

# AGENDA

## REGULAR MEETING OF THE MIDLAND ZONING BOARD OF APPEALS, TO TAKE PLACE ON TUESDAY, JULY 21, 2020, 6:30 P.M.,

***This meeting will be held electronically due to the COVID-19 pandemic.***

The meeting will be broadcasted live on ATT U-Verse Channel 99; MGTV Channel 188 and online at [Cityofmidlandmi.gov/video](http://Cityofmidlandmi.gov/video)

To join via videoconference, go to:

<https://zoom.us/join> | **Webinar ID:** 880 5246 0483 | **Password:** 337664

To join via telephone, dial:

US: +1 301 715 8592 or +1 312 626 6799 | **Webinar ID:** 880 5246 0483 | **Password:** 337664

1. **Roll Call**
2. **Approval of the Minutes**
  - a. Regular Meeting February 18, 2020
3. **Public Hearings**
  - a. **Petition No. 20-04** – Allied Signs on behalf of Planet Fitness: for an area/dimensional variance to permit the construction of two (2) 292 sq foot wall signs totaling 584 sq feet at 6840 Eastman Avenue. The applicant is requesting a variance of 359 sq. ft. The property is zoned RC Regional Commercial which permits a maximum of 225 sq. ft. by right for the subject building.

### 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. 20-01, No. 20-02
  8. **Adjournment**

**MINUTES OF THE MEETING OF THE ZONING BOARD OF APPEALS  
TUESDAY, FEBRUARY 18, 2020, 6:30 P.M.,  
COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN**

**1. Roll Call**

**PRESENT: Board Members** – Danielsen, Green, Pnacek, Poprave, and Mead

**ABSENT: Board Member** – None

**OTHERS PRESENT:** Grant Murschel, Director of Planning & Community Development;  
Nicole Wilson, Community Development Planner, and six (6) others.

**2. Approval of the Minutes**

It was moved by Green and supported by Mead to approve the meeting minutes of the regular meeting dated November 19, 2019 as presented.

**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.

Murschel gave the staff presentation for Petition No. 20-01.

Danielsen inquired if there were other signs within the campus that were at this size. Murschel responded that the interpretation of signage is that the allowable square footage is per building.

Pnacek confirmed the location of the sign.

Green asked if the main entrance for the Heart & Vascular Center would be from Sugnet Road. Murschel confirmed.

Steven Kerr, Valley City Sign  
Michael Erickson VP, Support Services Mid-Michigan Health

Mr. Kerr shared a rendering (22 7/8" tall lettering) of a sign that would be in compliance and commented that the location of the signage and the distance from travel lanes impact the visibility of the sign to function in its traffic directional.

Danielsen asked if the sign is lit and how. Mr. Kerr responded that the sign will be timed for evening hours and that the letters will be backlit.

Poprave asked if existing landscaping is being retained. Mr. Erickson commented that the patrons of this building will be arriving from as far away as Alpena, requiring a higher level of wayfinding signage. A significant amount of landscaping and the berm have been retained to provide a buffer to the homes to the south of the facility. The square footage of the building is 170,000+. This sign is similar in size to the other MidMichigan Health facilities on campus.

Mead commented that seeing other lettering sizes would have helped to understand the impact. Mr. Kerr commented that every inch in height equates to 5-9 square feet of signage.

Green asked what the size of the Emergency Room signage is and how the 150 square foot sign size was derived.

Mr. Erickson commented that the sign on the building exists today. No other signage exists on the south side of the building. Mr. Kerr further commented that the 150 square foot signage was derived by way of visibility.

Pnacek asked what the height of the building is in this area of the building. The applicant responded around 40-45 feet. Pnacek surmised that the height of the sign would be roughly 30-35'.

Comments in Support: None.

Comments in Opposition: None.

Poprave closed the public hearing.

Findings of Fact:

1. Property is located at 4000 Wellness Drive
2. Property is zoned COM Community
3. Applicant is allowed 50 square feet of wall signage by right
4. Applicant is requesting 150 square feet of wall signage, a variance of 100 square ft
5. Sign purpose is to identify the building from the street
6. Sign is approximately 250' from the roadway
7. Sign is within MidMichigan Health campus
8. Main entrance for this facility is from Sugnet Road
9. Speed limit on Sugnet is 35 mph
10. Property to the north is zoned
11. Properties to the east and south are zoned RA-1
12. Building is three (3) stories in height
13. Building is approximately 170,000
14. No communications or public comments were received or made
15. Sign is approximately 35' from grade
16. Property is owned by MidMichigan Health
17. Existing screening trees are will remain on Sugnet Road

Danielsen made a motion to approve one (1) area/dimensional variance Petition No. 20-01 based on the findings of fact. Green seconded the motion.

Mead commented that the request is all or nothing rather than the applicant providing an in between option.

Danielsen commented that the building is very large and the sign is in proportion with the scale of the building. Danielsen further commented that the facility is unique in this area with such a large footprint.

Pnacek commented that the screening, setback and height of the building provide justification for a larger sign. Pnacek further commented that substantial justice in this case is provided to users of the facility, but not adjacent property owners. The larger footprint provides some level of justification for a larger sign request.

Green commented that the size is unique to the building and that the consideration of users unfamiliar with the area provide justification for a larger sign.

Poprave commented that the opportunity is to consider the petition as presented with the existing size requested.

Murschel provided clarification that the landscaping must remain as a part of the site plan approval. Poprave asked if the condition of landscaping retention could be added to this vote as well. Murschel affirmed.

Green asked for a condition to the motion that the landscaping must remain and should the large trees be removed that they be replaced with like size and species.

Poprave called for a vote on the condition to the motion.

Danielsen: No  
Poprave: Yes  
Mead: Yes  
Green: Yes  
Pnacek: Yes

The motion was approved 4-1.

Danielsen made a motion to approve one (1) area/dimensional variance Petition No. 20-01 with the above referenced amendment and based on the findings of fact. Green seconded the motion.

Danielsen: Yes  
Poprave: Yes  
Mead: Yes  
Green: Yes  
Pnacek: Yes

The motion was approved 5-0.

- 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.

Murschel gave the staff presentation for Petition No. 20-02.

Mead asked for the depth of the property. Murschel responded 660'.

Green asked if exposed propane tanks are permitted in RA-1. Murschel responded that would be allowable.

Murschel further commented that there was exploration of rezoning of the property, however, the area is completely zoned for light industrial in perpetuity. Murschel further commented that this option was not chosen given ...

Danielsen asked if any offers by the City of Midland has been made to the applicant. Murschel responded that funds and desire do not exist at this time.

Poprave asked when the property was rezoned. Murschel commented that it is likely pre-1980.

Green commented that to the west of Ridgewood there are duplexes that exist and the likelihood of approval being required should they be sold. Murschel commented that it is possible depending upon insurance and lending requirements.

Pnacek asked if something were to happen to the property

Mead asked what uses would be allowed to be constructed in the event of a catastrophic event. Murschel commented that they are a mix of office and industrial uses.

Pnacek asked for the setbacks required within the LCMR district. Murschel responded the setbacks are 20' (front), 20' (rear) and 40' collectively.

130' foot lot would remain, making an LCMR building challenging in terms of development that would be within allowable uses.

Mead commented that if the property were rezoned, it would be spot zoned. Murschel responded that the staff recommendation couldn't support a rezoning due to its lack of compliance with the Master Plan.

Ed Dombrowski, Bay City resident

Mr. Dombrowski commented that he is here on behalf of his family who is selling the property after the passing of their mother. Mr. Dombrowski further commented that the sales process was halted due to the non-compliant single family use of the property in an LCMR zoning district. Mr. Dombrowski provided a brief history of the property and its previous uses.

Comments in Support: None.

Comments in Opposition: None.

Poprave closed the public hearing.

Findings of Fact:

1. Property is located at 3900 E. Ashman
2. Property is zoned LCMR Limited Commercial Manufacturing & Research
3. Bordered on the north by RA-2
4. Bordered to the west by COM
5. Bordered by Stratford Woods Drive & Ashman Street
6. COM property owned by the City of Midland
7. No comments made or received
8. Zoning classification was changed in approximately in 1980's
9. House was constructed in 1959
10. Speed limit is 40 mph on East Ashman Street
11. Property southwest of the subject parcel is proposed to be passive recreation
12. City has decline to purchase the property
13. Should the existing structure on the subject parcel be destroyed, it could not be rebuilt at the same SEV

Mead asked how a potential future rezoning to residential, followed by a recreation rezoning if the property would be allowed to persist. Murschel responded that the use variance would allow the residential structure to exist.

Danielsen commented that there are other residential structures nearby and that the variance would not change the character of the area and that the hardship was not created by the applicant but by the City's rezoning. Pnacek, Green, Mead and Poprave affirmed.

Green made a motion to approve one (1) use variance for Petition No. 20-02 based on the findings of fact. Danielsen seconded the motion.

Poprave called for a vote on the motion by Green, supported by Danielsen for variance Petition No. 20-02.

Danielsen: Yes  
Poprave: Yes  
Mead: Yes

Green: Yes  
Pnacek: Yes

The motion was approved 5-0.

4. **Old Business**

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

6. **New Business**

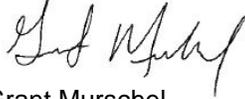
7. **Decision Sheet Signatures**

**No. 19-09, No. 19-10, No. 19-11, & No. 19-12**

8. **Adjournment**

Green made a motion to adjourn the meeting, motion seconded by Mead. The meeting was adjourned at 7:53 p.m.

Respectfully submitted,



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. 20-04

Date: July 16, 2020

### STAFF REPORT TO THE ZONING BOARD OF APPEALS

SUBJECT: Non-Use/Dimensional Variance

PETITIONER: Allied Signs on behalf of Planet Fitness

LOCATION: 6840 Eastman Avenue

PROPOSED: A non-use/dimensional variance to permit the construction of two (2) 292 square foot wall signs totaling 584 square feet.

ZONING: RC Regional Commercial

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#### PETITION SUMMARY

The applicant is requesting a variance to permit the construction of two (2) 292 sq foot wall signs totaling 584 sq feet at 6840 Eastman Avenue. The applicant is requesting a variance of 359 sq. ft. The property is zoned RC Regional Commercial and is located on a corner lot when considering the private drive surrounding the mall development. This situation permits a maximum of 225 sq. ft. by right for the subject property.

Recently, the property owner has divided the building into two (2) tenant spaces. Formerly, this building was used as the JCPenny's retail store in its entirety. It should be noted that the permitted 225 sq. ft. by right applies to the entire building and would need to be shared by both tenant spaces. The request for 584 sq. ft. is only for the single tenant space that is currently being built out for the new Planet Fitness.

*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, the building setback distance from Eastman Avenue, and the . These considerations, however, do not prevent the owner from using the building for a permitted purpose.

- 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 roadways. As it pertains to other property owners, other large box stores in this portion of the City have received similar variance request approvals considering their building setbacks from surrounding streets.

- 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 applicant has not provided any detail on the rationale behind the proposed size. Absent this, it is difficult to determine whether or not this is the minimum variance needed.

For comparison purposes, the former JCPenny's had three (3) wall signs totaling 478 sq. ft. This included two 140 sq. ft. signs (one facing north and one facing south) and a third sign of 198 sq. ft. facing west. The signs were permitted in 1991 and were permitted by right at that time. A previous sign variance has not been approved on the property.

- 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:** While the building on the property is setback substantially from the surrounding public street network, this is a commonality with many large box buildings within this area of the city and the RC Regional Commercial zoning district. That being said, many surrounding large box stores that are setback from their adjacent streets have larger wall signs than what is permitted by right due to approved variances.

It should be noted that approval of prior variances does not constitute a precedence nor rationalize this proposed variance request. All proposed variances must be reviewed independently against the criteria that has been established.

- 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 played 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 July 17, 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?

It won't prevent the owner from using the property but it will be unnecessarily burdensome due to the size and setback of the building, smaller signs will be harder to see.

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

It will offer better visibility and also help with directing traffic flow safely into the shopping center.

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(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?

Yes.

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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?

Size, shape and setback of the building.

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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?

Yes as the entire building is allowed 225 sqft. of wall signs. The 225 sqft is to be divided up between other tenants and multiple elevations.

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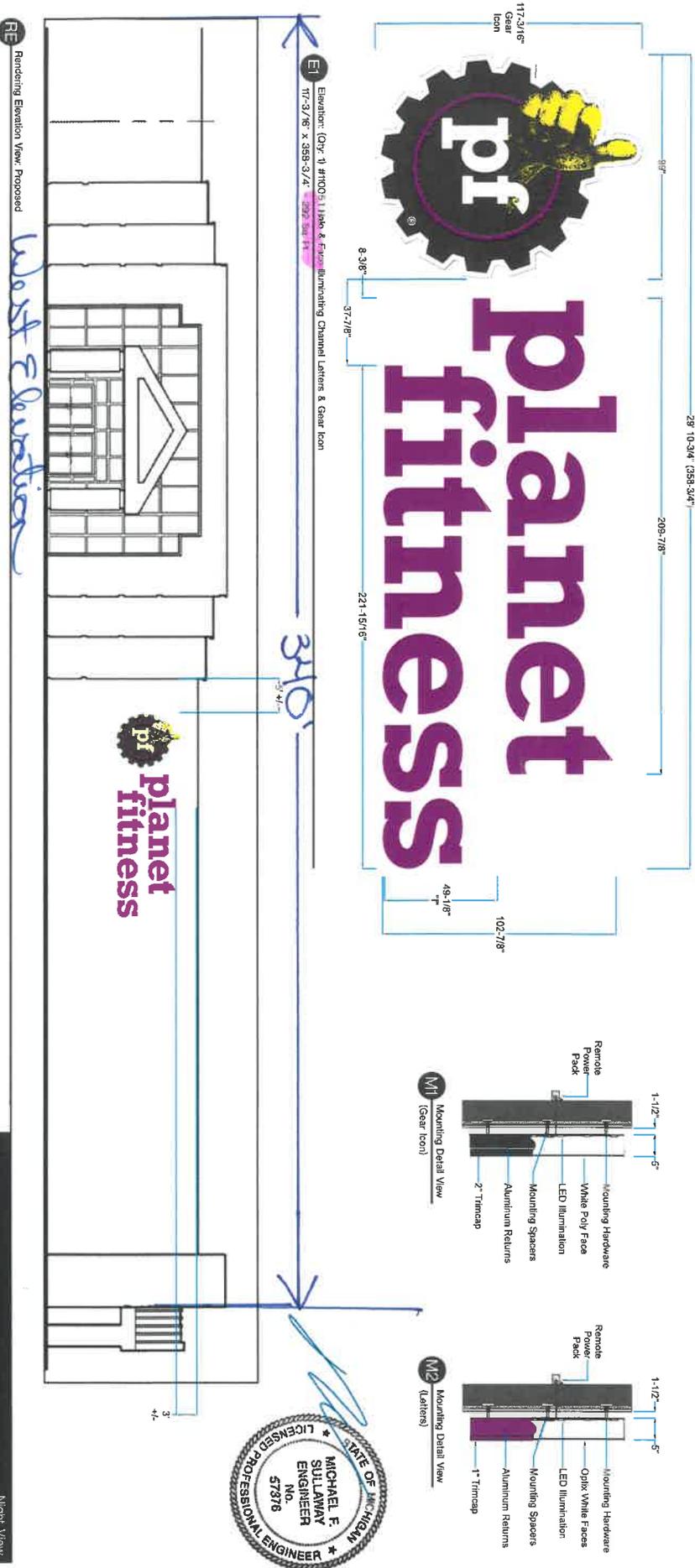
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- Description:**
- (Qty. 1) Halo & Face Illuminating Channel Letters and gear icon.
  - 3/16" White polycarbonate face
  - 3/16" Clear polycarbonate premium laser graphics applied first surface to face
  - Clear polycarbonate becker
  - Stock Black 2" trimcap and trimcap clips
  - Stock Black aluminum returns
  - Spacer mounted to facade to allow proper halo illumination
- Channel Letters:**
- 3/16" White Opik #2205 plus faces with translucent vinyl graphics
  - Clear polycarbonate backers
  - Painted 1" trimcap
  - LED Illumination
  - Spacer mounted to facade to allow proper halo illumination
  - Typeface/Logo: Planet Fitness
  - New 2017 Art on File

- Codes:**
- Returns - Pre-Finished Black (gear)
  - Painted Aluminum GG #490-06 (letters)
  - Trimcap - 2" Black (gear)
  - White Poly (to match Muberry vinyl)
  - White Opik #2406 (halo letters)
  - Graphics - Muberry Vinyl Opal 8500 #420 (letters)
  - White Poly (to match Muberry vinyl)
  - PaintColor Printed Purple PMS #2475c (gear)
  - PaintColor Printed Black (100%) (gear)
  - LEDs - White

- Installation:**
- By local installer
  - Power by Others
  - This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code (NEC). This includes proper grounding and bonding of the sign.
  - No exposed conduits or junction boxes on building facade is permitted
  - Non-corrosive pipe sleeves set in cement for each attachment into the facade

Job: Planet Fitness  
 Location: 6840 Eakin Ave., Midland, MI  
 Account Manager: Scott Spaulding  
 File: PF MidlandMI 6840Eakin west chls 7ap1

Date: 01.06.20  
 Designer: Pete Rivera  
 Date: D.25

Revisions:

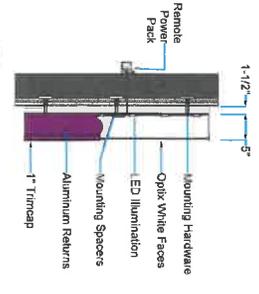
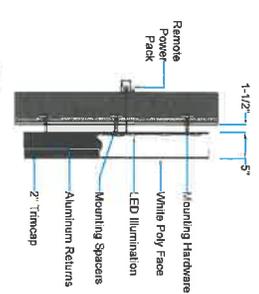
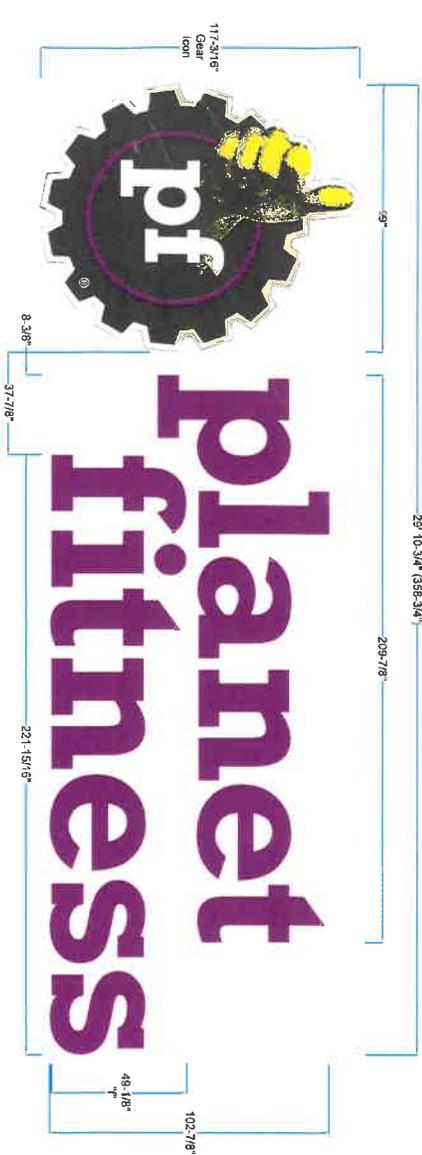
Revisions:

**ViewPoint SIGN AND AWNING**  
 1.508.393.8200  
 FAX 1.508.393.4244

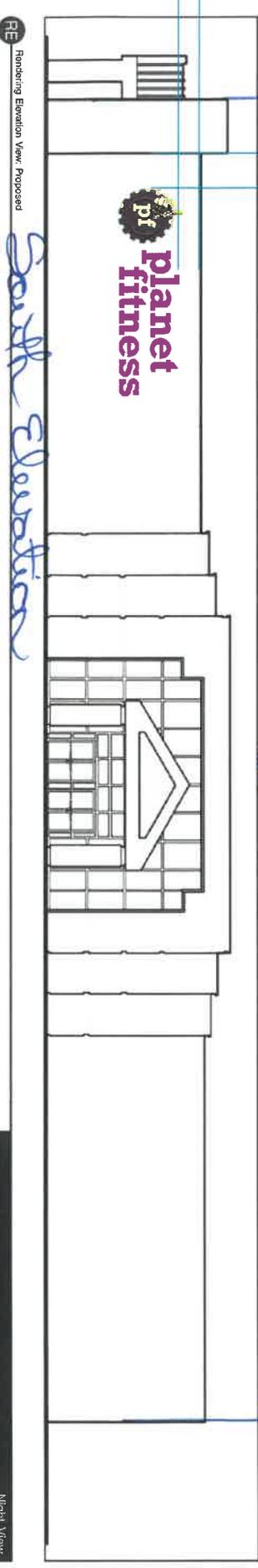
Customer Approval Act. Manager Approval Production Approval

**THIS PROPOSAL DRAWING CONTAINS ORIGINAL ELEMENTS CREATED BY VIEWPOINT SIGN AND AWNING. ALL RIGHTS RESERVED. UNAUTHORIZED DUPLICATION OR REPRODUCTION IS PROHIBITED.**





Elevation (Qty: 1) #10051 Halo & Face Illuminating Channel Letters & Gear Icon  
 11'-3/16" x 359-3/4" - 300' Sign Ft



- Description:**
- (Qty: 1) Halo & face illuminating channel letters and gear icon.
  - Gear Icon:
    - 3/16" White polycarbonate face
    - Clear polycarbonate backer
    - Laser graphics applied first surface to face
    - Clear polycarbonate backer
    - Stock Black 2" Trimcap and trimcap clips
    - LED Illumination
    - Spacer mounted to facade to allow proper halo illumination
- Channel Letters:**
- 3/16" White Opix #2406 pixel faces with translucent vinyl graphics
  - Clear polycarbonate backers
  - Painted Trimcap
  - Laser graphics applied first surface to face
  - LED Illumination
  - Spacer mounted to facade to allow proper halo illumination
  - Typfaces / Logo:
    - New 2007 AT on File

- Colors:**
- Returns - Pre-Finished Black (gear)
  - Painted AkzoNobel GG #490-08 (letters)
  - Trimcap - Black (gear)
  - Painted AkzoNobel GG #490-06 (letters) (to match Midberry vinyl)
  - Faces - White Opix #2406 (letters)
  - Graphics - Primer/Inks Opex #429 (letters)
  - Backer/Returns Opex #295c (gear)
  - FaceColor Printed Purple PMS #295c (gear)
  - FaceColor Printed Black (100%) (gear)
  - White
  - LEDs

- Installation:**
- By Local Installer
  - Power by Others
  - This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code (NEC). This includes proper grounding and bonding of the sign.
  - No exposed conduits or junction boxes on building facade.
  - Non-combustible pipe sleeve set in sealant for each attachment into the fascia

Job: Planet Fitness  
 Location: 6840 Edman Ave., Midland, MI  
 Account Manager: Scott Spaulding  
 Designer: Pete Rivera

Date: 01.06.20  
 Revisions:

Revisions:

Customer Approval:  Act. Manager Approval:  Production Approval:



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# Planet Fitness, 6840 Eastman

Sale!

**Legend**  
📍 6840 Eastman Ave

6840 Eastman Ave

Eastman Ave

Cinema Dr

Mall Dr

Google Earth  
© 2020 Google

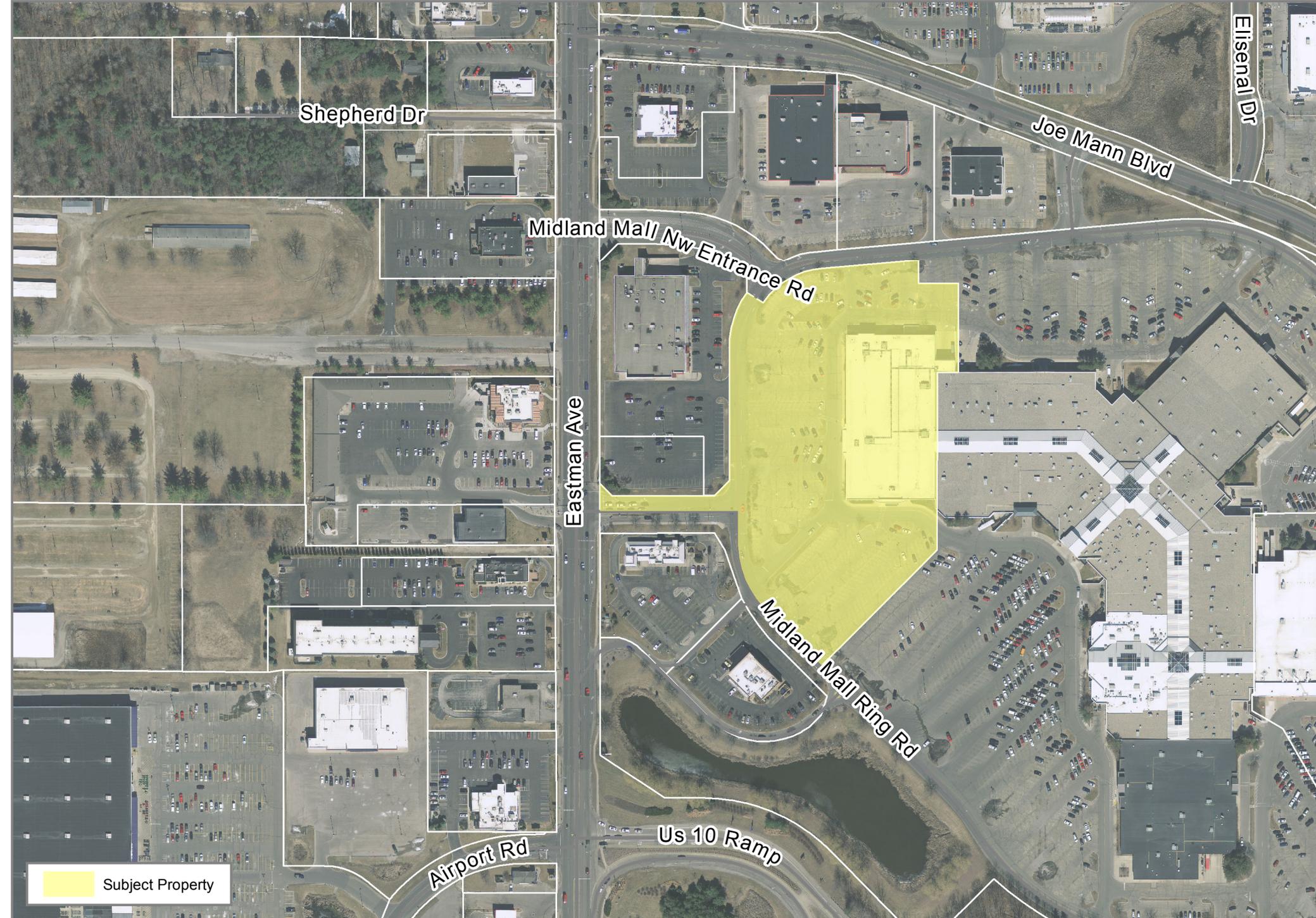
400 ft



# ZBA #20-04 | Planet Fitness

> 6840 Eastman Avenue

0 0.05 0.1 Miles



Shepherd Dr

Joe Mann Blvd

Eisenal Dr

Midland Mall Nw Entrance Rd

Eastman Ave

Midland Mall Ring Rd

Us 10 Ramp

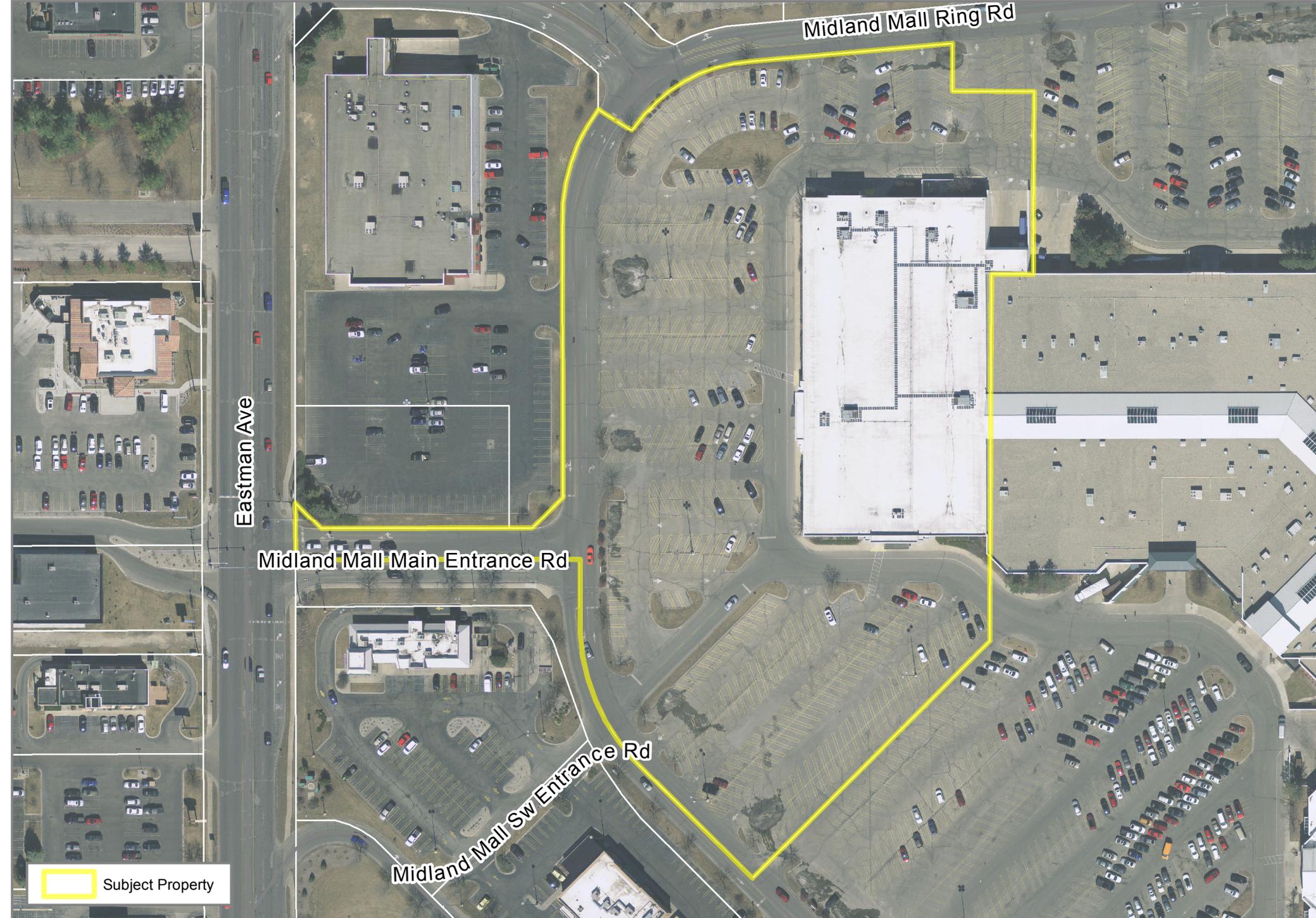
Airport Rd

Subject Property

# ZBA #20-04 | Planet Fitness

> 6840 Eastman Avenue

0 0.025 0.05 Miles



Eastman Ave

Midland Mall Ring Rd

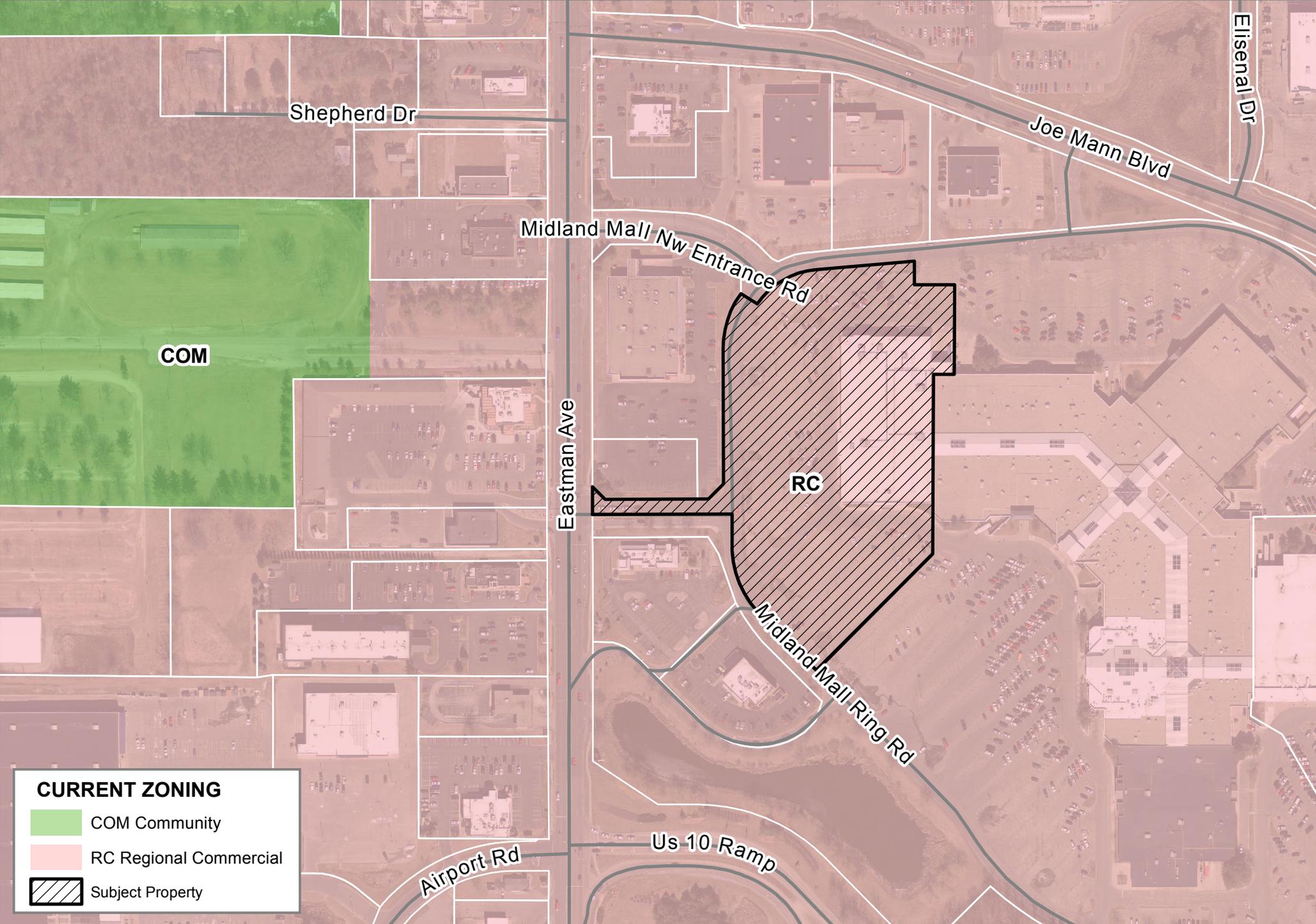
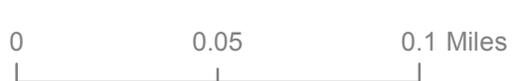
Midland Mall Main Entrance Rd

Midland Mall Sw Entrance Rd

 Subject Property

# ZBA #20-04 | Planet Fitness

> 6840 Eastman Avenue



**CURRENT ZONING**

-  COM Community
-  RC Regional Commercial
-  Subject Property



PLANNING DEPARTMENT  
HEARING DATE: 02/18/2020  
CITY OF MIDLAND, MICHIGAN  
PETITION NO: 20-01

## ZONING BOARD OF APPEALS

The petition of Valley City Sign on behalf of MidMichigan Health, 4000 Wellness Drive, 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 a 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

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

Findings of Fact:

1. Property is located at 4000 Wellness Drive
2. Property is zoned COM Community
3. Applicant is allowed 50 square feet of wall signage by right
4. Applicant is requesting 150 square feet of wall signage, a variance of 100 sq ft
5. Sign purpose is to identify the building from the street
6. Sign is approximately 250' from the roadway
7. Sign is within MidMichigan Health campus
8. Main entrance for this facility is from Sugnet Road
9. Speed limit on Sugnet is 35 mph
10. Property to the north is zoned
11. Properties to the east and south are zoned RA-1
12. Building is three (3) stories in height
13. Building is approximately 170,000
14. No communications or public comments were received or made
15. Sign is approximately 35' from grade
16. Property is owned by MidMichigan Health
17. Existing screening trees are will remain on Sugnet Road

**Motion:** Danielsen made a motion to approve one (1) area/dimensional variance Petition No. 20-01 based on the findings of fact. Green seconded the motion.

Green asked for a condition to the motion that the landscaping must remain and should the large trees be removed that they be replaced with like size and species.

Poprave called for a vote on the condition to the motion.

Danielsen: No  
Poprave: Yes  
Mead: Yes  
Green: Yes  
Pnacek: Yes

The motion was approved 4-1

Danielsen made a motion to approve one (1) area/dimensional variance Petition No. 20-01 with the above referenced amendment and based on the findings of fact. Green seconded the motion.

Danielsen: Yes  
Poprave: Yes  
Mead: Yes  
Green: Yes  
Pnacek: Yes

The motion was approved 5-0.

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.

SE 1/4 OF NW 1/4 OF SEC 8 & BEG AT INT OF W 1/8 LN & EW 1/4 LN, W 40 FT,NWLY ON ARC OF CUR TO RT 348.08 FT W RAD OF 553. 98 FT,NE AT RT ANG 102.38 FT,NELY ALG ARC OF CUR TO LT 232. 48 FT W RAD OF 380.49 FT,N TO CL OF MCCAND- LESS DR,ELY ALG SD CL TO W 1/8 LN,S TO BEG,EXC R/WS & EASES & EXC LAND N OF CL OF MCCANDLESS DR & EXC BEG 714.6 FT N & 483.91 FT W OF CEN OF SEC 8,W 21.8 FT,N 2 DEG 17 MIN 30 SEC W 51.7 FT,S 88 DEG 7 MIN 39 SEC W 55.04 FT,N 2 DEG 17 MIN 30 SEC W 26.88 FT,S 88 DEG 4 MIN 45 SEC W 132 FT,S 2 DEG 17 MIN 30 SEC E 124.1 FT,N 88 DEG 4 MIN 45 SEC E 88.62 FT,S 2 DEG 17 MIN 30 SEC E 96 FT,S 88 DEG 4 MIN 45 SEC W 63.42 FT,S 2 DEG 17 MIN 30 SEC E 190.44 FT,N 87 DEG 43 MIN 25 SEC E 39.86 FT,S 2 DEG 17 MIN 30 SEC E 4 FT,N 87 DEG 43 MIN 25 SEC E 51.07 FT,N 2 DEG 17 MIN 30 SEC W 194.12 FT,N 87 DEG 52 MIN 30 SEC E 92.7 FT,N 2 DEG 17 MIN



PLANNING DEPARTMENT  
HEARING DATE: 02/18/2020  
CITY OF MIDLAND, MICHIGAN  
PETITION NO: 20-02

## ZONING BOARD OF APPEALS

The petition of JoAnne Johnston, 3900 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 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.

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

Findings of Fact:

1. Property is located at 3900 E. Ashman
2. Property is zoned LCMR Limited Commercial Manufacturing & Research
3. Bordered on the north by RA-2
4. Bordered to the west by COM
5. Bordered by Stratford Woods Drive & Ashman Street
6. COM property owned by the City of Midland
7. No comments made or received
8. Zoning classification was changed in approximately in 1980's
9. House was constructed in 1959
10. Speed limit is 40 mph on East Ashman Street
11. Property southwest of the subject parcel is proposed to be passive recreation
12. City has decline to purchase the property
13. Should the existing structure on the subject parcel be destroyed, it could not be rebuilt at the same SEV

**Motion:** Green made a motion to approve one (1) use variance for Petition No. 20-02 based on the findings of fact. Danielsen seconded the motion.

Poprave called for a vote on the motion by Green, supported by Danielsen for variance Petition No. 20-02.

Danielsen: Yes  
Poprave: Yes  
Mead: Yes  
Green: Yes  
Pnacek: Yes

The motion was approved 5-0.

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.

BEG 30 FT E OF NW COR OF E 1/2 OF NE 1/4 OF NW 1/4 OF SEC 13, S 660 FT, E 157.5 FT, N 660 FT, W 157.5 TO BEG.