

## NOTICE

The regular meeting of the Grand Ledge Zoning Board of Appeals will be held on **Thursday, November 19, 2015** at the Grand Ledge City Hall, 310 Greenwood Street, at **7:00 p.m.** Individuals with disabilities requiring auxiliary aids or services and planning to attend City meetings/hearings should write or call (517) 627-2149, in advance of the meeting.

## AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Approval of the Agenda
4. Approval of minutes for regular meeting held on September 17, 2015

### Business From the Floor

5.

### New Business

6. Variance Request – Ground Sign Setback – 100 W. Saginaw Highway

### Other Business

7. Comments from the Zoning Administrator
8. Comments from the Chairman
9. Comments from Council Representative
10. Adjournment

# CITY OF GRAND LEDGE ZONING BOARD OF APPEALS

Minutes from Regular Meeting held on September 17, 2015

## Attendance

Members present: Tim McClung, Ben Tobias, Ray Evert, Tom Nelson, Ben Cwayna, Lynne MacDowell & Dave Whaley. Absent: Ron Graber & Carol Weigel. Also present: Zoning Administrator, Susan Stachowiak & Council Representative, Chris Bartholomew.

## Call to Order

Vice-Chairman Tim McClung called the Zoning Board of Appeals meeting to order at 7:00 p.m.

## Pledge of Allegiance

Tom Nelson led the members in the pledge of allegiance.

## Approval of Agenda

Mr. Cwayna made a motion, seconded by Mr. Nelson to approve the agenda as printed. On a voice vote (7-0), the motion carried unanimously.

## Approval of Minutes

Mr. Nelson made a motion, seconded by Mr. Whaley to approve the minutes from the meeting held on July 16, 2015, as printed. On a voice vote (7-0), the motion carried unanimously.

## Business from the Floor - None

## NEW BUSINESS

### **Variance Request** –6 Foot High Front Yard Fence at 609 Liberty Street

Ms. Stachowiak stated that this is a request by Logan McAnallen and Robert McAnallen for a variance to permit a 6 foot high, wood, privacy fence in the E. Kent Street front yard of the property located at 609 Liberty Street. The subject property has frontage along Liberty and E. Kent Streets. All yards that abut a street are considered front yards for Zoning Ordinance purposes. Section 220-68 of the Zoning Ordinance restricts the height of fences in residential front yards to a maximum of 3 feet. A variance of 3 to the height limitation for a front yard fence is therefore, being requested.

Ms. Stachowiak said that the Zoning Ordinance considers all yards that abut a street to be front yards. She said that the subject property has frontage along both E. Kent and Liberty Streets and given its trapezoidal shape, there is not really any area that could be enclosed with a privacy fence since almost the entire lot is considered front yard. Ms. Stachowiak said that although there are a

## Zoning Board of Appeals Minutes

September 17, 2015

Page 2

few other lots in the City that do not have a side or rear yard of any significance in which to enclose with a privacy fence, it is certainly not the norm. She also said that while the applicant may be at a disadvantage with respect to privacy fencing in comparison to most other properties in the City, this does not outweigh the potential negative impacts that the fence may have on the neighbors from an aesthetic as well as a safety standpoint.

Ms. Stachowiak said that the fence could create a visibility problem when exiting the driveway on the adjoining property at 607 Liberty Street. She said that it could make it difficult to see pedestrians or children on bicycles/skates using the sidewalk in time to react properly when pulling out of that driveway. She also said that the proposed fence will be contrary to the intent of the ordinance as it will create a "wall" effect that will diminish the appearance of the residential neighborhood in which it is located and block the views from some of the other properties in the area.

Ms. Stachowiak said that she received 3 communications about this request. One was from the property owner at 515 Liberty in support of the variance. One was an email from the owner of 212 E. Kent Street in opposition to the variance and one was an anonymous call from another neighbor along E. Kent Street, also in opposition to the variance.

Ms. Stachowiak stated that there are 2 motions in the staff report. The first one reflects the staff recommendation which is to deny the variance based on its inconsistency with the basic criteria contained in the Zoning Ordinance for evaluating variances. She said that in case the Board decides to approve the variance, it is important that certain conditions are attached to the approval (does not extend into the public right-of-way, preserve a clear vision area for the driveway at 607 Liberty and protect the open space at the street intersection). To that end, she provided a motion to approve the variance to ensure that these issues are addressed.

Mr. McClung opened the public hearing at 7:07 p.m.

**Logan McAnallen, 609 Liberty Street**, spoke in support of his request. He stated that he and his wife just recently purchased the property and the purpose of the fence is to provide them with some privacy and also to enclose the backyard for their dog. Mr. McAnallen read a letter from his next door neighbor at 607 Liberty supporting the variance.

Mr. McClung asked about the style/appearance of the fence.

Mr. McAnallen provided a picture of the fence which is a standard 6 foot high, wood plank fence. He also said that they get a lot of trash dropped in their yard and are hoping that the fence will help to curtail the littering as well.

Seeing no one else wishing to speak, Mr. McClung closed the public hearing at 7:15 p.m.

Mr. Nelson said that the fence request seems very reasonable given the characteristics of the lot (no side or back yard in which to enclose with a privacy fence, lack of privacy given the amount of road frontage surrounding the property).

Mr. Nelson made a motion, seconded by Mr. Tobias to approve a variance of 3 feet to the height limitation to permit a 6 foot high privacy fence in the E. Kent Street front yard at 609 Liberty Street with the condition that the fence does not extend into the public right-of-way, does not extend closer to the intersection of E. Kent Street and Liberty Street than the existing garage and is not located within a 15 foot clear vision area where the driveway at 607 Liberty Street intersects the inside edge of the sidewalk , based upon the findings of fact as detailed in the staff report, and to give immediate effect to the approval of the variance, as necessary for the preservation of property and hereby certified on the record.”

On a roll call vote (7-0), the motion carried unanimously.

#### **OTHER BUSINESS**

Comments from the Zoning Administrator - None

Comments from the Chairman - None

Comments from Council Representative

Councilmember Bartholomew thanked the Board for their work.

Adjournment - Mr. McClung adjourned the meeting at 7:17 p.m.

Respectfully submitted,

Susan Stachowiak  
Zoning Administrator

Ben Tobias, Secretary  
Zoning Board of Appeals

**CITY OF GRAND LEDGE  
STAFF REPORT  
VARIANCE REQUEST**

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TO: Zoning Board of Appeals

FROM: Susan Stachowiak  
Zoning Administrator

DATE: November 10, 2015

APPLICANT: David Kreager  
Grand Ledge Apps, LLC  
13150 Lawson Road, Suite 4  
Grand Ledge, MI 48837

OWNER: Dr. David Harkema  
100 W. Saginaw Highway  
Grand Ledge, MI 48837

LOCATION: 100 W. Saginaw Highway

ZONING: B-1, Highway Service District

EXISTING LAND USE: Office Building

ADJACENT ZONING: N: R-MD, Single Family Residential District  
S: Township Zoning  
E: B-1, Highway Service District  
W: R-PC, Residential Planned Community District

SURROUNDING LAND USES: N: Single Family Residential  
S: Retail/Office  
E: Vacant Gasoline Station  
W: Church

REQUEST

This is a request by David Kreager, on behalf of Dr. David Harkema, for a variance from the requirements of Grand Ledge City Code, Chapter 220, Zoning, Section 220-78(J)(1)(b), that requires a 10 foot setback for ground signs in the "B-1" Highway Service District. The variance request is for a new ground sign at 100 W. Saginaw Hwy. with a setback of 2.1 feet from the front property line along W. Saginaw Hwy., a variance of 7.9 feet to the required ground sign setback. The new sign would replace the existing ground sign on the site which has a 1 foot setback from the front property line along W. Saginaw Highway.

Required	Requested	Variance
10 foot setback	2.1 foot setback	7.9 feet

**BASIC CRITERIA**

(1) The Zoning Ordinance establishes the following basic criteria, all of which must be satisfied before a variance can be approved:

(a) **Will not be contrary to the public interest or to the intent and purpose of this chapter.**

The intent of the sign regulations as stated in the Zoning Ordinance is:

“The purpose of this section is to permit and regulate outdoor signs of all types in all zoning districts. The regulation of outdoor signs is intended to enhance the physical appearance of Grand Ledge, to preserve scenic and natural beauty and to create a climate that is attractive to business. It is further intended by the provisions of this chapter to improve traffic safety by avoiding sign distractions and the "canceling out" effect of conflicting overlapping signs.”

The intent of the sign ordinance is to place limitations on the height, area and placement of signs in order to minimize visual clutter. The ordinance also, however, recognizes that adequate signage is an important tool for business success. In other words, the sign ordinance seeks to meet the marketing needs of businesses while still protecting the aesthetic environment.

Another goal of the sign ordinance is to eliminate potential traffic hazards. While excessive signage can cause distractions for drivers, too little signage can also be hazardous as signs are a necessary tool that drivers depend on for identification purposes. This is particularly true for a destination type business such as a medical office which is the current use of the subject property.

The primary intent of requiring a 10 foot setback for ground signs is to prevent signs from interfering with visibility for motorists when turning at street intersections or exiting driveways. In this case, the proposed sign will be setback 13 inches further back than the existing sign thereby, bringing the signage on the site further into compliance with the ordinance standard. In addition, if the sign were to be located at the 10 foot setback, it would be located behind the front wall of the building which would render it useless for its intended purpose. Therefore, since the reduced setback is necessary from a business identification standpoint

and is not contrary to the intent of the ordinance, denial of the variance would cause an unnecessary hardship on the applicant.

The sign ordinance permits one, 6-foot high, 60 square foot ground sign with a minimum setback of 10 feet from the front property line. The existing sign at 100 W. Saginaw Highway is 69.2 square feet in area, 8.75 feet in height and has a setback of 1 foot from the front property line along W. Saginaw Highway. The proposed sign is 23 square feet in area, 4.5 feet in height and will have a setback of 2.1 feet from the front property line along W. Saginaw Highway. Since the existing sign was erected long before the current ordinance went into effect, it is considered legally nonconforming for size, height and setback. The proposed sign will comply with the sign ordinance with respect to size and height and will reduce the nonconformity with respect to the setback requirement.

The existing ground sign was also installed long before 2008 and before the current sign code was in effect. As evidenced by the attached site plan and aerial photograph, at the required 10 foot setback, the sign would be completely obscured by the building for eastbound traffic. It is apparent that the original design of the site did not take into consideration a suitable location for a ground sign with an appropriate setback. Since the site was constructed in 1979, long before the current owner purchased it in 2008, the current owner cannot be held accountable for this design. Therefore, the hardship involved with meeting current setback requirements cannot be considered self-created.

- (b) **Shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a conditional use permit or a temporary use permit is required.**

Not applicable.

- (c) **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 evidence that the requested variance will adversely impact property values in the area. The proposed sign is simply replacing an existing ground sign which has a setback that is even less than what is currently being proposed.

- (d) **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.**

In order to preserve an ordinance standard, there must be something sufficiently unique about a particular parcel of land to differentiate it from a claim that could be made for most other parcels of land. Correspondingly, the variance must be based on more than a matter of mere preference. In this case, the uniqueness involves the layout of the site which does not provide a location for a ground sign that would be visible from both directions and would comply with the required 10 foot setback. The front wall of the building at 100 W. Saginaw Highway has a setback of approximately 7 feet from the front property line. Thus, if the ground sign were to be setback 10 feet from the front property line, it would be completely behind the front wall of the building. The current Zoning Ordinance requires a 30 foot front yard setback for buildings and a 10 foot setback for parking lots in the “B-1” Highway Service district, which is the zoning designation of the subject property. If the current site were designed to these standards, no variance would be necessary as there would be adequate space to accommodate a ground sign in compliance with the setback requirement that would be visible to both east and westbound traffic.

The layout of the site presents a practical difficulty for the applicant in complying with the setback requirement for a new ground sign. Based upon an aerial map of the City, the building at 100 W. Saginaw Highway appears to be the only building in the “B-1” Highway Service district along Saginaw Highway that does not comply with the required 30 foot front yard building setback. Since the circumstances surrounding the subject property, as described above, are unique to the property in question, approval of the requested variance will not set a negative precedent for future requests to vary the setback standard for ground signs.

**(e) Will relate only to property that is under control of the applicant.**

The proposed sign will be located entirely within the confines of the property at 100 W. Saginaw Highway.

**SPECIAL CRITERIA**

Based upon this evaluation, the applicant’s request for a variance to the ground sign setback requirement complies with all of the basic criteria listed above and is therefore, subject to an evaluation of the special criteria listed below.

**(2) When all of the foregoing basic conditions can be satisfied, the ordinance establishes the following special conditions for further evaluation before granting a variance. The ordinance states that a variance may be granted when any one of the following special conditions can be clearly demonstrated.**

- (a) **Where there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this chapter. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.**
  
- (b) **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. Such circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of this chapter.**

Staff is of the opinion that item (a) above can be satisfied. The practical difficulty in this case involves the layout of the property as described in the preceding paragraphs of this staff report. In short, if the ground sign were to be located at the required 10 foot setback, it would be completely obscured by the building which has a 7 foot setback from the front property line along W. Saginaw Highway thus, rendering it completely ineffective. Since the variance for the sign is not contrary to the intent and purpose of the ordinance and is unique to the subject property, denial of the variance would create an unnecessary hardship on the applicant.

#### **RECOMMENDATION**

Staff recommends approval of the request by David Kreager, on behalf of Dr. David Harkema, for a variance of 7.9 feet to the required 10 foot setback to permit a 23 square foot, 4.5 foot high ground sign at 100 W. Saginaw Highway that would have a setback of 2.1 feet from the front property line along W. Saginaw Highway, based upon the findings of fact as detailed in this staff report, and to give immediate effect to the approval of the variance as necessary for the preservation of property and hereby certified on the record.

**Respectfully submitted,**

**Susan Stachowiak**  
**Zoning Administrator**



Kalmin D. Smith – Mayor | Adam R. Smith – City Administrator

Planning & Zoning • 310 Greenwood St. • Grand Ledge MI 48837

Ph: 517.622.7928 • Fax: 517.627.9771

RECEIVED

OCT 27 2015

Variance Application

CITY OF GRAND LEDGE

For Office Use Only

Fee Paid \$250.00

Date Received: 10/27/15 DB-95665

Applicant(s) David A. Kreager : Grand APPS, LLC

Address P.O. Box 128, 13150 Lawson Rd #4  
Grand Ledge MI

Daytime Phone 517-489-8837

Evening Phone 517-927-5140

Interest in Property (check one)

Owner

Represent Owner

Other Sign Shop Owner

Option to buy

Lessee

Complete address of property requested to be reviewed 100 W. Saginaw Hwy,  
Grand Ledge, MI, 48837

Owner Name(s) Dr. David J. Harkema DMD

Address 100 W. Saginaw Hwy.  
Grand Ledge, MI, 48837

Daytime Phone 517-627-7000

Evening Phone

Legal Description (indicate attached if needed):

Lot size: Width Length Area

Current zoning:

Proposed use of property Need variance for replacement of building signage. There is not enough space to be 10' from the sidewalk. At present the existing sign is 25" away from the new sidewalk, New signage will be approx. 38" away in the same spot.

Estimate the following:

General traffic volume

Total population increase

Population per acre

- Hours of operation \_\_\_\_\_
- Total number of employees \_\_\_\_\_
- Total building area proposed \_\_\_\_\_
- Parking spaces \_\_\_\_\_

Petition must include photographs of the property, copies of any other required permits and a site plan, as follows:

- Drawn to a scale of at least 1"=100'
- Existing and proposed structures (buildings, trash receptacles, landscaping, etc.)
- Existing and proposed parking areas and driveways
- Existing and proposed roads, easements and other access points
- Flood plain elevations, if applicable
- Zoning classifications of all abutting land within 300 feet

I stipulate and understand the site plan review, if approved by the City of Grand Ledge, does not guarantee I may proceed with the proposed development. I understand there may be additional permits required to meet trade codes and other governmental requirements, and I understand the City of Grand Ledge does not have any power or authority over these additional permits. I certify the statements made and the information provided in this site plan review application are true, accurate and complete.

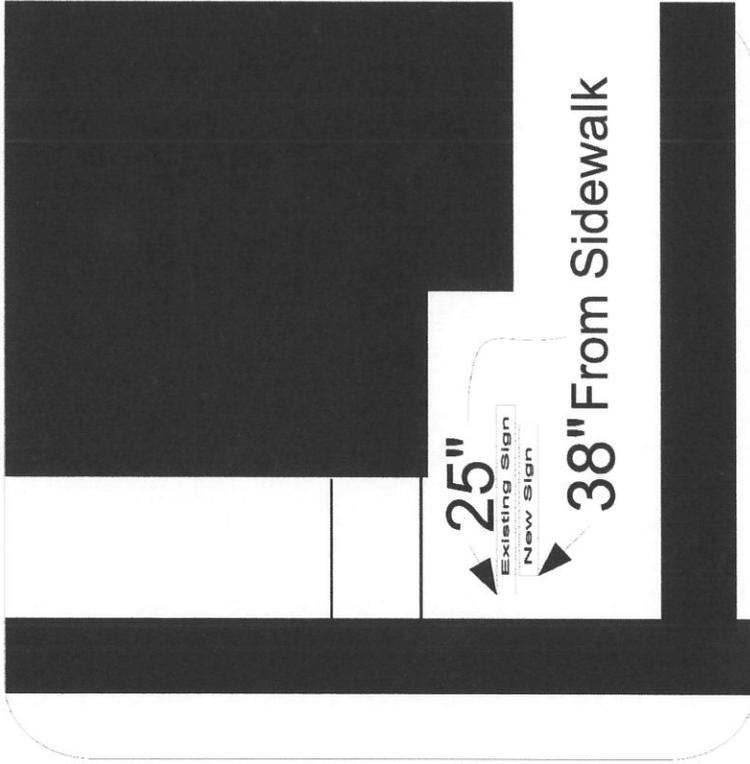
David A. Meyer \_\_\_\_\_ 10/27/15 \_\_\_\_\_  
 Signature Date

Required Reviews

	Approve Petition	Deny Petition	Initials
<input checked="" type="checkbox"/> Zoning Administrator	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/> Planning Commission	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/> Building Official	<input type="checkbox"/>	<input type="checkbox"/>	_____

Dr. Harkema D.M.D.

Saginaw Hwy



Jenne St.

Property line begins 1 foot (12 inches) from the inside edge of the sidewalk

Existing sign is setback 13 inches from the front property line

Proposed sign will have a setback of 26 inches from the front property line

Customer:

Company:

Address:

City:

Phone:

Fax:

Job No.:

Date: 10/26/2015

Salesperson:

Order Date:

Sign Dimensions:  
13.384in x 12.073in

Estimate:

\$0.00

Comments:

Grand APPS, LLC  
517-489-8837

State/ZIP:

72 in - 6' New Sign



36.09 in

8 in

10 in

4.5

45.99 in

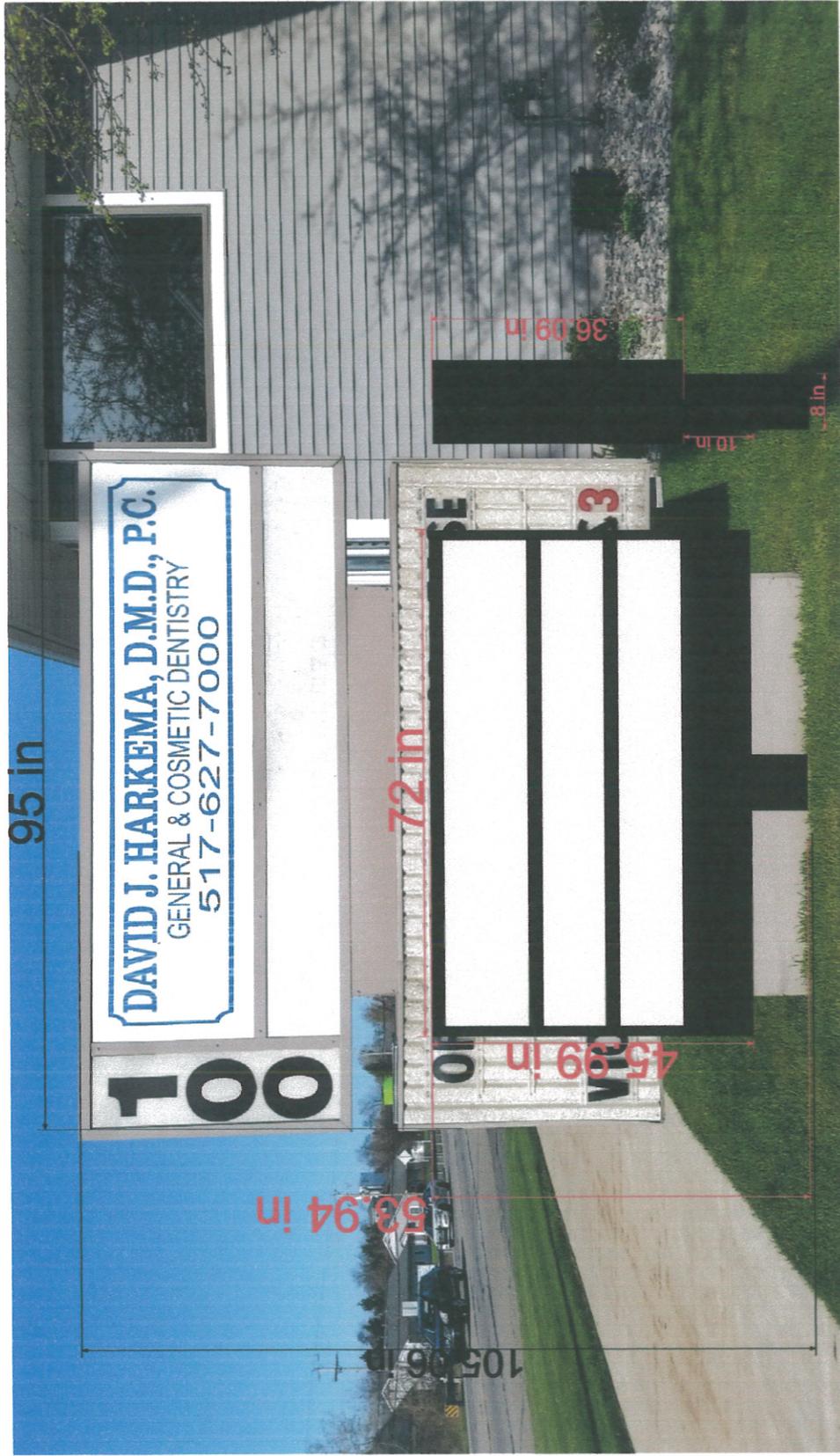
3.83

2.3

Job No.:	Date:	9/2/2015
Order Date:	Salesperson:	
Sign Dimensions:	206.805 in x 154.981 in	Estimate: \$0.00
Comments:		

Customer:
Company:
Address:
City:
State/ZIP:
Phone:
Fax:

**GRAND APPS, LLC**  
**517-489-8837**



Existing Sign is 25" to edge of sidewalk  
 NEW Sign is @ 37" to edge of sidewalk

Job No.:	Date:	10/19/2015
Order Date:	Salesperson:	
Sign Dimensions:	219.092in x 255.241in	Estimate: \$0.00
Comments:		

Customer:	
Company:	
Address:	
City:	
State/ZIP:	
Phone:	
Fax:	

**Grand APPS, LLC**  
**517-489-8837**



Looking East





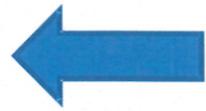
Existing Sign

Jenne St

GARDEN & BROADWAY  
100  
GARDENANDBROADWAY.COM



Looking west



North

