

CHARTER TOWNSHIP OF MERIDIAN

ZONING BOARD OF APPEALS REGULAR MEETING MINUTES *APPROVED AS AMMENDED*

5151 MARSH ROAD, OKEMOS, MI 48864-1198

(517) 853-4000

WEDNESDAY, October 24, 2018 6:30 PM

TOWN HALL ROOM

PRESENT: Chair Beauchine, Members Deschaine, Lane, Mansour
ABSENT: Member Field-Foster, Member Ohlrogge
STAFF: Director of Community Planning and Development Mark Kieselbach, Assistant
Planner Keith Chapman

1. CALL MEETING TO ORDER

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

2. APPROVAL OF AGENDA

MEMBER MANSOUR MOVED TO APPROVE THE AGENDA AS WRITTEN.

SECONDED BY MEMBER LANE.

VOICE VOTE: Motion carried unanimously.

3. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

Wednesday, October 10, 2018

MEMBER LANE MOVED TO APPROVE THE MINUTES FROM WEDNESDAY, OCTOBER 10, 2018 AS WRITTEN.

SECONDED BY MEMBER MANSOUR.

VOICE VOTE: Motion carried unanimously.

4. COMMUNICATIONS

None.

5. UNFINISHED BUSINESS

None.

6. NEW BUSINESS

A. ZBA CASE NO. 18-10-24-1 (COMMERCIAL PROPERTY GROUP LLC), PO BOX 100, LAINGSBURG, MI, 48848

DESCRIPTION: 1915 West Grand River Avenue
TAX PARCEL: 22-154-006
ZONING DISTRICT: C-2 (Commercial)

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

- Section 86-687(4)(d), Freestanding signs greater than five feet in height shall not exceed 28 square feet in surface display area per side.
- Section 86-687(4)(g), The freestanding sign shall be located in the front yard with the leading edge at least 10 feet back of the street right-of-way line.

The applicant is requesting to install a 49 square foot, 15 foot tall freestanding sign, which will be three feet from the front property line.

Assistant Planner Chapman outlined the case for discussion.

Chair Beauchine asked the applicant or the applicant's representative if they would like to address the Zoning Board of Appeals (ZBA).

Mr. Brian Hicks, PO BOX 100, Laingsburg, the applicant's representative, stated that to encourage retail investment, variances are needed to allow for a larger sign, and closer to Grand River Avenue.

Chair Beauchine opened the floor for public comment and seeing none closed public comment.

Member Mansour asked if the business address would be included on the sign.

Mr. Hicks replied each store had its own address. If required, a range of addresses could be placed on the sign. He clarified each store had its address on the front and back of the building.

Member Mansour asked if the addresses were on the fascia or on the doors.

Mr. Hicks replied he believed the addresses were on the doors, but would have to verify.

Chair Beauchine asked if the location of the proposed sign met the sight triangle requirement.

Director Kieselbach replied the sign did meet the sight triangle requirement.

Chair Beauchine noted due to the property line (right-of-way), the only other location for a sign would be in the service drive or the island in the parking lot.

Member Lane stated all other businesses along Grand River Avenue adhere to signage restrictions and there is no evidence of this being a special situation.

Chair Beauchine stated the size of the sign would be the same regardless of number of businesses in the building.

Member Mansour noted the building is allowed to have a smaller, conforming, size without the variance.

Member Lane stated the requested variance for the setback met review criteria (1) from Section 86-221 of the Code of Ordinances which states unique circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district. He noted it would allow a sign closer to the road without causing a safety issue.

Member Deschaine noted the Township wants to promote commercial growth, but doesn't want visual clutter.

Member Deschaine read review criteria (8), which states granting the variance will be generally consistent with public interest and the purposes and intent of this Chapter. He stated allowing for the sign closer to the property line would reduce a traffic hazard along Grand River Avenue.

Member Deschaine read review criteria (2), which states these special circumstances are not self-created, and noted the speed along Grand River is set by the State.

Member Deschaine read review criteria (6), which states granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property. He stated this criteria had been met.

Member Deschaine read review criteria (4), which states the alleged practical difficulties, which will result from a failure to grant the variance, would unreasonably prevent the owner from using the property for a permitted purpose. He noted the variance would help the owner overcome the challenges of the current retail environment.

Chair Beauchine asked the ZBA to assess the review criteria for the size of the free standing sign.

Member Lane stated there was no unique or special circumstance to meet review criteria (1).

Member Mansour noted review criteria (2) and review criteria (8) had been met.

Chair Beauchine read review criteria (3) which states strict interpretation and enforcement of the literal terms and provisions of the Ordinance would result in practical difficulties. He stated other businesses operate under the ordinance.

Chair Beauchine read review criteria (4) which states the alleged practical difficulties, which will result from a failure to grant the variance, would unreasonably prevent the owner from using the property for a permitted purpose. He stated the owner could install a smaller sign, the same as other businesses.

Chair Beauchine read review criteria (5) which states granting the variance is the minimum action that will make possible the use of the land or structure in a manner which is not contrary to the public interest and which would carry out the spirit of this zoning ordinance, secure public safety, and provide substantial justice. He stated the size variance was not justified.

Chair Beauchine stated granting the variance would not adversely affect adjacent land which met review criteria (6).

Chair Beauchine read review criteria (7) which states the conditions pertaining to the land or structure are not so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable. He stated if every business had this issue the ordinance should be changed, one instance doesn't warrant a variance.

Chair Beauchine asked the ZBA to assess the review criteria for the setback of the freestanding sign.

Chair Beauchine read review criteria (1) which states unique circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district. He stated not all commercial properties have a service drive.

Chair Beauchine stated the setback variance did meet review criteria (2) as the circumstances are not self-created.

Chair Beauchine read review criteria (3) which states strict interpretation and enforcement of the literal terms and provisions of this Chapter would result in practical difficulties. He noted the existence of the service drive hinders the placement of the sign.

Chair Beauchine read review criteria (4) which states the alleged practical difficulties which will result from a failure to grant the variance would unreasonably prevent the owner from use the property for a permitted purpose. He noted the inability to place a sign without the variance.

Chair Beauchine read review criteria (5) which states granting the variance is the minimum action that will make possible the use of the land or structure in a manner which is not contrary to the public interest and which would carry out the spirit of this zoning ordinance, secure public safety, and provided substantial justice. He stated the sign met the sight triangle requirements.

Chair Beauchine stated the set-back variance request met review criteria (6).

Chair Beauchine read review criteria (7) again. He stated not all commercial properties would require this variance.

Chair Beauchine stated the setback variance request met review criteria (8) as to the intent of the ordinance.

Chair Beauchine summarized the first variance request from Section 86-687(4)(d) for the size of the sign did not meet all of the review criteria, but the second variance from Section 86-687(4)(g) for the setback of the sign met all of the review criteria.

Member Mansour stated other businesses would feel entitled to a bigger sign if the variance was granted.

MEMBER LANE MOVED TO DENY THE VARIANCE FROM SECTION 86-687(4)(d) IN RELATION TO FREESTANDING SIGN SIZE AND APPROVE THE VARIANCE FROM SECTION 86-687(4)(d) IN REALATION TO SETBACK FROM THE STREET RIGHT-OF-WAY.

SECONDED BY MEMBER MANSOUR.

ROLL CALL TO VOTE: YES: Members Lane, Mansour, Chair Beauchine, Member Deschaine

NO:

Motion carried unanimously

B. ZBA CASE NO. 18-10-24-2 (Clayton & Luks), 2292 Lake Lansing Road, East Lansing, MI, 48823

DESCRIPTION: 2292 Lake Lansing Road
TAX PARCEL: 04-376-006

ZONING DISTRICT: RR (Rural Residential)

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

- Section 86-374(d)(5)(a). Front Yards. In accordance with the setback requirements of Section 86-367 for the type of street upon which the lot fronts. The required setback from the center of the Lake Lansing Road right-of-way is 100 feet.

The applicant is requesting to construct a 407.57 square foot screened porch and deck in the front yard setback at 2292 Lake Lansing Road.

Assistant Planner Chapman outlined the case for discussion.

Chair Beauchine asked the applicant or the applicant's representative if they would like to address the Zoning Board of Appeals.

John Martin, the applicant's representative, 1569 S. Edgar Rd., Mason, stated the variance is needed due to current setbacks preventing a handicap accessible ramp to any entrance of the house.

Chair Beauchine opened the floor for public comment and seeing none closed public comment.

Member Lane stated the existing house is within the setback and the proposed porch won't increase the non-conformity. The age of the home does create a unique circumstance.

Member Mansour stated without the variance there would be practical difficulties for the owners.

Assistant Planner Chapman clarified the request was for an addition to a nonconforming structure Section 86-618(1).

Chair Beauchine summarized the variance met all the required review criteria from Section 86-221 of the Code of Ordinances.

MEMBER MANSOUR MOVED TO APPROVE THE VARIANCE FROM ZBA CASE NO. 18-10-24-2 FROM SECTION 86-618(1).

SECONDED BY MEMBER LANE.

**ROLL CALL TO VOTE: YES: Members Mansour, Lane, Deschaine, Chair Beauchaine
NO:
Motion carried unanimously**

7. OTHER BUSINESS

None.

8. PUBLIC REMARKS

Chair Beauchine opened the floor for public remarks seeing none he closed public remarks

9. BOARD MEMBER COMMENTS

Chair Beauchine thanked Member Mansour for attending, welcomed Member Deschaine, and announced there was an opening on the Zoning Board of Appeals that needed to be filled. He stated his concerns with location of Township solar array.

Member Deschaine stated he was glad to be back on the ZBA.

10. ADJOURNMENT

Meeting adjourned at 7:28 p.m.

11. POST SCRIPT - Chair Beauchine

Respectfully Submitted,

Riley Millard