

**ALPINE TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING
Monday, June 24, 2019**

CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Bill Stachowiak called the meeting to order at 7:00 p.m. with the Pledge of Allegiance. Members present: Chair Bill Stachowiak, Mike O'Malley, Bill Schweitzer, Betty Keeling and Ted Spangenberg. Bill Homrich was absent and excused. Also present: Planner Sue Becker and Recording Secretary Barb Griswold.

APPROVAL OF MINUTES

The Board reviewed the Tuesday, May 28, 2019 minutes. O'Malley motioned, supported by Keeling to approve the minutes.

Ayes: 5 Nays: 0 Motion carried

NEW BUSINESS

CASE #19-ZBA-03

Michigan First Credit Union is appealing the Zoning Administrator's decision that the business is not a commercial establishment and a variance request for an internally lit 20-square foot wall sign at 3999 Alpine Avenue within the C-2/C-2, Commercial/Conditional Rezoning zoning district.

Jim Dimercurios of Saroki Architecture, 430 N Old Woodward, Birmingham MI said their client, Michigan First Credit Union is a tenant within Walmart and needs an exterior presence in order to be visible outside Walmart's store.

Mr. Dimercurios said the zoning ordinance as written does not allow Walmart to have an additional exterior sign and without this sign visibility there is a definite hardship. If the approval is granted it would allow Michigan First Credit Union, a successful community-centric Michigan business would have visibility from the exterior of the Walmart store. It would allow members to find this branch location, as well as attracting new members.

Mr. Dimercurios stated it is typical of big box stores to have tenant spaces and although Michigan First Credit Union is not recognized as a separate commercial entity, it still needs to have an exterior visible presence. The request would be no different than an existing multi-tenant building sign request.

The proposed 20-square foot sign would occupy 0.08% of the front façade area, so it would have a minimal impact. The proposed sign would be installed in a fashion that would not alter the general look of the existing building nor would the proposed sign be detrimental to the appearance of the adjacent properties. Walmart is setback approximately 975 feet from Alpine Avenue, and the sign would only be visible from on Walmart's property. It would also provide Michigan First Credit Union with a similar size sign as any other business in the area. It wants to function as any other business in the area does.

Stachowiak asked if Michigan First Credit Union has considered adding a separate customer door so that it would be considered a commercial establishment and Mr. Dimercurios said for security reasons a separate door would not be added to the 887-square foot tenant space.

Motion by Schweitzer to open the public hearing, supported by O'Malley

Ayes: 5 Nays: 0 Motion carried

No comments received.

Motion by Keeling to close the public hearing, supported by Spangenberg

Ayes: 5 Nays: 0 Motion carried

O'Malley said writing new ordinances start with the Planning Commission and then go the Township Board for approval. He said a lot of thought and discussion goes into the ordinances and feels it could be a slippery slope if variances are granted. Schweitzer agreed with O'Malley that there is a lot of thought and discussion on creating or altering an ordinance.

Keeling said this credit union is different than others by being in a big box store, it could open flood gates from others inside big box stores to want the same variance for signage.

Spangenberg stated Target and Meijer on Alpine Avenue both have tenants inside their stores with signage and O'Malley said both are in the City of Walker and could have different ordinances regarding signage. Mr. Dimercurios said he feels there is a hardship due to the ordinance and Michigan First Credit Union functions as a commercial business and feels the intent of the ordinance should be looked at and addressed.

Stachowiak stated the ZBA Board does not change ordinances; it has to work within the rules and regulations of the Zoning Ordinance. A change in an ordinance would have to come from the Planning Commission and Township Board.

<p style="text-align: center;">Motion for a Signage Variance at 3999 Alpine Avenue Case #19-ZBA-03</p>

Variance Decision:

O'Malley made a motion, supported by Spangenberg to DENY the requested appeal of Zoning Administrator's decision that the business is not a commercial establishment (Section 23.04) and a variance request from Section 20.13(b) for the addition of a 20 sq. ft. internally lit wall sign in the C-2/CR, Commercial/Conditional Rezoning zoning district for the property located at 3999 Alpine Avenue NW, PP# 41-09-35-276-017.

FINDINGS OF FACT:

1. The requested variance *doesn't* meet Standard #1, that "There must be unique circumstances or conditions about this property, not the use of the property."

"The condition of the property is not unique and does not meet the definition of a commercial establishment."

2. The requested variance *does* meet Standard #2, that "In giving the variance, the Zoning Board of Appeals will be assuring that the applicant has the same rights as other property owners in the same zoning district or vicinity have".

"The applicant has the same rights as other property owners in the same zoning district."

3. The requested variance *does not* meet Standard #3, that "The variance will not create a situation that may be harmful or damaging to the neighbors' properties or the public interest."

"If granted, the variance could alter or change the effectiveness of the enforcement of the current ordinance."

4. The requested variance *does not* meet Standard #4, that "The variance cannot set a precedent."

"Approval of the request could set a precedent and nullify the intent of ordinances 20.02 and 20.13."

VOTES: AYES: 5 (Stachowiak, Schweitzer, O'Malley, Keeling and Spangenberg)
NAYS: 0

ADJOURNMENT

Motion made to adjourn the meeting at 8:00 PM by Schweitzer, supported by O'Malley.

Ayes: 5

Nays: 0

Motion carried



Susan Becker, Planning Director



Bill Stachowiak, Chair



Barb Griswold, Recording Secretary