

Chair
Christopher LaGrand
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Steve Gobbo
Secretary
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Board Members
Johanna Balzer, Trustee
Donald Riel
Andrew Richards
Jeff Carpenter



1401 W. Herbison Road
DeWitt, Michigan 48820
Phone 517.669.6576
Fax 517.669.6496
www.dewitttownship.org

Township Planner
Jim N. Foulds

Planning Assistant
Tory Niewiadomski

Recording Secretary
Linda K. Parkinson

**ZONING BOARD OF APPEALS
MINUTES
WEDNESDAY, MAY 15, 2013
7:00 P.M.**

The regularly scheduled meeting of the DeWitt Charter Township Board of Appeals was called to order at 7:00 p.m. by Chairman LaGrand.

The Pledge of Allegiance to the Flag was said by those present.

ROLL CALL by Planning Assistant Tory Niewiadomski.

MEMBERS PRESENT: Andrew Richards, Jeff Carpenter, Christopher LaGrand, Don Riel, Trustee Johanna Balzer, Steve Gobbo (arrived at 7:12 pm).

MEMBERS ABSENT: Robert Reese, III.

APPROVAL OF AGENDA: Balzer moved to approve the agenda as presented. Supported. **MOTION CARRIED.**

APPROVAL OF MINUTES: Richards moved to approve the minutes of the April 17, 2013 regular meeting as printed. Supported. **MOTION CARRIED.**

CORRESPONDENCE: None

PUBLIC COMMENTS: None.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

I. PUBLIC HEARING - Appeal 13-770003 – From Brandino Properties, LLC, requesting an eighteen (18) square foot variance to construct a free standing sign within the A (Agricultural) Zoning District, proposing the construction of up to a fifty-two (52) square foot free standing sign whereas the A (Agricultural) Zoning District only permits a maximum signage area of 34 square feet for institutional uses. The property is located at 1754 E. Clark Road, Lansing, MI 48906, in the northeast ¼ of Section 22 of DeWitt Charter Township

A. Open Public Hearing. Chairman LaGrand declared the Public Hearing opened at 7:05 p.m.

B. Administrative Comments/Applicant/Public Comments.

Planning Assistant Niewiadomski advised that Mr. Brannan and Mr. Baldino of Brandino Properties, LLC, the owners/applicant's, are present for any questions the Board may have. He noted the subject site (former Gunnisonville Elementary School) had remained vacant for a number of years. In 2011 the Township adopted standards to allow for adaptive reuse of the building within the A (Agricultural) Zoning District to permit some limited office uses, as well as some institutional human care facilities. At that time the applicant was granted a Special Use Permit (SUP 11-990007) for adaptive reuse of the subject site. As a result, the applicant was provided a range of allowed uses. At this time a number of uses are occupying the building and are in need of additional signage area to promote the entities on the site.

The applicant has submitted for a variance of up to eighteen (18) square feet to be allowed to construct a fifty-two (52) square foot free standing sign. However, the applicant provided new information including drawings that indicate the sign would be up to fifty-one (51) square feet and would measure 8.5 ft by 6 ft. Therefore the applicant would require a seventeen (17) square foot variance.

Niewiadomski noted the Ordinance allows for up to fifty-two (52) square feet of signage for some of the commercial zoning districts. The subject site is somewhat similar to that of a shopping center use but without the retail component. The applicant feels a variance request for a fifty-one (51) square foot sign is a reasonable request and is consistent with other ordinance standards.

Niewiadomski briefly reviewed the location and features of the 7.5 acre site. The property is zoned A (Agricultural). The surrounding zoning consists of A (Agricultural). The surrounding land use designations consist of residential to the north and south, and residential/vacant to the east and west.

Currently the site has an existing free standing sign. The applicant is proposing to remove the existing sign and construct the new sign to be located between the two driveways just west of where the existing sign is now located.

Niewiadomski went on to review the request for compliance with all four Basic Conditions and at least one Special Condition stating the following:

Basic Condition a) – Granting the variance will not be contrary to the public interest or to the intent and purpose of this Ordinance.

This property is the site of the former Gunnisonville School which has been vacant for a number of years prior to 2011. Due to the adaptive reuse standards that the Township adopted in 2011, it provided provisions to be able to reutilize obsolescent buildings within the Agricultural Zoning District. This particular parcel is unique due to the range of uses that have been allowed to occur on this property. Typically, 34 square feet of signage is appropriate for a single institutional use on a property within the Agricultural Zoning District, however, this site contains several institutional types of uses on the site. Staff finds that the request is not inconsistent with the public interest or to the intent of the ordinance.

Basic Condition b) – Granting the variance shall not permit the establishment within a district of any use which is not permitted by right, under special conditions, or by special use permit within that district.

The proposed sign is considered a use by right in the A Agricultural Zoning District provided signage requirements are complied with and approved per a sign permit. Granting these variances would not allow uses not already permitted within the district. Currently, a free standing sign exists on this site and the applicant would like to enlarge the signage area to promote other entities on the site. The Agricultural Zoning District permits one free standing sign on a parcel for institutional uses. Staff finds that the request complies with this condition since they are proposing to have one free standing sign on the site.

Basic Condition c) – *Granting the variance will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.*

There is no reason to believe that granting the variances would have a significant adverse impact on surrounding property values.

Staff finds that the request complies with this condition.

Basic Condition d) – *The variance is not one where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical.*

Requests of this nature have been infrequent. Additionally, requests of this type have not been consistent so as to demonstrate the need for an amendment to the Zoning Ordinance. Staff finds that the request complies with this condition.

Special Condition a) – *Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district and when such circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of this Ordinance and when such circumstances or conditions shall not have resulted from any act of the applicant in violation of a prior zoning ordinance applicable to said property.*

The sign ordinance standards within the agricultural districts are principally designed to provide sign standards that would be consistent in a residential neighborhood or rural atmosphere. Based on the applicant's site location, the posted speed limits are 45 mph with four lanes of traffic and there are several large coniferous trees along the frontage of the property as well as the property to the west that may present impediments to the visibility of the proposed sign. This, in turn may present a hardship in satisfying the signage area requirements.

In addition, the use of the property provides uniqueness and presents exceptional circumstances in that there are multiple entities housed on the parcel. The uses of the property do not generally apply to other properties within the Agricultural Zoning District due to the adaptive reuse of the parcel that brought it back functionality. The challenge with this site is that it functions more like a shopping center without the retail component. Shopping centers within DeWitt Charter Township typically utilize multiple business signage requirements to promote multiple tenants which provides for up to 52 square feet of signage area, which would be consistent with what the applicant is requesting.

Special Condition b) – *Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.*

The property is currently being utilized for professional office and institutional purposes, so the variance is not necessary to preserve a substantial property right held by others in the district.

In reviewing this request, staff would note that the impacts on the public interest would be fairly minor and that the request is not a setback issue. It appears that there is uniqueness and exceptional circumstances that relate to this site that do not generally apply to other properties in this district due to the adaptive reuse of the building and number of tenants located on the property as well as visibility from Clark Road. Staff feels that by granting the variance, there would be minimal impact on the public interest and the intent of the ordinance.

Brief discussion followed regarding the setback requirements for the proposed sign and the possibility of adding clarification stating that, if approved, the existing sign must be removed.

Chairman LaGrand invited the applicant to speak.

Tim Brannan, Co-Owner of Brandino Properties, LLC, 11685 Prestle Court, DeWitt, MI 48820, thanked staff for assisting him through the application process. The intent of requesting the variance is to avoid having several signs on the site. In addition, the senior assisted living center on the site is located in the rear of the building. The proposed signage would allow the facility to be easily located without adding a second sign.

Brief discussion followed regarding the fact that the sign will have back lighting and the location of the placement of the street address.

Robert Baldino, Co-Owner of Brandino Properties, LLC, 11665 Prestle Court, DeWitt, MI 48820, stated they may place the address on the actual building as well as the sign so that traffic would not have to slow down to read the numbers.

Balzer questioned if the applicant added a business or changed a business would the proposed sign allow the flexibility to accommodate these changes.

Baldino advised that the panels on the proposed sign are easily interchangeable. And they do not intend to have more than four businesses in the building at this time.

LaGrand asked the applicant if they were agreeable to adding a condition that the existing sign must be removed if this variance is approved.

Baldino stated he would be agreeable to removing the existing sign as long as there was adequate time to be able to install the proposed sign.

Niewiadomski stated this could be addressed at the time the construction begins on the new sign.

Chairman LaGrand invited public comment.

Faye Hagy, 1745 E. Clark Road, Lansing, MI 48906, stated she lives directly across the street from the subject site. She feels Mr. Brannan and Mr. Baldino have been wonderful neighbors. She has seen a drawing of the proposed sign and has no concerns. Her neighbors have expressed to her that they also have no concerns.

- C. Close Public Hearing. **Hearing no further public comment, Chairman LaGrand declared the Public Hearing closed at 7:22 p.m.**
- D. Discussion and possible action by Board of Appeals.

Gobbo stated the proposed sign is in line with the intent of the Zoning Ordinance.

LaGrand stated he has seen other locations where multiple businesses are using an adaptable use building. The proposed sign seems consistent with what other locations have done.

Carpenter moved that Appeal 13-770003 from Brandino Properties, LLC, granting a variance of 17 square feet to the 34 square foot allowable signage size requirement for the A (Agricultural) Zoning District to allow the construction of a fifty-one (51) square foot sign for the property located at 1754 E. Clark Road, Lansing, MI 48906, be approved. Approval is based on the findings that the request meets all four Basic Conditions and Special Condition (a) listed in Section 42-70 of the Zoning Ordinance. Approval is subject to the following conditions:

1. **The design and placement criteria listed in the Zoning Ordinance under Article VIII-Signs, shall be met.**
2. **The site shall have only one sign on the property and the existing sign shall be removed.**

Supported.

ROLL CALL vote on motion:

AYES: 6 NAYS: 0 ABSENT: 1 (Reese)

MOTION CARRIED.

- E. Possible Certification of Decision.

Balzer moved to approve the Certification of Decision for Appeal 13-770003, as stated in the above motion. Supported.

ROLL CALL on vote:

AYES: 6 NAYS: 0 ABSENT: 1 (Reese)

MOTION CARRIED.

PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.

TRUSTEES REPORT:

Trustee Balzer gave a brief report on business conducted and action taken at the regular meetings of the Board of Trustees held on April 8, 2013 and April 22, 2013.

DISCUSSION: None.

ADJOURNMENT:

Gobbo moved to adjourn the meeting at 7:30 p.m. Supported. MOTION CARRIED.



Linda K. Parkinson, Recording Secretary

Robert Reese, III, Secretary