

CHARTER TOWNSHIP OF MERIDIAN  
ZONING BOARD OF APPEALS MEETING AGENDA  
5151 MARSH ROAD, OKEMOS, MI 48864-1198  
(517) 853-4000  
WEDNESDAY, JULY 10, 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 26, 2013

D. UNFINISHED BUSINESS

E. NEW BUSINESS

1. ZBA CASE NO. 13-07-10-1 HIGGINS ELECTRIC SIGN CO., 4100-A HUNSACKER STREET, EAST LANSING, MI 48823

DESCRIPTION:	1982 Grand River Avenue
TAX PARCEL:	22-101-011
ZONING DISTRICT:	C-3 (Commercial)

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

- Section 86-687(3)c., which states in the case of multitenant structures, one wall sign shall be permitted for each tenant having an individual means of public access up to a size equivalent to one square foot for each lineal foot of building frontage occupied.

The applicant is proposing to install a wall sign for a tenant at Meridian Mall (Shoe Carnival, east side of mall, north of Macy's) that exceeds the maximum allowed square footage; therefore the applicant is requesting a variance.

- ☛ 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 -BRIAN BEAUCHINE

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.

G:\PLANNING\ZBA\ZBA AGENDAS\2013 ZBA AGENDAS\ZBAGNDA.130710

CHARTER TOWNSHIP OF MERIDIAN  
ZONING BOARD OF APPEALS MEETING MINUTES \*\*\*DRAFT\*\*\*  
5151 MARSH ROAD, OKEMOS MI 48864-1198  
517.853.4000  
WEDNESDAY, JUNE 26, 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, June 12, 2013

MEMBER LEGOFF MOVED TO APPROVE THE MINUTES AS WRITTEN

SECONDED BY MEMBER JACKSON

VOICE VOTE: Motion carried unanimously.

**D. UNFINISHED BUSINESS**

None

**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.

Ms. Wyatt outlined the case for discussion. She explained the Zoning Board of Appeals must decide whether there is new evidence or proof of changed circumstances to hear the amended request (Section 86-225).

Chair Beauchine remarked the public was notified of Option 1 but Option 2 was not noticed Option one was reviewed at the May 8, 2013 meeting. He said thought there was enough

difference to hear the Option 2 but he would like to hear opinions from the other board members.

Member Ohlrogge asked Ms. Wyatt to outline the substantive differences.

Ms. Wyatt replied the applicant is adding the word Lansing to the word Nissan and making it all one sign by putting them closer together.

Member Hershiser said because this request was heard at the May 8, 2013 Zoning Board of Appeals Meeting it should not be heard again.

Member Jackson said she thought since the Option 2 was not noticed to the public for the May 8, 2013 meeting it had not been considered at that meeting.

MEMBER JACKSON MOVED TO HEAR THE NEW APPLICATION.

SECONDED BY MEMBER LEGOFF

VOICE VOTE: YES: Member Jackson, LeGoff, Ohlrogge and Chair Beauchine

NO: Member Hershiser

Motion carried 4-1.

Mr. Joseph Gilmore, 1728 West Grand River Avenue, Okemos, the applicant and owner, said Nissan's Corporate Office has requirements he must meet to keep his franchise. He stated he is required to have the Nissan badge but it does not make the name of the dealership known to the public. He explained they are not asking for more signage, they just want to put the same signs up that were there before the remodeling project started.

Chair Beauchine pointed out the Zoning Board of Appeals is not concerned with the requirements of corporate Nissan. He stated the Review Criteria (Section 86-221) is the only criteria used in their decision making process.

Member Ohlrogge said any applicant is welcome to go to the Township Board to request changes to the ordinances. The Zoning Board of Appeals is not able to set policy and or change ordinances so if current ordinances are not working for today's businesses then it is up to the people involved to ask for changes.

Member Hershiser asked to clarify when the Option 1 was approved at the May 8, 2013 meeting it approved the two wall signs.

Member Jackson asked if the difference is the smaller size of the combined sign.

Chair Beauchine said yes, the request is to increase the size of the sign saying Nissan by adding the word Lansing which combined would be 99.4 square feet.

Member Hershiser remarked the request is under the allowed square footage allowed by ordinance. He said the applicant does have some challenges with the trees in front of the property.

Member Ohlrogge remarked the trees in front are a practical difficulty for seeing the sign from the road. She said this could be a public safety issue. She remarked she was concerned whether or not this was the minimum action to make the property useable.

Member LeGoff remarked there is a need for the sign in order to identify the business.

Chair Beauchine commented as far as the Review Criteria (Section 86-221) is concerned he thought the request met most of them. He said it is the least that could be done because the sign is smaller than would have been allowed under ordinance.

MEMBER HERSHISER MOVED TO APPROVE THE VARIANCE.

SECONDED BY MEMBER JACKSON

VOICE VOTE: YES: Member Hershiser, Jackson, Ohlrogge, LeGoff, and Chair Beauchine.

NO: None

Motion carries 5-0.

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.

Ms. Wyatt outlined the case for discussion.

Mr. David VanderKlok, 4910 Van Atta Road, Okemos, spoke representing the applicant, briefly explained the project and said most of the variances are because the current building is non-conforming.

Member Hershiser said he is concerned about possible noise near the dumpster due to the proximity of the residential property to the south. He asked Mr. VanderKlok if he knew the times for deliveries and dumpster pick-up as the noise may adversely affect the neighboring residents.

Mr. VanderKlok said the medical practice will have smaller deliveries and less frequent trash pick-up than the restaurant which occupied the building before.

Member Ohlrogge asked if there were any other place to locate the dumpster. She said she was concerned about possible odors coming from the dumpster.

Mr. VanderKlok said the truck needs 45 feet to access the dumpster. He remarked they were willing to look into another location. He said the applicant is an avid recycler and the practice would not have a lot of garbage.

Member Hershiser asked Ms. Wyatt if there were rules or ordinances against excessive noise or smell coming from the dumpster.

Ms. Wyatt said there are ordinances and a process for dealing with any infractions.

Mr. Kieselbach explained these would be nuisance violations handled by the Community Planning and Development Department. He said complaints like these have not been an issue in this area in the past.

Member Jackson asked where the public entrances for the building are located.

Mr. VanderKlok explained there is one public entrance, one entrance/exit for employees and one emergency exit.

Member Jackson asked if the dumpster could be moved forward and oriented to the east in order to eliminate the concerns of it being close to the residential area.

Mr. VanderKlok said this would not move the dumpster away from the residential area.

Chair Beauchine asked staff if there were any issues with the drive through window from the prior business.

Ms. Wyatt said the applicant is eliminating the drive through and there should not be any issues as this will make the special use permit null and void. She explained if a future applicant wanted to install a drive through they would have to apply for a special use permit again.

Member LeGoff voiced her support for redevelopment of the property.

Member Ohlrogge explained the Review Criteria (Section 86-221) and how the variances met the criteria: there are unique circumstances, there are practical difficulties, it is the minimum which can be done, it will not adversely affect the surrounding areas, and it is consistent with the public interest. She stated all of the Review Criteria are met in this case.

Member Hershiser commented this is part of the redevelopment of the Grand River Corridor and is very necessary.

MEMBER HERSHISER MOVED TO APPROVE THE VARIANCES AS REQUESTED.

SECONDED BY MEMBER OHLROGGE

VOICE VOTE: YES: ALL YES

NO: None

Motion carries 5-0.

## F. OTHER BUSINESS

Chair Beauchine said he would like to speak with staff about the two cases that have been tabled recently in an effort to get them resolved quickly.

**G. PUBLIC REMARKS**

None

**H. BOARD MEMBER COMMENTS**

None

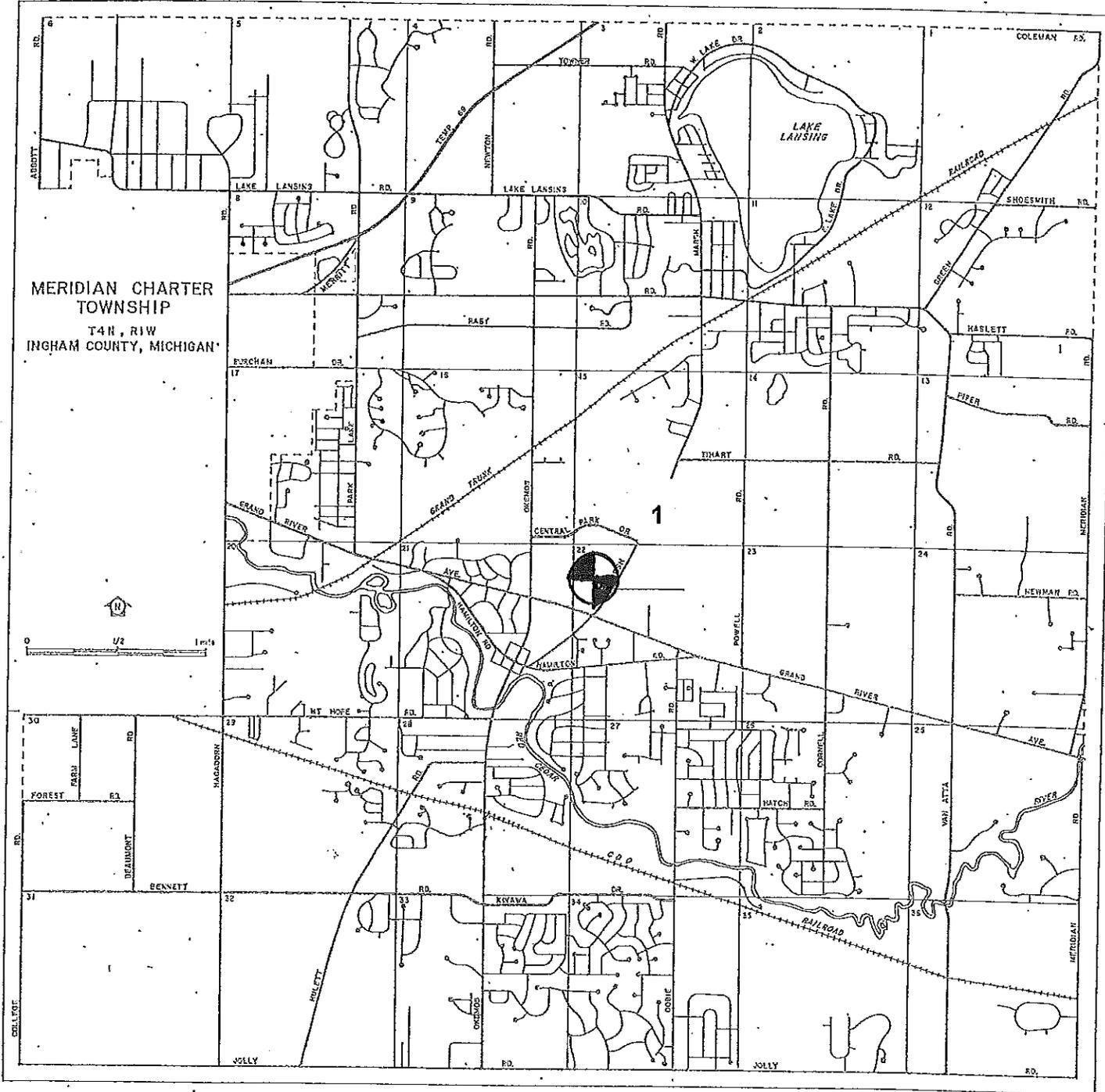
**I. ADJOURNMENT**

Chair Beauchine adjourned the meeting at 7:45 p.m.

Respectfully Submitted,

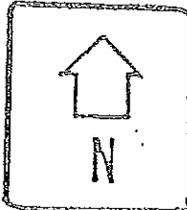
Angela M. Ryan  
Recording Secretary

MERIDIAN CHARTER  
TOWNSHIP  
T4N, R1W  
INGHAM COUNTY, MICHIGAN



# LOCATION MAP

1. ZBA CASE NO. 13-07-10-1



## 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:**

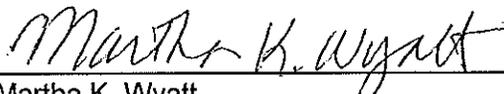
1. Granting a variance shall authorize only the purpose for which it was granted.
2. The effective date of a variance shall be the date of the Zoning Board of Appeals approves such variance.
3. A building permit must be applied for within 24 months of the date of the approval of the variance, and a Certificate 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: July 5, 2013

RE: ZBA Case No. 13-07-10-1

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ZBA CASE NO. 13-07-10-1 HIGGINS ELECTRIC SIGN COMPANY, 4100-A HUNSACKER STREET, EAST LANSING, MI 48823  
DESCRIPTION: 1982 Grand River Avenue  
TAX PARCEL: 22-101-011  
ZONING DISTRICT: C-3 (Commercial)

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

- Section 86-687(3)c., which states in the case of multitenant structures, one wall sign shall be permitted for each tenant having an individual means of public access up to a size equivalent to one square foot for each lineal foot of building frontage occupied.

The applicant, representing Shoe Carnival, is proposing to install a wall sign for the Shoe Carnival store, to be located in Meridian Mall, on the east side of the mall, just north of Macy's. The remodeling project was approved under PB #13-0047 and a final certificate of occupancy has not been issued as yet. The store anticipates to be opened within the next month. The store can be accessed from within the mall and through a newly-constructed (exterior) public entrance on the east façade of the mall. The tenant space is approximately 108 feet in width which includes 48'-8", or 48.7 lineal feet where the new public entrance is located and approximately 59 lineal feet located within an existing loading zone. The loading zone is shared by several mall tenants. An existing 75 foot long screen wall was removed in order to construct the new public entrance for Shoe Carnival. A new replacement screen wall (32 feet in length) was constructed to screen the loading zone, north of the public entrance for Shoe Carnival.

Per Section 86-687(3)c., a multitenant building is permitted one (1) wall sign for each tenant having an individual means of public access. The size of the wall sign is equivalent to one square foot for each one lineal foot of building frontage occupied. In this case the building frontage occupied has been determined to be the lineal frontage of the building where the new (exterior) public entrance for Shoe Carnival is located. The tenant space adjacent to the loading zone (59 lineal feet) was not counted as 'building frontage occupied' when determining the allowed square footage of a wall sign as this area is a shared loading zone and not a means of public egress for Shoe Carnival. Staff had reviewed the remodeling plans for Shoe Carnival under the building permit application (PB #13-0047). Staff explained the determination of the building frontage and allowed signage in the memorandum dated February 15, 2013. The memorandum was attached as part of the issued building permit.

The building frontage occupied is approximately 48.7 lineal feet therefore one (1) wall sign is permitted, approximately 48.7 square feet. The proposed wall sign is approximately 5'-10" in height by 16'-11" in width, or approximately 98.7 square feet, as measured to the fullest extent of the letters. One (1) wall sign, approximately 48.7 square feet, is permitted and the proposed wall sign exceeds the permitted square footage; therefore the applicant is requesting a variance.

The following chart summarizes the variance request:

	<b>Permitted</b>	<b>Proposed</b>	<b>Variance Request</b>
Wall sign	48.7 sq. ft.	98.7 sq. ft.	50 sq. ft.

Site History

- The mall was approved under Special Use Permit #68081.
- The mall expansions were approved under SUP #99-68081, Site Plan Review #99-40; Site Plan Review #00-10; Site Plan Review #00-11; Site Plan Review #00-13; Site Plan Review #00-16; Site Plan Review #01-03; Site Plan Review #01-18; and Site Plan Review #01-25
- A building permit was issued on February 18, 2013 for the remodeling project for Shoe Carnival (PB #13-0047).

**Attachments**

1. Application
2. Site Location Map
3. Letter from Applicant
4. Scaled Sign Drawing received on June 24, 2013
5. Sign Package from Applicant
6. Floor Plan (scaled plan)
7. Scaled Building Elevation

CHARTER TOWNSHIP OF MERIDIAN  
 PLANNING DIVISION  
 5151 MARSH ROAD, OKEMOS, MI 48864  
 (517) 349-1200

VARIANCE APPLICATION

A. Applicant HIGGINS ELECTRIC SIGN CO.  
 Address of Applicant 4100-A HUNSAKER ST.  
EAST LANSING, MI 48823  
 Telephone (Work) 351-5255 Telephone (Home) \_\_\_\_\_  
 Fax 351-5233 Email address: HIGGINSSIGNS@ACD.NET  
 Interest in property (circle one): Owner Tenant Option Other

B. Site address/location ST. DE CARNIVAL 1982 GRAND RIVER AVE. MERIDIAN MALL  
 Zoning district COMMERCIAL Parcel number 33-02-02-22-101-011

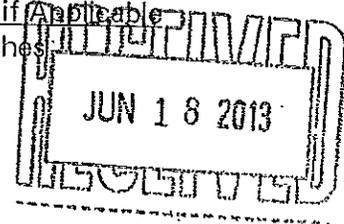
C. Nature of request (Please check all that apply):  
 Request for variance(s)  
 Request for interpretation of provision(s) of the "Zoning Ordinance" of the Code of Ordinances  
 Review an order, requirements, decision, or a determination of a Township official charged with interpreting or enforcing the provisions of the "Zoning Ordinance" of the Code of Ordinances

Details of request (Attach if necessary) ALLOWABLE SIZE OF EXTERIOR WALL SIGN PER SEC. 80-687(3)D HAS BEEN REDUCED BY TOWNSHIP MEMO DATED FEBRUARY 15, 2013

Zoning Ordinance section(s)

D. Required Supporting Material  
 -Property survey  
 -Legal description  
 -Proof of property ownership or approval letter from owner  
 -Site plan to scale

Supporting Material if Applicable  
 -Architectural sketches  
 -Other



JAMIE HIGGINS  
 Signature of Applicant

JAMIE HIGGINS  
 Print Name

6-18-13  
 Date

Fee: \$200.00

Received by/Date: Martha Wyatt 6/18/13

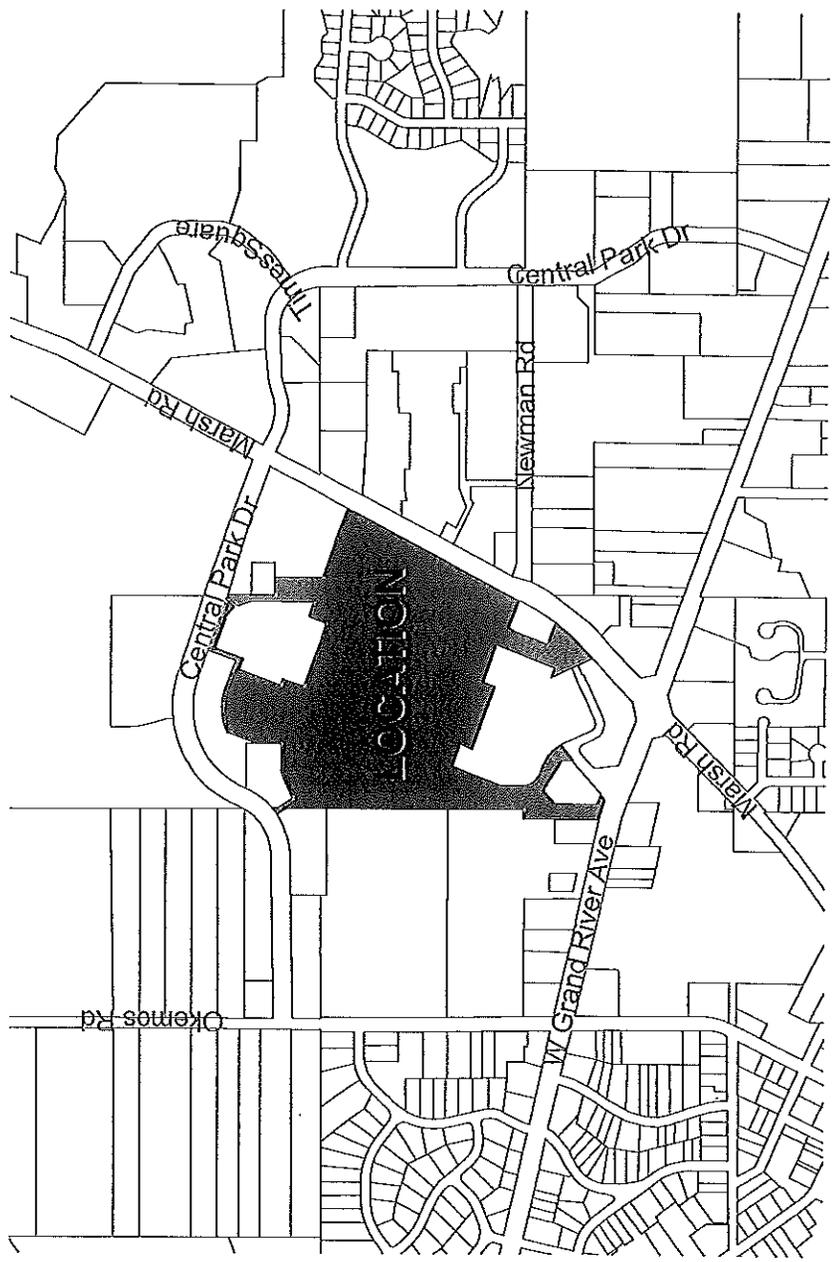
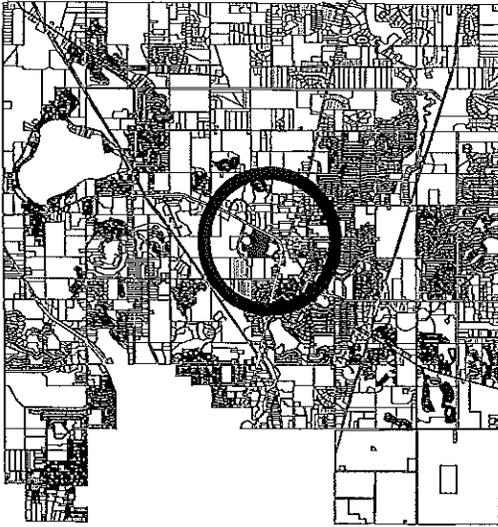
*I (we) hereby grant permission for members of the Charter Township of Meridian Zoning Board of Appeals, Township staff members and the Township's representatives or experts the right to enter onto the above described property (or as described in the attached information) in my (our) absence for the 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.)*

JAMIE HIGGINS \_\_\_\_\_ Date 6-18-13  
 Signature of Applicant(s) \_\_\_\_\_  
 \_\_\_\_\_  
 Signature of Applicant(s) \_\_\_\_\_ Date \_\_\_\_\_

**ZONING BOARD OF APPEALS #13-07-10-1  
(HIGGINS ELECTRIC SIGN COMPANY)**

**REQUEST TO INSTALL LARGER  
THAN PERMITTED WALL SIGN  
AT 1982 GRAND RIVER AVENUE  
(SHOE CARNIVAL-E. SIDE OF  
MERIDIAN MALL)**

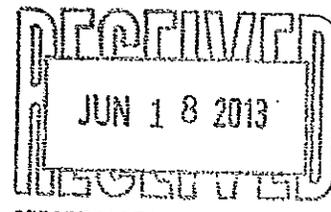
**CHARTER TOWNSHIP OF MERIDIAN**

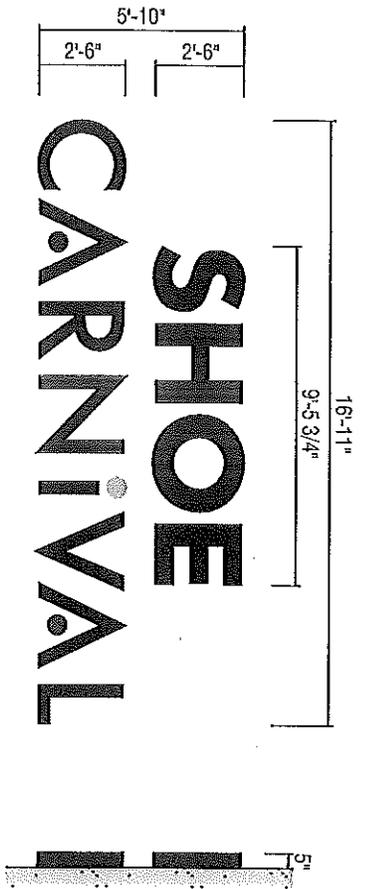


# HIGGINS ELECTRIC SIGNS

Shoe Carnival Meridian Mall  
Variance application supplement

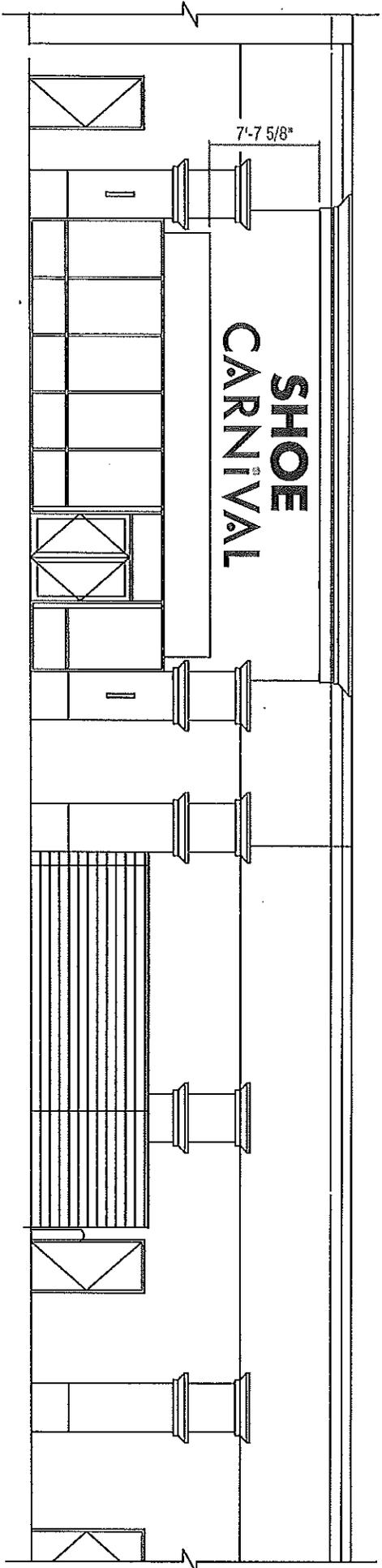
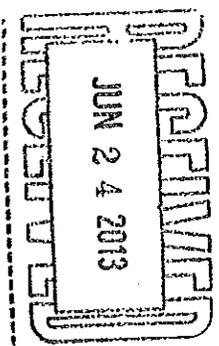
1. The shoe carnival location has limited visibility from the south due to the Macy's store. The brick wall area to the right (north) steps back approximately 28 feet from the entrance area and is not a practical placement for a sign.
2. These special circumstances are not self created by Shoe Carnival.
3. The proposed 99 square foot exterior wall sign does comply with section 86-687 (3) b of the sign ordinance based upon the approximate 108 linear feet of leased space.
4. Shoe Carnival leases a sizeable 12,292 square feet of space, the eighth largest store within the mall. They feel a need to be visible from the road and/or the far side of the parking lot similar to Macy's, Ruby Tuesday, Men's Wearhouse, Bed, Bath & Beyond, etc. They have to sell an awful lot of shoes just to pay the rent.
5. The Shoe Carnival has taken on the multi- thousand project of creating an exterior entrance to the store for the privilege of being allowed to have an exterior wall sign. The proposed 30" tall sign letters would have a best readability up to 300' away and a maximum readable distance of 1250'.
6. The proposed 99 square foot wall sign letters will fit proportionally well in the architectural feature provided above the entrance and provide substantial justice.
7. The proposed sign will adequately provide visibility, based upon the overall size of the store, and be similar in character to other store and restaurant signage at the Meridian Mall.
8. Since the Shoe Carnival is tucked into a corner with limited visibility, and quite a distance from Marsh Road, makes this situation rather unique and not a general condition around the township.
9. The overall size of the proposed sign will be in proportion to the size of the store and the size of the wall being served. The size of the sign will not have any adverse effects on the general appearance of public Safety of the neighborhood.





FACE LIT ILLUMINATED CHANNEL LETTERS - (99 SQ. FT.)  
 QTY: 1  
 SIDE VIEW  
 SCALE: 3/16" = 1'-0"

LETTERS: BLACK DAY NIGHT FACE, BLACK RETURNS  
 RED DOT: PMS 200 W/ RETURNS TO MATCH  
 YELLOW DOT: PMS 130 W/ RETURNS TO MATCH  
 GREEN DOT: PMS 389 W/ RETURNS TO MATCH



ENTRANCE ELEVATION

SCALE: 3/32" = 1'-0"

**SHOE CARNIVAL**

Location: 1982 W Grand River Ave. Ste. 109  
Okemos, MI

Proj #: 3773 Loc #: 494 Date: 02/14/13

Reg #: 141572 Drawn By: KWK Page #: 4

**OPTION 2**

**SIGN 1**

Rev #:	Rev #:	Date:	Rev. By:	Drawn By:	Revision Description:
Rev 1	142040	02/22/13	KP	OG	Revised Sign 2 to 24" Letters, Added Interior Elevation
Rev 2	142582	02/25/13	KP	OG	Sign 2: Added Second Option
Rev 3	000000	00/00/00	XXX	XXX	
Rev 4	000000	00/00/00	XXX	XXX	
Rev 5	000000	00/00/00	XXX	XXX	
Rev 6	000000	00/00/00	XXX	XXX	

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**DRAWINGS PREPARED BY:**

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 Any unauthorized use or duplication is not permitted.