

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS REGULAR MEETING MINUTES *APPROVED*
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, April 10, 2019 6:30 PM
TOWN HALL ROOM**

PRESENT: Chair Beauchine, Members Field-Foster, Lane, Wisinski
ABSENT: Vice Chair Mansour
STAFF: Director of Community Planning and Development Mark Kieselbach, Assistant
Planner Justin Quagliata

1. CALL MEETING TO ORDER

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

2. APPROVAL OF AGENDA

MEMBER FIELD-FOSTER MOVED TO APPROVE THE AGENDA AS WRITTEN.

SECONDED BY MEMBER LANE.

VOICE VOTE: Motion carried unanimously.

3. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

Wednesday, February 27, 2019.

MEMBER LANE MOVED TO APPROVE THE MINUTES FROM WEDNESDAY, FEBRUARY 27, 2019.

SECONDED BY MEMBER WISINSKI.

VOICE VOTE: Motion carried unanimously.

4. COMMUNICATIONS

A. Todd and Charlene Williams RE: ZBA #19-04-10-1

5. UNFINISHED BUSINESS

None.

6. NEW BUSINESS

A. ZBA CASE NO. 19-04-10-1 (Soldan's Pet Supplies), 5200 S. Martin Luther King Boulevard, Lansing, MI, 48911

LOCATION: 2283 Grand River Avenue
PARCEL ID: 21-176-007
ZONING DISTRICT: C-2 (Commercial)

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

- Section 86-618(2), Nonconforming structures, other than single-family structures, may be altered, expanded, or modernized without prior approval of the Zoning Board of Appeals; provided, that structural alterations or extensions shall not increase the area, height, bulk, use, or extent of the structure and shall satisfy all other applicable site development regulations.
- Section 86-404(b)(3), Side and rear setback adjacent to a residential district. No building, parking, access drive, or other structure shall be less than 100 feet from a residential district line, except a sixty-foot setback shall be required if screening that incorporates a double row of interlocking trees, primarily evergreens, or the equivalent in addition to general screening standards.
- Section 86-756(14), Adjoining the same or any other nonresidential district. Where a parking area, or its associated internal access or service drives, adjoins the same or any other nonresidential zoning district, a landscaped buffer, at least 15 feet wide, shall be provided between the parking area and the property line. A vertical screen shall be erected consisting of a masonry wall, plant material, a landscaped earth berm, or combination thereof, as appropriate for the site, no less than three feet in height.
- Section 86-687(3)(a), Wall signs. One wall sign shall be permitted and may be located flat against the building's front facade or parallel to the front facade on a canopy. For businesses with frontage on more than one public street two signs may be permitted. In no case shall more than one wall sign be located on a facade and no wall sign shall be located on a rear facade.

The variance requests are to construct an accessory structure (dumpster enclosure) within the 100 foot setback from a residential zoning district and the 15 foot parking setback, expand a nonconforming nonresidential structure, install multiple wall signs on the Grand River Avenue and Grand View Avenue building facades, and to install wall signs on the west elevation of the building which does not contain frontage on a public street at 2283 Grand River Avenue.

Assistant Planner Quagliata outlined the case for discussion.

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

Ms. Nikki Soldan, the applicant, 5200 S. Martin Luther King Boulevard, Lansing, MI, 48911, stated the current leased space is restricting their growth and would like to expand their business.

Mr. Kurt Krahulic, 1210 N. Cedar Street, Lansing, MI, 48906, DC Engineering, stated the new dumpster location would not reduce the number of parking spaces and allows access for trash collection.

Mr. Russell Peabody, 4740 Marsh Road, Okemos, MI, 48864, Peabody Group, stated the dumpster location is in close proximity to the dumpster to the west. He noted the proposed addition would not impact adjacent residential or Grand River Avenue. He explained one of the proposed signs on the west elevation of the building was the same sign that would have been placed on the north elevation and the raised brick paw above the door should not be considered as a sign.

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

Chair Beauchine asked if the wall sign on the west side of the building was approved could there be a condition to restrict a wall sign on the north side of the building.

Assistant Planner Quagliata noted conditions could be established to restrict other signage.

Chair Beauchine noted the paw print icons drew attention to the building and would be considered signage.

Member Field-Foster asked if the vestibule would be for shopping carts or if there was some other purpose for the addition.

Mr. Peabody stated the vestibule would allow the inside doors and outside doors to be staggered to keep wind, rain, and snow out of the building and help conserve energy.

Member Lane 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. He stated the building is nonconforming and the entrance faces the west which creates unique circumstances.

Member Lane read review criteria two which states these special circumstances are not self created. He stated this criteria was met.

Member Lane read review criteria three which states strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties. He noted without allowing the addition customers and employees would have to deal with the weather.

Member Lane 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. He stated because of the weather and the direction the entrance is facing, it makes it difficult to use this building as a retail establishment without the vestibule.

Member Lane 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. He noted this variance will increase safety for the public allowing for an entranceway out of the weather and it is the minimum action needed.

Member Lane 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. He noted no comments were received concerning the vestibule and it would not change the character of the building.

Member Lane read review criteria seven 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 this building was unique.

Member Lane read review criteria eight which states granting the variance will be generally consistent with public interest and the purposes and intent of this chapter. He stated this criteria was met.

MEMBER LANE MOVED TO GRANT THE VARIANCE REQUEST FROM SECTION 86-618(2) TO ALLOW FOR THE PROPOSED ADDITION BASED ON THE ABILITY TO MEET ALL REVIEW CRITERIA OF SECTION 86-221 OF THE CODE OF ORDINANCES.

SECONDED BY MEMBER WISINSKI.

Chair Beauchine noted the lot was small for the size of the building. He stated the variance for the vestibule on the west side of the building made sense as there was not a place for an entrance along Grand River Avenue.

ROLL CALL TO VOTE: YES: Members Lane, Wisinski, Field-Foster, Chair Beauchine.

NO:

Motion carried unanimously 4-0

The ZBA next addressed the variance request for the dumpster enclosure.

Member Field-Foster asked if there was an alternative location for the dumpster.

Assistant Planner Quagliata noted the previous location of the dumpster was in the southeast corner of the property adjacent to Grand View Avenue.

Member Wisinski asked if the trash collection provider was consulted on the proposed location of the dumpster.

Mr. Krahulic stated they had not met with Granger [the trash provider], but the proposed layout worked better for access from Grand View Avenue and exiting onto Grand River Avenue.

Chair Beauchine stated he did not object to the proposed dumpster location due to the location of the existing nonconforming dumpster on the property to the west. He noted the proposed dumpster will be enclosed.

Member Lane stated there was limited places to put the dumpster and noted the applicant should not be required to share a dumpster with the neighboring property.

Chair Beauchine 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. He stated the building had been built in 1950 next to a residential area and the applicant should not be expected to purchase adjacent land to make the parcel conforming.

Chair Beauchine read review criteria two which states these special circumstances are not self created. He stated this criteria was met.

Chair Beauchine read review criteria three which states strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties. He stated he thought the dumpster was in the best location.

Chair Beauchine 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. He stated the proposed dumpster was in the best location.

Chair Beauchine 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. He noted this criteria was met.

Chair Beauchine 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. He noted the dumpster enclosure would not have an impact on the adjacent property.

Chair Beauchine read review criteria seven 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 this situation is not common and no change to the ordinance was needed.

Chair Beauchine read review criteria eight which states granting the variance will be generally consistent with public interest and the purposes and intent of this chapter. He stated this criteria was met.

MEMBER LANE MOVED TO APPROVE THE VARIANCE REQUEST FROM SECTION 86-404(B)(3) AND 86-756(14) TO ALLOW FOR THE PROPOSED DUMPSTER PLACEMENT BASED ON THE ABILITY TO MEET ALL REVIEW CRITERIA OF SECTION 86-221 OF THE CODE OF ORDINANCES.

SECONDED BY CHAIR BEAUCHINE.

ROLL CALL TO VOTE: YES: Members Lane, Chair Beauchine, Members Wisinski, Field-Foster.

NO:

Motion carried unanimously 4-0

The ZBA next addressed the variance requests for signage.

Member Field-Foster asked if the signs could be combined to meet the allowed square footage.

Chair Beauchine stated the signs close proximity and relation to each other could allow the signs to be combined. If granted the variance will stay with the property as long as the building remains.

Chair Beauchine asked about the nature and purpose of the paw print icons.

Director Kieselbach stated the icons would cover the connection between the building wall and the metal canopy. He also noted the brick work and lower level brick cap would be architectural features and the ordinance did not address special design features but he would consider them to be signs.

Chair Beauchine stated the paw print icons were not required.

Director Kieselbach stated the applicant could use other designs.

Mr. Peabody stated the paw print icons would be physical features attached to the building.

Chair Beauchine stated if a different business occupied the building in the future they would be able to use the one square foot areas for signage.

Member Field-Foster asked if possible future tenants of the building should be used as consideration for this request.

Director Kieselbach stated conditions could be added to the approval that require future owners to obtain approval to change any existing signage.

Member Field-Foster asked if a condition could be added to limit the paw print icons.

Chair Beauchine stated consideration can only be based on plans as provided to the ZBA.

Chair Beauchine explained the square footage of the proposed signs in relation to allowed square footage and the additional paw prints. He stated the west facing building exterior could not have a sign, and the north facing building exterior could have a sign. The applicant had moved the proposed sign from the north to the west.

Member Lane asked if future owners would be allowed to use the existing paw print signage locations.

Director Kieselbach stated yes but a condition could be added to this to require a new owner to return to the ZBA for approval.

Member Lane noted the west facing entrance to the building was unique and he could support a sign on the west elevation if no sign would be allowed on the north elevation. He stated he thought the paw print icons were not needed.

Member Field-Foster asked if the raised brick paw would be included with the paw print icons decision.

Chair Beauchine noted the raised brick paw would be considered separately.

Member Wisinski noted the total square footage of signage on the west elevation would be 142 square feet, which includes the 45 square foot raised brick paw, 17 one foot by one foot paw print icons, and the 80 square foot wall sign.

Assistant Planner Quagliata stated the sign on the east elevation would be 114 square feet, plus nine square feet of paw print icons, which is 123 square feet of signage. The north elevation would have 14 paw print icons which is 14 square feet of signage, and the west elevation would contain a total of 142 square feet of signage.

Chair Beauchine noted he could not support the paw print over the vestibule as the additional 45 square feet seems excessive.

Member Field-Foster stated she liked the design of the raised brick paw over the vestibule but noted there was not a practical difficulty and the sign would not meet review criteria four.

Member Lane stated it would be helpful to have some signage over the entrance for those coming east on Grand River Avenue which meets review criteria one from Section 86-221 of the Code of Ordinances.

Member Lane read review criteria two which states these special circumstances are not self created. He stated this criteria was met.

Member Lane read review criteria three which states strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties. He stated in this case it was acceptable to allow the business to install signage over the entrance to the building.

Member Lane read review criteria four 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 a retail establishment needed adequate signage.

Member Lane 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. He stated approving the 80 square foot wall sign on the west elevation would be beneficial to the applicant and did not have an adverse impact on the public, and was the minimum action necessary.

Member Lane 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. He stated this criteria was met.

Member Lane read review criteria seven 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 the entrance on the west was unique and different from other businesses in the area.

Member Lane read review criteria eight which states granting the variance will be generally consistent with public interest and the purposes and intent of this chapter. He stated the desire was for businesses to be successful and adequate signage should be allowed.

MEMBER LANE MOVED TO GRANT A VARIANCE FROM SECTION 86-687(3)(a) TO ALLOW FOR AN 80 SQUARE FOOT WALL SIGN ON THE WEST ELEVATION OF THE BUILDING WITH THE CONDITION THAT A SIGN NOT BE PLACED ON THE NORTH ELEVATION.

SECONDED BY MEMBER WISINSKI.

Member Field-Foster offered a friendly amendment to allow the raised brick paw over the vestibule with the 80 square foot wall sign on the west elevation of the building.

Member Lane agreed to the friendly amendment and stated it would be two wall signs with both not exceeding a total of 80 square feet, and clarified the variance would be for the Soldan's Pet Supplies sign and the raised brick paw as depicted on the submitted building elevations.

Member Field-Foster suggested the condition also require a new owner, or the current applicant, return to the ZBA if they want to make changes to the signs.

Chair Beauchine clarified the wall sign is 80 square feet and the raised brick paw is 45 square feet so the total square footage would be 125 square feet. The applicant would have to make the total square footage of the two signs less than 119.375 square feet in total size.

MEMBER LANE ACCEPTED THE FRIENDLY AMENDMENTS.

SECONDED BY MEMBER WISINSKI.

Chair Beauchine read the motion on the table: GRANTING A VARIANCE FROM SECTION 86-687(3)(a) TO MOVE THE ALLOWED SIGN FROM THE NORTH ELEVATION TO THE WEST ELEVATION AND ALLOW A RAISED BRICK PAW SIGN WHERE THE COMBINED SIZE OF THE SIGNS DOES NOT EXCEED 119.375 SQUARE FEET AND THAT ANY CHANGES TO SIGNAGE BE BROUGHT BACK TO THE ZONING BOARD OF APPEALS FOR APPROVAL.

ROLL CALL TO VOTE: YES: Members Lane, Wisinski, Field-Foster, Chair Beauchine.

NO:

Motion carried unanimously 4-0

Chair Beauchine asked if the ZBA needed to deny the request for the one square foot paw print icons.

Assistant Planner Quagliata indicated yes the ZBA would need to deny the request.

Chair Beauchine noted the request for the one square foot paw print icons did not meet review criteria four.

MEMBER LANE MOVED TO DENY THE VARIANCE REQUEST PERTAINING TO THE ONE SQUARE FOOT PAW PRINT ICONS ON ALL SIDES OF THE BUILDING FOR FAILING TO MEET REVIEW CRITERIA NUMBER FOUR FROM SECTION 86-221 OF THE CODE OF ORDINANCES.

SECONDED BY MEMBER FIELD-FOSTER.

ROLL CALL TO VOTE: YES: Members Lane, Field-Foster, Wisinski, Chair Beauchine.

NO:

Motion carried unanimously 4-0

7. OTHER BUSINESS

None.

8. PUBLIC REMARKS

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

9. BOARD MEMBER COMMENTS

Assistant Planner Quagliata stated there would be a ZBA meeting on April 24th.

Chair Beauchine welcomed Trustee Wisinski to the ZBA.

Trustee Wisinski thanked the members for welcoming her.

10. ADJOURNMENT

Meeting adjourned at 7:51 pm.

11. POST SCRIPT

Trustee Courtney Wisinski.

Respectfully Submitted,
Riley Millard
Recording Secretary