

**MINUTES OF REGULAR MEETING  
BOARD OF ZONING APPEALS  
THURSDAY, SEPTEMBER, 2020, 6:30 P.M.**

The meeting was conducted as an online teleconference in compliance with State of Michigan Executive Order No. 2020-154 , to allow for the continued operation of the City while complying with Executive Order No. 2020-160 .

**I. ROLL CALL**

The meeting was called to order by Marcie Alling at 6:30 p.m. Roll call was taken.

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

**Absent:** M. Solak

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

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

**II APPROVAL OF AGENDA**

**It was moved by Mr. Rice, seconded by Mr. Hovey to approve the agenda as presented. On a voice vote, the motion carried 8-0.**

**III. PUBLIC COMMENT**

**IV. PUBLIC HEARING/ACTION**

**A. BZA-4061.20, Variance to the height limitation for a front yard fence at 4001 Sheffield Boulevard**

Ms. Stachowiak said that this is a request by Aaron Mitchell for a variance to erect a 6 foot high privacy fence in the Bayview Drive front yard of the corner property at 4001 Sheffield Blvd. Section 1292.03 of the Zoning Ordinance limits the height of fences in a front yard to 3 feet. A variance of three (3) feet to the height limit for a front yard fence is therefore, being requested. Ms. Stachowiak stated that the staff recommendation is to deny the variance based on a finding that the request does not comply 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 there is nothing unique about the subject property that sets it apart from any other corner property that may be the subject of a request to vary the fence height limitation. The subject property is a typical size for a corner lot, is not irregularly shaped and there is no uneven topography or other physical feature that makes it unique and warrants relief from the ordinance. She said that since the uniqueness criterion cannot be satisfied in this case, approval of the requested variance would set a negative precedent for future requests of a similar nature. She also said that while the fence would not likely obstruct visibility for motorists in the area,

its appearance will be contrary to the intent of the ordinance which is to preserve open vistas along roadways.

Ms. Alling opened the public hearing.

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

Mr. Berryman asked about the existing fence on the site and what would be permitted in the Bayview front yard on the subject property.

Ms. Stachowiak stated that the existing 4 foot high chain-link fence is in full compliance with the ordinance as it is at least 75% visually open. She said that fences that are less than 75% visually open cannot exceed a height of 3 feet within a front yard.

Mr. Rice stated that he is unable to support the variance as there is nothing unique about the subject property that would justify its approval. He said that there is still room on the property that could be enclosed with a privacy fence. He also said that approval of the variance, in the absence of a practical difficulty, will open up the ordinance for approval of other variances to construct a privacy fence in a front yard.

Mr. Leaming, Ms. Jefferson, Mr. Hovey and Mr. Iannuzzi agreed with Mr. Rice's assessment of the variance request.

**Ms. Jefferson made a motion, seconded by Mr. Leaming to deny the request for a variance to allow a 6 foot high privacy fence to extend into the Bayview Drive front yard of the corner property at 4001 Sheffield Blvd., based on the findings of fact as detailed in the staff report. On a roll call vote, the motion carried unanimously (8-0).**

**B. BZA-4062.20, Variances to the setback requirements for a ground sign at 404 S. Pennsylvania Avenue**

Ms. Stachowiak stated that this is a request by Metro Signs & Lighting for variances to the setback requirement for a new, 20 foot high, 93.8 square foot free-standing sign at 404 S. Pennsylvania Avenue that would have be setback 2 feet from the property line along Pennsylvania Avenue and 12 feet from the property line along E. Kalamazoo Street. Section 1442.12(h)(5)(b) of the Sign Ordinance requires a setback of 23 feet for a freestanding sign with this dimensions. Variances of 21 feet and 11 feet to the required setback are therefore, being requested. 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.

Ms. Stachowiak said that, as with the other 3 locations listed on the agenda, the layout of the property at 404 S. Pennsylvania Avenue creates a practical difficulty for the applicant that is unique in comparison to most other sites in the City with regard to the placement of a ground sign. She said that as evidenced by the aerial photograph, the only location on the site where a ground sign could be constructed where it would be visible to traffic along both streets in the grassy area at the northeast corner where the existing signs are located. Ms. Stachowiak said that the proposed sign will be located in the same location as the existing sign which is as far back on the site as possible, thus minimizing the variances necessary to the maximum extent possible. Ms. Stachowiak also said that the proposed ground signs will be of comparable size to the

existing ground signs at all 4 locations and will have a more modern and aesthetically pleasing appearance which will be an improvement to the area in which it is located.

Ms. Stachowiak said that all 4 of the sign variance requests that are on the agenda are to permit new ground signs on the Quality Dairy sites in the City of Lansing that include gas stations. She said that QD is branding its gasoline service to Mobile Exxon and is in need of new signs for that purpose. Ms. Stachowiak said with the exception of the specific setback dimensions, all 4 cases are the same in terms of the size of the new signs, the reasons for why the variances are necessary and the reasons why they are being recommended for approval by staff. Ms. Stachowiak said that in all 4 cases, the layout of the properties prevents the construction of new signs that would be of a reasonable size for a gasoline station in compliance with setback requirements, as evidenced by the aerial photographs provided in the meeting packet.

Ms. Stachowiak said that with regard to the Dunckel Road, Waverly Road and S. ML King locations, the variances will actually result in reducing the number of ground signs that could be erected on those sites. She said that since those 3 sites are located at the corner of 2 major and a minor thoroughfares, 2 ground signs are permitted as long as only one sign is oriented towards each thoroughfare. In lieu of constructing two ground signs, the applicant is seeking variances to permit one ground sign at those locations that would be visible to traffic along both streets that they have frontage along. Ms. Stachowiak said that the proposed signs resulting from approval of the variances will therefore, be consistent with the primary intent of the Sign Ordinance which is to minimize visual clutter that can be caused by too much signage.

Ms. Alling opened the public hearing.

**Paul Deters, Metro Signs and Lighting**, spoke in support of the variances. Mr. Deters said that the signs will be a tremendous improvement to the 4 sites. He also said that the intent was to use the existing sign foundations but understands the City's position with regard to moving the signs a little further in on the sites at the Dunckel and Waverly locations to preserve the integrity of the ordinance.

**Jesse Martin, Quality Dairy Co.**, spoke in support of the variances. He said that QD is rebranding its gasoline service which has provided the opportunity to improve the signs at the 4 locations listed on the agenda. Mr. Martin said that QD is working with the City to obtain grants for façade improvements at 3 locations and the new signs will further enhance the appearance of those sites.

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

Mr. Leaming expressed his support for the variances.

Mr. Rice stated that is clear that there is definite practical difficulty with respect to the placement of ground signs at the 4 locations. He said that the sites are small and the layouts simply do not allow for compliance with the setback requirements.

Mr. Hovey expressed his support for the variances.

**Mr. Hovey made a motion, seconded by Mr. Leaming to approve BZA 4062.20 for variances to replace the existing ground sign on the property at 404 S. Pennsylvania Avenue with a new, 20 foot high, 93.8 square foot ground sign that would have setbacks of 2 feet from the property line along S. Pennsylvania**

Avenue and 12 feet from the property line along E. Kalamazoo Street, based on a finding that the requested variances comply with the applicable criteria listed in Sections 1244.06 (c) and 1244.06 (e) of the Zoning Ordinance. On a voice vote, the motion carried unanimously (8-0).

**C. BZA-4063.20, Variances to the setback requirements for a ground sign at 5100 S. Waverly Road**

Ms. Stachowiak stated that this is a request by Metro Signs & Lighting for variances to the setback requirement to permit a new, 20 foot high, 93.8 square foot free-standing sign at 5100 S. Waverly Road that would have a setback of 2 feet from the property line along S. Waverly Road and 5 feet from the property line along W. Jolly Road. Section 1442.12(h)(5)(b) of the Sign Ordinance requires a setback of 23 feet for a freestanding sign with this dimensions. Variances of 21 feet and 18 feet to the required setbacks are therefore, being requested. Ms. Stachowiak said that since there is room to move the sign further back on the property, the staff recommendation is for variances of 14 feet to the setback requirement along S. Waverly Road and 11 feet to the setback requirement along W. Jolly Road.

**Mr. Iannuzzi made a motion, seconded by Mr. Rice to approve BZA 4063.20 for variances to replace the existing ground sign on the property at 5100 S. Waverly Road with a new, 20 foot high, 93.8 square foot ground sign that would have setbacks of 9 feet from the property line along S. Waverly Road and 12 feet from the property line along W. Jolly Road, based on a finding that the variances comply with the applicable criteria listed in Sections 1244.06 (c) and 1244.06 (e) of the Zoning Ordinance. On a voice vote, the motion carried unanimously (8-0).**

**D. BZA-4064.20, Variances to the setback requirements for a ground sign at 5000 Dunckel Road**

Ms. Stachowiak stated that this is a request by Metro Signs & Lighting for variances to the setback requirement for a new, 20 foot high, 96.5 square foot free-standing sign at 5100 S. Waverly Road that would have a setback of 2 feet from the property line along S. Waverly Road and 5 feet from the property line along W. Jolly Road. Section 1442.12(h)(5)(b) of the Sign Ordinance requires a setback of 23 feet for a freestanding sign with this dimensions. Variances of 21 feet and 18 feet to the required setbacks are therefore, being requested. Ms. Stachowiak stated that since there is room to move the sign further back on the property, the staff recommendation is for variances of 11 feet to the setback requirement along Dunckel Road and 8 feet to the setback requirement along W. Jolly Road.

**Mr. Hovey made a motion, seconded by Ms. Jefferson to approve BZA 4064.20 for variances to replace the existing ground sign on the property at 5000 Dunckel Road with a new, 20 foot high, 96.5 square foot ground sign that would have setbacks of 12 feet from the property line along Dunckel Road and 15 feet from the property line along E. Jolly Road, based on a finding that the variances comply with the applicable criteria listed in Sections 1244.06 (c) and 1244.06 (e) of the Zoning Ordinance. On a voice vote, the motion carried unanimously (8-0).**

**E. BZA-4065.20, Variances to the setback requirements for a ground sign at 6099 S. ML King Jr. Blvd.**

Ms. Stachowiak stated that this is a request by Metro Signs & Lighting for variances to

the setback requirement for a new, 20 foot high, 93.8 square foot free-standing sign at 6099 S. M.L. King that would have a setback of 8 feet from the property line along S. ML King and 22 feet from the property line along W. Miller Road. Section 1442.12(h)(5)(b) of the Sign Ordinance requires a setback of 23 feet for a freestanding sign with this dimensions. Variances of 15 feet and 1 foot to the required setback are therefore, being requested. Ms. Stachowiak stated that staff is recommending approval of the variances, as requested.

**Mr. Rice made a motion, seconded by Mr. Leaming to approve BZA 4065.20 for variances to replace the existing ground sign on the property at 6099 S. ML King Jr. Blvd. with a new, 20 foot high, 93.8 square foot ground sign that would have setbacks of 8 feet from the property line along S. M L King and 22 feet from the property line along W. Miller Road, based on a finding that the requested variances comply with the applicable criteria listed in Sections 1244.06 (c) and 1244.06 (e) of the Zoning Ordinance. On a voice vote, the motion carried unanimously (8-0).**

**V. OLD BUSINESS - None**

**VI. NEW BUSINESS**

**A. Excused Absence**

**Mr. Rice made a motion, seconded by Mr. Hovey to approve an excused absence for Matt Solak. On a voice vote, the motion carried unanimously (8-0).**

**VII. APPROVAL OF MINUTES**

**A. Regular Meeting, July 22 2020**

**Mr. Rice made a motion, seconded by Mr. Hovey to approve the minutes from the special meeting held on July 22, 2020, with the following correction:**

**page 4, paragraph 11, line 6 – delete “unanimously” and change the vote from (8-1) to (7-1).**

**On a voice vote, the motion carried unanimously (8-0).**

**VIII. PUBLIC COMMENT**

**IX. ADJOURNMENT AT 7:02 p.m.**

Respectfully Submitted,

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Susan Stachowiak, Zoning Administrator