

1. Zoning Board Of Appeals Regular Meeting Agenda

Documents: [01- ZBA AGENDA 6-22-16.PDF](#)

2. Zoning Board Of Appeals Regular Meeting Packet

Documents: [06-22-16 ZBA MEETING PACKET.PDF](#)

Agenda
Zoning Board of Appeals
Council Chambers
Wednesday, June 22, 2016 - 7:00 P.M.

I. Call to Order

II. Roll Call

John Bailey, Chair	P	A
Tom Roach, Vice Chair	P	A
Jake Albers	P	A
Eric Seymour	P	A
Jared Talaga	P	A

III. Approval of Minutes

- January 27, 2016

IV. Purpose of Meeting

V. Old Business

- None

VI. New Business

- Variance, 575 S. Mansfield-digital billboard
- Elections

VII. Adjournment

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**ZONING BOARD OF APPEALS
MEETING MINUTES
January 27, 2016
CITY COUNCIL CHAMBER
7:00 P.M.**

1. CALL TO ORDER

The meeting was called to order at 7:08 p.m. by Vice Chair Roach.

II. ROLL CALL

Present: R. Johnson, T. Roach, J. Albers, E. Seymour

Absent: J. Bailey (excused)

Staff: B. Wessler, Planner II
N. Schuette, Executive Secretary
J. Meyers, Community Development Director
C. Kochanek, Planner I

III. APPROVAL OF MINUTES

Commissioner Albers moved to approve the minutes of December 23, 2015 with correction as noted (Support: E. Seymour) and the motion carried unanimously.

IV. PURPOSE OF MEETING

Vice Chair Roach, stated the purpose of the meeting, which is to discuss a variance request on a rear setback. He also advised the audience for those that have not attended a Zoning Board of Appeals meeting before, they should be aware that, by requesting a variance, what the applicant is requesting is for the Zoning Board of Appeals to do is to change the law and make an exception so that the applicant can do what their neighbors are not allowed to do. There are standards that have to be met, the Zoning Board of Appeals did not write the standards – they were written by City Council, but it the job of the board to interpret the standards. They are strict and oftentimes we have to turn down the request. If this is the case, the applicant should not take it personally.”

Chairman Bailey arrived at 7:13 and took over the meeting.

V. OLD BUSINESS

1. 1420 Washtenaw – Rear Setback Variance

Commissioner Johnson moved to remove this item from the table (Support J. Albers) and the motion carried unanimously.

Cynthia Kochanek, Planner, stated that this request came before the Zoning Board of Appeals in December, and since that meeting, the applicant has submitted another set of drawings and an information sheet from the State of Michigan that lists the requirements for the Michigan Liquor Control Commission (MLCC) for an Off Premises Special Designated Merchant (SDM) License. The SDM license is for the sale of beer and wine. Documentation regarding the liquor license was not submitted, as a result, staff cannot comment on the requirements regarding the liquor license.

The applicant did receive conditional site plan and special use approval from the Planning Commission for this expansion.

After review of the plans and the SDM license document, staff has some additional comments, however, the Standards for Variances and Staff Recommendations remain the same as what were listed in the original staff review from December 17, 2015. Relevant details from the submitted documents are listed below:

Off Premises Specially Designated Merchant (SDM) License

- Granted for the retail sale of beer and wine for consumption off premises
- Typically held in conjunction with other types of licenses
- SDM licenses will not be issued to an applicant that sells motor fuel unless one of four conditions is met (*the following condition is the only one applicable in the case of 1420 Washtenaw Avenue*):
 - o The applicant maintains a minimum inventory on the premises, excluding alcoholic liquor and motor vehicle fuel, of not less than \$250,000, at cost, of those goods and services customarily market by approved types of businesses and the site of payment and selection of alcoholic liquor is not less than 50 feet from the point where motor vehicles fuel is dispensed.

Submitted Drawings

- Show the required 50' radius from the gas pumps to the site of payment and selection of alcoholic liquor. It is still not clear that the required 50' radius requires the decrease in the rear setback and cannot be accomplished within the current rear setback of 6.13'.
- Address greenbelt, rear lighting, non-motorized easement, etc. that were conditions of the Planning Commission approval.

Staff recommendations

Remain the same as that listed in the original staff review dated December 17, 2015.

Commissioner Johnson stated that since staff is not convinced that the applicant has made his case that the extra 6' is required, he agrees with agree with staff's decision. Other board members concurred.

Commissioner Albers moved to approve the recommendation presented by staff that the variance be approved for the current 6.13' rear yard setback to be extended along the western addition (Support: T. Roach) and by voice vote, the motion carried unanimously.

VI. NEW BUSINESS

None

VII. ADJOURNMENT

Since there was no further business, Commissioner Johnson moved to adjourn the meeting (Support: T. Roach) and the motion carried unanimously. The meeting adjourned at 7:21 p.m.



City of Ypsilanti
Planning and Development Department

June 16, 2016

Staff Review of Variance Application
Digital Billboard Sign-Mansfield St.
575 S Mansfield St.

GENERAL INFORMATION

Applicant: Outfront Media, Inc.

Project: Digital Billboard Sign-Mansfield St.

Application Date: May 5, 2016

Location: S. Mansfield St just north of I-94

Zoning: PMD-Production, Manufacturing, Distribution

Action Requested: Variance from §122-866(d)(1)(c)(2)

Staff Recommendation: Approval

PROJECT AND SITE DESCRIPTION

Parcel # 11-11-37-230-011 is an 8.7 acre lot on S. Mansfield St just west of Paint Creek. The southern portion of the lot borders I-94. There is an existing ~24,000 square foot single story commercial building, ~330 square foot accessory structure, and parking lot on site. There are two existing static billboard structures, each with two faces, adjacent to I-94, as well as a cell tower, for which a height variance was approved in 1996. The billboard structure in question is the westernmost one on this property, south of the existing building.

Zoned **PMD-Production, Manufacturing, Distribution**, which allows for outdoor advertising billboards adjacent to and visible from I-94, subject to specific regulations. Billboards are regulated under §122-866(d)(1).

The applicant is requesting to replace the existing back-to-back static billboard signs with back-to-back digital billboard signs on the billboard on the west side of the property. The applicant is requesting a variance from the requirement that two non-conforming billboard faces be removed for each new digital face. The applicant does not have any non-conforming billboards within the city limits, and in fact owns only one billboard structure within the City.

Figure 1: Subject Site Location

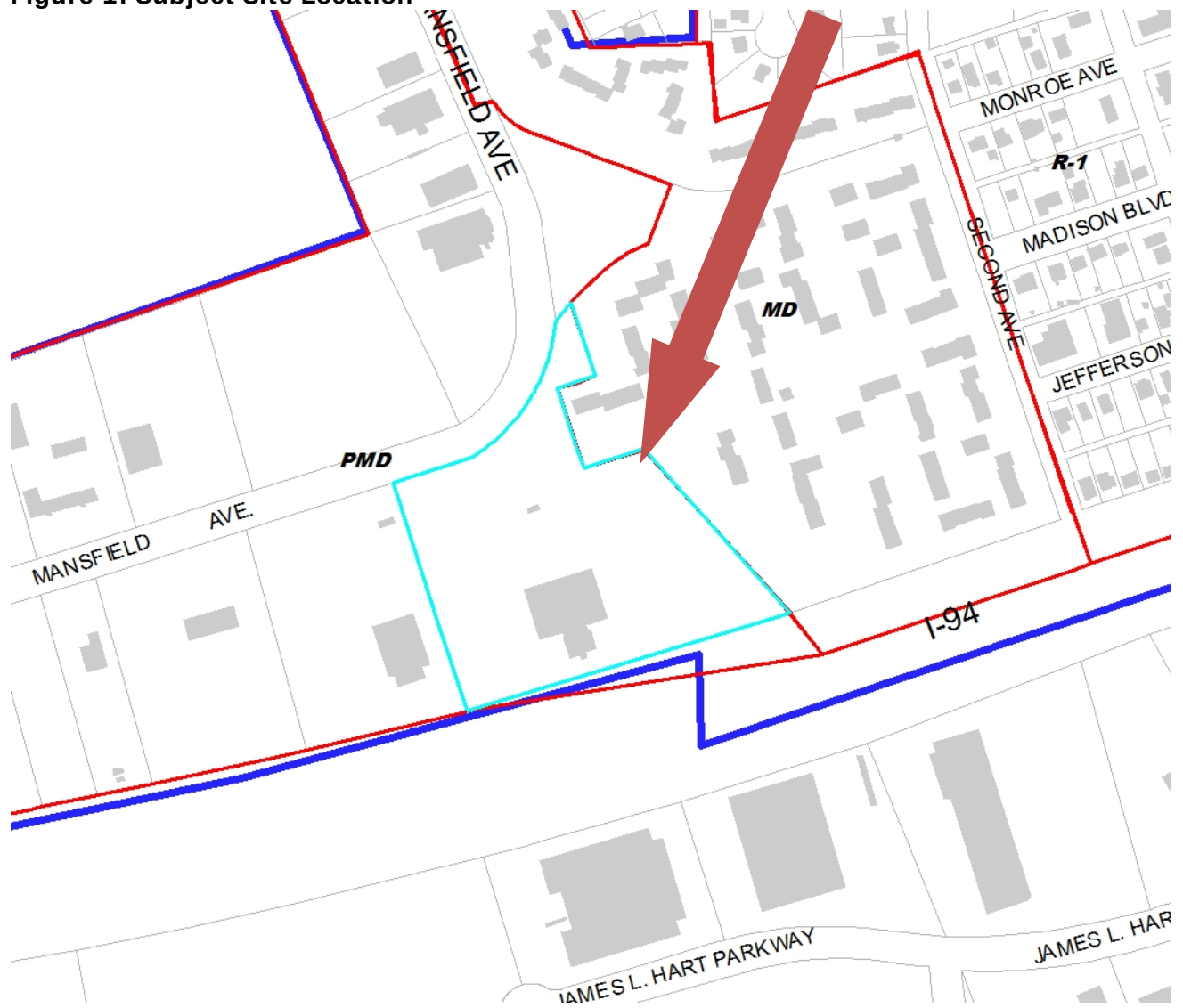


Figure 2: Site Close-up

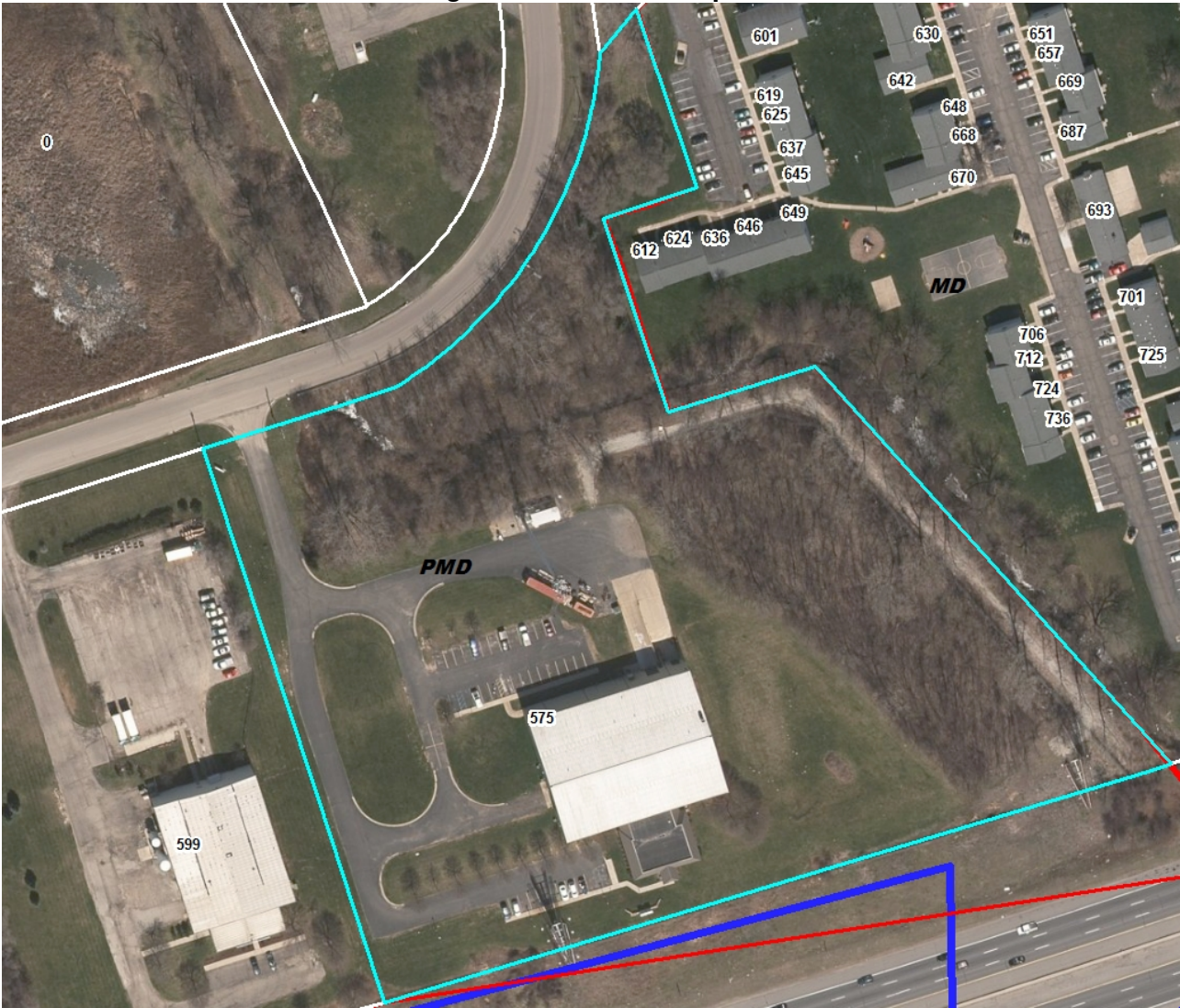


Figure 3: view of site



Figure 4: Land Use and Zoning of Surrounding Area

	LAND USE	ZONING
NORTH	Machine Manufacturing	PMD-Production, Manufacturing and Distribution
EAST	Town Homes	MD-multiple-family residential district
SOUTH	I-94 Expressway Commercial Printer	I-94 Expressway L-1- Light Industrial (Ypsi Twp)
WEST	Industrial supply	PMD-Production, Manufacturing and Distribution

ORDINANCE

§122-866(d)(1)

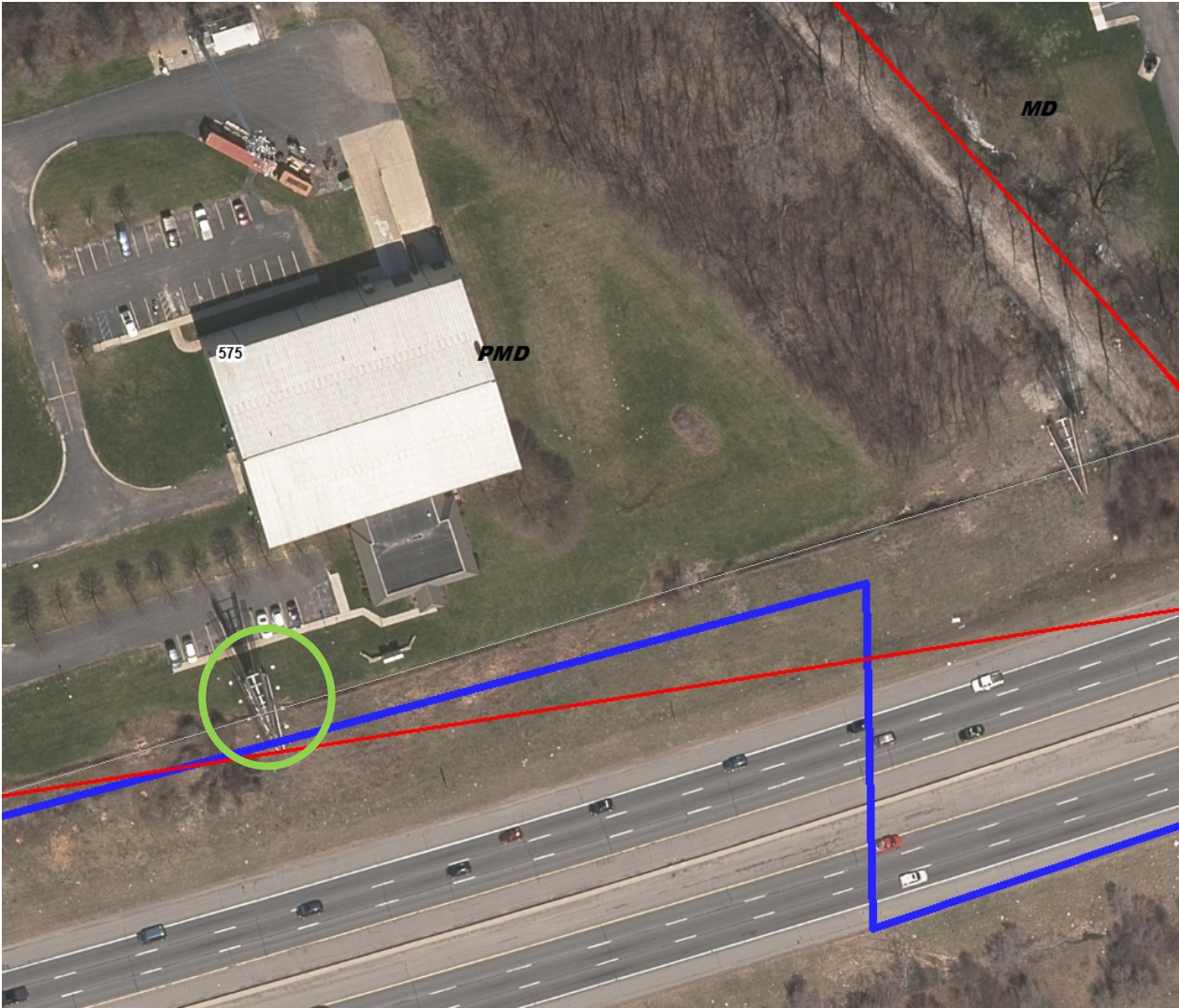
Sec. 122-866. Sign Design Standards.

(d) Other Signs.

(1) Billboards. Outdoor advertising billboards may be erected in PMD zoning district adjacent to and visible from I-94, subject to the following regulations:

- a. Billboards are permitted in the adjacent area along I-94 as defined by the Highway Advertising Act of 1972, and may be the principal or primary use on the parcel in which it is located, notwithstanding Sec 122-862 (c).
- b. Billboards must be located and oriented in such a fashion as to be visible from I-94.
- c. New billboard permits will be issued only in the following cases:
 1. For non-digital billboards, when one non-conforming billboard is removed
 2. For digital billboards, when two non-conforming billboards are removed.
- d. Digital billboards - The message displayed on electronic message billboards may change a maximum of once every 6 seconds (an exemption from Sec. 122-866 (d) (1).
- e. Billboard structures shall not exceed 65 feet in height. All billboards must provide a setback from any adjacent residential zoning district equal to the height of the billboard.
- f. Billboard structures which have two or more panels stacked, one above the other, are not permitted.
- g. Double-faced billboard structures (two panels mounted on the same structure back-to-back) are permitted.
- h. Spacing between billboards shall be 1,000 feet as provided in the Highway Advertising Act of 1972, as amended.
- i. No more than the 672 square feet billboard shall be permitted regardless of land use zone, except when adjacent to a limited access highway and permitted by applicable state law.
- j. All billboard structures shall be of steel. No wood or other combustible material shall be permitted to support such signs.
- k. Billboards supported or maintained on the roof of a building are prohibited.
- l. Billboard structures shall be restricted to and used only with respect to interstate highways, freeways or primary highways as set forth in the Highway Advertising Act, Act No. 106 of the Public Acts of Michigan of 1972 (MCL 252.301 et seq., MSA 9.391(101) et seq.).

Figure 4: Close-up of site with billboard indicated



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 chapter will pose practical difficulties to the applicant because of special conditions or circumstances which are 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 difficulties relating to 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 practical difficulty is found in that they do not own any other billboards within the City and therefore do not have any non-conforming billboards to remove in order to install new digital signs as required by the ordinance. Their current and only billboard in the City is conforming and is the one that is proposed to have its static billboard faces replaced with the digital billboard faces.

- (2) Such 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 lands, structures, or buildings in the same district.*

The only other current digital billboard within the City is off of I-94 at the S. Huron Rd exit. Both the existing digital billboard and the proposed are located on property that is zoned PMD. Other static billboards in the PMD district could be replaced by digital signs, once the ordinance requirements are met; many are owned by an advertising company that owns many other billboards within the City. Therefore the granting of this variance will not confer upon the applicant any special privilege that is denied to others in the PMD district; rather, the converse will be the case.

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

The applicant owns only one conforming billboard structure with two sign faces within the city limit and therefore cannot meet the requirement of the ordinance to eliminate two non-conforming billboards. In theory, the applicant could purchase additional nonconforming billboards; however, due to the competitive nature of outdoor advertising, it is unlikely that the applicant could find a willing seller.

- (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.*

A static billboard already exists in this location. The closest residential area is 600 feet to the northeast and the billboard will be blocked in part by the existing structure on the property and seasonally by the wooded area to the west of the residential area; therefore it should not be detrimental to public welfare or property. It will be oriented towards I-94.

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

The allowance of this variance will result in substantial justice being done. The tradeoff requirement places an unreasonably high burden on outdoor advertising companies that do not have a wide stock of billboards within the community. This requirement is not “owner-neutral.”

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

The structure can continue to be used in its current state; further, it could conceivably be converted were it simply under different ownership.

STAFF RECOMMENDATION

Staff recommends the Zoning Board of Appeals approve the variance from §122-866(d)(1)(c)(2) to permit the conversion of static billboard faces to digital faces on the western billboard at 575 S. Mansfield without removing two non-conforming billboards, as submitted on May 5, 2016, with the following findings:

1. The applicant has shown sufficient practical difficulty under §122-94(b)(1).
2. Such a variance is necessary for the preservation and enjoyment of a substantial property right enjoyed by other property owners in the PMD district under the terms of the zoning ordinance, per the standards of 122-94(2).
3. The practical difficulty being proposed is not self-created, per 122-94(3)
4. The granting of this 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, per 122-94(4).
5. The allowance of the variance will result in substantial justice being done, given the conditions spelled out in 122-94(b)(5).
6. The allowance of the variance will be the minimum that makes possible a reasonable use by this owner, under 122-94(6).

Cynthia Kochanek
Associate Planner, Community & Economic Development Division

c.c. File
Applicant

