

## NOTICE

The regular meeting of the Grand Ledge Zoning Board of Appeals will be held on **Thursday, September 17, 2015** at the Grand Ledge City Hall, 310 Greenwood Street, at **7:00 p.m.** City Hall's phone number is 627-2149. Individuals with disabilities requiring auxiliary aids or services and planning to attend City meetings/hearings should write or call in advance and inform the City Administrator.

## AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Approval of the Agenda
4. Approval of minutes for regular meeting held on July 16, 2015

### Business From the Floor

5.

### New Business

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

### 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 July 16, 2015

## **Attendance**

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

## **Call to Order**

Chairman Ron Graber called the Zoning Board of Appeals meeting to order at 7:00 p.m.

## **Pledge of Allegiance**

Carol Weigel led the members in the pledge of allegiance.

Chairman Graber asked that the "Pledge of Allegiance" be added to all future agendas.

## **Approval of Agenda**

Mr. Tobias made a motion, seconded by Mr. McClung to approve the agenda as printed. On a voice vote (6-0), the motion carried unanimously.

## **Approval of Minutes**

Mr. Nelson made a motion, seconded by Mr. Tobias to approve the minutes from the meeting held on April 16, 2015, as printed. On a voice vote (6-0), the motion carried unanimously.

## **Business from the Floor** - None

## **NEW BUSINESS**

### **Variance Request –Ground Sign Height, Number of Wall Signs, Gas Station Pump Sign Area – 720 S. Clinton Street**

Ms. Stachowiak stated that this is a request by Speedway LLC for variances to Sections 220-78(J), (1)(b), (3) & (4) of the Zoning Ordinance. These Sections permit a maximum height of 6 feet for ground signs, a maximum of 2 wall signs and a maximum of 2 square feet for signs affixed to gas station pumps. The applicant recently received approval from the City Council to construct a new gasoline station at 720 S. Clinton Street (former Family Fare Supermarket). As part of the project, the applicant is proposing to have 2 ground signs that would each be 7 feet, 9 inches in height, 4 wall signs on the canopy and 8.5 square foot signs on the gas station pumps. Variances of 1.75 feet to the

## Zoning Board of Appeals Minutes

July 16, 2015

Page 2

height limitation for ground signs, 2 to the allowable number of wall signs and 6.5 square feet to the allowable square footage for signs on gas station pumps are therefore, being requested.

Ms. Stachowiak stated that staff is recommending approval of the variance requests for the wall signs and pump signs. She said that through the use of joint driveways, parking lot connections, shared storm water facilities, etc., the future Speedway station is designed to function as one site with the future retail building to the west and even the Cedar Village Shopping Center to its west. As evidenced by the site plan included in the packet, while the west building/canopy façade will not have "road frontage" as required by the ordinance for a wall sign, it will face the internal drives which essentially function as private roads. In addition, the site is located a great distance from the north property line of the site and traffic enters the site from a drive north of the building on S. Clinton Street. Therefore, unlike most businesses, the Speedway station will have customers accessing it from all directions of the site which make the additional wall signs necessary from a customer identification standpoint and not contrary to the intent of the ordinance.

Ms. Stachowiak said that the request for an additional 6.5 square feet of signage on the pump islands will not be contrary to the intent of the sign ordinance, which is to limit signage in order to reduce visual clutter along the streetscapes. In this case, however, the signs will be located far enough away from the roads so that they are not readable or even noticeable except to motorists already on the site. Ms. Stachowiak said that since the additional square footage will not be contrary to the intent of the ordinance, denial of the variance would cause an unnecessary hardship for the applicant.

Ms. Stachowiak said that the current sign ordinance regulating the allowable height and square footage for ground signs in the "B-1" Highway district went into effect on January 1, 1997. Since that date, all new signs within the "B-1" district are in compliance with the sign ordinance. There have been several variance requests for larger and taller ground signs in this district, including requests from Rite Aid, Family Video, Walgreens and Auto Zone, all of which have been denied. Ms. Stachowiak said that since there is nothing unique about the subject property that would warrant a variance to allow a taller ground sign, approval of such a variance would set a precedent for future requests to vary the sign ordinance. Such a precedent would render the existing sign ordinance provision regulating ground signs in the "B-1" district meaningless, thus opening up the ordinance for a sign pattern that is completely contrary to the intent and purpose of the ordinance.

Mr. Graber said that the ordinance allows a maximum height of 6 feet. The applicant is proposing a total height of 7 feet, 9 inches which is a variance of 1 foot, 9 inches.

Mr. Graber opened the public hearing at 7:12 p.m.

**Michael Bergman, Speedway LLC, 8902 Vincennes Circle, Suite E, Indianapolis, IN**, spoke in support of his request. He stated that the ground signs will comply with the 60 square foot area requirements. The reason for the additional height is so that landscaping can be planted around the base of the sign without blocking any of the sign area itself. He said that this is a standard sign for Speedway and they want it to architecturally match the store.

## Zoning Board of Appeals Minutes

July 16, 2015

Page 3

**Mandy Gauss, CESO, Inc., 8164 Executive Court, Suite B, Lansing, MI**, stated that the sign will have a 1 foot, six inch base and there is a 3 inch gap between the base of the sign and the sign itself. She said that if the variance is denied, they will need to move the landscaping away from it so that it does not block the signage.

Ms. Weigel asked Ms. Gauss to clarify that the base of the sign is almost 2 feet high, while the sign itself is 6 feet high.

Ms. Gauss said that what Ms. Weigel said is correct.

Mr. Tobias asked about the landscaping that will be planted around the base of the sign. He also asked about how far the building/canopy will be setback from the roads.

Ms. Gauss stated that the building/canopy will be setback approximately 134 feet from the face of the curb along M-100 and approximately 170 feet from the face of the curb along M-43. She also showed Mr. Tobias the landscape plan and went over the types of plant materials that will surround the base of the sign. She asked Ms. Stachowiak if they would be permitted to move the landscaping away from the sign if the variance is denied.

Ms. Stachowiak replied "yes".

Ms. Weigel asked if this is the standard sign size that Speedway uses for its stores.

Mr. Bergman said that it is one of their standardized signs. He said that they have signs that are much larger and much tall than this one. Mr. Bergman said that this is one of their typical sign packages. He also said that the signs on the pump are intended as a marketing tool for customers who are already on the site.

Ms. Gauss said that they are proposing 4 signs on the canopy. She said that there will be an "S" button on the north and south walls of the canopy and a "Speedway" channel letter sign on the east and west walls of the canopy. Ms. Gauss said that the intent is to identify the station in time to give drivers more response time to stop and enter the site. She said that the higher and more visible the signs, the safer it is for motorists. Ms. Gauss stated that the pump/dispenser graphics include an "S" logo in the center and a "Speedway Café", "Fresh Coffee" or some other sign of that nature intended to provide additional advertising to customers at the pump. She said that they will not be visible or readable from the roadways.

Seeing no one else wishing to speak, Mr. Graber closed the public hearing at 7:28 p.m.

Mr. Tobias asked about window signs.

Ms. Stachowiak said that if they are on the inside of a window, they are not regulated by the Sign Ordinance.

## **Zoning Board of Appeals Minutes**

**July 16, 2015**

**Page 4**

Mr. Graber said that the Meijer station has a similar layout but they have not applied for any variances.

Mr. McClung said that the Meijer station is on the same site as the store and is therefore, considered a "business center". He said that the sign that Speedway is proposing is ok. It is the additional height as a result of the base of the sign that puts it over the allowable height limitation. He also said that all of the other requests for higher ground signs along M-43 have been denied.

Mr. Graber said that the proposed development will involve removing a good portion of the existing Felpausch building and what remains will be in line with the front wall of the shopping center to the west that includes the House of Hsu. He said that the gas station building, the future retail center and the existing shopping center building to the west will all be pretty much in line with one another.

Mayor Smith said that the developer will be removing the addition, including the loading dock that was put on the Felpausch building about 30 years ago. The remainder of the building will be converted to a retail center.

**Mr. McClung made a motion, seconded by Mr. Tobias to approve variances of 2 to the allowable number of wall signs and 6.5 square feet to the allowable sign area for gasoline station pumps, to permit 4 wall signs on the canopy and 8.5 square foot signs on the gas station pumps for the proposed Speedway gasoline station at 720 S. Clinton Street, based upon the findings of fact as detailed in the staff report, and to give immediate effect to the approval of the variances, as necessary for the preservation of property and hereby certified on the record. On a roll call vote (6-0), the motion carried unanimously.**

**Ms. Weigel made a motion, seconded by Mr. Nelson to deny the variance request of 1.9 feet to the height limitation to permit two, 7.9 foot high ground signs at 720 S. Clinton Street, based upon the findings of fact as detailed in the staff report. On a roll call vote (6-0), the motion carried unanimously.**

### **OTHER BUSINESS**

**Comments from the Zoning Administrator** - None

**Comments from the Chairman**

Mr. Graber stated that he is no longer on the Planning Commission. He said that Ms. MacDowell has been appointed to be the new ZBA representative on the Commission and has already attended one of the meetings.

**Comments from Council Representative**

Councilmember Bartholomew was not present at the meeting.

**Comments from Board Members**

Mr. Tobias thanked the Mayor for attending the meeting.

**Adjournment** - Mr. Graber adjourned the meeting at 7:35 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: September 10, 2015

APPLICANT: Logan McAnallen & Robert McAnallen  
609 Liberty Street  
Grand Ledge, MI 48837  
517-282-2861

OWNER: Robert & Valerie McAnallen  
13259 Blaisdell Drive  
Dewitt, MI 48820  
517-202-7342

LOCATION: Intersection of Liberty & E. Kent Streets

LEGAL DESCRIPTION: Lot 2, Except NE 25 Feet. Block 61. Lampson's  
Addition, City of Grand Ledge, Eaton County,  
Michigan

PROPERTY SIZE: Trapezoidal Shape - .19 acres

ZONING: R-MD, Single Family Residential

EXISTING LAND USE: Single Family Residential

ZONING ON ADJACENT PARCELS: N: R-MD, Single Family Residential  
S: R-MD, Single Family Residential  
E: R-MD, Single Family Residential  
W: R-MD, Single Family Residential

SURROUNDING LAND USES: N: Single Family Residential  
S: Single Family Residential  
E: Single Family Residential  
W: Single Family Residential

REQUEST

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.

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 primary intent of prohibiting fences in front yards is to preserve clear vision when turning at street intersections and when exiting driveways. In this case, the fence will have no impact on visibility at the E. Kent Street/Liberty Street intersection since it will be even farther away from the intersection than the existing garage. The fence may, however, create a visibility problem when exiting the driveway on the adjoining property. As evidenced by the attached aerial photograph, there is a driveway on the adjoining property in close proximity to the where the proposed fence would be located. Since the proposed fence would be located only one foot from the sidewalk along E. Kent Street, it will difficult to see pedestrians or children on bicycles/skates using the sidewalk in time to react properly when pulling out of that driveway.

The other intent of the ordinance is to preserve the aesthetic appearance of residential streets by retaining open green spaces along roadways and preventing such green spaces from being interrupted or walled off by fences. 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.

(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.**

The proposed fence may have an impact on the surrounding property values as it will impact the appearance of the neighborhood and could create an unsafe situation when exiting the driveway on the adjoining lot.

- (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.**

The subject property is unique in terms of its shape and location when applying the standards of the fence ordinance. The Zoning Ordinance considers all yards that abut a street to be front yards. Fences in front yards cannot exceed a height of 3 feet, must of an ornamental nature with at least 50% open spaces, uniformly distributed along the surface of the fence. As evidenced by the attached aerial photograph, there is really no area on the subject property that could be enclosed by a privacy fence since at least 90% of the yard area is considered a front yard by Zoning Ordinance definition. In order to preserve the standard against future requests to vary the ordinance, there must be something physically unique about the subject property that warrants relief from the ordinance. Although there are a 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. However, while the applicant may be at a disadvantage with respect to privacy fencing in comparison to most other homes 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.

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

The proposed fence would be located entirely on the applicant's property, but could have a substantial impact on the adjoining property owner, not only from an appearance standpoint but, more importantly, from a safety standpoint when exiting the driveway. It will also diminish the views from the properties along E. Kent Street.

Based upon this evaluation, the applicant's request does not comply with the basic criteria required for granting variances.

- (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.**

Since all the basic criteria for evaluating variances has not been satisfied, the special criteria listed above is not applicable. However, there is an exceptional circumstance in terms of the shape and location of the property, not characteristic of most other lots in the City that warrants some relief from the ordinance. The subject property has frontage along both E. Kent and Liberty Streets and given its shape, there is not really any area that could be enclosed with a privacy fence since almost the entire lot is considered front yard. Even though there is a unique circumstance relative to the subject property that puts the owner at a significant disadvantage with regard to privacy, the potential safety hazard with respect to visibility when exiting the neighboring driveway outweighs the privacy issue. If the Board determines that a variance is warranted in this case, the approval should be conditioned upon preserving a 15 foot triangular clear vision area where the neighboring driveway intersects the sidewalk (see attached aerial photograph). This would help to mitigate any potential safety hazards with respect to exiting the adjoining driveway.

#### RECOMMENDATION

The following motion, which reflects staff's recommendation, is offered by the Board's consideration:

"I make a motion to deny the variance request to permit a 6 foot high privacy fence in the E. Kent Street front yard at 609 Liberty Street, based upon the findings of fact as detailed in this staff report."

Should the Board determine that a variance is warranted, the following motion should be considered:

**Staff Report**  
**609 Liberty Street - Variance**  
**Page 5**

“I make a motion 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 is setback at least 1 foot from the sidewalk along E. Kent Street, 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.”

**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: 517.627.9796 • www.grand-ledge.com

### Variance Application

|                                  |                 |                               |
|----------------------------------|-----------------|-------------------------------|
| <b>For Office Use Only</b>       |                 |                               |
| Fee Paid <u>250<sup>00</sup></u> | <u>DB-93232</u> | Date Received: <u>8-21-15</u> |

Applicant(s) Logan McAnallen & Robert McAnallen

Address 609 Liberty St.  
Grand Ledge, MI

Daytime Phone 517-282-2861

Evening Phone -

Interest in Property (check one)

- Owner
- Represent Owner
- Other \_\_\_\_\_

- Option to buy
- Lessee

Complete address of property requested to be reviewed 609 Liberty St. Grand Ledge, MI

Owner Name(s) Robert & Valerie McAnallen

Address 13259 Blaisdell Dr.  
DeWitt, MI 48820

Daytime Phone 517-202-7342

Evening Phone -

Legal Description (indicate attached if needed): \_\_\_\_\_

Lot size: Width \_\_\_\_\_ Length \_\_\_\_\_ Area \_\_\_\_\_

Current zoning: Residential

Proposed use of property See Fence Permit Application

Estimate the following:

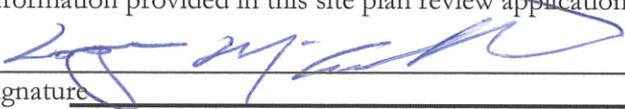
- General traffic volume \_\_\_\_\_
- Total population increase \_\_\_\_\_
- Population per acre \_\_\_\_\_

- 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.

Signature  Date 9/8/15

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"/> | _____    |

■ - Fence

- 6 ft wood fence

Kent St.

11' setback

Fence

19'  
GAR FR UNFIN 2  
380.0 sf

26'  
1STY FR/CR  
312.0 sf

609 Liberty  
1 STY FR/MIB  
748.0 sf

34'  
CCP  
32.0 sf  
8'

Liberty St.



-050-01

527

400

407

609

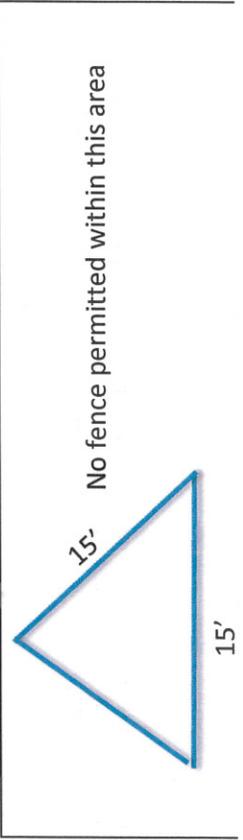
614

E KENT ST

Liberty Street



North



Property boundaries

Area proposed to be enclosed by 6' privacy fence

Not to scale