

**MINUTES OF SPECIAL MEETING – *Approved 9/10/20***  
**BOARD OF ZONING APPEALS**  
**WEDNESDAY, JULY 22, 2020, 6:30 P.M.**

The meeting was conducted as an online teleconference in compliance with State of Michigan Executive Order No. 2020-75, to allow for the continued operation of the City while complying with Executive Order No. 2020-92.

**I. ROLL CALL**

The meeting was called to order by Marcie Alling at 6:33 p.m. Roll call was taken.

**Present:** M. Alling, J. Hovey, J. Leaming, M. Rice, K. Berryman, Chris Iannuzzi, R. Fryling, E. Jefferson & M. Solak

**Absent:** None

**Staff:** S. Stachowiak & A. Fedewa

A quorum of five members was present, allowing voting action to be taken at the meeting.

**II APPROVAL OF AGENDA**

**It was moved by Mr. Leaming, seconded by Mr. Rice to approve the agenda as presented. On a voice vote, the motion carried 9-0.**

**III. PUBLIC COMMENT**

**IV. PUBLIC HEARING/ACTION**

**A. BZA-4059.20, Variances to the allowable number and square footage of wall signs for the building at 1100 W. Saginaw Street**

Ms. Stachowiak said that this is a request by Care Free Medical to permit 3, 30 square foot signs on the entrance canopies and 4, 120 square foot signs on the crown/uppermost wall of the building at 1110 W. Saginaw Street. Sections 1442.13 (b) and (i) of the City of Lansing Sign Ordinance permit 4 wall signs with a maximum allowable area of 150 square feet for all 4 signs combined. The applicant is requesting variances to permit 7 wall signs with a total combined area of 570 square feet. Ms. Stachowiak stated that the staff recommendation is to approve the variances based on a finding that the request complies with all the applicable criteria of Sections 1244.06 (c) and 1244.06 (e) of the Zoning Ordinance, as described in the staff report for this request.

Ms. Stachowiak said that the basis for the applicant's request is to provide adequate identification for Care Free Medical so it will be easier to locate for members of the community in need of its services. She said that Care Free Medical provides medical, dental and optometry care to disadvantaged members of the community that are either uninsured or underinsured. Ms. Stachowiak said that in the downtown area, in addition to 1st floor wall signs, the Sign Ordinance permits building identification signs on the walls of the top floors of building that are at least 4 stories in height. The Ordinance, however, makes no such provision for 4+ story buildings outside of the downtown area.

She explained that there are very few buildings outside of the downtown area that are 6 feet or more in height and most of them are hospitals, all of which have been granted variances over the years to permit signs on the upper floors of the building so that they can be easily identified. This includes the hospital immediately west of the subject property. Care Free Medical is similar to hospitals in that it provides essential and emergency services to members of the community and thus, it has a similar need for additional signage to adequately identify its location.

Ms. Stachowiak said that the proposed sign will be proportionate to the size and scale of the building and thus, consistent with the intent of the ordinance which is to allow adequate signage while limiting it to avoid signs becoming a dominant features of the streetscape and building architecture.

Ms. Alling opened the public hearing.

**Paul Kennedy, representing Care Free Medical**, spoke in support of the request. He said that there are other tenants in the building, including a pharmacy on the 1<sup>st</sup> floor, but Care Free Medical is the anchor tenant and occupies the entire 5<sup>th</sup> and 6<sup>th</sup> floors. Mr. Kennedy said that Care Free Medical serves the uninsured and underinsured for the entire region and thus, it is important that it is identified from all 4 directions, given the one-way traffic pattern in the area.

**Amber Moe, Care Free Medical Director of Development**, introduced herself and spoke in support of the variances.

Seeing no one else wishing to speak, Ms. Alling closed the public hearing.

Ms. Alling asked about signage for the other tenants in the building.

Ms. Stachowiak stated that there is a low-profile multi-tenant ground sign at the southeast corner of the property that advertises the various tenants in the building.

Seeing no one else wishing to speak, Ms. Alling closed the public hearing.

Mr. Leaming asked if Care Free Medical has support from the other tenants for the signs.

Mr. Kennedy responded that Care Free Medical has made substantial improvements to the building that benefit all of its tenants. He said that while the other tenants may not be aware of the specifics of the proposed signs, they are supportive of everything that Care Free has done to the building.

Mr. Rice stated that the height and location of the building makes it unique in that it is one of the rare 6 story buildings outside of the downtown area and the traffic pattern in the area is comprised of heavily traveled, 1-way major thoroughfares. He said that the use of the building as a community health facility makes it unique also in terms of needed adequate identification through signage.

Ms. Alling agreed. She said that the basis for the variances makes sense, especially given the location and size/scale of the building.

**Mr. Leaming made a motion, seconded by Mr. Fryling to approve BZA 4059.20 to permit 7 wall signs totaling 570 square feet in area on the building at 1100 W.**

**Saginaw Street, on a finding that the variance requests comply with the applicable practical difficulty/unnecessary hardship criteria listed in Sections 1244.06(c) 1244.06(e) of the Zoning Ordinance, as described in the staff report for this application. On a roll call vote, the motion carried unanimously (9-0).**

**B. BZA-4060.20, Variances to the allowable number, square footage and height for ground signs at 632 American Road**

Ms. Stachowiak stated that this is a request by Shaheen Properties, LLC to permit 2 free-standing signs on the Cadillac dealership property at 632 American Road. The sign proposed to be located at the southeast corner of the site is 35 feet high and 176 square feet in area. The City of Lansing Sign Ordinance permits 1 free-standing sign for the subject property with a maximum height of 30 feet and a maximum size of 170 square feet in area. Variances of 1 to the allowable number of signs, 5 feet to the height limitation and 6 square feet to the size limitation and therefore, being requested. Stachowiak stated that the staff recommendation is to approve the variances based on a finding that the request complies with all the applicable criteria of Sections 1244.06 (c) and 1244.06 (e) of the Zoning Ordinance, as described in the staff report for this request.

Ms. Stachowiak said that the basis for the applicant's request is not one of a practical difficulty as there is nothing physically unique about the subject property that warrants relief from the ordinance. The determination to be made in this case is whether denial of the variances would cause an unnecessary hardship for the owner/applicant. She said that the subject property is one of just a few commercial properties within the City of Lansing that is adjacent to I-96. Ms. Stachowiak stated that the adjoining property to the east is vacant with the exception of a large sign that advertises several of the businesses in Edgewood Towne Centre to the north. She explained that the applicant asserts that denial of his variance to permit a ground sign that would be visible from I-96 puts him at a disadvantage in terms of advertising in comparison to the businesses that have advertising on the sign to the east, which was permitted by variance in the 1980's. Ms. Stachowiak said that since a variance has already been granted to permit other businesses in the area to have signage along I-96, denial of the request would create an unnecessary hardship on the applicant. She said that in other words, approval of the requested variance to permit a 2nd ground sign would not diminish the integrity of the ordinance or set a negative precedent for future requests of a similar nature as that has already occurred with the granting of the variance for the sign to the east. Ms. Stachowiak stated that she is not recommending approval of the size variances as there does not seem to be any basis for doing so.

Ms. Alling opened the public hearing.

**Ralph Shaheen, Shaheen Properties, LLC**, spoke in support of the variances. He said that he is the 5<sup>th</sup> owner of a Cadillac dealership in Lansing and the sign exposure from I-96 is essential in ensuring that the dealership is successful. Mr. Shaheen said that the signage along American Road does not adequately advertise the business and provides no identification to traffic along I-96.

**Jim Niestroy, Sign Contractor**, stated that the additional height and square footage is necessary because of the tall, mature trees on the freeway property that limit visibility of the sign.

Seeing no one wishing to speak, Ms. Alling closed the public hearing.

Mr. Berryman questioned how the size and height variances being requested are different than the sign size variances for the 600 block of E. Michigan project.

Ms. Stachowiak said that the 600 block project involved walls signs that were proportionate in scale to the multi-tenant building at that location and was similar in certain ways to the variance that was just approved for 1100 W. Saginaw Highway.

Mr. Solak asked about Ms. Stachowiak's statement that there are few other properties along I-96 that would be able to make a case for a sign variance similar to the one in question.

Ms. Stachowiak said that most of the commercial properties that adjoin the I-96 right-of-way are either very small or are not of a nature that would need that level of identification to draw a customer base.

Mr. Leaming said that the vegetation between the sign and the freeway is a sufficient basis for approval of the size and height variances being requested.

Mr. Solak agreed. He said that given the circumstances, approval of all of the requested variances can be justified and will not set a negative precedent for future requests of a similar nature.

Mr. Rice said that he is not supportive of the size and height variances since there is no basis for doing so, particularly given that most people purchase vehicles in large part, on the internet these days. He also expressed concerns that it will open up the ordinance for future variances to the allowable size and height for ground signs.

Mr. Iannuzzi agreed with Mr. Leaming and Mr. Solak and expressed his support for the variances, as requested by the applicant.

Mr. Hovey expressed his support for the variances as requested as well.

Ms. Stachowiak said that given the new information about the trees obscuring the sign, she is recommending approval of the size and height variances.

**Mr. Leaming made a motion, seconded by Mr. Solak to approve the request for a variance to permit a second ground pole sign at 632 American Road and to approve the request for variances of 5 feet to the allowable height and 6 square feet to the allowable size for the sign, based on the findings of fact as detailed in this staff report and as discussed at this meeting. On a roll call vote, the motion carried unanimously (8-1). M. Rice cast the dissenting vote.**

V. **OLD BUSINESS** - None

VI. **NEW BUSINESS** - None

VII. **APPROVAL OF MINUTES**

A. **Regular Meeting, May 14, 2020**

**Mr. Leaming made a motion, seconded by Mr. Rice to approve the minutes from the regular meeting held on May 14, 2020, as printed. On a voice vote, the motion carried unanimously (9-0).**

VIII. PUBLIC COMMENT

IX. ADJOURNMENT AT 7:21 p.m.

Respectfully Submitted,

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Susan Stachowiak, Zoning Administrator