

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS SPECIAL MEETING MINUTES **APPROVED**
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, August 8, 2018 6:30 PM
TOWN HALL ROOM**

PRESENT: Members Ohlrogge, Lane, Jackson, Rios, Chair Beauchine
ABSENT:
STAFF: Assistant Planner Keith Chapman, Community Planning and Development
Director Mark Kieselbach

1. CALL MEETING TO ORDER

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

2. APPROVAL OF AGENDA

MEMBER OHLROGGE MOVED TO APPROVE THE AGENDA AS WRITTEN.

SECONDED BY MEMBER JACKSON.

VOICE VOTE: Motion carried unanimously.

3. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

Wednesday, June 6, 2018

MEMBER LANE MOVED TO APPROVE THE MINUTES OF WEDNESDAY JUNE 6, 2018 AS WRITTEN.

SECONDED BY MEMBER OHLROGGE.

VOICE VOTE: Motion carried unanimously.

Wednesday, June 13, 2018

MEMBER JACKSON MOVED TO APPROVE THE MINUTES OF WEDNESDAY JUNE 13, 2018 AS WRITTEN

SECONDED BY MEMBER OHLROGGE

VOICE VOTE: Motion carried unanimously.

4. COMMUNICATIONS

None.

5. UNFINISHED BUSINESS

None.

6. NEW BUSINESS

A. ZBA CASE NO. 18-08-08-1 (SAROKI ARCHITECTURE), 430 N. OLD WOODWARD, BIRMINGHAM, MI 48009

DESCRIPTION: 5110 Times Square Drive
TAX PARCEL: 15-400-025
ZONING DISTRICT: CS (Community Service)

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

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

The applicant is requesting to add a 20.65 square foot wall sign to the front façade.

Assistant Planner Chapman outlined the case for discussion.

Chair Beauchine asked the applicant or the applicant's representative if they would like to add anything.

Mr. Dennis Veneziano, the applicant's representative, 430 N. Old Woodward, Birmingham, MI 48009, stated he did not have anything to add.

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

Chair Beauchine stated he had been on the Zoning Board of Appeals (ZBA) in 2000 when the initial request for six signs was granted. The square footage of the signs were lower than what would have been permitted. He was also a member in 2014 when Walmart requested a variance for additional signage.

Member Ohlrogge commented, granting the variance in 2014 was due to the fact the signs were considered directional, or informational signs.

Member Ohlrogge asked the applicant where the business would be located in the building.

Mr. Veneziano stated the business, Michigan First Credit Union, would be near the main entrance to the building and access to the credit union would be through Walmart's main entrance.

Member Ohlrogge read review criteria one (SECTION 86-221 of the Code of Ordinances), which states unique circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district.

Member Ohlrogge mentioned the existence of another store in the Township that had multiple businesses within the building. She asked the applicant to explain how their situation was different than other stores.

Mr. Veneziano stated that Walmart authorizes exterior signage for businesses located within the building, which is common with other businesses. He indicated people need to be aware the credit union was within the building.

Member Ohlrogge commented the request in particular didn't meet review criteria one.

Chair Beauchine asked if the credit union would advertise their location on a search database such as Google Maps.

Mr. Veneziano responded the credit union would be advertised at the same address as Walmart, but would not be identified as within the Walmart store.

Chair Beauchine questioned if people would be able to find the credit union without the assistance of an exterior sign.

Member Jackson responded the public could assume the credit union was located within the Walmart if they knew the address.

Mr. Veneziano commented the sign would help direct customers to the correct location.

Member Rios stated the sign would not only help direct the public to the Credit Union, but could also aid first responders.

Member Lane asked Assistant Planner Chapman, given the credit union is located within another business, were there any other options for signage.

Assistant Planner Chapman answered a sign could be added to the existing Walmart monument signs, if space was available.

Member Jackson asked staff to clarify the total amount of signage currently on the building.

Assistant Planner Chapman responded the existing signage is 235.77 square feet.

Member Rios added the proposed sign is only an additional 20 square feet, which is lower than the 500 square feet allowed based on the size of the building.

Member Ohlrogge read review criteria seven, which states the conditions pertaining to the land or structure are not so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable. She stated if Walmart was allowed to have exterior

signage for businesses within the building, then the zoning ordinance should allow all stores to do the same.

Member Rios commented the ZBA could not use this specific case against other business in the Township, the ZBA can only consider the variance request in front of them.

Member Jackson stated this was not a unique situation.

Member Lane commented the reason other businesses haven't requested signage could be those other businesses don't allow it. The fact Walmart did allow signage created a unique situation, and thus met review criteria one.

Member Jackson did not agree Walmart's practice should be used to influence what the Township allows.

Chair Beauchine referenced review criteria seven, stating the lack of large buildings in the Township makes it not so general or recurrent in nature, and thus the request meets review criteria seven.

Chair Beauchine commented a directional sign would be acceptable. He asked the applicant if the sign would be in the approximate location of the credit union.

Mr. Veneziano responded it was in the approximate location and the request was similar to other variances granted for directional signs at this location.

Chair Beauchine stated the sign was located too far from the entrance to be considered directional.

Member Jackson asked if the ZBA would want to allow each business to have a sign on the façade?

Member Ohlrogge stated granting the variance would set a precedent to allow signage for all interior businesses at this location.

Member Jackson read review criteria four; which states the alleged practical difficulties which will result from a failure to grant the variance would unreasonable prevent the owner from using the property for a permitted purpose. She stated this criteria had not been met.

Member Ohlrogge commented Walmart could change the existing monument sign for this business.

Member Rios stated the decision made in 2014 allowing the directional signage would mean the current request met review criteria seven.

Chair Beauchine asked staff if Walmart could include the 20.65 square foot sign under their existing wall sign and count it as one sign.

Director Kieselbach responded that the sign would need to be adjacent.

Member Ohlrogge asked if the proposed sign was near the existing wall sign and submitted as one sign would it be acceptable.

Director Kieselbach responded the sign would need to appear as one sign.

MEMBER RIOS MOVED TO GRANT THE VARIANCE.

MOTION FAILED FOR LACK OF SUPPORT.

MEMBER OHLROGGE MOVED TO DENY ZBA CASE 18-08-08-1 BASED ON FAILURE TO MEET ALL REVIEW CRITERIA FROM (SECTION 86-221) OF THE ZONING ORDINANCE.

SECONDED BY MEMBER JACKSON

Member Ohlrogge read review criteria two, which states these special circumstances are not self-created. She stated criteria two had been met.

Member Ohlrogge read review criteria three, which states strict enforcement of the literal forms and provisions of this chapter would result in practical difficulties. She stated the request did not meet the criteria, given other businesses can exist without an exterior sign.

Member Ohlrogge read review criteria four again and stated the credit union can still use the property without the variance.

Member Ohlrogge read review criteria five, which states granting the variance is the minimum action that will make possible the use of the land or structure in a manner which is not contrary to the public interest and which would carry out the spirit of this zoning ordinance, secure public safety, and provide substantial justice. She stated there were other signage options available.

Member Ohlrogge read review criteria six, which states granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property. She stated the request did meet this criteria.

Member Ohlrogge read review criteria seven again and stated there were other existing businesses had not requested a variance, and granting the variance could create a precedence.

Member Ohlrogge read review criteria eight, which states granting the variance will be generally consistent with public interest and the purpose and intent of this Chapter. She stated the purpose of the Chapter was to avoid excess signage.

Member Jackson referenced the importance of review criteria five in that there are other options for signage that did not require a variance and would serve the same purpose.

ROLL CALL TO VOTE: YES: Members Ohlrogge, Jackson, Lane, and Chair Beauchine.

NO: Member Rios

Motion carried 4-1

7. OTHER BUSINESS

None.

8. PUBLIC REMARKS

Chair Beauchine opened the floor for public remarks seeing none he closed public remarks

9. BOARD MEMBER COMMENTS

Member Ohlrogge stated her appreciation to the board for their careful deliberation.

10. ADJOURNMENT

Meeting adjourned at 7:14 p.m.

11. POST SCRIPT - Member Lane

Respectfully Submitted,

Riley Millard
Recording Secretary