

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS REGULAR MEETING MINUTES *APPROVED*
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, FEBRUARY 24, 2021
TOWN HALL ROOM**

PRESENT: Chair Mansour, Members, Field-Foster, Hendrickson, Kulhanek, Opsommer
ABSENT: None
STAFF: Principal Planner Menser; Associate Planner Keith Chapman

1. CALL MEETING TO ORDER

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

2. APPROVAL OF AGENDA

MEMBER KULHANEK MOVED TO APPROVE THE AGENDA AS SUBMITTED.

SECONDED BY MEMBER HENDRICKSON.

VOICE VOTE: Motion carried unanimously.

3. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

A. December 16, 2020 Meeting Minutes

MEMBER FIELD-FOSTER MOVED TO APPROVE THE MINUTES FROM WEDNESDAY, DECEMBER 16, 2020 AS SUBMITTED.

SECONDED BY MEMBER OPSOMMER.

VOICE VOTE: Motion carried unanimously.

4. COMMUNICATIONS

A. Richard McKee; RE: ZBA #21-02-24-1

5. UNFINISHED BUSINESS

None

6. NEW BUSINESS

A. ZBA CASE NO. 21-02-24-1 (Johnson Sign Company), 2240 Lansing Ave, Jackson, MI, 49202

DESCRIPTION: 2076 Towner Road

TAX PARCEL: 04-227-003

ZONING DISTRICT: I (Industrial)

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

- Section 86-688 (1), All limitations governing signs in commercial districts shall apply.

Johnson Sign Company, the applicant, is requesting a variance to install a 48 square foot wall sign on the north building façade at 2076 Towner Road

Assistant Planner Chapman outlined the case for discussion.

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

Jim Johnson, Johnson Sign Company, 2240 Lansing Avenue, Jackson, stated the client is requesting a sign variance because customers and delivery trucks are finding it difficult to locate the business. His client has indicated neighboring properties have had to redirect customers to their driveway. The client also felt the request met the intent of the Zoning Ordinance and the proposed sign would replicate the existing signage on the building.

Member Kulhanek asked if there is a limitation of 40 square feet per side.

Assistant Planner Chapman stated the reference is to a free standing sign in the Industrial District.

Member Kulhanek questioned if the parcel met the definition of a corner lot because the parcel was not at the corner of two public streets.

Assistant Planner Chapman stated the parcel was considered a corner lot.

Member Kulhanek asked if the two tenants have separate entrances open to the public.

Mr. Johnson stated the two tenants share one main entrance.

Member Kulhanek asked which facade is the rear of the building.

Assistant Planner Chapman stated the south façade facing Towner Road.

Chair Mansour asked if the tenant's building is adjacent to a divided highway.

Assistant Planner Chapman stated yes.

Member Opsommer asked if this was not a variance for a third sign, what would be the maximum square footage a sign would be limited to.

Assistant Planner Chapman stated the client is limited to the linear footage along the front of the building which would allow up to 101 square feet. The existing wall sign is 98.7 square feet. For the façade under consideration, the applicant is requesting 48 square feet.

Chair Mansour read review criteria one 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. Chair Mansour stated this parcel creates a unique circumstance with the divided highway.

Member Opsommer stated the speed of the traffic also creates a unique circumstance.

Member Hendrickson stated the position of the lot is a unique circumstance and reference the client's response to the criteria on page 11 of the packet.

Chair Mansour read review criteria two which states these special circumstances are not self-created. Chair Mansour stated the circumstances were not self-created.

Chair Mansour read review criteria three which states strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties. Chair Mansour stated there was a practical difficulty especially as it pertains to public safety.

Member Hendrickson stated the neighbors have stated visitors have had difficulty identifying the building when coming from the east.

Chair Mansour read review criteria four which states that 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. Member Field-Foster stated the location, the ability to draw in visitors, and the speed of the traffic is an issue for this site and if visitors and delivery trucks have to go to neighbors to find the site, this creates a practical difficulty and unreasonably prevents the owners from using the site.

Member Opsommer stated he noticed the business when Towner Road was paved and considering the constraints on the site and traffic issues, as unique.

Chair Mansour stated essentially the alleged practical difficulty is not being able to locate the business, the speed of the traffic, the location of the building on the site, setbacks, trees, and the site location at Saginaw and Towner Roads, and it is preventing the business from reaching its full potential, reaching customers and being as safely accessible as possible.

Chair Mansour read review criteria five 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. Chair Mansour stated this is the minimal action necessary.

Mr. Johnson stated the client feels this is substantial justified. The owner is not asking for a large sign and is staying within what would otherwise be permitted. The action would secure the public safety aspect.

Chair Mansour read review criteria six which states granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property. Chair Mansour stated this criteria had been met and the request will maintain the character of the surrounding area.

Member Hendrickson asked if the sign would be lighted.

Associate Planner Chapman replied the sign would not be lighted

Chair Mansour read review criteria seven which states the conditions pertaining to the land or structure are not as general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable. Chair Mansour stated this criteria had been met.

Member Hendrickson stated the unique shape of this corner makes it not so general to create a change in the Ordinance. By classifying this location as a corner it may benefit from some of the changes that will be proposed during the updating of the Sign Ordinance.

Chair Mansour read review criteria eight which states granting the variance will be generally consistent with public interest and the purposes and intent of this Chapter. Chair Mansour stated this criteria had been met.

MEMBER HENDRICKSON MOVED TO APPROVE THE VARIANCE FOR ZBA CASE NO. 21-02-24-1 (Johnson Sign Company), 2240 Lansing Avenue, Jackson, Michigan 49202

SECONDED BY MEMBER FIELD FOSTER.

ROLE CALL TO VOTE:

YEAS: Members Field-Foster, Opsommer, Kulhanek, Hendrickson, Chair Mansour

NAYS: None

Motion carried: 5-0

Mr. Johnson thanked Principal Planner Menser and Associate Planner Keith Chapman for their assistance with the variance request.

7. OTHER BUSINESS

A. Election of 2021 Officers

Member Hendrickson moved to retain Member Mansour as Chair of the ZBA for 2021. Seconded by Member Field-Foster.

ROLE CALL TO VOTE:

YEAS: Members Field-Foster, Opsommer, Kulhanek, Hendrickson, Chair Mansour

NAYS: None

Motion carried: 5-0

Chair Mansour moved to retain Member Field-Foster as Vice Chair of the ZBA for 2021. Seconded by Member Opsommer.

ROLE CALL TO VOTE:

YEAS: Members Field-Foster, Opsommer, Kulhanek, Hendrickson, Chair Mansour

NAYS: None

Motion carried: 5-0

8. PUBLIC REMARKS

Chair Mansour opened the floor for public remarks and seeing none, closed public remarks.

9. MEMBER COMMENTS

Member Hendrickson stated he will not be able to attend the March 10, 2021 meeting.

Chair Mansour welcomed Trustee Opsommer as the Board Liaison on the ZBA.

10. ADJOURNMENT

Meeting adjourned at 7:17 pm.

Respectfully Submitted.

Robin Faust, Administrative Assistant II