

**CITY OF DEXTER
ZONING BOARD OF APPEALS
7720 Ann Arbor Street
Dexter Senior Center
Tuesday, February 21, 7:00 pm**

A. CALL TO ORDER – The meeting was called to order at 7:00 PM by Chairman Phil Mekas, at the Dexter Senior Center, located at 7720 Ann Arbor St, Dexter, MI.

B. ROLL CALL –MEMBERS PRESENT:

P. Mekas, Chair	C. Wallaker	S. Hansen
M. Schmid – PC Rep.	J. Rush	

Also present were Michelle Aniol, Community Development Manager; Courtney Nicholls, City Manager; Allison Bishop of SPB Equities II, LLC., and Omar Salamen DDS of Dexter Oral Surgery & Implant Center.

C. APPROVAL OF MINUTES –Motion by Rush, second by Hansen to adopt the minutes of the December 19, 2016, as presented.
Unanimous voice vote approval.

D. APPROVAL OF THE AGENDA –Motion by Hansen, second by Schmid, to approve the agenda with the addition of the letter received in support of the variance by Anya Cobler and Omar Salamen, DDS.
Unanimous voice vote approval.

E. STAFF REPORT – Included in the packet – no questions were asked.

F. SITE INSPECTION (Conduct on own)

G. PUBLIC HEARING -

Order for Public Hearings

- a. Chair introduces the case.
- b. Staff presentation.
- c. Petitioner’s presentation.
- d. Chair opens the public hearing.
- e. Public comment (State name and address).
- f. Rebuttal by petitioner (At chairman’s discretion).
- g. Chair closes the public hearing.
- h. Chair opens the business session.

1. AP2016.17-20 ZBA Sign Setback Variance Request for 7200 Dan Hoey Road (parcel ID numbers: 08-08-05-380-000, 08-08-05-380-001, 08-08-05-380-002, 08-08-05-380-503, 08-08-05-380-513, 08-08-05-380-004, 08-08-05-380-005, and 08-08-05-380-006). **Pg. 11-25**

Applicant: Dexter Commerce Center Association

Chairman Mekas introduced the request and asked that Ms. Aniol describe the pertinent information.

The applicant is requesting the following variances from Section 7.03(1) to allow the erection of a ground sign approximately 80 east of the west entrance to the site:

- 10-foot variance from the required 10-foot setback from the planned Dan Hoey Road right-of-way, to allow a 0-foot setback from the planned road right-of-way; and
- 15-foot variance from the 15-foot required setback from the property line, along Dan Hoey Road, to allow a 0-foot setback from the property line.

Ms. Aniol then presented her review of the variance criteria, including practical difficulty, substantial justice, public safety and welfare, extraordinary circumstances, no safety hazard or nuisance, and relationship to adjacent land uses.

Members of the Zoning Board of Appeals asked questions of staff regarding the variance:

- Q: Does granting the 7225 Dan Hoey variance have an impact on the review of the 7200 Dan Hoey variance? (No, variances do not set a precedent.)
- Q: Has documentation on whether the sign at DAPCO was legally permitted been discovered? (No documentation has been found.)
- Q: Does the fact that this was originally developed as a 3 building development (including the bank and gas station) have an impact on the sign area calculation (i.e. does the gas station sign count against the area available for the commerce center)? (No, because the development was phased and has different ownership, the signs for the three locations are considered independently.)
- Q: Is there room on the sign for a new tenant/owner or will another variance be requested? (The sign is designed to have a spot for all units.)
- Comment: Member Wallaker indicated that Dr. Traynor of Beacon Dental, whose office is located in this complex, is his dentist, but he does not feel that would unduly influence his vote.

Allison Bishop of SPB Equities spoke on behalf of the Dexter Commerce Center Association. She stated that the units in the complex are available to rent or to own. In the past the units have been mostly rental, however recently they have become increasingly owner occupied. These businesses are investing in the community. The owners/tenants decided to pursue the variance to have the sign in the proposed location because they believe it meets the intent of the sign ordinance, and is appropriate due to the width of the right of way and would make sense from a functional and esthetic perspective.

- Q: Is there an area on the property where the sign could be placed without a variance? (Applicant stated that the location that could work would be closer to the corner, could require tree removal, has utility conflicts, may impact site distance, and would likely be on a declining grade.)
- Comment: Having the sign in the middle of the property means it can be seen from all directions for people using both entrances. Creates equality for both entrances.
- Comment: The owners of the property paid their fee and asked for the sign to be placed in this location; is a matter of visual fairness with the sign across the street; does not seem like a variance that is threatening.
- Comment: Other signs approved by the ZBA do not set precedents.
- Comment: Having the sign in the middle puts the building directly behind the sign which provides a clear visual relationship between the sign and the mass of the building.
- Comment: The applicant seems to have written their request more to support a ground sign, rather than to demonstrate why the permitted location would not work.
- Comment: The storm water basin isn't really preventing the sign from where it would be permitted to go.
- Comment: If the sign is placed in the permitted location it could be impacted by snow removal, which is why it is better to be further from the corner.
- Comment: Board needs to know why one location works better than the other and whether utility conflicts exist that prevent it from going in the permitted location.

Chairman Mekas opened the public hearing at 7:49 p.m.

Mr. Omar Salamen, DDS of 7200 Dan Hoey Suite A spoke in favor of the variance. He is an oral surgeon at Dexter Oral Surgery & Implant Center. He stated that his competition is across the street and he has had patients mistakenly go to that building due to the lack of signage. He believes that placing the sign in the middle of the property will help to catch people's

eye and that having it closer to one entrance could create a danger to pedestrians because the driver will be looking for the sign not watching the road.

Chairman Mekas closed the public hearing at 7:51 p.m.

Motion by Rush, with support by Schmid to **postpone** AP2016.17-20 ZBA Sign Setback Variance until March 7, 2017 to allow the applicant time to address the following items:

- Put visual identifiers on the property to show the location of the proposed sign and the location of the conforming sign.
- Provide a written explanation with detailed reasons why the conforming location will not work.

Ayes: Schmid, Rush, Wallaker, Hansen, Mekas

Nays: None

Absent: None

- H. ADJOURNMENT** – Motion by Schmid, support by Wallaker to adjourn the meeting at 8:15 pm. Motion carried by unanimous voice vote.

Respectfully submitted by:

Courtney Nicholls
City Manager

Approved for filing: March 7, 2017