Andy Schor
Mayor

LANSING BOARD OF ZONING APPEALS
REGULAR MEETING
DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING
Thursday, June 8, 2023, 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-4079.23, 5827 S. Pennsylvania Avenue- Variances to the ordinance restrictions on the size and allowable number of ground signs

V. OLD BUSINESS

VII. NEW BUSINESS

VI. APPROVAL OF MINUTES

A. Regular Meeting January 12, 2023

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:	Johnson Sign Company 2240 Lansing Avenue Jackson, MI 49202
OWNER:	LAG Lansing Ford, LLC 4000 W. Highland Road Highland, MI 48357
REQUESTED ACTION:	Variance to the size and allowable number of ground signs
EXISTING LAND USE:	Vehicle Dealership
EXISTING ZONING:	"S-C" Suburban Commercial District
PROPERTY SIZE & SHAPE:	6.17 acres - Irregular shape
SURROUNDING LAND USE:	N: Vehicle Dealership S: Vehicle Dealership E: Office building W: Various Commercial Businesses
SURROUNDING ZONING:	N: "S-C" Suburban Commercial District S: "INST-1" Suburban Institutional District E: "S-C" Suburban Commercial District W: "S-C" Suburban Commercial District
MASTER PLAN DESIGNATION:	The Design Lansing Comprehensive Plan designates the subject property for "suburban commercial" land use. S. Pennsylvania Avenue is designated as a commercial corridor

REQUEST:

This is a request by Johnson Sign Co. on behalf of LAG Lansing Ford, LLC for variances to permit 2 ground signs at 5827 S. Pennsylvania Avenue. Section 1442.12(b) of the City of Lansing Sign Ordinance permits one ground sign for the subject property.

Proposed sign 1 is 47.5 feet high and 166.7 square feet in area and would have a 15-foot setback from the front property line. Section 1442.12(h)(8) of the Sign Ordinance restricts a ground sign at the 15-foot setback to 15 feet in height and 45 square feet in area.

Proposed sign 2 is 24.4 feet high and 59.9 square feet in area and would have a setback of 20 feet from the front property line. Section 1442.12(h)(8) of the Sign Ordinance restricts a ground sign at the 20-foot setback to 29 feet in height and 70 square feet in area.

Variances of 1 to the allowable number of ground signs, 32.5 feet to the height limitation and 121.7 square feet to the size limitation for sign 1 and 4.4 feet to the height limitation for sign 2 are therefore, being requested.

Permitted/Required	Proposed	Variance
1 ground sign	2 ground signs	1 ground sign
Sign 1: 15 feet in height and 45 square feet in area	47.5 feet in height and 166.7 square feet in area	32.5 feet in height and 121.7 square feet in area
Sign 2: 20 feet in height	24.4 feet in height	4.4 feet in height

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 bases for the applicant's request as stated on the application are as follows:

> "These signs are proposed to provide visibility for the site as well as to allow for adequate time for visitors to the site to make a decision to turn. The setback of the signs is limited by the width of the greenway at the front of the property."
>
> "If the petition is not granted, signs will be directly in the drive aisle and will be an obstruction for emergency vehicles and will certainly be damaged at some point. If required to stay within the current ordinance the sign locations would be set back further and obstructed by the building face and other area business signage."
>
> "The larger signage also sets us apart from other dealerships in the area."

With regard to the criteria listed above, the applicant's request is directly related to the ordinance provisions restricting the number and height/size of ground signs. The issue of whether the "practical difficulty" is self-created is not applicable in this case since no practical difficulty appears to exist. There is nothing unique about the property that prevents compliance with the ordinance or makes compliance impractical or unreasonably difficult. The site has already been granted variances for the existing ground sign that exceeds the allowable height and square footage for the setback at which it is located. This was granted in order to allow for adequate identification of the vehicle dealership that occupied the site at the time within a setback that would not place the sign in a position where it would interfere with parking and on-site circulation.

The applicant bases this request on the need to have signage that stands out from other signs in the area. If this request were to be approved, all businesses could use this as a basis for variances to the sign ordinance provisions, thus resulting in uncontrolled signage as businesses seek additional signage to compete with other businesses for attention. Granting a variance when it cannot be established that there is a practical difficulty that is markedly unique based on a physical feature of a site would render the Ordinance ineffective in accomplishing its intended purpose and would set a negative precedent for approval of other variance requests of a similar nature.

The criterion relating to whether there is a viable use of the property without the variance is not applicable in this case. This standard is typically applied to use variances which require a much higher threshold than a variance to the sign ordinance provisions.

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 the 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.**

   There is no valid reason in this case to grant several variances to permit 2 ground signs that would be separated by less than 150 feet and would dramatically exceed the size/height restrictions of the ordinance. The size/height of the proposed signs is excessive and thus, contrary to the intent and purpose of the sign ordinance in general. The ordinance is intended to permit signs that adequately identify businesses while not creating visual clutter that is distracting to motorists and diminishes the appearance of the streetscape. The ordinance contains a table that provides for a certain amount of height and square footage based upon the setback of the sign from the front property line. The greater the setback, the higher and larger the sign. As mentioned on page 2 of this report, variances have already been granted for the existing ground sign on the subject property and as the attached photograph demonstrates, it is more than adequate to identify the business.

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 signs that would result from approval of the variances would have no impacts on vehicular or pedestrian traffic in the area.

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 that would warrant relief from the ordinance, approval of the variances would set a negative precedent for future requests to vary the sign ordinance provisions.

FINDINGS

This is a request by Johnson Sign Co. on behalf of LAG Lansing Ford, LLC for variances to permit 2 ground signs at 5827 S. Pennsylvania Avenue. Section 1442.12(b) of the City of Lansing Sign Ordinance permits one ground sign for the subject property.

Proposed sign 1 is 47.5 feet high and 166.7 square feet in area and would have a 15-foot setback from the front property line. Section 1442.12(h)(8) of the Sign Ordinance restricts a ground sign at the 15-foot setback to 15 feet in height and 45 square feet in area.

Proposed sign 2 is 24.4 feet high and 59.9 square feet in area and would have a setback of 20 feet from the front property line. Section 1442.12(h)(8) of the Sign Ordinance restricts a ground sign at the 20-foot setback to 29 feet in height and 70 square feet in area.

Variances of 1 to the allowable number of ground signs, 32.5 feet to the height limitation and 121.7 square feet to the size limitation for sign 1 and 4.4 feet to the height limitation for sign 2 are therefore, being requested.

Based upon the available information, the requested variances do not comply with the applicable practical difficulty/unnecessary hardship, or the impact criteria listed in Sections 1244.06 (c) and 1244.06 (e) of the Sign Ordinance. More specifically, there is nothing unique about the site that warrants an additional ground sign and . 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:

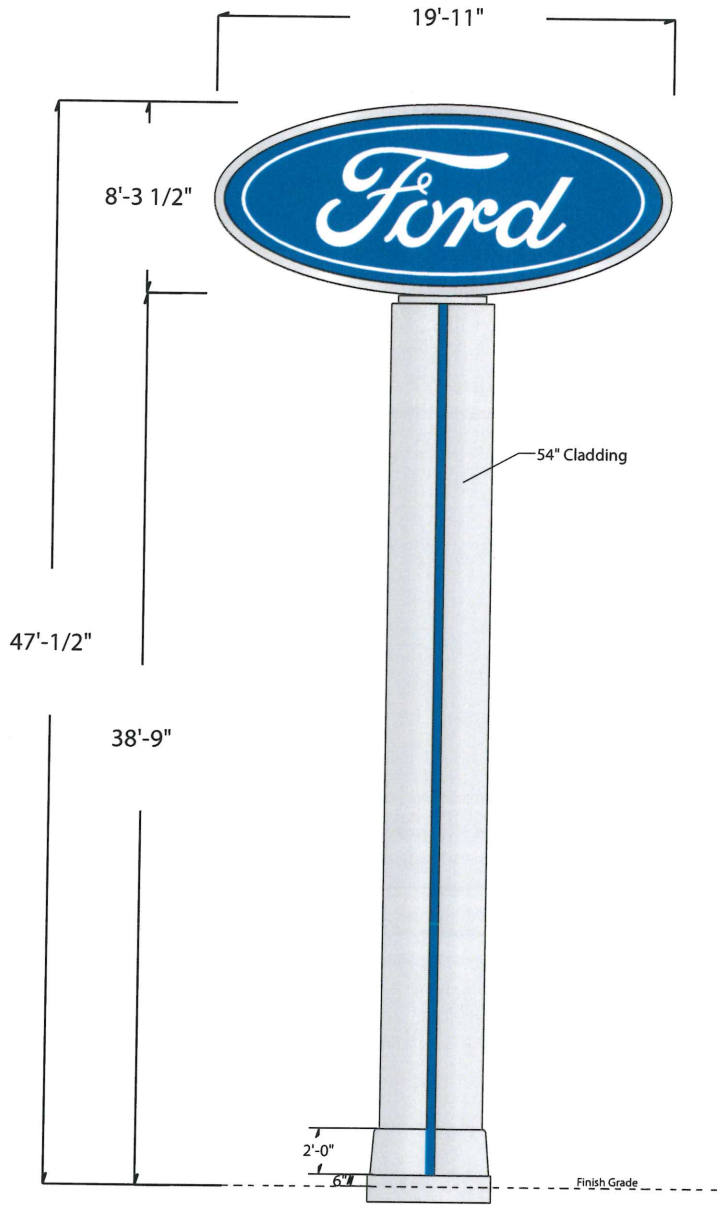
"I make a motion to deny BZA 4079.23, a request for variances to permit 2 ground signs at 5827 S. Pennsylvania Avenue, one of which would exceed the limitations of 15 feet and 45 square feet in area for a sign with a 15 foot setback and the other of which would exceed the height limitation of 20 feet for a sign with a 20 foot setback, 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 Sign Ordinance."

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator

(Sign 1 - 15' setback)

FO F-130 P-40



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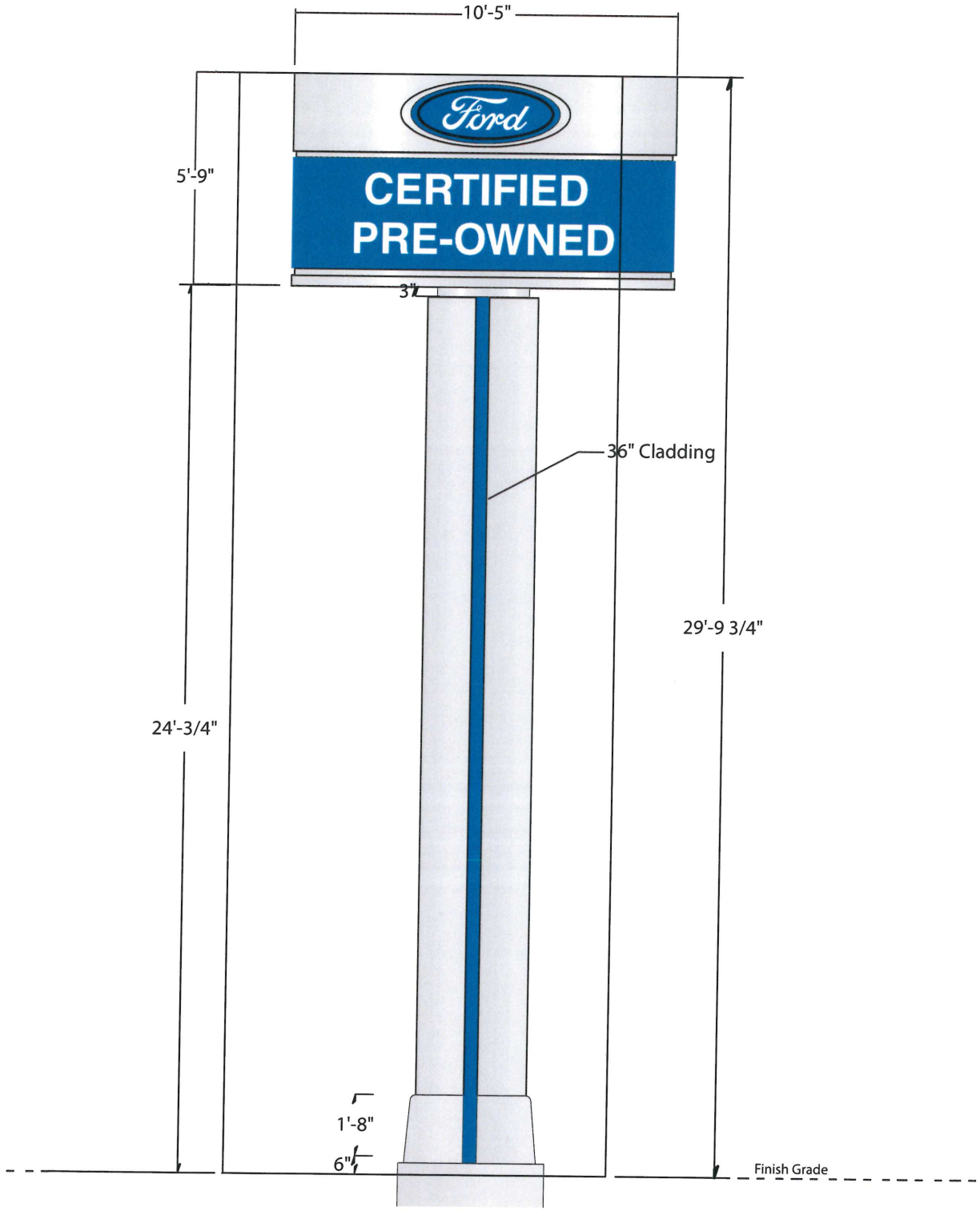
Title: FO F-130 P40	Customer: Ford	
Date: 9/11/12	Drawn by: M. McCaslin	
Customer Rep: N/A	Scale: 1/8"=1'	

FO S-60 _P-25

(Sign 2 - 20' setback)



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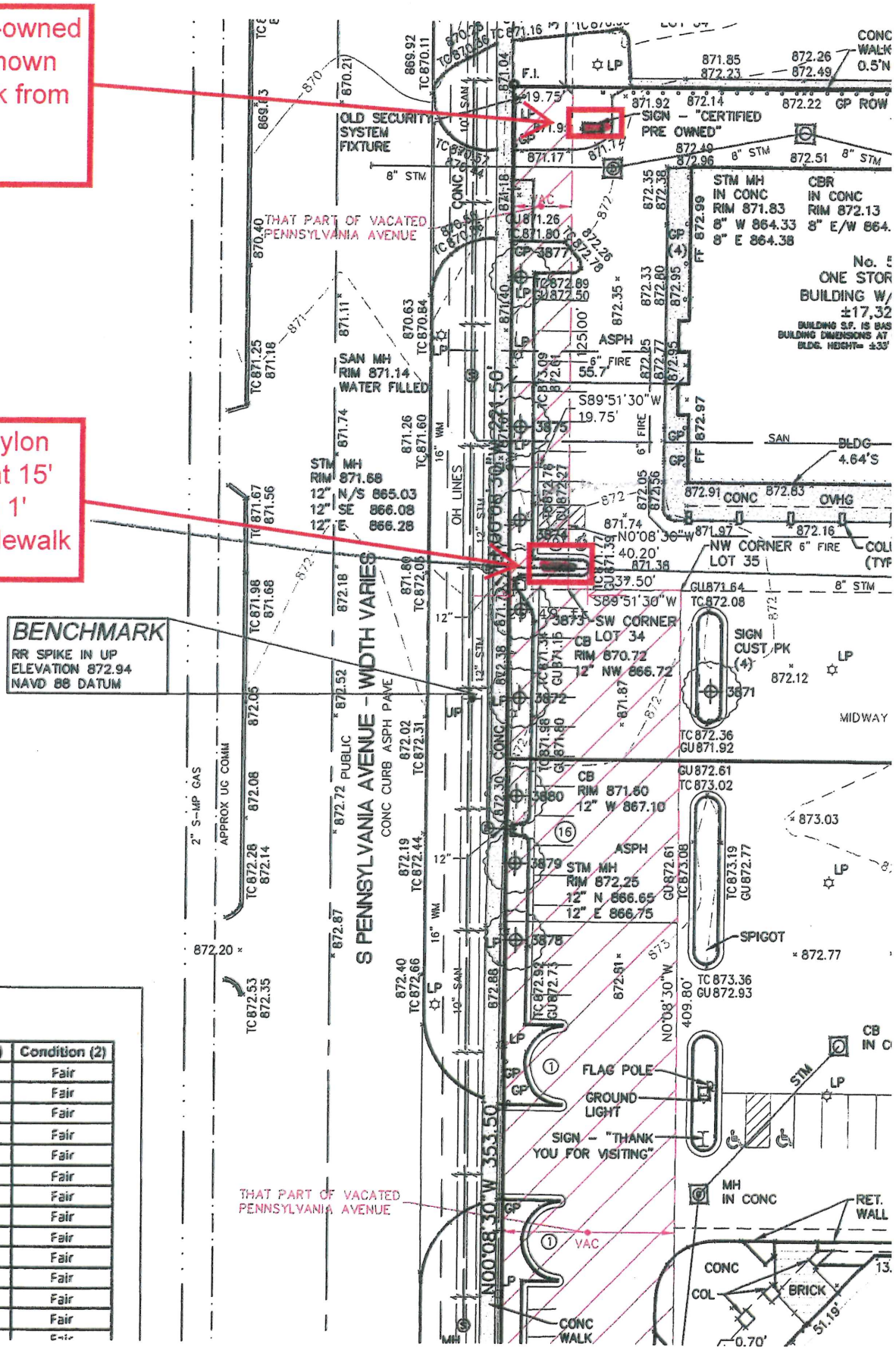
Title: FO S-60_P-25	Customer: Ford	
Date: 1/14/13	Drawn by: M. McCaslin	
Customer Rep: N/A	Scale: 1/4"=1'	

Sign 2

Certified Pre-owned Pylon Sign shown at 20' setback from 1' inside the sidewalk

Sign 1

Ford brand pylon sign shown at 15' setback from 1' inside the sidewalk



827 S Pennsylvania, Lansing

Tree List

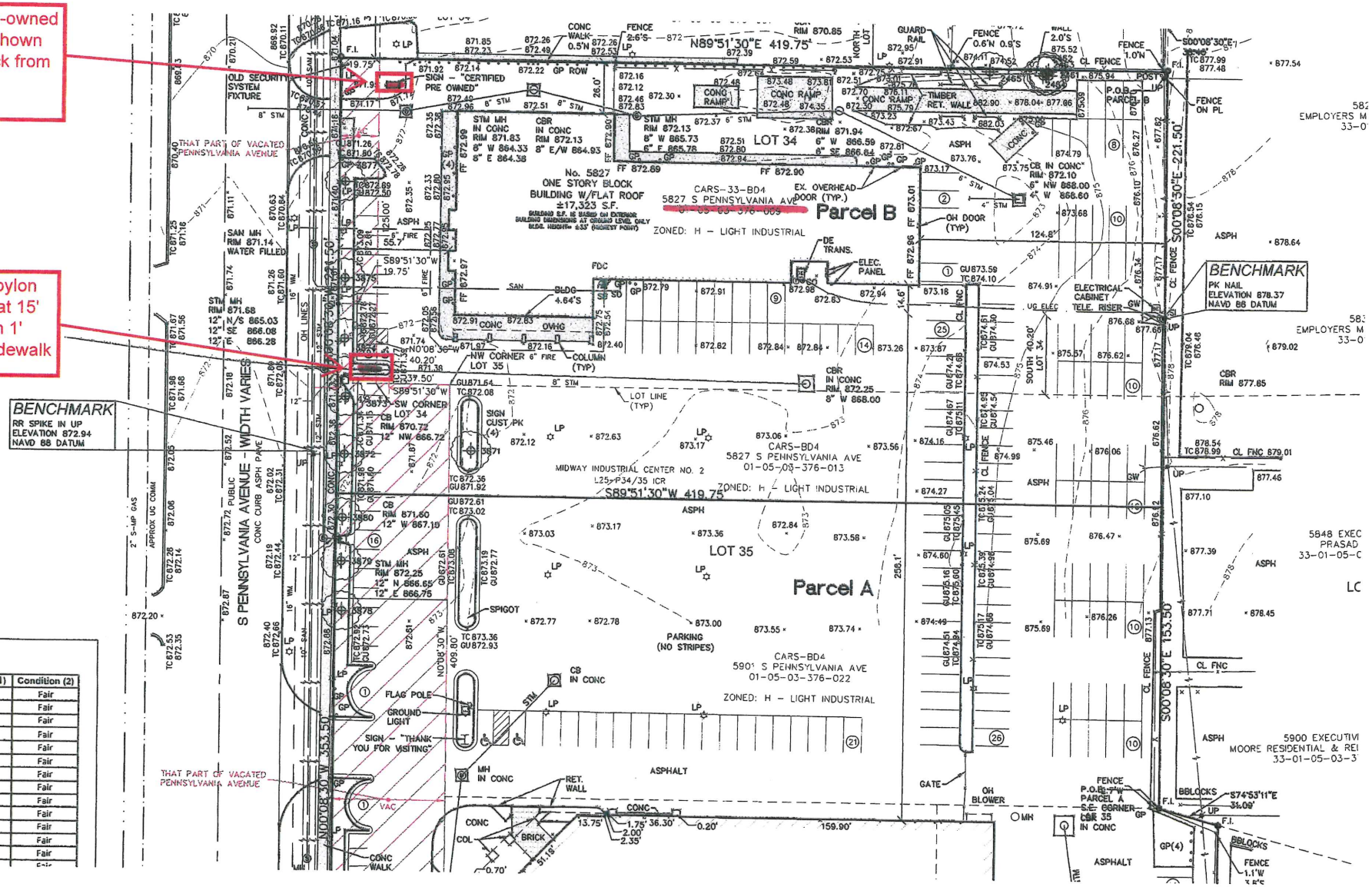
	Common Name	Trunk DBH (1)	Condition (2)
a	White birch	1.7	Fair
a	White birch	1.3	Fair
a	White birch	5.0	Fair
a	White birch	3.3	Fair
a	White birch	4.9	Fair
s	Crab apple	5.0	Fair
s	Crab apple	3.0	Fair
s	Crab apple	2.8	Fair
s	Crab apple	2.2	Fair
s	Crab apple	2.7	Fair
s	Crab apple	2.8	Fair
s	Crab apple	4.8	Fair
s	Crab apple	3.4	Fair
	Crab apple	2.1	Fair

Sign 2

Certified Pre-owned Pylon Sign shown at 20' setback from 1' inside the sidewalk

Sign 1

Ford brand pylon sign shown at 15' setback from 1' inside the sidewalk



827 S Pennsylvania, Lansing
Tree List

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a	White birch	1.7	Fair
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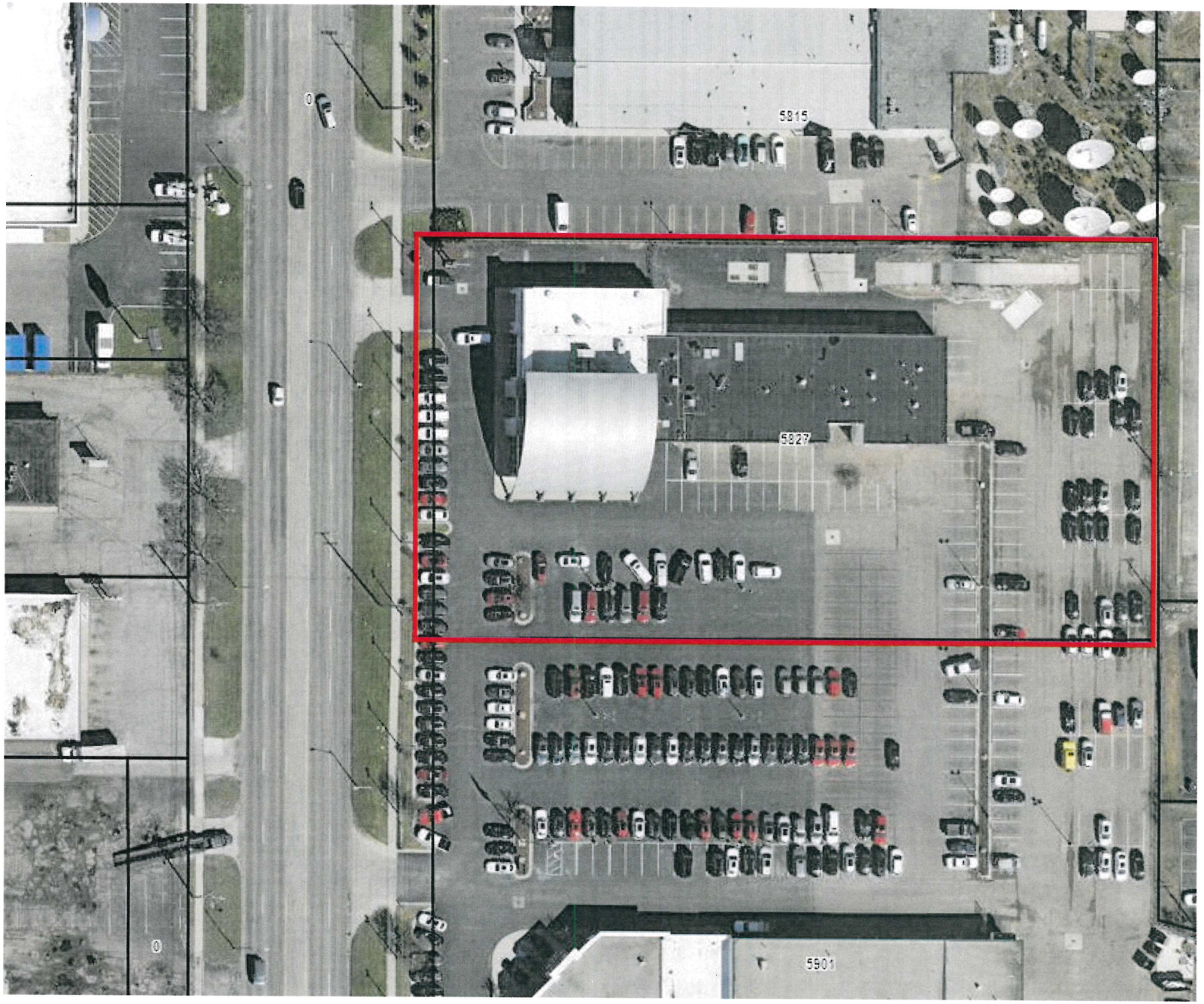
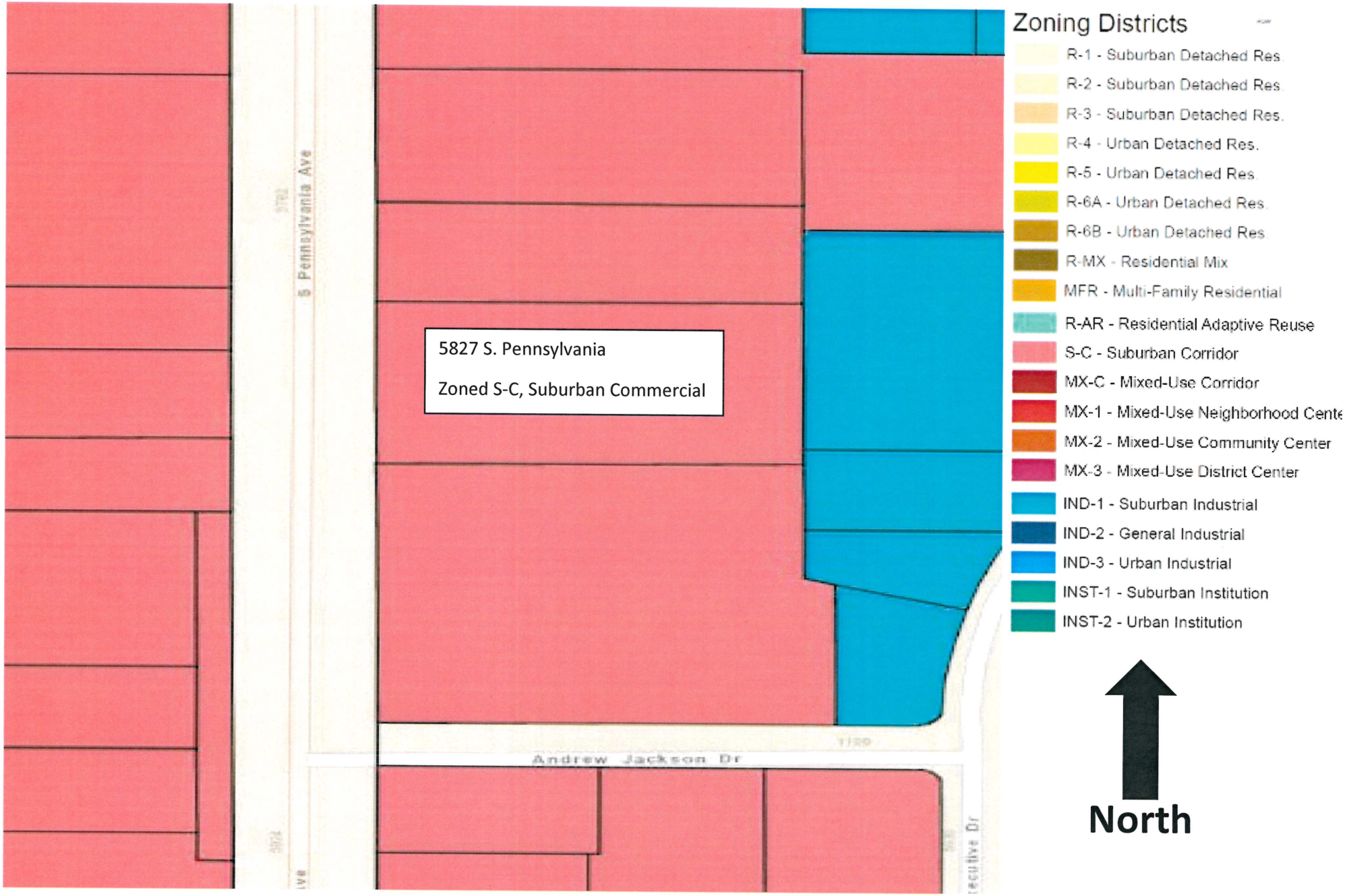
a	White birch	4.9	Fair
	Crab apple	5.0	Fair
	Crab apple	3.0	Fair
	Crab apple	2.8	Fair
	Crab apple	2.2	Fair
	Crab apple	2.7	Fair
	Crab apple	2.8	Fair
	Crab apple	4.8	Fair
	Crab apple	3.4	Fair
	Crab apple	3.1	Fair

Sign
Locations
5827


5815
5827
5901
North

Quality
Pre Owned


5827 S. Pennsylvania
Zoned S-C, Suburban Commercial
S Pennsylvania Ave
Andrew Jackson Dr
Zoning Districts
R-1 - Suburban Detached Res.
R-2 - Suburban Detached Res.
R-3 - Suburban Detached Res.
R-4 - Urban Detached Res.
R-5 - Urban Detached Res.
R-6A - Urban Detached Res.
R-6B - Urban Detached Res.
R-MX - Residential Mix
MFR - Multi-Family Residential
R-AR - Residential Adaptive Reuse
S-C - Suburban Corridor
MX-C - Mixed-Use Corridor
MX-1 - Mixed-Use Neighborhood Cente
MX-2 - Mixed-Use Community Center
MX-3 - Mixed-Use District Center
IND-1 - Suburban Industrial
IND-2 - General Industrial
IND-3 - Urban Industrial
INST-1 - Suburban Institution
INST-2 - Urban Institution
North

MINUTES OF REGULAR MEETING
BOARD OF ZONING APPEALS
Thursday, January 12, 2023, 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, K. Berryman, M. Rice, J. Leaming, C. Iannuzzi, & B. Fryling

Absent: M. Solak, J. Hovey & E. Jefferson

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 Mr. Iannuzzi to approve the agenda with the addition of "Excused Absence" under New Business. On a voice vote, the motion carried unanimously (6-0).

III. PUBLIC COMMENT

IV. PUBLIC HEARING/ACTION

A. BZA-4078.22, 3220 Discovery Way, Variances to the size and allowable number of wall signs

Ms. Stachowiak stated that 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.

Ms. Stachowiak stated that there is nothing unique about the building or the site that would warrant relief from the ordinance standards which is why the recommendation in the staff report is to deny the requested variances. She stated that the Board could find that the location of the site in a campus setting and the nature of the offices in the building are unique to the extent that approval of the variances would not set a negative precedent for future requests to the wall sign limitations. Ms. Stachowiak said that the offices in the building are destination type uses and are located on a street within the McLaren Hospital campus. She said that the signs, therefore, are not intended to attract customers/clients but merely to make it easier for visitors to locate their destination.

Ms. Alling opened the public hearing.

Jason Kildea, MSB2 Partners, LLC, spoke in support of the request. Mr. Kildea stated that the signs are proportionate to the size of the building so it will not appear to be excessive. He also said that it is important that visitors to the site are able to easily identify the office they are looking for and it is equally important to the tenants in the building that they are properly identified.

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

Mr. Rice expressed concern about the variances as the circumstances primarily involve marketing the names or sponsors of the offices which does not seem to be sufficiently unique to warrant approval without setting a precedent for future wall sign variance requests.

Mr. Leaming stated that he is leaning towards approval of the variances as the signs are only visible to motorists that already in the campus and looking for their destination. He said that if the various offices had their own entrances to the building similar to commercial businesses in a strip mall, they would each be permitted to have their own signage.

Mr. Iannuzzi stated that he is also inclined to support the variances. He said that the proposed signage serves a different purpose than signs advertising commercial businesses as it is not intended to attract customers but rather to make it easier for patients/visitors to locate their destination.

Mr. Fryling questioned Mr. Kildea about whether future tenants in the building are going to want their owns identification resulting in more variance requests for wall signs.

Mr. Kildea stated that there is only one tenant space left and the future occupants are being notified that they will not be permitted a sign on the exterior of the building.

Mr. Leaming made a motion, seconded by Mr. Iannuzzi to approve 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 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 (5-1). Mr. Rice cast the dissenting vote.

V. OLD BUSINESS

VI. NEW BUSINESS

A. Excused Absences

Mr. Leaming made a motion, seconded by Mr. Rice to approve excused absences

for Mr. Solak and Ms. Jefferson. On a voice vote, the motion carried unanimously (6-0).

VII. APPROVAL OF MINUTES

A. Regular Meeting, August 23, 2022

Mr. Iannuzzi made a motion, seconded by Mr. Berryman to approve the August 23, 2022, meeting minutes, as presented. On a voice vote, the motion carried unanimously (6-0).

VIII. PUBLIC COMMENT

IX. ADJOURNMENT AT 7:00 p.m.

Respectfully Submitted,

_____

Susan Stachowiak, Zoning Administrator