

**AGENDA
CITY OF LINDEN
ZONING BOARD OF APPEALS MEETING**

Tuesday, January 11, 2022

7:00 p.m.

I. CALL TO ORDER

II. ROLL CALL

III. MINUTES APPROVAL

(A) Minutes of the November 9, 2021 Special Meeting

IV. PUBLIC HEARING

(A) ZBA-02-22 Sandal Wood Village Sign Placement Variance

V. CITIZEN'S COMMENTS

Persons wishing to address the Zoning Board of Appeals on non-agenda items only are asked to state their name and address for the record and limit their comments to five minutes, or ten minutes if representing a group of persons. Opportunity will be given to address the Zoning Board of Appeals on agenda items as they are called on the agenda.

VI. COMMUNICATIONS

VII. UNFINISHED BUSINESS

VIII. NEW BUSINESS

(A) ZBA-01-22 Election of Officers

(B) ZBA-02-22 Sandal Wood Village Sign Placement Variance

IX. COMMISSIONER/COMMITTEE REPORTS

X. ADJOURNMENT

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

Tuesday, November 9, 2021

7:00 p.m.

CALL TO ORDER

The special meeting of the Linden Zoning Board of Appeals was called to order at 7:00 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: Chris Kinyon, Dan McComb, Scott Ward, Esther McDaniel, Betty Ciesielski,
Brad Dick

ABSENT: None.

OTHERS PRESENT: Ellen Glass, City Manager (participating remotely from Shiawassee County),
Adam Young, City Planner/Zoning Administrator, Kristyn Kanyak, Deputy Clerk

MINUTES APPROVAL

Motion by Ciesielski, second by McDaniel to approve the minutes of the September 14, 2021 Special Zoning Board of Appeals Meeting. Motion carried 6-0.

PUBLIC HEARING

(A) ZBA-03-21 604 West Broad St. – Variance for ATM Structure Signage

Young reviewed the proposed signage and the reasoning for the variance request, as well as the purpose of the public hearing.

Ward opened the public hearing at 7:06 p.m.

The applicant, James Niestroy of Bill Carr Signs, was present and explained the proposed signage, and shared images with Board Members of a finished installation at another location. Brief discussion regarding the former ATM and signage.

Stacey Webb, Senior Vice President in charge of facilities for The State Bank, explained the signage's importance for this particular machine's location, and discussed the need for visibility.

Ward closed the public hearing at 7:13 p.m.

Brief discussion regarding the property ownership and location.

CITIZEN'S COMMENTS

None.

COMMUNICATIONS

None.

Ward verified with City Staff if there was any communication received from the previous meeting.

UNFINISHED BUSINESS

None.

NEW BUSINESS

(A) ZBA-03-21 604 West Broad St. – Variance for ATM Structure Signage

Young reviewed his staff report: We are in receipt of an application submitted by Bill Carr Signs on behalf of property owner Yono Capital Investments, LLC, requesting a variance from the provisions of the City of Linden Zoning Ordinance to allow signage on The State Bank's proposed ATM kiosk structure, which exceeds the maximum number, size and height allowances for ground signage.

The subject site, Property ID No. 61-19-400-017, is approximately 8.2 acres in size and is occupied by the Alpine Plaza multi-tenant commercial shopping center. For many years (installation date unknown), The State Bank has maintained a stand-alone ATM kiosk within the off-street parking lot of the shopping center. The ATM kiosk is located on a designated lease space within the site (Property ID No. 61-19-776-001). The Alpine Plaza site is zoned GC, General Commercial District.

The State Bank is proposing to replace the existing ATM kiosk with a new ATM kiosk. The new ATM kiosk is proposed to include several forms of signage, as follows:

- The primary sign element is the vertical, 13.9-foot-tall ATM column that is proposed to have branding/signage for The State Bank on essentially the entire face of each side of the column. As a stand-alone column, not technically connected to the ATM, it is our opinion that this column with signage meets the definition of a ground sign, being "a three-dimensional, self-supporting, base-mounted freestanding identification sign, consisting of two or more sides extending up from the base, and upon which a message, business, group of businesses, or center name is affixed." Typical ground signs are two-sided, but this column has signage on all four sides. Each column face is 41.75 square feet in area. For a two-sided sign, the ordinance normally only counts the area of one side; being a four-sided sign, it is our opinion that the zoning ordinance considers the total area of this sign to be the total area of two sides, which is 83.5 square feet (41.75 sq. ft. x 2).
- The secondary sign elements are the proposed white text on the horizontal canopy/beam that is connected to the column. The signage consists of "ATM" text on all four sides of the horizontal canopy (1.06 sq. ft. in area for each), and "CLEARANCE 10 FT" text on one side of the horizontal canopy (2.6 sq. ft. in area). It is our opinion that the Zoning Ordinance considers these signs to be directional signs, defined as "a sign which gives directions, instructions, or facility information for the use on the lot or parcel on which the sign is located, such as parking or exit and entrance signs."

Please note that portions of the ATM kiosk and signage will be illuminated. The top-most portion of the ATM column (above the horizontal canopy) will be internally illuminated. The bottom portion of the ATM column will be indirectly illuminated from lights mounted on the underside of the horizontal canopy. The white "ATM" and "CLEARANCE 10 FT" lettering on the horizontal canopy will also be internally illuminated.

Within the Zoning Ordinance, there are no specific or special allowances for signage on stand-alone ATM kiosks. We therefore must apply the existing standards related to ground signs for the GC District, which are outlined in Section 154.158 of the Zoning Ordinance. Per Section 154.158, (A), (1), only one ground sign is permitted per lot that has frontage on only one public road. Presently, the Alpine Plaza property already has a ground sign. Therefore, a variance from Section 154.158, (A), (1) is needed to allow a second ground sign. Per Section 154.158, (B), the maximum height for a ground sign in the GC District is 6 feet. The maximum area for a ground sign in the GC District is 50 square feet. This proposed ground sign (ATM column) exceeds both. Therefore, a variance from Section 154.158, (B) is needed to allow a ground sign that is taller and larger than allowed by ordinance.

For the proposed secondary signage (directional signs), Section 154.156, (F) of the Zoning Ordinance allows directional signs, "provided they shall not exceed two square feet in size, shall contain no

advertising, and shall not be illuminated.” The proposed directional signs will be illuminated, and the “CLEARANCE 10 FT” sign is larger than 2 square feet. Therefore, a variance from Section 154.156, (F) is needed to allow illuminated directional signage and directional signage greater than 2 square feet in area.

Related to this variance request, we note the following findings of fact:

- The City’s sign regulations were not developed with stand-alone ATM kiosks in mind. There are no specific or special allowances for signage on stand-alone ATM kiosks.
- As a stand-alone ATM kiosk that is part of a larger shopping center, but which is operated by a financial institution that is not located within the shopping center, it is reasonable to conclude that some signage is necessary to advertise the presence of the ATM kiosk.
- For multi-tenant shopping centers, the Zoning Ordinance provisions allow wall signage for each business store front (see Section 154.159, (A), (4)). As the ATM kiosk is not a building and has no walls, it can be said that the ATM kiosk does not have the same avenue to advertise its presence that is enjoyed by the other businesses within the shopping center.

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.

Ward and Niestroy discussed the size of the signage, as well as the purpose of the signage’s cantilever and clearance concerns. Kinyon commented on the illumination and discussed use of reflective lettering. Ciesielski discussed the necessity for the canopy illumination for vehicles maneuvering within the parking lot. Young reviewed the portions which are proposed to be illuminated.

Niestroy and Webb explained the positioning of the concrete pad with ZBA Members, and verified where the canopy would extend to. ZBA Members and Niestroy discussed the possibility of the canopy getting hit. Young briefly explained the need for a Zoning Permit from the applicant. ZBA Members further discussed reducing the canopy’s size. Young discussed the improved approach for vehicles pulling in to the parking lot, should the size be reduced. Discussion regarding the other existing business signage in the parking lot.

Kinyon and Niestroy discussed the height of the tower, relative to the illumination, design and aesthetics. ZBA Members discussed reducing the cantilever’s size and its effect. Niestroy and ZBA Members reviewed images of a completed project at a different location and discussed in detail.

Discussion amongst Board Members and Young regarding the potential motions.

Motion by Ward, second by Ciesielski to approve a variance from Section 154.158,(A),(1) to allow a second ground sign, after finding all standards for evaluation apply, standards a-d. Roll call. Motion carried 6-0.

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

NAYS: None.

ABSENT: None.

Motion by Ciesielski, second by McDaniel to approve a variance from Section 154.158,(B) to allow a ground sign that is taller and larger than allowed by the ordinance as proposed, after finding all standards for evaluation apply, standards a-d. Roll call. Motion 5-1.

AYES: Kinyon, McComb, Ward, McDaniel, Ciesielski

NAYS: Dick

ABSENT: None.

Motion by Ward, second by Dick to approve a variance from Section 154.156,(F) to allow illuminated directional signage and directional signage greater than 2.6 square feet as proposed, after finding all standards for evaluation apply, standards a-d, conditioned upon the reduction of the canopy length from 172 inches to 148 inches; maintaining 140 inches in width. Roll call. Motion carried 6-0.

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

NAYS: None.

ABSENT: None.

ZBA Members briefly discussed the possible signage installation timeline with the applicant.

Members briefly discussed the possibility of updating of the sign ordinance.

(B) 2022 Meeting Schedule

Kanyak reviewed the 2022 Meeting Schedule for the Board enclosed within the agenda packet.

Ward and City Staff discussed receiving the agenda packets sooner.

COMMISSIONER/COMMITTEE REPORTS

None.

ADJOURNMENT

Motion by McDaniel, second by Kinyon to adjourn the meeting. Motion carried 6-0. The meeting was adjourned by Chairperson Ward at 8:21 p.m.

Respectfully Submitted,

Kristyn Kanyak, Deputy City Clerk

Approved: _____

**NOTICE OF PUBLIC HEARING
REQUEST FOR VARIANCE
CITY OF LINDEN – ZONING BOARD OF APPEALS**

PLEASE TAKE NOTICE The City of Linden’s Zoning Board of Appeals will conduct a public hearing as part of a regular meeting agenda on Tuesday, January 11, 2022, at 7:00 p.m. within Council Chambers on the lower level of the Mill Building located at 201 North Main Street, Linden, Michigan, 48451.

The purpose of the hearing is to hear citizens’ comments on a request for a variance from Section 154.158, (A), (3) of the City of Linden Zoning Ordinance to allow a ground sign to be located closer than 10 feet from the front property line.

Petitioner: Mary Mitchell/Lexington Oaks Development Group
Property Address: 1215 North Bridge Street
Property Tax ID Number: 61-17-300-010 & 61-17-300-011
Legal Description:

61-17-300-010: A PARCEL OF LAND BEG S 0 DEG 51 MIN 30 SEC E 1052.98 FT FROM NW COR OF SPRING MEADOWS SUB TH CONT S 0 DEG 51 MIN 30 SEC E 210 FT TH S 89 DEG 31 MIN 15 SEC W 395.43 FT TH N 0 DEG 50 MIN 30 SEC W 210 FT TH N 89 DEG 31 MIN 15 SEC E 395.36 FT TO PL OF BEG SEC 17 T5N R6E 1.91 A (97) FR 61-17-300-009

61-17-300-011: A PARCEL OF LAND BEG S 0 DEG 51 MIN 30 SEC E 950 FT FROM NW COR OF SPRING MEADOWS SUB TH CONT S 0 DEG 51 MIN 30 SEC E 100 FT TH S 89 DEG 14 MIN 30 SEC W 395.48 FT TH N 0 DEG 46 MIN 10 SEC W 100 FT TH N 89 DEG 14 MIN 30 SEC E 395 FT TO PL OF BEG SEC 17 T5N R6E .91 A (97) FR 61-17-300-009

Applications and supporting documentation are available for public review at City Offices. Persons wishing to comment may do so at the hearing. Written comments may also be submitted prior to 4:00 p.m. on January 11, 2022, and should be addressed to:

Tessa Sweeney, City Clerk
132 East Broad St.
P.O. Box 507
Linden, MI 48451

Post: Prior to December 27, 2021
Publish: December 26, 2021
Mail: Prior to December 27, 2021

ZONING BOARD OF APPEALS STAFF REPORT

MEMO NO.: ZBA-01-22

FROM: Adam Young, AICP, Zoning
Administrator

AGENDA: January 11, 2022, New Business (A)

TOPIC: Election of Officers

Background: Being the first meeting of 2022, it is appropriate to elect officers for the Zoning Board of Appeals. According to the City's ZBA By-Laws, the officers of the ZBA shall consist of a Chairperson, Vice-Chairperson and Secretary, all of whom shall be appointed members of the Board. According to the By-Laws, the roles of each are as follows:

- The Chairman shall have the privilege of discussing all matters before the Board and to vote on these matters. The Chairman shall call meetings, preside at all meetings, appoint such committees as shall from time to time be deemed necessary, administer oaths and compel attendance of witnesses, sign all vouchers authorized by the Board and perform other duties that may be delegated by the Board.
- The Vice Chairman shall act for the Chairman in his/her absence.
- The Secretary shall keep the minutes and records of the Board. (Please note that City staff have been responsible for minute-taking in the past.)

According to the By-Laws, nominations of officers shall be made from the floor at the annual organizational meeting. Newly elected officers will assume their office immediately. A candidate receiving a majority vote of the membership present shall be declared elected.

It is important to note that a ZBA member who also is a member of the City Council is not eligible to serve as chairperson of the ZBA, per limitations of the Zoning Enabling Act, PA 110 of 2006.

Attachments: ZBA By-Laws

ZONING BOARD OF APPEALS

CITY OF LINDEN

BY-LAWS

I. Officers and their duties:

A. The Officers of the Board shall consist of a Chairman, Vice Chairman, and Secretary, all of whom shall be appointed members of the Board.

B. The Chairman shall have the privilege of discussing all matters before the Board and to vote on these matters. The Chairman shall call meetings, preside at all meetings, appoint such committees as shall from time to time be deemed necessary, administer oaths and compel attendance of witnesses, sign all vouchers authorized by the Board and perform other duties that may be delegated by the Board.

C. The Vice Chairman shall act for the Chairman in his absence.

D. The Secretary shall keep the minutes and records of the Board.

E. The City Manager or his designee shall act as staff for the Zoning Board of Appeals. As such he shall attend to correspondence of the Board, prepare the agendas of regular and special meetings, provide notice of meetings to Board members, arrange proper and legal notice of hearings, keep a record of all vouchers authorized by the Board and keep a copy of all transcripts, records, plans, plats, etc. brought before the Board.

II. Election of Officers:

A. Nominations of officers shall be made from the floor at the annual organizational meeting, which shall be the first meeting of the calendar year in January, and the elections shall follow immediately thereafter. Newly elected officers will assume their office immediately.

B. A candidate receiving a majority vote of the membership present shall be declared elected.

C. Vacancies in offices shall be filled immediately by regular election procedure.

III. Meetings

A. Regular meetings may be held as needed on the second Tuesday of January, April, July and October. The regular meetings shall commence at 7:00 p.m. in the Council Chambers at

201 N. Main Street. Special meetings will be scheduled on an as-needed basis on the second Tuesday of the month. When a regular meeting is scheduled for a holiday, the meeting shall be held on such other day as determined by the Board.

B. Four (4) members of the Board shall constitute a quorum and the number of votes necessary to transact business shall be four (4). A record of the vote shall be kept as a part of the minutes.

C. All members of the Board shall vote on every motion placed on the floor unless there is a conflict of interest. In the event that a member of the Board shall question whether he or any other member has a conflict of interest, the question shall be submitted to the City Attorney who shall review the facts and issue an opinion.

D. Robert's Rules of Order shall be used except where they conflict with the By-Laws, State Statute, the City Charter or the Linden Municipal Code.

E. All meetings at which official action is taken shall be open to the general public.

F. Any member of the Zoning Board of Appeals who misses three (3) consecutive meetings of the Board shall be subject to removal by a majority vote of the City Council. Written notice to the member being considered for removal shall be made at least seven (7) days prior to the City Council meeting at which removal will be considered.

IV. Order of Business:

The order of business at regular meetings shall be:

- I. Call to Order
- II. Roll Call
- III. Approval of Minutes
- IV. Public Hearings
- V. Citizens Comments - Persons wishing to address the Board are asked to state their name and address for the record and limit their comments to five (5) minutes and ten (10) minutes if representing a group of persons.
- VI. Correspondence
- VII. Unfinished Business
- VIII. New Business

IX. Board Member & Committee Reports.

X. Adjournment

This order of business may be suspended by a vote of the Board.

V. Committees:

The Chairman shall appoint such committees as he deems necessary subject, however, to the mandates of the State Statutes, City Charter and the Linden Municipal Code. Any committee appointed shall be given a specific task along with a specific date upon which the committee will expire.

VI. Hearings and Proceedings:

A. The Board shall conduct such hearings and proceedings as provided for in the Zoning Code for the City of Linden or as provided for by State Statute.

B. Notice of such hearings shall be as required by City Ordinance and/or State Law, and, in cases in which certain property is in issue, the Board shall give fifteen (15) days notice to all owners of record of property within a radius of three hundred (300) feet of the premises in question, such notice to be delivered personally or by mail addressed to the respective owners at the addresses given in the latest assessment roll.

C. The case before the Board shall be presented in summary by Staff. Parties in interest shall have privilege of the floor. No record of statement shall be recorded or sworn to as evidence for any Court of Law without notice to the parties.

D. When deciding an appeal, when rendering an opinion or when granting or denying a variance, special approval or exception, the Board shall make specific findings of fact or conclusions of law. These findings and conclusions shall be made a part of the minutes. The Board shall consider those standards required by the Zoning Code and State Law and any other standards or factors deemed necessary by the Board. A site visit by the Board as a whole is allowable upon a majority vote of the members present. No action shall be taken during a site visit. A site visit shall be recorded in the minutes of the Board.

E. In order to be included on the agenda of the Board a petitioner shall submit his or her request at least twenty-eight (28) days prior to the regularly scheduled meeting. The request shall

be submitted on a form provided by the City at the office of the City Clerk. All fees must be paid in order for the request to be deemed "submitted".

F. The City administration shall submit to each Board member ten (10) days before the regularly scheduled meeting a copy of the petition as well as a copy of the administration's findings and recommendation.

VIII. Amendments:

These By-Laws may be amended by a two-thirds (2/3) vote of the entire membership of the Board.

ADOPTED as amended by the City of Linden Zoning Board of Appeals at a regular meeting on the 13th day of January, 2009.

Steve Mammel, Chairperson

ATTEST:

Chris Kinyon, Secretary

ZONING BOARD OF APPEALS STAFF REPORT

MEMO NO.: ZBA-02-22

FROM: Adam Young, AICP, Zoning
Administrator

AGENDA: January 11, 2022, New Business (B)

TOPIC: Sandal Wood Village Sign Placement Variance

Background: We are in receipt of an application submitted by applicant and property owner Lexington Oaks Development Group (Mary Mitchell) for the proposed entryway sign for the Sandal Wood Village senior housing development currently under construction. Specifically, the applicant is requesting a variance from Section 154.158, (A), (3) of the City of Linden Zoning Ordinance to allow the ground sign to be located 5 feet from the front property line instead of the required 10-foot setback from the front property line.

The subject site is 2.57 acres in size and is zoned R-4, Multiple-Family Residential District. The site has 310 feet of frontage on North Bridge Street. Consistent with the approved site plans, the proposed sign will be located on the south side of the development entrance drive. The ground sign will be 60-inches wide by 28-inches tall (11.67 square feet). The sign will be integrated into a proposed stone veneer structure with pillars on each side. The proposed height from grade to the top of the sign is 4 feet.

Residential development entry signs are allowed by Section 154.161, (F) of the Zoning Ordinance and must comply with the maximum height (4 feet) and area (20 square feet) requirements for the R-4 District as outlined in Section 154.159, (B). The proposed Sandal Wood Village sign complies with these requirements. However, Section 154.158, (A), (3) states that a ground sign "shall have a setback of ten feet from a public road right-of-way." As proposed, the front edge of the proposed sign will be only 5 feet from the front right-of-way. The applicant notes that the purpose of the variance is:

"To be able to center the sign on the greenbelt that is on the west side of the city sidewalk between the walk and our Crescent Drive. The greenbelt has a substantial mound and placing the sign the full 10' would make it look like it was falling down the back side of the mound."

Related to this variance request, we note the following findings:

- The approved site plan for the development (dated January 8, 2020) does show the proposed entryway sign within the front greenbelt area generally centered between the front sidewalk and the proposed Crescent Drive (although no dimensions were provided on the site plan and a note indicated that the sign would be approved under a separate permit). A 2.5-foot-tall mound within this greenbelt was designed to provide additional screening of the development and the sign was shown at the top of the proposed mound.
- The existing city sidewalk along North Bridge Street is located 5 feet from the front property line/right-of-way line. Throughout the city, sidewalks are commonly located along or within 1 foot of the front property line. The proposed sign location would be 10 feet distant from the edge of the sidewalk.
- The subject site is a standard shape and size. The only unique site condition that has an impact on the proposed sign location is the topography created by the 2.5-foot-tall mound within the front greenbelt.
- We question whether alternatives may be considered by the applicant to avoid the need for a variance, such as orienting the sign to be parallel to the front property line (as opposed to perpendicular) or to move the sign to the north side of the entrance driveway where there is no raised mound.

Variance request: As noted above, the applicant is requesting a variance from Section 154.158, (A), (3) of the City of Linden Zoning Ordinance to allow the ground sign to be located 5 feet from the front property line instead of the required 10-foot setback from the front property line.

Standards for evaluation: 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.*

Additionally, the ZBA should refer to the 5 questions and applicant's answers provided in the application packet. These questions are as follows:

1. *That special conditions and circumstances exist or create a practical difficulty and which are peculiar to the land, building or structure involved and which are not applicable to other lands, buildings or structures in the neighborhood or same zoning district.*
2. *The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the neighborhood or same zoning district.*
3. *That the special conditions and circumstances do not result from actions of the applicant, financial consideration alone shall not be grounds for granting a variance.*
4. *That granting a variance will not confer on the applicant any special privilege that is denied by this Ordinance to other land, buildings, or structures in the same zoning district.*
5. *That the granting of the variance will be in harmony with the intent of this Ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.*

Action to be taken: The Zoning Board of Appeals may grant the variance where practical difficulties result from the application of the Zoning Ordinance and where all of the standards of Section 154.218, (E), (2) are met. In granting a variance, the ZBA may attach conditions as it may deem reasonable in furtherance of the purposes of the Zoning Ordinance. A majority vote of the ZBA shall be required to grant the variance.

Planning Consultant Recommendation: As the City's Planning Consultant, we have reviewed the project to determine whether a practical difficulty exists based on the standards of Section 154.218, (E), (2). We do believe that the proposed placement of the sign is appropriate based on the overall design of the site and that there may be a practical difficulty to the owner if the sign is required to be set back 10 feet from the property line. However, we suggest that the ZBA explore with the applicant whether an alternative sign placement location could be considered, such as orienting the sign to be parallel to the front property line (as opposed to perpendicular) or to move the sign to the north side of the entrance driveway where there is no raised mound.

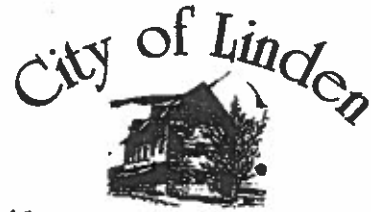
Potential motion: I move that the ZBA _____ *[approve/deny]* a variance from Section 154.158, (A), (3) of the City of Linden Zoning Ordinance to allow the ground sign to be located 5 feet from the front property line, for the following reasons: *[the decision should be based on the presence or absence of a practical difficulty with reference to the specific standards of Section 154.218, (E), (2)]*

Attachments: ZBA application and supplemental materials, dated November 18, 2021
Approved Site Plan for Sandal Wood Village, dated January 8, 2020

RECEIVED
NOV 18 2021

PAID

NOV 18 2021



132 East Broad Street • P.O. Box 507 • Linden, Michigan 48451-0507
Telephone: (810) 735-7980 • Fax: (810) 735-4793

BY: _____
City of Linden
ZONING BOARD OF APPEALS
APPLICATION

SECTION TO BE FILLED OUT BY APPLICANT

Applicant's Name: Mary Mitchell Phone: 517-404-0636
Address: 1500 Fountain View Dr City Brighton State MI ZIP 48114

Property Owner's Name: Lexington Oaks Development Group
Address: 1500 Fountain View City Brighton State MI ZIP 48114

Property Address: 1215 Bridge St Property Tax #: 61-17-300-010
Zoning District: 201 (Commercial Improved) 61-17-300-011

Property Size: 3 acres OR _____ square feet

Section of Zoning Ordinance Pertaining to Appeal: 154.158 (A), (3)

Variance Requested: We are requesting a 5' Variance to put our sign 5' away from the road-Right-of-Way which would also be 38' from the front property line

Reason for Appeal: To be able to Center the sign on the greenbelt that is on the WEST side of the City sidewalk between the walk and our Crescent Dr. The green belt has a substantial mound and placing the sign the full 10' would make it look like it was falling down the back side of the mound.

Application for appeal must be filed and fees paid at least 28 days prior to the next regularly scheduled Zoning Board of Appeals meeting. Any dimensional variance requested within the City shall be accompanied by a survey representing the dimension (distance and/or area) which is deficient and nonconforming. The dimension shall be directly measured and certified by a professional surveyor licensed to practice in the State of Michigan. Additionally, the applicant must present evidence of practical difficulties by answering the questions on Page 2 of this application form.

Zoning Board of Appeals Application Fee: \$300

INCOMPLETE SUBMITTALS WILL NOT BE ACCEPTED

I certify that the information given herein is true and correct to the best of my knowledge:

Signature of Applicant: Mary Mitchell Date: 11-18-21

THIS SECTION FOR CITY USE ONLY

Fee Paid: _____ Date: _____
Referred to Zoning Board of Appeals: _____ Public Hearing/Meeting Date: _____
Date Approved: _____ Denied: _____
Signature of Zoning Administrator: _____ Date: _____

**ZONING BOARD OF APPEALS
APPLICATION (Page 2)**

SECTION TO BE FILLED OUT BY APPLICANT

Presentation of Evidence

1. That special conditions and circumstances exist or create a practical difficulty and which are peculiar to the land, building or structure involved and which are not applicable to other lands, buildings or structures in the neighborhood or same zoning district.

The green belt is contoured more than neighboring sites making it difficult physically and visually to place the sign on the down hill side of the mound.

2. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the neighborhood or same zoning district.

The literal interpretation of the ordinance which says the sign must be "located no closer than 10 feet from the front property line" would make our proposed location well within the ordinance. The apartments just to the south of us have a sign closer to the Road than we are asking for.

3. That the special conditions and circumstances do not result from actions of the applicant, financial consideration alone shall not be grounds for granting a variance.

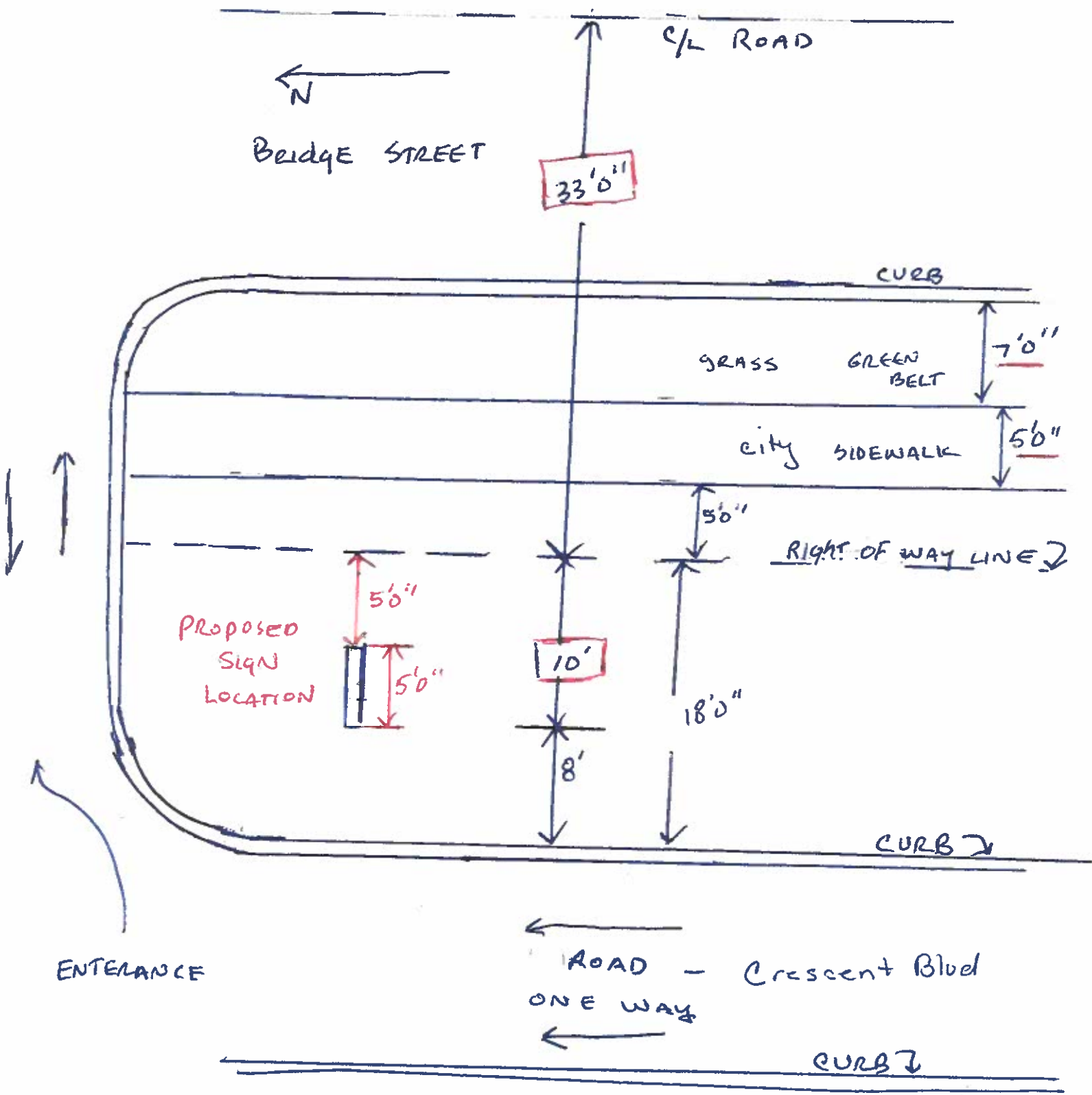
True.

4. That granting a variance will not confer on the applicant any special privilege that is denied by this Ordinance to other land, buildings, or structures in the same zoning district.

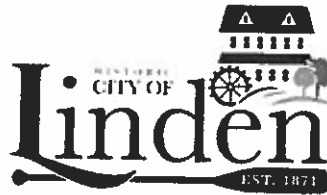
It gives us the same privilege that is enjoyed by our neighbors to the south and will not look out of line since we are so close to the City limits to the North and the sign to the south is a larger variance than we are asking for.

5. That the granting of the variance will be in harmony with the intent of this Ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.

True. The only other consideration would be to place the sign parallel with Bridge St. which would take away from its value of preparing motorists for the driveway turn, make the lighting of the sign shine towards the units and the road and be incongruous with other signs along Bridge St. Allowing the variance will allow plenty of visibility for vehicles pulling both in and out of Sandal Wood; puts the sign well away from the City sidewalk; allows it to be like other signs on Bridge in terms of facing East to West. and w in line (further back) with our neighbors sign. I see no harm in the request.



Sign



132 E. Broad Street • Linden, MI 48451 • P.O. Box 507
Phone: (810) 735-7980 • Fax: (810) 735-4793

September 13, 2021

Mary Mitchell
Mitchell Building Company
1500 Fountain View Drive
Brighton, MI 48114

RE: Sign Approval for Sandal Wood Village Residential Entryway Sign
SRC-07-21

Dear Ms. Mitchell:

We are in receipt of your sign permit application, dated August 20, 2021, to install a to install a new residential development entry sign for Sandal Wood Village. The ground sign will be 60-inches wide by 28-inches tall (11.67 square feet). The sign will be integrated into a proposed stone veneer structure with pillars on each side. The proposed height from grade to the top of the sign is 4 feet.

Please note that on September 9, 2021, the City of Linden Sign Review Committee reviewed and approved the proposed sign, contingent upon:

1. The edge of the sign being located no closer than 10 feet from the front property line (required by Section 154.158,(A),(3) of the City Zoning Code)

You may now proceed with the installation of the sign in accordance with your sign permit application and the Sign Review Committee's approval contingency. If you have any questions, feel free to give me a call.

Sincerely,

Adam Young - ph¹ - 313-961-3650 Cell

Adam Young, AICP, City Planner
City of Linden

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CITY OF LINDEN MASTER PLAN UPDATE

We want to hear from you!

Please take the Master Plan opinion survey!

- Online
 - Scan the QR code
 - Go to: www.surveymonkey.com/r/LindenMasterPlan
- Hard Copy
 - Those who do not have online access are encouraged to contact City Hall to obtain a hard copy of the survey.



**Survey Participants will be entered into a drawing
for a chance to win a \$100 Gift Card!**

Don't miss your chance! The survey will close January 14, 2022.