



Andy Schor
Mayor

**LANSING BOARD OF ZONING APPEALS
REGULAR MEETING
DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING
Thursday, December 8, 2022, 6:30 PM
600 W. Maple Street
Neighborhood Empowerment Center – Boardroom**

AGENDA

- I. ROLL CALL**
- II. APPROVAL OF AGENDA**
- III. PUBLIC COMMENT**
- IV. PUBLIC HEARING/ACTION**
 - A. BZA-4078.22, 3220 Discovery Way- Variances to the ordinance restrictions on the size and allowable number of wall signs**
- V. OLD BUSINESS**
- VII. NEW BUSINESS**
- VI. APPROVAL OF MINUTES**
 - A. Regular Meeting August 23, 2022**
- VIII. PUBLIC COMMENT**
- IX. ADJOURNMENT**

FOR SPECIAL ACCOMMODATIONS, PLEASE GIVE 24 HOURS NOTICE PRIOR TO THE MEETING BY CALLING SUSAN STACHOWIAK IN THE PLANNING OFFICE AT 517-483-4085 OR BY DIALING (TTY 711).

GENERAL INFORMATION

APPLICANT: Jason Kildea, Gillespie Group
330 Marshall Street, Suite 100
Lansing, MI 48912

OWNER: MSB2 Partners, LLC
330 Marshall Street, Suite 100
Lansing, MI 48912

LOCATION: The site is located south of the new McLaren Hospital, on the east side of Collins Road, north of Dunckel Road, and south of Forest Road.

REQUESTED ACTION: Variance to the size and allowable number of wall signs

EXISTING LAND USE: Medical office building

EXISTING ZONING: "INST-1" Suburban Institutional District

PROPERTY SIZE & SHAPE: 6.17 acres - Irregular shape

SURROUNDING LAND USE: N: McLaren Hospital
S: Office/vacant
E: Office buildings
W: Vacant/Freeway

SURROUNDING ZONING: N: "INST-1" Suburban Institutional District
S: "INST-1" Suburban Institutional District
E: "INST-1" Suburban Institutional District
W: "INST-1" Suburban Institutional District

MASTER PLAN DESIGNATION: The Design Lansing Comprehensive Plan designates the subject property for "institutional" land use. Discovery Way is a local road. Collins Road is designated as a prime connector and Forest Road is designated as a neighborhood connector.

NATURE OF REQUEST

This is a request to permit 5 signs on the wall of the building at 3220 Discovery Way, totaling 355 square feet in area. Sections 1442.13 (b) and (i) of the Sign Ordinance permit 2 wall signs with a maximum allowable area of 200 square feet (both signs combined). Variances of 3 to the allowable number of wall signs at 155 square feet to the size limitation are therefore, being requested.

Permitted	Proposed	Variance
2 wall signs	5 wall signs	3 wall signs
200 square feet of wall sign area	355 square feet of wall sign area	155 square feet

ANALYSIS

Section 1244.06 (c)(1-4) of the Zoning Code sets forth the following criteria for the Board to consider in determining if there is a practical difficulty or unnecessary hardship that warrants approval of the requested variances:

1. The hardship results from the application of this Zoning Code to his or her lot, rather than from some other factor.
2. The hardship is not the result of his or her own actions.
3. The hardship is unique to the lot of the applicant.
4. If the owner of the lot complies with this Zoning Code, he or she can secure no reasonable return from, or make no reasonable use of, his or her property.

The basis for the applicant's request is the large size of the building, and the proposed signage in proportion thereto. The applicant is concerned that reducing the size of the signs will make them look too small in proportion to the building. The applicant asserts that the additional signage being requested is necessary to direct patients to the proper location within a campus type setting (multiple buildings), particularly since the building is setback a fair distance from the street.

With regard to the criteria listed above, the applicant's request is directly related to the ordinance provisions restricting the subject building to 2 wall signs, totaling a maximum of 200 square feet in area. The applicant is proposing 5 wall signs totaling 355 square feet in area. The second criterion regarding whether the basis for the variances is self-created is not applicable in this case.

The third criterion involves a determination as to whether there are any unique features of the site/building that warrant relief from the ordinance restrictions. It must be found that the "unique feature" makes compliance with the ordinance impractical or unreasonably difficult. By assuring that the practical difficulty is adequate to differentiate it from a claim that could be made by most other property owners, the intent of the ordinance standard is preserved. Correspondingly, the practical difficulty must be more than a matter of mere preference. In this case, there is nothing unique about the subject property or the building that warrants the additional signage being requested. The building is large but not inordinately so in comparison to many other office buildings in the City, most of which include more than one tenant or service provider. Also, there will be a monument sign located much closer to the street, identifying the various providers of medical services in the building.

The 4th and final criterion relates to whether there is a viable use of the property without the variance. This standard is typically applied to use variances, however, which require a much higher threshold than a 'dimensional' variance such as this one.

Impact Standards

The Ordinance also establishes four standards under Section 1244.06 (e) that must be satisfied relating to the impact of the variance on the surrounding properties and general public. These standards and the manner in which they relate to the request are as follows:

1. **The use will be in harmony with the appropriate and orderly development of the surrounding neighborhood.**

The proposed signs are excessive in comparison to the wall signs on other office buildings in the area and contrary to the intent of the Sign Ordinance. The intent of the Ordinance restrictions is to limit the amount of signage so that it does not become the dominant feature or overwhelm the appearance of the building to which the signs are attached. The proposed signs could be reduced in size and clustered together so that each one is not considered to be a separate wall sign. If 2 or more of the signs were clustered together, they would be considered one sign and the square footage would be determined by drawing a rectangle or square around the outermost parts of the sign(s).

2. **The use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved.**

The variance will have no impact on vehicular or pedestrian traffic in the area. The additional signage that is the subject of this request is not necessary to identify and direct traffic to the offices in the building. The multi-tenant ground sign shown on the attachment is permitted on the site and will alert motorists and identify the names of the health care institutions that are associated with the various offices in the building. The proposed wall signs are merely intended to acknowledge these institutions and thus, the amount of signage could be significantly reduced to comply with the ordinance standards.

3. **The use will be designed to eliminate a possible nuisance emanating therefrom.**

The proposed variances will not generate any nuisances.

4. **The use will not interfere with or discourage the appropriate development and use of adjacent land and structures or unreasonably affect their value.**

Since there is nothing unique about the site or the building located thereon that warrants additional signage, approval of the variances could set a negative precedent for future requests to vary the wall sign restrictions. The ordinance does not intend for every business or service in a large multi-tenant office building to have its own exterior signage. The larger office buildings in the City are identified via address numbers, the name of the building or a sign advertising of the primary or anchor tenant. Allowing each business in a large office building to have its own sign of a size that would be visible from a street would be contrary to the intent and purpose of the ordinance as described in paragraph "1" of this Section.

FINDINGS

This is a request to permit 5 signs on the wall of the building at 3220 Discovery Way, totaling 355 square feet in area. Sections 1442.13 (b) and (i) of the Sign Ordinance permit 2 wall signs with a maximum allowable area of 200 square feet (both signs combined). Variances of 3 to the allowable number of wall signs at 155 square feet to the size limitation are therefore, being requested.

Based upon the available information, the requested variances do not comply with the applicable practical difficulty/unnecessary hardship and impact criteria listed in Sections 1244.06 (c) and 1244.06 (e) of the Zoning Ordinance. More specifically, there is nothing unique about the building or site that warrants the additional signage. The basis for the variance as borne by the applicant would apply to any multi-tenant office building where the various businesses/services in the building are accessed via the same entrances.

RECOMMENDATION

Based on the information and findings described above, the following motion is offered for the Board's consideration:

"I make a motion to deny BZA 4078.22 for variances to permit 5 wall signs totaling 355 square feet in area on the building at 3220 Discovery Way, on a finding that the variances do not comply with the applicable practical difficulty/unnecessary hardship and impact criteria listed in Sections 1244.06(c) 1244.06(e) of the Zoning Ordinance, as described in the staff report for this application."

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator



Andy Schor, Mayor

CITY OF LANSING - PLANNING OFFICE
PETITION
BOARD OF ZONING APPEALS

Reset Form

Print

FILE NUMBER: BZA- _____

DATE SUBMITTED: _____

A request is hereby made to vary the requirements of the Zoning and / or Sign Ordinance.

Street Address (include zip code): 3220 Discovery Way, Lansing 48912

Legal
Description:

See attached.

Applicant Name: Jason Kildea

Address (include zip code): 330 Marshall Street, Suite 100, Lansing, MI 48912

Phone Number: 517-204-1516

Owner Name: MSB2 Partners, LLC

Owner Address (include zip code): 330 Marshall Street, Suite 100, Lansing, MI 48912

Owner Phone: 517-333-4123

Interest in Property (please check one)

☐ Option to buy ☒ Owner ☐ Other (please specify) _____
☐ Leasee ☐ Represent Owner

Zoning of the property: D-1 Lot dimensions: _____ X _____ Is this property in the flood plain? ☐ Yes ☒ No

Is this property residential? ☐ Yes ☒ No

of Efficiency Units: _____ # of 1 Bedroom Units: _____ # of 2 Bedroom Units: _____ # of 3 Bedroom Units: _____

Total # of Units: _____ Total # of Bedrooms: _____ # of accessible on-site parking spaces: _____

Is this property non-residential? ☒ Yes ☐ No

of employees (largest shift): TBD # of accessible on-site parking spaces: 10

Hours and days / week of operation: Sunday - Saturday, 7am - 11pm

Describe or explain your proposal for this property:

attach a separate sheet if more space is necessary

We are constructing a multi tenant medical office building with a total of 4 tenants, upon completion. All would like signage on the building. Given the single entry set up of the building, this requires a variance.

Section # with which this proposal is in conflict: **Sign ordinance**

If this petition is not granted, explain how your proposal will be affected:

attach a separate sheet if more space is necessary

Tenant's ability to allow thier patients to know where they are located will be impacted. The building is part of McLaren's new hospital campus with several buildings on it. Having good signage as proposed will allow customers/patience to know where the Tenants that are located in this building.

Items to be submitted with the petition:

- 1 **A site plan drawn to a scale of at least 1" = 100'** showing the location of all structures, existing and proposed, in relation to the lot lines and access points.
- 2 **Flood plain information** where applicable.
- 3 Non-refundable fee for processing (7/14/98)

FEES:

<u>Single Family Home Improvement:</u>	\$160.00
<u>Other appeals by acreage:</u>	
Less than one (1) acre:	\$250.00
One (1) to three (3) acres:	\$350.00
Greater than three (3) acres:	\$450.00

A zoning variance means a modification of the strict letter of the zoning or sign codes, being title six and chapter 1442 respectively, of the City of Lansing, granted when, by reason of exceptional conditions, the strict application of the provisions of this chapter result in peculiar or exceptional practical difficulties or unnecessary hardship to the owner of the lot.

Please file this petition with the Planning Office

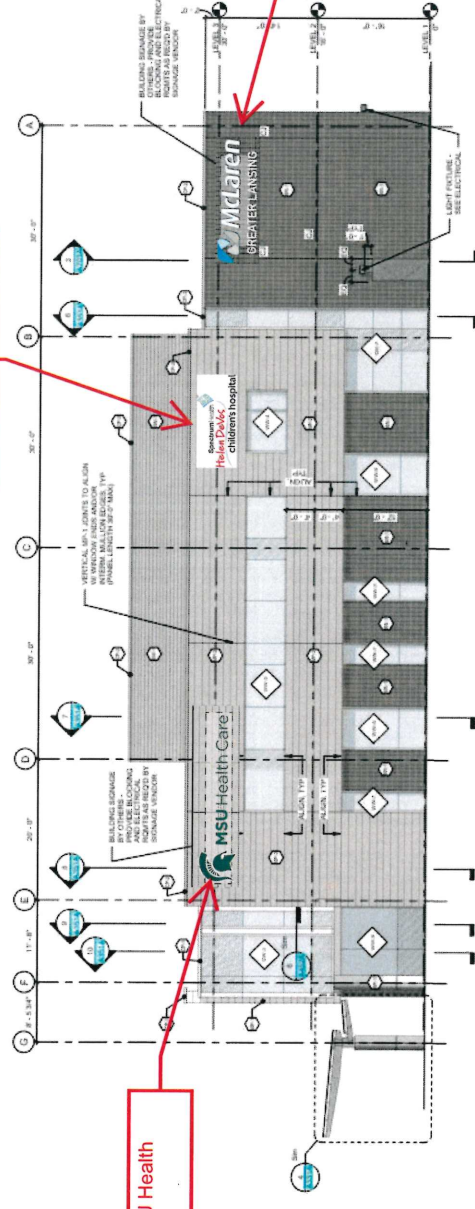
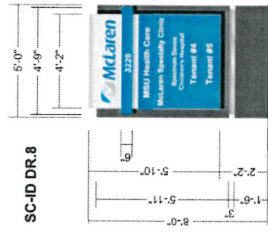
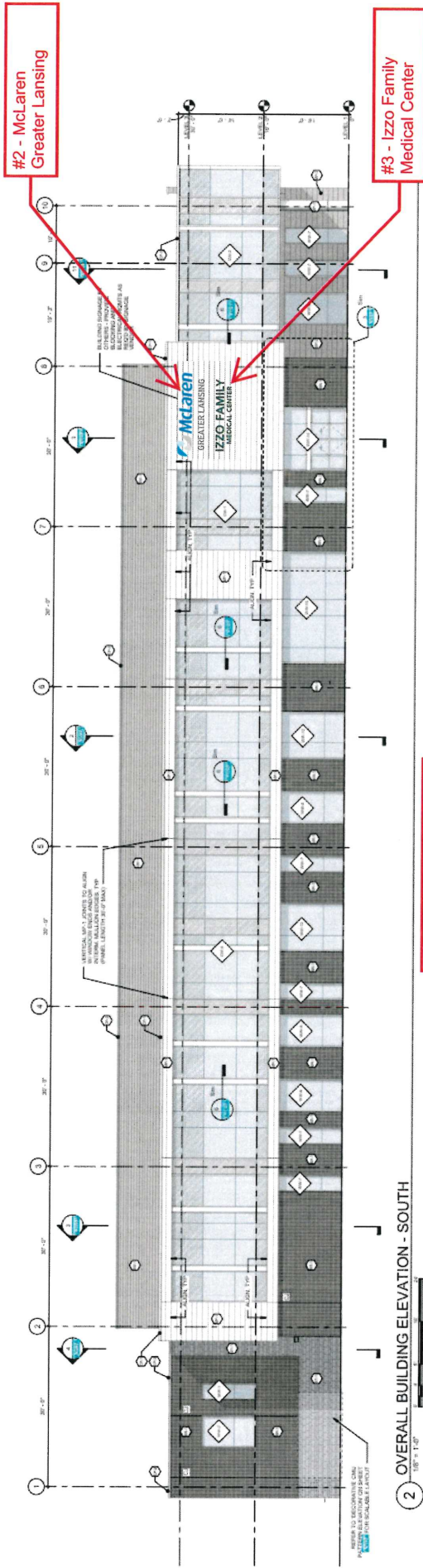
Signature of applicant: _____

Name: _____

JASON KROST

For assistance, please contact:

PLANNING OFFICE
316 N. CAPITOL AVE., SUITE D-1
LANSING, MI 48933-1236
(517) 483-4066
FAX: (517) 483-6036



	MSBII Illuminated Signs	Location	Approx. Size	Approx. Min SF	Approx. Max SF
1	Monument Building ID Sign	Tech Blvd Ent	4'-2" x 5'-10"	24.3 x 2 = 48.6 SF	48.6
2	McLaren Greater Lansing	S. Elevation	2'-8" x 16'-4"	64	84
3	Izzo Family Medical Center	S. Elevation	1'-2 1/2" x 13'-6"	37	46
4	MSU Health Care	E. Elevation	38" x 7' x 14'-6"	69	69
5	Spectrum, Devos, Children's Hospital	E. Elevation	TBD	46	72
6	McLaren Greater Lansing	E. Elevation	2'-8" x 16'-4"	64	84
			Wall Sign Only SF	279	355

MSBII Proposed Illuminated Signage
November 9, 2022

**MINUTES OF SPECIAL MEETING
BOARD OF ZONING APPEALS
Thursday, August 23, 2022, 6:30 P.M.
600 W. Maple Street, Lansing, MI 48915**

I. ROLL CALL

The meeting was called to order by Marcie Alling at 6:30 p.m. Roll call was taken.

Present: M. Alling, J. Hovey, K. Berryman, E. Jefferson, M. Rice, J. Leaming, C. Iannuzzi, & B. Fryling

Absent: M. Solak

Staff: S. Stachowiak

A quorum of at least five members was present, allowing voting action to be taken at the meeting.

II APPROVAL OF AGENDA

It was moved by Mr. Leaming, seconded by Ms. Jefferson to approve the agenda with the addition of "Excused Absence" under New Business. On a voice vote, the motion carried unanimously (8-0).

III. PUBLIC COMMENT

IV. PUBLIC HEARING/ACTION

A. BZA-4077.22, 1506 N. Grand River Avenue, Variance to the building height limitation and allowable number of stories

Ms. Stachowiak stated that this is a request to permit a 10 story, 135-foot-high building at 1506 N. Grand River Avenue. Section 1243.05.02 of the City of Lansing Zoning Ordinance restricts the height of buildings in the "MX-C" Mixed-Use Corridor district, which is the zoning designation of the subject property, to 5 stories and 60 feet in height. Variances of 5 to the allowable number of stories and 75 feet to building height limitation are therefore, being requested. Ms. Stachowiak stated that staff is recommending approval on a finding that the requested variances comply with the variance evaluation criteria listed in Sections 1274.06 (c) & (e) of the Zoning Ordinance.

Ms. Stachowiak said that the applicant's proposal involves the construction of a mixed-use, 10-story, 135-foot-high building on the 2.639-acre site located on the east side of N. Grand River, just north of the river. She stated that according to the applicant, if the variances are not granted and the building is limited to 5 stories and 60 feet in height,

the project will not move forward as it would no longer be financially feasible. Ms. Stachowiak stated that the basis for the variance is that there is inadequate room on the site to develop horizontally enough to compensate for the vertical building area that would be lost if the variances are denied. She further stated that the variances will allow for development of the subject property in a manner consistent with the intent and purpose of the City's Master Plan, will not set a negative precedent for future requests of a similar nature and the resulting development will not negatively impact existing land uses or transportation systems in the area.

Ms. Alling opened the public hearing.

Nick Maloof, Associated Environmental Services, LLC, representing the applicant, Turner-Dodge Development, LLC, spoke in support of the request. Mr. Maloof displayed and gave an overview of the proposed plans for the development.

Seeing no one else wishing to speak, Ms. Alling closed the public hearing.

Mr. Hovey offered his support for the variances to accommodate the development as it fills a need for more housing in the City and will result in increased use of the river trail which is very positive for the City as well.

Ms. Jefferson asked about the impact of the development on the river trail.

Kurt Krahulik, DC Engineering, stated that the river trail is on City property and will likely be enhanced by the developer in partnership with the City to allow for better access from the site. He also said that the Fire Department uses the boat launch adjacent to the site so it will be retained and upgraded.

Ms. Jefferson asked if there will be sufficient parking to comply with the ordinance requirement so that no additional variances will be necessary.

Ms. Stachowiak said that the site plan demonstrates compliance with the parking requirements. She said that there will be a surface lot and a parking deck on the property and the developer has an agreement with the City for use and expansion of the parking lot on the City property on the west side of Grand River Avenue.

Mr. Maloof stated that the agreement with the City is that the developer will be responsible for maintaining the City parking lot. He also said that the lot will still be available for public use.

Mr. Rice expressed support for the variances, citing the small size and irregular shape of the lot as practical difficulties resulting in the need to build vertically in order to make the project feasible.

Mr. Hovey made a motion, seconded by Mr. Leaming to approve BZA 4077.22, for variances of 5 to the allowable number of building stories and 75 feet to the building height limitation to permit a 10 story, 135-foot-high building at 1506 N.

Grand River Avenue, on a finding that the variances are in compliance with the evaluation criteria set forth in Sections 1274.06 (c)(1-4) and (e)(1-4) of the Zoning Ordinance. On a roll call vote, the motion carried unanimously (8-0).

Mr. Berryman expressed concerns about the zoning ordinance conflicting with the master plan, resulting in the need for variances.

V. OLD BUSINESS

VI. NEW BUSINESS

A. Excused Absences

Mr. Leaming made a motion, seconded by Ms. Jefferson to approve an excused absence for Mr. Solak. On a voice vote, the motion carried unanimously (8-0).

VII. APPROVAL OF MINUTES

A. Regular Meeting, June 9, 2022

Mr. Iannuzzi made a motion, seconded by Mr. Rice to approve the June 9, 2022, meeting minutes, as presented. On a voice vote, the motion carried unanimously (8-0).

VIII. PUBLIC COMMENT

IX. ADJOURNMENT AT 7:04 p.m.

Respectfully Submitted,

Susan Stachowiak, Zoning Administrator