



Andy Schor  
Mayor

**LANSING BOARD OF ZONING APPEALS  
REGULAR MEETING  
DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING  
Thursday, September 14, 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-4080.23, 709 N. Larch Street- Variances to the corner massing and build-to line requirements and to the restrictions on the amount of parking permitted in a front yard, the width of a landscaped buffer along front property lines, and the allowable number of parking spaces.**
- V. OLD BUSINESS**
- VII. NEW BUSINESS**
- VI. APPROVAL OF MINUTES**
  - A. Regular Meeting June 8, 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/OWNER: Thomas Lauzon  
21550, LLC  
28740 Jefferson Street  
St. Clair Shores, MI 48081

EXISTING LAND USE: Vacant (was a Sunoco gas station & McDonalds)

PROPOSED LAND USE: Marijuana provisioning center with a drive-through

EXISTING ZONING: "DT-2" Downtown Urban Flex

PROPERTY SIZE & SHAPE: 1.129 acres - Irregular shape

SURROUNDING LAND USE: N: Vacant veterinary hospital building  
S: Quality Dairy  
E: Used vehicle sales  
W: Burger King

SURROUNDING ZONING: N: "DT-2" Downtown Urban Flex  
S: "DT-2" Downtown Urban Flex  
E: "DT-2" Downtown Urban Flex  
W: "DT-2" Downtown Urban Flex

MASTER PLAN DESIGNATION: The Design Lansing Comprehensive Plan designates the subject property as "Downtown Mixed-Use Center Edge". E. Saginaw Street and N. Larch Street are designated as arterial corridors.

**VARIANCE REQUESTS:**

The subject property is zoned "DT-2", Downtown Urban Flex. It is a vacant lot that is located at the northwest corner of E. Saginaw Street and N. Larch Street. The applicant is requesting the following variances to permit the construction of a 4,000 square foot building for a marijuana provisioning center with related site improvements, as depicted on the attached site plan:

| Required/Permitted                                                                                                     | Request                                                                                                                    | Variance                                                 |
|------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| Building must be located at the southeast corner of the site - 5 feet from the front property lines along both streets | Building setback 90.75 feet from the N. Larch Street property line and 52.75 feet from the E. Saginaw Street property line | 85.75' - N. Larch setback<br>47.75' - E. Saginaw setback |
| 19 parking spaces are permitted                                                                                        | 59 parking spaces                                                                                                          | 40 parking spaces                                        |
| 8-foot landscape buffer along the front property lines/parking lot                                                     | Varying from the required 8 feet up to 23.75 feet in width                                                                 | 15.75 maximum width                                      |
| Building Setback – a maximum of 5 feet from the property line/rear edge of parking lot                                 | 7 feet from rear edge of parking lot                                                                                       | 2 feet                                                   |
| Limit of one bay/row of parking in front of the building                                                               | Double row of parking in front of the building along N. Larch Street                                                       | 1 row of parking                                         |

- \* Section 1254.01.03 (c), Limits on Excessive Parking: “In order to minimize excessive areas of pavement which reduces aesthetic standards and contribute to high rates of storm water runoff, exceeding the minimum parking space requirements by more than twenty percent (20%) shall only be allowed with approval by the Zoning Administrator.” The Zoning Administrator has approved the additional 20% which permits a total of 19 parking spaces for the site. The proposed site plan shows 59 parking spaces which requires a variance of 40 to the allowable number of parking spaces. The applicant has not provided any data or other justification for why the additional parking spaces are necessary.
- \* Section 1243.10.02 (a) (C), Required Corner Massing. “When the site is a corner lot, the primary and secondary frontages at the corner must be occupied by building elevations for the first 20 feet of each frontage from the corner.” The variance request is to allow the building to be located 90.75 feet from the N. Larch Street frontage and 52.75 feet from the E. Saginaw Street frontage, as shown on the attached site plan. The required building setback, based upon another provision in the ordinance, for the building along the first 20 feet of the frontages of the site is 5 feet.
- \* 1252.06 (b) (1), “There shall be a landscaping setback area of eight (8) feet between the edge of sidewalk and parking lot edge, which shall consist of lawn and landscape planting beds.” The 8 feet is the exact requirement. It is not a minimum. The landscape buffers along the front property lines vary from the 8-foot requirement up to 23.75 feet at its maximum width. If the Board were inclined to approve the variance, the motion would be to permit the landscape buffer with a minimum width of 8 feet to a maximum width of 23.75 feet. as depicted on the site plan dated 8.1.2023.

If the requested variances to the “corner massing” requirement are approved, thus allowing the building to be constructed in the location shown on the site plan, variances to the setback requirement and a variance to permit a double row of parking in the front yard as shown on the site plan will also be required.

- \* 1243.10.02 (b) (D), Building Placement: “Five (5) feet as measured from the property line or rear edge of the front parking lot.” The site plan shows the building located 7 feet from the rear edge of the parking lots along N. Larch Street and E. Saginaw Street.
- \* Section 1243.10.02 (c) (H), Parking: “Front yard parking limited to one single-loaded bay.” The site plan shows a double row of parking in the N. Larch Street front yard.

If the variances to the corner massing requirements are denied, the variances to the building placement and front yard parking restriction will not be necessary. Without the corner massing variances, the building will have to be located 5 feet from the front property lines which would automatically prevent parking within the front yard since the front yard is determined by the wall(s) of the building.

### ANALYSIS

Section 1274.06 (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 requests involves concerns about the safety of pedestrians accessing the building. More specifically, the applicant is concerned that if the building is required to be located at the southeast corner of the site, the stacking spaces for the drive-through will have to wrap around the building and thus, the only way to enter the building will be to walk through the drive-through lane and between the vehicles waiting in the stacking spaces. In addition, the application states that the variances are necessary because if the building were to be located at the southeast corner of the site, the amount of stacking spaces for the drive-through will be limited which could cause traffic to back up on N. Larch Street. The attached application provides more details as to the bases for the applicant's requests.

The variance requests do not satisfy the evaluation criteria listed above. There is nothing unique about the subject property that warrants relief from any provisions of the zoning ordinance. There are other zoning districts that would permit the proposed use and would not require the building to be located at or near the front property line(s) and would allow for more than one row of parking in a front yard. Selecting a site that does not accommodate the applicant's preferred design is not a basis for granting variances.

The issue involving concerns about pedestrian traffic accessing the building by walking through the drive-through lane can be mitigated by establishing a designated crossing that includes pavement markings and signage to maintain a clear path for pedestrians. In addition, the attached sketch that was prepared by Planning Office staff depicts an example of how the site could be designed in compliance with all ordinance requirements. The sketch demonstrates that the parking lot, with the allowable 19 parking spaces, could be placed on the side of the building allowing for access to the building without having to cross through the drive-through lane. The sketch also demonstrates that the site could be designed to accommodate the same number of stacking spaces (8) in the drive-through lane as what is proposed on the site plan provided by the applicant.

### Impact Standards

The Ordinance also establishes four standards under Section 1274.06 (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.**

The primary issue in this case is the variance to the corner massing provision requiring the building to be located 5 feet from the property lines at the southeast corner of the site, thus restricting parking to the side and rear yards. The requested variances would allow the building to be located near the center of the site with parking lots in the N. Larch Street and Saginaw Street front yards. This design would be contrary to the intent of the Zoning Ordinance, Master Plan, and with proper planning principles in general. Locating buildings at or near front property lines with parking behind or to the side creates a more attractive environment by making buildings, rather than the parking lots, the dominant features of the streetscape. It also creates a safer and friendlier environment for pedestrian traffic, in part by allowing for access to the building from the public sidewalk without having to walk through a parking lot. This is particularly important in the Downtown Urban Flex zoning district as it is specifically intended to create a transition from auto-centric/oriented uses and site design to the more pedestrian scaled development in and around the downtown.

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 proposed use will not have any negative impacts on vehicular or pedestrian traffic in the area. E. Saginaw Street and N. Larch Street are both major thoroughfares that are designed to accommodate the highest volumes of traffic. There are also traffic control mechanisms in place to ensure that pedestrians and bicyclist can safely access the site.

As described on page 3 of this report, there are site design options to ensure safe pedestrian access to the building from the parking lot within the site and to accommodate adequate stacking spaces in the drive-through lane to prevent overflow traffic from backing up onto the street(s). Also, locating the building at the corner of the site allows pedestrians to access the building without having to walk through the parking lot and drive aisles.

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 makes compliance with the applicable ordinance provisions impractical or unreasonably difficult, approval of the variances could set a negative precedent for future requests to vary the development requirements of the "DT-2" zoning district. In addition, the requested variances would allow for development of the site in a manner that is not consistent with the intent of the Zoning Ordinance or the Master Plan, thus diminishing the effectiveness of those documents in accomplishing their intended goals as described in the preceding paragraphs of this report and by the following excerpts from the Master Plan:

"The closer a building is to the sidewalk, the more it can contribute to the human scale, activity, and visual richness of the pedestrian environment."

“Where large parking lots front the street, cars and pavement will dominate the visual environment and the quality of the pedestrian experience will be severely compromised.”

“To create an environment that is visually appealing, comfortably scaled and engaging for people on foot, buildings, not parking, must define the character of the street and sidewalk.”

### **FINDINGS**

This is a request by Thomas Lauzon for variances to Sections 1243.10.02 (a)(C), (b)(D) & (c)(H), 1252.06 (b)(1) and 1254.01.03 (c) of the City of Lansing Zoning Ordinance. These Sections require that buildings on corner lots in the “DT-2” district, which is the zoning designation of the subject property, occupy at least 20 feet of the frontage along both streets, requires buildings to be located a maximum distance of 5 feet from the rear line of the parking lot, prohibits more than 1 row of parking within a front yard, restricts landscape buffers along the front property lines to 8 feet in width, and restricts the allowable number of parking spaces for the proposed building and use to 19. The applicant’s proposal is to construct a building that would be located 90.75 feet from the N. Larch Street front property line, 52.75 from the E. Saginaw Street front property line, and 7 feet from the rear line of the parking lot. The proposed plan also involves 2 rows of parking within the N. Larch Street front yard, landscape buffers up to 23.75 feet in width and 59 parking spaces.

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 1274.06 (c) and 1274.06 (e) of the Zoning Ordinance.

### **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 4080.23, a request for variances to Sections 1243.10.02 (a) (C), (b) (D) & (c) (H), 1252.06 (b) (1) and 1254.01.03 (c) of the Zoning Ordinance requiring buildings on corner lots to be located at the 5 foot setback for a distance of 20 feet along both street frontages, requiring buildings to be located a maximum distance of 5 feet from the rear line of the parking lot, prohibiting more than 1 row of parking within a front yard, restricting landscape buffers along the front property lines to 8 feet in width and restricting the allowable number of parking spaces for the proposed building and use to 19, to permit the construction of a building that would be located 90.75 feet from the N. Larch Street front property line, 52.75 from the E. Saginaw Street front property line, and 7 feet from the rear line of the parking lot, and to allow for 2 rows of parking within the N. Larch Street front yard, landscape buffers up to 23.75 feet in width and 59 parking spaces, on a finding that the variances do not comply with the applicable practical difficulty/unnecessary hardship and impact criteria listed in Sections 1274.06(c) 1274.06(e) of the Zoning Ordinance.”**

Respectfully Submitted,

Susan Stachowiak  
Zoning Administrator



Andy Schor, Mayor

CITY OF LANSING - PLANNING OFFICE  
PETITION  
BOARD OF ZONING APPEALS

Reset

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): 709 N. Larch Street, Lansing MI 48906

Legal  
Description:

Parcel 1: A.) Lot 13 and Lot 16, except beginning 14 feet North along the West line of Larch Street from the Southeast corner of Lot 16, thence South to Southeast lot corner, thence West along the South Lot line 21 feet, thence Northeast to point of beginning, Block 17, ORIGINAL PLAT, CITY OF LANSING, as recorded in Liber 2, Page 36 of Plats, Ingham County Records.  
AND  
B.) A parcel of property commencing at a point of the Northwest corner of Lot 13, Block 17, ORIGINAL PLAT, CITY OF LANSING, as recorded in Liber 2, Page 36 of Plats, Ingham County Records; thence South 20'; thence West 20'; thence North 53'; thence East 20'; thence South 33' to point of beginning.

Applicant Name: THOMAS LAURON

Address (include zip code): 28740 JEFFERSON, ST CLAIR SHORES MI 48081

Phone Number: 313-394-1900

Owner Name: 21550 LLC

Owner Address (include zip code): 28740 JEFFERSON, ST CLAIR SHORES MI 48081

Owner Phone: 313-394-1900

Interest in Property (please check one)

☐ Option to buy

☒ Owner

☐ Leasee

☐ Represent Owner

☐ Other (please specify) \_\_\_\_\_

Zoning of the property: DT-2 Lot dimensions: 264.0' x 168.5'

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): \_\_\_\_\_ # of accessible on-site parking spaces: 3 Proposed

Hours and days / week of operation: \_\_\_\_\_

Describe or explain your proposal for this property:

*attach a separate sheet if more space is necessary*

The current Ordinance requires new buildings on corner lots must occupy the primary and secondary frontages for the first 20 feet. Due to the lot size and the proposed drive-thru, occupying the Southeast corner of 709 N. Larch street limits safe pedestrian circulation to the building and would require nearly all pedestrians to walk directly through drive-thru traffic to access the front door. Occupying the Southeast corner would also limit the amount of drive-thru stacking and could cause traffic back-ups on N. Larch Street.

Our proposal is to centralize the new building in the middle of the site to allow for safer pedestrian circulation by having the majority of customer parking away from the drive-thru. Proposing the building in the middle of the site also allows for ample drive-thru stacking for the anticipated customer demand. We are also proposing to have two single loaded bays of parking on the front yard of N. Larch Street. Utilizing parking on the East side of the site again keeps pedestrians away from the drive-thru and promotes safe circulation into the building.

Section # with which this proposal is in conflict: 1243.10.02 (a) Corner Massing, 1243.10.02 (b) On-Site Parking

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

*attach a separate sheet if more space is necessary*

If this petition is not granted, the safety of pedestrians would be at a greater risk given the majority of the parking would be behind the building where the drive-thru would be located. Pedestrians would have to walk through the drive-thru traffic to access the front door of the building. If the petition to add another bay of single loaded parking is not granted, the safety of pedestrians would also be put at a greater risk because more of the parking would have to be on the 2<sup>nd</sup> side of the proposed building, causing the majority of pedestrians to cross through the drive-thru lane to enter the 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:

|                                 |          |
|---------------------------------|----------|
| Single Family Home Improvement: | \$160.00 |
| Other appeals by acreage:       |          |
| 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.**

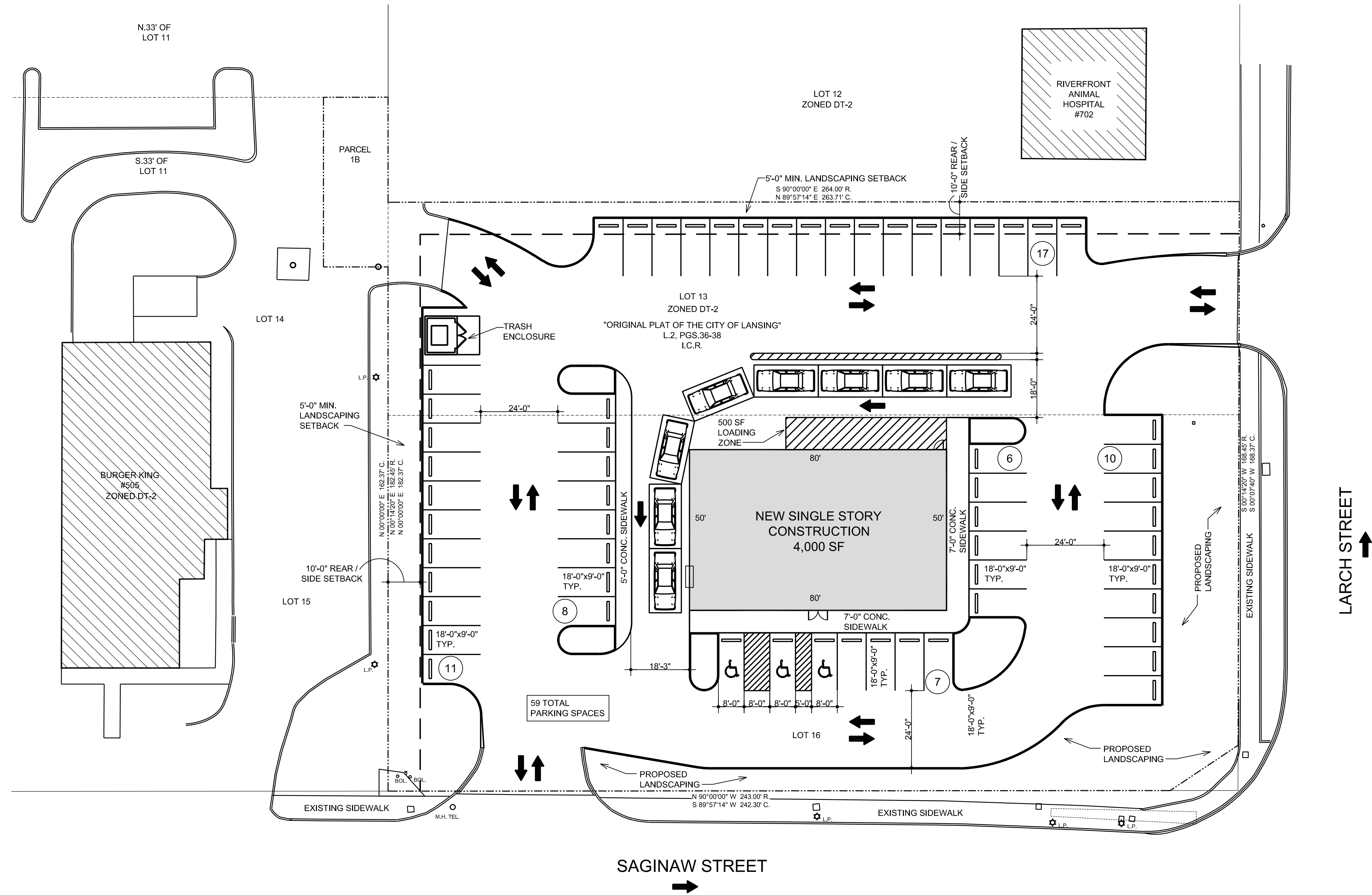
Please file this petition with the Planning Office.

Signature of applicant: \_\_\_\_\_

Name: Thomas Laurzon

For assistance, please contact:

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



Architect:

**ARK-TEC L.L.C.**  
ARCHITECTS  
17376 West 12 Mile Rd.  
Suite #105  
Southfield, MI 48076  
(248) 703-4494



**PROPOSED SITE PLAN - OPTION 1**  
**709 N LARCH STREET, LANSING**

SCALE: 1" = 20'-0"

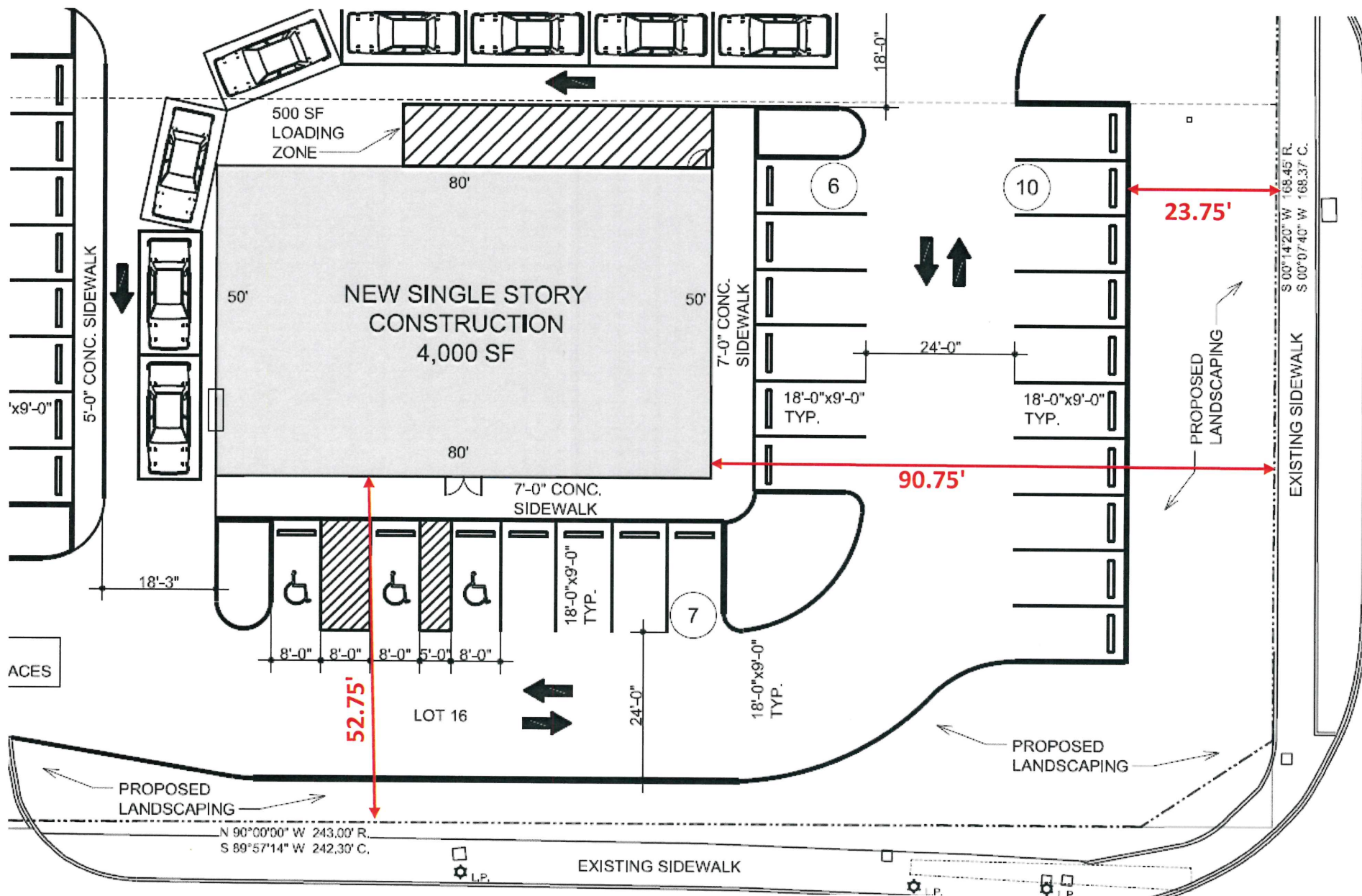
**CLOUD CANNABIS**  
709 N LARCH STREET  
LANSING, MI

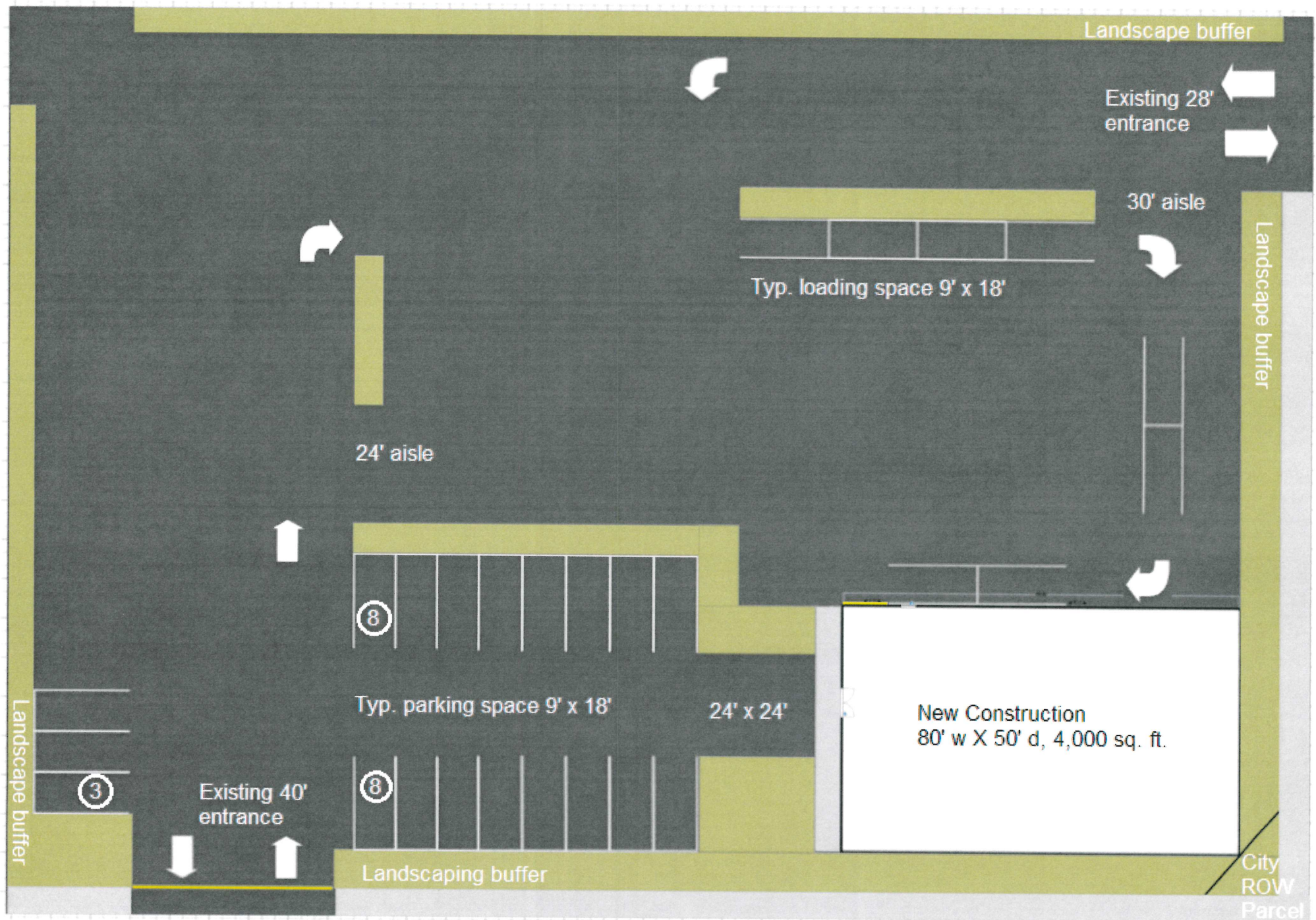
Title:  
**PROPOSED SITE PLAN**

Sheet No.:

**S-1**

08-01-2023





\* Modeled to scale

FOR DISCUSSION PURPOSES ONLY

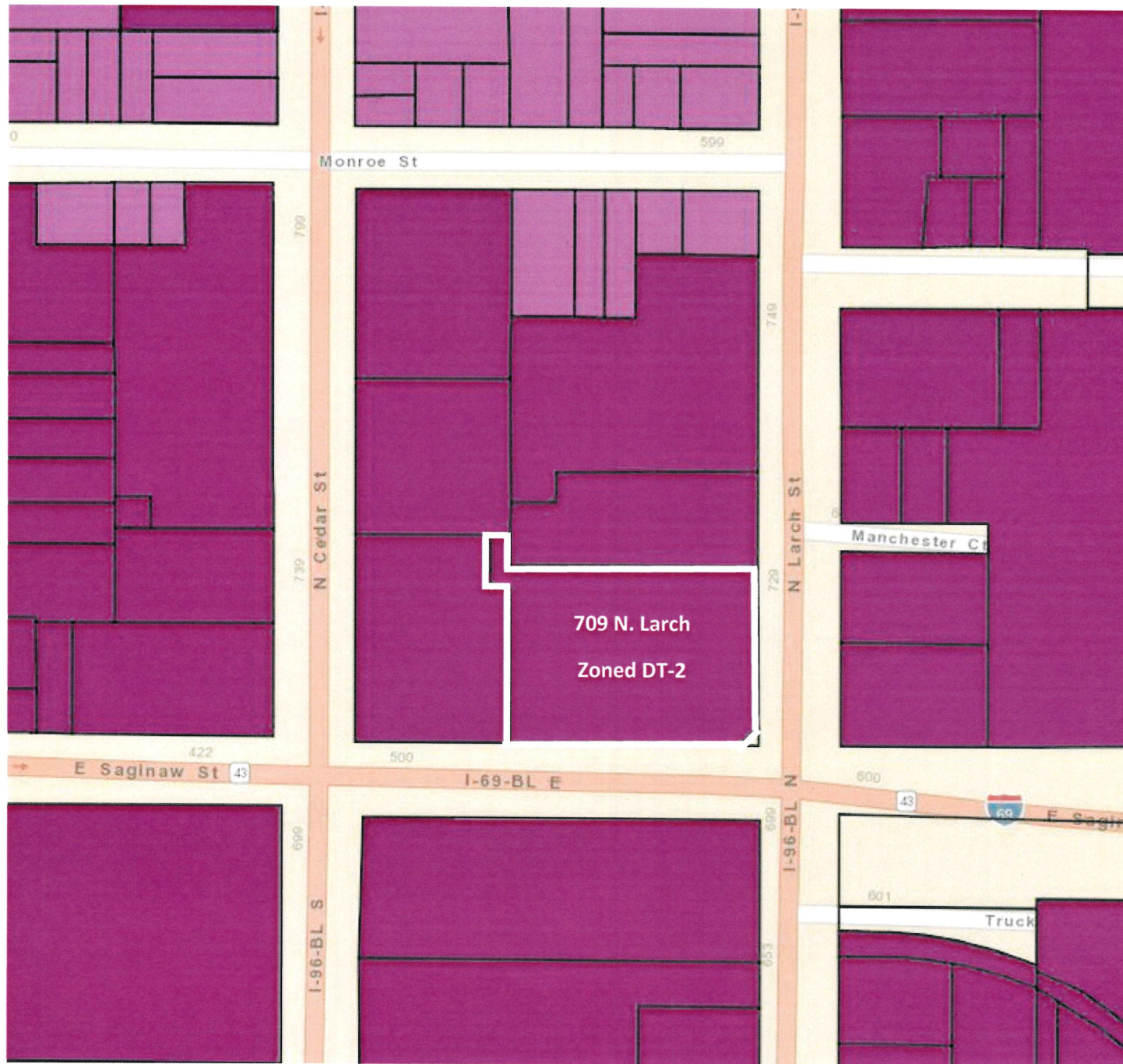
Prepared by Planning & Zoning Office



# Image/Sketch for Parcel: 33-01-01-09-480-172







## Zoning Districts

- DT-1 - Urban Edge
- DT-2 - Urban Flex
- DT-3- Urban Core



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**MINUTES OF REGULAR MEETING – DRAFT**  
**BOARD OF ZONING APPEALS**  
**Thursday, June 8, 2023, 6:30 P.M.**  
**600 W. Maple Street, Lansing, MI 48915**

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**I. ROLL CALL**

The meeting was called to order by Chairperson, Marcie Alling at 6:35 p.m.

**Present:** M. Alling, K. Berryman, C. Iannuzzi, E. Jefferson, J. Leaming, M. Rice, & M. Solak. M. Jackson (Planning Commission Representative)

**Absent:** B. Fryling (excused)

**Staff:** S. Stachowiak & A. Fedewa

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. Rice 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 - None**

**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**

Ms. Stachowiak stated that 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, one of which would be 47.5 feet high, 166.7 square feet in area with a 15 foot setback from the front property line and the other of which would be 29.9¾ feet high, 60.3 square feet in area with a setback of 20 feet from the front property line. Section 1442.12(b) of the City of Lansing Sign Ordinance permits one ground sign for the subject property. Section 1442.12(h)(8) restricts the size of a ground sign at the 15-foot setback to 15 feet in height and 45 square feet in area and restricts the size of a ground sign at the 20-foot setback to 20 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 1 of the signs and 9.9¾ feet to the height limitation for the other sign are therefore, being requested.

Ms. Stachowiak stated that the staff recommendation is to deny the variances based on a finding that the requests do not comply with the applicable criteria of Sections 1244.06 (c) and 1244.06 (e) of the Zoning Ordinance, as described in the staff report for this request. She said that there is nothing unique about the property that warrants granting the requested variances to permit 2 ground signs that would be separated by less than 150 feet, one of which would dramatically exceed the size/height restrictions of the ordinance. Ms. Stachowiak said that 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 detrimental to the appearance of the streetscape. She said that variances have already been granted for the existing ground sign (recently removed) on the subject property which has been more than adequate to identify the business located thereon. Ms. Stachowiak stated that the recently removed ground sign can be replaced in the same location and to the same dimensions as what existed prior to its removal.

Mr. Berryman asked for information about the sizes of signs for other dealerships located on Pennsylvania Ave. Ms. Stachowiak stated that most of them were also granted variance to the setback height, size and setback regulations.

Mr. Leaming asked about the variances for the dimensions and setback of the recently removed sign that can be replaced.

Ms. Stachowiak stated that she was not aware that it had been removed and she has been unable to locate the variance and sign permit records. She said that she will continue to search for that information but the issue before the Board is whether to approve 2 ground signs that would exceed the allowable dimensions. Ms. Stachowiak said that, based upon measurements taken from the City's Geographic Information System map, the sign at the north end of the property would be located closer to S. Pennsylvania Avenue than the one that was recently removed and the proposed sign to the south would exceed the height limitation for a sign at its proposed setback.

Ms. Leaming asked the applicant if he was aware of the previously granted variances and if he would even be making these requests if he had known.

Ms. Alling opened the public hearing.

Houston Valentine, project manager for Lafontaine, stated that he would still be making these requests because they want two ground signs, both of which require variances to the height limitations and one to the size restriction based upon the proposed setbacks. Ms. Valentine said that if the signs were to be located at the required setback, they would interfere with vehicular circulation through the parking lot. He also said that the sign requirements are mandated by the Ford Motor Company and that Mr. Valentine stated that it is customary for dealerships to have two ground signs: one for dealership identification and one for previously owned vehicles.

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

Mr. Rice stated that the issue before the Board is whether the requested variances should be approved. He said that since he does not believe that the proposed signs comply with the evaluation criteria set forth in the ordinance, he is not able to support variances.

There was significant discussion amongst the Board members regarding the previously approved variance. The Board members agreed that there was no basis for granting the requested variances. They also agreed that staff needs to determine the parameters for what is permitted under the previously approved variances to allow replacement of the proposed ground sign near the north end of the site.

**Mr. Rice made a motion, seconded by Ms. Jefferson 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.**

Mr. Leaming proposed a friendly amendment, consented to by Mr. Rice, to confirm that the applicant is permitted to erect a new ground sign in accordance with the previously approved setback, height, and square footage variances.

Mr. Rice and Ms. Jefferson accepted the friendly amendment.

**On a roll call vote, the motion to deny BZA 4079.23 passed unanimously (8-0), 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, with the understanding that the applicant is permitted to erect a new ground sign in accordance with the previously approved setback, height, and square footage variances.**

**V. OLD BUSINESS**

**VI. NEW BUSINESS**

**A. Excused Absence**

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

**VII. APPROVAL OF MINUTES**

**A. Regular Meeting, January 12, 2023**

**Mr. Iannuzzi made a motion, seconded by Mr. Berryman to approve the June 12, 2023, meeting minutes, as presented. On a voice vote, the motion carried unanimously (8-0).**

**VIII. PUBLIC COMMENT**

**IX. ADJOURNMENT AT 7:13 p.m.**

Respectfully Submitted,

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Susan Stachowiak, Zoning Administrator