

CHARTER TOWNSHIP OF MERIDIAN  
ZONING BOARD OF APPEALS MEETING AGENDA  
5151 MARSH ROAD, OKEMOS, MI 48864-1198  
(517) 853-4000  
WEDNESDAY, JUNE 26, 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 June 12, 2013

D. UNFINISHED BUSINESS

E. NEW BUSINESS

1. ZBA CASE NO. 13-06-26-1 NISSAN LANSING, 1728 GRAND RIVER AVENUE, OKEMOS, MI 48864

DESCRIPTION: 1728 Grand River Avenue  
TAX PARCEL: 22-401-010  
ZONING DISTRICT: C-3 (Commercial)

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

- Section 86-687(3)a., which states one (1) wall sign shall be permitted and may be located flat against the building's front façade on a canopy. For businesses with frontage on more than one (1) public street, two (2) signs may be permitted. In no case shall more than one (1) wall sign be located on a façade and no wall sign shall be located on a rear façade.

The applicant is requesting to install two wall signs on the front façade of the building and one wall sign is permitted; therefore the applicant is requesting a variance.

2. ZBA CASE NO. 13-06-26-2 BOSWORTH URGENT CARE, 1623 HASLETT ROAD, HASLETT, MI 48840

DESCRIPTION: 1881 Grand River Avenue  
TAX PARCEL: 22-154-007  
ZONING DISTRICT: C-2 (Commercial)

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

- Section 86-404(b)(3), which states, for a side or rear setback, where adjacent to a residential district, no building, parking, access drive, or other structures shall be less than 100 feet from a residential district line, except a 60-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 86-618(2), which states 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.

The applicant is proposing to construct an addition onto a nonconforming building and construct a dumpster enclosure which does not meet the required setback at 1881 Grand River Avenue; therefore the applicant is requesting variances.

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

F. OTHER BUSINESS

G. PUBLIC REMARKS

H. BOARD MEMBER COMMENTS

I. ADJOURNMENT

J. POST SCRIPT –ELIZABETH LEGOFF

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

BRETT DREYFUS  
TOWNSHIP CLERK

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#### ZONING BOARD OF APPEALS PUBLIC HEARING PROCEDURE

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

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

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

CHARTER TOWNSHIP OF MERIDIAN  
ZONING BOARD OF APPEALS MEETING MINUTES \*\*\*DRAFT\*\*\*  
5151 MARSH ROAD, OKEMOS MI 48864-1198  
517.853.4000  
WEDNESDAY, JUNE 12, 2013

PRESENT: Members, Jackson, LeGoff, Ohlrogge, Hershiser, Chair Beachine,  
ABSENT: None  
STAFF: Martha Wyatt, Associate Planner/Landscape Architect;  
Mark Kieselbach, Director of Community Planning & Development

**A. CALL MEETING TO ORDER**

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

**B. APPROVAL OF AGENDA**

MEMBER HERSHISER MOVED TO APPROVE THE AGENDA AS WRITTEN WITH THE DELETION OF ZBA CASE NO. 13-06-12-3 AS THE APPLICANT HAS WITHDRAWN THE VARIANCE REQUEST.

SECONDED BY MEMBER LEGOFF

VOICE VOTE: Motion carried unanimously.

**C. CORRECTIONS, APPROVAL, & RATIFICATION OF MINUTES**

Wednesday, May 22, 2013

MEMBER OHLROGGE MOVED TO APPROVE THE MINUTES AS WRITTEN

SECONDED BY MEMBER HERSHISER

VOICE VOTE: Motion carried unanimously.

**D. UNFINISHED BUSINESS**

None

**E. NEW BUSINESS**

**1. ZBA CASE NO. 13-06-12-1 HAROLD L. TWINING, 3510 DOBIE ROAD, OKEMOS, MI**

DESCRIPTION: 3510 Dobie Road  
TAX PARCEL: 34-452-028  
ZONING DISTRICT: RAA (Single Family, Low Density)

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

- Section 86-565(1), which states, no accessory building shall project into any front yard.

The applicant is proposing to construct an accessory building (detached shed) in the front yard along Jolly Road; therefore the applicant is requesting a variance.

Ms. Wyatt outlined the case for discussion.

Mr. Harold Twining, 3510 Dobie Road, the applicant, explained the reasons for locating the shed in the proposed location. He stated they did not want to remove any of the mature trees on the lot but need the shed for storage of lawn equipment. He said this was the best location because of where the house, fence, garage and driveway are currently located.

Chair Beachine commented there were two letters in support and one neighbor who thought the fence should be surrounding the shed.

Member LeGoff stated her support of the variance.

Member Ohlrogge asked what fencing requirements were in the front yard.

Ms. Wyatt said fencing could be in the front yard as long as it did not interfere with the sight triangle.

Chair Beauchine said he thought the intent of the ordinance was to keep accessory buildings from blocking front yard views. He remarked the yard indicated in this case the subject yard look like the side yard of the house and the house sits back away from the road.

Member Ohlrogge commented there are several large trees and taking the trees into consideration she understands the shed was in the proposed location. She thought the applicant should extend the fence around the shed to keep it from being seen from the Jolly Road side of the property.

Member Hershiser said the design of the shed was visually pleasing and would not detract from the property or those surrounding it. He said the applicant does have unusual circumstances due to the fact it is on a corner lot and has two front yards. Also there are a lot of mature trees so he said he would support the variance.

Member Jackson voiced her support of the variance, without a fence surrounding the shed.

Member LeGoff stated her support of the variance because the property has two front yards which makes positioning the shed difficult.

MEMBER HERSHISER MOVED TO APPROVE THE VARIANCE AS WRITTEN.

SECONDED BY MEMBER JACKSON.

Member Ohlrogge commented she would like to see a fence around the shed.

Member Hershiser pointed out the fence allowed would only be 6 feet tall so the shed would stick up above the fence which may look worse than no fence.

VOICE VOTE: YES: Member Hershiser, Jackson, Ohlrogge, LeGoff, Chair Beauchine  
NO: None  
Motion carried 5-0.

**2. ZBA CASE NO. 13-06-12-2 MICHAEL STEVENS/STEVENS ASSOCIATES BUILDERS, P.O. BOX 127, GRAND LEDGE, MI 48837**

DESCRIPTION: 4650 Moore Street  
TAX PARCEL: 21-429-003  
ZONING DISTRICT: PO (Professional Office)

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

- Section 86-618(2), which states 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 86-755, which states for general office, three parking spaces per 1,000 square feet of gross floor area (minimum) to four parking spaces per 1,000 square feet of gross floor

area (maximum) are required.

The applicant is requesting to construct an addition onto a nonconforming building (office building) and provide an insufficient number of parking spaces at 4650 Moore Street; therefore the applicant is requesting variances.

Ms. Wyatt outlined the case for discussion.

Mr. Michael Stevens, Stevens and Associates Builders, PO Box 127, Grand Ledge, representing the applicant, stated before his clients bought the building an addition seemed feasible from a construction standpoint. He remarked after the building was purchased several issues with the addition were brought to the attention of the applicant. He said the property had not been through site plan review.

Ms. Maria Ostrander, P.O. Box 134, Dewitt, an employee of Smart Home/Smart Office, Inc. stated the purpose of the business is to provide integrated technology to homes and businesses. They employ programmers and installers for the technology aspect of the business. She said they also design web sites for businesses as well as systems for homes.

Mr. Nick Russell, Russell Builders, Inc., 2060 Riverwood Drive, Okemos, the property owner to the north of the location said his primary concern is parking. He said if the applicant is adding more employees then parking would be an issue. He pointed out there are several residences located near the site and a shortage of parking could negatively impact the residences and other businesses in the area.

Mr. Stevens said parking is a known problem and they are trying to resolve it. He said the owners don't want to negatively impact the surrounding area. He said the 2<sup>nd</sup> floor of the addition would be for conference space and would not be intended to add space for more employees.

Chair Beauchine commented the packet contained communications from Mr. John Russell in opposition to the project and from the owners of the subject property Mr. and Mrs. Gilluly.

Member Hershiser asked staff if the ordinary high water mark was the same as the 100-year floodplain.

Ms. Wyatt explained the ordinary high water mark is a line on the river bank created by water fluctuations which create distinct changes in vegetation and the 100-year floodplain is the level the water rises to during a 100-year storm event and is not the same as the ordinary high water mark.

Member Jackson asked if the high water mark setback was to keep buildings from being too close to the water.

Ms. Wyatt explained there is a 50 foot setback from the high water mark so the building would not be affected by water on a constant basis.

Member Hershiser commented he could not support the variance without more information. He said he would like to know what variances are required at one time instead of the applicant having to come back several times. He noted the applicant should go through site plan review.

MEMBER HERSHISER MOVED TO TABLE THE CASE UNTIL SITE PLAN REVIEW IS COMPLETE AND STAFF KNOWS EXACTLY WHICH VARIANCES ARE REQUIRED.

SECOND BY MEMBER LEGOFF

MOTION TO TABLE: YES: Member Hershiser, LeGoff and Jackson  
NO: Member Ohlrogge and Chair Beauchine  
Motion carries 3-2.

Member Ohlrogge said she would have liked more discussion on the matter.

Chair Beauchine remarked board members could comment during Board Member Comments to provide some guidance to the applicant.

**F. OTHER BUSINESS**

None

**G. PUBLIC REMARKS**

None

**H. BOARD MEMBER COMMENTS**

Member Ohlrogge said there were 4 documents she would like to see: site plan review, a certificate of occupancy, a parking agreement with the bank, and a letter of approval from the Ingham County Department of Roads and Transportation. She commented she would like to be able to access the property with permission from the applicant.

Member Hershiser said parking was important and it would be helpful if staff could determine the exact number of spaces required.

Member LeGoff stated when she drove by there was obvious parking issues.

Chair Beauchine pointed out the applicant has given permission to access the property. He said he was concerned about the location of the storage shed and its proximity to the steep bank of the river.

Member Jackson said generally she supports less parking but not in an instance where it would be inadequate for the employees and customers.

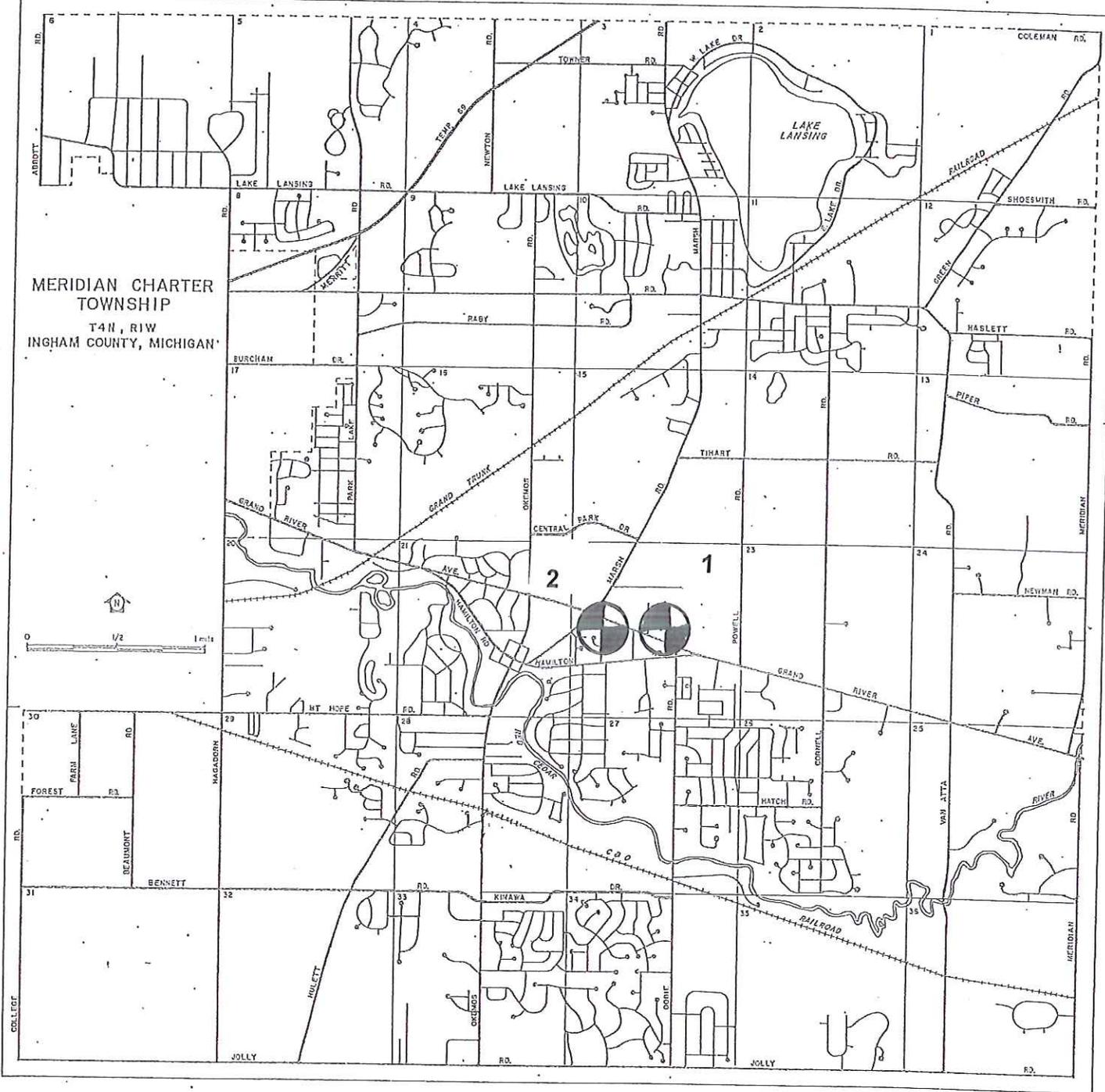
**I. ADJOURNMENT**

Chair Beauchine adjourned the meeting at 7:35 p.m.

Respectfully Submitted,

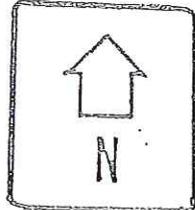
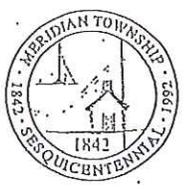
Angela M. Ryan  
Recording Secretary

MERIDIAN CHARTER  
TOWNSHIP  
T4N, R1W  
INGHAM COUNTY, MICHIGAN



# LOCATION MAP

- 1. ZBA CASE NO. 13-06-26-1
- 2. ZBA CASE NO. 13-06-26-2



## 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.

# MEMORANDUM

TO: Zoning Board of Appeals

FROM:   
Martha K. Wyatt  
Associate Planner/Landscape Architect

DATE: June 21, 2013

RE: ZBA Case No. 13-06-26-1

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**ZBA CASE NO.** 13-06-26-1 NISSAN LANSING, 1728 GRAND RIVER AVENUE, OKEMOS, MI 48864  
**DESCRIPTION:** 1728 Grand River Avenue  
**TAX PARCEL:** 22-401-010  
**ZONING DISTRICT:** C-3 (Commercial) District

A variance request was submitted by the Johnson Sign Company in April 2013 for Nissan Lansing. The request was to install two (2) wall signs on the front (south) façade of the building located at 1728 Grand River Avenue (Nissan Lansing car dealership). The case was heard at the May 8, 2013, regular meeting of the Zoning Board of Appeals (ZBA) under ZBA Case #12-05-08-2.

The request included two (2) different options which were reviewed by the Zoning Board of Appeals on May 8, 2013. For the purposes of this memorandum the options are noted as Option 1 and Option 2. Each option is a request to install two (2) wall signs on the front facade; one rectangular and one round wall sign. Per Section 86-687(3)a., one (1) wall sign is permitted on a front façade. Per Section 86-687(3)b., wall signs are allowed up to a size equivalent to one square foot for each lineal foot of building frontage occupied. The existing building has approximately 150 lineal feet of frontage along Grand River Avenue, thus the business would be permitted one (1) wall sign up to 150 square feet in area,

The staff memorandum dated May 3, 2013 (ZBA Case #13-05-08-2) outlined Option 1. The request included a rectangular sign ("Nissan" channel letters) to be installed on the west end of the building over the showroom. The other sign is a round sign ("Nissan" logo) which had been installed over the main entrance door on the south façade. Per the accepted standard used for measuring the square footage of a wall sign, the sign area is calculated by measuring the height and width of any letter or symbol to the fullest extent.

The following chart summarizes Option 1 wall signs:

<b>Sign</b>	<b>Sign Dimensions (Height x Width)</b>	<b>Size (Square feet)</b>
Rectangular	30" by 17'- 3 27/32"	43.3 sq. ft.
Round	5' by 5'-10"	29.2 sq. ft.
<b>TOTAL (square feet) (2 wall signs)</b>		<b>72.5 sq. ft.</b>

Option 2 was presented by the applicant at the meeting on May 8, 2013, with drawings submitted by the applicant on May 8, 2013. Option 2 included one rectangular and one round wall sign. The rectangular sign included two words, "Nissan" and "Lansing" and was larger in area than the rectangular sign in Option 1. The round sign was the same sign as presented in Option 1. The locations of the two wall signs were the same as in Option 1.

The following chart summarizes Option 2 wall signs:

<b>Sign</b>	<b>Sign Dimensions (Height x Width)</b>	<b>Size (Square feet)</b>
Rectangular "Nissan Lansing"	3'1" by 32'-9"	100.98 sq. ft.
Round "Nissan"	5' by 5'-10"	29.2 sq. ft.
<b>TOTAL (square feet) (2 wall signs)</b>		<b>130.18 sq. ft.</b>

The Zoning Board of Appeals reviewed the two options and voted to approve Option 1, for two (2) wall signs with a total of 72.5 square feet.

In making its determination, the Zoning Board of Appeals stated the request to install the signs as presented in Option 2 did not satisfy the review criteria listed in Section 86-221 of the Code of Ordinances, as the proposed signage was not the minimum action that could be taken and the circumstances were not unique.

A new variance application has been submitted by the applicant requesting two (2) wall signs on the front façade, one rectangular and one round wall sign, similar to Option 2 under ZBA Case #13-05-08-2. Per Section 86-225, 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 from the date of such denial, except on the grounds of newly discovered evidence or proof of changed circumstances found by the Zoning Board of Appeals to be sufficient to justify consideration.

Section 86-2 (Definitions) provides the definitions for the following terms:

- *Changed circumstances* means a material alteration of facts relevant to a rezoning and/or variance request occurring since the date of the Township's denial of that request.
- *Newly discovered evidence* means the relevant facts, data, or other proof supporting a request for rezoning and/or variance that was not known, and through the exercise of reasonable diligence could not have been known, by the applicant prior to the date of the Township's denial of that request.

On May 8, 2013, the Zoning Board of Appeals voted to approve the signs presented in Option 1 and did not approve the Option 2 signs. Therefore, prior to hearing the variance request, the Zoning Board of Appeals must first determine the applicant's current variance request and submitted materials comply with Section 86-225. In the event the Zoning Board of Appeals determines the request does not comply with Section 86-225, the Zoning Board of Appeals should not hear the request.

Should the Zoning Board of Appeals choose to hear the request, the details of the current case are outlined below.

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

- Section 86-687(3)a., which states one (1) wall sign shall be permitted and may be located flat against the building's front façade on a canopy. For businesses with frontage on more than one (1) public street, two (2) signs may be permitted. In no case shall more than one (1) wall sign be located on a façade and no wall sign shall be located on a rear façade.

The applicant is requesting to install two (2) wall signs on the front façade of the building. The request is to install one rectangular wall sign ("Nissan Lansing") at the west end of the building over the showroom. The spacing between the words is 24" instead of 30" as shown in the Option 2 sign drawings. The other wall sign is a round wall sign ("Nissan" logo) which is installed over the main entrance door. The round sign is the same sign as presented in Option 1 and Option 2.

Per Section 86-687(3)a., one (1) wall sign is permitted and the applicant is requesting to install two (2) wall signs; therefore the applicant is requesting a variance.

The following chart summarizes the request:

<b>Sign</b>	<b>Sign Dimensions (Height x Width)</b>	<b>Size (Square feet)</b>
Rectangular "Nissan Lansing"	3'1" by 32'-3"	99.44 sq. ft.
Round "Nissan"	5' by 5'-10"	29.2 sq. ft.
<b>TOTAL (square feet-2 wall signs)</b>		<b>128.64 sq. ft.</b>

### Site History

- The car dealership for Saturn was approved by the Planning Commission in 1992 under Special Use Permit #92041.
- The car dealership was approved under Site Plan Review #92-05. The building was constructed in 1992.
- In 1992, the Zoning Board of Appeals approved a portion of ZBA Case No. 92-09-23-2, related to directional signs, and denied a portion of ZBA Case No. 92-09-23-2, related to the free-standing sign.
- In 2005, the automobile dealership expanded the off-street parking lot to the east which was approved under Site Plan Review #05-13.
- In 2008, the Zoning Board of Appeals approved the installation of a new freestanding sign (Saturn) permitting the surface display area to be 37.13 square feet per side and denied the request to install additional wall signs under ZBA Case No. 08-07-09-1.
- A wall sign "Lansing Nissan" was approved in 2011 under PB #11-0235 (85.7 square feet).
- A new freestanding sign for Lansing Nissan was approved in 2011 under PB #11-0236 (36 square feet).
- In 2013 Site Plan Review #13-92-05 was approved permitting the remodeling project for Nissan Lansing (remove canopy and façade renovation).
- On May 8, 2013 the Zoning Board of Appeals approved two (2) wall signs to be installed on the front façade for a total of 72.5 square feet, under ZBA Case #13-05-08-02.
- On May 29, 2013 a building permit was issued for two (2) wall signs (rectangular and round wall signs) under PB #13-0143. The round wall sign had already been installed. The rectangular wall sign has not been installed as of the date of this memorandum.

**ZBA Case No. 13-06-26-1**

**June 26, 2013**

**Page 5**

**Attachments**

1. Application
2. Site Location Map
3. Letter from the Applicant dated June 7, 2013
4. Sign Drawings and Submittals submitted by the Applicant (received on June 7, 2013)
5. ZBA Case #13-05-08-2 Staff Memorandum dated May 3, 2013 with attachments
6. Sign Drawings received by the Township on May 8, 2013 (Option 2 signs)
7. ZBA Case #13-05-08-2 Approval Letter dated May 9, 2013
8. Approved Minutes, ZBA meeting May 8, 2013 (ZBA Case #13-05-08-2)

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

VARIANCE APPLICATION

A. Applicant JOHNSON SIGN CO.  
Address of Applicant 2240 LANSING AVE  
Telephone (Work) 517-184-3100 Telephone (Home) \_\_\_\_\_  
Fax 517-184-1556 Email address: jim@johnsonsign.com  
Interest in property (circle one): Owner  Tenant  Option  Other

B. Site address/location 1728 W. Grand River Ave.  
Zoning district \_\_\_\_\_ Parcel number \_\_\_\_\_

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) Sec. 86-687 (3) Wall Signs

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

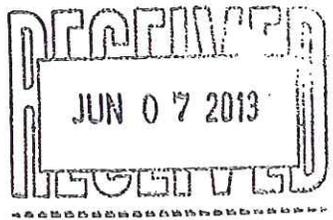
[Signature]      JIM JOHNSON      6-7-13  
Signature of Applicant      Print Name      Date

Fee: 200.00      Received by/Date: Montre Wyatt 6/7/13

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]      6-7-13  
Signature of Applicant(s)      Date

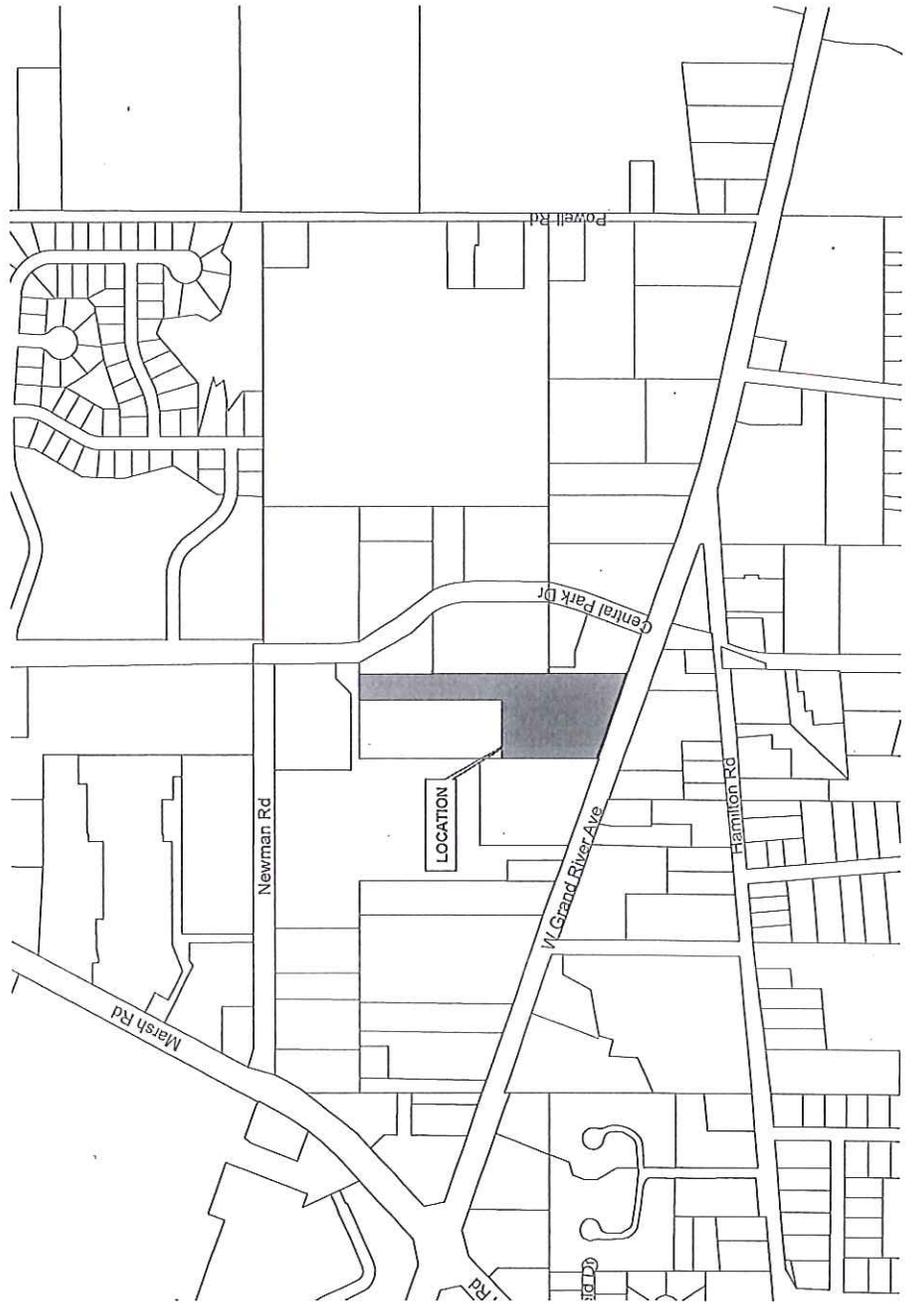
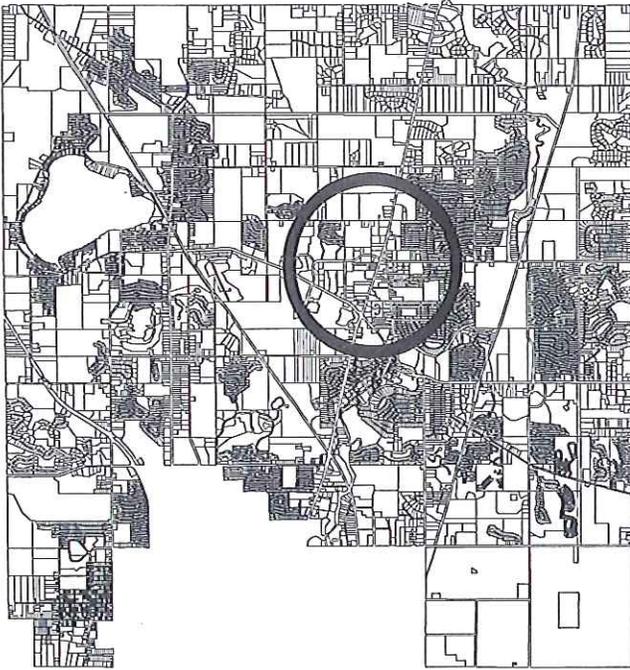
\_\_\_\_\_  
Signature of Applicant(s)      Date



**ZONING BOARD OF APPEALS #13-06-26-1  
(NISSAN LANSING)**

**REQUEST TO INSTALL  
AN ADDITIONAL WALL SIGN AT  
1728 GRAND RIVER AVENUE**

**CHARTER TOWNSHIP OF MERIDIAN**





2240 Lansing Ave. • Jackson, MI 49202  
(517) 784-3720 • (800) 517-3720 • Fax (517) 784-1556  
[www.johnsonsign.com](http://www.johnsonsign.com)

*"Building 1st Impressions That Last"*

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6-7-13

Variance Information for Nissan Lansing (1728 W Grand River Ave).

On May 8<sup>th</sup> 2013 we had a variance meeting to allow (2) wall signs for a total of 130.15 square feet. We were granted a variance for (2) wall signs for a total of 72.47 square feet.

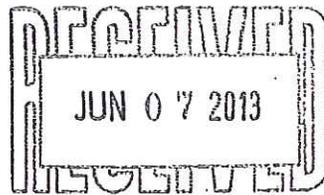
We are now applying for a variance for (2) wall signs for a total of 128.61 square feet.

The ordinance states we are allowed (1) wall sign at 150 square feet.

Please see the attached check for \$200, applications, review criteria & pertinent information for this variance request.

Thank you,

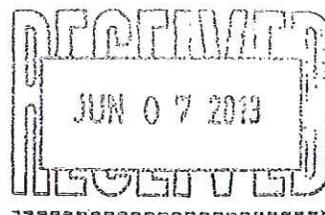
Jim Johnson  
Johnson Sign Co.



First of all, we would like to thank you for allowing us another opportunity and we would like to again apologize for the installation of the logo by the contractor and the errors made in the first application. The following are a few new compelling reasons why this case should be heard again:

- A.) "NISSAN LANSING" is the legal name of the dealership and it is essential that the correct name is displayed on the building.
- B.) Mr. Joe Gilmour was unable to attend the 1<sup>st</sup> meeting due to unexpected circumstances. He will attend the next meeting to properly express his needs and concerns.
- C.) The original application was submitted with errors and the correct sign package was not submitted with enough time for the board to review prior to the meeting.
- D.) The building sets back from the road with trees and landscaping blocking the view of the small ground sign and building. There is a real difficulty in identifying the dealership by the typical motorist.
- E.) The neighboring completion has better exposure and must have been granted additional signage. The Chevrolet Dealership (Graff Chevrolet) has (4) wall signs and (1) large ground sign. The Ford Dealership (Courtesy Ford) has (5) wall signs and (3) ground signs. (Attached you will find photos of these dealerships signs)

Please see the following page for the descriptions to the review criteria.



## 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.

**This dealership is located behind a service drive with numerous trees and required landscaping that block the view of a motorist.**

2. These special circumstances are not self-created.

**No, we believe the trees are not the property of the dealership and cannot be removed.**

3. Strict interpretation and enforcement of the literal terms and provisions of the Ordinance would result in practical difficulties.

**Yes, the practical difficulty is the lack of visibility and identification of the dealership. The neighboring completion were allowed numerous additional signs. Chevrolet Dealership (4 wall signs, 1 large ground sign)  
Ford Dealership (5 wall signs, 3 ground signs.)**

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.

**The dealership would not be allowed to properly identify their property and be able to compete with their neighbors who have been granted considerably more advertising exposure.**

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.

**This would not be contrary to public interest or public safety as it fits what has been granted in the past.**

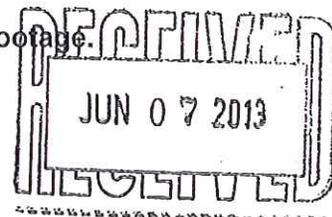
6. Granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property.

**No, we do not believe this would 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.

**Yes and they will still be well under the allowable square footage.**



# (4) WALL SIGNS



# (1) LARGE GROUND SIGN



# (5) WALL SIGNS



JUN 07 2013



# (3) GROUND SIGNS

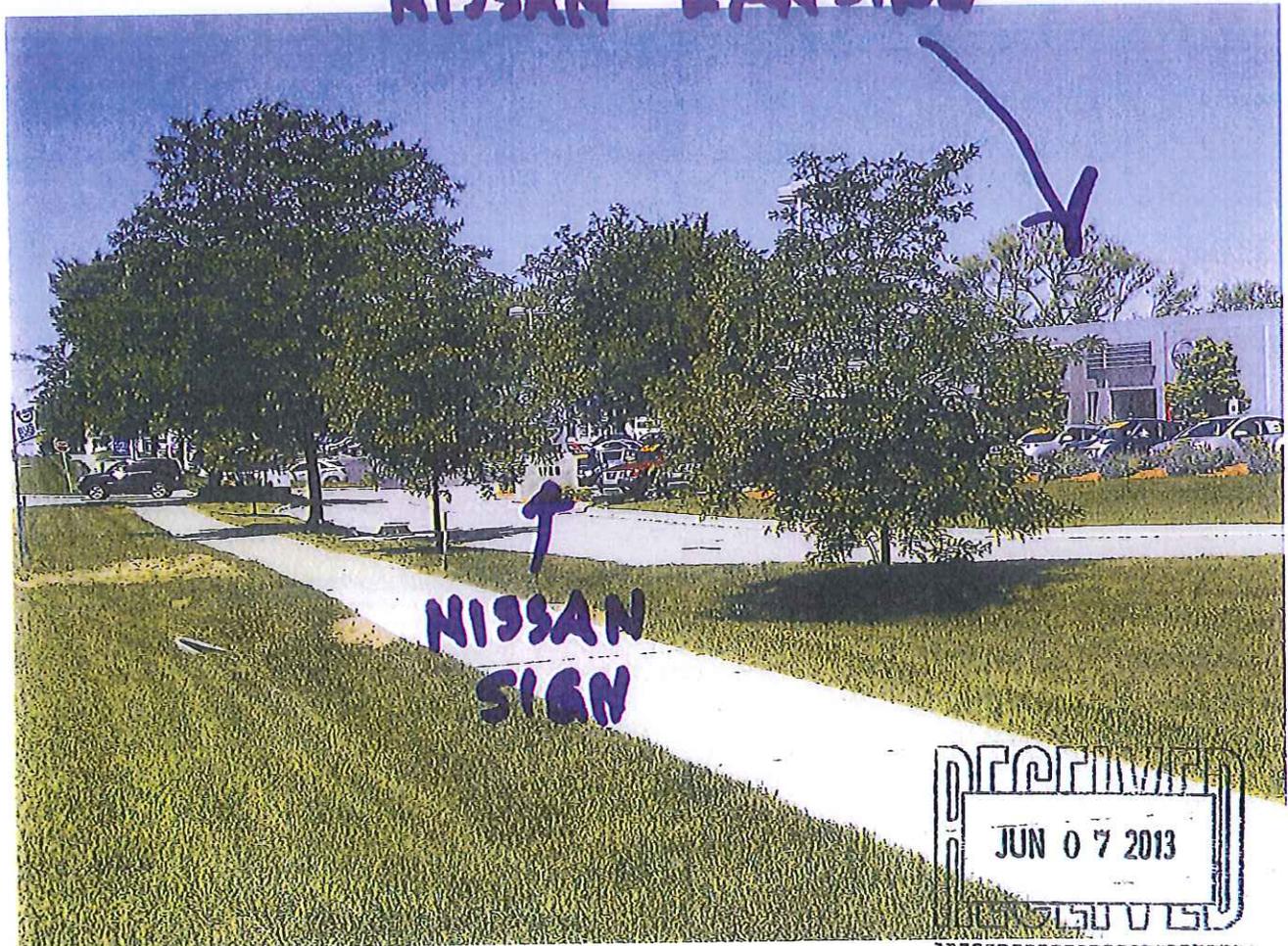


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JUN 07 2013

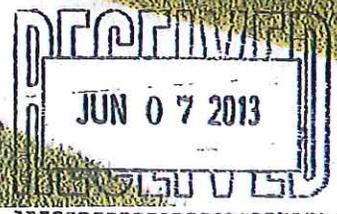




NISSAN LANSING



NISSAN  
SIGN

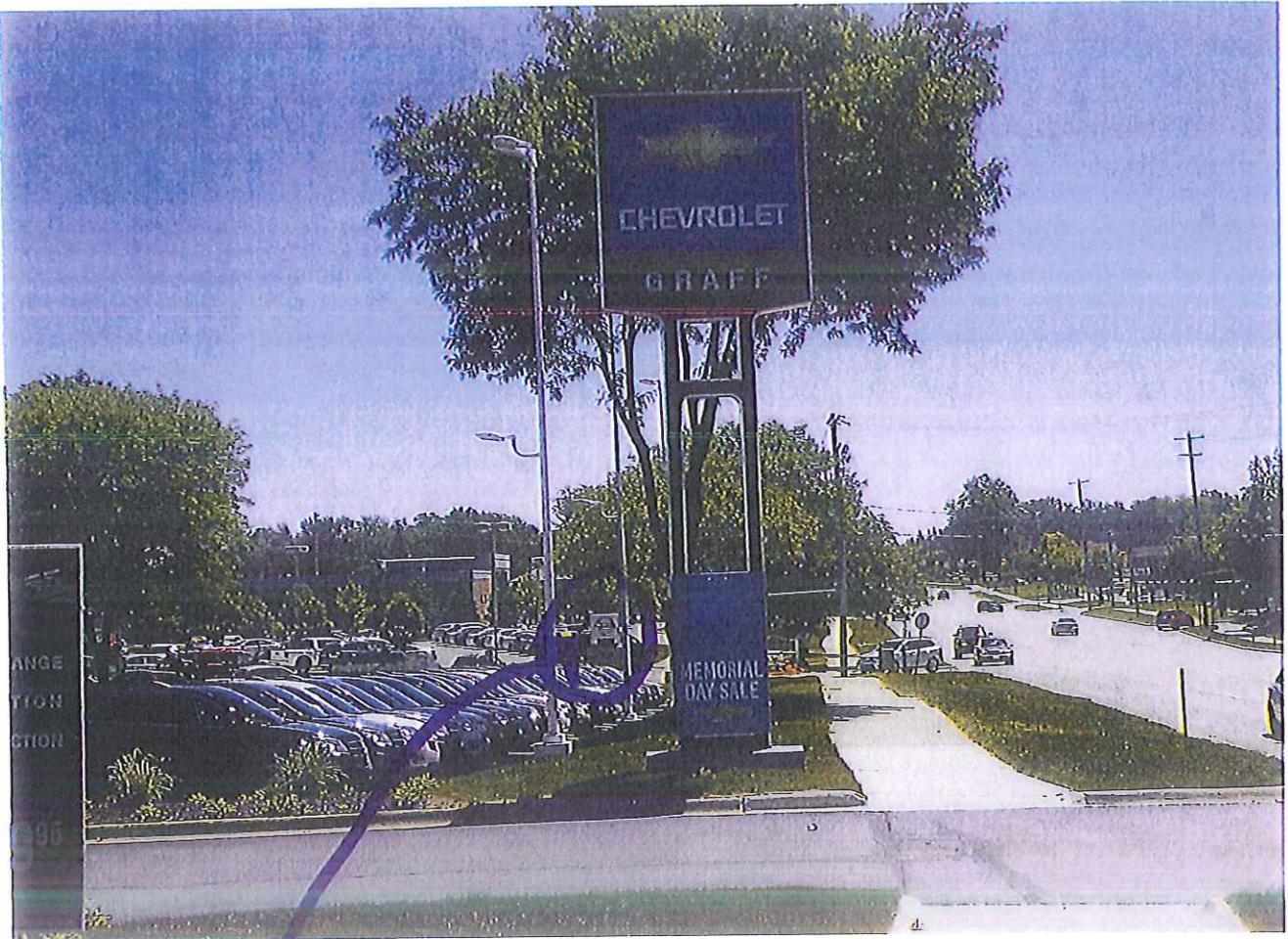


NISSAN



PERMIT  
JUN 07 2019





NISSAN SIGN

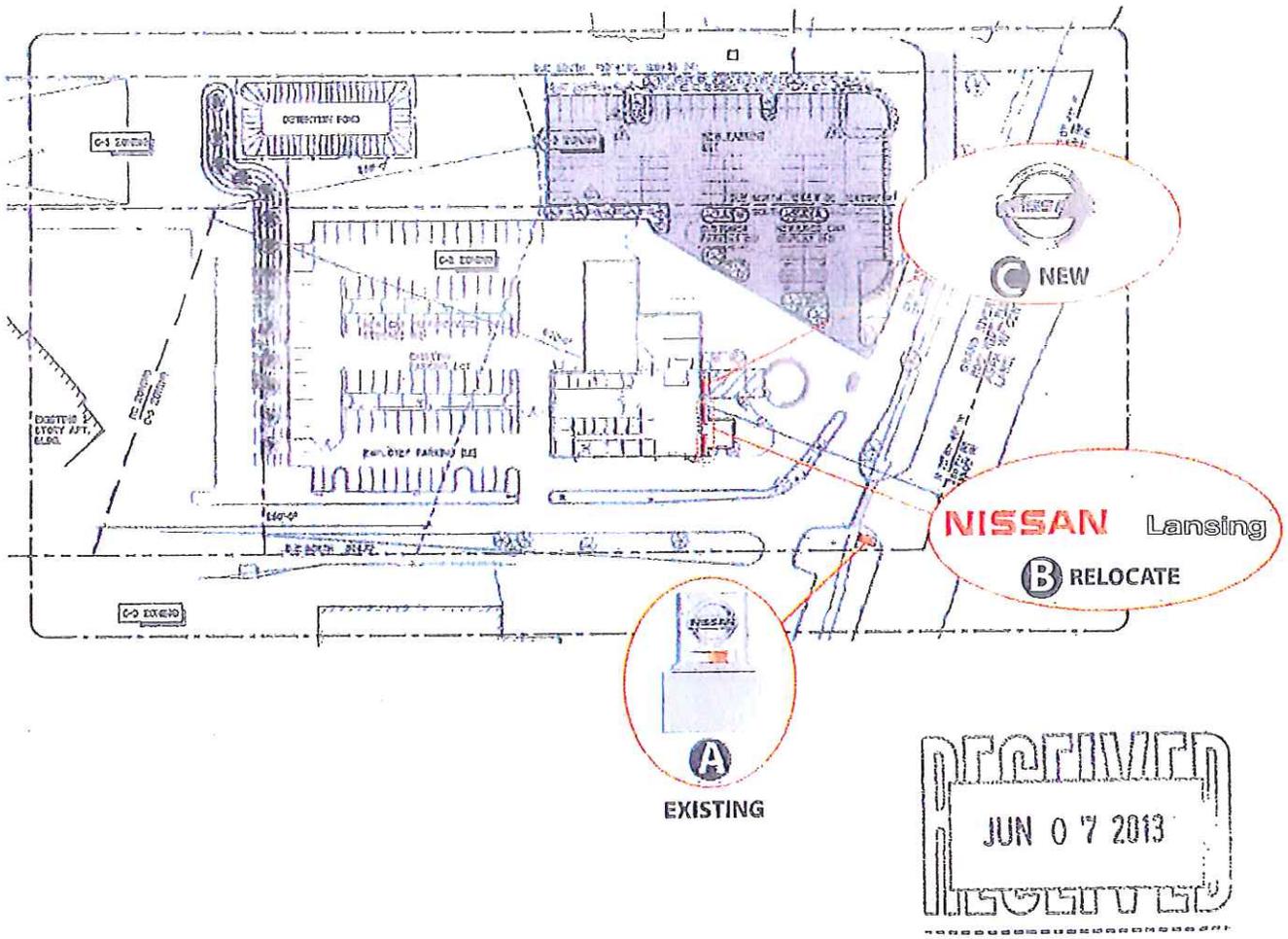
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**NISSAN NORTH AMERICA, INC.**  
Nissan Retail Environment Design Initiative  
Sign Program



**II. SITE PLAN AND COLOR RENDERINGS**

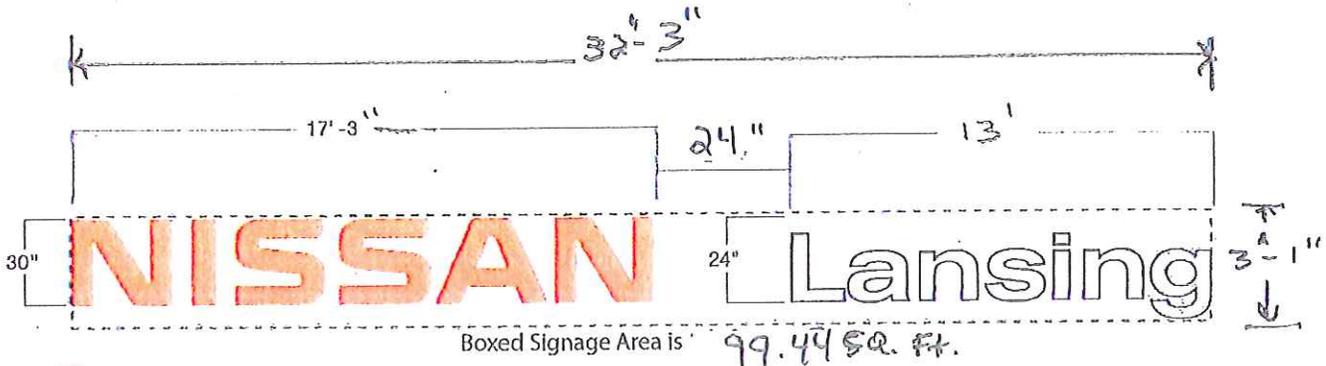
The following provide a visual representation of the prepared solution.



Lansing Nissan (5297)  
Okemos, MI  
04/18/2012  
Initial

**NISSAN NORTH AMERICA, INC.**  
 Nissan Retail Environment Design Initiative  
 Sign Program

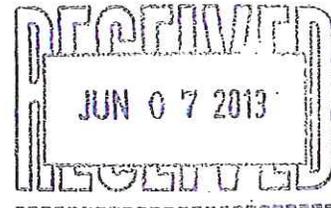
**III. SCHEDULE OF SIGNS**



- B** Nissan Word Mark Channel Letters / Dealer Name Letters  
 30" Channel Letters (Total of 1) / 24" Channel Letters (Total of 1)  
 RELOCATE  
 EXISTING SIGN



- G** 70" Nissan Badge  
 70" Illuminated Entry Element (Total of 1) 29.17 SQ. FT  
 NEW



TOTAL SQ. FEET = 128.61

# MEMORANDUM

TO: Zoning Board of Appeals

FROM: Martha K. Wyatt  
Martha K. Wyatt  
Associate Planner/Landscape Architect

DATE: May 3, 2013

RE: ZBA Case No. 13-05-08-2

---

**ZBA CASE NO.** 13-05-08-2 NISSAN LANSING, 1728 GRAND RIVER AVENUE, OKEMOS, MI 48864  
**DESCRIPTION:** 1728 Grand River Avenue  
**TAX PARCEL:** 22-401-010  
**ZONING DISTRICT:** C-3 (Commercial) District

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

- Section 86-687(3)a., which states one (1) wall sign shall be permitted and may be located flat against the building's front façade on a canopy. For businesses with frontage on more than one (1) public street, two (2) signs may be permitted. In no case shall more than one (1) wall sign be located on a façade and no wall sign shall be located on a rear façade.

The applicant is requesting to install two wall signs on the front façade of the building (south façade), which houses an automobile dealership (Nissan Lansing). Saturn occupied the site from 1992 until 2011 when the dealership transitioned to Nissan Lansing.

The existing building has approximately 150 lineal feet of frontage along Grand River Avenue (front/south façade), thus the business would be permitted one (1) wall sign up to 150 square feet in area, per Section 86-687(3)a. A building permit was issued in 2011 for a new wall sign for "Lansing Nissan" (PB #11-0235), which is approximately 85.7 square feet (2.5' by 34.29') and until recently, was located over the service (garage) doors on the east side of the front façade.

In 2012 Nissan Lansing was approved for a remodeling project which included removal of an existing canopy on the front facade and re-facing the front façade (Site Plan Review #12-92-05). The "Lansing Nissan" wall sign was removed as part of the remodeling project. The applicant intends to relocate the "Nissan" sign (channel letters) to a new location, over the showroom at the west end of the front facade. An additional wall sign (circular "Nissan" sign) is proposed over the front door entrance on the south façade. The applicant submitted a building permit application in March 2013 showing the relocated sign and the new circular sign (PB #13-0143). The wall signs are separated by approximately 16 feet. The applicant contends the proposed sign is one wall sign. Staff explained to the applicant the proposed wall sign is actually two (2) wall signs due to the wide separation of the signs and one (1) wall sign is permitted; therefore a variance is required to have two (2) wall signs.

The building permit for the wall signs has not been approved as of the date of this memorandum. One of the wall signs was recently installed (circular "Nissan" sign) over the main entrance door on the south façade without an approved building permit. The applicant has been informed the sign is considered illegal and must be removed. A violation letter, dated May 3, 2013 was sent to the applicant and property manager.

Per the drawings submitted by the applicant, the existing rectangular wall "Nissan" sign, to be relocated over the showroom, is approximately 30" by 207.84" or approximately 43.3 square feet. A second round "Nissan" wall sign, which has been installed over the main entrance door, is approximately 60" by 70" or approximately 29.2 square feet. When combined, the total area of the two (2) individual wall signs is approximately 72.5 square feet.

The applicant has provided a drawing showing a combined boxed area of the two (2) signs as if the signs are considered one (1) wall sign, as measured to the fullest extent of height and width of the letters or symbol. The area of the boxed rectangle is approximately 195 square feet (60" by 467.84"). The two (2) signs however are separated by an area of blank wall space (5' by 15'-10", or approximately 79 square feet). Although not specified in the Code of Ordinances, staff has used the standard that the separation between two (2) or more wall signs on the same façade must be no greater than the highest point of the sign (letter, number, or symbol), in order for such signs to be considered one (1) wall sign. In this case the highest point of the wall sign is five (5) feet and the proposed separation is 15'-10".

Based on the submitted drawing, staff considers the proposed wall sign as two (2) wall signs. Per Section 86-687(3)a., one (1) wall sign is permitted on the building's front façade, up to 150 square feet based on 150 feet of lineal frontage. Two (2) wall signs are proposed; therefore the applicant is requesting a variance.

The dimensions of the two (2) wall signs are outlined below:

<b>Sign</b>	<b>Sign Dimensions</b>	<b>Size (Square feet)</b>
Rectangular "Nissan"	30" by 17'- 3 27/32"	43.3 sq. ft.
Round "Nissan"	60" by 5'-10"	29.2 sq. ft.
<b>TOTAL (square feet) (2 wall signs)</b>		<b>72.5 sq. ft.</b>

Staff has concerns with several other signs on the building which are addressed in the letter to the applicant, dated May 3, 2013. The two (2) garage doors have the following signage: Service; Enter Here; Exit; Honk Horn; and Lansing Nissan. The garage doors are not considered windows thus the sign standards for windows outlined in Section 86-687(12) do not apply.

The Director of Community Planning and Development has determined directional signage could be allowed on each garage door, as follows: one (1) directional sign (such as enter or exit) for each garage door, not to exceed six (6) square feet per sign. All other signage on each garage door is not permitted and must be removed.

The showroom (southwest corner of the building) has window signs on the west and south windows. Section 86-687(12) of the Code of Ordinances provides for the installation of window signs not exceeding 40 percent of the surface area of the window in which they are displayed. Window signs may not exceed 10 percent of the building face of which the window is a part. The applicant has been required to provide scaled drawings of each window, each window sign, and the percentage of window coverage of the signage for staff to determine if the window signs are in compliance.

### Site History

- The car dealership for Saturn was approved by the Planning Commission in 1992 under Special Use Permit #92041.
- The car dealership was approved under Site Plan Review #92-05. The building was constructed in 1992.
- In 1992, the Zoning Board of Appeals approved a portion of ZBA Case No. 92-09-23-2, related to directional signs, and denied a portion of ZBA Case No. 92-09-23-2, related to the free-standing sign.
- In 2005, the automobile dealership expanded the off-street parking lot to the east which was approved under Site Plan Review #05-13.
- In 2008, the Zoning Board of Appeals approved the installation of a new freestanding sign (Saturn) permitting the surface display area to be 37.13 square feet per side and denied the request to install additional wall signs under ZBA Case No. 08-07-09-1.
- A wall sign "Lansing Nissan" was approved in 2011 under PB #11-0235 (85.7 square feet).
- A new freestanding sign for Lansing Nissan was approved in 2011 under PB #11-0236 (36 square feet).
- In 2013 Site Plan Review #13-92-05 was approved permitting the remodeling project for Nissan Lansing (remove canopy and façade renovation).
- Issuance of the building permit for the proposed wall signs (PB #13-0143) is dependent on the outcome of the current variance request (ZBA #13-05-08-2).

**ZBA Case No. 13-05-08-2**

**May 3, 2013**

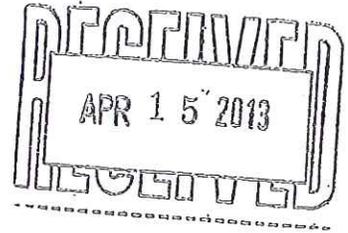
**Page 4**

**Attachments**

1. Application
2. Site Location Map
3. Letter from the Applicant, received on May 2, 2013
4. Sign Drawings submitted by the Applicant
5. Violation letter dated May 3, 2013
6. Site Plan (Site Plan Review #12-92-05)

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



VARIANCE APPLICATION

A. Applicant JOHNSON SIGN CO.  
Address of Applicant 2240 Leasing Ave  
Jackson MI 49202  
Telephone (Work) 517-284-3100 Telephone (Home) \_\_\_\_\_  
Fax 517-284-1556 Email address: jim@johnsonsign.com  
Interest in property (circle one):      Owner      Tenant      Option      Other

B. Site address/location 1728 W. Grand River Ave.  
Zoning district \_\_\_\_\_ Parcel number: \_\_\_\_\_

- 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) Sec. 86-687 (3) Wall Signs

- 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]      JIM JOHNSON      4-15-13  
Signature of Applicant      Print Name      Date

Fee: \$ 200      Received by/Date: [Signature] 4.15.13

*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.)*

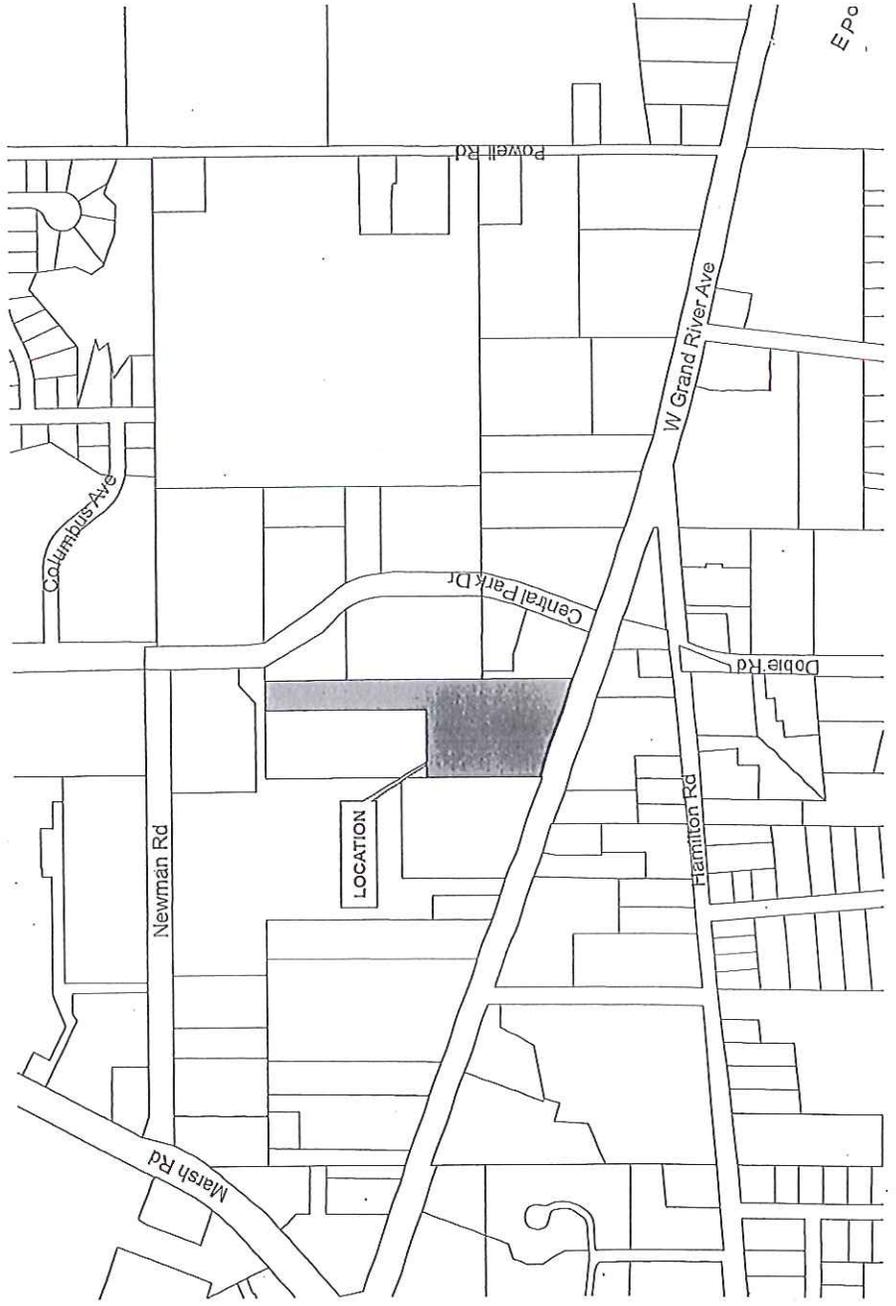
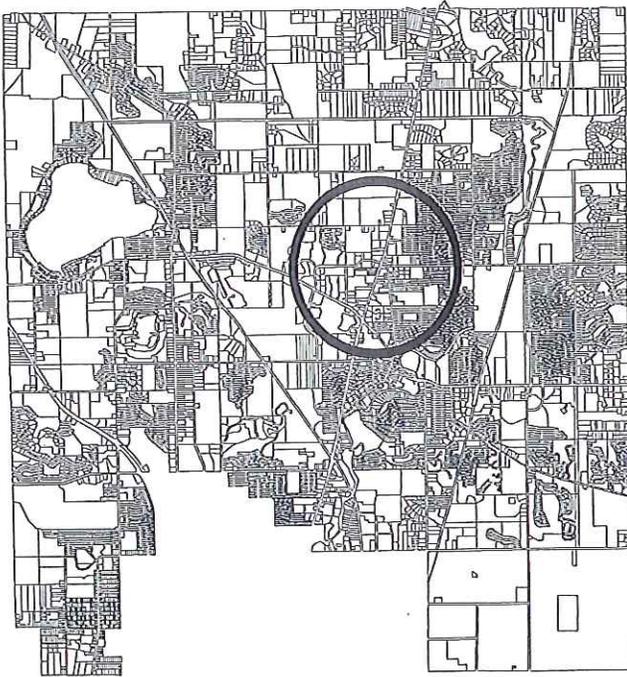
[Signature]      4-15-13  
Signature of Applicant(s)      Date

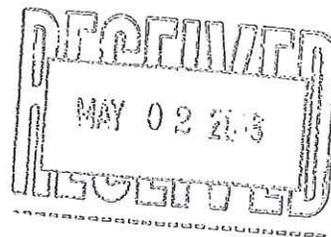
\_\_\_\_\_  
Signature of Applicant(s)      Date

**ZONING BOARD OF APPEALS #13-05-08-2  
(NISSAN)**

**REQUEST TO INSTALL 2 WALL  
SIGNS AT 1728 GRAND RIVER AVE.**

**CHARTER TOWNSHIP OF MERIDIAN**





VARIANCE: Lansing Nissan -- Okemos, MI

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.

The "Nissan Badge" sign is a part of the entry-way image. This is consistent to the image that Nissan has created for their dealerships.

2. These special circumstances are not self-created.

This particular location has not self-created this layout. The image that Nissan has created with the entry-tower incorporating the "Nissan Badge" is nation-wide. This dealership already had these 30" "Nissan" letters on the building before the remodel

3. Strict interpretation and enforcement of the literal terms and provisions of the Ordinance would result in practical difficulties.

From what we understand, you can have (2) wall signs if the space between the (2) of them is not greater than the height of the tallest letter/sign. With this location, the "Nissan Badge" is actually built in to the entry way. This building is a newly remodeled building and if the "Nissan" letters were only spaced apart 5' from the "Nissan Badge" it would make the building front unaesthetically pleasing.

In fact, before the remodel the dealer had the following signs:

(1) 30" x 17'-3" "Nissan" Wall Letters = 43.13 square feet

(1) 31" x 13" "Lansing" Wall Letters = 33.58 square feet.

Total square feet of wall signs the dealer did have = 76.71 sq. feet

The dealer is now wanting to go with the following:

(1) 30" x 17'-3" "Nissan" Wall Letters = 43.13 square feet

(1) 5' x 5'-10" "Nissan Badge" = 29.17 square feet

Total Square feet of wall signs the dealer is requesting = 72.30 sq. feet

**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.**

The "Nissan Badge" is more of an architectural piece than a sign. The "Nissan Badge" has the word "Nissan" incorporated in it, but the letters are only about 13" tall. Without being able to re-install the 30" "Nissan" letters that they had on the building before the remodel, they are losing a major portion of their identification on the building.

**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.**

Granting this variance to approve the 30" "Nissan" letters is the only way the dealership can have effective identification of this dealership on the building.

**6. Granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property.**

No, we do not believe that by granting this variance 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.**

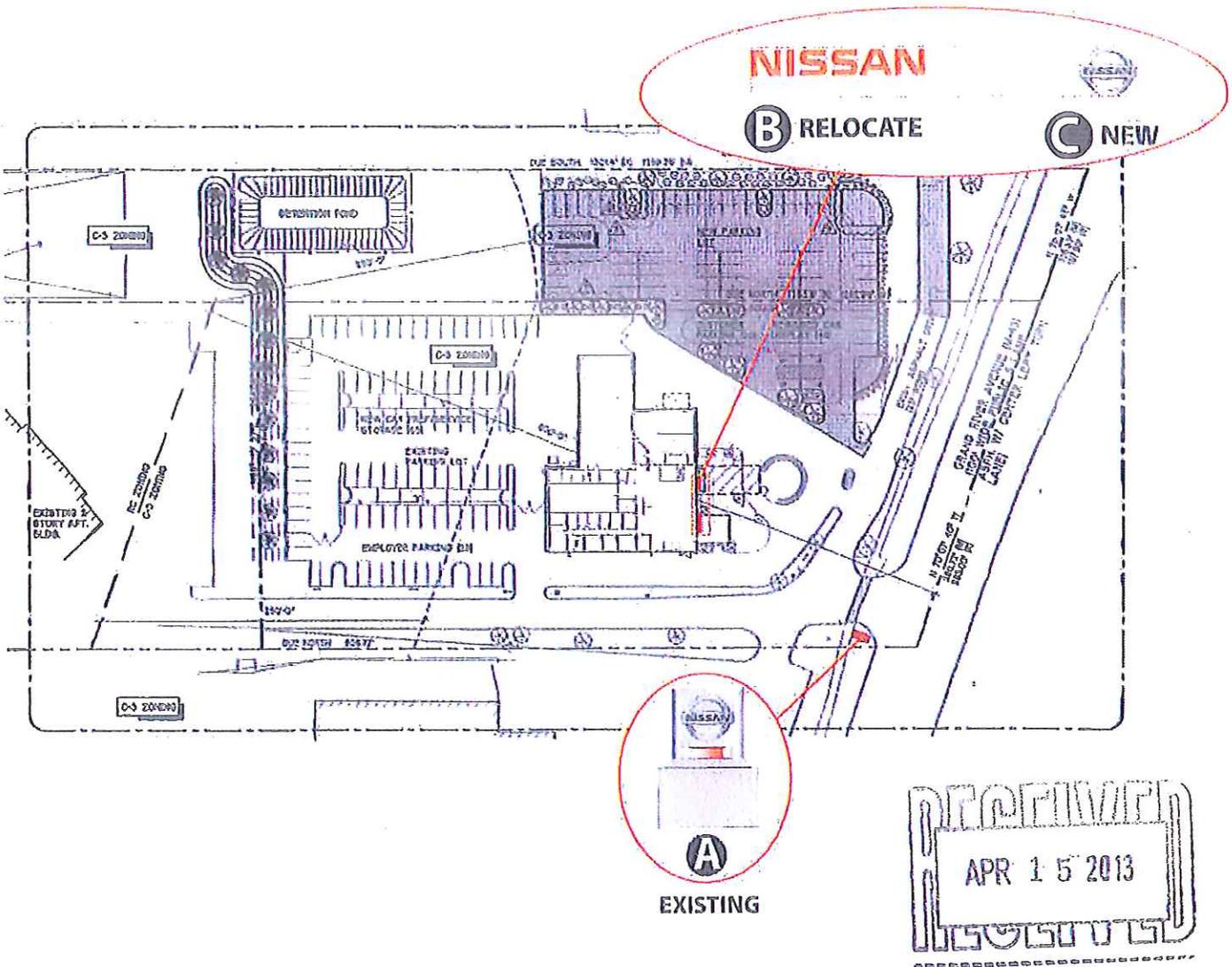
This dealership had (2) wall signs before their remodel that were spaced apart approximately 30" and were for a total of 76.71 square feet. They are now wanting to go for (2) wall signs that are spaced apart approximately 15'-10" for a total of 72.30 square feet. With the image that Nissan has created incorporating the Nissan Badge into the entry way, this dealership is not trying to ask for more wall signage than they had. They simply want to reflect the image that Nissan has created.

**NISSAN NORTH AMERICA, INC.**  
Nissan Retail Environment Design Initiative  
Sign Program



**II. SITE PLAN AND COLOR RENDERINGS**

The following provide a visual representation of the prepared solution.



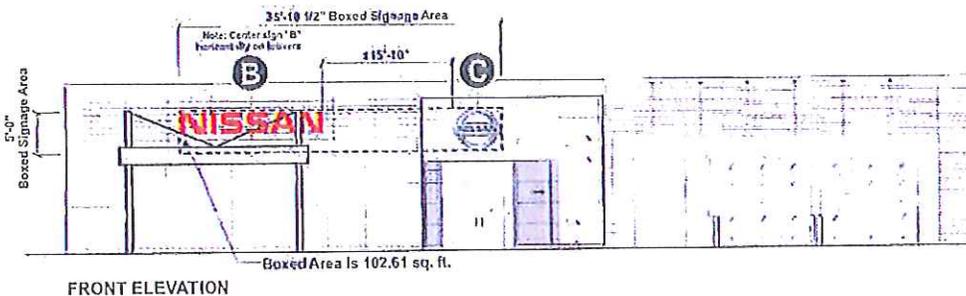
**NISSAN NORTH AMERICA, INC.**  
 Nissan Retail Environment Design Initiative  
 Sign Program



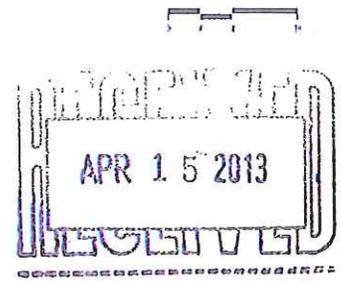
**SITE BEFORE NEW CONSTRUCTION**



**PROPOSED BUILDING AND SIGNAGE**



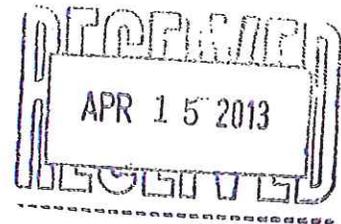
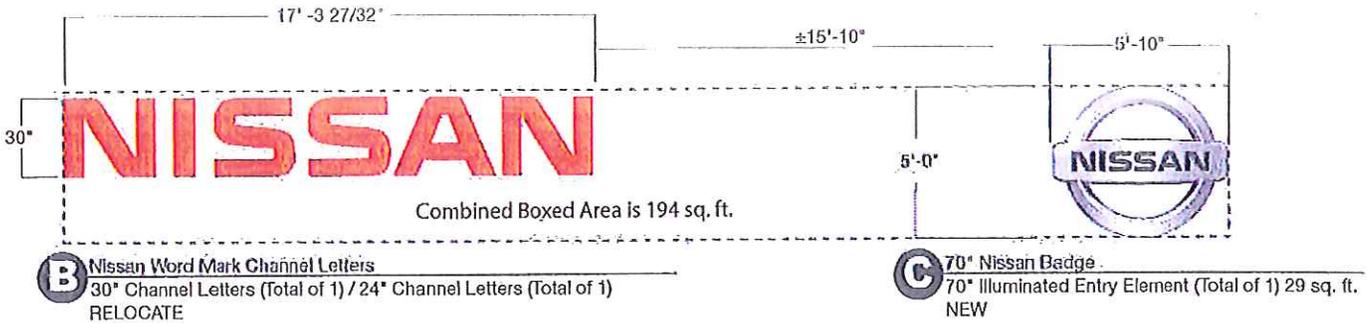
FRONT ELEVATION



**B: 30" Nissan Word Mark, 24" Dealer Name Letters      C: 70" Nissan Badge**



III. SCHEDULE OF SIGNS



# CHARTER TOWNSHIP OF MERIDIAN

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



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

May 3, 2013

**RE:    Lansing Nissan, 1728 Grand River Ave.**

Dear Business Manager,

The Nissan "badge" sign recently mounted on the façade of the Lansing Nissan dealership was installed without a building permit. Please submit a building permit application for the sign installation with a scaled diagram indicating the location of the sign on the building façade. As the sign was installed without a permit the application fee increases from \$100 to \$200. Please submit the application (attached) and associated fee within 10 days from the date of this letter. If an application is not received within 10 days, enforcement action will be pursued in accordance with Section 86-10 of the Code of Ordinances, which ultimately includes issuance of a municipal civil infraction subject to payment of a civil fine or the Township commencing appropriate action in court to correct, remedy, or abate the violation.

Additionally, the signs installed in the windows and garage doors are in violation of the zoning regulations for signs in commercial zoning districts. Section 86-687 of the Code of Ordinances provides for the installation of window signs not exceeding 40 percent of the surface area of the window in which they are displayed. Window signs may not exceed 10 percent of the building face of which the window is a part. Regarding the signs in the clear garage doors, signage on garage doors are limited to only directional messages (enter, exit, etc.), signage of a commercial nature (brand name, logo, etc.) is not permitted. Please either revise the existing window signs to comply with the zoning ordinance or contact me regarding a variance from the Zoning Board of Appeals.

Your cooperation in this matter is appreciated. If you have any questions or would like additional information please contact me at (517) 853-4576 or via email at [menser@meridian.mi.us](mailto:menser@meridian.mi.us).

Sincerely,

Peter Menser  
Associate Planner

G:\Community Planning & Development\Planning\MENSER\LETTERS\_MEMOS\2013\Nissan.doc

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

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23A 13-05-08-2  
OPTION 2



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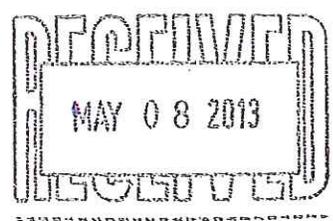
We are requesting the following scope of work:

Permit the Lansing and Nissan wall letters that are spaced apart 2'-6".

Apply for a Variance to have the 70" Nissan Badge spaced apart from the Lansing wall letters 8'.

The total boxed area of the Lansing/Nissan letters are 3'-1" x 32'-9" = 100.98 square ft.  
The square footage of the Nissan Badge is 60" x 70" = 29.17 square ft.  
The total square footage between these signs is 130.15 square ft.

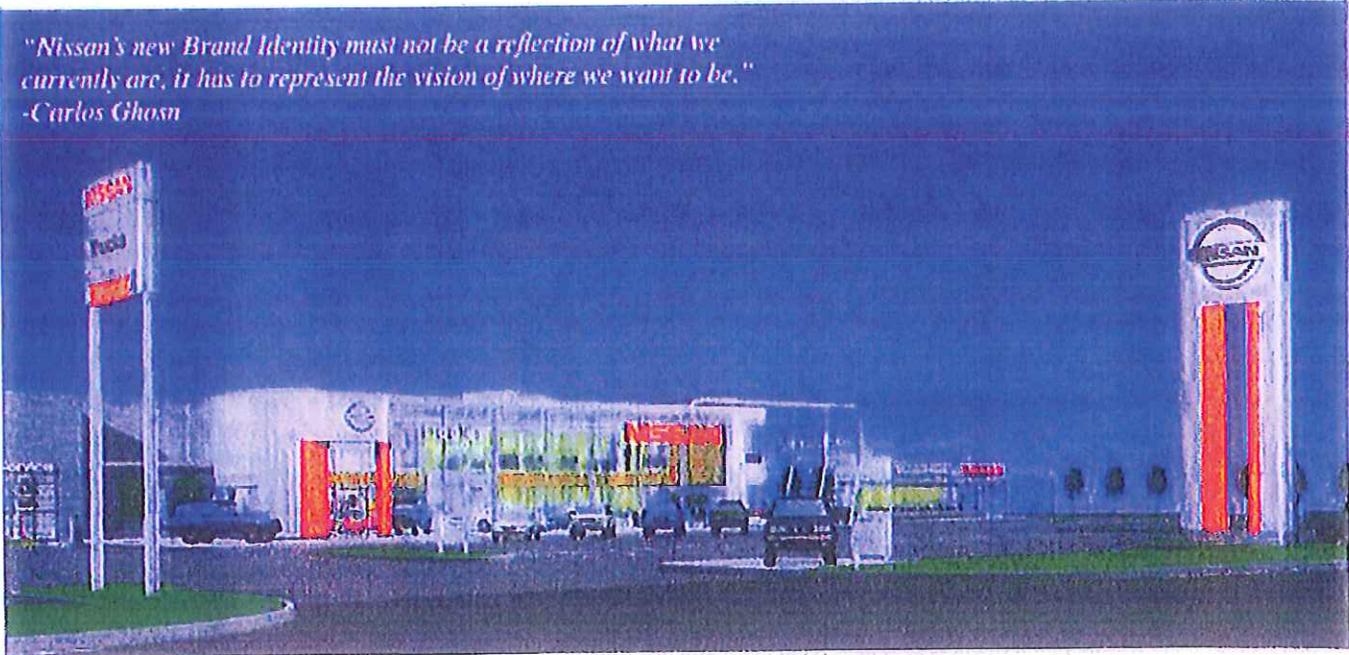
By permitting the "Nissan" & "Lansing" wall letters as (1) wall sign, we are requesting to have an additional (1) wall sign which will be the Nissan Badge. The square footage would be under the allowed 150 square foot allowed for wall signs.



one world. one brand.

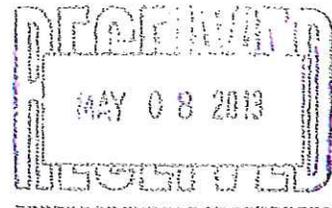
Dealer Presentation Package

*"Nissan's new Brand Identity must not be a reflection of what we currently are, it has to represent the vision of where we want to be."*  
-Carlos Ghosn



Nissan Retail Environmental Design Initiative

Lansing Nissan (5297)  
Okemos, MI



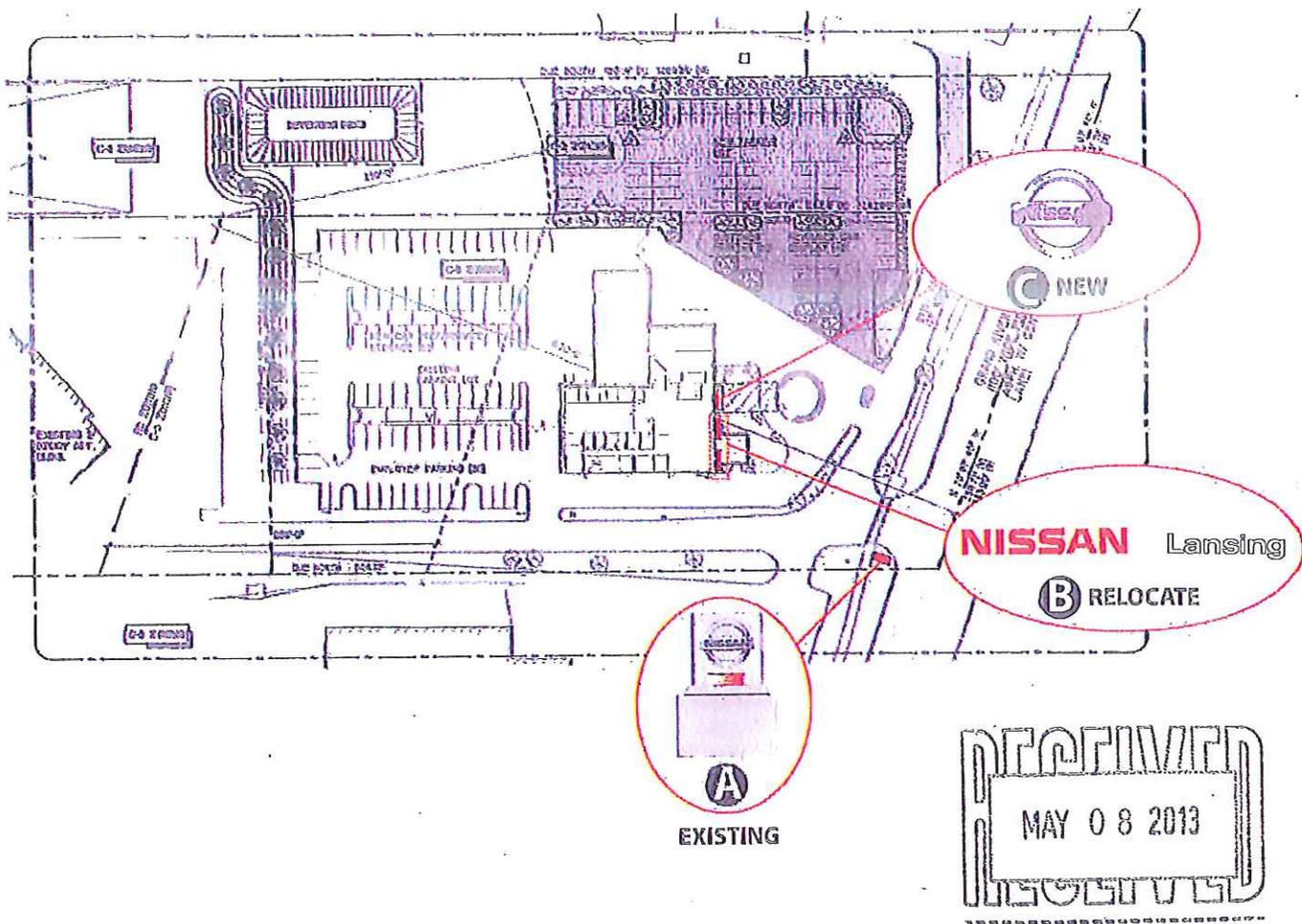
Architectural Graphics, Inc.  
2655 International Pkwy Virginia Beach VA 23452  
PHONE (757) 427-1903 Fax (757) 430-1227  
www.AGISgr.com





II. SITE PLAN AND COLOR RENDERINGS

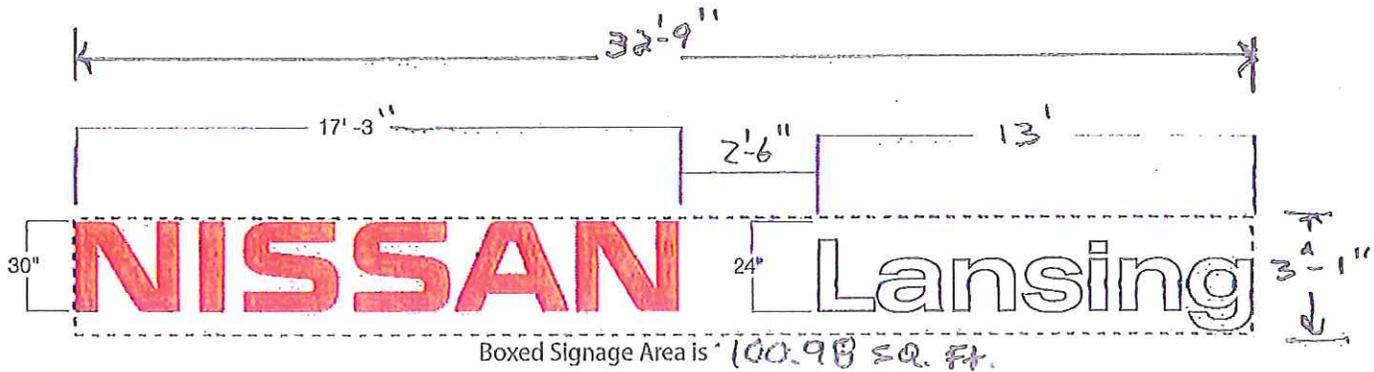
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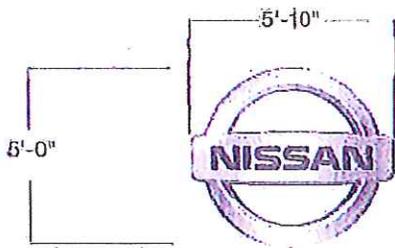




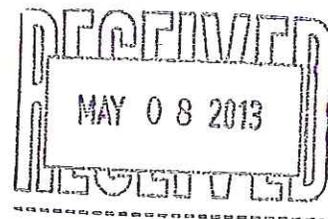
III. SCHEDULE OF SIGNS



- B** Nissan Word Mark Channel Letters / Dealer Name Letters  
 30" Channel Letters (Total of 1) / 24" Channel Letters (Total of 1)  
 RELOCATE



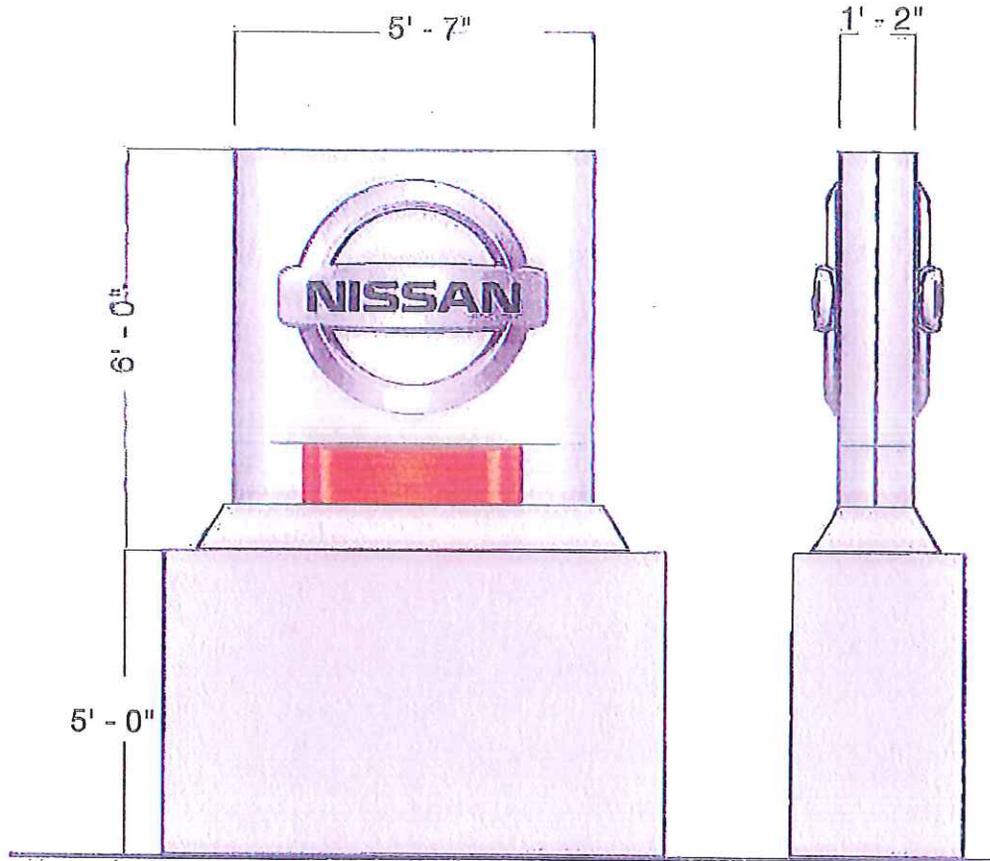
- C** 70" Nissan Badge  
 70" Illuminated Entry Element (Total of 1) 29.17 sq. ft.  
 NEW



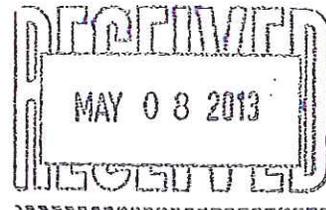
TOTAL SQ. FEET = 130.15



III. SCHEDULE OF SIGNS CONTINUED



**A** MBS-25 Monument W/Custom Base  
25 Sq. Ft. Main Brand Sign (Total of 1) 6'-0" OAH  
EXISTING



# 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

May 9, 2013

Jim Johnson  
Johnson Sign Company  
2240 Lansing Avenue  
Jackson, MI 49202

**RE:    ZBA Case No. 13-05-08-2  
       1728 Grand River Avenue**

Dear Mr. Johnson:

The Zoning Board of Appeals, at its regular meeting held on May 8, 2013 voted to **approve** your request for a variance from the following section of the Code of Ordinances:

- Section 86-687(3)a., which states one (1) wall sign shall be permitted and may be located flat against the building's front façade on a canopy. For businesses with frontage on more than one (1) public street, two (2) signs may be permitted. In no case shall more than one (1) wall sign be located on a façade and no wall sign shall be located on a rear façade.

Approval of the variance permits the installation of two (2) wall signs on the front (south) façade of the building located at 1728 Grand River Avenue (Nissan Lansing). The following chart summarizes the signs:

<b>Sign</b>	<b>Sign Dimensions</b>	<b>Size (Square feet)</b>
Rectangular "Nissan"	30" by 17'- 3 27/32"	43.3 sq. ft.
Round "Nissan" badge	60" by 5'-10"	29.2 sq. ft.
<b>TOTAL (square feet) (2 wall signs)</b>		<b>72.5 sq. ft.</b>



JIM JOHNSON (ZBA CASE NO. 13-05-08-2)

1728 GRAND RIVER AVENUE

May 9, 2013

Page 2

The granting of the variance was based on the site plan, sign drawings, and information as submitted by the applicant. Any modification that would affect the intent of the variance would require approval by the Zoning Board of Appeals. The effective date for the variance is May 8, 2013 the date the Zoning Board of Appeals approved the variance.

A building permit must be applied for within 24 months of the date of the approval of the variance and the wall sign installations must be completed within 18 months of the date the building permit was issued or the variance shall be void.

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

Sincerely,



Martha K. Wyatt

Associate Planner/Landscape Architect

cc: Building Division  
Joe Gilmour, Nissan Lansing

G:\PLANNING\ZBA\ZBA LETTERS\2013 Letters\LETTER.13-05-08-2 APPROVAL LETTER

CHARTER TOWNSHIP OF MERIDIAN  
ZONING BOARD OF APPEALS MEETING MINUTES \*\*\*APPROVED\*\*\*  
5151 MARSH ROAD, OKEMOS MI 48864-1198  
517.853.4000  
WEDNESDAY, MAY 8, 2013

PRESENT: Members, Jackson, LeGoff, Ohlrogge, Hershiser, Chair Beauchine,  
ABSENT: None  
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 MEMBER JACKSON

VOICE VOTE: Motion carried unanimously.

C. CORRECTIONS, APPROVAL, & RATIFICATION OF MINUTES

Wednesday, April 10, 2013

MEMBER HERSHISER MOVED TO APPROVE THE MINUTES WITH AN ADDITION TO PAGE THREE,  
PARAGRAPH FOUR TO READ:

Chair Beauchine said he thought it would be best to consider the variance as if the shed was not already built. Further, he thought the shed should be located in a more appropriate place because any variance granted would remain with the property forever and could cause problems in the future.

SECONDED BY MEMBER LEGOFF

VOICE VOTE: Motion carried unanimously.

D. UNFINISHED BUSINESS

None

E. NEW BUSINESS

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

DESCRIPTION: Shaw Street & Lake Lansing  
TAX PARCEL: 10-279-033  
ZONING DISTRICT: CR (Commercial Recreation)

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

- Section 86-471(b)(5), which states all structures and grading activities shall be setback forty (40) feet from the ordinary high-water mark of a lake equal to or greater than two acres in area.
- Section 86-471(c)(4), which states a twenty (20) foot natural vegetation strip shall be maintained as measured from the ordinary high water mark of a lake.

The applicant is proposing to construct a bioswale within the grading setback and natural

vegetation strip of Lake Lansing, as part of a storm water drainage improvement project in Lake Lansing Park South; therefore the applicant is requesting variances.  
Ms. Wyatt outlined the case for discussion.

Mr. Younes Ishraidi, Chief Engineer for Charter Township of Meridian Department of Public Works and Engineering, the applicant, explained the project will treat storm water before it reaches Lake Lansing. The project will replace a drain that is allowing untreated storm water into Lake Lansing. He said there is also a catch basin which has created a sink hole allowing soil and pollutants from the roadway into the lake.

Mr. Pat Witte, Ingham County Parks Department, said the drain leads into the swimming area of the Lake Lansing Park South and is a safety issue for swimmers. He stated the Parks Department has done studies which show fecal matter contamination going into the lake from the drain. He also stated the Parks Department supported the project.

Chair Beauchine asked if the sidewalk would need to be repaired or if the culvert for the drain would be left under the sidewalk and plugged.

Mr. Ishraidi said the culvert section under the sidewalk would be dammed at either end and filled with sand so the sidewalk would not need to be disturbed.

Member Hershiser said the applicant had done a very thorough job of addressing the Review criteria (Section 86-221) in the application and he agreed the variance meets all of the criteria.

MEMBER HERSHISER MOVED TO APPROVE THE VARIANCE WITH THE CONDITION THE PROJECT IS APPROVED BY THE TOWNSHIP PLANNING COMMISSION.

SECONDED BY MEMBER JACKSON

Member Ohlrogge asked who would be responsible for maintaining the project once it is completed.

Mr. Ishraidi explained the Township would work in conjunction with the Ingham County Parks Department to ensure the project is cared for in the future.

VOICE VOTE: YES: Member Hershiser, Jackson, Ohlrogge, LeGoff and Chair Beauchine  
NO: None  
Motion carries 5-0

2. ZBA CASE NO. 13-05-08-2 NISSAN LANSING, 1728 GRAND RIVER AVENUE, OKEMOS, MI 48864
- |                  |                         |
|------------------|-------------------------|
| DESCRIPTION:     | 1728 Grand River Avenue |
| TAX PARCEL:      | 22-401-010              |
| ZONING DISTRICT: | C-3 (Commercial)        |

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

- Section 86-687(3)a., which states one (1) wall sign shall be permitted and may be located flat against the building's front façade on a canopy. For businesses with frontage on more than one (1) public street, two (2) signs may be permitted. In no case shall more than one (1) wall sign be located on a façade and no wall sign shall be located on a rear façade.

The applicant is requesting to install two wall signs on the front façade of the building and one wall sign is permitted; therefore the applicant is requesting a variance.

Ms. Wyatt outlined the case for discussion.

Mr. Jim Johnson, Johnson Sign Company, 2240 Lansing Avenue, Jackson, the applicant, apologized for the late change in plans. He said Ms. Wyatt had covered all points in her summary but he would be happy to answer questions.

Member Jackson asked how the distance between sign elements is determined in order for the elements of the sign to be considered one sign.

Ms. Wyatt explained the distance between two elements of the sign can not exceed the height of the sign.

Chair Beauchine commented he would like to discuss how it is determined with staff at a later date.

Member Ohlrogge asked where the Nissan badge would have to be located in order to be part of the main sign according to current calculations.

Ms. Wyatt replied she did not have the answer to but could do the calculations.

Chair Beauchine asked the applicant if he had anything to add.

Mr. Johnson remarked the Nissan badge was built into the wall and is not movable. He said the actual signage without squaring off the white space included in the sign would be approximately 98 square feet.

Member Ohlrogge commented it was awkward to have no representative available from Nissan to answer the questions since Mr. Johnson's job is to create and install signs but he does not necessarily know the thoughts behind the request.

Chair Beauchine outlined the first two Review Criteria (Section 86-221). He said the case does not have unique circumstances so the case does not meet Review Criteria one or two. He explained to the applicant the variance must meet a majority of the Review Criteria to qualify for a variance. He said the corporate image desired by Nissan is not a consideration taken into account by the Zoning Board of Appeals. Chair Beauchine went on to say the fact the Nissan badge is built into the wall cannot be considered either. He remarked there are several other options that would not require a variance.

Member Hershiser asked Mr. Johnson if the image in the packet showing two free standing signs was accurate.

Mr. Johnson replied the free standing signs are an image shown to all Nissan clients nationwide and does not reflect the particular property. Mr. Johnson said to his knowledge the only freestanding sign on the site is shown on the last page of the packet.

Member Hershiser said if all of the elements of the sign were combined as shown on the amended application the total square footage would be over 200 square feet.

Chair Beauchine said the other option he was referring to was not to combine all the elements as requested but to move the two elements closer to the Nissan badge, or perhaps on the other side of the badge. Chair Beauchine commented he was not making specific suggestions however there are options not requiring a variance.

Member Ohlrogge asked the Board to look at the remaining Review Criteria.

Chair Beauchine went through the remaining Review Criteria: 3) it is not a practical difficulty because the applicant wants signage too large, 4) smaller signage would not prevent the owner from using the property, 5) it is not the minimum action that would allow use of the property, 6) larger signs would not impact the essential character of the property, 7) there are no conditions that are so recurrent that would require a change in regulations, 8) granting the variance would not affect public interest but would affect the intent of the ordinance which is to keep signage minimal.

MEMBER HERSHISER MOVED TO APPROVE THE VARIANCE AS WRITTEN IN THE MAY 3, 2013 PACKET.

SECONDED BY MEMBER LEGOFF.

Chair Beauchine remarked the difference between the May 3, 2013 packet and the variance as amended would be for one sign in the area to the left of the Nissan badge. The applicant could not install "Nissan" and "Lansing" together in that area.

Member Ohlrogge said in her opinion Review Criteria 6 is not met.

Member Hershiser said what was proposed in the May 3, 2013 variance is a good compromise between what is proposed and what would be allowed by ordinance.

Member LeGoff said she thought it would be a good compromise.

VOICE VOTE: YES: Member Hershiser, LeGoff, Jackson  
NO: Member Ohlrogge, Chair Beauchine  
Motion carried: 3-2

**F. OTHER BUSINESS**

None

**G. PUBLIC REMARKS**

None

**H. BOARD MEMBER COMMENTS**

None

**I. ADJOURNMENT**

Chair Beauchine adjourned the meeting at 7:30 p.m.

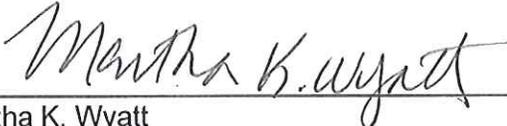
Respectfully Submitted,

Angela M. Ryan  
Recording Secretary

# MEMORANDUM

TO: Zoning Board of Appeals

FROM:

  
\_\_\_\_\_  
Martha K. Wyatt  
Associate Planner/Landscape Architect

DATE: June 21, 2013

RE: ZBA Case No. 13-06-26-2

---

ZBA CASE NO.: **13-06-26-2 BOSWORTH URGENT CARE, 1623 HASLETT ROAD, HASLETT, MI 48840**

DESCRIPTION: 1881 Grand River Avenue

TAX PARCEL: 22-154-007

ZONING DISTRICT: C-2 (Commercial)

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

- Section 86-404(b)(3), which states, for a side or rear setback, where adjacent to a residential district, no building, parking, access drive, or other structures shall be less than 100 feet from a residential district line, except a 60-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 86-618(2), which states 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.

The applicant is proposing to remodel the existing building located at 1881 Grand River Avenue for an urgent care facility. The approximate 3,000 square foot building was formerly occupied by Boston Market restaurant, with a drive-through window. The building has been vacant for several years. The project includes interior and exterior renovations to modernize the building, the construction of an approximate 1,536 square foot addition to the west side of the building, parking lot improvements, and a new dumpster enclosure, to replace the existing enclosure. The drive-through window on the rear (south) side of the building will be removed as part of the project.

The proposed project requires site plan review approval. The applicant has applied for site plan review (Site Plan Review #13-94-09) and staff has completed a preliminary review. The final plans and final approval are dependent on the outcome of the current variance case.

The variance requests are discussed by ordinance section number in this memorandum.

Section 86-404(b)(3)-Rear Yard Setback for C-2 Zoning adjacent to Residential Zoning

A new 3-sided, split-face block dumpster enclosure (with gate) is proposed to be located in the southwest corner of the existing parking area. The existing dumpster enclosure is in disrepair and requires replacing. A dumpster enclosure is considered a structure and is required to meet the same setbacks as a building as set forth in Section 86-404(b)(3). The subject site is zoned C-2 (Commercial). The adjacent property south of the subject site is zoned RC (Multiple Family), Meridian Village condominiums. Where the C-2 zoning district is adjacent to a residential district, the required rear or side yard setback is 100 feet or 60-feet with a double row of interlocking trees, primarily evergreens, for screening. The 100-foot or 60-foot setback applies to any structure or access drive. The proposed dumpster enclosure, at its closest point, is located approximately 16'-8" from the residential zoning line, as measured from the southeast corner of the enclosure. A tree and shrub screen exists along the south property line of the subject site. As such the required rear yard setback is 60 feet. The proposed setback for the dumpster enclosure is 16-8"; therefore the applicant is requesting a variance. The following chart summarizes the variance request:

	<b>Required Setback</b>	<b>Proposed Setback</b>	<b>Variance Request</b>
Dumpster enclosure	60 feet	16.66 feet	43.34 feet

Section 86-618(2)-Adding onto a Nonconforming Building

The existing building is considered nonconforming because the building does not meet current required setbacks for the rear yard. The required side yard setback in the district is 100 feet or 60 feet with a coniferous tree screen, per Section 86-404(b)(3). The existing building is located approximately 50 feet from the south lot line, at the closest point. The proposed addition, at its closest point, is located approximately 69 feet from the south lot line.

Section 86-618(2) states a nonconforming structure, other than a single-family structure, 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.

The proposed addition will increase the extent of the nonconforming building; therefore the applicant is requesting a variance.

Site History

- On October 3, 1983 the Planning Commission approved Special Use Permit #83181 permitting the construction of a restaurant with a drive-through window (Rax).
- The building was constructed in 1983 under PB #14424.

**ZBA Case No. 13-06-26-2**

**June 21, 2013**

**Page 3**

- On May 20, 1994 site plan review approval was granted for the remodeling project for the Boston Market restaurant under Site Plan Review #94-09.
- On December 19, 2012 site plan review approval was granted for the proposed interior and exterior remodeling project for the existing building, for the conversion of a restaurant use to an urgent care facility, under Site Plan Review #12-94-09. The remodeling project was approved under PB #12-0672.
- The proposed building addition is currently under review under Site Plan Review #13-94-09. Approval is pending the outcome of the current variance request.

**Attachments**

1. Application
2. Site Location Map
3. Letter from Applicant
4. Site Plan Review #12-94-09 approval letter dated December 19, 2012
5. Site Plan and Elevations

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

VARIANCE APPLICATION

A. Applicant Bosworth Properties LLC (Dr. Quinn Bosworth)  
Address of Applicant 1023 Hazlett Rd  
Hazlett, MI 48840  
Telephone (Work) 339-2100 Telephone (Home) \_\_\_\_\_  
Fax \_\_\_\_\_ Email address: DrQuinn2@msc.com  
Interest in property (circle one): Owner Tenant Option Other

B. Site address/location 1891 W. Grand River  
Zoning district C-2 Parcel number 33-02-02-22-154-007

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) 20-404 (b)(3)

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

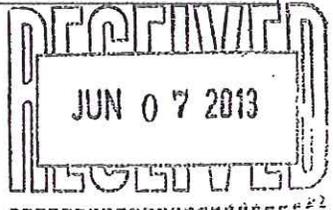
Dr. Quinn Bosworth Quinn Bosworth 6/6/13  
Signature of Applicant Print Name Date

Fee: 450.00 Received by/Date: Manthe Wyatt 6/6/13

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.)

Dr. Quinn Bosworth 6/6/13  
Signature of Applicant(s) Date

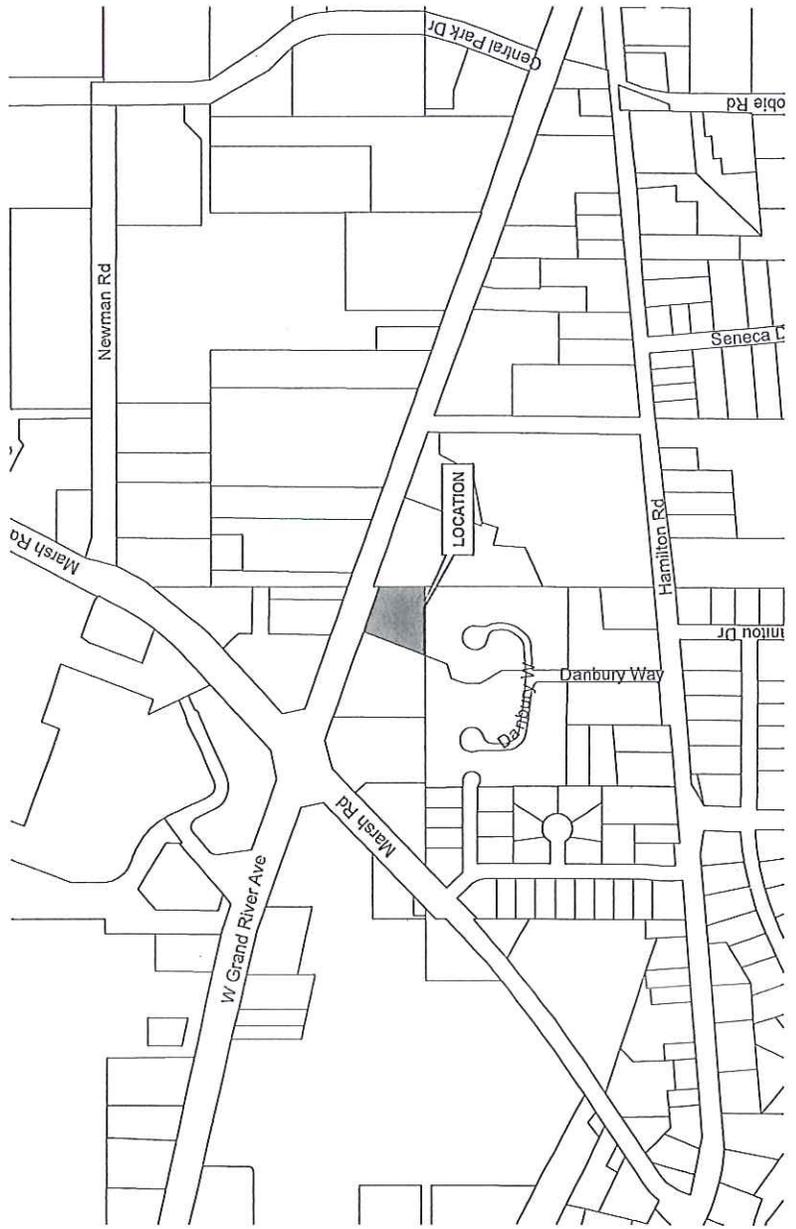
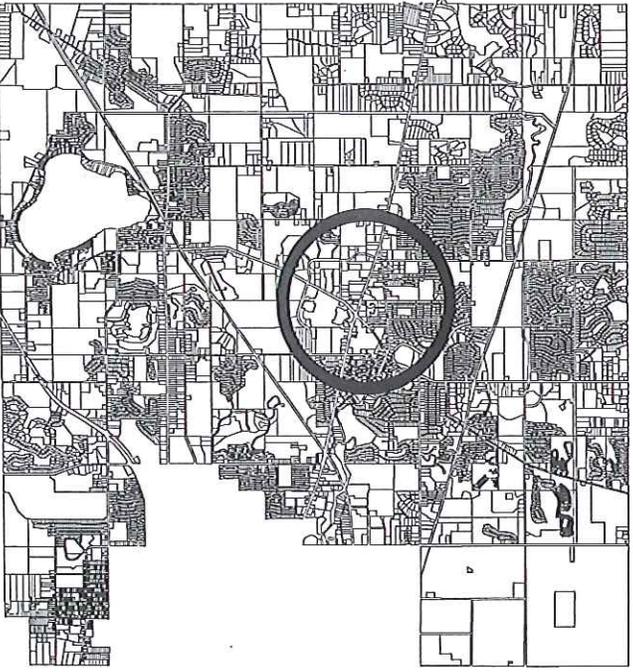
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Signature of Applicant(s) Date



**ZONING BOARD OF APPEALS #13-06-26-2  
(BOSWORTH URGENT CARE)**

**REQUEST TO ADD ONTO  
NONCONFORMING BUILDING &  
CONSTRUCT DUMPSTER ENCLOSURE  
WHICH DOES NOT MEET REQUIRED  
SETBACK AT 1881 GRAND RIVER AVE.**

**CHARTER TOWNSHIP OF MERIDIAN**



Variance Request – Bosworth Redi-care  
1881 W. Grand River Ave  
Okemos, MI 48864

Written Statement in support of Variance Application

The subject property at 1881 W. Grand River was previously occupied by a **Boston Market Restaurant**.

The building and supporting parking were **constructed in the early 1980's**.

The building has been vacant for **approximately 8 years**.

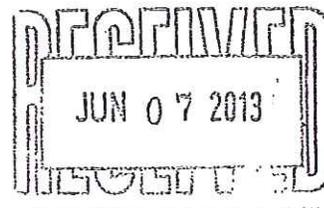
It is the new Owner's desire to revitalize the existing building and to construct a 1,500 s.f. addition on the west end. The existing, exterior coolers will be removed from the west end of the building when the proposed addition is constructed.

Meridian Township's Ordinance requires that, when an existing building is improved, the site be brought up to the current ordinance standards—this also includes securing the required variances for existing nonconforming buildings.

The existing property is in nonconformance with 86-404(b)(3) due to the following conditions:

1. **The existing, Southeast corner of the building is only set back 50'-0"**, in lieu of the minimum 60'-0". Due to the fact that it would be technically infeasible to relocate the existing building, the Owner is seeking a variance for the existing nonconformance.
2. **The existing trash enclosure is in poor shape and is only set back 15'-0" from the south property line.** It is the Owner's desire to **demolish the existing trash enclosure and to construct a new trash enclosure** in its place to screen the refuse and recycling containers. The trash enclosure will be constructed with solid screen walls and gates in conformance with the Ordinance.
3. **The existing, southerly parking lot and drive aisle are within the 60'-0" setback.** It is the Owner's desire to maintain the current parking lot arrangement and to repair/reseal/restripe the parking lot.

**It is our opinion, that the property conforms to the 7 Review Criteria published with Meridian Township's Variance Application.**



# CHARTER TOWNSHIP OF MERIDIAN

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



Milton Scales  
Ronald Styka  
John Veenstra  
Angela Wilson

Trustee  
Trustee  
Trustee  
Trustee

December 19, 2012

Mr. David VanderKlok  
Studio Intrigue Architects  
1114 S. Washington  
Lansing, MI 48910

**RE: Site Plan Review #12-94-09 (Studio Intrigue Architects)  
1881 Grand River Avenue (former Boston Market)  
PB #12-0672**

Dear Mr. VanderKlok:

Staff has reviewed the plans for the proposed renovations to the building (formerly Boston Market) located at 1881 Grand River Avenue, to be occupied by Redi-Care. The project includes interior and exterior renovations to the building and is being reviewed under PB #12-0672. Staff visited the site and forwarded comments to you in the letter dated November 9, 2012. A response letter dated November 29, 2012 and drawings were sent by your office. A second communication from your office, dated December 10, 2012, responded to staff's questions on lighting. Staff also requested two (2) inverted 'U' bike racks be installed on the site, which you were agreed to install. Site plan review approval is hereby granted subject to the following conditions:

1. Approval is granted in accordance with the site plan prepared by Studio Intrigue Architects, received by the Township on November 29, 2012.
2. Side shields shall be added to the existing wall pack light fixtures.
3. The existing floodlights shall be removed from the building as the lights do not comply with the Outdoor Lighting ordinance (Section 38-171).
4. Any replacement or new outdoor lighting, including light bulbs, shall be approved by the Director of Community Planning and Development prior to the installation of the light fixtures or replacement light bulbs.
5. Two (2) inverted 'U' bike racks shall be installed on the site, using the standards outlined in Section 86-760 of the Code of Ordinances. A site plan shall be submitted showing the locations of the bike racks for review and approval by the Director of Community Planning and Development, prior to the installation of the bike racks
6. All site improvements shall be completed prior to the issuance of a Certificate of Occupancy or a performance guarantee shall be required.

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

[www.meridian.mi.us](http://www.meridian.mi.us)

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 printed on recycled paper

Mr. David VanderKlok  
December 19, 2012  
Page 3

7. Site plan review approval does not include approval of any wall or freestanding sign. Separate reviews and approvals are required.
8. The approved site and landscape plan shall be the official plan for the proposed project. It is the responsibility of the owner to provide a set of approved plans to the appropriate construction companies for said project. A copy of the signed and approved plan is enclosed for your files. Revisions, if necessary, to the approved site or landscape plan shall be subject to the approval of the Director of Community Planning and Development.

Decisions by staff, regarding the site plan review approval, may be appealed to the Zoning Board of Appeals. Such an appeal would have to be made within ten (10) days of the date of staff action and must be in accordance with Section 86-186 of the Township Code of Ordinances. Consequently, your site plan review approval will not become valid until December 29, 2012. A building permit must be approved within 24 months of the effective date of the site plan, otherwise the site plan approval shall be void.

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

Sincerely,



Martha K. Wyatt  
Assistant Planner/Landscape Architect

Approved:

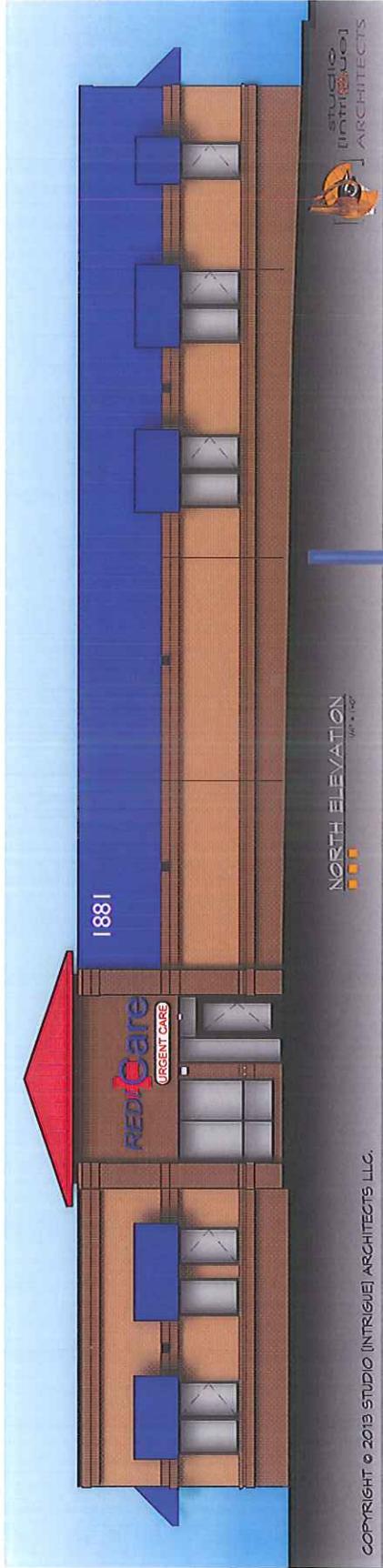


Mark Kieselbach  
Director of Community Planning and Development

Enclosure

cc: John C. Heckaman

G:\PLANNING\SITEPLAN\Case\_Mgmt\2012SPR\SPR12-94-09(1881 Gr River Redi Care)\1881Gr River Redi Care spa



Proposed Building Elevation (as viewed from Grand River Ave)

Proposed Addition



Existing Building Elevation (as viewed from Grand River Ave)

