

CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING AGENDA
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, AUGUST 28, 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 July 24, 2013

D. UNFINISHED BUSINESS

- o ZBA CASE NO. 13-02-27-1 (Will White/White Music Bros.)
Remove case from the table.

E. NEW BUSINESS

1. ZBA CASE NO. 13-08-28-1 MERIDIAN TOWNSHIP DEPT. OF PUBLIC WORKS & ENGINEERING, 5151 MARSH ROAD, OKEMOS, MI 48864

DESCRIPTION: Section 21, Bridge over Red Cedar River, west side of southbound Okemos Road
ZONING DISTRICT: PO (Professional Office) & RB (Single family, High Density)

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

- Section 86-471(b)(3), which states all structure and grading activities shall be setback 50 feet, as measured from the ordinary high-water mark on the side of the river where the structure is to be located or grading activity is to occur.
- Section 86-471(c)(2), which states a 25-foot natural vegetation strip shall be maintained as measured from the abutting ordinary high-water mark of the river.

The applicant is proposing to construct a pedestrian/bicycle pathway bridge over the Red Cedar River on the west side of southbound Okemos Road. Grading activities are proposed within the 50-foot structure and grading setback and the 25-foot natural vegetation strip of the Red Cedar River (for the proposed compensating cut on north side of the Red Cedar River); therefore the applicant is requesting a variance.

2. ZBA CASE NO. 13-08-28-2 VSH 2900 LLC, 7004 BEE CAVES ROAD, BLDG. III SUITE 300, AUSTIN, TX 78746

DESCRIPTION: 2900 Northwind Drive
TAX PARCEL: 20-102-004
ZONING DISTRICT: RCC (Multiple Family, High Density)

The applicant has appealed the decision of the Director of Community Planning and Development regarding a use (wall sign) which is not permitted in the RCC (Multiple Family, High Density) zoning district, for a proposed wall sign at 2900 Northwind Drive (2900 Place Apartments).

- ☞ Variances 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 – NO POST SCRIPT

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.

BRETT DREYFUS
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

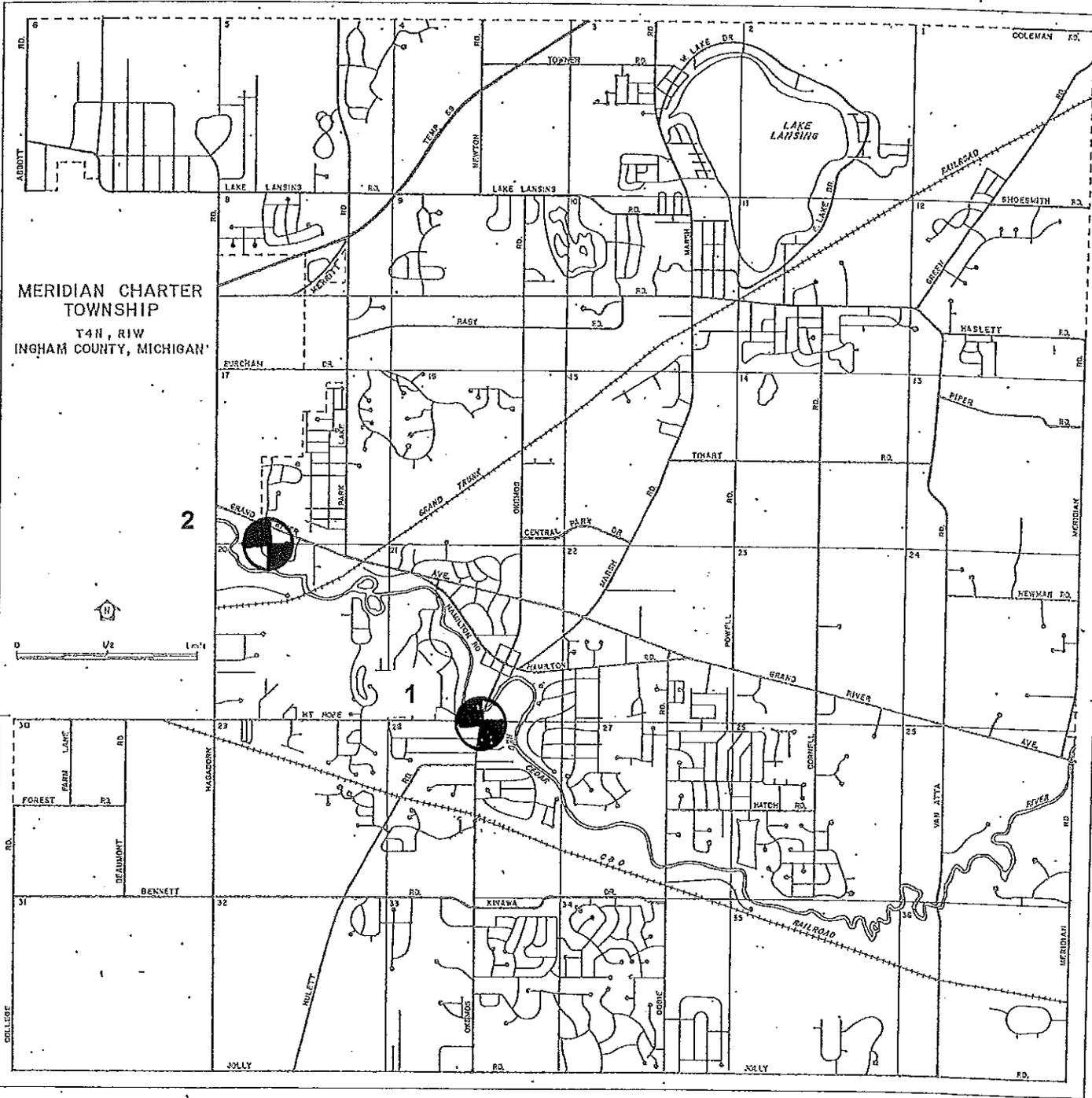
Persons wishing to appeal a decision of the Zoning Board of Appeals shall do so in accordance with Michigan Court Rules of Appeals to Circuit Court MCR 7.101.

G:\PLANNING\ZBA\ZBA AGENDAS\2013 ZBA AGENDAS\ZBAGNDA.130828

MERIDIAN CHARTER TOWNSHIP
 T4N, R1W
 INGHAM COUNTY, MICHIGAN

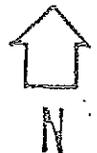
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LOCATION MAP

1. ZBA CASE NO. 13-08-28-1
2. ZBA CASE NO. 13-08-28-2



VARIANCE APPLICATION SUPPLEMENT

A variance will be granted, if the following Review Criteria are met:

1. 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.
2. These special circumstances are not self-created.
3. Strict interpretation and enforcement of the literal terms and provisions of the Ordinance would result in practical difficulties.
4. 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 or would render conformity with such restrictions unnecessarily burdensome.
5. 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.
6. Granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property.
7. 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.
8. Granting the variance will be generally consistent with public interest, the purposes and intent of this Zoning Ordinance.

Effect of Variance Approval:

1. Granting a variance shall authorize only the purpose for which it was granted.
2. The effective date of a variance shall be the date of the Zoning Board of Appeals approves such variance.
3. A building permit must be applied for within 24 months of the date of the approval of the variance, and a Certificate of occupancy must be issued within 18 months of the date the building permit was issued, otherwise the variance shall be null and void.

Reapplication:

1. No application for a variance, which has been denied wholly or in part by the Zoning Board of appeals, shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found by the Zoning Board of Appeals to be sufficient to justify consideration.

CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING MINUTES *****DRAFT*****
5151 MARSH ROAD, OKEMOS MI 48864-1198
517.853.4000
WEDNESDAY, JULY 24, 2013

PRESENT: Members: Deschaine (Alt.), LeGoff, Hershiser, Chair Beauchine,
ABSENT: Member Ohlrogge
STAFF: Martha Wyatt, Associate Planner/Landscape Architect;
Mark Kieselbach, Director of Community Planning & Development

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 CHAIR BEAUCHINE

VOICE VOTE: Motion carried unanimously.

C. CORRECTIONS, APPROVAL, & RATIFICATION OF MINUTES

Wednesday, July 10, 2013

MEMBER HERSHISER MOVED TO APPROVE THE MINUTES AS WRITTEN

SECONDED BY MEMBER LEGOFF

VOICE VOTE: Motion carried unanimously.

D. UNFINISHED BUSINESS

None

E. NEW BUSINESS

1. ZBA CASE NO. 13-07-24-1 LARRY HARB, 4225 OKEMOS ROAD, OKEMOS, MI 48864

DESCRIPTION: 4225 Okemos Road
TAX PARCEL: 28-326-041
ZONING DISTRICT: PO (Professional Office)

The applicant is appealing the decision by the Director of Community Planning and Development regarding allowed uses in the Professional Office district for a business located at 4225 Okemos Road.

Ms. Wyatt outlined the case for discussion.

Mr. Larry Harb, 4225 Okemos Road, Okemos, the applicant explained the business will not have firearms or any related items at the location. He stated he will be providing professional license services only. He said the site is close to the railroad tracks and is difficult to rent in any other professional capacity so he wants to put his business in that location. He said in his opinion the transactions are similar to a real estate closing. He said there will be little to no impact on the surrounding area, as there will be no signs or increase in traffic.

Member Hershiser asked the applicant if he could walk in and purchase a firearm or ammunition at the location.

Mr. Harb explained there will be no inventory at the location. He will only be facilitating firearm transfers not selling firearms in a retail setting. He said firearms purchased on the internet would be shipped to him and he would complete the background check and accept a fee for doing the background check and transfer paperwork.

Member Deschaine asked the applicant if the director's decision was overturned how the Township could be certain he would not start using his Federal Firearm license to start conducting retail transactions. He asked the applicant if he currently conducts the business from his home.

Mr. Harb explained his Federal Firearm license does allow retail sales but it is not his intent to conduct any retail transactions. He said he currently conducts the transactions from his residence and processed 94 transactions in the last year.

Member Deschaine asked if the applicant currently maintains any inventory.

Mr. Harb said he has no inventory.

Chair Beauchine commented the zoning ordinance does not allow any retail business to be conducted in the Professional Office district. He said the issue at hand is not a variance from the ordinance but a decision about whether or not to reverse the Director of Community Planning and Development's decision the transfer of firearms is not a use allowed in PO zoning. He commented a reversal of the Director's decision would allow firearm transfer transactions in all PO zoned areas of the Township. He asked Director Kieselbach if the transfer itself is retail or just paperwork.

Mr. Kieselbach replied the Federal Firearm License is broad in terms of what it allows and under a license retail sales are allowed so it would be difficult to enforce. Mr. Kieselbach said the transfer of firearms is allowed in residential zoning as a home based business.

Chair Beauchine commented allowing the transfer to take place in PO zoning would take the activity out of the residential setting and move it to PO zoning which is preferable, that way PO could act as a buffer between residential and commercial. He said if the Zoning Board of Appeals reverses the decision they must forge ahead carefully because there is not a need for retail transaction in the PO zoning and he would not want the Federal Firearm License to be able to over-ride the Township's Zoning Ordinance.

Member Hershiser commented he is not confused by the case and sees no reason why the transfers cannot take place in PO zoning as they are clearly not retail transactions.

MEMBER HERSHISER MOVED THE TRANSFER OF FIREARMS IS NOT A RETAIL USE AND THEREFORE SHOULD BE ALLOWED IN THE PO DISTRICT.

SECONDED BY CHAIR BEAUCHINE

Member LeGoff commented it seemed like a good idea to bring these transactions into the PO zoning and out of the residential zoning districts.

Mr. Kieselbach said because the Township cannot dictate what the Federal Firearm License will allow and not allow this will be a large enforcement problem if allowed in PO zoning. He said due to the fact the Federal Firearm License allows retail activity there would be little recourse if a business were to conduct retail activity using the license.

Chair Beauchine asked Mr. Kieselbach how the transfer of firearms and background check could be considered retail activity if the firearm has been purchased prior to the transaction, the sales take place online in a virtual location.

Mr. Kieselbach responded the activity is retail because the client is paying to receive the merchandise in PO zoning.

Chair Beauchine pointed out the money given to the business is not for the firearm but for the background check and transfer paperwork not for the purchase of the firearm.

Mr. Kieselbach said trying to force the use into a district where it is not specifically allowed by ordinance is a difficult issue. The question is did he apply the ordinance correctly. The board would not be amending the ordinance or giving a variance but only ruling if he applied the ordinance correctly. If the board thinks the ordinance should be changed then they should seek to amend the ordinance through the Township Board.

Chair Beauchine asked Mr. Kieselbach if the board's decision needed to be worded more specifically.

Mr. Kieselbach maintained that receiving merchandise in a PO zoning district is a retail activity.

Chair Beauchine commented he could go to his dentist to pick up a tooth whitening kit and pay for it which is a retail activity.

Mr. Kieselbach replied a dental practice is specifically allowed in PO zoning.

Member Hershiser said his motion was specific to the transfer of firearms only.

Member Deschaine commented there is a big difference between picking up insurance papers or a tooth whitening kit and picking up a firearm. He said the Zoning Board of Appeals should uphold the Director's decision and ask the Township Board to amend the ordinance.

Member Hershiser disagreed and said most residents would be glad to have the transfer of firearms in the PO zoning district rather than in the residential zoning district.

Chair Beauchine said he agreed with Member Hershiser but would ask him to amend his motion to be more specific regarding what would be allowed.

Member Deschaine said residential zoning was not designed for retail use but economic activity has created more home based businesses which has moved retail into the residential areas. He said the use is protected because the government does not want to unfairly limit what residents can do in their homes.

Member Hershiser said retail uses are not allowed in PO zoning and still would not be if the Director's decision was overturned.

Chair Beauchine asked Mr. Harb if he purchased a gun online from Mr. Z and Mr. Z dropped it off at Mr. Harb's business to be picked up would it be a similar scenario to what happens in his business.

Mr. Harb replied yes, the scenario was very similar and in fact, the State of Michigan calls this a professional service and as such it is not subject to sales tax.

Member LeGoff stated if this type of transfer is allowed in residential areas it should be allowed in the PO zoning district.

Chair Beauchine agreed with member LeGoff and said perhaps the maker of the motion could amend it to include the use of specific forms associated with the transfer process.

MEMBER HERSHISER AMENDED HIS MOTION TO STATE THE TRANSFER OF FIREARMS IS NOT A RETAIL USE AND SHOULD BE ALLOWED IN A PO DISTRICT USING FORM 4473 AND THE LIKE.

AMENDMENT ACCEPTED BY CHAIR BEAUCHINE.

Chair Beauchine asked Mr. Kieselbach a more specific motion will help with enforcing the ruling.

Mr. Kieselbach replied this case is only an appeal of his decision and cannot really help to make the ordinance more clear.

Chair Beauchine said the Zoning Board of Appeals would like to provide more guidance since it applies to the entire PO district.

Mr. Kieselbach replied, unfortunately, regardless of what is allowed in PO zoning the federal license allows retail sales.

Member LeGoff asked if there was any other jurisdiction in Michigan that allows firearm transfers in PO zoning.

Mr. Kieselbach said he would have to research the question.

Member Hershiser commented only the transfer activity is allowed in PO zoning and if anyone were to witness retail activity they should report it to the proper authorities.

Member Deschaine stated in Mr. Kieselbach's letter to the applicant states the Federal Firearms License allows the retail sale of weapons so the use is not allowed in PO zoning.

Member Hershiser stated this is not his interpretation, retail uses are clearly forbidden by the ordinance.

Member LeGoff pointed out the Township is not allowed to dictate the terms of the Federal Firearm License.

VOICE VOTE: YES: Member Hershiser, Chair Beauchine and Member LeGoff
NO: Member Deschaine
Motion carries 3-1.

F. OTHER BUSINESS

None

G. PUBLIC REMARKS

None

H. BOARD MEMBER COMMENTS

None

I. ADJOURNMENT

Chair Beauchine adjourned the meeting at 7:32 p.m.

Respectfully Submitted,

Angela M. Ryan
Recording Secretary

MEMORANDUM

TO: Zoning Board of Appeals

FROM: 
Martha K. Wyatt
Associate Planner/Landscape Architect

DATE: August 23, 2013

RE: ZBA Case No. 13-02-27-1 (Will White/White Bros. Music)
4706 Okemos Road

ZBA Case No. 13-02-27-1 was heard at the February 27, 2013 regular meeting of the Zoning Board of Appeals (ZBA). At that meeting, the ZBA voted to table the case until additional information was provided by the applicant. At the March 27, 2013 regular meeting of the ZBA, the ZBA did not remove the variance request from the table and did not hear the case.

Since that time Mr. White has submitted a letter dated July 12, 2013, withdrawing the variance request. A copy of the letter is attached. In order to bring closure to the case, the ZBA must make a motion to remove the case from the table and vote on that motion, without further discussion of the case. The case is listed under "Unfinished Business" on the August 28, 2013 meeting agenda.

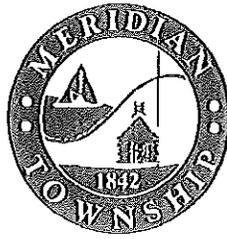
Attachments:

1. Staff letter dated July 11, 2013
2. Letter from William White, dated July 12, 2013

G:\COMMUN PLNG & DEV\PLNG\ZBA\ZBA MEMBER MEMO\ZBA 13-02-27-1 TABLE MEMO

CHARTER TOWNSHIP OF MERIDIAN

Elizabeth Ann LeGoff Supervisor
Brett Dreyfus Clerk
Julie Brixie Treasurer
Frank L. Walsh Manager



Milton L. Scales Trustee
Ronald J. Styka Trustee
John Veenstra Trustee
Angela Wilson Trustee

July 11, 2013

Mr. William White
White Bros. Music
4706 Okemos Road
Okemos, MI 48864

**RE: ZBA Case No. 13-02-27-1
 4706 Okemos Road**

Dear Mr. White

As you are aware the Zoning Board of Appeals, at its regular meeting held on March 27, 2013, did not remove your variance request from the table therefore your request remains on the table.

In order to resolve this case, staff is requesting you submit a written communication withdrawing your variance request to install a larger than allowed wall sign at 4706 Okemos Road (ZBA Case #13-02-27-1). If you should choose not to withdraw the request, the variance request will remain on the table.

If you have any questions, please contact me at 517-853-4580.

Sincerely,

Martha K. Wyatt
Associate Planner/Landscape Architect

G:\COMMUN PLNG & DEV\PLNG\ZBA\ZBA LETTERS\2013 Letters\LETTER.13-02-27-1\WITHDRAW LTR1

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

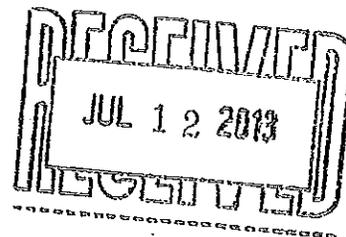
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world of music



Established 1976



July 12, 2013

Meridian Township
Zoning Board of Appeals

RE: Sign variance request 13-02-27-1

This letter is to confirm the withdrawal of the variance request as the issue has been resolved.

Thank you.

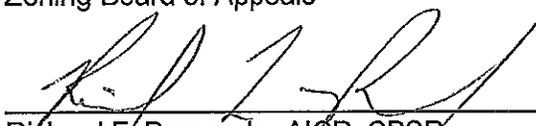
A handwritten signature in black ink, appearing to read "William White". The signature is fluid and cursive.

William White

MEMORANDUM

TO: Zoning Board of Appeals

FROM:


Richard F. Brown, Jr., AICP, CBSP
Associate Planner

DATE: August 23, 2013

RE: ZBA Case No. 13-08-28-1

ZBA CASE NO.: 13-05-08-1 MERIDIAN TOWNSHIP DEPT. OF PUBLIC WORKS & ENGINEERING, 5151 MARSH ROAD, OKEMOS, MI 48864

DESCRIPTION: Along the west side of southbound Okemos Road over the Red Cedar River in Section 21 of the Township

TAX PARCEL: Not applicable – within right-of-way of Okemos Road

ZONING DISTRICT: RB to the north and PO to the south

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

- Section 86-471(b)(3), which states all structures and grading activities shall be setback fifty (50) feet from the ordinary high-water mark of the Red Cedar River.
- Section 86-471(c)(2), which states a twenty-five (25) foot natural vegetation strip shall be maintained as measured from the ordinary high water mark of the Red Cedar River

The Meridian Township Department of Public Works and Engineering (applicant) is proposing a pedestrian-bicycle pathway bridge across the Red Cedar River adjacent to southbound Okemos Road. The project has been part of the Pedestrian-Bicycle Pathway Master Plan since its inception and will link Downtown Okemos with points to the south.

The proposed project includes a 215 foot long prefabricated steel truss bridge similar in design and appearance to the Marsh Road Pathway Bridge over the CN Railroad in Haslett, new pathway approaches on either end of the bridge, and associated site and grading work. The pathway on the bridge will be eight feet wide and will replace the existing narrow four-foot wide sidewalk on the southbound Okemos Road Bridge.

The 100-year floodplain (elevation of 843.7 feet above mean sea level) is located within the project area. The applicant has applied for a special use permit (Special Use Permit #13111) for the proposed work in the 100-year floodplain. SUP #13111 is scheduled for a public hearing and possible decision at the August 26, 2013 meeting of the Planning Commission. A permit has been applied for from the Michigan Department of Environmental Quality (MDEQ) for the proposed floodplain work.

A 50-foot structure and grading setback and a 25-foot natural vegetation strip are associated with the Red Cedar River, as measured from the ordinary high-water mark (831.37 feet above mean sea level). The proposed bridge, fill and sheet piling at the north approach to the bridge, and the compensating cut for the fill are entirely located within the fifty (50) foot structure and grading setback, while the new bridge and the majority of compensating cut are situated in twenty-five (25) foot natural vegetation strip of the Red Cedar River. The bridge structure, as

well as grading and construction activities will be located within the water features setback and the natural vegetation strip; therefore the applicant is requesting variances from Section 86-471(b)(3) and Section 86-471(c)(2).

The following chart outlines the variance request:

	Required Setback	Proposed Setback	Variance Request
Setback from Red Cedar	50 feet	0 feet	50 feet
Natural Vegetation Strip	25 feet	0 feet	25 feet

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 #13111).
- 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 and the Michigan Department of Environmental Quality.
- The applicant shall install erosion control silt fencing along the upland edge of the 50-foot setback in areas not affected by construction activities.

Site History

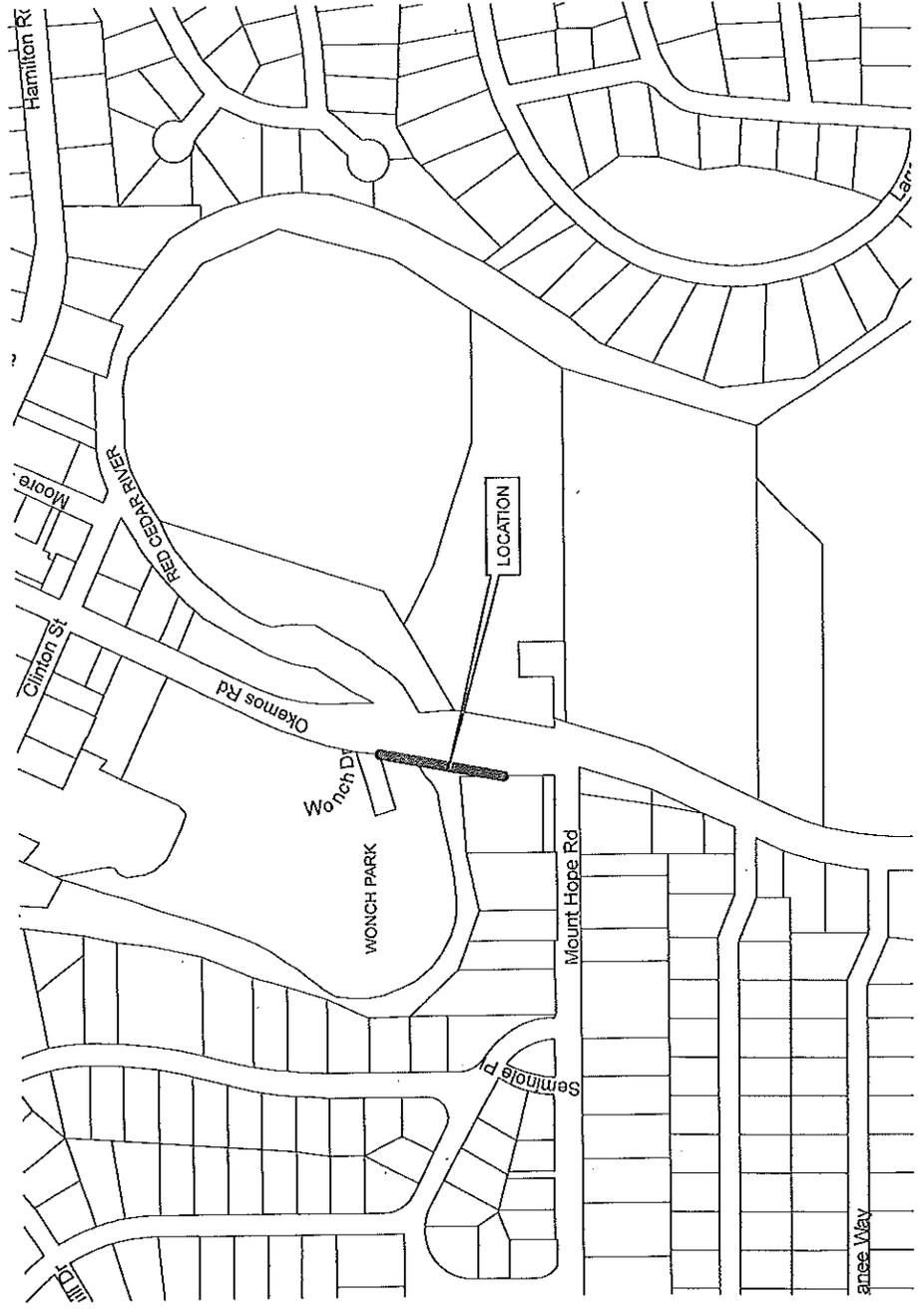
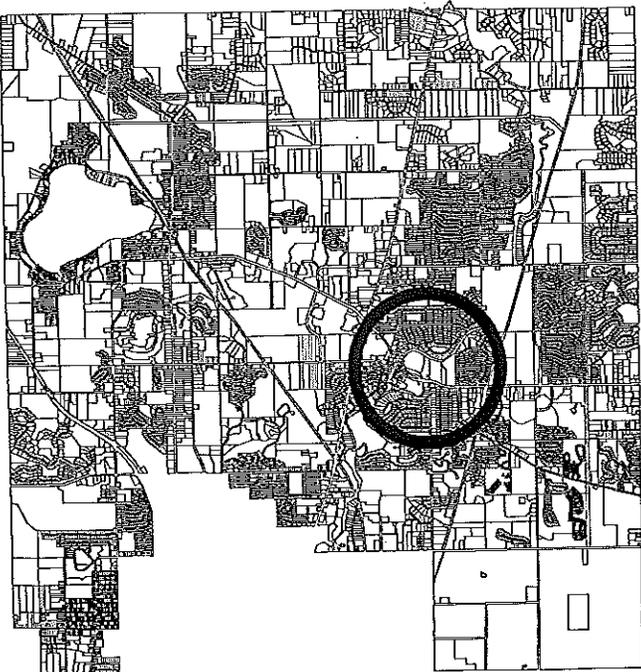
- The public hearing for Special Use Permit #13111 for the proposed work in the 100-year floodplain was held at the Planning Commission's August 26, 2013, meeting and a decision on the case is expected at that meeting.

Attachments

1. Application
2. Site location map
3. Letter from the applicant
4. Photographs of the existing bridge
5. Site Plan

**ZONING BOARD OF APPEALS #13-08-28-1
(MERIDIAN TOWNSHIP ENGINEERING DEPT.)
PROPOSED PATHWAY (WEST SIDE OF BRIDGE)
IS LOCATED WITHIN 50-FOOT SETBACK OF
RED CEDAR RIVER**

CHARTER TOWNSHIP OF MERIDIAN



CHARTER TOWNSHIP OF MERIDIAN

Elizabeth Ann LeGoff Supervisor
Brett Dreyfus Clerk
Julie Brixie Treasurer
Frank L. Walsh Manager



Milton L. Scales Trustee
Ronald J. Styka Trustee
John Veenstra Trustee
Angela Wilson Trustee

August 2, 2013

Zoning Board of Appeals

Re: *Okemos Road Pedestrian Bridge 2013*

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 August 28th ZBA meeting must be scheduled. We would like to begin construction work in September in order to complete the project before the end of the year 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



CHARTER TOWNSHIP OF MERIDIAN

Elizabeth Ann LeGoff Supervisor
Brett Dreyfus Clerk
Julie Brixie Treasurer
Frank L. Walsh Manager



Milton L. Scales Trustee
Ronald J. Styka Trustee
John Veenstra Trustee
Angela Wilson Trustee

July 25, 2013

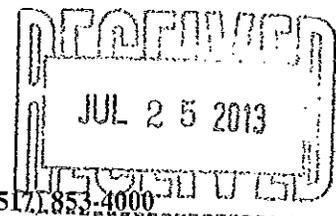
Zoning Board of Appeals

Re: *Okemos Road Pedestrian Bridge 2013*

Dear Board Members:

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

1. The site contains an existing road bridge with significantly substandard pedestrian facilities. Additionally, the existing abutments of the road bridge will facilitate the construction of a new pedestrian bridge and will minimize the amount of work necessary within the Red Cedar River setback.
2. The existing bridge was installed more than sixty years ago by Ingham County.
3. The ordinance prohibits work within 50 feet of the river. The width of the river and the setback would prohibit the use of a single-span structure, thereby requiring additional work within the setback and the river itself.
4. No appropriate structure could be constructed without entering into the setback. The only recourse would be construction of a significantly larger bridge which would be enormously and unnecessarily more expensive.
5. With a variance to work within the river setback the spirit of the Zoning Ordinance will be upheld as the work will not impact the river. Additionally, the construction of the bridge is in the public interest as it will significantly increase pedestrian and cyclist safety in this area.
6. Site character will be maintained as there are currently two road bridges adjacent to the proposed pedestrian bridge. Additionally, the adjacent land uses will be improved due to the increased pedestrian safety.



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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, especially over the Red Cedar River, 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 and this bridge will make it much easier and safer for pedestrians to traverse the area. Thus this project is consistent with the public interest and, by avoiding work within the river, 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

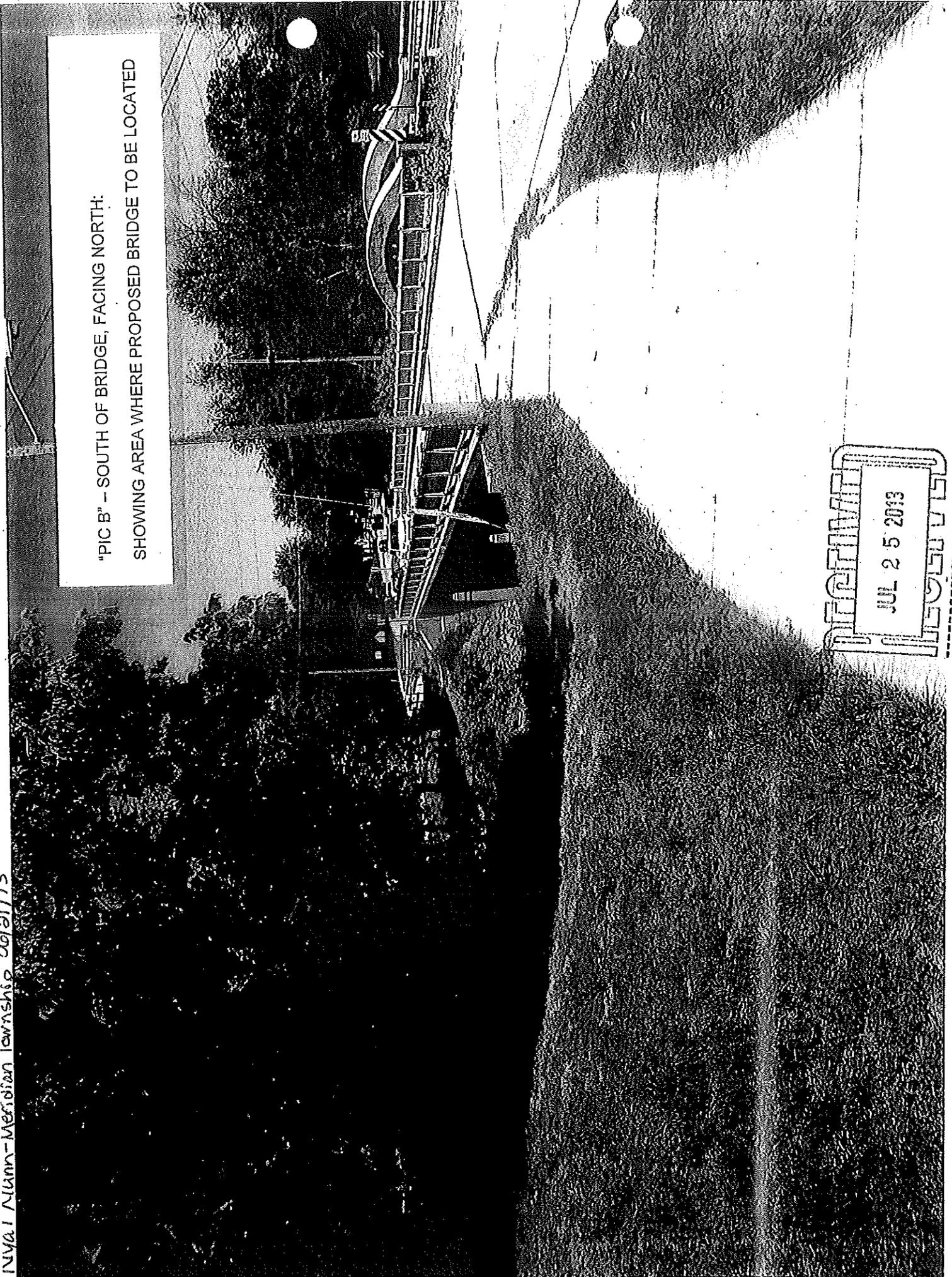
Nyal Mann - Meridian Township 06/21/13

"PIC A" - WONCH PARK DRIVE, FACING SOUTH:
SHOWING AREA WHERE PROPOSED BRIDGE IS TO BE LOCATED



RECEIVED
JUL 25 2013

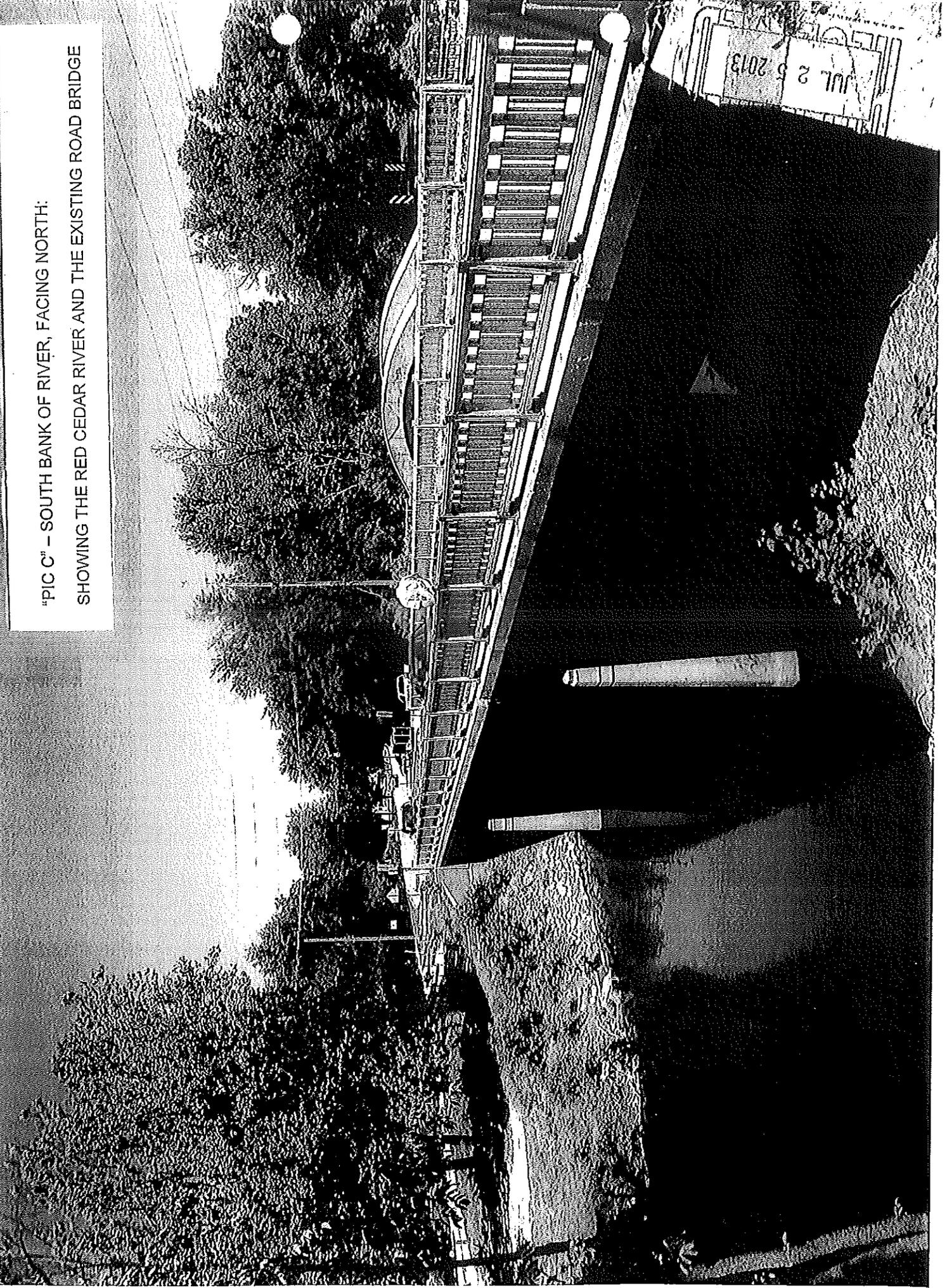
"PIC B" - SOUTH OF BRIDGE, FACING NORTH:
SHOWING AREA WHERE PROPOSED BRIDGE TO BE LOCATED



PREPARED
JUL 25 2013
LEGISLATIVE

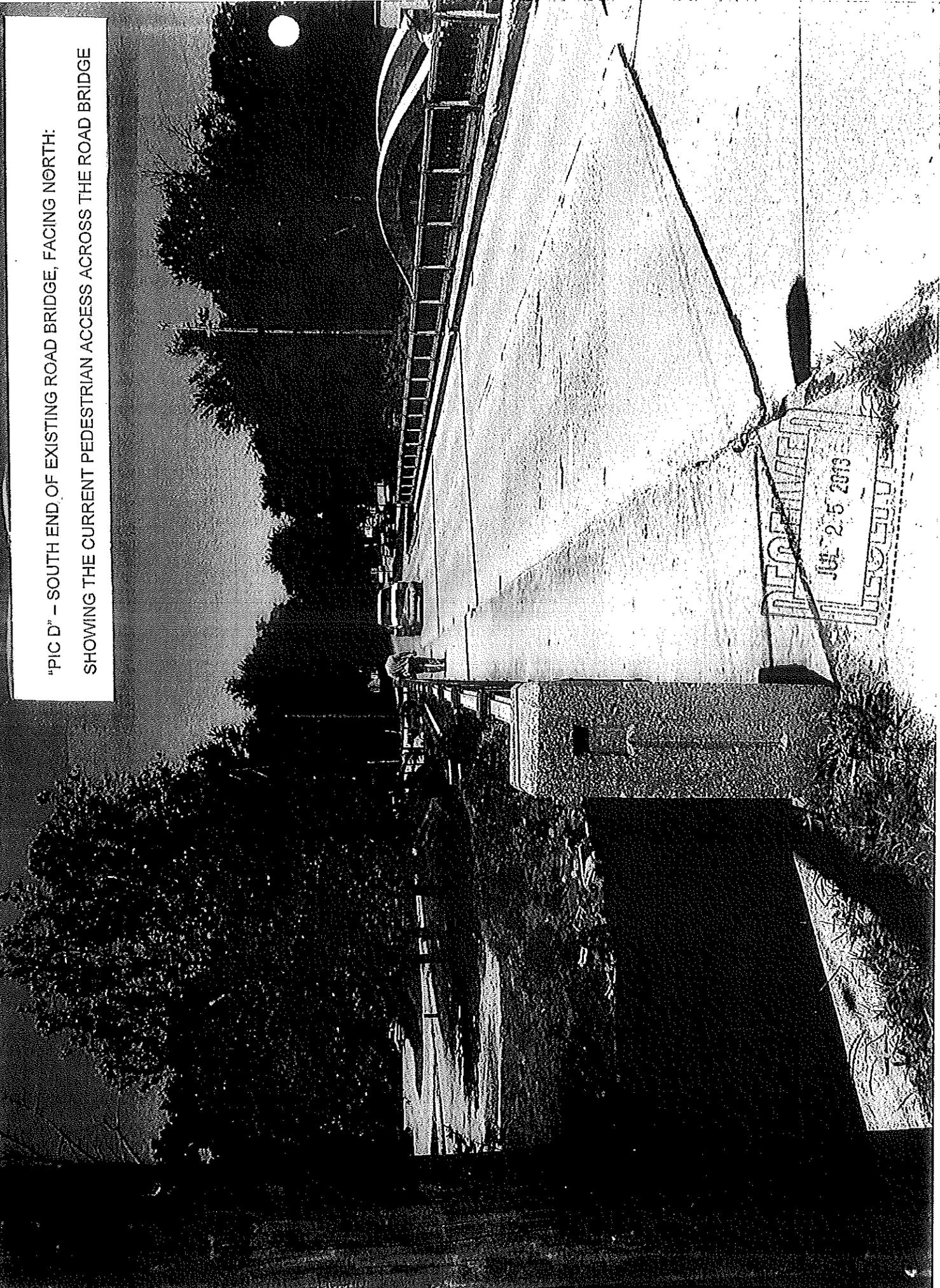
NUVAI NUNN - Medina Township 06/11/13

"PIC C" - SOUTH BANK OF RIVER, FACING NORTH:
SHOWING THE RED CEDAR RIVER AND THE EXISTING ROAD BRIDGE



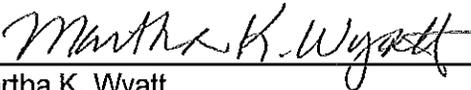
Alyx Alunn - Meridian Township 06/21/13

"PIC D" - SOUTH END OF EXISTING ROAD BRIDGE, FACING NORTH:
SHOWING THE CURRENT PEDESTRIAN ACCESS ACROSS THE ROAD BRIDGE



MEMORANDUM

TO: Zoning Board of Appeals

FROM: 
Martha K. Wyatt
Associate Planner/Landscape Architect

DATE: August 23, 2013

RE: ZBA Case No. 13-08-28-2

ZBA CASE NO. 13-08-28-2, VSH 2900 LLC, 7004 BEE CAVES ROAD BLDG III STE 300, AUSTIN, TX 78746
DESCRIPTION: 2900 Northwind Drive
TAX PARCEL: 20-102-004
ZONING DISTRICT: RCC (Multiple Family, High Density)

The applicant has appealed the decision made by the Director of Community Planning and Development regarding an allowed use (wall sign) in the RCC zoning district, for the apartment building located at 2900 Northwind Drive.

The applicant is proposing to install a sign on top of the covered entryway to the apartment building commonly known as 2900 Place Apartments. The 7-story apartment building has 231 residential units and is located on southern end of Northwind Drive. A portion of Northwind Drive is dedicated as a public street which then transitions into a private drive that provides access to 2900 Place Apartments and several adjacent office buildings. The site is zoned multiple family (RCC). The apartment building was approved under Special Use Permit #66071 and was constructed in 1966.

Hardman Signs has submitted several sign packages over the last 12 months showing proposed signs for the 2900 Place Apartment complex. Staff reviewed the proposed signs and provided comments to Hardman Signs, noting several of the proposed signs were not permitted in the RCC zoning district, including the proposed sign on the covered entryway. Sign standards for residential districts are outlined in Section 86-685 of the Code of Ordinances. Section 86-685(c) outlines the standards for signs permitted in multiple-family zoning districts. Staff had explained to the Hardman Signs representative, an address is allowed on the building (minimum height of 4" for the address) however the proposed sign on the covered entryway was too large to be an address and the sign contained the name of the apartment complex. Staff also noted a development entry sign (freestanding sign) is permitted, up to 32 square feet is surface display area, to be located on the subject property.

On July 23, 2013, Brent Blaikie (Hardman Signs), representing the owner (VSH 2900 LLC), submitted a building permit application to the Township, for a sign to be installed on top of the covered entryway to the apartment building. The internally illuminated sign is approximately 32" in height by 11'-5" in width, or approximately 30.4 square feet. The sign is placed on top of the leading edge of the entryway.

In considering the request to install the proposed sign, the Director of Community Planning and Development reviewed the sign standards outlined in Section 86-685.

Section 86-685(a) states, any sign not expressly permitted in a residential district is prohibited in such district.

Per Section 86-685(c), the following signs are permitted in multiple-family residential districts:

- Sale or lease of property (1 sign, up to 6 square feet in surface display area per side)
- Development entry sign (1 sign, up to 32 square feet of surface display area per side)
- Signs purely for traffic regulation or control within the site
- Temporary political signs (1 sign per candidate, up to 8 square feet of surface display area per side)

In a letter to the Brent Blaikie (Hardman Signs), dated July 26, 2013, the Director of Community Planning and Development made the interpretation the proposed sign is not an allowed use in a multiple-family residential zoning district (RCC) as the type of sign proposed is not specifically listed as a permitted sign, thus the sign is prohibited. Based on this determination, the building permit could not be issued. In his letter to Mr. Blaikie, the Director further explained his decision could be appealed to the Zoning Board of Appeals.

Section 86-64(1) outlines the ability of the Director of Community and Development to make a determination on a zoning issue.

Section 86-64(1) states, the Director of Community Planning and Development shall have the power and duty to interpret the provisions within this chapter concerning the intent, purposes, and enforcement subject to appeal to the Zoning Board of Appeals, including all amendments and interpretations.

On August 6, 2013 the applicant (VSH 2900 LLC) submitted an appeal of the decision made by the Director of Community Planning and Development regarding an allowed use in a multiple-family zoning district (sign on the entryway). An appeal of a decision made by the Director of Community Planning and Development is heard by the Zoning Board of Appeals as outlined in Section 86-187.

Section 86-187 states, except for decisions regarding special use permits and planned unit development decisions, an aggrieved person, officer, department, board, or bureau of state government may appeal any administrative order or decision of the Director of Community Planning and Development or administrative official charged with enforcement of the zoning ordinance to the Zoning Board of Appeals.

Section 86-62(b)(1) outlines the powers and duties of the Zoning Board of Appeals, which includes the ability to hear and decide appeals of any order, requirement, decision, or determination of any township administrative officer or official charged with interpreting or enforcing the provisions of the zoning ordinance.

ZBA Case No. 13-08-28-2
August 23, 2013
Page 3

Section 86-187(1)d. outlines actions the Zoning Board of Appeals may take in considering the appeal. The actions may include the following: affirm the decision of the Director of Community Planning and Development with or without modification; reverse the decision of the Director of Community Planning and Development and states its reason(s); or modify the decision of the Director of Community Planning and Development.

Please be reminded, the Zoning Board of Appeals however does not have the authority to legislate zoning regulations or grant a use variance for a sign which is not expressly permitted.

Attachments

1. Application
2. Site Location Map
3. Letter from Applicant (Brent Blaikie) dated August 6, 2013, with submittals
4. Building Permit Application and submittals dated July 23, 2013
5. Letter from the Director of Community Planning and Development dated July 26, 2013
6. Survey
7. Site Plan -showing proposed sign location

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CHARTER TOWNSHIP OF MERIDIAN
PLANNING DIVISION
5161 MARSH ROAD, OKEMOS, MI 48864
(517) 853-4660

VARIANCE APPLICATION

A. Applicant VSH 2900 LLC
Address of Applicant 7004 BEE CAVES ROAD, BLDG. 3 FLOOR 3
AUSTIN, TEXAS 78746
Telephone (Work) 512 991-1216 Telephone (Home) _____
Fax 512-991-1210 Email address: CGONZALEZ@VIRTUSLE.com
Interest in property (circle one): Owner _____ Tenant _____ Option _____ Other _____

B. Site address/location 2900 NORTWIND DR. EAST LANSING, MI 48823
Zoning district RCC Parcel number 33-02-02-20-102-004

- 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) 86-685 (A) (c)

- D. Required Supporting Material Supporting Material if Applicable
- Property survey
 - Legal description
 - 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)
- Architectural sketches
-Other

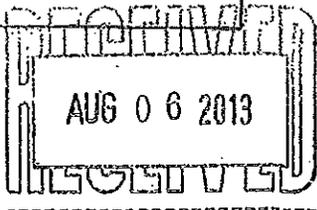
[Signature] Charles Gonzalez 8/6/13
Signature of Applicant Print Name Date

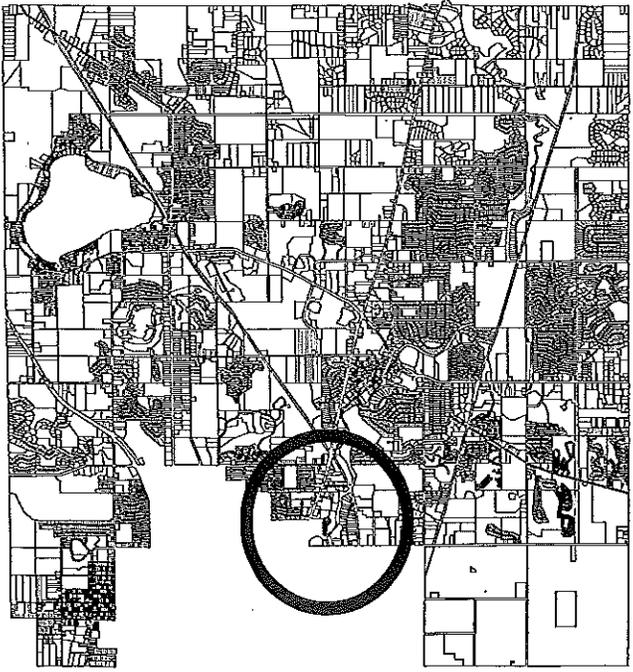
Fee: \$ 200 Received by/Date: Martha Wyatt 8/6/13

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] 8-6-13
Signature of Applicant(s) Date

Signature of Applicant(s) Date

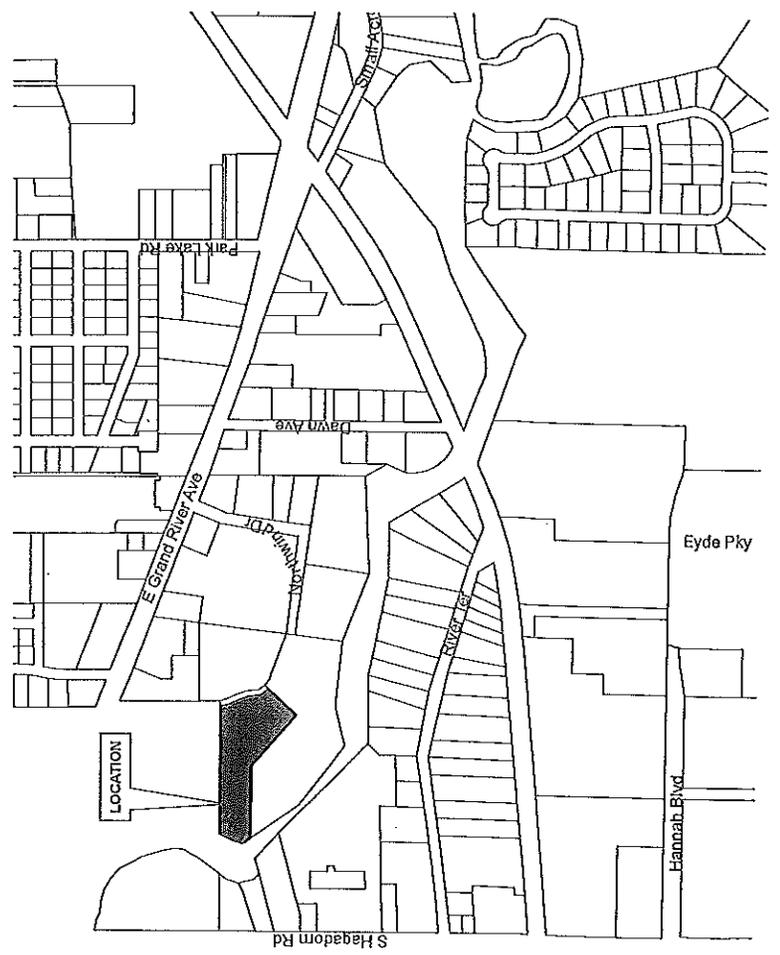




**ZONING BOARD OF APPEALS #13-08-28-2
(VSH 2900 LLC)**

**APPEAL OF DIRECTOR'S DECISION
REGARDING AN ALLOWED
USE (WALL SIGN) IN MULTIPLE FAMILY
ZONING (RCC ZONING) AT
2900 NORTHWIND DRIVE
(2900 PLACE APARTMENTS)**

CHARTER TOWNSHIP OF MERIDIAN



Martha Wyatt

From: Brent Blaikie <brent@hardmansigns.com>
Sent: Tuesday, August 06, 2013 2:18 PM
To: Martha Wyatt
Cc: cgonzalez@virtusre.com; Alan Hyland; Jeff Fetterman
Subject: "2900 Place Apartments" -Variance Request Statement, Site Plan, Survey w/ Legal Description, Architectural Drawings, Permit Rejection Letter Attached
Attachments: 2900 Northwind wall sign ltr1.doc; Survey.pdf; 2900 Place 2131295.pdf; 2900 Place-Variance Application and Site Map.pdf

Attention:

"The Zoning Board of Appeals" for Charter Township of Meridian

Sent care of Martha Wyatt

Property Information for Variance Request Hearing

"2900 Place Apartments"

2900 Northwind Drive

East Lansing, MI 48823

Zoning District: RCC

Parcel Number: 33-02-02-20-102-004

We have requested to present our case to the ZBA regarding the proposed sign and placement of the Main ID sign at the property entrance. The property is located at 2900 Northwind Drive, East Lansing, MI 48823. The property is positioned at the end of Northwind Drive and hidden by adjacent plats as well as the "Northwind Office Park". We had originally proposed placement of a sign at the intersection of Grand River Avenue and Northwind Drive. This was not allowed as a result of the sign being considered off premise which is not permissible. When we suggested a projecting sign to be placed at the end of the building closest to Northwind Drive, we were again informed that projecting signs were not permissible. The goal of those two signs was primarily being considered to create a higher visibility from drive by and perspective tenants from the main drive closest to the property which was Grand River Avenue. Conceding these two signs has left us with arguably the most important of the identification property signs.

The entrance/ main ID sign. This was presented months ago and remained in a review status until recently when we were informed that the sign does conform to a specific category within the zoning criteria (RCC).

The sign is proposed to be installed on top of an existing concrete canopy leading to the main entrance of the property. Our main reason for this variance request is:

PRACTICAL DIFFICULTY

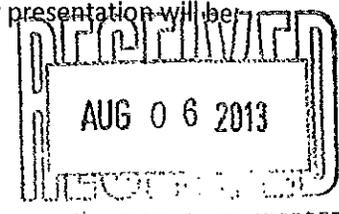
This property has multiple doors that could serve as an entry point to residences, guest or future tenants. Placement of the sign as proposed not only serves as an identification sign for the property but as a pedestrian directional sign for the main entrance point to the property. Placement above the entry on an existing platform also allows better visibility in the event of a snow storm which could and does obstruct street level signage. For that reason the placement could serve as a safety measure as well to give people a beacon in bad weather to an acceptable entrance. It also gives the sign a decreased need for service which means a properly performing sign for a longer period of time which serves to the beautification of the community and the surroundings.

I would like to take this time prior to our meeting scheduled with the ZBA on August 28th. to thank each Board member for your time, consideration and the opportunity to be heard. Scheduled with me for our presentation will be:

Carlos Gonzalez, Owner- "VSH 2900 LLC

Alan Hyland, Management Firm- "Asset Plus Companies"

Brent Blaikie, Sign Company- "Hardman Signs"



Documents Attached:

Variance Request Statement, Site Plan, Survey w/ Legal Description, Architectural Drawings, Permit Rejection Letter

BRENT L. BLAIKIE

SR. SALES REPRESENTATIVE | Hardman Signs

brent@hardmansigns.com

Office 713.957-2324

Fax 713.957.2119

Cell 832.570.4701

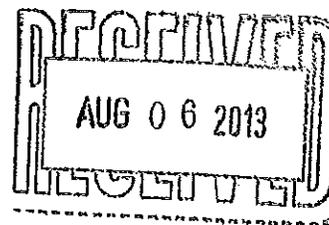
4913 Weeping Willow Houston, Tx 77092

Toll Free 1.866.549.1498

www.hardmansigns.com

We appreciate your business!

☆☆☆☆☆ Read what customers say about us



LAYOUT

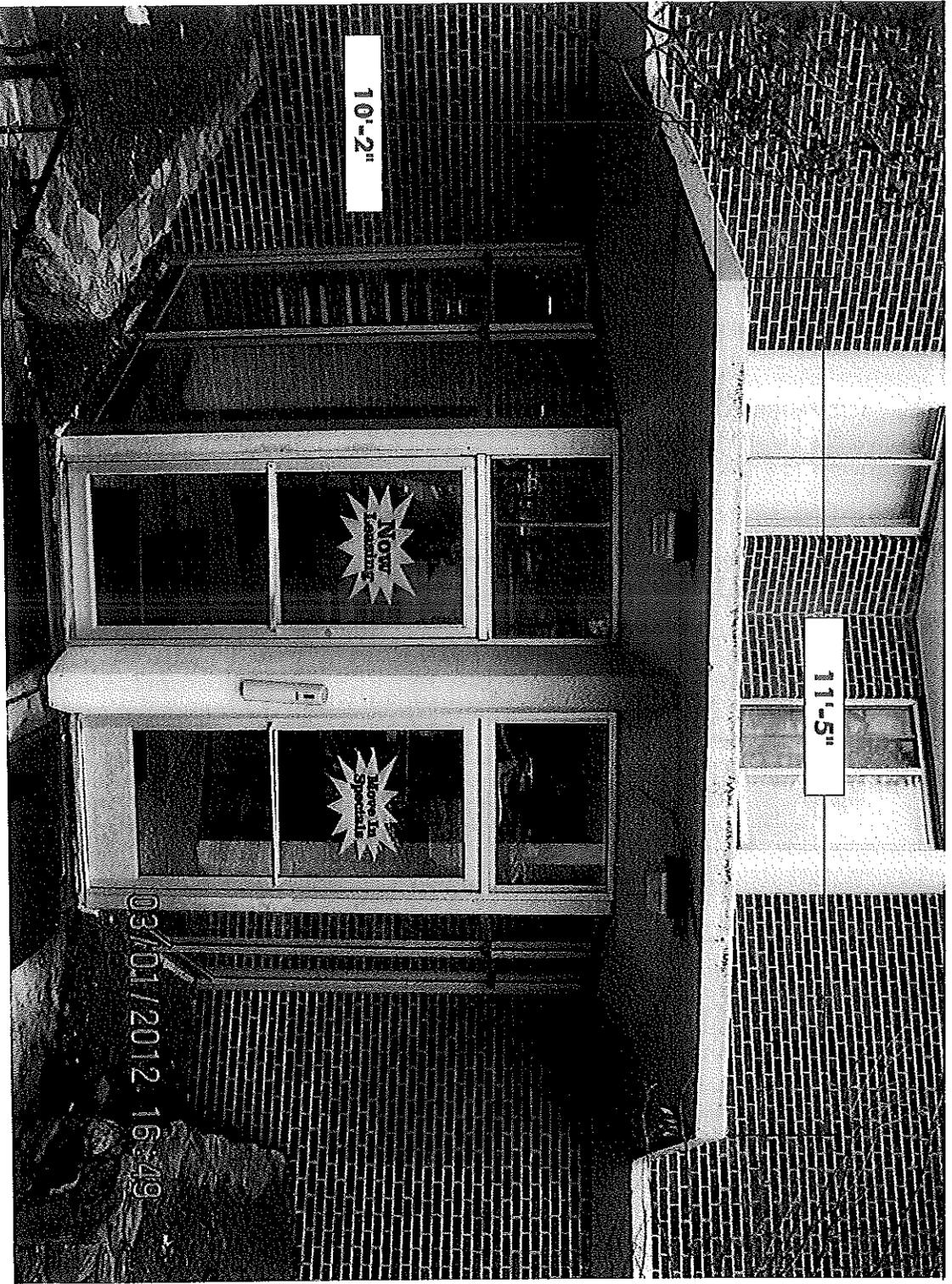
Sign Type: EX.1

Scale:

Filename:

2900 PLACE 2131295

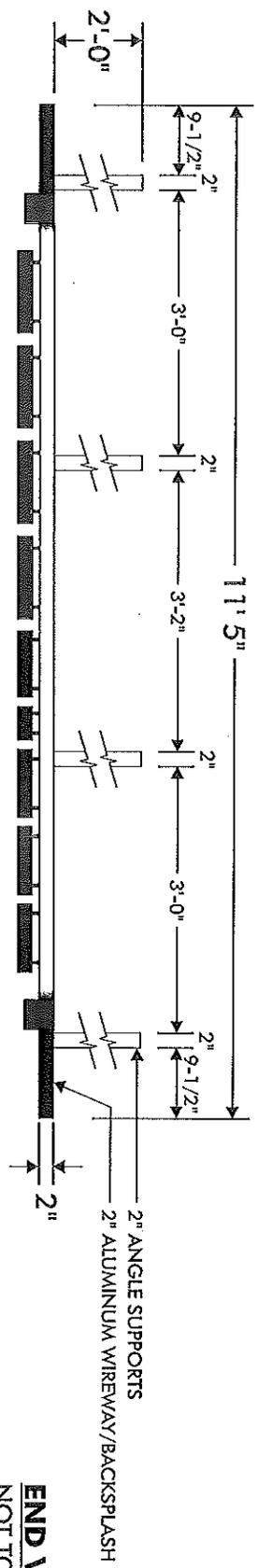
(QTY. 1) S/F 3'-0" X 12'-0" CANOPY SIGN



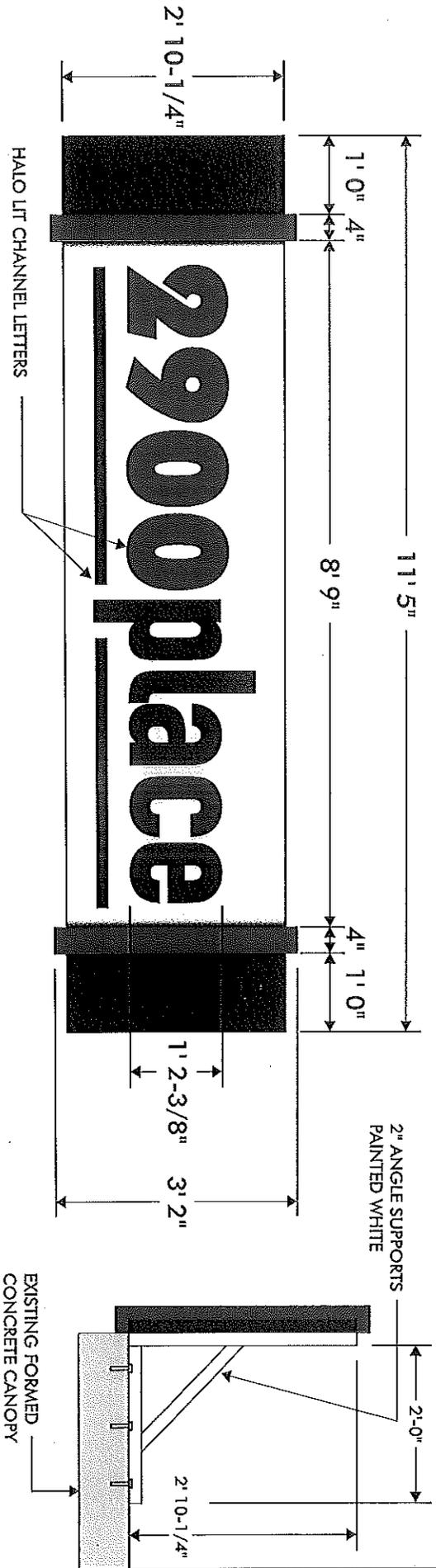
PROFORMA
AUG 06 2013

(QTY. 1) CANOPY SIGN

TOP VIEW



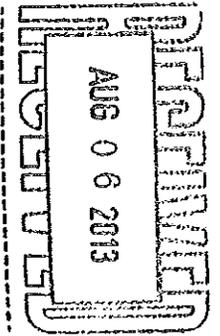
END VIEW
 NOT TO SCALE



COLORS USED

- ORANGE PMS 179C
- RED PMS 200C
- GRAY PMS 447C
- WHITE

(QTY. 1) S/F 2' 10-1/4" X 11' 5" CANOPY SIGN
 *BACKER/WIREWAY: 1/8" ALUMINUM OVER A 2" ANGLE FRAME PAINTED WHITE AND GRAY PMS 447C
 *CHANNEL LETTERS: PAINTED ORANGE PMS 179C, RED PMS 200C AND GRAY PMS 447C AND STAND-OFF MOUNTED 1" FROM SIGN INTERNALLY LIT USING WHITE LED LIGHTS
 *ACCENTS: PAINTED RED PMS 200C
 *SIGN INSTALLED ON EXISTING CANOPY



BUILDING PERMIT APPLICATION
CHARTER TOWNSHIP OF MERIDIAN
 5151 MARSH ROAD, OKEMOS, MI 48864-1198
 (517) 853-4500 BUILDING DIVISION

Date 7-23-13

PLEASE PRINT

Description of Work			
Project Name 2900 PLACE APARTMENTS		Project Address 2900 NORTHWIND DR. EAST LANSING, MI 48823	
Legal Description	Lot No.	Subdivision	
Owner Name ASSET PLUS COMPANIES		Mailing Address if different than job address HOUSTON, TX	Telephone 713 782 5800
Contractor Name HARDMAN SIGNS		Contractor Phone (713) 957-2324	Contractor License # 623663
Contractor Street Address, City, State, Zip 4913 WEEPING WILLOW HOUSTON, TX, 77092			
Engineer/Architect	Street Address, City, State, Zip, Phone, Registration Number		
Size of Structure 31.5 #	Valuation of Work \$ 9,500	Permit Fee \$ 100⁰⁰	

Policy # 66001042497LC13

NOTICE: This permit becomes null and void if work or construction is not commenced within six months, or if work or construction is suspended or abandoned for a period of six months at any time after work is commenced.

A true copy of the plans of said building is attached. It is understood that all provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

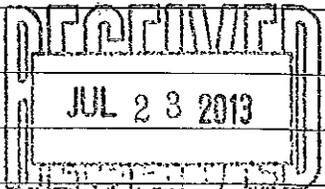
"Section 23a of the state construction code act of 1972, 1972 PA 230, MCL 125.1523A, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of Section 23a are subjected to civil fines."

Applicant Signature *Brady Chapman* Date 7-23-13

Federal I,D Number 760570606 Insurance Name/Policy Number BRADY CHAPMAN, HOLLAND & ASSOCIATES

FOR OFFICE USE ONLY

Sidwell No.	Zoning District	Occupancy Group	Code
Water/Sewer: <input type="checkbox"/> Private <input type="checkbox"/> Public	Permit No. _____	Storm Drain: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Driveway Permit No. _____		Township Engineer: _____	
Soil Erosion Permit No. _____			
Existing Structure or Use <input type="checkbox"/> Conforming <input type="checkbox"/> Non Conforming	If Non-Conforming Assessed Value of Structure \$ _____	Proposed Structure <input type="checkbox"/> Conforming <input type="checkbox"/> Non Conforming	Variance Granted/Date _____

Application accepted by	Date	Building Permit Number	
Fee Received	Receipt No	Date	By
<input type="checkbox"/> Approved <input type="checkbox"/> Denied	Building Official	Date	
Special Conditions			

NOTE: Separate applications must be completed for Plumbing, Electrical and Mechanical permits.

HARDMANS SIGNS Job Number: 2131295 Salesperson: JEFF Work Order By: STEVE Turn In Date: 06-27-13 Estimate #:

BILLING ADDRESS - Name: ASSET PLUS COMPANIES DELIVERY ADDRESS - Name: 2900 PLACE

Street: 675 BERLING Suite: 200 Street: 2900 NORTHWIND DR

City/State: HOUSTON TX Zip: 77057 City/State: EAST LANSING, MI

Contact: ALLAN HYLAND Phone: 713-782-5800 Cell: 832-499-0551 Contact: Phone:

Email: AHYLAND@ASSETPLUSCORP.COM Fax: Email:

JOB SCOPE HALO LIT CANOPY SIGN

Customer Name: Customer Signature: Date:

(Please Print)

JOB NOTES/PENDING INFORMATION

PACKAGE ON WORK ORDER 2130079

DEPARTMENTS

<input type="checkbox"/> Production Mgr	<input type="checkbox"/> Vinyl/Mask Application	<input type="checkbox"/> Purchasing
<input type="checkbox"/> Install Coord.	<input type="checkbox"/> Art Department	<input type="checkbox"/> Screening
<input type="checkbox"/> Painter	<input type="checkbox"/> Laser/Photopolymer	
<input type="checkbox"/> Plotter	<input type="checkbox"/> Metal Fabric/Welding	<input type="checkbox"/> Install
<input type="checkbox"/> Final Assembly	<input type="checkbox"/> Stonework	<input type="checkbox"/> Delivery
<input type="checkbox"/> Router	<input type="checkbox"/> Digital Application	<input type="checkbox"/> Ship
		<input type="checkbox"/> Sales
		<input type="checkbox"/> Customer Pick-Up

DEADLINE DATES

Distribution Day: **JUL 23 2013**

Production Week: **JUL 23 2013**

Installation Week:

LAYOUT

Sign Type
EX.1

Scale:

Blindwork:

2900 PLACE 2131295

(QTY. 1) S/F 3'-0" X 12'-0" CANOPY SIGN



10'-2"

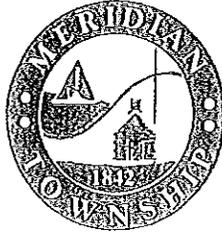
11'-5"

06/01/2012 16:49

TOPVIEW
JUL 23 2013

CHARTER TOWNSHIP OF MERIDIAN

Elizabeth Ann LeGoff Supervisor
Brett Dreyfus Clerk
Julie Brixie Treasurer
Frank L. Walsh Manager



Milton L. Scales Trustee
Ronald J. Styka Trustee
John Veenstra Trustee
Angela Wilson Trustee

July 26, 2013

Mr. Brent Blaikie
Hardman Signs
4913 Weeping Willow
Houston, TX 77092

RE: 2900 Northwind Drive

Dear Mr. Blaikie:

I am writing in response to your request to install a wall sign at 2900 Northwind Drive (2900 Place Apartments). The zoning of the property is RCC (Multiple Family, High Density). Section 86-685 of the Township Zoning Ordinances outlines sign regulations for residential districts.

Section 86-685(a) states: *Any sign not expressly permitted in a residential district is prohibited in such district.*

Section 86-685(c) outlines the sign standards for multiple-family residential districts. The following signs are permitted in multiple-family residential districts:

- Sale or lease of property
- Development entry sign
- Signs purely for traffic regulation or control within the site
- Temporary political signs

On July 23, 2013 you submitted a building permit to the Township for a wall sign to be placed over the main entrance to the apartment building located at 2900 Northwind Drive. Based on the information that has been provided and the zoning regulations, the building permit cannot be issued as a wall sign is not an allowed use in a multiple-family residential district (RCC). While this decision can be appealed to the Township Zoning Board of Appeals per Section 86-187 of the Township Zoning Ordinances, the Zoning Board of Appeals does not have the authority to legislate zoning regulations or grant a use variance for a sign which is not expressly permitted. A zoning amendment to provide sign standards for wall signs in residential districts could be initiated by the Township Planning Commission or Township Board.

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

www.meridian.mi.us



Mr. Blaikie
July 26, 2013
Page 2

A person aggrieved by a decision by the Director of Community Planning and Development may appeal the decision to the Zoning Board of Appeals by filing a notice of appeal and a fee of \$200.00. A notice of appeal is a written statement specifying the grounds for appeal, the date of the decision, and supporting materials related to the decision. A notice of appeal must be filed with the Department of Community Planning and Development within 10 days of the date of the decision of the Director of Community Planning and Development. For this case it is 10 days from the date of this letter.

If you have any questions, please contact me.

Sincerely,



Mark Kieselbach (517) 853-4506
Director of Community Planning and Development.

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