

**CITY OF LINDEN
ZONING BOARD OF APPEALS
SPECIAL MEETING MINUTES**

Tuesday, May 24, 2022

7:00 p.m.

CALL TO ORDER

The special meeting of the Linden Zoning Board of Appeals was called to order at 7:02 p.m. by Chairperson Scott Ward. The meeting was held within Council Chambers, on the lower level of the Mill Building located at 201 North Main Street, Linden, Michigan.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited by all present.

ROLL CALL

PRESENT: Scott Ward, Esther McDaniel, Daniel McComb, Christine Kinyon, Daniel Cusson, Betty Ciesielski

ABSENT: None.

OTHERS PRESENT: Adam Young, City Planner/Zoning Administrator; Kristyn Kanyak, Deputy Clerk

MINUTES APPROVAL

Motion by Kinyon, second by McComb to approve the minutes of the January 11, 2022 Regular Zoning Board of Appeals Meeting. Motion carried 6-0.

PUBLIC HEARING

(A) ZBA-03-22 126 North Bridge St. – Sign Placement Variance

Kanyak verified no written correspondence was received. Young reviewed the purpose of the variance request for the proposed sign, as well as the purpose of the public hearing and notices provided.

Ward opened the public hearing at 7:04 p.m. Ward closed the public hearing at 7:04 p.m.

CITIZEN’S COMMENTS

None.

COMMUNICATIONS

None.

UNFINISHED BUSINESS

None.

Ward questioned the installation timeline of the State Bank Kiosk signage the ZBA reviewed at a previous meeting.

NEW BUSINESS

(A) ZBA-03-22 126 North Bridge St. – Sign Placement Variance

Timothy Gruber was present, representing the applicant, and reviewed the reasoning for the requested variance.

Ward questioned if the previous sign was grandfathered in. Young reviewed rules for replacement of non-conforming signage. Discussion regarding positioning of the new sign in relation to the presently placed city parking signage.

Young reviewed his Staff Report: We are in receipt of an application submitted by applicant and property owner G5 Capital (Tim & Kim Gruber) to install a new ground sign for the Balance Life Counseling business located at 126 North Bridge Street. The property is zoned CBD District. Ground signs are allowed in the CBD, but Section 154.158, (A), (3) of the City of Linden Zoning Ordinance requires ground signs to be set back at least 10 feet from the front property line. The proposed sign location cannot meet the minimum 10-foot setback; therefore, a variance from Section 154.158, (A), (3) is being requested.

The subject site is 0.258 acres in size and has approximately 80 feet of frontage on North Bridge Street. The existing principal building occupies the northern half of the property and is set back approximately 8 feet from the front property line. An existing off-street parking lot occupies the southern half of the property, the front edge of which is also set back approximately 8 feet from the front property line. The new ground sign will be 4 feet tall and 8.44 square feet in area (38" wide by 32" tall). The new ground sign is proposed to replace an old ground sign that was knocked down recently by high winds. The prior ground sign location was between the building and the sidewalk, located approximately 1 foot from the front property line. The applicant has offered three options for the placement of the new ground sign: Option 1 (preferred by applicant) would locate the new sign near the old sign location, oriented perpendicular to North Bridge Street, and set back 2.5' from the front property line; Option 2 would locate the new sign approximately 15 feet north of the old sign location, oriented perpendicular to North Bridge Street, and set back 5' from the front property line; or Option 3 would locate the new sign approximately 15 feet north of the old sign location, oriented parallel to North Bridge Street, and set back 8' from the front property line.

In evaluating the request and the existence of a practical difficulty, the Zoning Board of Appeals shall consider the standards of Section 154.218, (E), (2) of the Zoning Ordinance. These standards are as follows: a. That the ordinance restrictions unreasonably prevent the owner from using the property for a permitted purpose; b. That the variance would do substantial justice to the applicant as well as to other property owners in the district, and a lesser relaxation than that requested would not give substantial relief to the owner of the property or be more consistent with justice to other property owners; c. That the plight of the landowner is due to the unique circumstances of the property; and d. That the alleged hardship has not been created by any person presently having an interest in the property.

Board Members discussed the three options provided by the applicant in greater detail; dimensions provided; visibility for traffic and parking purposes.

Motion by Kinyon, second by Ciesielski to approve a variance from Section 154.158, (A), (3) of the City of Linden Zoning Ordinance to allow the ground sign to be located as depicted in Option 1, as it meets all practical difficulties.

AYES: Ciesielski, Cusson, Kinyon, McComb, McDaniel, Ward

NAYS: None

ABSENT: None

Gruber discussed the nature of the business, construction progress and history of the building.

COMMISSIONER/COMMITTEE REPORTS

None.

ADJOURNMENT

Motion by Ward, second by Cusson to adjourn the meeting. Motion carried 5-0. The meeting was adjourned by Chairperson Ward at 7:34 p.m.

Respectfully Submitted,

Kristyn Kanyak, Deputy Clerk

Approved: _____