

AGENDA

REGULAR MEETING OF THE MIDLAND ZONING BOARD OF APPEALS, TO TAKE PLACE ON TUESDAY, FEBRUARY 18, 2020, 6:30 P.M., COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN

1. **Roll Call**
2. **Approval of the Minutes**
 - a. Regular Meeting November 19, 2019
3. **Public Hearings**
 - a. **Petition No. 20-01** –Valley City Sign on behalf of Mid-Michigan Regional Medical Center for an area/dimensional variance to permit the construction of a 150 sq foot wall sign at 4000 Wellness Drive. The applicant is requesting a variance of 100 sq. ft. The property is zoned COM Community which permits a maximum of 50 sq. ft. for the subject building.
 - b. **Petition No. 20-02** – JoAnne Johnston for a use variance to permit a single-family home at 3900 E. Ashman Street as presently exists. The property is zoned LCMR Limited Commercial, Manufacturing & Research which does not permit single-family homes by right or conditional use.

Public Hearing Process

1. Staff presentation and overview of petition
 2. Petitioner presentation
 3. Public comments in support of the petition
 4. Public comments in opposition to the petition
 5. Opportunity for petitioner rebuttal and final comments
 6. Closing of public hearing
 7. Deliberation and possible decision by the Zoning Board of Appeals
4. **Old Business**
 5. **Public Comments (not related to items on the agenda)**
 6. **New Business**
 7. **Decision Sheet Signatures**
 - a. No. 19-09, No. 19-10, No. 19-11, & No. 19-12
 8. **Adjournment**

**MINUTES OF THE MEETING OF THE ZONING BOARD OF APPEALS
TUESDAY, NOVEMBER 19, 2019, 6:30 P.M.,
COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN**

1. Roll Call

PRESENT: Board Members – Siemer, Green, O'Brien, Poprave, and Mead

ABSENT: Board Member – None

OTHERS PRESENT: Grant Murschel, Director of Planning & Community Development;
Nicole Wilson, Community Development Planner, and twenty two (22)
others.

2. Approval of the Minutes

It was moved by Siemer and supported by Green to approve the meeting minutes of the regular meeting dated October 15, 2019 with the change that the minutes reflect Ms. O'Brien's absence.

The motion was approved unanimously with the identified correction.

Mr. Siemer, Mr. Poprave and Mr. Green identified their membership of Costco. No objections were noted.

3. Public Hearings

- a. **No. 19-09 – TJ Design Strategies, Ltd. for Costco Wholesale Corporation:** for an area/dimensional variance to permit an increase in overall wall signage square footage on property located at 4816 Bay City Road. The applicant requests permission to increase the maximum permitted wall sign square footage to 631 square feet. The subject property is located within an RC Regional Commercial zoning district and on a corner lot which permits wall signage at a maximum of 225 square feet.

Murschel gave the staff presentation for Petition No. 19-09.

Siemer inquired about the MCFTA and the associated setback of over 600' and if the zoning ordinance does not have a provision that takes into account the setback distant from a surrounding property or street.

Mead inquired as to the length and height of the building. Murschel responded 348' and 66' of loading area length on the Rockwell Drive side.

O'Brien asked if the red stripe on the building are to be included in the calculation of sign dimensionality. Murschel responded that it does not.

Mead commented that he visited the East Lansing Costco store. Mead asked about the sign dimensionality.

Jeri Krieg Oakbrook, IL

Ms. Krieg responded to the question of dimensionality of the signs from the East Lansing store. She stated that the signs on the East Lansing site are in fact larger than what is being requested in Midland.

Green inquired about the reduction of the signage by 39% and if the larger signage of roughly 1200 square feet is used in the smaller footprint stores. Ms. Krieg commented that 1200 square feet is the sizing for smallest footprint of stores.

Mr. Siemer inquired as to the value of the east-facing sign and to whom it will attract and if the east-facing sign could be removed. Ms. Krieg commented that it is not the preference of the petitioner to do so and that further development could rely upon it.

Poprave inquired about the deferral of ground mounted signage and the potential for a condition of approval.

Siemer inquired if the other Michigan Costco stores have ground mounted sign.

Siemer noted that the amount of public comment received exceeds the number of public comment received in all prior petitions. Ms. Krieg noted that in her nearly 19 years of doing this role that this is the most public comment

Siemer noted the equitability focus of the evaluation of tonight's deliberation in line with other large retail operations.

Tony Stamas, 2704 Walden Woods Court

Mr. Stamas spoke as President & CEO of the Midland Business Alliance in support of the petition as a retail destination and requested the support for the petition speaking specifically to the hardships identified within the request.

Jonathan Hamilton, 2411 Manor Drive

Mr. Hamilton commented on his frequency of traveling to other Michigan Costco stores and the predilection for shopping and dining out in the surrounding retail operations. Mr. Hamilton further commented on a health challenge facing his family and the relief having this retail operation in close proximity would provide

Diane Bristol, 4003 Elm Court

Ms. Bristol commented that she believes this should be an exception to the rules given the employment benefit potential

Elaine Rapanos, 1912 S. Saginaw Road

Ms. Rapanos commented on her work on this project and the original intention of the orientation of the building to face to Bay City Road but due to the challenges of stormwater detention, the natural drainage course, the increased landscaping and site work with more acreage being required and the shift of the building to the rear of the parcel have increased the importance of the sign's visibility. Ms. Rapanos commented on the current loss of employment with the closure of Quad Graphics and Kmart.

Gary Gordier, 14 Pinehaven Circle

Mr. Gordier commented that the situation at hand is highlighting the need for an update to the zoning ordinance as relates to the scale of the structure as relates to its sign requests. Mr. Gordier referenced the deferral of ground signage and the increased setback as his cause for supporting the request.

Paul Smith, 4905 Claremont

Mr. Smith commented that with the increased setback and the smaller signage could affect the safety and visibility from the adjacent roadway. Mr. Smith further commented that the lack of ground signage provides a cleaner landscape.

Poprave closed the public hearing.

Findings of Fact:

1. Property is located at 4816 Bay City Road.
2. Property is zoned RC Regional Commercial
3. Applicant is allowed 225 square feet of wall signage by right
4. Applicant is foregoing 300 square feet of ground signage
5. Applicant is requesting 631 square feet of wall signage on four signs
6. Building is setback 382' feet from Bay City Road
7. Original request has been reduced by 39% from 1,029 square feet

8. Stormwater basin is located to the north of the parking area and store to the south of Bay City Road
9. Fuel facility is to be located at the northeast corner of the development with signs in compliance
10. More than One Hundred and Fifty (150) communication in support have been received.
11. No communications or public comments in opposition were made
12. Property is bordered by RD Mobile Home Park at the East
13. Property is bordered by LCMR / AG to the south
14. Building size is approximately 157,483 square feet
15. Two separate parcels make up the development area
16. Property fronts onto two streets, Bay City Road and Rockwell Drive
17. Speed limit on Bay City Road is 45 mph
18. Petitioner indicated the reduction in size is less than what is in place on smaller footprint stores.

Green made a motion to approve one (1) area/dimensional variance Petition No. 19-09 based on the findings of fact with the condition that ground signs would not be allowed in lieu of the larger wall signage. Siemer seconded the motion.

Green commented that the uniqueness of the location as relates to the highway is notable and that he believes the request is the minimum and substantial justice would be provided to both the petitioner and the adjacent property owners. Mr. Green further referenced that the petitioner's effort to reduce its signage request by 39%. Mr. Green further commented at the need for updating to the zoning ordinance as relates to signage.

O'Brien commented that the request seems to be the minimum and will do substantial justice to the property owner and those adjacent in terms of traffic routing. O'Brien further commented that the deferral of ground signage is preferable for adjacent residential. O'Brien also commented that the stormwater detention has required a unique orientation due to the natural drainage course.

Mead commented that he agrees with what was said and believes that while signage is likely not needed to attract customers that the variance.

Siemer commented that he agrees that customers will find Costco with or without signs as the manner in which customers travel to the store in Brighton and its travel challenges. Mr. Siemer requested the removal of the east-facing sign in order to be respectful to the other sign petitions that have come before the board in recent years.

Poprave commented that he is in agreement with all that was said.

Mr. Siemer offered a friendly amendment to request the removal of the east facing sign.

Poprave called for a vote on the motion by Green, supported by Siemer for variance Petition No. 19-09.

O'Brien: Yes
Poprave: Yes
Mead: Yes
Green: Yes
Siemer: No

The motion was approved 4-1.

- b. **No. 19-10 – Midland County Fairgrounds:** for an area/dimensional variance to permit the reduction of the side yard setback to 12.7 feet to match the existing adjacent building distance from the property line. The subject property is located at 6905 Eastman Avenue and located within a COM Community zoning district which requires a 25 foot side yard setback

Wilson gave the staff presentation for Petition No. 19-10.

Mead asked about the placement of the building being close to the water retention area for Lowes, Ms. Wilson deferred this question to the petitioner. Mead also asked about emergency vehicle access being evaluated, this type of review is part of the site plan review process with the Planning Commission.

Bill Zaske, Tower Pinkster, Grand Rapids, MI

The intent of the variance is to align the inside columns of the two arenas to allow for the movement of pedestrians and maintenance vehicles.

Trish Steele, Midland County Fair Manager, 3630 N Eastman Rd, Midland MI
Spoke as the applicant.

Poprave asked about the evaluation of shifting the existing facilities more interior to the site.

Green asked Ms. Steele about the timing of the proposed construction. Ms. Steele has identified that the project is both in the process of fundraising and seeking bids for construction.

Poprave noted that without use, the variance expires if a building permit is not applied for within 180 days. Poprave inquired about timing.

Comments in Support:

Ms. Steele gave a report on the Midland County Fairgrounds and its master planning, its attraction of visitors and tourism. In terms of economic impact, \$3.7M annually and the equivalence of 52 jobs.

Siemer asked about the seasonal use of the equestrian facility. Ms. Steele responded that the design of the equestrian center will expand the seasonality of the facility to all four seasons.

Mead asked for the Number of stalls and how many would be added. Ms. Steele responded 287 stalls nearby the arena and the 127 stalls that are outside the expansion would allow for 400 animals.

Green asked if Midland is host to the State equestrian competition. Ms. Steele responded that an additional 200 stalls are rented by the organization for housing animals during this competition and the expected cost savings to that organization.

Brad Wolman, 608 Capital Drive, Midland MI

Mr. Wolman identified himself as a member of the Michigan State Police and its use of the Midland County Fairgrounds for training. Mr. Wolman commented as to the relationship with the Midland County Fairgrounds and that the ability to train during the winter will allow for preparation earlier in the season.

Poprave closed the public hearing.

Findings of Fact:

1. Property is located at 6905 Eastman Avenue.
2. Property is zoned COM Community
3. Side setback is 25' in a COM Community zoning district
4. Proposed structure would join two existing structures
5. Existing building has a 10' setback and was built ~25 years ago
6. Two communications received in support
7. One communication received in opposition; with the location being quite distant from the setback area requested
8. Property is bounded by RC Regional Commercial to the south and east
9. Midland County Fairgrounds has been charged with the care of this property since 1948 and has a Master Plan in place
10. Midland County Fairgrounds is host to the MIHA State Competition
11. Setback will allow for safer passage within the structure
12. State Police has spoken in support due to the training programs conducted

Siemer made a motion to approve one (1) area/dimensional variance Petition No. 19-10 based on the findings of fact. Mead seconded the motion.

Green offered an amendment to the motion to extend the approval to 365 days for permits to be sought. The amendment was not accepted.

O'Brien commented that the uniqueness is the intent to connect two existing buildings.

Green commented that the efforts to connect the buildings and to create a safer environment.

Mead commented at the muddy nature of the Midland County Fairgrounds in the rainy season.

Poprave commented that the location distant from residential area it will not directly impact homes.

Poprave called for a vote on the motion by Siemer, supported by Mead for variance Petition No. 19-10.

O'Brien: Yes
 Poprave: Yes
 Mead: Yes
 Green: Yes
 Siemer: Yes

The motion was approved 5-0.

- c. **No. 19-11 – Joseph & Sandra Dunn:** for a use variance to permit a four-unit residential dwelling on property located at 1011 East Ashman Street. The subject property is located within a RA-4 One & Two Family Residential zoning district which permits only single and two-family residential dwellings by right.

Murschel gave the staff presentation for Petition No. 19-11.

O'Brien asked if the nonconforming use of a four-unit structure make it uninsurable.

Green clarified that this variance would allow the structure to be legal non-conforming.

Poprave confirmed that the dimensional standards of the zoning district would still need to be met.

Green inquired about the parking calculation for a fourplex structure and if the site can accommodate the needs of a fourplex. Murschel identified the parking facilities that exist on site.

O'Brien asked about the intent of the variance and if a buyer could demolish the existing structure and rebuild a new four unit structure on the subject parcel. Murschel explained that the dimensional standards as well as zoning ordinance requirements that would be involved should that situation arise.

Mead asked about the frequency of these sorts of requests. Murschel identified the frequency of zoning compliance requests within the Planning Department as due diligence for sale and insuring of properties increases.

Petitioner or representative were not present.

No comments were made in support or in opposition.

Poprave closed the public hearing.

Findings of Fact:

1. Property is located at 1011 E Ashman Street.
2. Property exists as a four unit residential facility
3. Property is zoned RA-4 One & Two Family Residential
4. No communications or comments in support or in opposition were received
5. Zoning changed after the building was constructed
6. Structure is non-conforming
7. Property has been used as a four-unit structure in excess of 40 years
8. Multiple family dwellings exist in the surrounding area
9. Speed limit on East Ashman Street is 35 mph
10. Property is approximately 7420 square feet
11. Pedestrian connection exists on the west side of the building
12. Surrounding zoning districts are RA-3 and RA-1
13. Request is a zoning variance is being made to permit the sale or disposition of the property
14. Applicant or representative are not present

Siemer made a motion to approve one (1) use variance Petition No. 19-11 based on the findings of fact. Green seconded the motion.

O'Brien commented that the property cannot be sold or insured in its current zoning without approval of this variance. Change of zoning of this property created the unique situation for this petition.

Mead concurred with the findings of Ms. O'Brien and that the four unit situation has been in place for quite some time.

Siemer commented that the property is well cared for and concurred with the comments made and would do great justice to the property owner.

Green commented that the hardship is the restriction to a lesser density.

Poprave commented that the origination in compliance.

Poprave called for a vote on the motion by Siemer, supported by Green for Petition No. 19-11.

O'Brien: Yes
Poprave: No
Mead: Yes
Green: Yes
Siemer: Yes

The motion was approved 4-1.

- d. **No. 19-12 – Winterstein Builders:** for an area/dimensional variance to permit the construction of a 12'6" x 18' residential home addition on property located at 608 Capitol Street. The applicant is requesting a two (2) foot variance from the side yard setback for the existing detached garage; with the proposed addition, the detached garage will be within the side yard rather than the rear yard. Detached garages in the side yard must meet the principle side yard setback of eight (8) feet in the RA-1 Single Family Residential zoning district. Currently, the existing detached garage is located six (6) feet from the side property line.

Murschel gave the staff presentation for Petition No. 19-12.

Mead asked for clarification of the setback requirements and what planes are evaluated. Mr. Murschel spoke to the setback requirements in the zoning district with detached accessory structures in mind.

Becky Winterstein, Winterstein Builders, 5070 Oakbrook Court, Saginaw MI

Ms. Winterstein commented on the complexity of the situation is confining the livability of the petitioners in their home.

Mead asked if this is a Midland-only issue or if the petitioner has needed to evaluate for this issue in other communities. Ms. Winterstein responded that she has not.

Green asked if there would be connection between the home and the garage.

O'Brien asked if the distance between the garage and the addition would be in compliant.

Poprave confirmed that a front addition would not be possible due to the front yard setback.

No comments were made in support or in opposition.

Poprave closed the public hearing.

Findings of Fact:

1. Property is located at 608 Capitol Street.
2. Property is zoned RA-1 Single Family Residential
3. Speed limit is 25 mph on Capital Drive
4. Property is currently compliant with dimensional requirements of the RA-1
5. 225 square feet addition located to the south of the original structure
6. Addition would not be attached to the garage
7. One communication in support
8. No communications in opposition
9. Garage is located 6' from the property line
10. Requested variance is 2'

Green made a motion to approve one (1) area/dimensional variance Petition No. 19-12 based on the findings of fact. O'Brien seconded the motion.

Green commented that it is impractical to move a garage to allow for the addition. Proposed structure will be behind the principal structure and would not affect the side yard setback. Strict compliance has resulted.

Siemer commented that the increase in value is substantial justice to both the property owner and those adjacent. This variance allows for increased livability for the property owners.

Mead commented that its current compliance with the Zoning Ordinance is a factor and increased livability is important.

Poprave called for a vote on the motion by Green, supported by O'Brien for the petition no. 19-12.

O'Brien: Yes
Poprave: Yes
Mead: Yes
Green: Yes
Siemer: Yes

The motion was approved 5-0.

4. Old Business

5. Public Comments (not related to items on the agenda)

6. New Business

Mead made a motion to direct staff to evaluate the (1) dimensionality of the sign ordinance as relates to proportionality of building size and scale and for staff to evaluate dimensional requirements for residential structures (additions, garages) as well as structures that exist today as relate to administrative review. Seconded by Green.

O'Brien: Yes
Siemer: Yes
Green: Yes
Mead: Yes
Poprave: Yes

The motion was approved 5-0.

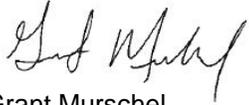
7. Decision Sheet Signatures

19-08 - TJ Design Strategies, Ltd. for Costco Wholesale Corporation

8. Adjournment

Mead made a motion to adjourn the meeting, motion seconded by O'Brien. The meeting was adjourned at 9:08 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Grant Murschel". The signature is written in a cursive style with a large initial "G" and "M".

Grant Murschel
Director of Planning & Community Development

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE ZONING BOARD OF APPEALS



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Report No. 20-01

Date: February 12, 2020

STAFF REPORT TO THE ZONING BOARD OF APPEALS

SUBJECT: Proposed Area/Dimensional Variance
PETITIONER: Valley City Sign on behalf of MidMichigan Health
LOCATION: 4000 Wellness Drive
PROPOSED: To allow one (1) area/dimensional variance to permit a wall sign of 150 square feet.
ZONING: COM Community

PETITION SUMMARY

The applicant is seeking one (1) dimensional variance for a larger wall sign on the future Heart and Vascular Center at MidMichigan Health that is currently under construction. In the COM Community zoning district, one wall sign is permitted per building at a maximum of 50 square feet. The applicant is asking for a sign of 150 square feet which would result in a variance of 100 square feet.

For aerial view of property and zoning map please see attached pages.

REVIEW CRITERIA FOR DIMENSIONAL VARIANCES

The Zoning Board of Appeals may grant a “non-use” variance only upon a finding that practical difficulties exist. A finding of practical difficulty is when the applicant has demonstrated all of the following:

- A. **Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.**

Petitioner’s response: See attached.

Staff commentary: Strict compliance with dimensional restrictions could render conformity unnecessarily burdensome when consideration is given to the scale of the building, the nature of the use, and the setback from W. Sugnet Road. The subject use is a heart and cardio vascular center which will result in a large amount of out-of-town patients and visitors. The facility is over 100,000 square feet and is three stories in height. The building is setback over 250 feet from W. Sugnet Road.

- B. **The variance will do substantial justice to the applicant, as well as to other property owners.**

Petitioner’s response: See attached.

Staff commentary: The variance could provide substantial justice to the applicant by allowing for appropriately scaled wall signage that is viewable from the adjacent roadway. As it pertains to other property owners, the proposed sign may provide additional visibility to this medical facility allowing for easier location of the building for visitors and patients.

- C. **The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.**

Petitioner’s response: See attached.

Staff Commentary: The variance requested appears to be the minimum required to provide substantial relief when considering the ability to identify the development from the adjacent roadway and the scale of the building. It should be noted, however, that the applicant has not provided detail as to why a smaller sign would not be adequate.

- D. What are the unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district, which would require this variance?**

Petitioner's response: See attached.

Staff Response: The proposed sign will service the new hearth and vascular center at the MidMichigan Health hospital. This is a facility that will attracted patients and visitors from the region. There are few other facilities within the city that attract from such a large area.

- E. The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, not by the applicant or the applicant's predecessors.**

Petitioner's response: See attached.

Staff Response: It could be argued that the problem and resulting need for the variance has been created by strict compliance to the Zoning Ordinance as relates to the provision of parking and site access. These two requirements have play a large, but not entire, role in how far the building is setback from the street. The setback combined with the scale of the building influences the desire for larger wall signage.

ACTION REQUIRED

An affirmative vote of a majority of ZBA members (3/5) is necessary to approve this variance request.

PUBLIC COMMENTS TO DATE

As of February 12, 2020, City staff has not received any written public comments on the petition.

Respectfully Submitted,



Grant Murschel
Director of Planning & Community Development

**AREA OR DIMENSION (NON-USE) VARIANCES
ZONING BOARD OF APPEALS
Criteria for Approval**

The Zoning Board of Appeals may grant a requested “non-use” variance only upon a finding that practical difficulties exist. A finding of practical difficulties is when the applicant has demonstrated all of the following:

- a. How will strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome?

Strict compliance with the sign area requirements would negatively affect the legibility of the proposed sign and hinder wayfinding of the public.

- b. How will a variance do substantial justice to the applicant, as well as to other property owners?

Substantial justice would be done by granting a variance to allow a sign that is legible which will aid in wayfinding. The sign will also be more fitting in context of the size and scale of the building and the use which it contains.

(Continued on reverse side)

- c. Is the variance requested the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners?

The Variance that is being requested is only to the extent that is necessary in order to legibly display the name of the building while also maintaining building aesthetics in context of the size and scale of the building and the use which it contains.

- d. What are the unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district, which would require this variance?

The building on which the sign will be placed is part of a large hospital complex with multiple buildings, entrances and services, all of which are important to the general health and welfare of the public. The buildings is setback substantially in order to maintain a sufficient amount of parking dedicated to the services that it offers.

- e. Has the problem and resulting need for the variance been created by strict compliance with the Zoning Ordinance, not by the applicant or the applicant's predecessors?

The need for a variance arises from the unique set of needs presented by a large hospital complex. Circumstances that caused the need for this variance are not a result of the actions of MidMichigan Health or previous property owners.

Heart and

Load: 85.2%
Modules: 71 White WOW 7500K
Watts: 51.1 of 60.0
PS:60watt

Load: 79.2%
Modules: 66 White WOW 7500K
Watts: 47.5 of 60.0
PS:60watt

Vascular

Load: 90.0%
Modules: 75 White WOW 7500K
Watts: 54.0 of 60.0
PS:60watt

Center

Load: 49.2%
Modules: 41 White WOW 7500K
Watts: 29.5 of 60.0
PS:60watt

257 Modules: G2G WOW 7500K
257 Total Modules
185.0 Watts
4 Power Supplies: 60W
41.256 sq ft
247.206 perim ft



**VALLEY CITY
SIGN**

5009 West River Drive | Comstock Park, MI 49321 | Ph 616.784.5711 | Fx 616.784.8280 | www.valleycitysign.com

CUSTOMER SIGNATURE: _____

DATE: _____

The designs, details and plans represented herein are the property of Valley City Sign; specifically developed for your personal use in connection with the project being planned for you by Valley City Sign. They are not to be shown to anyone outside of your organization, nor are they to be used, reproduced, exhibited or copied in any fashion whatsoever. All or any part of these designs (except registered trademarks) remain the property of Valley City Sign. Colors represented are being viewed by various web browsers, computer monitors and printers, therefore an exact representation of colors shown cannot be guaranteed via these methods. For true color matching, please request a material sample.

PROPERTY OF VALLEY CITY SIGN

PAGE 2 OF 3 - PLACEMENT ON RENDERING

DRAWING #168,880B

SCALE: 1/16" = 1'-0"

ONE (1) SET OF ILLUMINATED CHANNEL LETTERS
W/ RACEWAY REQUIRED

PROJECT: **MIDMICHIGAN HEALTH**

PHOTOSCAN (S): **No**

DESIGNER: **JB**

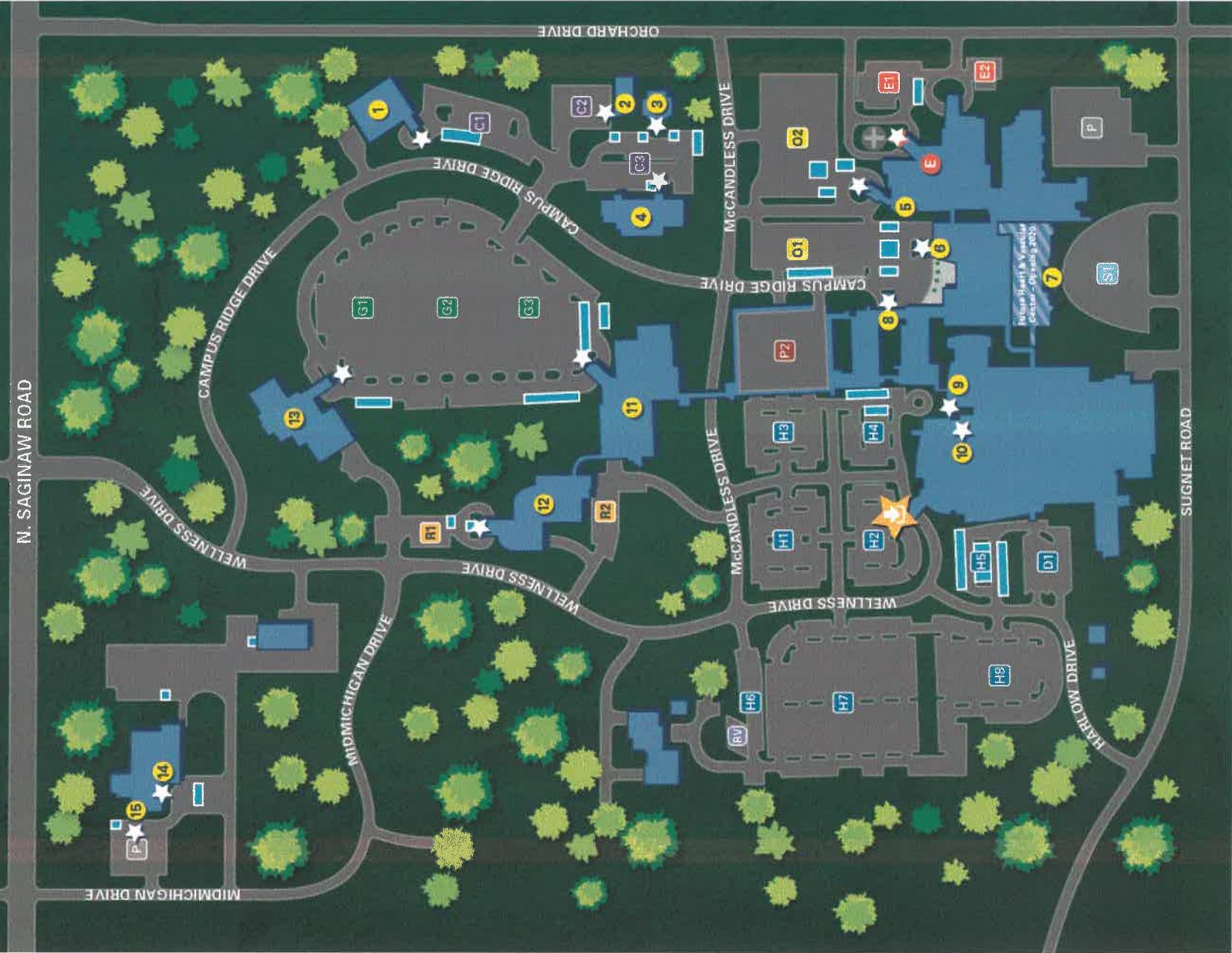
DATE: **12.03.19**

REVISIONS: **JB, JV**

HOURS: **1.0+ .50+1.5**

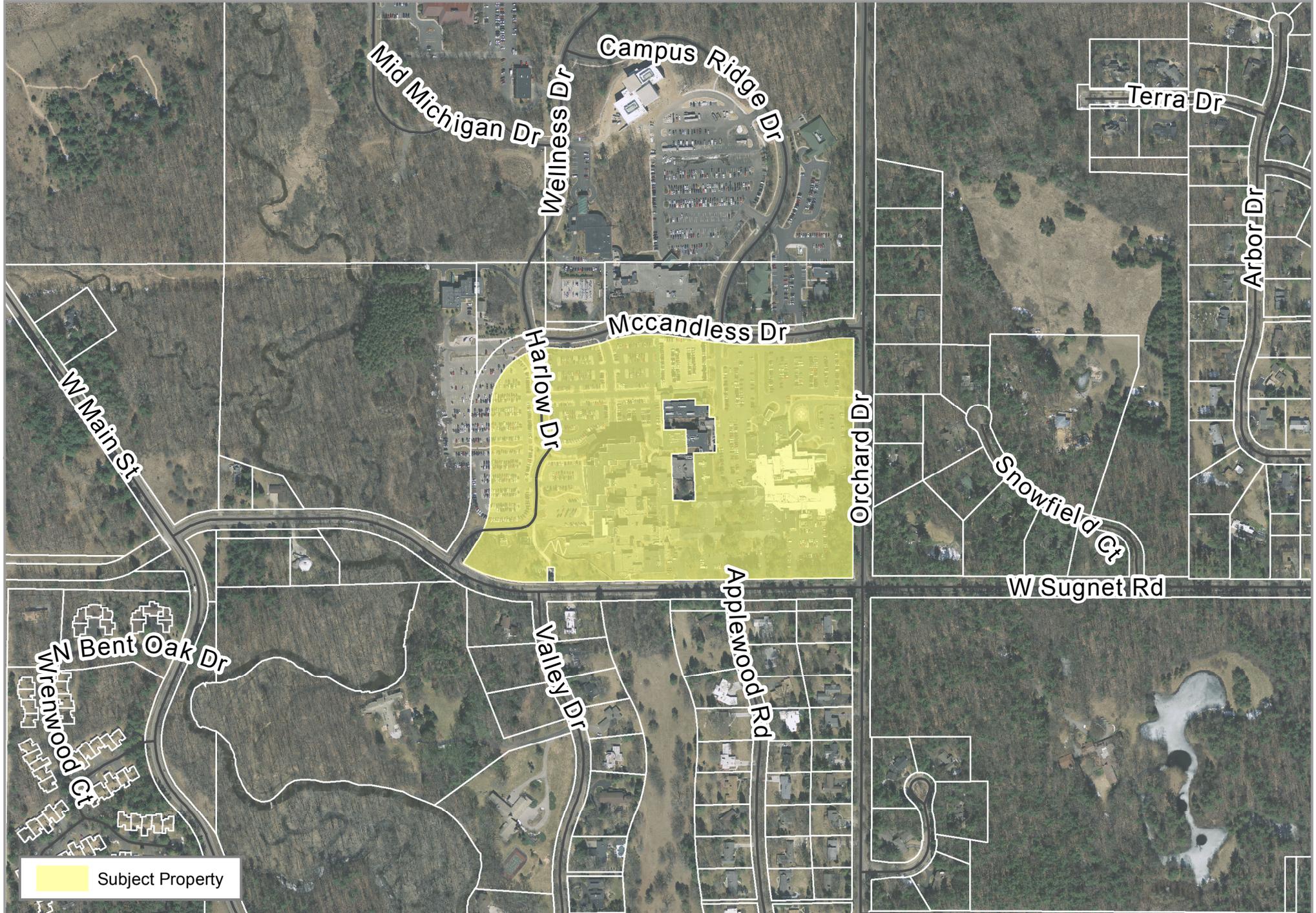
SALES: **29(KH)**

- E EMERGENCY
- ★ Hospital Entrance
- 1 Cancer Center
- 2 Wound Treatment Center
- 3 Ear, Nose & Throat
- 4 Center for Women's Health
- 5 MRI
- 6 Orchard Building
- 7 Future Heart & Vascular Center
- 8 Towsley Building
- 9 Radiation Oncology / Gamma Knife
- 10 Maternity
- 11 Campus Ridge Building
- 12 Riecker Surgery Center
- 13 Gerstacker Building
- 14 Home Care
- 15 Urgent Care
- Parking
- Handicap-Only Parking
- RV RV Parking
- ★ Building Entrances



ZBA #20-01 | Valley City Sign

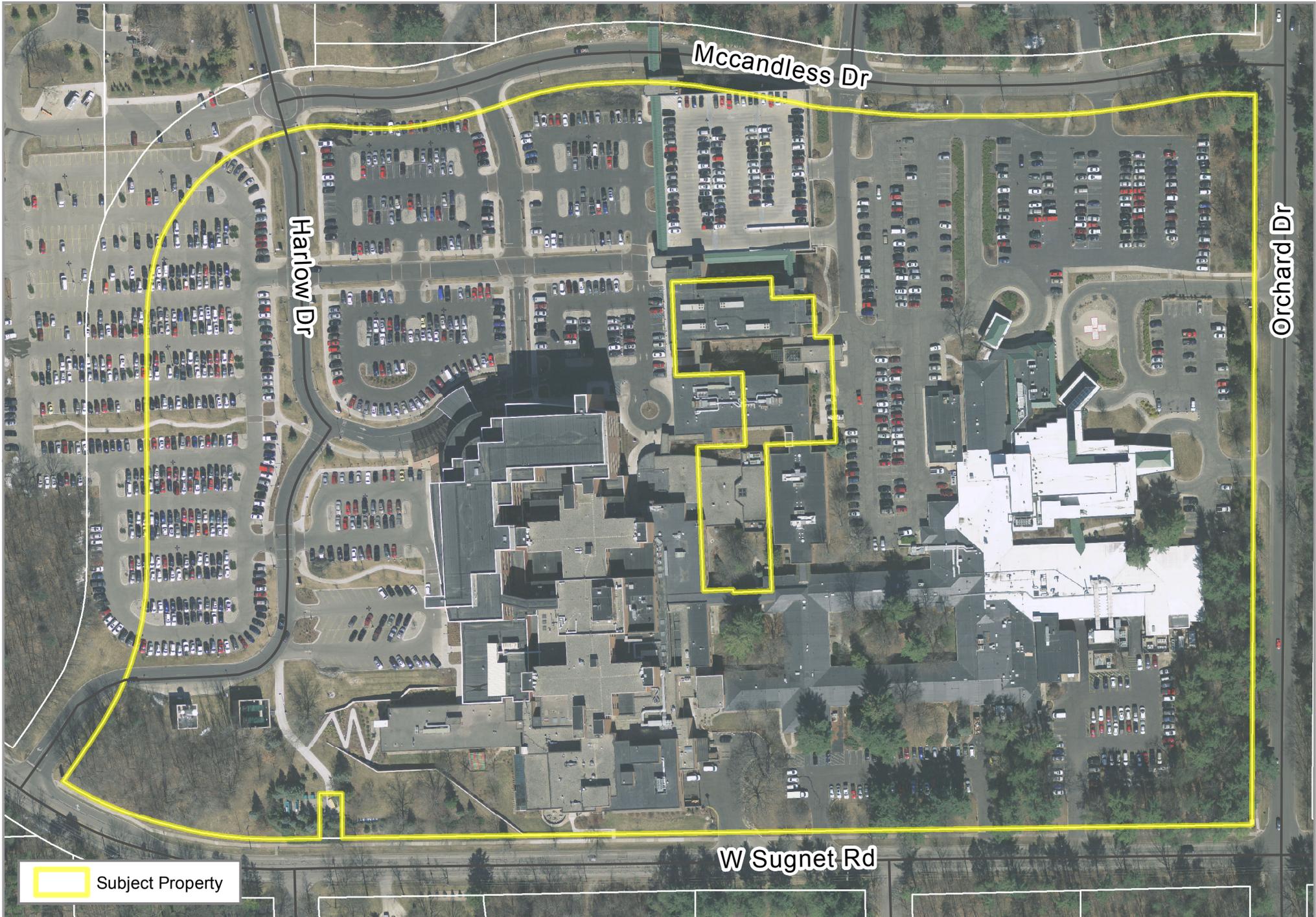
> 4000 Wellness Drive



 Subject Property

ZBA #20-01 | Valley City Sign

> 4000 Wellness Drive



Mccandless Dr

Harlow Dr

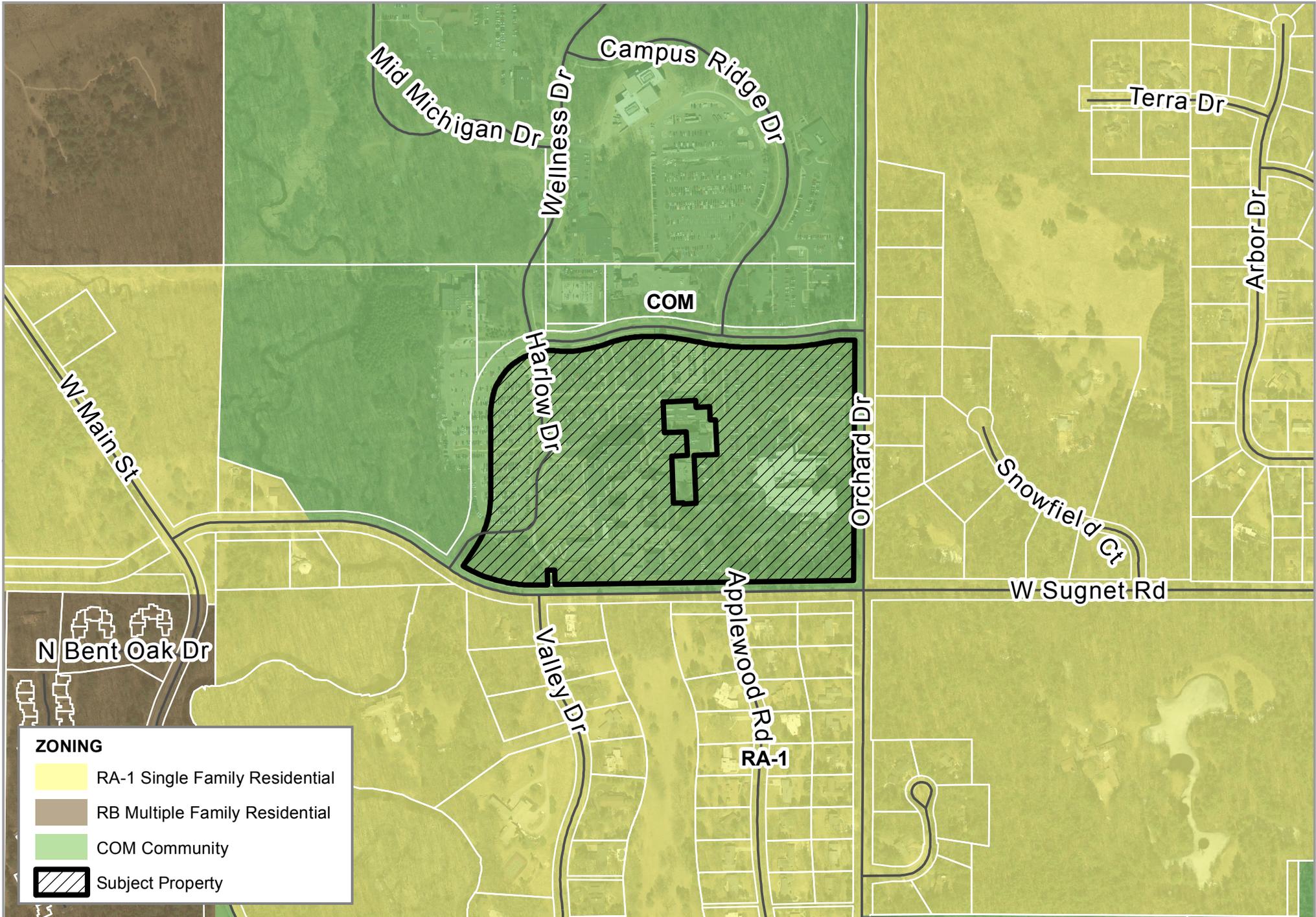
Orchard Dr

W Sugnet Rd

 Subject Property

ZBA #20-01 | Valley City Sign

> 4000 Wellness Drive



ZONING

-  RA-1 Single Family Residential
-  RB Multiple Family Residential
-  COM Community
-  Subject Property

January 10, 2020

MidMichigan Health is aware of the variance application to 4000 Wellness Drive for a wall sign at the new Heart and Vascular Center.

Regards,



Michael J. Erickson
Vice President Support Services
MidMichigan Health
4000 Wellness Drive
Midland, MI 48670



Valley City Sign
5009 West River Drive
Comstock Park, MI 49321
Ph 616.784.5711
Fx 616.784.8280
www.valleycitysign.com

January 10, 2020

City of Midland
Zoning Board of Appeals
333 Elsworth St
Midland, MI 48670

RECEIVED

JAN 13

PLANNING DEPT

RE: 4000 Wellness Dr – Variance for Heart and Vascular Center Sign

MidMichigan Health is currently constructing a new Heart and Vascular Center which will open later this year. This building will be at the south end of the hospital complex and be served by a parking lot with direct access from Sugnet Rd. In order to assist with the needs of wayfinding through building identifications, MidMichigan Health is proposing a 150 sq ft wall sign to be mounted on the south elevation of the new building adjacent to the entrance. The new sign is needed for wayfinding and building identification. A variance for increased area is needed. Valley City Sign is submitting this request on behalf of MidMichigan Health.

The distance between the sign and Sugnet Rd is about 300 ft. In order for a sign to achieve optimum legibility, it should have at least 1 inch of letter height for each 10 feet of distance at which the sign is intended to be viewed. Since this sign is intended to be viewed by motorists from Sugnet Rd in order to aid in wayfinding, we have determined that 38.5 inch would provide sufficient of the sign for safe wayfinding when taking multiple viewing angles and traffic speed into consideration. The width of a sign consisting of only letters which spell the name of the building is 550.06 inches, resulting in a wall sign that is 150 sq ft. If the sign were to be reduced to fit the area standards of the sign ordinance, the letter height would need to to be reduced to 22.45 inches. This would result in a sign that is unhelpful to safe wayfinding and would be out of scale with the size and scope of the new building.

We are confident that the requested variances are to the minimum extent necessary in order to establish relief from hardships brought by conditions unique to this site. Thank you for your time and consideration of this request. Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. Kerr', is written over a light blue horizontal line.

Stephen Kerr
Valley City Sign
skerr@valleycitysign.com
(616) 785-5713



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Report No. 20-02

Date: February 12, 2020

STAFF REPORT TO THE ZONING BOARD OF APPEALS

SUBJECT: Use Variance
PETITIONER: JoAnne Johnston
LOCATION: 3900 East Ashman Street
PROPOSED: A use variance to permit a single-family residential dwelling.
ZONING: LCMR Limited Commercial, Manufacturing & Research

PETITION SUMMARY

The applicant is requesting a use variance to permit a single-family residential dwelling on property located at 3900 East Ashman Street. The subject property is located within an LCMR Limited Commercial, Manufacturing & Research zoning district which permits uses that are intended to provide a mixed use office and industrial district for the needs of commerce, industry, and education. Single-family residential dwellings are not permitted.

For aerial view of property and zoning map please see attached pages.

REVIEW CRITERIA FOR USE VARIANCES

The Zoning Board of Appeals may grant a requested “use” variance only upon finding that an unnecessary hardship exists. An unnecessary hardship is when the restrictions of the zoning ordinance on the property, when its environment is considered, is so unreasonable as to constitute an arbitrary and capricious interference with basic private property rights. A “use” variance is a variance that permits a use that is otherwise prohibited in a zoning district. A finding of unnecessary hardship shall require demonstration by the applicant of all of the following:

- A. The property cannot be reasonably used for any purpose permitted in the zoning district without a variance.**

Petitioner’s response: *See attached.*

Staff commentary: The subject parcel exists today as a single-family residential use. The property contains a single-family home and an accessory storage shed. Use of these existing structures for a limited commercial, manufacturing or research facility is possible but would require extensive renovation and possibly redevelopment of the site.

- B. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.**

Petitioner’s response: *See attached.*

Staff Comments: The subject property is the only single-family home within the LCMR zoning district in this particular area of the city. Other single-family homes were located along E. Ashman Street to the west of the property, within the LCMR zoning district, but have been removed over the years. This house is the only one that was located to the east of Stratford Woods Drive and the Midland County Juvenile Care Center which makes it uniquely located compared to others.

- C. The variance will not alter the essential character of the area. In determining whether the effect the**

variance will have on the character of the area, the established type and pattern of land uses in the area and the natural characteristics of the site and surrounding area will be considered.

Petitioner's response: *See attached.*

Staff Commentary: The variance will not alter the essential character of the area as it is currently being used for single-family residential purposes. Additionally, the surrounding properties are largely used for public parks purposes, with the exception being the County Juvenile Care Center.

D. The problem and resulting need for the variance has not been self-created by the applicant.

Petitioner's response: *See attached.*

Staff Response: The problem and resulting need for the variance does not appear to be self-created. At the time the single-family home was constructed (1959) this use was permitted. Over the years, the property was rezoned to LCMR to match the surrounding lands which made the use legally non-conforming.

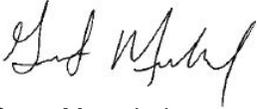
ACTION REQUIRED

An affirmative vote of 2/3 (e.g. 4 of 5 members) of the ZBA is necessary to approve a use variance request.

PUBLIC COMMENTS TO DATE

As of February 12, 2020, City staff has not received any comments in support or opposition of the petition.

Respectfully Submitted,



Grant Murschel
Director of Planning & Community Development

**USE VARIANCE
ZONING BOARD OF APPEALS
Criteria for Approval**

The Zoning Board of Appeals may grant a requested “use” variance only upon finding that an unnecessary hardship exists. An unnecessary hardship is when the restrictions of the zoning ordinance on the property, when its environment is considered, is so unreasonable as to constitute an arbitrary and capricious interference with basic private property rights. A “use” variance is a variance that permits a use that is otherwise prohibited in a zoning district. A finding of unnecessary hardship shall require demonstration by the applicant of all of the following:

- a. Can the property be reasonably used for any purpose permitted in the zoning district without a variance?

-HIGHEST AND BEST USE IS RESIDENTIAL
-EXISTING USE OF RESIDENTIAL RESULTS IN HIGHEST VALUE
THE AREA (2.38 ACRES) IS VERY SMALL FOR USE UNDER LCMR ZONING
IT IS OUR UNDERSTANDING THAT THE DOW PROPERTY WILL BE GIVEN TO THE CITY
AND THAT PROPERTY WILL BECOME PART OF STRATFORD PARK, NO LONGER LCMR

- b. What are the unique circumstances peculiar to the property that are not generally applicable in the area or to other properties in the same zoning district?

THE SUBJECT AND ALL SURROUNDING USES FALL UNDER RESIDENTIAL B
- PARKS ARTICLE 15 - SECTION 15.02 A
- SOCIAL SERVICES ARTICLE 15- SECTION 15.02 A
- ELDERLY HOUSING ARTICLE 15- SECTION 15.02 C
- SINGLE FAMILY DWELLINGS ARTICLE 15 - SECTION 15.02 D

(Continued on reverse side)

- c. Will the variance alter the essential character of the area? In determining whether the effect the variance will have on the character of the area, the established type and pattern of land uses in the area and the natural characteristics of the site and surrounding area will be considered.

NO, IT WILL MAINTAIN WHAT HAS BEEN THERE SINCE ORIGINAL CONSTRUCTION IN 1958.

PRIOR TO THAT TIME, MOST PROPERTY IN THE AREA WAS FOR
AGRICULTURAL/RESIDENTIAL.

PROPERTY ACROSS THE STREET TO THE NORTH (BLAKE PARK) AND TO THE WEST

BLAKE PARK ARE ZONED RESIDENTIAL/PARK. SINCE OUR PROPERTY IS PRETTY MUCH

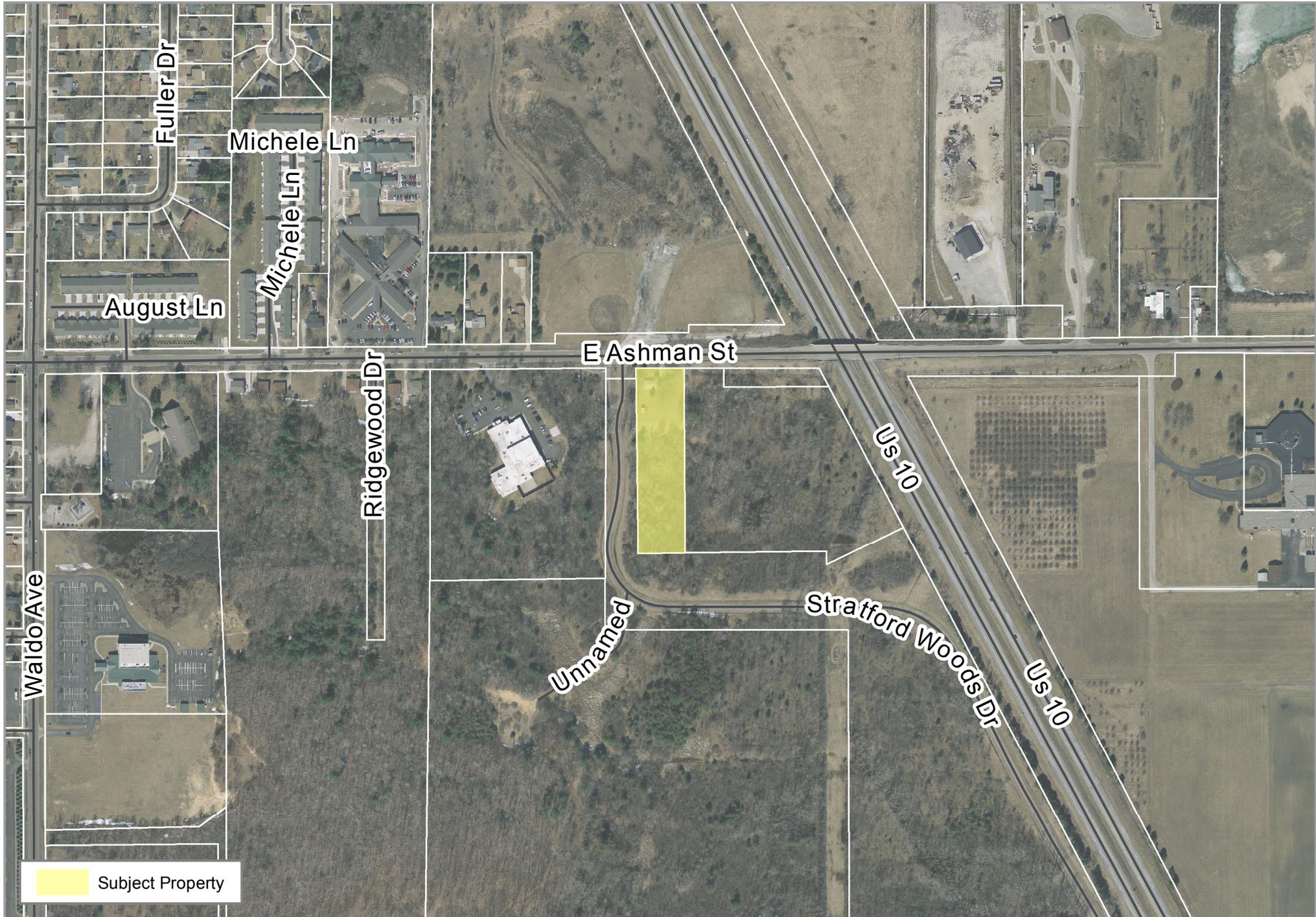
IDENTICAL TO THOSE PROPERTIES, WE ARE REQUESTING THE SAME ZONING.

- d. Why has the problem and resulting need for the variance not been self-created by the applicant?

RE-ZONED BY THE CITY TO LCMR STATUS TO COMPLY WITH NEARBY DOW CHEMICAL
PROPERTY ZONING WHICH WILL BECOME PARK PROPERTY.

ZBA #20-02 | J. Johnston

> 3900 E. Ashman Street



 Subject Property

ZBA #20-02 | J. Johnston

> 3900 E. Ashman Street



E Ashman St

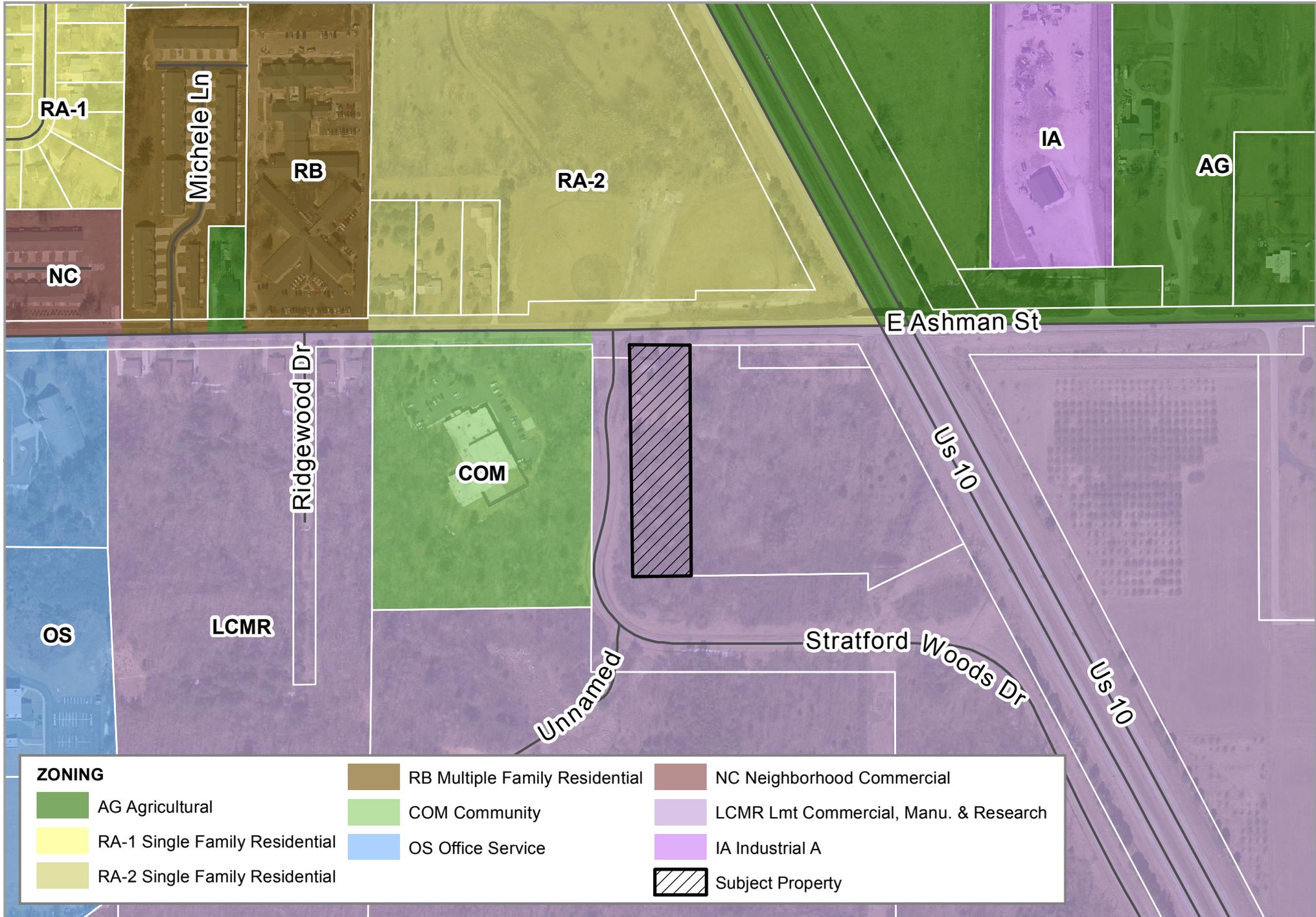
Stratford Woods Dr

 Subject Property



ZBA #20-02 | J. Johnston

> 3900 E. Ashman Street





PLANNING DEPARTMENT
HEARING DATE: 11/19/19
CITY OF MIDLAND, MICHIGAN
PETITION NO: 19-09

ZONING BOARD OF APPEALS

The petition of TJ Design Strategies on behalf of Costco Wholesale Corporation, 4816 Bay City Road, for an appeal from the requirements of Article 8.00 of the Zoning Ordinance, said regulations and requirements being invoked by the Building Inspector in his determination, for two (1) area/dimension variances X, to permit an increase in overall wall signage square footage on property located at 4816 Bay City Road. The applicant requests permission to increase the maximum permitted wall sign square footage to 631 square feet. The subject property is located within an RC Regional Commercial zoning district and on a corner lot which permits wall signage at a maximum of 225 square feet.

Findings of fact were identified by the board for the use variance request:

1. Property is located at 4816 Bay City Road.
2. Property is zoned RC Regional Commercial
3. Applicant is allowed 225 square feet of wall signage by right
4. Applicant is foregoing 300 square feet of ground signage
5. Applicant is requesting 631 square feet of wall signage on four signs
6. Building is setback 382' feet from Bay City Road
7. Original request has been reduced by 39% from 1,029 square feet
8. Stormwater basin is located to the north of the parking area and store to the south of Bay City Road
9. Fuel facility is to be located at the northeast corner of the development with signs in compliance
10. More than One Hundred and Fifty (150) communication in support have been received.
11. No communications or public comments in opposition were made
12. Property is bordered by RD Mobile Home Park at the East
13. Property is bordered by LCMR / AG to the south
14. Building size is approximately 157,483 square feet
15. Two separate parcels make up the development area
16. Property fronts onto two streets, Bay City Road and Rockwell Drive
17. Speed limit on Bay City Road is 45 mph
18. Petitioner indicated the reduction in size is less than what is in place on smaller footprint stores.

Motion: Green made a motion to approve one (1) area/dimensional variance with the condition that forfeit ground mounted signage for Zoning Variance Petition 19-09 based on the findings of fact. Siemer seconded the motion.

Mead: Yes
Poprave: Yes
O' Brien: Yes
Green: Yes
Siemer: No

The motion to approve this petition was approved by a vote of 4-1.

All permits necessary for prosecution of the work shall be obtained within six months from the date.

BEG 50 FT S OF E 1/4 COR OF SEC 24, S 871.2 FT, W 250 FT, N 871.2 FT, E 250 FT TO
BEG



PLANNING DEPARTMENT
HEARING DATE: 11/19/19
CITY OF MIDLAND, MICHIGAN
PETITION NO: 19-10

ZONING BOARD OF APPEALS

The petition of Midland County Fairgrounds, 6905 Eastman Avenue, for an appeal from the requirements of Article 5.00 of the Zoning Ordinance, said regulations and requirements being invoked by the Building Inspector in his determination, for one (1) area/dimension variances X, to permit the reduction of the side yard setback to 12.7 feet to match the existing adjacent building distance from the property line. The subject property is located at 6905 Eastman Avenue and located within a COM Community zoning district which requires a 25 foot side yard setback.

Findings of fact were identified by the board for the use variance request:

1. Property is located at 6905 Eastman Avenue.
2. Property is zoned COM Community
3. Side setback is 25' in a COM Community zoning district
4. Proposed structure would join two existing structures
5. Existing building has a 10' setback and was built ~25 years ago
6. Two communications received in support
7. One communication received in opposition; with the location being quite distant from the setback area requested
8. Property is bounded by RC Regional Commercial to the south and east
9. Midland County Fairgrounds has been charged with the care of this property since 1948 and has a Master Plan in place
10. Midland County Fairgrounds is host to the MIHA State Competition
11. Setback will allow for safer passage within the structure
12. State Police has spoken in support due to the training programs conducted

Motion: Siemer made a motion to approve one (1) area/dimensional variance for Zoning Variance Petition 19-10 based on the findings of fact. Mead seconded the motion. Green offered an amendment to the motion to extend the approval to 365 days for permits to be sought.

Mead: Yes
Poprave: Yes
O' Brien: Yes
Green: Yes
Siemer: Yes

The motion to approve this petition was approved by a vote of 5-0.

All permits necessary for prosecution of the work shall be obtained within Twelve (12) months from the date.

COM 491 FT S OF E 1/4 COR W 396 FT N 165 FT W 925 FT S 631.4 FT E 768.98 FT N
264.46 FT E 550 FT N 203 FT TO BEG SEC 32 T15N R2E



PLANNING DEPARTMENT
HEARING DATE: 11/19/19
CITY OF MIDLAND, MICHIGAN
PETITION NO: 19-11

ZONING BOARD OF APPEALS

The petition of Joseph & Sandra Dunn, 1011 East Ashman Street, for an appeal from the requirements of Article 5.00 of the Zoning Ordinance, said regulations and requirements being invoked by the Building Inspector in his determination, for one (1) use variance X, to permit a four-unit residential dwelling on property located at 1011 East Ashman Street. The subject property is located within a RA-4 One & Two Family Residential zoning district which permits only single and two-family residential dwellings by right.

Findings of fact were identified by the board for the use variance request:

1. Property is located at 1011 E Ashman Street.
2. Property exists as a four unit residential facility
3. Property is zoned RA-4 One & Two Family Residential
4. No communications or comments in support or in opposition were received
5. Zoning changed after the building was constructed
6. Structure is non-conforming
7. Property has been used as a four-unit structure in excess of 40 years
8. Multiple family dwellings exist in the surrounding area
9. Speed limit on East Ashman Street is 35 mph
10. Property is approximately 7420 square feet
11. Pedestrian connection exists on the west side of the building
12. Surrounding zoning districts are RA-3 and RA-1
13. Request is a zoning variance is being made to permit the sale or disposition of the property
14. Applicant or representative are not present

Motion: Siemer made a motion to approve one (1) variance for Zoning Variance Petition 19-11 based on the findings of fact. Green seconded the motion.

Mead: Yes
Poprave: No
O' Brien: Yes
Green: Yes
Siemer: Yes

The motion to approve this petition was approved by a vote of 4-1.

All permits necessary for prosecution of the work shall be obtained within six months from the date.

W 53 FT OF LOT 6, E 25 FT OF VAC ST ADJ & BEG 83 FT E OF NW COR OF LOT 6, W 30 FT, S 76 FT, NE TO BEG WALLENS ADD



PLANNING DEPARTMENT
HEARING DATE: 11/19/19
CITY OF MIDLAND, MICHIGAN
PETITION NO: 19-12

ZONING BOARD OF APPEALS

The petition of Winterstein Builders, 608 Capitol Street, for an appeal from the requirements of Article 5.00 of the Zoning Ordinance, said regulations and requirements being invoked by the Building Inspector in his determination, for one (1) area/dimensional variance X, to permit the construction of a 12'6" x 18' residential home addition on property located at 608 Capitol Street. The applicant is requesting a two (2) foot variance from the side yard setback for the existing detached garage; with the proposed addition, the detached garage will be within the side yard rather than the rear yard. Detached garages in the side yard must meet the principle side yard setback of eight (8) feet in the RA-1 Single Family Residential zoning district. Currently, the existing detached garage is located six (6) feet from the side property line.

Findings of fact were identified by the board for the use variance request:

Findings of Fact:

1. Property is located at 608 Capitol Street.
2. Property is zoned RA-1 Single Family Residential
3. Speed limit is 25 mph on Capital Drive
4. Property is currently compliant with dimensional requirements of the RA-1
5. 225 square feet addition located to the south of the original structure
6. Addition would not be attached to the garage
7. One communication in support
8. No communications in opposition
9. Garage is located 6' from the property line
10. Requested variance is 2'

Motion: Green made a motion to approve one (1) area/dimensional variance for Zoning Variance Petition 19-12 based on the findings of fact. O'Brien seconded the motion.

Mead: Yes
Poprave: Yes
O' Brien: Yes
Green: Yes
Siemer: Yes

The motion to approve this petition was approved by a vote of 5-0.

All permits necessary for prosecution of the work shall be obtained within six months from the date.

LOT 106 JEFFERSON ACRES SUB