

**VILLAGE OF DEXTER  
ZONING BOARD OF APPEALS MEETING**

\*\*\*\*\* 7720 Ann Arbor Street \*\*\*\*\*

**Dexter Senior Center  
MONDAY, October 15, 2012, 7:00 pm**

**AGENDA**

**A. CALL TO ORDER**

- B. ROLL CALL - MEMBERS:**
- |                       |                     |
|-----------------------|---------------------|
| S. Hansen             | J. Rush             |
| E. Bombery, Chair     | D. Wilcox – PC Rep. |
| R. Tell – VC Rep.     | C. Hurd - Alternate |
| B. Stacey - Alternate |                     |

**C. APPROVAL OF MINUTES – September 5, 2012 Regular meeting minutes**

**D. APPROVAL OF THE AGENDA**

**E. SITE INSPECTION (Conduct on own)**

**F. PUBLIC HEARINGS**

**Order for Public Hearings**

- a. Staff presentation.
- b. Petitioner's presentation.
- c. ZBA member reports on conversations and site inspections.
- d. Public comment (State name and address).
- e. Rebuttal by petitioner (At chairman's discretion).
- f. Close the public comment portion of the public hearing

1. **Open Public Hearing for Variance Request (ZBA Case #2012-03)**  
**Variance Request for Steve Brouwer**  
**2810 Baker Road, HD-08-06-455-001**  
**(ZBA Case #2012-03)**

This Public Hearing is being held to hear public comment regarding the following request submitted by Steve Brouwer, for the property located at 2810 Baker Road, HD-08-06-455-001, to permit the installation of signage:

- A. Section 7.03(1)D., Ground Signs – One (1) freestanding identification sign stating the name of a business center and major tenants therein may be erected for a shopping center, office park, industrial park or other integrated group of stores, commercial buildings, office buildings or industrial buildings. The sign area shall not exceed one (1) square foot per front foot of building or buildings for which it is erected; however, such signs shall not exceed sixty (60) square feet in area. Such signs may be up to ten (10) feet in height. If the lot fronts on two (2) or more collector or arterial streets one (1) such sign may be permitted for each frontage. PROPOSAL – The applicant is requesting to install one (1) 84 square foot ground sign at the property entrance.
- B. Section 7.03(1)A., Ground Signs – Within all non-residential zoning districts, only one (1) ground sign shall be permitted per zoning lot. If the frontage of a zoning lot exceeds four hundred (400) linear feet along a single street frontage two (2) such ground signs may be permitted. One (1) additional ground sign may be permitted at a secondary entrance if it is not located on the same street as the primary entrance.

PROPOSAL – The applicant is requesting to install a secondary 27 square foot ground sign (artwork) at the entrance to the building located at the rear of the site (Dexter Wellness Center).

- C. Section 7.02(4) A., Signs Exempt from Permits – Incidental signs or directional signs which are intended to direct the flow of pedestrian and vehicular traffic on private property. Incidental signs shall not exceed two (2) square feet in area per side and four (4) feet in height, shall contain no advertising other than the name of the business and may be illuminated.

PROPOSAL – The applicant is proposing to install one (1) incidental sign directing traffic to the physical therapy use inside the Dexter Wellness Center that will include the company logo.

## **G. BUSINESS SESSION**

1. **Consideration of: Variance Request for Steve Brouwer  
2810 Baker Road, HD-08-06-455-001  
(ZBA Case #2012-03)**

1. Discussion: Review of facts based on all information presented (from the application, written request for appeal, zoning ordinance, physical characteristics of the parcels, staff reports, hearing testimony). Discussion continues until a member is confident enough to propose a motion that includes a “finding of fact” and/or “conclusions”, and “rationale explaining why conclusions are reached” and “conditions” if any.  
\* This would be the appropriate time for the Board to call witnesses, and ask questions of owners, consultants, staff, etc.
2. Motion is proposed on “finding of fact, rationale, conclusions and conditions.”
3. Discussion on standards and requirements of the ordinance.
4. Action on the motion.

## **H. ADJOURNMENT**

**VILLAGE of DEXTER  
ZONING BOARD OF APPEALS  
September 5, 2012**

The meeting was called to order at 7:01 PM by Chair Bombery at the Dexter Senior Citizen Center, 7720 Ann Arbor Street.

Present: Hansen, Bombery, Rush, Wilcox  
Absent: Tell

**Approval of Minutes**

-Moved Hansen, support Rush to approve the June 18, 2012, Regular Meeting minutes.  
Voice Vote: Unanimous                      Motion Carried

**Approval of the Agenda**

-Moved Rush, support Bombery to approve the agenda as presented.  
Voice Vote: Unanimous                      Motion Carried

**Site Inspections – none**

**Public Hearings**

**1. Variance Request-ZBA Case #2012-02 3360 Edison Street, HD-08-06-178-009**

This Public Hearing is being held to hear public comment regarding a request submitted by Lisa Phillips, for 3360 Edison Street, Tax ID: HD-08-06-178-009.

The applicant is requesting a variance from the following section:

Article 20.01, Side yard setback in the R1B One Family Residential– Minimum side yard setback requirement for a principle building is 10 feet.

Chair Bombery opened the hearing at 7:03 pm

Community Development Manager Allison Bishop gave a presentation of the applicant's request and the review.

The applicant Jeff Brown and Lisa Phillips are requesting a variance to permit the attached garage, considered a principle structure, to encroach 4 feet into the required 10 foot side yard setback. The resulting side yard setback would be 6 feet.

The hearing was opened to public comment:

Mark Smith, 7775 Fourth Street, spoke in favor of the project. Mr. Smith is the neighbor that would be most impacted by the variance because his property abuts the applicant's. Mr. Smith was in favor of the request because it would clean up the area and he encourages home improvements.

Scott Riggs, 7765 Fourth Street, stated that he had no problems with the request. Mr. Riggs's property is located at the rear of the applicant's property.

The hearing was closed to public comment at 7:12 pm

**Recess:** none

## **Business Session**

### **1. Variance Request-ZBA Case # 2012-02**

The Public Hearing is being held to hear public comment regarding a request submitted by Lisa Phillips, for 3360 Edison Street, Tax ID: HD-08-06-178-009.

Variances were requested from the following section:

Section 20.01, Side yard setback in the R1B One Family Residential–Minimum side yard setback requirement for a principle building is 10 feet.

The Board and the applicant began discussing the variance request.

1. Location of the proposed garage – the applicant stated that the location was selected to allow better access to the house, to be able to construct standard roof lines that will reduce future winter ice dams.
2. The encroachment is being reduced from 6 feet to 4 feet.
3. The setback is being increased from 2 feet to 4 feet.
4. The improvement, request and application seem straight forward.
5. Today's standard is a 2 car garage, which is what the applicant is requesting.
6. The non-conformity is being reduced.
7. The new vinyl siding will match the house, the current siding is old and in disrepair.
8. Current exterior storage is will be moved indoors.

The Board and the applicant discussed the request, Practical Difficulties, Substantial Justice, Public Safety and No Safety Hazard.

Moved Wilcox, support Rush, based on the information provided by the applicant (Case 2012-02) at the September 5, 2012 Zoning Board of Appeals meeting, the Board determines that the request to waive the requirements of Section 20.01, Schedule of Regulations for side yard setbacks in the R1B, One Family Residential District be **GRANTED**. The application submitted by Lisa Phillips for 3360 Edison Street, HD-08-06-178-009, **MEETS** the conditions required for the granting of a variance. The applicant is therefore **PERMITTED** to construct an attached garage along the northeast property line that encroaches 4 feet into the side yard setback as shown on the applicant's application.

The determination was made with consideration of following per Section 24.05 of the Village of Dexter Zoning Ordinance:

1. Practical Difficulties – the dimensional provisions are preventing the construction of a standard 2 car garage.
2. Substantial Justice – the neighbors support the addition to eliminate the outdoor storage.
3. Public Safety – There are no public safety concerns.
4. No Safety Hazard or Nuisance – There are no safety hazard or nuisance concerns with the applicant's proposal.

Ayes: Wilcox, Rush, Bombery, Hansen

Nays: none

Motion Carried

**2. Election of Officers**

1. Chair-Eric Bombery
2. Vice Chair-Jon Rush
3. Secretary-Sandy Hansen

Moved Bombery, support Hansen to nominate the Current Slate

Voice Vote: Unanimous

Motion Carried

**Adjournment**

Meeting adjourned at 7:21 pm

Respectfully submitted,

Brenda Tuscano  
Recording Secretary

Filing Approved \_\_\_\_\_



CARLISLE

WORTMAN

associates, inc.

605 S. Main Street, Ste. 1  
Ann Arbor, MI 48104

(734) 662-2200  
(734) 662-1935 Fax

**VARIANCE ANALYSIS**

**Village of Dexter**

October 2, 2012

**APPLICANT INFORMATION**

**Applicant:** Steve Brouwer

**Property Address:** 2810 Baker Road

**Property I.D. #:** HD-08-06-455-001

**Zoning:** C-1, General Business

**VARIANCES REQUESTED**

1. To allow an 84 square foot monument sign at the entrance of the Dexter Wellness Center replacing the current sign and exceeding the 60 square foot area maximum.

*Section 7.03(1) D., One (1) freestanding identification sign stating the name of a business center and major tenants therein may be erected for a shopping center, office park, industrial park or other integrated group of stores, commercial buildings, office buildings or industrial buildings. The sign area shall not exceed one (1) square foot per front foot of building or buildings for which it is erected; however, such signs shall not exceed sixty (60) square feet in area. Such signs may be up to ten (10) feet in height. If the lot fronts on two (2) or more collector or arterial streets one (1) such sign may be permitted for each frontage.*

2. To allow a second (additional) ground sign at the entrance of the Wellness Center depicting artwork.

*Section 7.03(1) A., Within all non-residential zoning districts, only one (1) ground sign shall be permitted per zoning lot. If the frontage of a zoning lot exceeds four hundred (400) linear feet along a single street frontage two (2) ground signs may be permitted. One (1) additional ground sign may be permitted at a secondary entrance if it is not located on the same street as the primary entrance.*

3. To allow directional signage to contain a logo.

*Section 7.02(4) A., Incidental/Directional signs shall not exceed two (2) square feet in area per side and four (4) feet in height, shall contain no advertising other than the name of the business and may be illuminated.*

## **SUMMARY**

The applicant requests to construct the signage for the new Dexter Wellness Center facility. The following rationale was cited in the letter received by the applicant regarding the monument sign variance request:

The Dexter Town Center property at 2810 Baker Road is large enough that two (2) freestanding ground signs at 42 square feet each, 6-foot maximum height, would be allowed through the standard sign permit application process. We are requesting a variance to allow the total square footage of those two (2) signs be combined into one (1) sign for the development. The proposed sign would utilize the existing brick base and would be 84 square feet in area.

The development currently has one (1) sign at the drive approach providing signage for the existing building and its tenants. With two (2) additional buildings, each with multiple tenants, there is a need to provide signage to support these businesses.

Due to the layout of the property and the single drive approach, the best location for the proposed sign is in its existing location. We are asking to increase the size of the sign to include all three (3) buildings and their tenants.

The option of placing a second sign opposite the existing sign was explored. The reasoning for this option to be dismissed included:

1. Two (2) signs each displaying different information placed directly opposite one another limits visibility and clarity for traffic on Baker Road and for patrons entering the development.
2. When the third building is constructed in compliance with the required setbacks, the second sign would have very limited visibility.
3. The Planning Commission has recognized the need for increased signage at larger developments, as in Case #2012-01 LaFontaine Chevrolet at 7120 Dexter Ann Arbor Road.

As demonstrated in the application materials, the larger sign would be divided into thirds, providing one third (1/3) of the sign for each building. Each third may be divided as necessary for tenants in each building.

In addition to the increase in size for the monument sign, the applicant is also requesting the BZA to consider allowing a second (additional) ground sign at the entrance of the Wellness Center depicting artwork. The artwork serves as a point of interest for those approaching the building's entrance. The proposed artwork will be displayed at ground level and is setback approximately 300 feet from Baker Road. The artwork is neither intended to identify the facility, not to direct people to the Wellness Center. It is purely an aesthetic point of interest.

Further, the applicant is also requesting approval to allow the proposed directional signage to contain a logo. Michigan Rehabilitation Specialists Physical Therapy is a current tenant of the pharmacy building. Upon completion of the Dexter Wellness Center they will relocate their practice to the Wellness Center. A new directional sign is proposed along the south side of the access drive. The existing directional sign for the pharmacy's drive-through includes their logo, and the applicant is requesting the same variance.

### **VARIANCE CONSIDERATIONS**

Section 24.05 A. outlines the criteria applicable to variance considerations. Variances shall be granted only in accordance with the Michigan Public Act 110 of 2006, as amended and based on the findings set forth below. The extent to which the following criteria apply to a specific case shall be determined by the BZA; however, at least one (1) of the applicable criteria must be found by the BZA for each variance request.

- 1. Practical Difficulties:** *Compliance with the strict letter of the restriction governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create practical difficulties, unreasonable prevent the use of the property for a permitted purpose, or render conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance.*

*A practical difficulty is measured by answers associated with the following questions:*

- Would enforcement of the Ordinance unreasonably prevent the owner from using the property for a permitted use? Would conforming to the Ordinance be unnecessarily burdensome?
  - Does the variance do substantial justice to the applicant and to other property owners in the district?
  - Is the situation causing the need for the variance due to unique circumstances related to the property?
- 2. Substantial Justice:** *Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district; or, as an alternative, granting of lesser variance than requested would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.*
  - 3. Public Safety and Welfare:** *The requested variance can be granted in such fashion that the spirit of these regulations will be observed and public safety and welfare secured.*
  - 4. Extraordinary Circumstances:** *There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do*

*not apply generally to other properties or other similar uses in the same zoning district. The conditions resulting in a variance request cannot be self-created.*

5. **No Safety Hazard or Nuisance:** *The granting of a variance will not increase the hazard of fire or otherwise endanger public safety or create a public nuisance.*
6. **Relationship to Adjacent Land Uses:** *The development permitted upon granting of a variance shall relate harmoniously in a physical and economic sense with adjacent land uses and will not alter the essential character of the neighborhood. In evaluating this criterion, consideration shall be give to prevailing shopping patterns, convenience of access for patrons, continuity of development, and the need for particular services and facilities in specific areas of the Village.*

### **CONCLUSION**

Each of the three (3) variances requested should be reviewed individually with respect to the variance considerations noted in the previous section. Therefore, we have provided a rationale for the approval or denial of each variance, and the corresponding findings of fact:

1. To allow an 84 square foot monument sign at the entrance of the Dexter Wellness Center replacing the current sign and exceeding the 60 square foot area maximum.

*We find the conditions related to the allowance of a larger monument entrance sign is due to the property's limited options for placement of a second sign which creates a practical difficulty. The site will be developed to contain three (3) buildings and the current sign is designed to accommodate only one (1) building. Further, a second sign although permissible, would not be visible from Baker Road at any location other than the existing location. In order to provide adequate signage for the entire development and its tenants, a larger sign is necessary to provide visibility of all the tenants along Baker Road.*

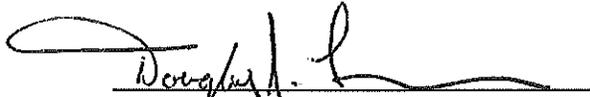
2. To allow a second (additional) ground sign at the entrance of the Wellness Center depicting artwork.

*We find the conditions related to allowing an additional monument sign at the entrance to the Wellness Center to be unique to the development and use. The signage will not display any words or advertise any product; it will be placed as a point of interest to aesthetically enhance the Wellness Center entrance. Further, the placement of the second ground sign will be setback approximately 300 feet from Baker Road and will not impose a traffic hazard or endanger public safety.*

3. To allow directional signage to contain a logo.

*We find based upon the existing directional signage for the pharmacy located within the development containing their logo. A precedent has been set at this location to allow logos*

*on directional signage within the Dexter Town Center Development, and would provide substantial justice based upon the existing directional signage for the pharmacy.*

  
CARLISLE/WORTMAN ASSOC., INC.  
Douglas J. Lewan, PCP, AICP  
Principal

  
CARLISLE/WORTMAN ASSOC., INC.  
Laura K. Kreps, AICP



**VILLAGE OF DEXTER**  
**ZONING BOARD OF APPEALS APPLICATION**

1. Compliance with the strict letter of the restrictions governing area, setbacks, frontage, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity with such restrictions unnecessarily burdensome,
2. Granting the variance would do substantial justice to the applicant as well as other property owners in the district; or granting some portion of the variance would give substantial relief to the owner and be more consistent with justice to other property owners,
3. The plight of the land owner is due to unique circumstances of the property, and
4. The problem is not self-created.

This application and a site plan must be filed at least 4 weeks prior to the public hearing. Call the Village Zoning Office at 734-426-8303 ext. 2 for meeting dates and deadlines.

  
\_\_\_\_\_  
Owner or Applicant Signature

9/17/12  
\_\_\_\_\_  
Date

\*\*\*\*\*OFFICE USE ONLY\*\*\*\*\*

Regulations (Ordinance Sections) to be waived: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Code Requirement: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Proposal: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Planning Commission Action: N/A

Date: \_\_\_\_\_

Village Council Action: N/A

Date: \_\_\_\_\_

Zoning Board Appeals Action: \_\_\_\_\_

Date: \_\_\_\_\_

**APPROVAL STAMP**



**REQUEST FOR SIGNAGE VARIANCE**

**2810 Baker Road  
Dexter, MI 48130**



**EXISTING MONUMENT SIGN**  
Routed aluminum D/F illuminated sign for the development.

Dimensions:  
4' tall x 10' wide on a  
2' tall brick base  
*Total Height is 6'*

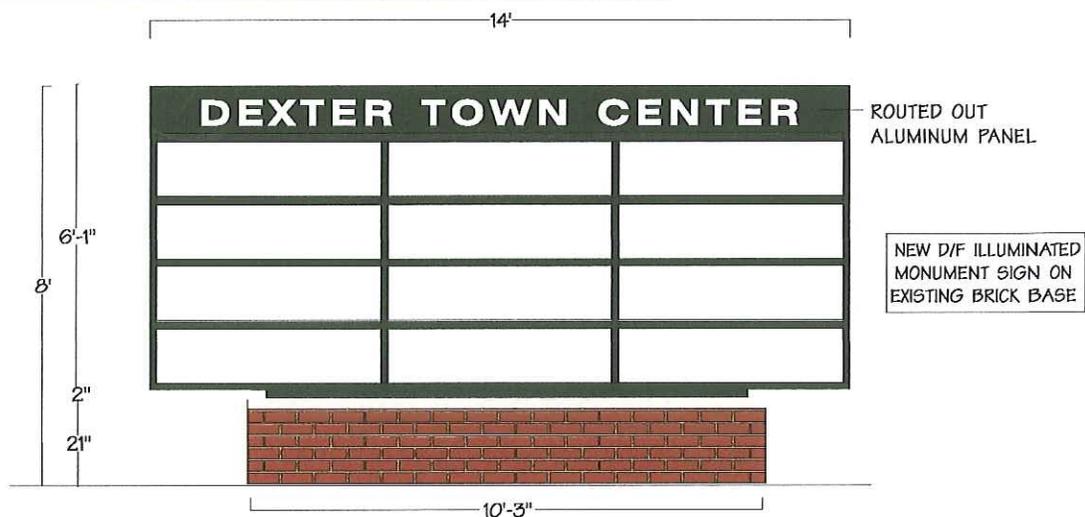


**PROPOSED MONUMENT SIGN**  
Variance requested for a larger sign at this location to accommodate the growing number of buildings and tenants in the development.

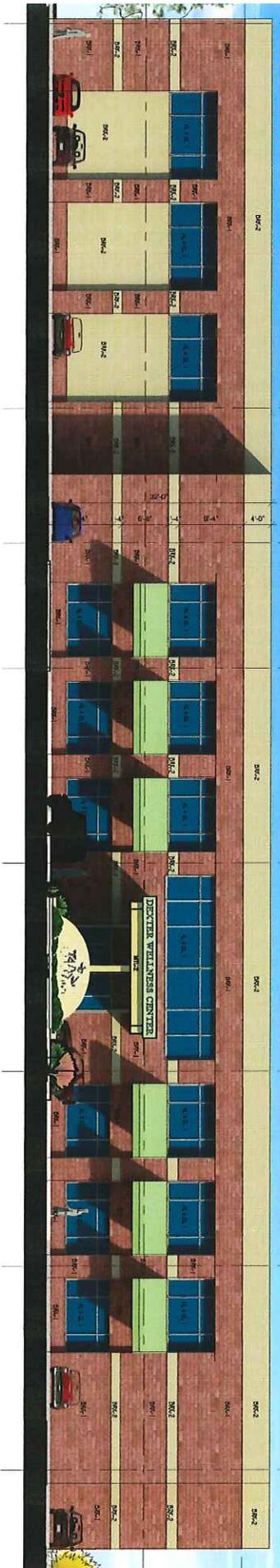
The proposed sign will utilize the existing brick base.

Proposed Dimensions:  
6' tall x 14' wide on a  
2' tall brick base  
*Total Height is 8'*

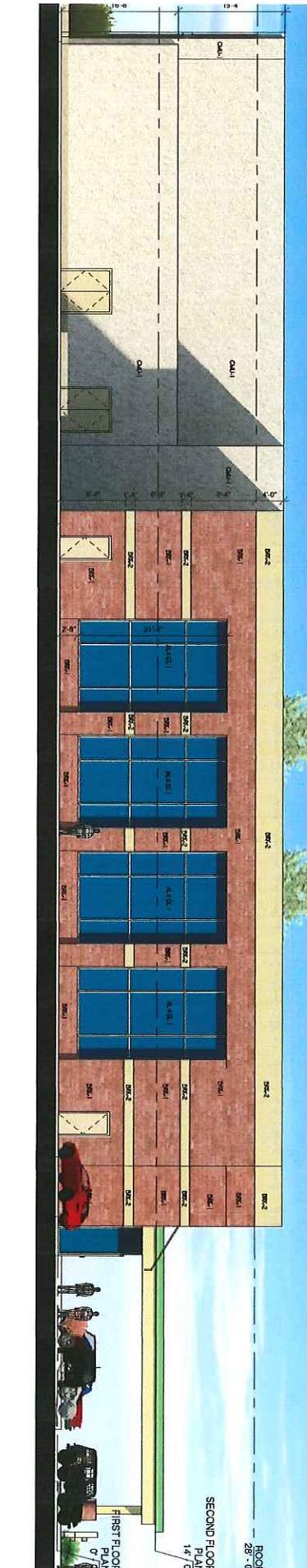
BAW



# North Elevation



# West Elevation



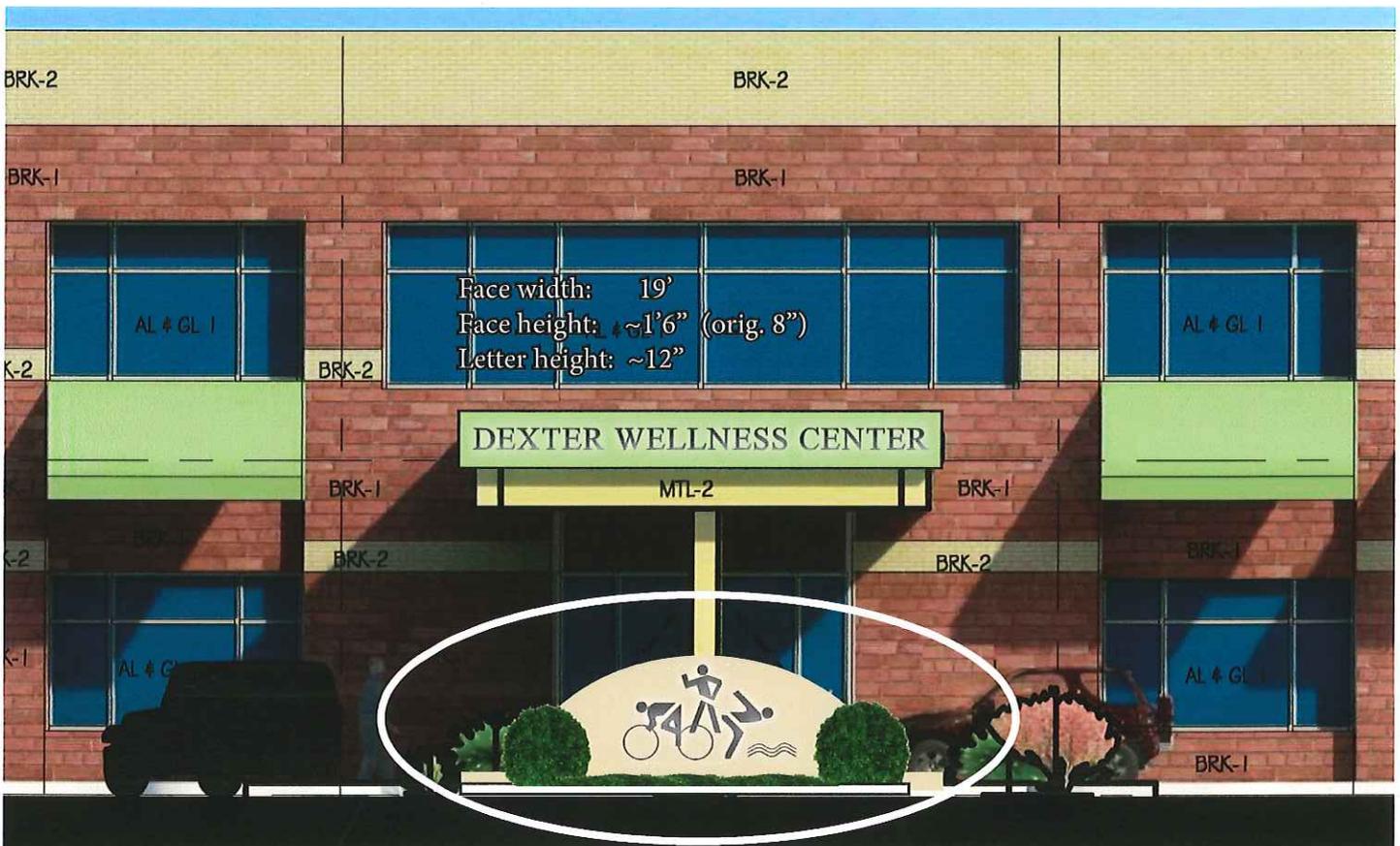
## REQUEST FOR SIGNAGE VARIANCE

2810 Baker Road  
Dexter, MI 48130

### **ARTWORK AS POINT OF INTEREST at entry of the Dexter Wellness Center**

We request approval of the artwork shown below at the entrance of the Dexter Wellness Center. The artwork serves as a point of interest for those approaching the building's entrance.

The approved signage on the parking canopy serves as the identifier for the building. The proposed artwork will be displayed at ground level and is set back approximately 300 feet from Baker Road. The artwork is neither intended to identify the facility, nor to direct people to the wellness center. It is purely an aesthetic point of interest.



#### **ARTWORK on half-moon wall:**

- artwork is fabricated aluminum or similar material
- illuminated by landscape lighting
- dimensions of artwork approximately 4'0" h x 6'9" w  
approximate area: 27 square feet

**REQUEST FOR SIGNAGE VARIANCE**

2810 Baker Road  
Dexter, MI 48130

**DIRECTIONAL SIGN for Physical Therapy Tenant of the Wellness Center Building**

Michigan Rehabilitation Specialists Physical Therapy is a current tenant of the pharmacy building. Upon completion of the Dexter Wellness Center they will relocate their practice to the Wellness Center. A directional sign at the location noted on the attached site plan would be approved through the standard sign permit application process.

We are requesting a variance to include the tenant's logo on the sign. The existing directional sign for the pharmacy's drive thru includes their logo and we request the same variance.

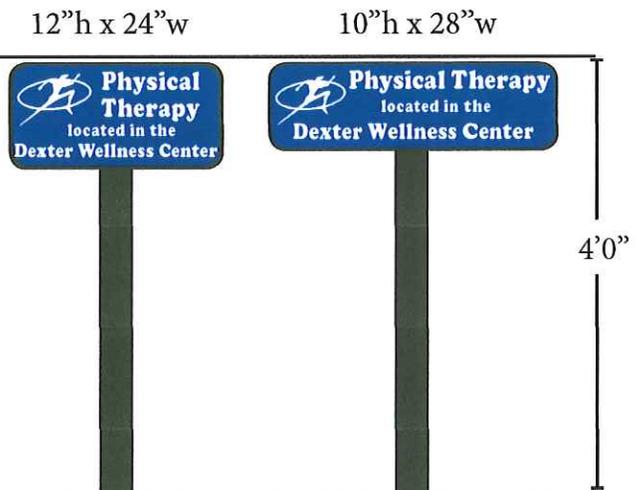
**EXISTING DIRECTIONAL SIGN  
for Dexter Pharmacy**  
Internally illuminated sign.

*Total Height is 4'*

This sign will remain on the property.

**PROPOSED DIRECTIONAL SIGN  
for Physical Therapy tenant in the Dexter  
Wellness Center**  
Internally illuminated sign.

Variance requested to include tenant logo.



## REQUEST FOR SIGNAGE VARIANCE

2810 Baker Road  
Dexter, MI 48130

### **MONUMENT SIGN AT BAKER ROAD**

The Dexter Town Center property at 2810 Baker Road is large enough that two (2) freestanding ground signs at 42 square feet each, 6 foot maximum height, would be allowed through the standard sign permit application process. We are requesting a variance to allow the total square footage of those two signs to be combined into one sign for the development. *Section 7.03(1)D* The proposed sign would utilize the existing brick base and would be 84 square feet in area.

The development currently has one sign at the drive approach providing signage for the existing building and its tenants. With two additional buildings, each with multiple tenants, there is a need to provide signage to support these businesses.

Due to the layout of the property (ref. Site Plan) and the single drive approach, the best location for the proposed sign is in its existing location. We are asking to increase the size of the sign to include all three buildings and their tenants.

The option of placing a second sign opposite the existing sign was explored. The reasoning for this option to be dismissed included:

- (1) Two signs, each displaying different information, placed directly opposite one another limits visibility and clarity for traffic on Baker Road and for patrons entering the development.
- (2) When the third building is constructed in compliance with the required setbacks, the second sign would have very limited visibility.
- (3) The Planning Commission has recognized the need for increased signage at larger developments, as in Case #2012-01 LaFontaine Chevrolet at 7120 Dexter Ann Arbor Road.

As illustrated on following pages the larger sign would be divided into thirds, providing one third of the sign for each building. Each third may be divided as necessary for tenants within the building and, as shown, would provide signage for up to four tenants in each building.

### **A. Criteria Applicable to Variances, Appeals and Exceptions**

**1. Practical Difficulties** Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create practical difficulties, unreasonably prevent the use of the property for a permitted purpose, or render conformity with such restrictions unnecessarily burdensome.

The property's current sign provides space for four tenants in one building. A second sign of equal size, though permissible, would not be visible from Baker Road at any location other than the existing location. To provide adequate signage for the entire development and its tenants, we are asking to double the size of the sign to accommodate triple the number of buildings. The total square footage permissible for this property as ground signage is 84 square feet. We are requesting one (1) 84 square foot sign to accommodate these new local businesses.

## **REQUEST FOR SIGNAGE VARIANCE**

**2810 Baker Road**

**Dexter, MI 48130**

**2. Substantial Justice** Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district.

Given the particular property's limited options for placement of a second sign, the fact that the development will include three buildings (one of which is notably set back from Baker Road) and that the current size of the sign accommodates only one building, we request that the square footage of two (2) 42 square foot signs be combined to one sign. Each building and its tenants need to be adequately represented as local businesses.

### **3. Public Safety and Welfare**

Granting the requested variance would in no way impact public safety or welfare. The proposed sign would remain in the existing location and maintain a visual aesthetic comparable to the existing sign.

**4. Extraordinary Circumstances** There are exceptional or extraordinary circumstances or conditions applicable to the property involved.

The development was approved for only one drive approach leading to all three buildings, and the particular layout of the property does not offer a viable location for a second sign. Therefore we are submitting this request to increase the size of the existing sign to accommodate the additional two buildings.

**5. No Safety Hazard or Nuisance** The granting of a variance or appeal will not increase the hazard of fire or otherwise endanger public safety or create a public nuisance.

Granting the requested variance would in no way increase the hazard of fire or endanger public safety. The proposed sign would remain in the existing location and maintain a visual aesthetic comparable to the existing sign.

**6. Relationship to Adjacent Land Uses** The development permitted upon granting of a variance shall relate harmoniously in a physical and economic sense with adjacent land uses and will not alter the essential character of the neighborhood. In evaluating this criterion, consideration shall be given to prevailing shopping patterns, convenience of access for patrons, continuity of development, and the need for particular services and facilities in specific areas of the Village.

Granting the requested variance would in no way alter traffic patterns or character of the development and its adjacent properties. The proposed sign would remain in the existing location and maintain a visual aesthetic comparable to the existing sign. The fabrication and illumination of the proposed sign will be the same as the existing sign.