

GAINES CHARTER TOWNSHIP
ZONING BOARD OF APPEALS – REGULAR MEETING

Township Board Room - 8555 Kalamazoo Ave. S.E. Caledonia, MI 49316

Tentative Agenda

7:00 p.m. – Wednesday July 12, 2017

- I. Call to Order and Roll Call**
- II. Consideration of the Meeting Agenda**
- III. Consideration of Meeting Minutes**
April 12, 2017 – Regular Meeting
- IV. Inquiry of Conflict of Interest**
- V. Advertised Public Hearing**
 - 1. Alliance Beverage- 4490 60th Street SE (I-1)**
Variance from Section 17.11 (A) to allow for the installation of a 467 square foot wall sign in a location where wall signs are not normally permitted.
- VI. General Discussion Items**
 - 1. ZBA Bylaws**
- VIII. Adjournment**

*Please note that advertised public hearings will not start before the noted time, but may start later due to the length of other agenda items. All interested persons are invited to attend and participate. Persons with disabilities needing accommodation for effective participation in the meeting should contact the Township Office at 616-698-6640 one week in advance to request mobility, visual, hearing or other assistance.

Zoning Board of Appeals

Agenda Item V.1
Alliance Beverage- 4490 60th Street SE
Dimensional Variance from Section 2.3 (C) (2): Addition to Garage

Meeting Date:
July 12, 2017

Report Date:
July 5, 2017

File No. 01-201-004-ZBA

Applicant:
Alliance Beverage

Location:
4490 60th Street SE

Parcel Number:
41-22-01-201-004

Current Zoning District:
I-1

Proposed Request:
Dimensional Variance

Report Prepared By:
Mark Sisson, AICP
Township Planner &

Matt McKernan
Assistant Planner



Overview

Variance from Section 17.11 (A) to allow for the installation of a 466 square foot wall sign on a wall location where wall signs are not normally permitted and that exceeds the allowed square footage maximum for walls signs in the I-1 District.

Related Documents

- Application
- Signage Plan
- Section 17.11 (A) of the GCTZO



8555 Kalamazoo
Caledonia MI 49316
Phone: (616) 698-6640
Fax: (616) 698-2490

Property Information

Size: 31.73 Acres

Current Zoning: I-1 Light Industrial

Master Plan Designation:

Light Industrial

Neighboring Land Uses & Zoning:

North: Reformed Church of America (I-1)

South: Undeveloped Steelcase Property (LS-PUD)

East: Undeveloped Steelcase Property (LS-PUD)

West: Switch Data Center (I-1)

Overview and Relevant Facts of Request

Alliance Beverage Has direct street frontage on 60th St. but while clearly visible from M-6 but it does not have direct freeway frontage and is separated from the highway by a 250 foot wide strip of property owned by Steelcase. Section 17.11 (A) of the Zoning Ordinance permits businesses in the I-1 district to install 1 wall sign of up to 100 square feet per street frontage. Alliance Beverage is requesting a variance from these requirements to allow for a 466 square foot wall sign to be placed on the south side of their building facing M-6. Alliance Beverage contends that a sign facing 60th Street could not be seen from the road and that allowing them to face the sign toward M-6 would allow them to more effectively advertise their business. At the closest point the Alliance Beverage building is roughly 575 feet from the M-6 right-of-way and approximately 700 feet from the nearest travel lane. View distances range from 700 feet to over 1500 feet. The applicant contends that the proposed 466 square foot wall sign is the minimum size that would be legible from M-6.



There are 10 businesses in Gaines Township with wall signs facing M-6:

- 5 of the businesses (Logan’s Roadhouse, Jaku Sushi, Panera Bread, Starbucks, and Qdoba) are located in commercial districts which allow wall signs to face parking areas.
- 3 other businesses have signs which were specifically approved as part of the Gaines Marketplace commercial PUD (Meijer, Target, Staples).
- 2 other two signs are located in the I-1 district near Alliance Beverage: Presidio (6355 EAST PARIS AVE SE) and CMS North America (4095 Karona Ct SE). Presidio has a 100 square foot sign that was approved in 2012. The building has frontage on non- right of way property owned by the Michigan Department of Transportation, but similar to the Alliance case, does not have direct frontage on M-6. **This properties appears has not been granted a variance to allow the sign and it appears that former Township Staff may have erroneously approved the sign.**
 CMS North America has a 100 square foot sign wall sign that was approved by Township Staff in 2011. Unlike alliance and Presidio, it has direct frontage on both M-6 and Karona Ct. CMS North America appears to have simply opted to place its allotted wall sign on the M-6 frontage as opposed to Karona Ct is a choice allowed under the ordinance.

Analysis of Request; Dimensional Variance

Staff has reviewed this request using the applicable review standards set forth by Chapter 26, Section 26.8 (D) of the Zoning Ordinance:

- 1. The variance request, if granted, will be the minimum variance (i.e., the least variation or change from the particular requirement of the Ordinance involved) that will make possible the reasonable use of the land, structure, or building involved.**

Alliance Beverage is requesting a variance to allow for a wall sign that can be seen from the street. More minimal variances likely wouldn't accomplish this goal. Allowing a larger sign that would be legible from 60th Street is not feasible as the building is setback over 900 feet from the road. The speed limit on 60th Street is 55mph. Sign industry guidelines indicate that passersby at this speed will need a letter size exceeding 10 feet and in excess of 8 seconds to read a sign at that distance.

Allowing a variance for the proposed location of the sign, but not the increased size would increase visibility but not legibility. *The requested variance for a larger sign on the south side of the building appears to be the minimum variance from the ordinance that will allow the applicant to have a wall sign that can be seen and read from the public realm.*

- 2. The granting of the variance will not be injurious or detrimental to neighboring properties or residents.**

The proposed sign will not feature flashing or moving lights that might be injurious or detrimental to neighboring properties.

The sign will not be located in fashion that will reduce visibility from or to other points of view.

The size of the proposed sign will be backlit by an LED module would appear to be a minimal distraction to drivers on M-6.

The proposed sign will not prevent an adjacent property owner from enjoying a permitted use on their property.

(Note: If the variances are granted nothing in the ordinance will prevent the owner of the property in the foreground (Steelcase) from planting vegetation or erecting legal structures that will prevent passersby from seeing the Alliance sign).

- 3. The variance will not be detrimental to the public welfare or change the essential character of the neighborhood.**

Alliance Beverage is located in the I-1 zoning district. Wall signs are allowed by other businesses in the I-1 district. There are two other industrial buildings in this area (Presidio, & CMS North America) that have signs that face toward M-6. There are also four billboards (600 sf feet ±) in Gaines Township and several office buildings that have large wall signs within 1 mile of the site (in nearby Caledonia Township). **Staff suggests that a wall sign as proposed at this location oriented toward M-6 at this location would will not change the essential character of the neighborhood or be detrimental to the welfare of the neighborhood.**

- 4. The variance will not impair the intent or purpose of this Ordinance.**

There are a number of objectives listed as basic intentions of the zoning ordinance's sign provisions. As related to this request, the three most significant are to:

- Eliminate distractions that are hazardous to motorists and pedestrians;
- Protect commercial, business, office and industrial districts and areas from visual chaos and clutter;
- Balance the rights of individual property owners to communicate their message with the public's right to be free of unreasonable distractions and aesthetic intrusions.

The proposed wall sign will not feature flashing lights or other features that would serve to distract motorists on M-6. The 466 square foot wall sign is large enough to be seen from M-6, but will only cover

approximately 1.5% of the 30,600 square foot wall. The size and location of the proposed wall sign appears reasonably able to effectively communicate the applicant’s message without creating visual clutter. While the sign will be oriented toward the expressway instead of a surface street, two signs (one for each orientation) are not being requested. It can be concluded that allowing the variance will not impair the intent of the ordinance.

5. The problem or condition for which the variance is requested is not a self-created problem by the applicant or property owner (or their predecessors in title) as to the property involved.

Alliance Beverage facility is not readily visible from 60th Street. The problem is caused by the fact that the property can only be accessed by an access drive of approximately 550 feet in length. That combined with the mandatory 100 foot front yard setback for the I-1 district meant that the building had to be placed at least 650 feet from c 60th Street.

The previous owner of Alliance parcel also split a 3 acre parcel off from the northeast corner of the property in 2002. That created a situation where the current building on the larger parcel (Alliance’s) had to be set back at least an additional 225 feet from 60th Street(885 ft. total) . The Alliance Beverage building is in fact setback approximately 900 feet. The extreme setback couple with foreground vegetation on property not owned by Alliance has reduced he visibility of the building from 60th Street.

- Part of the problem is a self-created hardship created by the prior landowner in the land division process.
- A counter point argument can be made that the zoning ordinance itself is part of the problem because it fails to address the signage needs of a class of legal parcels that do not have good visibility.

6. The condition or situation involved is not of so general or recurrent a nature that it would be more reasonable or practical for the Township to amend the provision of the Ordinance involved rather than to grant a variance for the condition or situation.

The desire for businesses having M-6 visibility to place wall signs facing M-6 appears to be a relatively common.

- Township Staff is currently reviewing potential updates and amendments to the GCTZO. In the future Staff may consider suggesting amending the ordinance to allow optional provisions for wall signs in industrial districts which could allow wall signs to face toward the freeway as an alternative to the surface street.



View of Alliance Beverage Facility from 60th Street

7. There are exceptional, unique, or extraordinary physical conditions or circumstances which directly relate to the property itself (including the land or a structure or building thereon) rather than the individual situation or desire of the applicant or property owner. In other words, the problem or exception or extraordinary circumstances or conditions must be inherent in the land, structure, or building involved.

- The Alliance Beverage building is setback over 900 feet from 60th Street. The property is accessed by a legal, narrow access appendage with a drive of over 550 feet in length. The setback of the building and foreground vegetation on private property not under the applicant's control makes it difficult to see from 60th Street.

8. The variance must be necessary for the preservation and enjoyment of a substantial property right which is similar to that possessed by other properties in the same zoning district and vicinity. (NOTE— a possible increased financial return shall not, of itself, be deemed sufficient to warrant a variance.)

Wall signs are intended to be used for advertisement and identification purposes. Alliance Beverage has a monument sign that faces 60th Street that serves the purpose of identifying the building and advertising for the business. Many businesses in the I-1 district have both wall signs and monument signs for this purpose. *The ZBA should determine whether or not Alliance Beverage is disadvantaged by distance, topography and other factors out of its control which deny it visibility from 60th Street and the fact that the requirements of Section 17.11 (A) do not allow them a wall sign that can overcome this disadvantage by utilization of its visibility from M-6.*

9. As specified above, the ZBA must also find that the applicant has practical difficulty complying with the Ordinance provision or provisions at issue.

An argument may be made that Alliance has a practical difficulty in complying with the requirements of Section 17.11(A). The applicant contends that a 100 square foot sign would not be visible from 60th Street. This is due to by distance, topography and other factors out of its control.

Staff Recommendations

A. If the Zoning Board of Appeals determines the requested variance is justified, the following facts and conclusions can be used as a basis of that decision:

1. The Alliance Beverage building is setback over 900 feet from 60th Street. The property is accessed by a legal, narrow access appendage with drive over 550 feet in length. The setback of the building and foreground vegetation on private property not under the applicant's control makes it difficult to see from 60th Street.
2. Sign industry guidelines indicate that passersby at this speed will need a letter size exceeding 10 feet and in excess of 8 seconds to read a sign at that distance. Allowing a variance for the proposed location of the sign, but not the increased size would increase visibility but not legibility. The requested variance for a larger sign on the south side of the building appears to be the minimum variance from the ordinance that will allow the applicant to have a wall sign that can be seen and read from the public realm.
3. The sign will not be located in fashion that will reduce visibility from or to other points of view. The size of the proposed sign will be backlit by an LED module would appear to be a minimal distraction to drivers on M-6.
4. There are two other industrial buildings, four billboards and several office buildings that have large wall signs within 1 mile of the site that face M-6. A wall sign as proposed at this location oriented toward M-6 at this location would will not change the essential character of the neighborhood or be detrimental to the welfare of the neighborhood.
5. The size and location of the proposed wall sign appears reasonably able to effectively communicate the applicant's message without creating visual clutter. While the sign will be oriented toward the

expressway instead of a surface street, two signs (one for each orientation) are not being requested. It can be concluded that allowing the variance will not impair the intent of the ordinance.

6. The zoning ordinance itself is part of the problem because it fails to address the signage needs of a class of legal parcels that do not have good visibility.
7. Alliance Beverage has a practical difficulty and is disadvantaged by distance, topography and other factors out of its control which deny it visibility from 60th Street and the fact that the requirements of Section 17.11 (A) do not allow them a wall sign that can overcome this disadvantage by utilization of its visibility from M-6.

B. If the Zoning Board of Appeals finds that the variance is justified, Staff recommends approval with the following condition:

1. That the sign be of the size, location, and specifications indicated on the sign rendering provided with the application.

OR

C. If the Zoning Board of Appeals determines the requested variance is not justified, the following facts and conclusions can be used as a basis of that decision.

1. There is nothing inherent to the property that would prevent the applicant from installing a permitted 100 square foot wall sign on the north side of their building.
2. Having a wall sign that can be seen from the street does not represent a property right that should be available to all properties, regardless of distance and topography.

Section 17.11 Signs Permitted In the I-1 and I-2 Zoning Districts

A. In addition to signs permitted elsewhere in this Chapter signs shall be permitted in the I-1 and I-2 Zoning Districts according to the following table (but such a sign is so allowed only where the sale, business, or event being advertised is lawful in the zoning district involved):

Permitted Signs	Size	Number	Height	Other Requirements
Wall or Building Sign	Area equal to 2% of the area of the wall up to 100 square feet.	1 per each street frontage	N/A	
Freestanding Sign	Area equal to 2% of the front wall of the building or 50 square feet, whichever is less.	1 per each street frontage	5 feet	A minimum of 300 feet of road frontage is required for additional signs. Additional signs shall not be placed along the same frontage that contains another freestanding sign.
Industrial Park Sign	50 square feet	1 per park entrance	4 feet	May be either a freestanding monument sign or a Wall/Building Sign
Industrial Directional Signs	32 square feet	No maximum	N/A	May be located within 2 feet of any property line.

Section 17.12 Billboards

- A. Billboards are only permitted within one-hundred (100) feet of the M-6 freeway on property in the I-1 and I-2 zoning districts. The lot on which the billboard is located must abut and have frontage on the M-6 right-of-way.
- B. If a billboard qualifies for zoning approval as stated in subsection "A", a zoning permit is required prior to the erection or alteration of the billboard. In addition, a zoning permit is required before any existing billboard is rebuilt, structurally altered, or materially changed (but no zoning permit is required simply to change the copy or depictions on the billboard). The application for the zoning permit must contain the following:
1. A colored rendering of the proposed billboard containing the proposed dimensions.
 2. A site plan indicating the location of the proposed billboard and the appropriate setback information.
 3. Information on how the billboard will be illuminated, if applicable.