

**ZONING BOARD OF APPEALS
MEETING MINUTES
April 24, 2013
CITY COUNCIL CHAMBER
7:00 P.M.**

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m.

II. ROLL CALL

Present: J. Bailey, R. Johnson, T. Roach, M. Shecket, G. Udoji

Staff: B. Wessler, City Planner I
N. Schuette, Executive Secretary

III. APPROVAL OF MINUTES – March 27, 2013

Commissioner Roach moved to approve the minutes of March 27, 2013 as read (Support: R. Johnson) and the motion carried unanimously.

IV. PURPOSE OF MEETING

Commissioner Bailey stated that the purpose of the meeting is to consider an approval of a non-use variance to permit a drive-through menu sign larger than 32 sq. ft and taller than 6'.

V. OLD BUSINESS

None

VI. NEW BUSINESS

1. McDonald's (Drive-through sign) 16, Ecorse, Ypsilanti

Ms. Wessler presented the staff report stating that the applicant is requesting approval of a non-use variance to permit a drive-through menu sign larger than 32 sq. ft and taller than 6'. The parcel is approximately one acre in size, fronting on Ecorse Road. There is a 5,000 sq. ft. building, one stand-alone ordering station, and a 37 space parking lot; the applicant has obtained site plan approval on December 12, 2012 to significantly reconfigure the parking/circulation and construct a second drive through ordering station. They are re-doing their site adding a second drive-through – relocating one sign and installing another. The menu board is much larger than currently allowed by the zoning ordinance.

Ms. Wessler reviewed the standards under Section 122-94(b) adding that it is staff's recommendation that this request be denied based on stated findings.

Commissioner Johnson asked if there were any safety conditions at the site, to which Ms. Wessler responded she was not aware of any. She also explained that previous to the new sign ordinance, drive-through signs were not included in the determination of signage allowed. The new signage allowed is consistent with that of other communities. Commissioner Shecket asked why the amount of signage was reduced and Ms. Wessler responded that it was changed as a bigger overhaul of the ordinance since it was confusing for enforcement of the ordinance as well as for guidance for the applicant. This was an effort to specifically permit drive-through signs rather than rehash whether or not they were permitted every time there was a request.

Commissioner Johnson moved to open the public portion of the hearing (Support: G. Udoji) and the motion carried unanimously.

Patrick Stieber, representing the sign company - stated that McDonald's is currently going through a re-imaging brand process of all of their locations, which includes drive-through upgrades. They are adding a double drive-through to all of their locations, the purpose of which is to get the traffic flow to be more efficient and safe. They did a lot of research on this and with the two order points; they are able to get the orders completed faster and therefore, move traffic more efficiently. It would not be detrimental to the surrounding area. They want to keep the existing board but it has to be reconfigured. It is on a base 18" from the ground and can't be lower due to possibility of snow build-up. The boards are not corporate identification boards but more to do with giving customers information on the menus. It was his opinion that this is a practical difficulty because it is a unique situation, being able to get the cars through the drive-through more quickly and safely, which comes into play with the menu boards.

Monique Vonn, owner of the McDonald's franchise – the sign representative gave an overall synopsis of McDonald's and she agrees with his comments. She wants to re-use the existing signage and bring in a second board for the new point that was approved by the Planning Commission. She reiterated that their #1 concern is the safety of customers. They expect more walk-ins and cyclists after remodeling on the inside, which is also in the process. She added that this is a new concept to city and is the first dual lane drive-through for a McDonald's in the City of Ypsilanti. Signs are a key part of their operation assisting the customer in coming to a decision and by adding the second menu board; this would make the traffic flow much more efficient. The double drive-through alleviates the traffic flow and eliminates confusion.

After a number of questions from commissioners, Commissioner Shecket moved to close the public portion of the hearing (Support: G. Udoji) and the motion carried unanimously.

Commissioner Johnson stated that if we have enough evidence to support a variance of moving a sign, then that is a non-issue, but they can't be different sizes. He supported staff's decision of denial adding it would have to rise to a special case to vote in favor for this request. Unfortunately, when we go through a zoning change, we will have situations that will affect some decision. He would support denying the variance unless we have evidence that the 32 sq ft is at odds with surrounding communities. Safety issues will be alleviated with two drive-through locations - he agrees it is 25% smaller but it is McDonald's decision to add another section when it would be possible to re-arrange the current design.

Commissioner Roach added that we have to look at all five standards; the hardship was created by McDonalds although they have a good argument against practicality but the board has to make the decision based on the ordinance.

Commissioner Shecket also agreed that the fact that we have this ordinance suggests that the city's priority is to be guided by the ordinance when making zoning decisions.

Commissioner Udoji complimented McDonald's on trying to improve their business; however, it was his opinion that we cannot set aside the rules. He did not find any strong reason for granting a variance. While he agreed that it would be an improvement for customer service and help their revenue, it was not compelling enough for us to grant the variance.

Chairman Bailey concurred with the majority of comments.

Commissioner Shecket moved to recommend that the Zoning Board of Appeals deny the variance to permit drive through signage of a size larger than permitted by Sec 122-866 (a)(7), as submitted on 8 March 2013, with the following findings:

1. The applicant has shown insufficient practical difficulty under Sec 122-94(b)(1).
2. Such a variance is not necessary for the preservation and enjoyment of a substantial property right enjoyed by other property owners in the same district under the terms of the zoning ordinance, per the standards of Sec122-94(2).
3. The practical difficulty being proposed is self-created, per Sec 122-94(4).
4. The allowance of the variance will not result in substantial justice being done, given the conditions spelled out in Sec 122-94(b)(5).
5. Denial of this variance does not preclude the applicant's ability to place drive-through signs on the site.

The motion was supported by Commissioner Roach and carried unanimously.

VII. ADJOURNMENT

Since there was no further business, Commissioner Shecket moved to adjourn the meeting (Support: T. Roach) and the motion carried unanimously. The meeting adjourned at 7:45 p.m.