveyed the flagged wetland boundaries with a Trimble GPS unit with sub-meter accuracy. FTC&H flagged wetland boundaries within the area of investigation with pink surveying ribbon. Figures 2A, 2B and 2C note the delineated wetland boundaries, based upon Meridian Township's survey. FTC&H completed U.S. Army Corps of Engineers (USACE) Wetland Determination Data Forms for 6 sampling points (SB-1 through SB-6) to describe site vegetation, soil, and hydrology (Appendix 3).

In general, site conditions observed on October 17 were consistent with information presented in the soils maps, NWI maps, and Meridian Township's wetland maps. The Raby Road trail segments traversed a forested wetland corresponding to Meridian Township Wetland Number 10-17, a 38.62-acre wetland complex containing forested, emergent and scrub-shrub wetlands. FTC&H flagged the wetland boundary at the north end of the north segment, along Haslett Road, and at the south end of the south segment, in the vicinity of an existing rail to trail pathway, as shown in Figure 2A. Sampling Point SB-1 was evaluated at the north end of the north segment, and exhibited wetland soil, hydrology and vegetation. Sampling Point SB-2 was evaluated at the south end of the south segment. It exhibited wetland soil and vegetation, but only one secondary wetland indicator (geomorphic position). The lack of wetland hydrology indicators was attributed to a depressed water table because the evaluation was conducted during the dry season. Justifying the southern segment as wetland without sufficient hydrology indicators is permitted by the USACE Manual Supplement when the site survey is conducted during the dry season.

The proposed Jo Pass connector trail crosses the Eberly Drain. Wetland was present in the flat streambed. The drain had very steep banks and uplands were present at the top of bank. FTC&H flagged the wetland boundaries along the banks in the vicinity of the proposed stream crossing location, as noted in Figure 2B. The streambed wetland corresponds to Meridian Township Wetland Number 16-4, a 20.66-acre, open water and forested wetland complex.

Meridian Township wetland maps indicate that three wetlands impinge upon the Grand River Avenue right-of-way within the area of investigation. Sampling points were evaluated in each of these locations (SB-4, SB-5, and SB-6). A pocket wetland was observed at SB-4, corresponding to Meridian Township Wetland Number 23-16, a 0.92-acre forested wetland. The wetland was dominated by reed canary grass (*Phalaris arundinacea*) within the Grand River Avenue right-of-way, with forested wetland occurring to the north. The wetland boundary was flagged, as indicated in Figure 2C.

Sampling point SB-5 was evaluated near the northern edge of the Grand River Avenue right-of-way in the area corresponding to Meridian Township Wetland Number 23-15C, a 9.64-acre, scrub-shrub/emergent complex. Wetland was not observed at SB-5, although wetland forest was observed approximately 20 feet to the north, outside of the road right-of-way. It appears the Township map incorrectly places Wetland No. 23-16C too far south.

The Meridian Township wetland map also indicates Wetland No. 22-16, a 5.51-acre, forested/scrub-shrub wetland, abuts Grand River Avenue within the area of investigation. However, a high, steep road embankment was observed at this location. The distance from the edge of road to the toe of slope is approximately 60 feet and the drop in elevation is at least 15 feet. Sampling Point SB-6 was evaluated at the toe of the slope and contained dominant upland species. In addition, no wetland hydrology or soil indicators were observed at this location. Therefore, wetland is not present at SB-6. Wetland No. 22-16 appears to be located more than 30 feet north of SB-6. No other wetlands were observed within the Grand River Avenue right-of-way within the area of investigation.

CONCLUSIONS

The following table summarizes the findings at the 6 sample points.

Sample Point	Location	Meridian Township Wetland Number	Regulatory Status: State	Regulatory Status: Township
SB-1	Raby Road Trail – North Segment	10-17	Yes	Yes
SB-2	Raby Road Trail – South Segment	10-17	Yes	Yes
SB-3	Jo Pass Connector	16-4	Yes	Yes
SB-4	Grand River Avenue	23-16	No	Yes
SB-5	Grand River Avenue	23-15C to north	No	No
SB-6	Grand River Avenue	22-16 to north	No	No

According to Michigan's Natural Resources and Environmental Protection Act, Act 451, Section 30301(d), wetlands "contiguous to the Great Lakes or Lake St. Clair, an inland lake or pond, or a river or stream" or "more than 5 acres in size" are regulated by the State of Michigan. The Raby Road Trail segments are located in a wetland that is greater than 5 acres in size and is contiguous with Pine Lake Drain. The Jo Pass Connector segment is contiguous with Eberly Drain. Therefore, the wetlands present at these locations are regulated by both the State of Michigan and Meridian Township. The Meridian Township wetland map indicates the wetland present at SB-4 is 0.92-acre in size and is not contiguous with a body of water. Therefore, it is not regulated by the State of Michigan. It is protected by Meridian Township if it is determined to be essential to the preservation of the natural resources of the Township.

Michigan regulations prohibit the following activities within regulated wetlands without appropriate permits:

- Placing fill or permitting the placement of fill in a wetland.
- Dredging, removing, or permitting the removal of soil or minerals from a wetland.
- Constructing, operating, or maintaining any use or development in a wetland.
- Draining surface water from a wetland.

Permits must be obtained from the Michigan Department of Environmental Quality and Meridian Township prior to conducting any of the above activities in a regulated wetland. In addition, appropriate soil erosion and sedimentation control measures must be enacted during site excavation to prevent an unlawful discharge of soil into the site's wetland.

If you have any questions or require additional information, please contact me at 616-464-3738 or ehtripp@fitch.com.

Sincerely,

FISHBECK, THOMPSON, CARR & HUBER, INC.



Elise Hansen Tripp

pmb
 Attachments
 By e-mail and US Mail

WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Meridian / Baby Road Trail City/County: Meridian / Ingham Sampling Date: 10/17/11
 Applicant/Owner: Meridian Township Engineering State: MI Sampling Point: SB-1
 Investigator(s): Elise Tripp, PTC&H Section, Township, Range: S 10, T 4 N, R 1 W
 Landform (hillslope, terrace, etc.): Floodplain to Pine Lake Drain Local relief (concave, convex, none): CONCAVE
 Slope (%): FLAT Lat: N 45 44 34.81 Long: 13 11 09 46.85 Datum: NAD 83
 Soil Map Unit Name: Houghton muck NWI classification: PSS1C
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks.)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Hydric Soil Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, optional Wetland Site ID: <u>10-17</u>
Remarks: (Explain alternative procedures here or in a separate report.) <p align="center"><i>Sampling point is located at north end of north pathway segment.</i></p>	

HYDROLOGY

Wetland Hydrology Indicators: <u>Primary Indicators (minimum of one is required; check all that apply)</u> <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Marl Deposits (B15) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<u>Secondary Indicators (minimum of two required)</u> <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input checked="" type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input checked="" type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> Microtopographic Relief (D4) <input type="checkbox"/> FAC-Neutral Test (D5)
Field Observations: Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): <u>20</u> Saturation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): <u>20</u> (Includes capillary fringe)	Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available: 	
Remarks: 	

VEGETATION – Use scientific names of plants.

Sampling Point: SB-1

Tree Stratum (Plot size: <u>30</u>)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:
1. <u>Ulmus americana</u>	<u>10</u>	<u>Y</u>	<u>FACW</u>	Number of Dominant Species That Are OBL, FACW, or FAC: <u>7</u> (A)
2. <u>Fraxinus pennsylvanica</u>	<u>25</u>	<u>Y</u>	<u>FACW</u>	Total Number of Dominant Species Across All Strata: <u>8</u> (B)
3. <u>Acer saccharinum</u>	<u>15</u>	<u>Y</u>	<u>FACW</u>	Percent of Dominant Species That Are OBL, FACW, or FAC: <u>87.5%</u> (A/B)
4. _____				Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
5. _____				
6. _____				
7. _____				
<u>50</u> = Total Cover				
Sapling/Shrub Stratum (Plot size: <u>15</u>)				
1. <u>Rhamnus cathartica</u>	<u>15</u>	<u>Y</u>	<u>FACU</u>	
2. <u>Cotinus foemina</u>	<u>10</u>	<u>Y</u>	<u>FACW</u>	
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
<u>25</u> = Total Cover				
Herb Stratum (Plot size: <u>5</u>)				
1. <u>Phalaris arundinacea</u>	<u>75</u>	<u>Y</u>	<u>FACW</u>	Definitions of Vegetation Strata: Tree – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height. Sapling/shrub – Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall. Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall. Woody vines – All woody vines greater than 3.28 ft in height.
2. <u>Solidago gigantea</u>	<u>25</u>	<u>Y</u>	<u>FACW</u>	
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
9. _____				
10. _____				
11. _____				
12. _____				
<u>100</u> = Total Cover				
Woody Vine Stratum (Plot size: <u>30</u>)				
1. <u>Vitis riparia</u>	<u>15</u>	<u>Y</u>	<u>FACW</u>	Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2. _____				
3. _____				
4. _____				
<u>15</u> = Total Cover				
Remarks: (Include photo numbers here or on a separate sheet.) 				



U.S. Fish and Wildlife Service National Wetlands Inventory

Jo Pass Segment

Nov 15, 2011



Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

User Remarks:

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.