

Mt. Pleasant Zoning Board of Appeals
Minutes of Regular Meeting
10/22/14

Chairman Fokens called the meeting to order at 7:00 p.m.

I. Roll Call: Staff called roll.

Members Present: Berkshire, Ferden, Fokens, Lents, Orlik, Raisanen, White.

Staff: Kench

II. Approval of Agenda:

Motion by Lents, support by Berkshire, to approve agenda. Motion approved.

III. Approval of Minutes from the August 27, 2014 regular meeting:

Motion by Orlik, support by Raisanen to approve the minutes from the August 27, 2014 regular meeting as submitted. Motion approved.

IV. Communications:

Staff reported that there were no communications to share at this time.

V. Public Comments:

Chairman Fokens opened the floor for public comments.

There being no one who wished to address the Board, the Public Comments session was closed.

VI. Public Hearings:

Chairman Fokens explained board proceedings, noting that a quorum was present.

A. ZBA-07-2014 - 1400 W. Broomfield - Angie Coleman/Mt. Pleasant Community Church.

Kench introduced Case ZBA-07-2014, noting that this is a request submitted by Angie Coleman on behalf of the Mt. Pleasant Community Church to allow an increase in the allowable signage. The request is to place a sign in front of the church and the applicant is seeking relief from section 154.142 of the Zoning Ordinance.

Kench also reported that the notice that was published included a setback request, which will not be needed, as will be discussed a little later.

Kench reported that the property is zoned A-Agricultural; the property to the north is also zoned A-Agricultural; to the east is residential property, zoned R-3; to the south is multi-family developed under PRD-Planned Residential Development zoning; and to the west is multiple-family, M-2 zoning. Future land use is designated as PRD.

Kench shared the information provided by the applicant with their application which shows an overview of the site, including the existing sign, which will be resurfaced as part of this request and a new sign to help brand the site to make it more visible from Broomfield.

Kench stated he would let the applicant speak about the updates they wish to make to the signage as well as the way-finding signage. Kench explained that way-finding signage is exempt under our Zoning Ordinance.

Kench noted that the applicant requested a variance from the 15 ft. setback from the property line; however, noted that the Agricultural district does not define a front setback; therefore the only relief they require is to place some additional signage on the property.

Kench commented that the church sits a considerable distance back from the street as does the signage.

Kench referred to the sign report from 2008 that was completed by a sign committee formed by the Planning Commission. The committee took note of the types of signs currently in place and what they would like to see in the future. The information was to be presented to a consultant with the intention of helping the city re-work our sign ordinance. To date, this hasn't happened and we continue to receive requests for variances.

Kench noted that the report is looking for more branding - getting people to the site without a lot of verbiage. He further noted that this proposal falls in line with what the report is saying.

Kench concluded his report reiterating that the section we are looking at is 154.142(E) which limits the signage to no more than 24 square feet, noting again the signage that is exempt.

Kench referred to section 154.164, noting that the Board would need to make a finding on whether there is a practical difficulty to allow the granting of the request.

Commissioner Orlik referred to the Agricultural district restricting signage to 24 square feet maximum, noting that the applicant is looking for 98 square feet. He referred to the staff report that noted if the church was located in a commercial district, they would be allowed more signage and asked what would be permitted if zoned commercial.

Kench reported that if the site was C-3 Commercial, as are many of the sites in the immediate area, they would be allowed 200 square feet. He also noted that there are higher speed limits along this stretch of Broomfield and again noted the distance the church sits from the road.

John Eggers, Sign Image, addressed the Board, on behalf of the applicant. Mr. Eggers provided some updated prints for the Board.

Mr. Eggers noted that the sign is actually 36 sq ft. The overall dimension of 97 square ft. takes into account the old sign that runs parallel to the road. He noted that the information that was misrepresented was the 75 ft. that the church sits back from the street. It is actually set back 180 ft. He commented that when traveling down the road there are woods on both sides of the church and there is approximately 1 1/2 seconds before passing the property. He commented that the sign is only visible after you have already entered into the property, it is not one that would/could be read from the road.

Mr. Eggers reported that the other struggle is that it sits lower. If the signage was restricted to what is allowed in the ordinance, it would look like a postage stamp. Mr. Eggers commented that when people come to the church for the first time, they generally drive right past it. He also noted that the speed limit is 55 mph and the road is a busy road, which is why they are asking for additional square footage.

Angie Coleman, also representing the Church, addressed the Board, commenting that coming from the east or west the adjoining properties block the view and there is basically no identification visible at all.

Ms. Coleman commented that between 700-1000 people visit the church each week and it would be very helpful, especially in the winter to have the site clearly marked. She also noted that their college program meets on Tuesday evenings, with between 100-200 in attendance. They recently had a young lady ride her bike to the meeting who bypassed the church.

Ms. Coleman noted that she feels the signs are very tasteful and modest and are designed to help people see where the property is located.

Commissioner Orlik asked for clarification on the amount of signage they are seeking a variance for.

Ms. Coleman noted there was some confusion on whether the way finding signage would be included in the calculations.

Kench noted for clarification that the 97 square feet takes in the aggregate of all the signage that falls under the regulation, but does not include the way-finding signage. The church is allowed a maximum of 24 square feet. They are currently at approximately 50 square feet and propose adding approximately another 36 square feet.

Commissioner Berkshire asked if they were replacing the sign that is currently on site.

Ms. Coleman stated they are re-facing the old sign and the variance request is for the new proposed sign.

Commissioner Berkshire asked if the sign would be lit. Ms. Colman stated it would be illuminated from the inside.

Chairman Fokens opened the public hearing.

Dr. Wally Hostetler, 1400 W Broomfield, Associate Pastor at the Community Church addressed the Board. Dr. Hostetler noted that in his 38 years of being a pastor, this was the first church that he had difficulty finding. He noted that signage is a key factor and expressed appreciation for the Board's consideration of the request.

There being no one else who wished to speak the public hearing was closed.

Kench shared the correspondence from the Department of Public Works and Department of Public Safety.

Board Discussion:

Vice Chair Raisanen agreed that signage closer to the street would be beneficial; however noted her concern is with the design of the proposed new sign, stating she doesn't feel it fits in with the types of signage already on the site, or in the surrounding areas and also does not feel it fits with the types of signs that have been approved for other commercial properties. She indicated she does not have a problem with the location or size but with the design.

Commissioner Ferden asked Vice Chair Raisanen to clarify which signs she was referring to in the immediate area.

Vice Chair Raisanen referred to the sign to the south for the residential development that runs behind the property, noting that it is visible but less obtrusive. She noted she feels the proposed sign is reminiscent of a pylon sign. Vice Chair Raisanen also stated that although this sign isn't on Mission Street, she doesn't feel that we should just throw up a pylon-like sign.

Commissioner Lents noted that she agrees and would like to see something more substantial, noting that most of the monument signs approved on Mission Street have brick or stone bases and she would like to see something more substantial with this one as well.

Commissioner Orlik asked if the ZBA can get into sign aesthetics in terms of the ordinance.

Kench responded that he feels it would be a stretch, basically the Board needs to determine if there is practical difficulty or hardship. He noted that we generally can get into design issues only when dealing with a reduction in conformities.

Vice Chair Raisanen asked if this will need to go before the Planning Commission if approved by the ZBA. Kench responded that it does not require approval from the PC. Kench further noted that he has had some discussion with the applicant regarding some landscaping features that the applicant has agreed to.

Commissioner Lents read through the requirements for granting a variance. It was noted that the speed, along with the distance the church sits from the street would be considered a hardship. It was also noted that the request is unique as this is an agriculturally zoned area, with commercial zoning in the immediate area. In addition, it was noted that this is the first request for a sign variance in the Agricultural zone and rather than negatively impacting surrounding areas, it will likely increase safety.

Motion by Orlik, support by Ferden, to approve Case Number ZBA 10-2014 filed by Angie Coleman on behalf of Mt. Pleasant Community Church located at 1400 West Broomfield, who is seeking variances from Section 154.142 of the zoning ordinance to permit increases in the allowable sign area that may displayed on the property, and to construct a new ground sign that exceeds 4 feet in height.

Motion approved.

B. ZBA-08-2014 - 2150 JBS Trail

Kench introduced case ZBA-08-2014, filed by Joe Claybaugh, JBS Contracting, on behalf of Q-Sage. The applicant is seeking relief from Section 154.025 of the Zoning Ordinance to permit the use of wood in the construction of the dumpster enclosure where

masonry is required. Kench noted that this property received site plan approval in 2013 for an addition to the existing building.

Kench reported that the property is zoned I-1 Industrial as are the surrounding properties. The use is an allowed use for this area and the future land use is designated as Industrial.

Kench shared the site plan that was approved by the Planning Commission, which called for a masonry dumpster enclosure. Due to the nature of the area, which is heavy industrial, the applicant would prefer to have something more portable and has installed a stockade type enclosure. Kench shared photos of the site, noting the industrial use backing up to the property, which has a 30 yard dumpster for scrap metal. He commented that there is a lot of movement with these dumpsters due to the nature of the business and therefore the applicant is requesting permission to leave the wood enclosure in place.

Kench referred to section 154.164, noting the Board would need to determine if practical difficulty exists to allow the variance to be granted.

Commissioner Berkshire asked if the surrounding industrial uses have masonry enclosures. Kench responded that they do not; this property also had a wood dumpster enclosure prior to the addition. It was shown on their approved site plan as a masonry enclosure, which is why they are requesting a variance. Commissioner Berkshire asked if they hadn't submitted the site plan that way, would they have been required to upgrade to masonry. Kench indicated they would not. Kench further noted that the enclosure is not visible to the public from Isabella Road or Gover Parkway - it is completely screened by Fastenal.

Joe Claybaugh, JBS Contracting, 1680 Gover Parkway, addressed the Board. He noted that with the new addition, they had to move the dumpster. The intent was to continue screening with the wood enclosure however it was mistakenly put on the print as masonry. At the final inspection, they realized the error. Mr. Claybaugh noted that they have built the majority of the buildings in the Industrial Park and this has not come up before. He noted that Etna does have a masonry dumpster inside their other screening; however, this was their decision as they wished to have a more durable enclosure. Mr. Claybaugh noted that Q-Sage doesn't require that durable of screening and reiterated that the dumpster is not visible from the public roads, only JBS Trail, which is a private drive. Mr. Claybaugh further noted that the neighboring properties have no screening at all for their dumpsters.

Commissioner Orlik questioned why they wouldn't want a more durable masonry enclosure, given the heavy industrial use. Mr. Claybaugh noted that Q-Sage doesn't have the heavy industrial use that the neighboring properties have. He commented that they do get delivery trucks; however they are quite a distance from the dumpster, with employee parking in the immediate area.

Commissioner Ferden asked for clarification on where the screening would be. Mr. Claybaugh explained that it is just around three sides of the dumpster as shown in the photo. The request is to be allowed to continue using the wood enclosure.

Kench explained that when doing the final inspection, he always takes the approved site plan with him. This site plan showed a masonry enclosure. Based on this, the re-construction of the wood enclosure was halted until a decision was rendered by the Zoning Board of Appeals on whether they would allow the continuation of this type of enclosure. If approved, the enclosure will be finished with a gate, etc.

Kench also commented that ETNA has its access off Isabella Drive and they were required to have a masonry enclosure because they are a brand new facility, and therefore required to meet current zoning, whereas this was an existing facility.

Commissioner Lents asked if the dumpster enclosure was the same as what was on the site prior to the construction of the addition. Kench responded that was correct, it was simply re-located.

Vice-Chair Raisanen commented that the site looks better than most of the surrounding area.

Chairman Fokens opened the public hearing. There being no one who wished to speak, the public hearing was closed.

Kench shared correspondence from DPW and DPS.

Board Discussion:

Commissioner Orlik noted that the letter submitted by JBS Contracting pretty much answers the finding of fact. Commissioner Orlik read the points submitted by JBS Contracting as follows:

1. Wood screening walls are permitted by the "Protective Covenants Mt. Pleasant Industrial Park South: as approved by the Planning Commission.
2. Existing building, prior to new addition, had an approved wood screened dumpster enclosure that was just relocated to the new location.
3. The dumpster screening is not visible by any public road or public way. Q-Sage Inc. is located on JBS Trail, a private road and completely surrounded by other businesses.
4. Other businesses in "Industrial Park South" do not have masonry screening around their dumpster enclosures.

Commissioner Lents referred to a recent case that the ZBA was asked to consider where the applicant constructed a project that was different than what was approved by the Planning Commission, and was denied. She indicated that she does feel this is somewhat different in that the previous applicant knowingly changed the plan whereas she feels this was a miscommunication. Commissioner Berkshire commented that he feels the previous case was different as basically the Board was being asked to change the City Ordinance on the number of required parking spaces.

Motion by Orlik, support by Raisanen to approve Case Number ZBA 08-2014 filed by Joe Claybaugh, a representative from JBS Constructing, on behalf of Q-Sage to construct a wood dumpster enclosure in lieu of masonry as required under Section 154.025 of the Zoning Ordinance at 2150 JBS Trail as we are essentially dealing with an existing property development.

Motion approved.

C. ZBA-09-2014 - 2127 S. Mission

Kench introduced Case ZBA-09-2014, submitted by John Schwark, Thompson-Phelan Group on behalf of Isabella Bank, seeking relief from Section 154.146 (E) of the Zoning Ordinance to allow an increase in the size of the proposed ground sign.

Kench reported that the site recently went through Site Plan Approval with the Planning Commission for an expansion of the existing building.

Kench reported that the site is zoned C-3 Commercial and the use is allowed by right. The future land use is designated as Commercial.

Kench shared the site plans and photos which were included in the packets which give the details of the sign. The proposed sign materials will match the building materials.

Kench reported that the proposed sign is consistent with what we look for in the Mission Overlay Zone and is also consistent in size and scale with what the city would like to see as noted in the 2008 Sign Report.

Kench shared the definitions for what is allowed by Ordinance for both ground signs and pylons, noting that although the city is encouraging the use of Ground signs, our current Ordinance tends to discourage the use of them based on what is allowed. Kench noted that the applicant is asking for a variance to increase both the width and the height.

Kench reported that the pylon sign currently on the site will come down. The applicant is proposing a ground sign with an overall width of 11'4' and a height of 9' 11". Kench referred to section 154.164, noting the Board would need to determine if practical difficulty exists to allow the variance to be granted.

Commissioner Orlik noted that according to strict ordinance interpretation we would be doubling the allowable width. Kench responded that was the case, noting that the C-3 district allows no more than 4ft. wide and 4ft. tall monument signage; however the sign report indicates the city would like to see the monument style signs. He noted that the only way we are going to get this style of sign without changing the Ordinance is to bring the requests to the ZBA.

Dale Moeller, Thompson-Phelan Group, addressed the Board. Mr. Moeller noted that the pylon sign that is currently on the site will be taken down. He commented that in the summer the pylon sign is not visible because of the tree canopy. They would like to install the monument type sign to make it more visible to the public and will bring in materials being used in the building renovation to tie them together.

Commissioner Orlik asked for verification that if approval is granted, the pylon and the footings will be removed from the site. Mr. Moeller responded that they would.

Commissioner Berkshire asked if the applicant would still be below the total 200 square feet of allowable signage for the site. Kench stated they would - they are just looking for the variance on the size of the ground sign.

Vice Chair Raisanen asked if the applicant will be putting in landscaping around the bottom of the sign. Mr. Moeller indicated they would and it would fit in with what is currently on site.

Chairman Fokens opened the public hearing. There being no one who wished to speak, the public hearing was closed.

Kench shared the correspondence received from the DPW and DPS.

Vice-Chair Raisanen asked staff if the location of the sign and the location of the sanitary sewer line is something that the ZBA needs to be concerned over or if this will be something the applicant needs to work out with DPW. Kench stated this is something the applicant will work out with DPW.

Chairman Fokens asked if MDOT had any concerns with the proposal. Kench reported that they did not.

Commissioner Lents commented that as soon as we have a city planner in place the Planning Commission has indicated they would like to work towards working on changes to the sign ordinance. She noted that although this request is of a recurring nature, it is on the docket for the Planning Commission to recommend a change to the ordinance.

Vice-Chair Raisanen commented that she feels the design will enhance the area.

Commissioner Orlik noted that in regards to the finding of fact, this request is in line with what we are striving to do to remove pylon signs and improve aesthetics. In addition, it is noted that we are currently trying to review the sign ordinance, and he feels both of these issues address the six points required for granting a variance.

Motion by Raisanen, support by Berkshire to approve Case Number ZBA 09-2014 filed by John Schwark from Thompson-Phelan Group, on behalf of Isabella Bank, seeking variances to construct a new ground sign at their branch bank location at 2127 S. Mission Street. The Board finds that the request complies with section 154.164 to permit the variance request and will not become a vision obstruction. The request is consistent with

the goals and objectives set out in the Mission Street overlay zone related to sign preference.

Motion carried.

D. ZBA-10-2014 - 619 Lincoln

Kench introduced Case ZBA-10-2014 filed by Edward Carey and Eva Anderson, regarding an addition they wish to construct on their garage that is within the required 6 ft separation to the home and the 3 foot side yard setback.

Kench reported that the property is zoned R-3 residential as are the surrounding properties. The use is an allowed use for the area and the future land use is designated as urban residential.

Kench share the site plan and referred to Section 154.020 of the Zoning Ordinance, which requires a minimum of 6 ft. distance from any other building on the lot and at least three feet from the property line.

Kench reported that the existing accessory building is only 1 1/2 ft. from the home and appears to be located on the west property line.

Kench shared photos of the site and the existing building along with the proposed area for the addition. Kench referred to section 154.164, noting the Board would need to determine if practical difficulty exists to allow the variance to be granted.

Commissioner Orlik asked whether the Michigan Residential Code referenced in the packet which requires a 1 hour fire wall for construction within 5 ft. of the home would also apply to the existing garage. Kench responded that it would. If approved, the applicant will need to meet that code and install a firewall/drywall along the entire wall.

Ed Carey, applicant, 619 Lincoln , addressed the Board noting that the main reason for the request is that the existing garage is not large enough to put his vehicle in. He also noted that if the addition is allowed, the entire building will be resided.

Commissioner Berkshire asked about the roof lines. Mr. Carey stated the addition would be a flat roof which would tie into the existing roof line. The old style garage doors would be replaced with new.

Chairman Fokens expressed some concern over the location of the garage in relation to the alley, and questioned whether the applicant knew the actual location of the lot line and whether a survey had been done. Mr. Carey responded that they measured it out and he believes the garage is within inches of the actual line; however no formal survey has been done.

Chairman Fokens commented that it concerns him to grant a variance for something without knowing for a fact where the property line is and whether the garage encroaches into the

public alley. Commissioner Orlik agreed that he too was uncomfortable granting a variance without knowing where the property line is. Mr. Carey suggested they could bring the addition in a foot to make sure it was on his property.

Commissioner Berkshire asked if this is something that the Building Department would look at with permitting. Kench responded that when doing a footing inspection the property line needs to be marked so we can verify how far off the property line the building sets, however there is nothing in the Ordinance that requires a survey be done.

Commissioner Ferden questioned why they didn't align the right side of the proposed addition with the existing garage. Mr. Carey commented that this would make it too narrow when walking through as the existing garage is only 32" away from the house whereas the proposed addition would be 5' away.

Chairman Fokens opened the public hearing. There being no one who wished to speak, the public hearing was closed.

Kench shared the correspondence from the DPW (indicating the garage may already encroach into the alley) and DPS.

Board Discussion:

Commissioner Orlik commented that, as indicated in the DPW comments, we do not want to allow anything to encroach into the public right of way.

Commissioner Lents asked if the ZBA could approve the request with the stipulation that the owner has a survey without actually setting a number for the setback. Kench indicated they could approve with a 0 lot line setback with a survey, noting the applicant wouldn't necessarily have to have the entire property surveyed, but will need to identify the west property line.

Vice Chair Raisanen noted that she appreciates the applicant trying to preserve the existing building.

Commissioner Berkshire noted that if the applicant were to replace the garage with a new structure they would be required to meet all setbacks and codes.

Commissioner Lents noted that for the finding of fact, this is a relatively small addition that will make the existing garage usable and is similar to others in the area. She also noted that the current owner likely wasn't the one who built the garage at this location, and by putting in the drywall to meet the fire code will actually increase the safety. In addition, it will not deter from neighboring properties but will be an improvement with the new siding.

Motion by Orlik, support by Berkshire to approve case ZBA 10-2014 filed by Edward Carey, seeking variances from section 154.020 to permit an addition on a detached accessory building that is within the required 6 foot separation to the home and the 3 foot side yard setback at 619 Lincoln Street with the provision that the property where the

addition is to be placed be surveyed to ascertain without a doubt that it will not be encroaching on the public Right-of-Way.

Commissioner Orlik also noted that the applicant has also made the commitment to improve the property by residing the entire structure.

Motion approved.

IX. Old Business:

None

X. New Business

None

XI. Other Business

A. November Meeting - No requests have been received to date. Commissioner Berkshire noted that he would not be in attendance for the November meeting.

XII. Adjournment

Motion by Raisanen, support by Berkshire to adjourn.

Motion approved.

Meeting adjourned 8:20 p.m.

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