

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

Tuesday, May 24, 2022

7:00 p.m.

I. CALL TO ORDER

II. ROLL CALL

III. MINUTES APPROVAL

(A) Minutes of the January 11, 2022 Regular Meeting

IV. PUBLIC HEARING

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

IX. COMMISSIONER/COMMITTEE REPORTS

X. ADJOURNMENT

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

Tuesday, January 11, 2022

7:00 p.m.

CALL TO ORDER

The regular meeting of the Linden Zoning Board of Appeals was called to order at 7:01 p.m. by Vice Chairperson Dan McComb. 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: Esther McDaniel, Dan McComb, Christine Kinyon, Daniel Cusson, Betty Ciesielski

ABSENT: Scott Ward

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

MINUTES APPROVAL

Motion by Ciesielski, second by McDaniel to approve the minutes of the November 9, 2021 Special Zoning Board of Appeals Meeting. Motion carried 5-0.

PUBLIC HEARING

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

Young reviewed the purpose of the variance request for the proposed sign, as well as the purpose of the public hearing; and notices provided.

Motion by Ciesielski, second by Cusson to open the public hearing. Motion carried 5-0. McComb opened the public hearing at 7:03 p.m.

City Staff verified no written correspondence was received.

Motion by Cusson, second by Kinyon to close the public hearing. Motion carried 5-0. McComb closed the public hearing at 7:03 p.m.

CITIZEN'S COMMENTS

None.

COMMUNICATIONS

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

(A) ZBA-01-22 Election of Officers

Young briefly reviewed the officer positions as referenced within the by-laws. Board Members reviewed whom the current Officers are and discussed keeping those individuals within their same positions.

Motion by Kinyon, second by Ciesielski to nominate the current officers as the new officers: Scott Ward, as Chairperson; Dan McComb as Vice Chairperson; and Christine Kinyon, as Secretary. Roll call. Motion carried 5-0.

AYES: Ciesielski, Cusson, Kinyon, McComb, McDaniel

NAYS: None

ABSENT: Ward

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

Emily Mitchell was present, representing the applicant, and explained the reasoning for the variance request.

Young reviewed: 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.”

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.

Kinyon discussed sight distance with the applicant's representative, regarding the entrance and exit of traffic. The site plan for the development was shared on-screen for reference as part of the discussion. Young reviewed the placement of the sign on the site plan in reference to the roads, sidewalk and property lines. Discussion regarding the landscape plan and mound height, pertaining to the sign placement.

Young explained the sidewalk's edge position in reference to right-of-way and property lines. McComb addressed various potential safety issues. McComb discussed the sign pillars height and positioning with Mitchell. Discussion between City Staff, Members and Mitchell regarding turning the sign parallel.

Brief discussion regarding if the existing tree would remain at the entrance. Glass commented on visibility issue during the warmer months, due to the amount of brush on Fenton Township's side. Further discussion regarding the distance of sign from the sidewalk and visibility for drivers pulling in and out. Young reviewed the standards of evaluation in detail, relating to the request. Discussion regarding the sign location upon the berm and safety.

Motion by Kinyon, second by Cusson 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 5 feet from the front property line, for the following reasons that all standards of evaluation, a-d have been met. Roll call. Motion carried 5-0.

AYES: Ciesielski, Cusson, Kinyon, McComb, McDaniel

NAYS: None

ABSENT: Ward

Young explained to Mitchell that a confirmation letter containing tonight's approval, will be provided. Mitchell provided an update on the development, details of the buildings and briefly discussed pricing. Glass requested information to share, due to high volume of inquiries at City Hall.

COMMISSIONER/COMMITTEE REPORTS

City Staff requested Board Members take the Master Plan Update survey and discussed the outstanding response rate, as well as upcoming focus group kick-off.

Glass provided brief updates on the Beacon and Bridge development, City Hall repairs, as well as the DPW Department.

ADJOURNMENT

Motion by Cusson, second by McComb to adjourn the meeting. Motion carried 5-0. The meeting was adjourned by Vice Chairperson McComb at 7:45 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 special meeting agenda on Tuesday, May 24, 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: Kimberly Gruber, G5 Capital – Balance Life Counseling

Property Address: 126 North Bridge Street

Property Tax ID Number: 61-20-552-070

Legal Description: N 33 FT OF LOTS 87 AND 88 BLK 12 AND A PARCEL OF LAND BEG AT NW COR OF LOT 87 BLK 12 TH N 52 FT TH E 8 RDS TH S 52 FT TH W 8 RDS TO BEG ORIGINAL PLAT OF VILLAGE OF LINDEN

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 May 24, 2022, and should be addressed to:

Kristyn Kanyak, Deputy City Clerk
132 East Broad St.
P.O. Box 507
Linden, MI 48451

Post: Prior to May 9, 2022
Publish: May 8, 2022
Mail: Prior to May 10, 2022

ZONING BOARD OF APPEALS STAFF REPORT

MEMO NO.: ZBA-03-22

FROM: Adam Young, AICP, Zoning
Administrator

AGENDA: May 24, 2022, New Business (A)

TOPIC: 126 N. Bridge Street (Balance Life Counseling) Sign Placement Variance

Background: 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
- 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

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

- The existing building and existing off-street parking lot on the property are both located closer than 10 feet to the front property line. This leaves limited opportunity to accommodate a ground sign that would meet the 10 foot minimum setback requirement.
- The existing commercial building was formerly a residential dwelling and has a large front porch. Although the applicant has other alternative signage options (such as a wall or projecting sign), the applicant has indicated that attaching a sign to the front porch structure is undesirable and incompatible with the historic design of the structure. Most other commercial structures in downtown Linden have a flat façade which could more appropriately accommodate a wall or projecting sign.
- The old ground sign which was recently knocked over by high winds was located between the building and sidewalk, approximately 1 foot from the front property line.

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 closer than 10 feet to 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 a practical difficulty exists in meeting the minimum 10 foot setback due to the presence of the existing building/off-street parking lot and the incompatibility of the alternative signage options (wall or projecting sign) with the historic design of the structure.

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 ___ feet [depending on Option 1, 2 or 3] 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 May 2, 2022

PAID

MAY - 3 2022

City of Linden



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

**ZONING BOARD OF APPEALS
APPLICATION**

SECTION TO BE FILLED OUT BY APPLICANT

Applicant's Name: G5 Capital - Balance Life Phone: 810-333-6666
Address: 10201 Bennett Lake Rd. City Fenton State MI ZIP 48430

Property Owner's Name: Tim + Kim Gruber
Address: 10201 Bennett Lake Rd. City Fenton State MI ZIP 48430

Property Address: 126 N. Bridge Street Property Tax #: 61-20-552-070

Zoning District: BUSINESS (CBD)

Property Size: 0.258 acres OR _____ square feet

Section of Zoning Ordinance Pertaining to Appeal: _____

Variance Requested: Sign Variance

Reason for Appeal: To gain permission to place a new sign where the previous sign existed before it broke due to the weather.

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: Kim Gruber Date: 5-2-22

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.

This past winter the previous business gas light sign and post that existed on this property for 50+ years was damaged and broken due to the toll of weather conditions over the years. I am requesting a new sign be placed in the same location as the previous sign. Due to the gas and cable lines we believe this continues to be the best place for the sign.

The new sign would be more substantial so it will survive the windy weather conditions and will be similar to the wooden City Municipal Parking Sign that is on the other roadside corner of my property. Since opening Balance Life Counseling has replaced 3 signs due to windy weather conditions. I have included the sign quote with description. I have also included a picture of the front of the property where the old sign and post was located. In the picture you can also see the City Municipal Parking sign on the corner of my property, which our new sign will be similar to.

I was told that the previous sign is not automatically Grandfathered in, and that I needed to apply for a variance to have a new sign placed where the previous sign was.

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.

This property is over 150 years old, it was recently restored and has historical significance to the city. For these reasons a facade sign adhered to the building is not applicable due to the historic structure of the building. Attaching a permanent sign to this historic structure in which we have invested a large amount of money to restore and renovate would jeopardize the structure of a 150 year old building from the weather conditions and winds.

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.

No

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.

No, because we are requesting a sign variance which would allow us to place the new sign where the previous sign was for over 50+ years.

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.

The new sign will aesthetically match the historical qualities of the building. The sign will match in materials and shape of the City Municipal Parking sign that is just to the north, on the corner of my property. It is also not injurious to the neighborhood because there was a previous sign there for 50+ years.



Five Star Signs, Inc
 10099 Bergin Road
 Building D
 Howell, MI 48843
 Ph: (810) 632- 0562
 FAX: (810) 632- 0563
 Email: info@FiveStarSignsMi.com
 Web: www.FiveStarSignsMi.com

Estimate #: 7743

Created Date: 2/7/2022 10:40:35AM	Prepared For: Balance Life Counseling
Salesperson: Joe Colliton	Contact: Kim Gruber, Owner
Email: Joe@FiveStarSignsMi.com	Office Phone: (810) 458-4718
Office Phone: (810) 632- 0562	Cell Phone: (810) 333-6666
Office Fax: (810) 632- 0563	Email: Kim@aboutbalancelife.com
	Address: 126 North Bridge Street Linden, MI 48451

Description: Routed HDU Entrance Sign

		Quantity	Unit Price	Subtotal
1	Product: Dimensional Signs (Flat Cut) Description: Double sided routed HDU sign with logo and letters. Polar white background, black border and letters and full color printed graphic for tree logo. • 1- 30 in x 36 in Dimensional Sign(s) made from HDU 16# 48x96x1.5in Duna stock material • Painting Face: One Shot Enamel TBD, Face Trim: One Shot Enamel TBD, Back: One Shot Enamel TBD,	1	\$1,400.00	\$1,400.00
		Quantity	Unit Price	Subtotal
2	Product: Installation of Signs Description: Installation of routed HDU sign between two painted wood posts • 3 hr of Install Time. • Using a Crew of 2 Personnel.	1	\$480.00	\$480.00

Estimate Total: \$1,880.00
Subtotal: \$1,880.00
Taxes: \$84.00
Total: \$1,964.00

Payment Terms: 50% deposit due with orders over \$1,000.00, balance due upon receipt.

Client Reply Request

- Estimate Accepted "As Is". Please proceed with Order.
- Changes required, please contact me.

Other: _____
SIGN: _____ **Date:** / /



30 in



**BALANCE LIFE
COUNSELING
126 N. Bridge Street**

36 in

Raised border, logo and text

Border and text painted black

Tree leaves are full color printed vinyl mounted to sign

Background painted polar white with faux wood grain



48 in

30 in Order Height

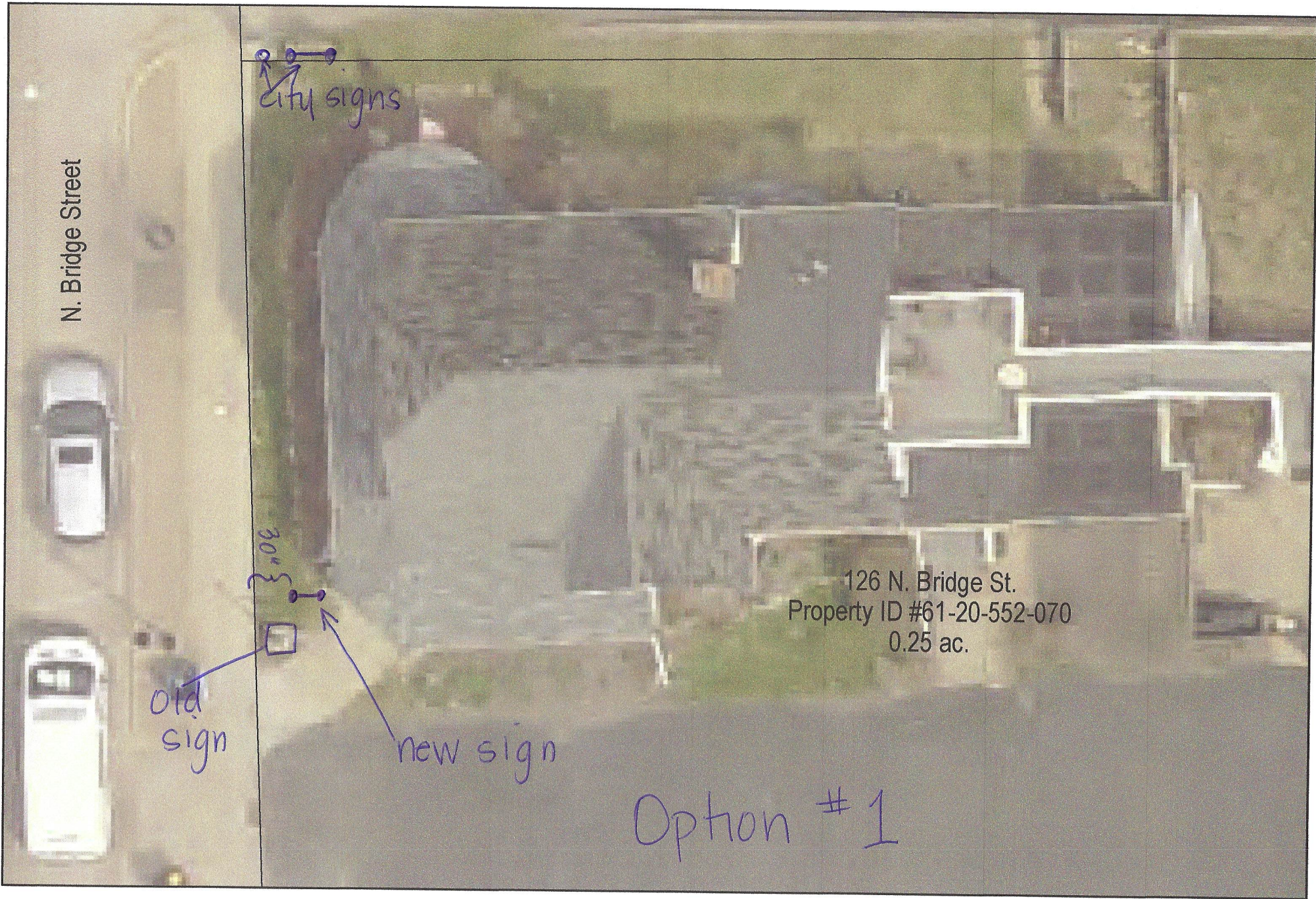
32 in

38 in

**BALANCE LIFE
COUNSELING**

126 N. Bridge Street

90 in



N. Bridge Street

city signs

old sign

new sign

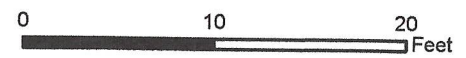
Option #1

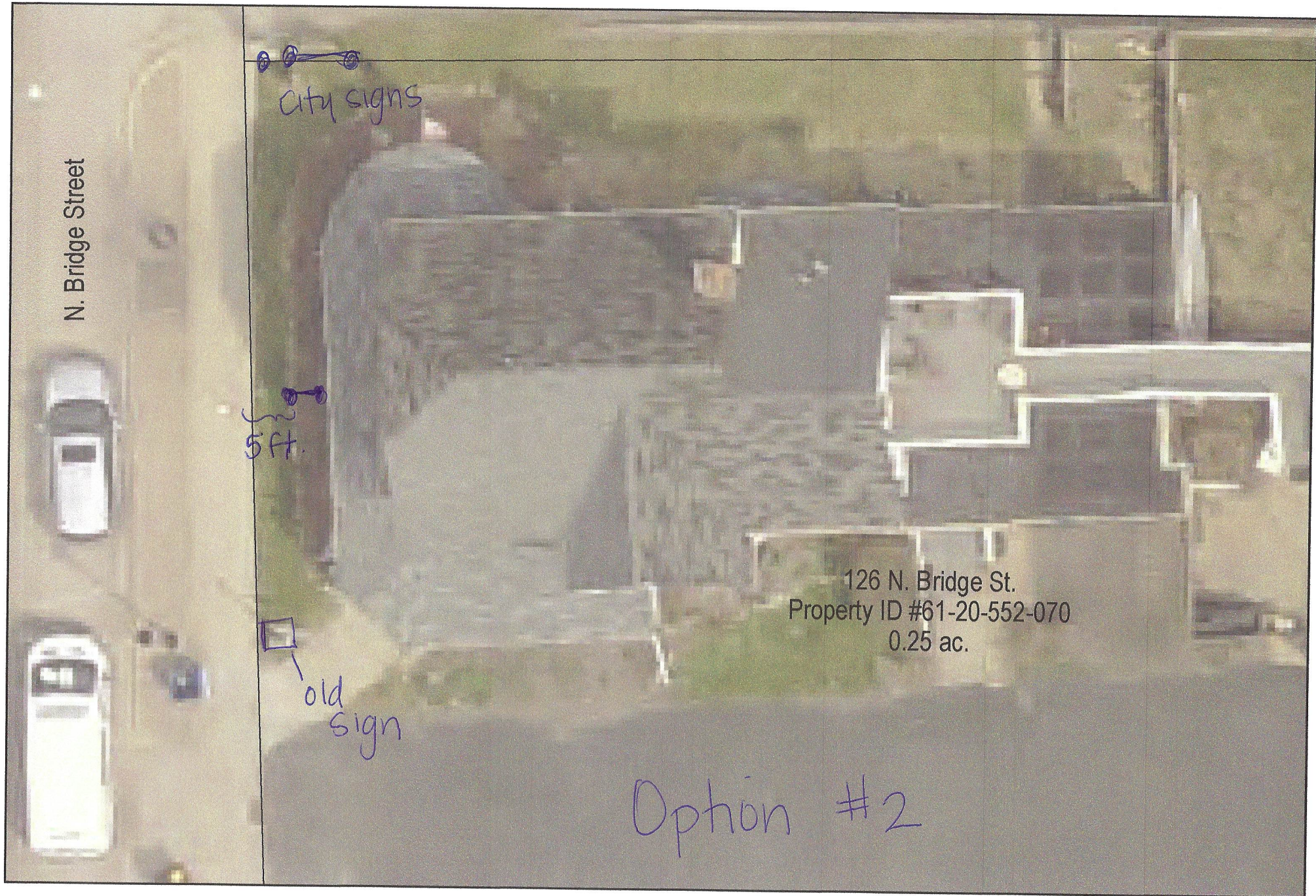
126 N. Bridge St.
Property ID #61-20-552-070
0.25 ac.

126 N. Bridge St.

Parcel and Aerial Source: Genesee County Equalization, 2015 and 2018.

1 inch = 10 feet





N. Bridge Street

City signs

5ft.

old sign

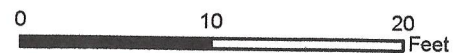
126 N. Bridge St.
Property ID #61-20-552-070
0.25 ac.

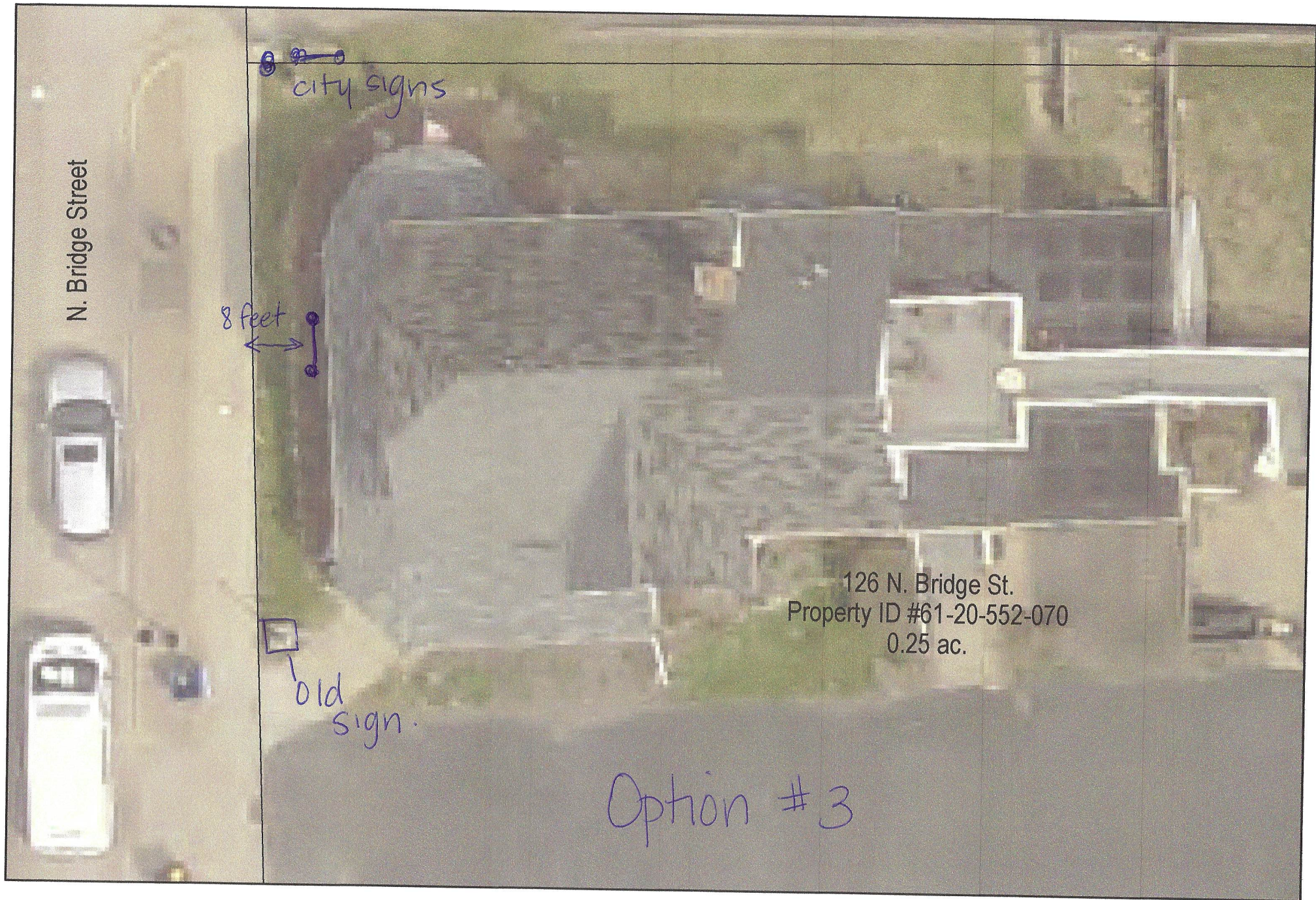
Option #2

126 N. Bridge St.

Parcel and Aerial Source: Genesee County Equalization, 2015 and 2018.

1 inch = 10 feet





N. Bridge Street

city signs

8 feet

old sign.

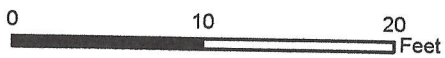
Option #3

126 N. Bridge St.
Property ID #61-20-552-070
0.25 ac.

126 N. Bridge St.

Parcel and Aerial Source: Genesee County Equalization, 2015 and 2018.

1 inch = 10 feet





MONDAY, MAY 30, 2022

LINDEN'S MEMORIAL DAY PARADE & PICNIC

**Join Us for the Linden
VFW's Annual Memorial Day Services,
Including a Parade & Community Picnic
in Downtown Linden**

**PARADE & SERVICES - 10:00 A.M.
Downtown Linden to Fairview Cemetery**

**Following the parade, join us for a community
picnic & concert at the Kimble- Sharp Park &
Gazebo**