

Memo

FROM THE DESK OF THE ZONING ADMINISTRATOR

To: ZBA

Date: 2/3/2012

Re: Elevation "C", Special Meeting

Included in this packet is the material from December 7, in its entirety, and includes the opinion from two MTA List Serv attorneys that we may consider this as variance and it is not a "use variance". Given that there is no additional information, I will not send out a packet. If you do not have the one from that meeting, the new packet and the previous one will be at

http://www.uniontownshipmi.com/services_detail_cat.cfm?cat_id=80

-Woody

CHARTER TOWNSHIP OF UNION
Zoning Board of Appeals
Special Meeting Agenda

Date: February 7, 2012

Time: 7:00 p.m.

Place: Union Township Hall

Call to Order

Pledge of Allegiance

Roll Call

Minutes of December 7, 2011, regular meeting

Correspondence

Approval of Agenda

Public Comment: restricted to three (3) minutes regarding issues on this agenda

OLD BUSINESS

Remove File # VAR 1552 from the table.

NEW BUSINESS

None

Other Business

Extended Public Comment

Adjournment

CHARTER TOWNSHIP OF UNION
Zoning Board of Appeals
Regular Meeting

A regular meeting of the Charter Township of Union Zoning Board of Appeals was held on December 7, 2011.

Meeting was called to order at 7:00 p.m.

Roll Call

Lyon, Kaufman, Warner, Newland, Henley, Strachan all present.

Others Present

Woody Woodruff

Approval of Minutes

September 7, 2011 – regular meeting minutes

The minutes were accepted by acclimation

Correspondence

No correspondence were offered

Approval of Agenda

Warner moved **Henley** supported to approve the amended agenda. **Ayes: all. Motion carried.**

Public Comment

No comments were offered

NEW BUSINESS

1.) VRS-1552 – GSII Indian Hills LLC, 4208 E Bluegrass Rd

Variance request to allow for two 162sf wall signs and one 295.5sf wall sign, and a variance for building height to allow for a 42 foot tall entrance façade, and one additional wall sign located at non address side of corner without a public entrance.

Public Comment

Opened at 7:10

Joseph Barberi, a representative for Imageone Industries, explained why there is a need for these signs and how it will affect the business and the public.

There is 820 feet from the face of the building to the street and have 783 parking spots in this mall. The signs requested are standard size for Dick’s Sporting goods and offer continuity recognition to their customers.

Mr Gianni of Imageone Industries related a study of how a person has less than one second to recognize and decide what they are looking for if they are traveling at a rate of 50 mph.

Mr Barberi also recommended the additional wall sign (elevation C) due to the unique location of the building. He stated that by having a sign on this wall, it will help traffic coming from the expressway will have an opportunity to locate the building more quickly and effectively.

Woodruff clarified how the signage for the elevation C location is problematic because the Zoning Board of Appeals may not have the authority to approve this location.

Newland recommended granting approval for the Elevation A signage. **Lyon** supported the approval. **Ayes: All. Motion carried.**

Lyon motioned to recommend the Elevation B signage and **Strachan** supported **Lyon's** recommendation. **Ayes: All. Motion carried.**

Newland moved make a friendly amendment to the granting approval for the Elevation A signage to cover both the size and height of the sign. **Lyon** accepted the amendment. **Ayes: All. Motion carried.**

Warner motioned to table the Elevation C signage until the Zoning Board of Appeals get a legal opinion from the Township lawyer on whether or not the Board may vote on this particular variance. **Newland** supported the motion. **Ayes: All. Motion carried.**

Woodruff will contact the company of any suggestions made by the lawyer, who may take up to 30 day to provide a response to the request.

Elevation C sign variance will be revisited at the next quarterly meeting, or at a special meeting if requested by application.

Extended Public Comment

Barberi expressed how he was impressed by the democratic process in action.

New Business

Woodruff suggested re-nominating the officers for re election for the year 2012. **Newland** motioned approval. **Strachan** supported the approval. **Ayes: All. Motion carried.**

Adjournment

The Chair adjourned the meeting at 8:03 p.m.

APPROVED BY:

Mary Henley, Secretary

(Recorded by Kathy Lee)

Woody Woodruff

From: William Fahey [noreply@egroups.michigantownships.org]
Sent: Monday, December 12, 2011 10:27 AM
To: William Woodruff
Subject: Planning and Zoning: RE:Is this a Use Variance

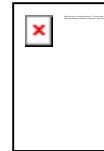


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RE:Is this a Use Variance

From: [William Fahey](#)
To: [Planning and Zoning](#)
Posted: 12/12/2011 10:27:00 AM
Subject: RE:Is this a Use Variance



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Message:

Woody,

My opinion is that this would not be a use variance. The "use" we are talking about is a sign. A sign is a "use" that is permitted in this district. However, it is subject to certain dimensional requirements, including the prohibition that it cannot be located on a wall that does not face a road or the parking lot. If the ZBA granted a variance for a wall sign, it would not be allowing a use that is prohibited, but would only be granting a dimensional variance.

If such a sign was considered to be a separate use, that would raise another issue that you do not ask about, which is possible exclusionary zoning. If you consider "a wall sign on a wall that does not face a road or the parking lot" to be a separate use, and your zoning ordinance does not permit such a use in any zoning district, you could face an exclusionary zoning challenge for not allowing this use anywhere in the Township. For this reason, I think you are better off arguing that the "use" is a sign (as I suggest above) and that whether it is on a wall facing any particular direction is a purely dimensional issue.

Bill Fahey

William K. Fahey, Township Attorney
Fahey Schultz Burzych Rhodes PLC,
Your Township Attorneys
4151 Okemos Road
Okemos, MI 48864
Direct Dial: (517) 381-3150
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wfahey(at)fsblawyers.com
www.fsblawyers.com

Fahey Schultz Burzych Rhodes PLC, Your Township Attorneys, is a Michigan law firm specializing in the representation of Michigan townships. This email highlights specific areas of law, and is not legal advice. The reader should consult an attorney to determine how the information applies to any specific situation.

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Original Message:
Sent: 12-12-2011 10:03
From: William Woodruff
Subject: Is this a Use Variance

Our sign ordinance does not allow a wall sign on a wall that does not face a road or the parking lot. The prohibition is in all zoning districts. Our ordinance has prohibited use variances since the date in the public acts that indicate we may not issue them. In our definition of Variance it states:

"a variance is authorized only for height, area and size of structure, of size of yards and open spaces, and off street parking and off street loading requirement; establishment or expansion of use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the Zoning District or adjoining Zoning Districts."

It is my opinion that this would not allow the ZBA to grant a variance to allow a sign on a wall face that is prohibited.

Historically, a variance for this has been denied, and I have denied, or council applicants to not apply for, signs on these faces.

I have been asked for a legal opinion to back my point of view. While I will do so with our township attorney, I thought I would go to the court of MTA opinion as well. This issue basically asks "Is a use only something that we do, or is it also the manner in which something is done, is use limited to the nature of activity, or does it include where a sign is allowed?"

William "Woody" Woodruff
Zoning Administrator
Charter Township of Union
2010 S. Lincoln Road
Mt Pleasant, MI 48858
T14N,R4W Isabella County, Michigan
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<http://www.uniontownshipmi.com>

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Woody Woodruff

From: Catherine Kaufman [noreply@egroups.michigantownships.org]
Sent: Monday, December 12, 2011 10:37 AM
To: William Woodruff
Subject: Planning and Zoning: RE:Is this a Use Variance

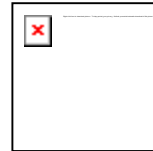


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[FEEDBACK](#) | [QUESTIONS](#)

RE:Is this a Use Variance

From: [Catherine Kaufman](#)
To: [Planning and Zoning](#)
Posted: 12/12/2011 10:37:00 AM
Subject: RE:Is this a Use Variance



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Message:

Hello: I agree with Mr. Fahey's previous comment. In my opinion, the request to vary the location of a sign would be a dimensional variance, not a use variance.

Hope that helps.

Catherine Kaufman
Bauckham, Sparks, Lohrstorfer, Thall & Seeber, P.C.
458 W. South Street
Kalamazoo, MI 49007
(269) 382-4500
[kaufman@...](#)

Bauckham, Sparks is legal counsel to the Michigan Townships Association and has been since its inception. We pride ourselves in representing numerous Michigan Townships for all aspects of their legal needs. This email generally provides a response to a posting and is not to be considered legal advice. The reader should consult with legal counsel to determine the applicability of this information to a specific situation.

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establishment or expansion of use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the Zoning District or adjoining Zoning Districts."

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Memo

FROM THE DESK OF THE ZONING ADMINISTRATOR

To: ZBA

Date: 11/30/2011

Re: Dec 7 Meeting Notes

We have one variance request for additional and larger signs at the proposed Dicks Sporting Goods at Indian Hills (the old Wal*Mart) and a height variance to allow for a 42' tall entrance façade, 35 feet being the maximum building height..

The main entry sign (elevation A) is 295.5 SF. For comparison, the adjacent JoAnn Fabric sign is 327 SF. As you visit the site, ask yourself if the JoAnn sign is overbearing, or otherwise a "mistake". Other variances granted have been for similar mall locations as well as Big Box users. The enormity of the building makes two 50 SF signs hard to see. The applicant is also being represented by Joe Barberri, his letter of support is included. I have noticed over the years that some people take offence when a lawyer represents an applicant, please resist the notion that this is adversarial.

The second wall sign, Elevation B will be on the Bluegrass Road side, where the old Wal*Mart Auto Service bays were. At 162 SF it is 112 SF oversize, but proportional to the wall it is attached to. The ordinance allows for additional signage on corner lots. The site faces both Mission and Bluegrass. Also at this point, we have not exceeded the number of allowed wall signs (2).

Elevation C is on the East facing wall at the rear of the building. This sign is problematic in that the location is not allowed. They are to be on the address side (bluegrass) or the side facing a parking lot with a public entrance, most of the mall is in this scenario. Elevation C fails on both the frontage side as well no parking lot not a public entrance.

I have included a report of all sign variances in our data base. Note that the Caption field was added later, and early entries use the Result field to also clarify what the application was about. It is grouped by approved and denied, and sorted by date of the meeting.

I support the main sign as applied for, elevation B is allowed and leave the size to your discretion, falling between 50 SF and the requested 162, I do not recommend approving the 3rd sign as this wall does not qualify for a sign under any circumstances. Readability at a distance, and at 45+ MPH speeds is a valid reason to approve, as well as being aesthetically proper for the scale of the structure. I also support the height variance for the entry façade, as it is necessary to support the larger sign, and is visually attractive.

CHARTER TOWNSHIP OF UNION
Zoning Board of Appeals
Regular Meeting Agenda

Date: December 7, 2011

Time: 7:00 p.m.

Place: Union Township Hall

Pledge of Allegiance

Roll Call

Minutes of September 7, 2011 regular meeting

Correspondence

Approval of Agenda

Public Comment: restricted to three (3) minutes regarding issues not on this agenda

NEW BUSINESS

- 1.) VRS - 1552 – GSII Indian Hills LLC, 4208 E Bluegrass Rd**

Other Business

Extended Public Comment

Adjournment

CHARTER TOWNSHIP OF UNION
Zoning Board of Appeals
Special Meeting

A special meeting of the Charter Township of Union Zoning Board of Appeals was held on October 27, 2011.

Meeting was called to order at 7:00 p.m.

Roll Call

Lyon, Kaufman, Warner, Newland, Henley, and Strachan were all present. (Strachan arrived at 7:10pm)

Others Present

Woody Woodruff

Approval of Minutes

September 7, 2011 – regular meeting minutes

Correct typo of Henley’s name.

Lyon moved **Warner** supported to approve the September 7, 2011 meeting minutes as amended.

Ayes: all. Motion carried.

Correspondence

No correspondence were offered

Approval of Agenda

Newland moved **Warner** supported to approve the agenda. **Ayes: all. Motion carried.**

Public Comment

No comments were offered

NEW BUSINESS

- 1.) **VS 1540 – a variance of 6 feet from the requirements for rear yard setbacks to allow for a 9 foot setback at the location north of 5115 Stirrup Ln**

Public Comment

No public comment was offered.

Woodruff clarified to the Board the reason for the 15 foot required setback rule is for both open space and safety reasons. However, in this case, there is undeveloped land directly behind the property in question, which would alleviate this concern.

Newland moved to recommend approval based upon the special circumstances regarding this irregular shaped plot. The recommendation was based not on the plot’s unusual configuration, but because the land directly behind the property is undeveloped land. **Lyon** supported the approval.

Ayes: All supported. Motion Approved

Woodruff advised McGuirk of the appeal process.

Extended Comment

Kaufmann wanted to thank all those who attended the special meeting. He also asked **Woodruff** to speak with the Union Township Supervisor regarding adding another alternate member to the Zoning Board of Appeals due to the possibility of one or more members having to recues him/herself due to a conflict of interest.

Adjournment

The Chair adjourned the meeting at 7:40 p.m.

APPROVED BY:

Mary Henley, Secretary

(Recorded by Kathy Lee)

NOTICE OF APPEAL
Charter Township of Union

ZONING BOARD OF APPEALS

DATE: 10-13-11

I (we) GSII Indian Hills LLC / DBL Corp. 3300 Enterprise Pkwy
Name Address Beachwood, OH 44122

owners of property at 4208 E. Blue Grass Rd. Mt. Pleasant, MI 49858

the legal description is: See Attached

respectfully request that a determination be made by the Zoning Board of Appeals on the following appeal or application which was denied by the Zoning Inspector because, in the opinion of said inspector, does not comply with the Union Township Zoning Ordinance and therefore must come before the Zoning Board of Appeals:

- I. Variance
- II. Interpretation of Text or Map
- III. Special Exception or Conditional Use
- IV. Administrative Review

NOTE: Use one section below as appropriate. If space provided is inadequate, use a separate sheet.

I. Written application for a zone variance as provided by the Zoning Ordinance Section 5 (c)

a. Provision of the Zoning Ordinance from which a variance is sought _____

DISCRIPTION	REQUIRED	DESIRED (I can only provide X)	VARIANCE (= Required - Desired)
Example - Side Yard	10 feet	8 feet	2 feet
Elev. A	50' #	345.5' #	-295.5' #
Elev. B	50' #	162' #	-112' #
Elev. C	50' #	162' #	-112' #

OVH of Bldg. 35' 42' 7'

b. What are the special conditions and/or circumstances peculiar to this land, structure, or building which are not found belonging to similar properties in the same zoning district in other parts of Union Township?

see attached

c. Which is any of the above (b) special conditions or circumstances are the direct result from actions taken by the applicant for this variance?

see attached

d. If the Zoning Ordinance were to be strictly enforced in your particular case, what would be the nature and extent of unnecessary hardships or particular difficulties?

see Attached

- e. If your request for the variance was granted, do you feel that you would have been given any special privileges that others in the same zoning district would not have? NO If yes, please explain:
-
-

- f. Attach plot plan, showing lot lines, location of existing building, proposed buildings and any additions to existing buildings, plus distance from property lines.

- g. Date property was acquired _____

II. Appeal for Interpretation

Relating to enforcement of the Zoning Ordinance

- a. Article, section, subsection, or paragraph in question
-

- b. Describe if interpretation of district map
-

III. Application for Special Exception or Conditional Use

As required by Zoning Ordinance

- a. Provision of Zoning Ordinance requiring Board Review

- b. Description of type of use and proposed location

- c. Attach plot plan, drawn to scale, showing lot, location of existing buildings, proposed buildings and any additions to existing buildings, plus distances from property lines.

- d. Justification for granting permit

IV. Administrative Review

- a. Article, section, subsection, or Decision in question

Fees _____ 
Signature of Applicant

FOR ZONING BOARD OF APPEALS USE ONLY

Appeals received, date: _____

Public Notice published, date: _____

Public Notice mailed, date: _____

Hearing held, date: _____

Decision of Board of Appeals: _____

Reasons: _____

b. What are the special conditions and/or circumstances peculiar to this land, structure, or bldg which are not found belonging to similar properties in the same zoning district in other parts of Union Township?

This is a large box, corner anchor, retail store occupying approx 45,000sf of retail space, with approx 800 to 900 ft setback from Mission Road.

The code, as it is written presents a hardship in that it is restrictive of large scale establishments to properly identify themselves to customers and the passing public.

While a strip center tenant occupying 3,000sf of space may be adequately satisfied under the code, a large retail occupying 45,000sf of space is unfairly restricted by the strict application of the code.

Additionally, due to the tremendous setback, the property presents a hardship not caused by Dick's Sporting Goods. If the code is strictly enforced, the signage would be invisible from Mission Road.

c. Which is any of the above (b) special conditions or circumstances are the direct result from actions taken by the applicant for this variance?

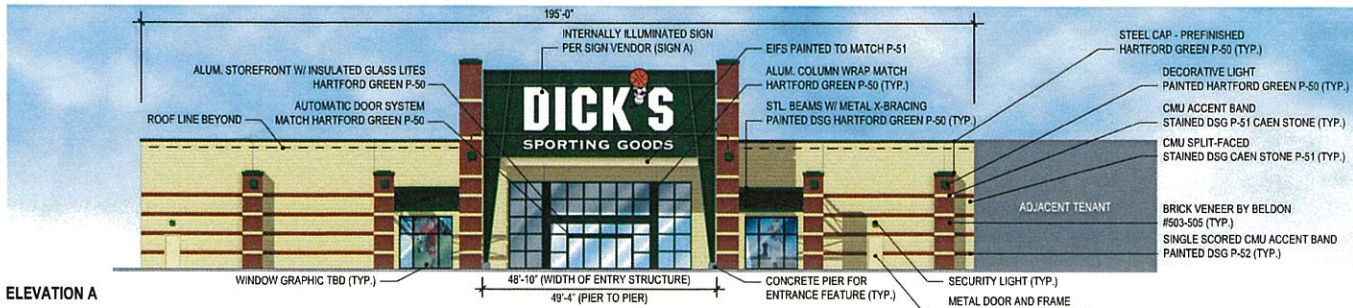
None. Topography and Construction dictate bldg placement.

d. If the Zoning Ordinance were to be strictly enforced in your particular case, what would be the nature and extent of unnecessary hardships or particular difficulties?

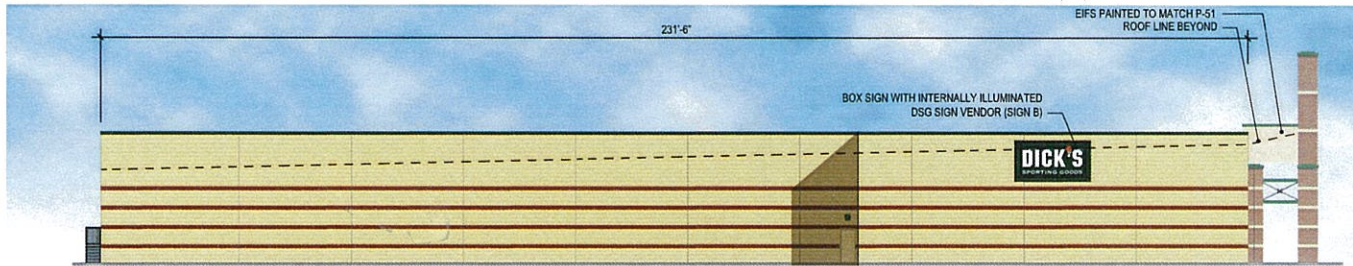
If strictly enforced, the code would prohibit normal and customary business practice by excluding Dick's Sporting Goods from properly identifying their site and advertising to customers and potential customers.

- T/ MASONRY
ELEV. 43'-3"
- T/ ENTRY FEATURE
ELEV. 42'-0"
- T/ PARAPET
ELEV. 27'-4"
- T/ MASONRY PILASTER
ELEV. 20'-0"

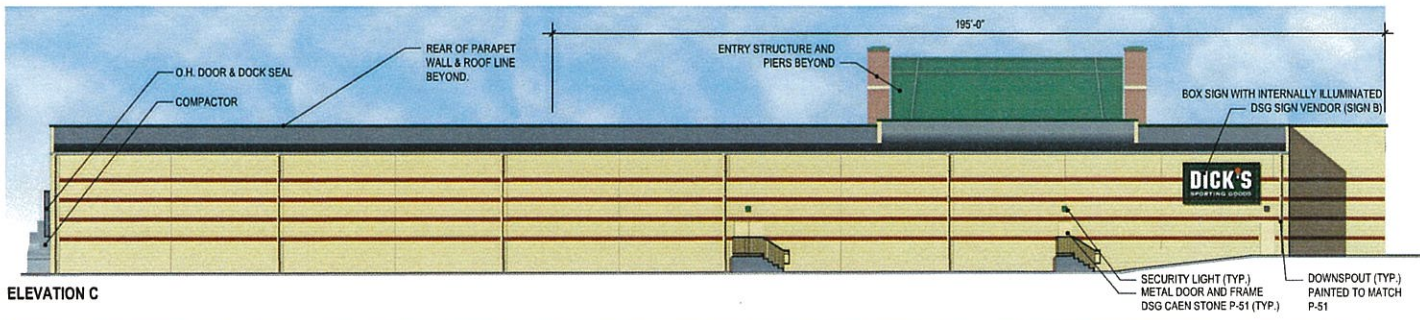
ELEV. 0'-0"
FIN. FLOOR



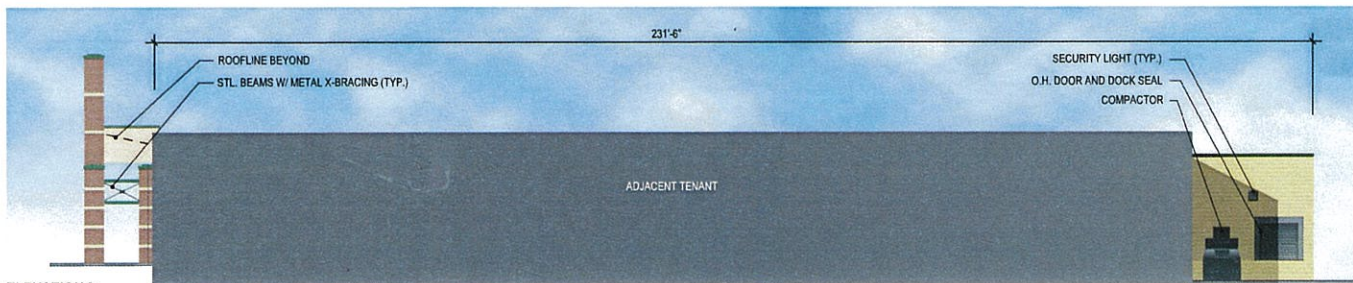
T/ PARAPET
ELEV. 27'-4"



ELEVATION B



ELEVATION C

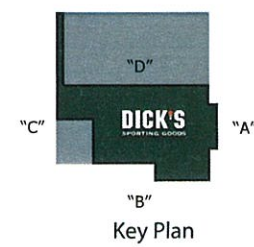


ELEVATION D

All information contained on this exhibit is representative of the architectural materials and heights proposed to be used. This exhibit is NOT intended to be a Construction Document. All final adjustments will be incorporated into the Construction Documents and will be mutually agreed upon by the Landlord and Dick's Sporting Goods.

DICK'S
SPORTING GOODS

INDIAN HILLS PLAZA
MT. PLEASANT, MI
EXHIBIT K
Store# 1020



REV 1	_____
REV 2	_____
REV 3	_____
REV 4	_____
REV 5	_____
DKS APPROVAL	SY DATE 09-23-11
DKS APPROVAL	DATE _____
LL APPROVAL	DATE _____

EXHIBIT A-1

LEGAL DESCRIPTION OF SHOPPING CENTER

That part of the Southwest Quarter of Section 26, Town 14 North, Range 4 West, Union Township, Isabella County, Michigan which is described as:

Beginning at a found "P.K." nail on the East and West Quarter Line of said Section which is South 87 degrees 14 minutes 35 seconds East, 414.57 ft. (South 88 degrees 15 minutes 17 seconds East, 412.35 ft Record) from a "T" iron marking the West Quarter Post of said Section; thence South 88 degrees 14 minutes 35 seconds E. along said line and the centerline of Blue Grass Road, 1153.95 ft. (South 88 degrees 15 minutes 17 seconds East, 1154.06 ft. Record) to a found "P.K." nail; thence South 01 degree 25 minutes 23 seconds West, 2,476.31 ft. (2,475.56 ft. Record) to a found iron pin on the Northeasterly Right-of-Way of U.S. Business Route 27, said iron pin being a non-tangent point of a 3,684.72 ft. radius curve to the right; thence along said curve an arc distance of 905.76 ft. to the end of a chord which bears North 43 degrees 52 minutes 10 seconds West and having a distance of 903.48 ft. to a found 3/4" iron; thence traversing along the centerline of Potter Creek, South 73 degrees 25 minutes 27 seconds East, 110.99 ft. (110.07 ft. Record) and South 73 degrees 20 minutes 38 seconds East, 145.97 ft. and South 67 degrees 31 minutes 06 seconds East, 75.03 ft. and South 52 degrees 13 minutes 16 seconds East, 60.99 ft. to a 3/4" capped iron; thence North 01 degree 25 minutes 23 seconds East, 395.67 ft.; thence South 88 degrees 15 minutes 17 seconds West, 559.81 ft. (558.92 ft. Record) to a 3/4" capped iron; thence along said curve an arc distance of 1,397.99 ft. to the end of a chord which bears North 20 degrees 49 minutes 11 seconds West and having a distance of 1,389.62 ft. to a found "T" iron with cap number 14769; thence South 88 degrees 16 minutes 02 seconds East, 205.36 ft. (South 87 degrees 55 minutes 30 seconds East, 204.82 ft. Record) to a found "T" iron set in asphalt with cap number of 14769n. 30 seconds East, 204.82 ft. Record) to a found "T" iron set in asphalt with cap number of 14769; thence North 01 degrees 43 minutes 15 seconds East, 294.00 ft. (North 02 degrees 02 minutes 20 seconds East Record) to the Point of Beginning.

JOSEPH T. BARBERI
Attorney & Counselor at Law

Joseph T. Barberi, P.C.
2305 Hawthorn Drive, Suite C
Mount Pleasant, Michigan 48858
Telephone (989)773-3423 Fax (989)772-6444



November 22, 2011

Charter Township of Union
Zoning Board of Appeals
2010 S. Lincoln Road
Mount Pleasant, MI 48858

RE: *Imageone Industries/Dicks Sporting Goods Variance Application*

Members of the Zoning Board of Appeals:


Please accept the enclosed variance application on behalf of Imageone Industries and Dick's Sporting Goods ("DSG"). DSG is enthusiastic about their new Mount Pleasant location and in contributing to the local community.

DSG is a national sports-oriented business offering apparel, equipment, and merchandise for multiple sports. Physical store facilities are anticipated to occupy 45,150 square feet. DSG will initially hire between 80 and 100 new employees on site, and create additional employment demand in the local supply chain industry. Annual sales projections are projected to be in the range of \$8,000,000 to \$12,000,000. High sales volume confers a tax benefit to the local community and ensures the continued sustainability of DSG.

DSG and Imageone Industries have developed a standardized approach to signage to ensure the continued viability of the business. Due to the magnitude of DSG's footprint and the physical location of the building, appropriate signage is a critical component of DSG's marketing plan to ensure adequate visibility.

DSG and Imageone appreciate your consideration and ask that the variance requests be approved following the upcoming public hearing.

Sincerely,


Joseph T. Barberi

JTB/jar

UNION TOWNSHIP PUBLIC HEARING NOTICE -VARIANCE

NOTICE is hereby given that a Public Hearing will be held on Wednesday, December 7, 2011, at 7:00 p.m. at the Union Township Hall located at 2010 South Lincoln Road, Mt. Pleasant, Michigan, before the Union Township Zoning Board of Appeals for the purpose of hearing any interested persons in the following request for a Variance from Sections 11 (Signs) and 29 (Commercial Industrial Lot Requirements) of the Union Township Zoning Ordinance 1991-5 as amended.

Requested by Developers Diversified Realty, the following variances:

Two variances of 112 Square Feet (SF), one of 295.5 SF for wall signs to allow for 2) 162 SF and 1) 345.5 SF, and a variance from the requirements for number of wall signs and location to allow for a third wall sign on the non address side of a building with no public entrance, and a variance of 7' overall building height to allow for a 42' high entrance façade, in a B5 zone

Legal Description of property: T14N R4W, SEC 26; COM S 87D 14M 35S E, 412.35 FT FROM W 1/4 COR OF SEC 26, TH S 88D 15M 17S E, 861.06 FT; TH S 1D 25M 23S W, 536.0 1 FT; TH N 88D 15M 17S W, 212.41; TH N 1D 25M 23S E, 50 FT; TH N 88D 15M 17S W, 182.42 FT; TH S 1D 25M 23S W, 4.14 FT; TH N 88D 15M 17S W, 469. 25 FT; TH N 1D 25M 23S E, 490.14 FT TO POB, Union Township, Isabella County, Michigan.

This property is located at 4208 E BLUEGRASS RD.

All interested persons may submit their views in person, in writing, or by signed proxy prior to the public hearing or at the public hearing.

All materials concerning this request may be seen at the Union Township Hall, located at 2010 S. Lincoln Road, Mt. Pleasant, Michigan, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. Phone (989) 772 4600 extension 241.

William Woodruff, Zoning Administrator

PID	PropertyAddress	Owner	Owner_Line_2	Zoning	OwnerAddr01	OwnerCity	Owner
14-026-30-001-02	E BLUEGRASS RD	GS II INDIAN HILLS LLC		B5	3300 ENTERPRISE PARKWAY	BEACHWOOD	OH
14-026-10-012-00	E BLUEGRASS RD	ROSENBERG EDWARD	AGREE LIMITED PARTNERSHI	B4	31850 NORTHWESTERN HWY	FARMINGTON	MI
14-026-30-002-04	4062 E BLUEGRASS RD	GENERAL MILLS RESTAURANTS INC	DBA RL#690 ATTN: CORP TAX	B4	PO BOX 695019	ORLANDO	FL
14-026-30-002-00	4080 E BLUEGRASS RD	GS II INDIAN HILLS LLC		MULTIF	3300 ENTERPRISE PARKWAY	BEACHWOOD	OH
14-026-10-011-00	4097 E BLUEGRASS RD	TARGET CORPORATION	PROPERTY TAX DEPT T-924	B4	PO BOX 9456	MINNEAPOLIS	MN
14-026-10-005-02	4171 E BLUEGRASS RD	UNION SQUARE APARTMENTS LLC		R3A	P.O. BOX 222	MOUNT PLEASANT	MI
14-026-30-002-03	4208 E BLUEGRASS RD	GS II INDIAN HILLS LLC		B5	3300 ENTERPRISE PARKWAY	BEACHWOOD	OH
14-026-10-005-07	4279 E BLUEGRASS RD	BIOLIFE PLASMA SERVICES LP		B5	ONE BAXTER PARKWAY-DF2-2W	DEERFIELD	IL
14-026-30-001-06	4730 ENCORE BLVD	WAL-MART REAL ESTATE BUSINESS TRU	ATTN:0555	B5	PO BOX 8050	BENTONVILLE	AR
14-026-30-001-19	4857 ENCORE BLVD	MOUNT PLEASANT HOLDINGS, LLC		B5	211 E WATER ST, STE 201	KALAMAZOO	MI

*Mailed
Var 1552*

11/15/11

[Signature]

Mt_P_MI_Mail.txt
"msLink" "TaxID" "Street_Address"
6107 "17-000-17133-00" "2397 S Mission Street"
6108 "17-000-17135-00" "2389 S Mission Street"

Mmd 11/15/11
UAR #1552 

Sign Variance History

Result

Date	FILE #	Owner	Location	Caption	Reasons
12/7/2011	1552	GS II Indian Hills LLC	4208 E BLUEGRASS RD		Variance request to allow for two 162 SF wall signs and one 295.5 SF wall sign, and a variance for bilding height to allow for a 42' tall entrance façade, and one

Result

Application Withdrawn

Date	FILE #	Owner	Location	Caption	Reasons
8/1/2001	783	Len Feighner Agency	Parcel south of Kroger's		Applicant Withdrew

Result

Approved

Date	FILE #	Owner	Location	Caption	Reasons
3/1/1995	213		Wards outlots # 30 & 32		Sign variance for 100' from the 1000' separation between billboards requirement in 11.4.f
6/21/1995	227		5600 E Pickard		Sign - 2nd sign greater than 35' high and a 22 sqft size variance. Reasons - 1. adjacent to freeway 2. overpass obscures business when traveling from west to east.
1/15/1998	335	Leo Beard	Beard Oil properties		Split Motion- Granted 80 sq ft variance for directional signs to allow for two signs for "Outdoor Lumberyard" (72 sq ft) and "Nursery" (20 Sq Ft).
1/15/1998	336	Leo Beard	Beard Oil properties		Split Motions Side yard variance of 1.4' for side set back for free standing sign of 18.6'.

1/15/1998	338 Leo Beard	Beard Oil properties	Split Motion - Sign Variance - Free standing sign granted 69 sq ft variance to allow for a 13' x 13' sign (169 sq ft).
2/16/1998	344 C and H Development		North Wall sign = 122.5 sq ft W wall sign = 136.5 sq ft Hgt of W sign is 4" below roof line. West wall sign removed from project. 72.5 Sq Ft variance for N wall sign. Freestanding will comply.
7/1/1998	402 Leo Beard	5644 E Pickard	72 sq ft variance for open area in sign. 40' OHA allowed prevents changing letter board.
8/5/1998	409 PORPOISES' PURPOSE LLC	4069 S. Isabella Road	70 Sq Ft variance for a wall sign, to allow for 120 sq ft. Irregular shape of the sign causes it to exceed the 50 sq ft limit. Lorenz moved, Wezensky supported that the Zoning Board of Appeals grant the variance for a dimensional variance from section 11.11 in a B-4 district to permit a 120 foot wall sign, a variance of 70 feet; (No other signs will be permitted on the building, except identification signs).
10/7/1998	456 CP Limited	5280 S Mission Road	12 sq ft variance to allow for a 24 sq ft. Granted due to distance form the road and speed of traffic on Mission (55 mph).
10/7/1998	460 KP & Margaret Wood	2160 E Remus Road	A 6.5 foot variance to allow a freestanding sign 3.5 feet inside the ROW. Granted due to trees at west property line obstructing view of sign.
3/3/1999	597 Percha Bud	4820 E Broomfield Rd	18 Sq Ft freestanding sign area, 1 ft height variance. Sign installed by Apex Sign Group without a permit. Variance is for already erected sign. Reason- Applicant showed records indicating Building Inspector had given ok without sign permit. Applicant proceeded n good faith and reliance upon township.
2/2/2000	578 BROADWAY COMMUNITY HOUSING LLC		To extend the time granted by Zoning Board of Appeals at 9/3/97 hearing for a 64 sq ft construction ID sign. Display of this sign granted for additional 2 years

3/1/2000	616 Applebee's	vacant property east of 4851 E PICKARD RD		Split Motions- 2. A variance of 35.7 square feet from the requirements for total wall signs (11.11.F.2).
				Since the formula for computing area of irregular signs has been interpreted as the sum of the elements, the total area over the allowed 100 sf for wall signs is 21 sf. Variance for additional 21 sf approved.
				Reason- unusual shape of sign
10/3/2001	768 C & H Development, Inc	5770 E Pickard		Variance of 50 SF freestanding sign area and 11' over all height to allow for additional wall sign of 50 SF, see 11.4. Cited traffic safety as reason, traffic may become confused by lack of signage between steak house and motel.
9/3/2003	924 Union Township	5670 E Pickard (Bob Evans Restaurant).	A variance of 5' from the requirements for Front setback of a sign to allow for 5' from ROW in a B7 zone for a Gateway Welcome Sign	
1/7/2004	950 LeBra LLC	2479 Rosewood Dr	Sign Variance	Set back from ROW at Condo entrance
4/7/2004	969 Isabella County	3480 S Isabella Rd	13.8 SF variance from requirements for total SF of all directional signs, and 17.3 SF overage for 3 agency signs to allow for a 23.3 SF sign at the Preston St entrance.	Promotes safe vehicular circulation
5/11/2005	1082 Central Development Group LLC		A variance to allow for a second subdivision sign at a second entrance to the development.	
3/1/2006	1184 Khols	Union Commons Mall	Variance Request for 3 wall signs at 193 SF Each, a variance of 379 SF from the required Aggregate limit and 142 SF per wall sign.	Veldhuis moved Warner supported to approve VRS 1184 – Kohls, Union Commons Mall. Variance request for 3 wall signs at 193 SF each, a variance of 379 SF from the required aggregate limit and 142 SF per wall sign, which is consistent with the approval of the other sign variances for the mall stores. Ayes: all. Motion carried.
3/1/2006	1179 J4L Properties LLC	4884 E BROOMFIELD RD	A variance of one (1) free standing sign to allow for 2 free standing signs, and a variance of 16 SF from the total aggregate of 200 SF to allow for 216 SF	
6/6/2007	1289 Vollmar Heather	3965 E RIVER RD	A variance of 43' to allow for an existing sign to remain at 33 feet inside a 60 foot ROW.	Engler moved McGuirk supported to approve VRS 1289 Heather Vollmar 3965 E. River Rd. A variance of 43 feet to allow for an existing sign to remain a 33 feet inside a 60 foot ROW for safety reason and the recommendation by the Isabella County Road Commission. Ayes: all. Motion carried.

8/13/2007	1313	Saginaw Chippewa Indian Tribe	5665 E Pickard	Requested by the Saginaw Chippewa Indian Tribe, a variance of 75 SF sign area and 19 feet over all height from the requirements for business signs to allow	1. Economic wellbeing 2. Cost to renovate
6/4/2008	1367	CULT & REC COMM OF ISAB CO		Sign Variance for wall signs facing US 27 to allow for 2 additional wall signs at 327 SF and 55 SF, for a 282 SF variance	Veldhuis moved Warner supported to approve VRS 1367 – Cultural and Recreation Commission of Isabella County, sign variance for wall signs facing Isabella Road to allow for 2 additional wall signs at 327 sf and 55 sf for a 282 sf variance due to the difficulty to read them from Isabella Road, safety issues and the size of the building. Ayes: all. Motion carried.
9/3/2008	1378	Gostola Michael	481 E Remus Rd	Request for a 20 Square Foot variance to allow a 24 SF sign for a home occupation in an AG zone.	
12/2/2009	1449	DDR	4208 E Bluegrass Rd	Variance to allow a Temporary Banner of 120 SF at JoAnn Fabrics during construction, a variance of 100 SF	Temporary sign needed during construction, sight limitations and speed, not a permanent sign.

Result **Approved in part**

Date	FILE #	Owner	Location	Caption	Reasons
11/5/2003	932	Graff Chevrolet	4580 E Pickard	Overall height of existing main sign is 24', variance of 8 feet, and lot has second free standing sign, requiring a variance of one sign, to allow for additional conforming wall signs where non	Variance for 24' OAH of existing freestanding sign granted due to cost of refabrication and improper scale of 10 x 10 sign. Variance to allow second freestanding sign, denied, no special circumstances. Wall signs maybe installed if and when the second freestanding sign is removed.

Result **Approved w/ Conditions**

Date	FILE #	Owner	Location	Caption	Reasons
1/15/1998	337	Leo Beard	Beard Oil properties		Split motions - Sign area - (2) wall signs granted a 376 sq ft variance to allow for 476 sq ft combined (290 sq ft @ front, 186 sq ft at side) Conditions - 1. Delete tag line "Michigan's Home Improvement Warehouse" @ front wall and sidewall. 2. Height of 32' for front wall sign. 3. Second wall sign may be located on West or South wall.
7/1/1998	396	Tim Bechtel	NW cor US 27 & River Rd		Height of Freeway obstructs view. Conditioned on no higher than 16' above Freeway road bed.

12/2/1998	474	Point Royale Sub. Assoc.	Outlots at entrance to Point Royale Subdivision		Variance to allow second subdivision sign and 2 sq ft area. Granted 2nd sign, both signs not to exceed 12 sq f
12/7/2005	1160	Bluegrass Investment Group	South side of Bluegrass Road between Isabella Road and a point approximately 1500 feet east of Mission Road..	Sign variances for Union Commons Mall, Menards, Wal-Mart, and Sam's Club. Rear Yard Variance for Khols to attached Mall Buildings	Approved as submitted except that no sign maybe greater than 35' over all height
2/7/2007	1270	DSJB IV, LLC	5255 E Pickard Rd	A variance of 19' Over All Height to allow for 35 ' OAH; A variance of 129 Square Feet sign area to allow for 229 SF; A variance from the requirements that no	Approved lesser varaince to allow for a sign 29'-8" high and 176 SF due to economic hardship to the applicant and it's employees.
9/2/2009	1428	GS II Indian Hills LLC	4208 E Bluegrass Rd, Dollar Tree	Variance request to allow for one 248 SF wall sign, a variance of 148.8 SF in a B5 zone from the requirements of section 11.11	Granted variance to allow 175 SF aggregate for two wall signs
12/2/2009	1448	DDR	4208 E Bluegrass Rd	Variance request to allow wall signs totaling 327.25 SF, a variance of 227.25 SF	Reduce sign area to 313.5 SF per amended application. Copy areas "JO ANN fabrics and crafts, "holiday décor", "floral", "home". Granted due to traffic speed, setback and Anchor Status
6/2/2010	1469	FIGG BETTY J REV TRUST 3/3/95	1313 E Broomfield Rd	Remove from Table a Sign Variance to allow for an 80 SF (square feet) sign, 16 feet high. A variance of 68 SF and 10 feet height from Section 11.8 in an AG zone	Approved a variance to allow for an 84 SF and 16 feet high sign and deny illumination.

Result	Denied				
Date	FILE #	Owner	Location	Caption	Reasons
3/1/1995	215	Carter-Jones	2353 E REMUS RD		Sign Variance - to allow for a 144 sqft freestanding sign, a 620 sqft storefront wall sign ,a 296 sqft side building sign, and a porch sign of 47.6 sqft Denied only the freestanding sign variance of 64 sqft and tabled the other signs. Reasons; 1. Special Circumstances do not exist which are peculiar to the structure(s) 2. Literal interpretation of the ordinance would not deprive the applicant of rights enjoyed by others. 3. The special circumstances result from actions of the applicant 4. Granting the variance would confer special privileges not enjoyed by others 5. No non-conforming use in the same zone or permitted uses in other zones was considered in this case

4/6/1995 217 4097 E. Bluegrass Rd

sign variance of 20 sqft for a free standing sign, section 11.8(c)

Reasons for denial

1. Special Circumstances do not exist which are peculiar to the structure(s); zoning requirements can be met
2. Literal interpretation of the ordinance would not deprive the applicant of rights enjoyed by others; zoning in this newly developed area is a tool to bring about orderly development
3. The special circumstances result from actions of the applicant
4. Granting the variance would confer special privileges not enjoyed by others
5. No non-conforming use in the same zone or permitted uses in other zones was considered in this case

5/3/1995 221 Carter-Jones 2353 E REMUS RD

Sign Variance - Original request of 620 sqft front wall sign reduced to 440 sqft, request for porch sign variance withdrawn by applicant.

Reasons for denial

1. Special Circumstances do not exist which are peculiar to the structure(s)
2. Literal interpretation of the ordinance would not deprive the applicant of rights enjoyed by others.
3. The special circumstances result from actions of the applicant
4. Granting the variance would confer special privileges not enjoyed by others
5. No non-conforming use in the same zone or permitted uses in other zones was considered in this case

7/19/1995	229		N side Pickard, between Budd and Airway	<p>Sign variance, 60' height (reduced to 35' height at hearing by applicant) and 257 sqft (67.33 sqft variance) Two motions. Reasons for denial of height.</p> <ol style="list-style-type: none"> 1. Special Circumstances do not exist which are peculiar to the structure(s) 2. Literal interpretation of the ordinance would not deprive the applicant of rights enjoyed by others; zoning in Pickard corridor is tooled to bring about orderly development. 3. The special circumstances result from actions of the applicant 4. Granting the variance would confer special privileges not enjoyed by others 5. No non-conforming use in the same zone or permitted uses in other zones was considered in this case; strict compliance to the sign ordinance will not unreasonably hinder this property from its intended use. <p>sign variance - 67.33 sqft variance in sign area.</p> <p>Reasons for denial of Area</p> <ol style="list-style-type: none"> 1. Special Circumstances do not exist which are peculiar to the structure(s); request is not unique to Shoney's 2. Literal interpretation of the ordinance would not deprive the applicant of rights enjoyed by others. 3. The special circumstances result from actions of the applicant 4. Granting the variance would confer special privileges not enjoyed by others 5. No non-conforming use in the same zone or permitted uses in other zones was considered in this case
1/7/1998	332	Leo Beard	Beard Oil properties	<p>Split Motion- Second free standing sign with 40' height variance to allow for 80' over all height.</p>
3/4/1998	346		5688 E. Pickard	8' height variance. - No circumstance peculiar to land or structures
8/4/1999	536	Mt. Pleasant Public Schools	4889 Crosslanes	8 Sq Ft sign area variance to allow a 32 Sq Ft sign and a 18" height variance to allow an overall height of 7'-6" in a R2A zone. Reasons for denial 1. self created 2. No unusual circumstances peculiar to the land/structures
3/1/2000	618	Applebee's	vacant property east of 4851 E PICKARD RD	<p>Split Motions-</p> <ol style="list-style-type: none"> 4. 3'-4" overall height variance <p>No special circumstances</p>

3/1/2000	622	Dayton Hudson	4097 S Bluegrass Rd		<p>A variance of 158 Square Feet from the requirements for total sign area, being 200 Square Feet, to allow for 358 square feet total sign area, AND a Variance of 19.47 Square Feet from the requirements for Wall Signs, being 50 square feet, to allow for a 69.47 Square Foot sign, AND a variance from the provisions of 11.4.B to allow additional signage where existing signs do not conform to the ordinance, in a B4 zone.</p> <p>2/2/00- Tabled to determine if this is a corner lot and to seek council to see if a renotice is required because the terms of 11.11.B requires wall signs to be placed only on the Address side of the building.</p> <p>Upon advice of Township attorney, Variance request is a Use Variance and may not be approved. Noticing of additional variance from a requirement not required as the nature of the request has not been altered. Zoning Board of Appeals also determines that this is not a corner lot.</p>
3/1/2000	617	Applebee's	vacant property east of 4851 E PICKARD RD		<p>Split Motion-</p> <p>3. A variance of one additional wall sign at a side entrance (11.11.F.2). (Neighborhood Grill and Bar). No unusual circumstances</p>
9/4/2002	839	Union Township	5670 E PICKARD RD		<p>Sign is "Ved" more than 12", therefore each face (79 SF) is counted or a total sign area of 158 SF, requiring a 60 SF variance</p>
3/2/2005	1065	Sacco Emil	5014 E Pickard	<p>A variance to allow additional signage where existing signage is non-conforming to allow a 6.25 SF logo sign</p>	<p>No unusual circumstances to allow a variation to the sign ordinance.</p>
6/16/2005	1092	CULT & REC COMM OF ISAB CO	4185 E Valley Rd	<p>A variance from the requirements for signs to be placed on the property from which the business is conducted to allow for a sign on leased property.</p>	<p>No special circumstances, to approve an off premises sign would open door to all off premisses signs.</p>
Result	No Action Required				
Date	FILE #	Owner	Location	Caption	Reasons
3/1/2000	615	Applebee's	vacant property east of 4851 E PICKARD RD		<p>Split motions-</p> <p>1. A variance of 17.5 square feet from the requirements for wall signs to allow for 67.5 square feet (Chart 11.11a).</p> <p>It was determined that the area of the "Applebees" sign was the area of the box extreme limits plus the area of the apple (extreme limits) and the sign conforms to the max 50 sq ft</p>

Result		Split Motions, See following				
Date	FILE #	Owner	Location	Caption	Reasons	
3/1/2000	613	Applebee's	vacant property east of 4851 E PICKARD RD		<p>1. A variance of 17.5 square feet from the requirements for wall signs to allow for 67.5 square feet (Chart 11.11a).</p> <p>2. A variance of 35.7 square feet from the requirements for total wall signs (11.11.F.2). Approved</p> <p>3. A variance of one additional wall sign at a side entrance (11.11.F.2).- Denied</p> <p>4. 4'-3" over all height variance. Denied</p> <p>Horton moved, Warner supported for purposes of section 11.2.A.1 (only) - computed area of the extreme limits where the sign is not rectangular in shape will be the sum of the products of the individual elements of the sign. Ayes: all. Motion carried.</p> <p>For the record, the zoning administrator noted that the Applebee's wall sign was originally computed at 67.5 square feet, however is now computed at less than 50 square feet.</p> <p>Horton moved, Bacon supported that the Zoning Board of Appeals deny the variance request for a dimensional variance from section 11.11.F.2 in a B5 zone to not permit one additional wall sign on a side entrance.</p> <p>Warner moved, Horton supported that the Zoning Board of Appeals grant the variance request for a 21 square foot variance for total wall signage from section 11.11.F.2 in a B5 zone to permit a total square foot sign area of one 121 square feet wall signage. The variance is granted for the following reasons:</p>	

Result		Tabled				
Date	FILE #	Owner	Location	Caption	Reasons	
4/6/1995	216	Carter-Jones	2353 E REMUS RD		<p>Sign Variance - a 620 sqft storefront wall sign ,a 296 sqft side building sign, and a porch sign of 47.6 sqft</p> <p>Denied the freestanding sign variance of 64 sqft at 3/1/95 and tabled the other signs. A motion to grant was defeated 4/1 and another motion to Tabled was passed to allow applicant to resubmit request with "down scaled sign plan".</p>	
6/7/1995	225		5600 E Pickard		<p>Sign variance - Request for a 2nd freestanding sign and a request for 2nd sign to be 100" in height.</p>	

1/7/1998	298 Leo Beard	Beard Oil properties		Split Motion - Sign Variance - variance of 963 sq ft total to allow for 1163.5 sq ft. Late meeting
1/7/1998	333 Leo Beard	Beard Oil properties		Split Motion- Height variance of 12' for wall signage.
1/7/1998	331 Leo Beard	Beard Oil properties		Split Motions Side yard set back for free standing sign 5 feet.
4/1/1998	363 Randy Roy	2120 E. Remus Rd		Side yard setback variance of 15' to allow for a 5' side setback on existing legal non-conforming to allow for an increase of sign area to add a second business sign as integrated business. Tabled to get ROW map from County.
1/6/1999	484 Percha Bud	4820 E Broomfield Rd		18 Sq Ft freestanding sign area, 1 ft height variance. Sign installed by Apex Sign Group without a permit. Variance is for already erected sign.
2/2/2000	602 Dayton Hudson	4097 S Bluegrass Rd		a variance of 158 Square Feet from the requirements for total sign area, being 200 Square Feet, to allow for 358 square feet total sign area, AND a Variance of 19.47 Square Feet from the requirements for Wall Signs, being 50 square feet, to allow for a 69.47 Square Foot sign, AND a variance from the provisions of 11.4.B to allow additional signage where existing signs do not conform to the ordinance, in a B4 zone. Tabled to determine if this is a corner lot and to renotice because the terms of 11.11.B requires wall signs to be placed only on the Address side of the building.
7/5/2000	650 Stovack, James	4747 E Pickard		
6/6/2001	742 Len Feighner Agency	Parcel south of Kroger's		Applicant unable to attend and requested to be tabled
12/6/2006	1253 DSJB IV, LLC	5255 E Pickard Rd	A variance of 19' Over All Height to allow for 35 ' OAH; A variance of 129 Square Feet sign area to allow for 229 SF; A variance from the requirements that no	only 3 members sitting, applicant requested to table for a full board.

9/2/2009	1429 FIGG BETTY J REV TRUST 3/3/95	1313 E Broomfield Rd	Sign Variance to allow for an 80 SF (square feet) sign, 16 feet high. A variance of 68 SF and 10 feet height from Section 11.8 in an AG zone over 10 Acres	Tabled to allow applicant to decide on location of sign and provide a graphic of the proposed sign.
12/2/2009	1450 FIGG BETTY J REV TRUST 3/3/95	1313 E Broomfield Rd	Sign Variance to allow for an 80 SF (square feet) sign, 16 feet high. A variance of 68 SF and 10 feet height from Section 11.8 in an AG zone over 10 Acres	Applicant called and requested Tabled again as he is not prepared to decide on location of sign and provide a graphic of the proposed sign.
3/3/2010	1451 FIGG BETTY J REV TRUST 3/3/95	1313 E Broomfield Rd	Remove from Table a Sign Variance to allow for an 80 SF (square feet) sign, 16 feet high. A variance of 68 SF and 10 feet height from Section 11.8 in an AG zone	Tom Baker, sign contractor represented Mr Figg. Mr Figg was not present to answer questions about location of the sign, hours the sign would be lit, and what the light output of the sign would be.