

1. Zoning Board Of Appeals Agenda

Documents: [ZBA AGENDA 06-24-15.PDF](#)

2. Zoning Board Of Appeals Packet

Documents: [06-24-15 ZBA PACKET.PDF](#)

Agenda
Zoning Board of Appeals
Council Chambers
Wednesday, 24 June 2015 - 7:00 P.M.

I. Call to Order

II. Roll Call

John Bailey, Chair	P	A
Jake Albers	P	A
Rod Johnson	P	A
Tom Roach	P	A
Eric Seymour	P	A

III. Approval of Minutes

- 27 May 2015

IV. Purpose of Meeting

V. Old Business

- *none*

VI. New Business

- Variance, 111 N Huron- ground sign.
Public Hearing
- Election of Chair and Vice-Chair

VII. Adjournment

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**ZONING BOARD OF APPEALS
MEETING MINUTES
May 27, 2015
CITY COUNCIL CHAMBER
7:00 P.M.**

1. CALL TO ORDER

The meeting was called to order at 7:02 pm

II. ROLL CALL

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

Staff: B. Wessler, Planner II
N. Schuette, Executive Secretary

III. APPROVAL OF MINUTES – December 3, 2014

Commissioner Albers moved to approve the minutes of December 3, 2014 as read (Support: R. Johnson) and the motion carried unanimously.

IV. PURPOSE OF MEETING

To discuss the interpretation of an ordinance

V. OLD BUSINESS

None

VI. NEW BUSINESS

1. Interpretation of Ordinance – Internally lit box signs

Ms. Wessler requested that the Zoning Board of Appeals make a determination regarding staff interpretation of the phrase “internally lit box sign.” She gave some background information adding that the zoning ordinance defines many types of signs, however, the internally lit box sign was left without a definition. She noted that meeting records and staff recollections indicate that the intent of the wording is to prohibit square or rectangular signs on buildings with simple, rectangular faces, lit from behind, as pictured in her staff report dated April 17, 2016. Also included in the staff report were photos of signage that are permitted.

After some discussion, Commissioner Johnson moved to give staff the go ahead to come up with a definition of the internally lit box signs supporting the pictures in the staff memo dated 17 April, 2015 (Support: E. Seymour). The motion carried unanimously.

VII. ADJOURNMENT

Since there was no further business, Commissioner Johnson moved to adjourn the meeting (Support: E. Seymour) and the motion carried unanimously. The meeting adjourned at 7:13 p.m.



City of Ypsilanti
Planning and Development Department

16 June 2015

**Staff Review of Variance Application
St. Joseph Mercy Health System Sign
111 N Huron**

GENERAL INFORMATION

Applicant: Johnson Sign Co.
2240 Lansing Ave.
Jackson, MI 49202

Project: St. Joseph Mercy Health System Sign
111 N. Huron St.
Ypsilanti, MI 48197

Application Date: 26 May 2015

Location: West side of N Huron, between Pearl St and Washtenaw Ave.

Zoning: C, Center

Action Requested: Approval of the removal of the existing monument sign and the installation of a new monument sign at the same location.

Staff Recommendation: Denial

PROJECT AND SITE DESCRIPTION

The parcel is 0.74 acre in size, fronting on N Huron Rd. There is an existing ~14,600 square foot building and ground sign.

The property is zoned **C – Center**, which allows for mixed use of residential and business. This zone does not allow for any ground signage.

The application is proposing the removal of an existing 7' 2 ¼" tall x 8' ¼" wide (>57 1/3 square foot) monument sign and to replace it with a new 8' tall x 7' 4" wide (58 square foot) monument sign.

Figure 1: Subject Site Location

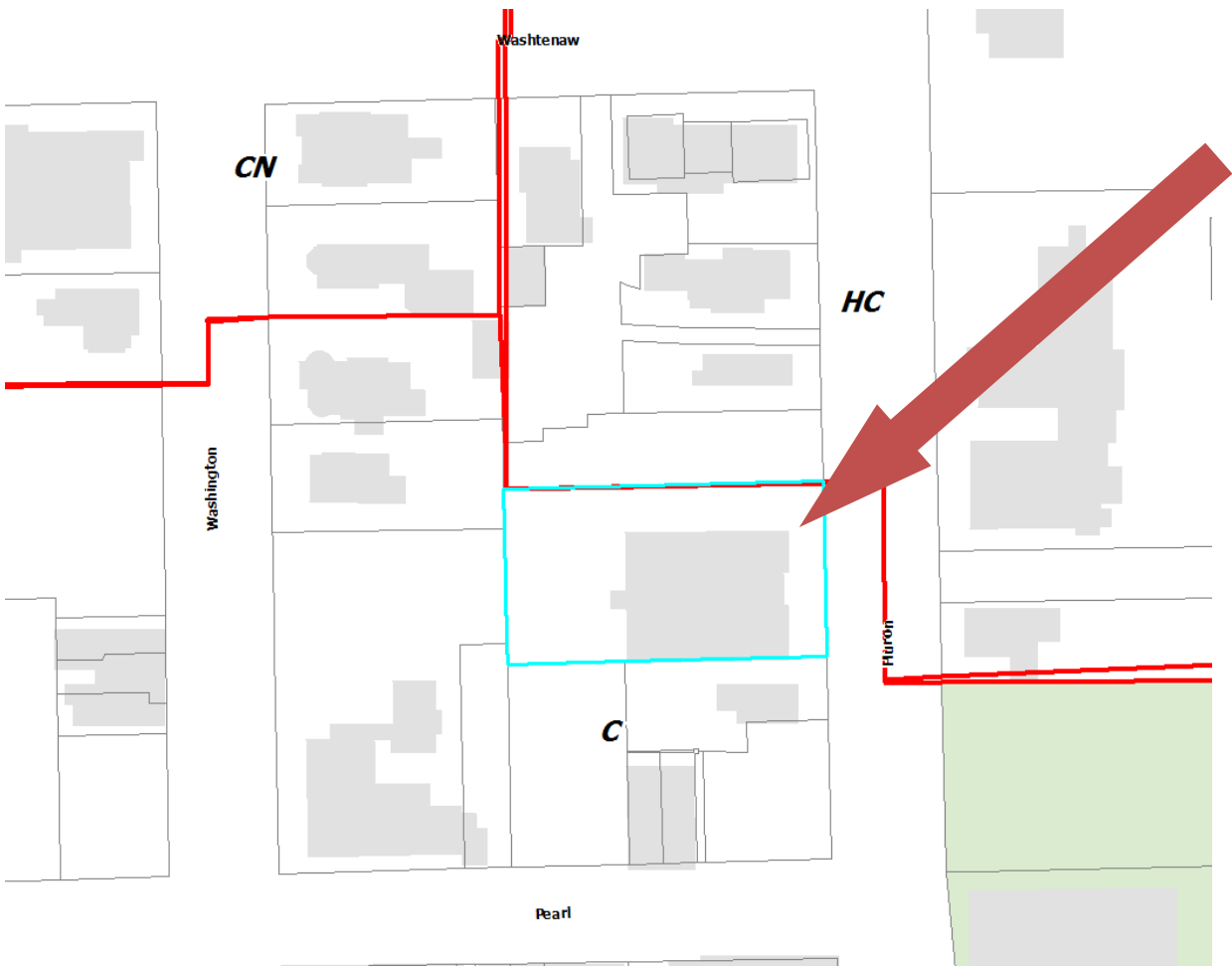


Figure 2: Site Close-up

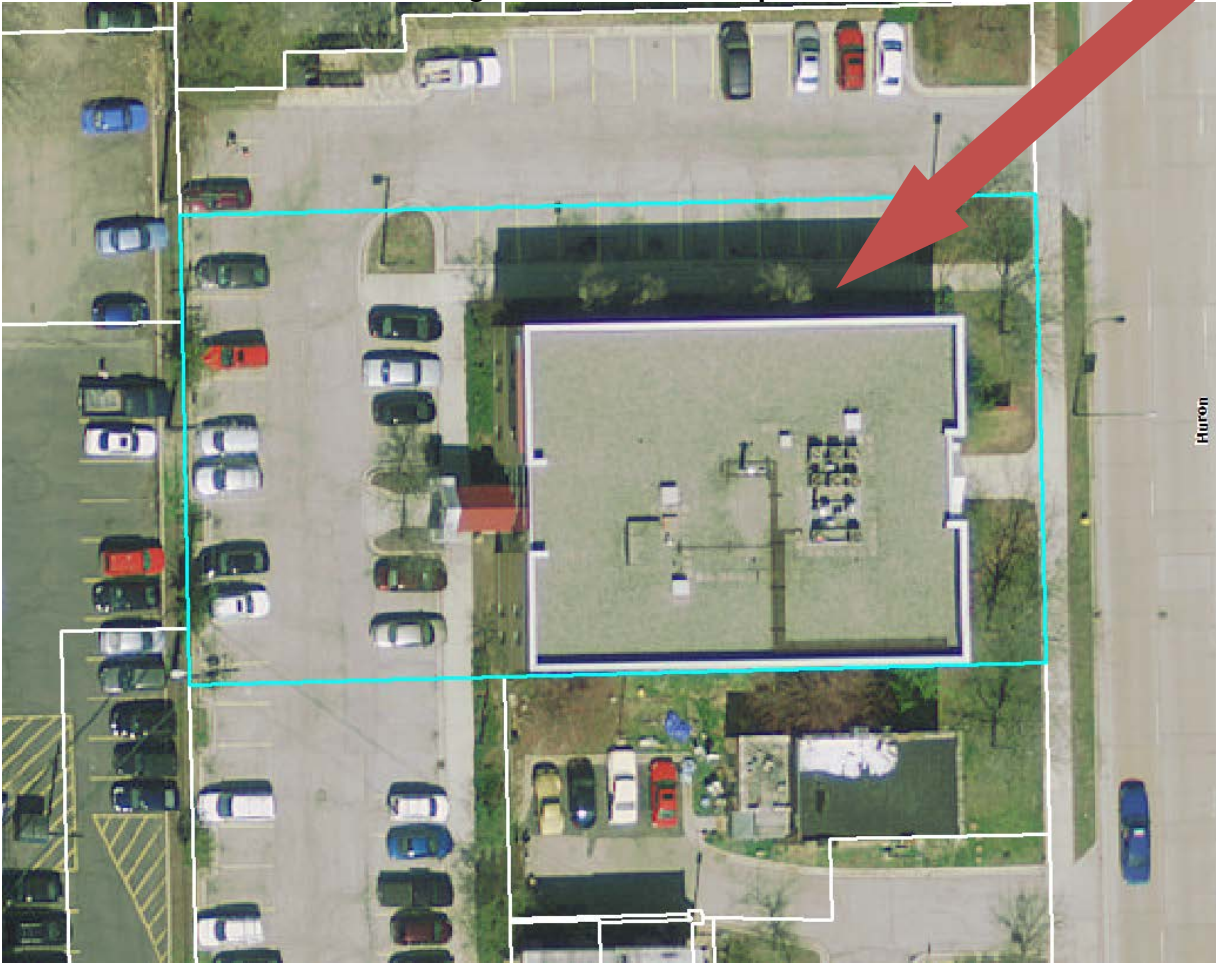


Figure 3: Land Use and Zoning of Surrounding Area

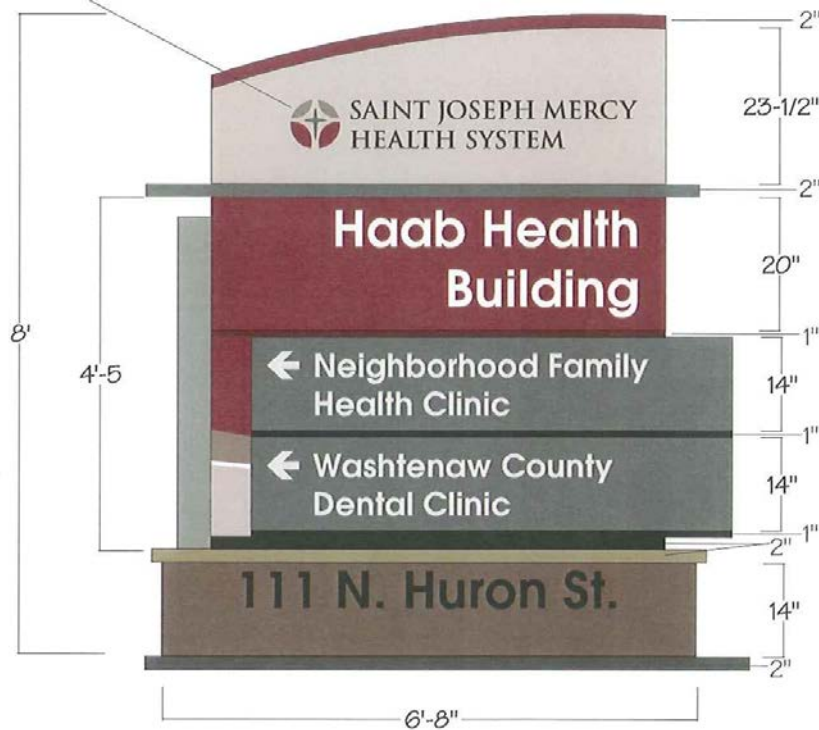
	LAND USE	ZONING
NORTH	Residential and business	HC
EAST	Church and residential	HC
SOUTH	Parking lot and residential	C
WEST	Multi-family and business	C

Figure 4: Current Sign (from south)



EXISTING MONUMENT SIGN: 7'-2 1/4" X 8'-1/4"

Figure 5: Proposed Sign (from south)



ORDINANCE**§122-866(a)****Sec. 122-866. Sign Design Standards.****(a) Ground Signs**

Zoning District	Maximum		Sign Setback Requirements
	Sign Area	Sign Height	
R1 ¹ , CN-SF ¹	16 sq. ft	6 ft.	Front yard – at least 3 feet from front property line. 10 feet from side or rear lot lines.
CN-Mid ¹ , CN ¹	16 sq. ft	8 ft.	Front yard – at least 3 feet from front property line. 10 feet from side or rear lot lines.
MD ¹ , HHS, HC	32 sq. ft	8 ft.	Front yard – at least 3 feet from front property line. 10 feet from side or rear lot lines.
NC	40 sq. ft	10 ft.	Front yard – at least 3 feet from front property line. 10 feet from side or rear lot lines.
GC	100 sq. ft	10 ft.	Front yard – at least 3 feet from front property line. 10 feet from side or rear lot lines.
C	Prohibited	Prohibited	--
P, PMD	100 sq. ft	35 ft	Front yard – at least 3 feet from front property line. 10 feet from side or rear lot lines

STANDARDS**§122-94(b)**

Standards for Variances. A variance from the literal enforcement of this Ordinance may be granted by the Zoning Board of Appeals only if all of the following standards are met.

- (1) Literal enforcement of this Ordinance will pose practical difficulties to the applicant because of special conditions or circumstances which are very unique to the specific property such as: exceptional shallowness or shape of the property, exceptional topographic conditions, extraordinary situation of a building or structure, use or development of an adjacent property, or practical difficulties relating to the construction or structural changes on the site. Mere inconvenience or a desire to attain higher financial return shall not itself be deemed sufficient to warrant a variance.*

The applicant notes that due to the lack of visibility of the building, a ground sign placed perpendicular to the structure is needed so that patients can safely locate the building and identify the services available. However, as noted above, neither mere inconvenience nor a desire to attain a higher financial return are not sufficient to grant a variance. The reference to safety of patients is likely due to the traffic on North Huron Street adjacent to the clinic; staff anticipates this traffic speed will decrease within the coming five years due to removal of excess capacity. Further, as the parking area is accessible off Pearl, perhaps guidance could be given to patients to approach parking from that direction instead.

- (2) Such a variance is necessary for the preservation and enjoyment of a substantial property right enjoyed by other property owners in the same district under the terms of this chapter. Granting of the variance shall not confer upon the applicant any special privilege that is denied by this chapter to other land, structures, or buildings in the same district.*

There are currently only two other locations in the C- Center zoning district that have a ground-type sign, albeit in different formats and by governmental agencies.

- Ypsilanti District Library: constructed prior to enactment of the current ordinance. Lettering on retaining wall for the barrier-free ramp and parking lot.
- AAATA bus terminal: constructed prior to enactment of current ordinance. Light fixtures with route information at each bus pull-off space.

Signs that were constructed in compliance with the ordinance in effect at the time, but are not in compliance with the current ordinance, are considered to be *nonconforming* signs. The existing sign at St. Joseph Mercy Health System was constructed in compliance with the ordinance at the time, but no longer complies, so it is subject to the same conditions as other nonconforming signs.

Per §122-208, nonconforming signs are allowed to continue. Should the signs be damaged and not fully repaired within 18 months, they must be removed. They cannot be enlarged; they may only be altered so as to increase conformity (i.e., they can be made smaller, shorter, or both; once so altered it cannot be increased again). It cannot be moved, even within the same parcel. If the sign becomes deteriorated to the point of being unsafe, it must be removed and cannot be restored except in compliance with the ordinance in effect at the time. To confer a variance for these signs would set a precedent for other nonconforming monument/ground signs. Further, the sign as proposed is not a simple same-size “swap”- the proposed sign is somewhat larger.

(3) The alleged hardships or practical difficulties on which the variance request is based have not been created by any person presently having an interest in the property.

The monument sign proposed for the site is created by St. Joseph Mercy Health System, the owner for the business on site. The existing sign was for the same entity. The expressed need for the new sign revolves around both branding of St Joseph's properties, and the addition of a low-cost dental clinic on site.

(4) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

Conformance with the ordinance would serve the principles and purpose of Article XIV, Signs:

“...to permit such signs as will not, by reason of their size, location, construction or manner of display, endanger life or limb, confuse or mislead traffic, obstruct vision necessary for traffic safety or otherwise endanger the public morals, health or safety. It is further the intent of this article to:

- (a) Maintain and enhance the aesthetic value of the City.
- (b) Encourage free expression of ideas and dissemination of messages, regardless of content, using signs that are compatible with their surroundings and legible under the circumstances in which they are seen.
- (c) Enhance pedestrian and vehicular traffic safety.
- (d) Minimize the adverse effects of signs on nearby public and private property.
- (e) Minimize driver distraction.
- (f) Protect and enhance economic vitality by assuring aesthetic appeal for residents and visitors.
- (g) Preserve property values.
- (h) Enhance the effectiveness of permitted signs and directional and warning signs.

- (i) Seek the removal of illegal signs and encourage the replacement or removal of nonconforming signs that are incompatible with the purpose of this Article.”

Applicant has made the argument that granting this variance would increase the safety and of those visiting the site. One presumes that the issue of safety arises due to the high rate of speed on Huron, which staff has addressed above.

- (5) The allowance of the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Ordinance, the individual hardships that will be suffered by a failure of the Board to grant the variance, and the rights of others whose property would be affected by the allowance of the variance.*

No individual hardships appear as though they will be suffered as a result of denial of this variance.

- (6) A variance granted shall be the minimum variance that will make possible a reasonable use of the land, buildings or structure.*

The current sign could remain as is; or be refaced on the current sign structure; or be made smaller (in the current branding), with planning commission approval.

STAFF RECOMMENDATION

Staff recommends the Zoning Board of Appeals *deny* the variance request to permit the replacement of a ground sign prohibited by 122-866(a), as submitted on 26 May 2015, with the following findings:

1. The applicant has shown insufficient practical difficulty under §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 §122-94(2).
3. The practical difficulty being proposed is self-created, per §122-94(3)
4. The allowance of the variance will not result in substantial justice being done, given the conditions spelled out in 122-94(b)(5).
5. Denial of this variance does not preclude the applicant's ability to retain the current sign, reface the current sign, or update the sign and make it smaller, in accordance with §122-208.

Bonnie Wessler
City Planner, Community Development Division

c.c. File
 Applicant
 Site designer