

**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**

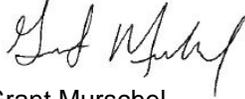
7. **Decision Sheet Signatures**

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

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