



ZONING BOARD OF APPEALS AGENDA

December 14, 2023
Regular Meeting - 7:00 PM

- 1) **CALL TO ORDER**
- 2) **ROLL CALL**
- 3) **PLEDGE OF ALLEGIANCE**
- 4) **APPROVAL OF AGENDA** - Items can be added or deleted from the Agenda by City Council action.
- 5) **APPROVAL OF MINUTES** - Items can be added or deleted from the Agenda by board action.
- 6) **PUBLIC COMMENT ON AGENDA ITEMS** Persons addressing the board are required to give their name and address for the record when called upon by the Chair. Members of the public shall be limited to speaking for a maximum of five (5) minutes. Comments should address AGENDA ITEM topics. Public Hearing items should be addressed during the PUBLIC HEARING portion of the meeting agenda. Non-Agenda items should be addressed during the PUBLIC COMMENT-NON-AGENDA ITEMS portion of the meeting agenda.
- 7) **PUBLIC HEARINGS & SUBSEQUENT BOARD ACTION**
 - A. **ZBA CASE #23.05- USE VARIANCE REQUEST- 1114 WEST MICHIGAN AVENUE**
- 8) **OLD BUSINESS**
- 9) **REPORTS AND RECOMMENDATIONS/NEW BUSINESS**
- 10) **PUBLIC COMMENT ON NON-AGENDA ITEMS** Persons addressing the board are required to give their name and address for the record when called upon by the Chair. Members of the public shall be limited to speaking for a maximum of five (5) minutes. Comments should address NON-AGENDA ITEM topics. Public Hearing items should be addressed during the PUBLIC HEARING portion of the meeting agenda. Agenda items should be addressed during the PUBLIC COMMENT-AGENDA ITEMS portion of the meeting agenda.
- 11) **BOARD REPORTS**
- 12) **ADJOURNMENT**



ITEM 7.A

TO: Zoning Board of Appeals
FROM: Eric Zuzga, Director of Community Services
DATE: December 14, 2023
SUBJECT: **ZBA CASE #23.05- USE VARIANCE REQUEST- 1114 WEST MICHIGAN AVENUE**

Property Zoning: B-4
Owner: Consumers Credit Union
Address: 1114 West Michigan Avenue
Parcel: #53-004-912-01

Request: Use variance to allow a drive-through ITM in the B-4 Zoning District and a dimensional variance to allow a larger message board sign than allowed by the zoning ordinance.

VARIANCE HISTORY

No variance history for this property.

BACKGROUND

This case was noticed in accordance with the Michigan Zoning Enabling Act of 2006, section 125.3103: *Notice; publication; mail or personal delivery; requirements*. The newspaper published the notice on November 25, 2023, and notices were sent to all property owners within 300 feet. Since sending out the notice, no letters or comments have been received by city staff. The following is a map of the property in question.



CASE ANALYSIS

The applicant, Consumers Credit Union, is seeking relief from requirement section: **3.1.10 B-4 Regional Commercial District Uses**. The owner is seeking a Use Variance to develop this property for the development of a 1,185 sq ft. Financial Institution with a drive-through ITM. Currently, banks and financial institutions with accessory drive-through facilities are only allowed as a special land use in the POSD zoning district.

Staff feels rezoning this property is not a favorable option and would create more of a spot zoning issue; therefore, feels the requesting a Use variance is the best route to pursue. Staff feels a Financial Institution is directly in line with the intent of the B-4 zoning district. The intent of the B-4 Zoning District is as follows:

The B-4 Regional Commercial district is intended to alleviate undue traffic congestion, promote efficient traffic flow, and provide an appropriate location for commercial and service-oriented uses which serve the needs of persons traveling and to a lesser extent the community's immediate population.

The approval of a use variance requires a super-majority vote from the board (4 approving votes). Use variances have different criteria based on unnecessary hardship, while the less intense dimensional variance, requires practical difficulty.

Furthermore, according to case law dealing with variances, it is important that the board consider the safety, health and welfare of the public when considering a use variance. In other words, the board should consider whether or not the use was zoned out of the district because it would create an adverse impact on surrounding properties. Furthermore, the board should consider whether or not a use variance is the appropriate action for the request, above and beyond all other options. Staff has determined, in this case, that a use variance was the most appropriate action due to the fact that banks and financial institutions are only allowed in the POSD district in Marshall and it would not be appropriate to have only one property in the area zoned differently as a POSD (a possible spot zoning).

The board is being asked to consider approving a use variance to allow a financial institution with a drive-through at 1114 West Michigan Avenue. Use variances require a finding of unnecessary hardship. However, due to our previous discussions on the need to add financial institutions with a drive-through to the special land use category in the B-4 District, I am not addressing each factor and am requesting that the Use Variance be granted.

DIMENSIONAL VARIANCE **CASE ANALYSIS**

The applicant has requested a dimensional variance from the sign requirements for message board signs. In the B-4 District, the Zoning Ordinance allows message boards to be no more than 12 square feet in the display area as part of a sign that is a maximum of 48 sq ft.

FINDING

The board is being asked to consider approving a variance from the area requirement in Section 5.1.3.E.ix, Ground Signs. Changeable Copy. Variances require a finding of practical difficulties, considering the following summarized criteria:

1. Strict compliance will deprive the applicant of rights enjoyed by others in the same zoning district, create an unnecessary burden on the applicant, or prevent the owner from using the property for a permitted purpose.

Strict compliance does not deprive the applicant of rights enjoyed by others.

2. The variance will do substantial justice to the applicant, as well as to other property owners, and a lesser variance than requested will not give substantial relief to the applicant.

The request will allow a larger sign to this applicant and will not impact other property owners.

3. The need for the variance is due to unique circumstances peculiar to the land or structures involved that are not applicable to other land or structures in the district.

The variance is not due to any unique circumstances.

4. The problem is not self-created.

The problem is self-created as the larger sign is desired for the new development.

5. The variance will not cause significant adverse impacts and not materially impair public health, safety, comfort, morals, or welfare.

The requested variance will not have any adverse impacts, nor will it impair public health, safety, comfort, morals, or welfare.

6. The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience or inability to attain a higher financial return.

There are no hardships or practical difficulties that will result from a failure to grant the variance other than the applicant would not have the larger sign they desire.

BUDGET IMPACT:

RECOMMENDATION:

Staff recommendation is to approve the Use Variance for the drive-through ITM. The sign variance does not meet the standards that are outlined in the zoning ordinance, but if the ZBA desires to grant the request, staff would not object. A recommendation is suggested to be made to the Planning Commission to consider the sizes in future ordinance updates.



Sign #1

Double Faced Illuminated Monument Sign

I.D. Sign Cabinet
Custom fabricated .100 aluminum.
Paint with GripGard EFX semi-gloss enamel.
3" .118 White polycarbonate reveal with applied pressure sensitive vinyl.

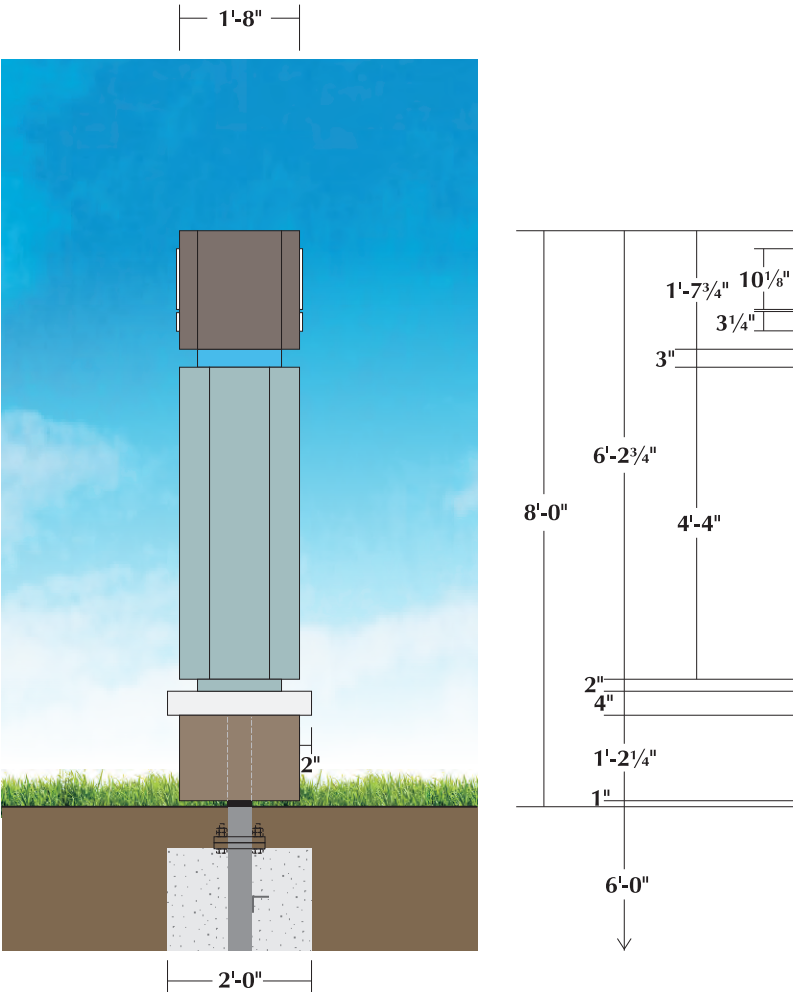
Faces
Precision routed .100 aluminum backed with 3/4" white push-thru acrylic.
Applied pressure sensitive vinyl.

LED Message Center
Custom WatchFire 10mm full color LED message centers.
2" Aluminum reveal.
Paint with GripGard EFX semi-gloss enamel.

Electrical/Illumination
White LEDs powered by low-voltage power supplies.
Toggle disconnect.
1" Rigid electrical conduit and 8 gauge ground wire.

Base
.100 Aluminum cladding with cap.
Paint with GripGard EFX semi-gloss enamel.

Support/Foundation
4" x 4" x .250" Steel support tube.
Standard 1" thick steel plates.
2'-0" x 6'-0" Deep augered concrete footing.



Sign #1 — Double Faced Illuminated Monument Sign

Scale: 3/8" = 1'-0"

Anodic Bronze

To Match Limestone

White

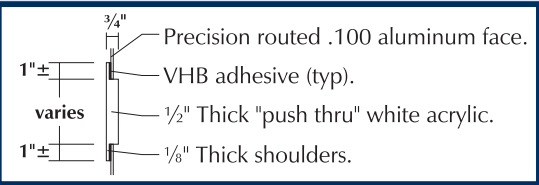
PMS #5507 Grey

FDC #108 Light Baby Blue

PMS Warm Grey #9



Night Time View



Push Thru Acrylic Detail

Square Footage	
Sign #1	6'-2 3/4" x 8'-1/4" = 49.96 Sq.Ft.



This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



Sign #2

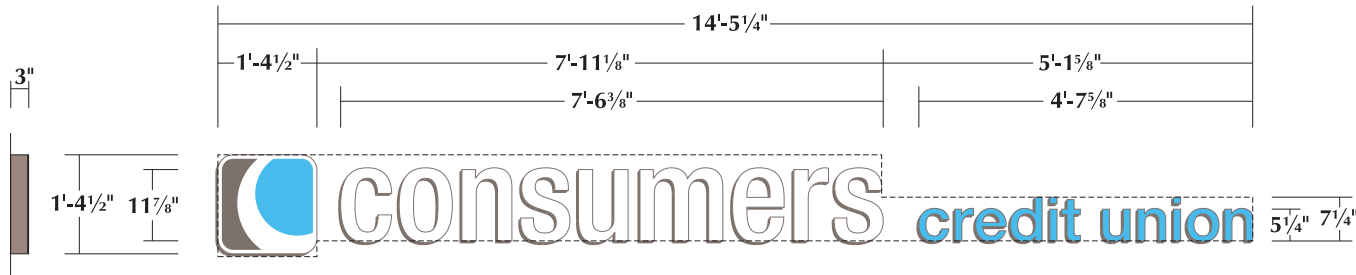
Face and Edge Illuminated Channel Letters

Construction
3" Deep, .040 aluminum returns.
3mm ACM backs.
Paint with GripGard EFX semi-gloss enamel.

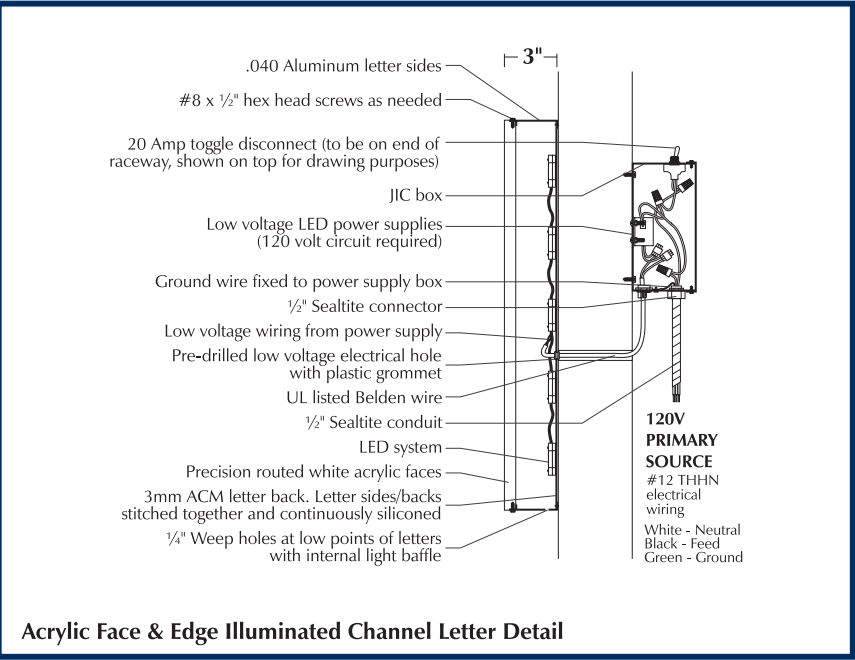
Faces
Precision routed 1/2" white acrylic (1/8" exposed edge).
Applied pressure sensitive vinyl on first surface.

Electrical/Illumination
White LEDs powered by low voltage power supplies.

Mounting
Flush to building facade.



Night Time View



Acrylic Face & Edge Illuminated Channel Letter Detail

Sign #2 — Face and Edge Illuminated Channel Letters

Scale: 3/8" = 1'-0"

Note: Mounting method, access to area behind facade and location of low voltage power supplies located within enclosures to be verified.

White

FDC #108
Light Baby Blue

PMS Warm
Grey #9

Square Footage		
Logo	1'-4 1/2" x 1'-4 1/2" = 1.89	Sq.Ft.
'consumers'	11 7/8" x 7'-6 3/8" = 7.45	Sq.Ft.
'credit union'	7 1/4" x 4'-7 5/8" = 2.80	Sq.Ft.
Total	12.14	Sq.Ft.

UL
LISTED

ELECTRIC
SIGN

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



Sign #3

Raceway Mounted Face and Edge Illuminated Channel Letters

Construction
3" Deep, .040 aluminum returns.
3mm ACM backs.
Paint with GripGard EFX semi-gloss enamel.

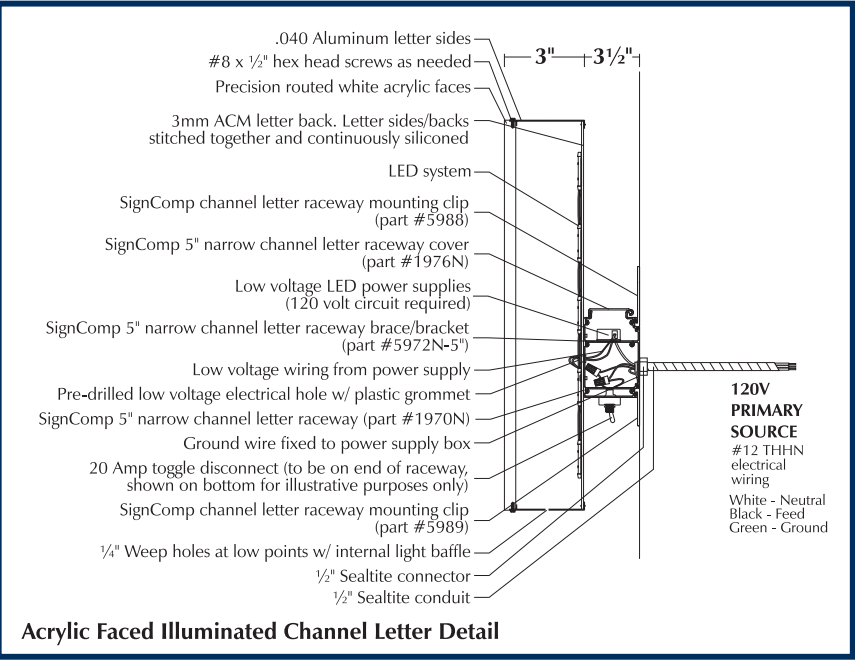
Faces
Precision routed 1/2" white acrylic (1/8" exposed edge).
Applied pressure sensitive vinyl on first surface.

Electrical/Illumination
White LEDs powered by low voltage power supplies.

Raceway
3 1/2" x 5 1/2" SignComp #1970N/#1976N aluminum raceway/cover mounted to facade.
SignComp #5988/#5989 mounting clip.
Paint with GripGard EFX semi-gloss enamel.



Night Time View



Sign #3 — Raceway Mounted Face and Edge Illuminated Channel Letters

Scale: 3/8" = 1'-0"

Note: Mounting method, access to area behind facade and location of low voltage power supplies located within enclosures to be verified.

Painted To Match Facade

White

FDC #108
Light Baby Blue

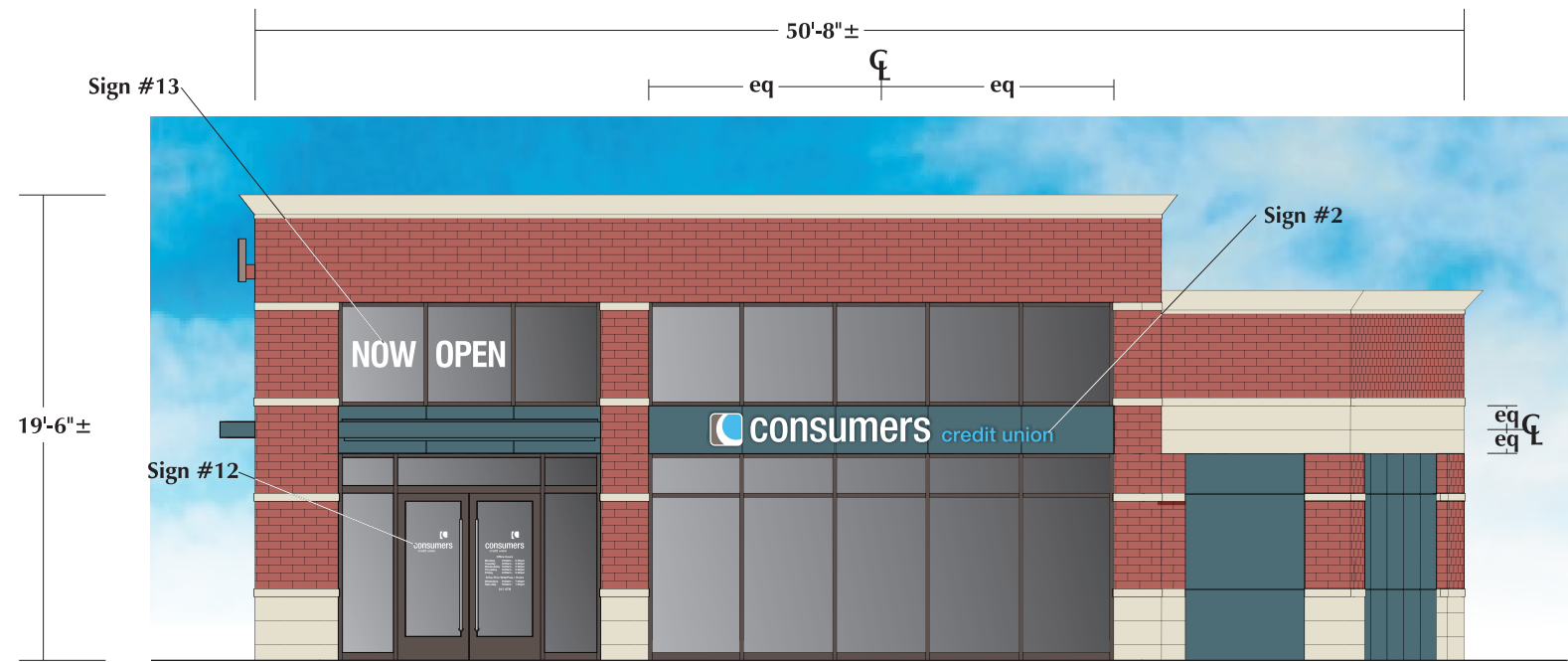
PMS Warm Grey #9

Square Footage	
Logo	1'-4 1/2" x 1'-4 1/2" = 1.89 Sq.Ft.
'consumers'	11 7/8" x 7'-6 3/8" = 7.45 Sq.Ft.
'credit union'	7 1/4" x 4'-7 5/8" = 2.80 Sq.Ft.
Total	12.14 Sq.Ft.

UL LISTED

ELECTRIC SIGN

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



South Elevation

Scale: 1/8" = 1'-0"



East Elevation

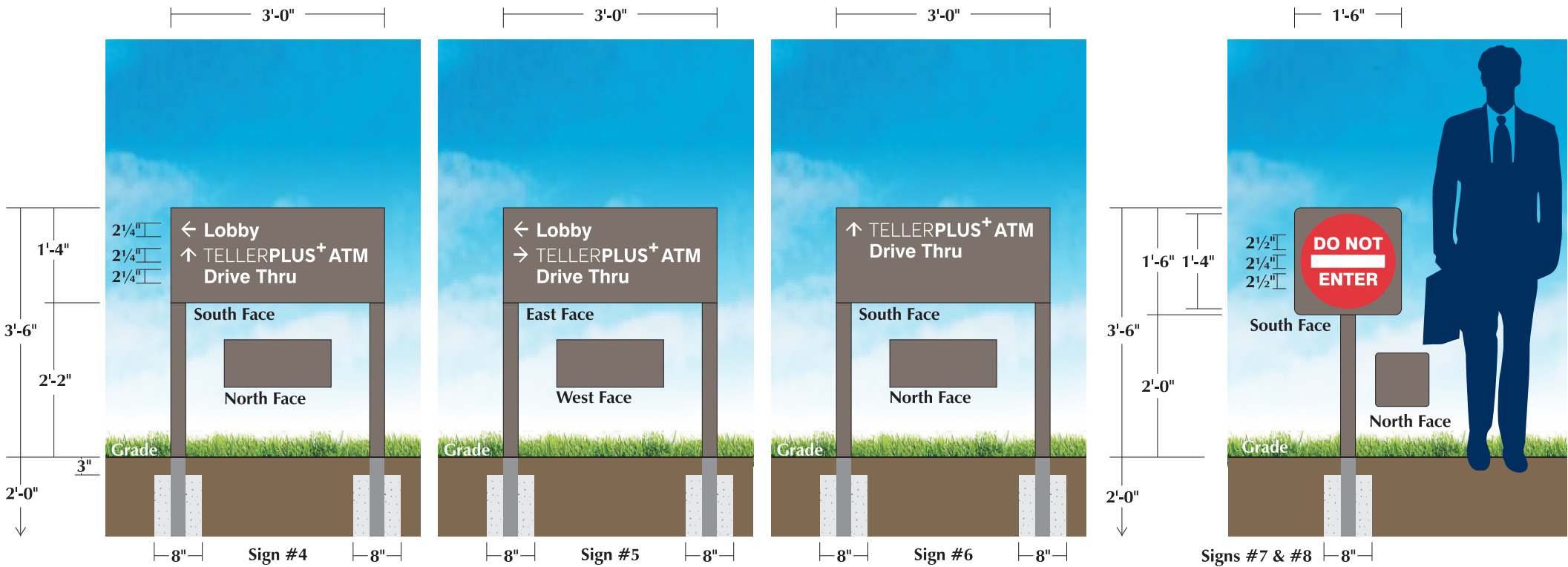
Scale: 1/8" = 1'-0"



Non-Illuminated Directional Signs

Faces
.100 Aluminum
Applied pressure sensitive vinyl.
Paint with GripGard EFX semi-gloss enamel.

Support/Foundation
2½" x 2½" x .125 Aluminum support tubes.
Paint with GripGard EFX semi-gloss enamel.
8" x 2'-0" Deep augered concrete footings.



Signs #4 – #8 — Non-Illuminated Directional Signs

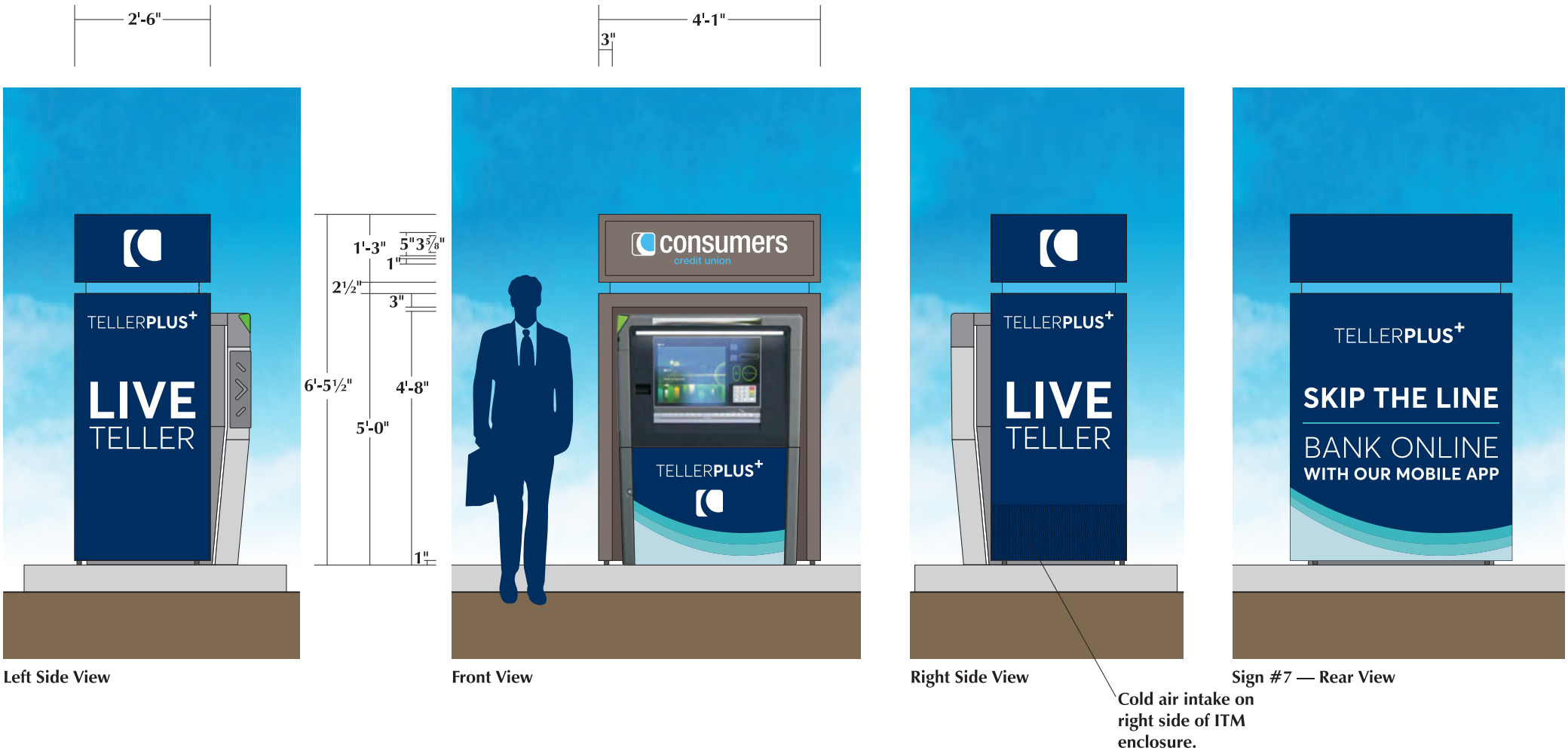
Scale: ½" = 1'-0"

Scotchlite
Reflective
White Vinyl

Scotchlite
Reflective
Red Vinyl

PMS Warm
Grey #9

Square Footage		
Signs #4 - #6	1'-4" x 3'-0" = 4.00	Sq.Ft.
Signs #7 & #8	1'-6" x 1'-6" = 2.25	Sq.Ft.



Left Side View

Front View

Right Side View

Sign #7 — Rear View

Sign #8 — Rear View

Sign #9 — ITM Enclosure

Scale: 3/8" = 1'-0"



ITM Enclosure

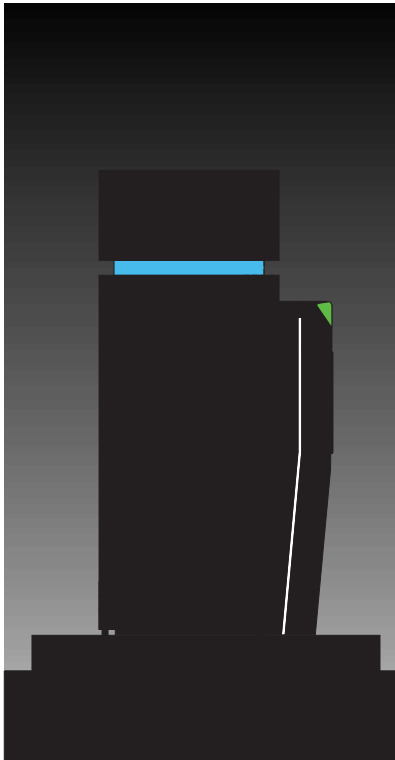
I.D. Sign Cabinet
Custom fabricated .100 aluminum with 1½" retainers.
2½" .118 White polycarbonate reveal.
Applied pressure sensitive vinyl.
Paint with GripGard EFX semi-gloss enamel.

I.D. Face
Flat translucent white polycarbonate painted on the first surface.
Applied pressure sensitive vinyl.

Enclosure
Custom fabricated .100 aluminum.
Applied digitally printed pressure sensitive vinyl.
Lower sides to have McNichols .100 perforated aluminum panels.

Electrical/Illumination
White LEDs powered by low voltage power supplies.
1" Rigid electrical conduit.

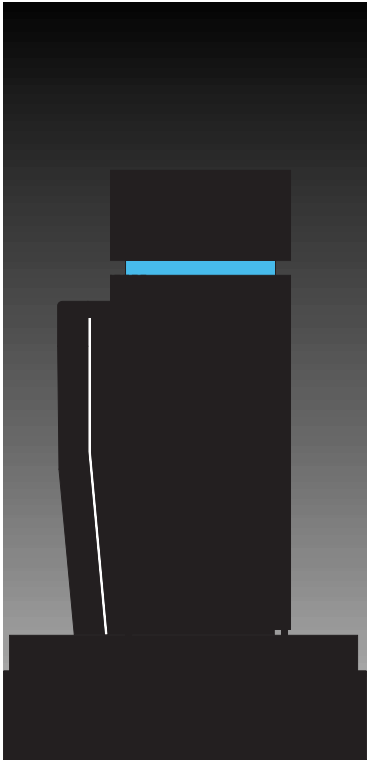




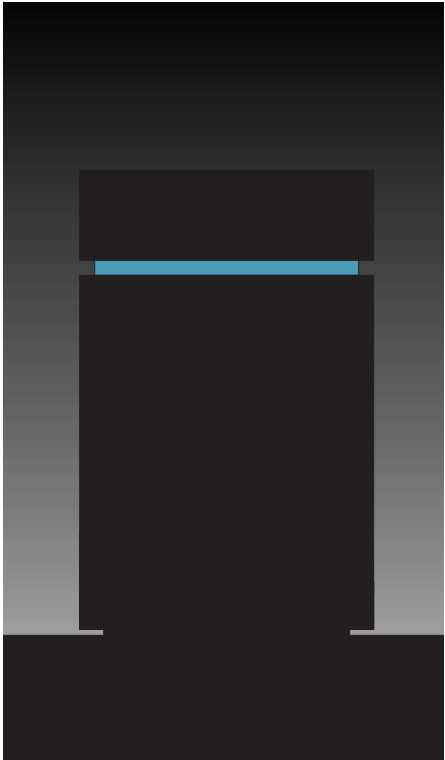
Left Side View



Front View



Right Side View



Rear View

Notes:

Sign #9 — ITM Enclosure

Scale: 3/8" = 1'-0"

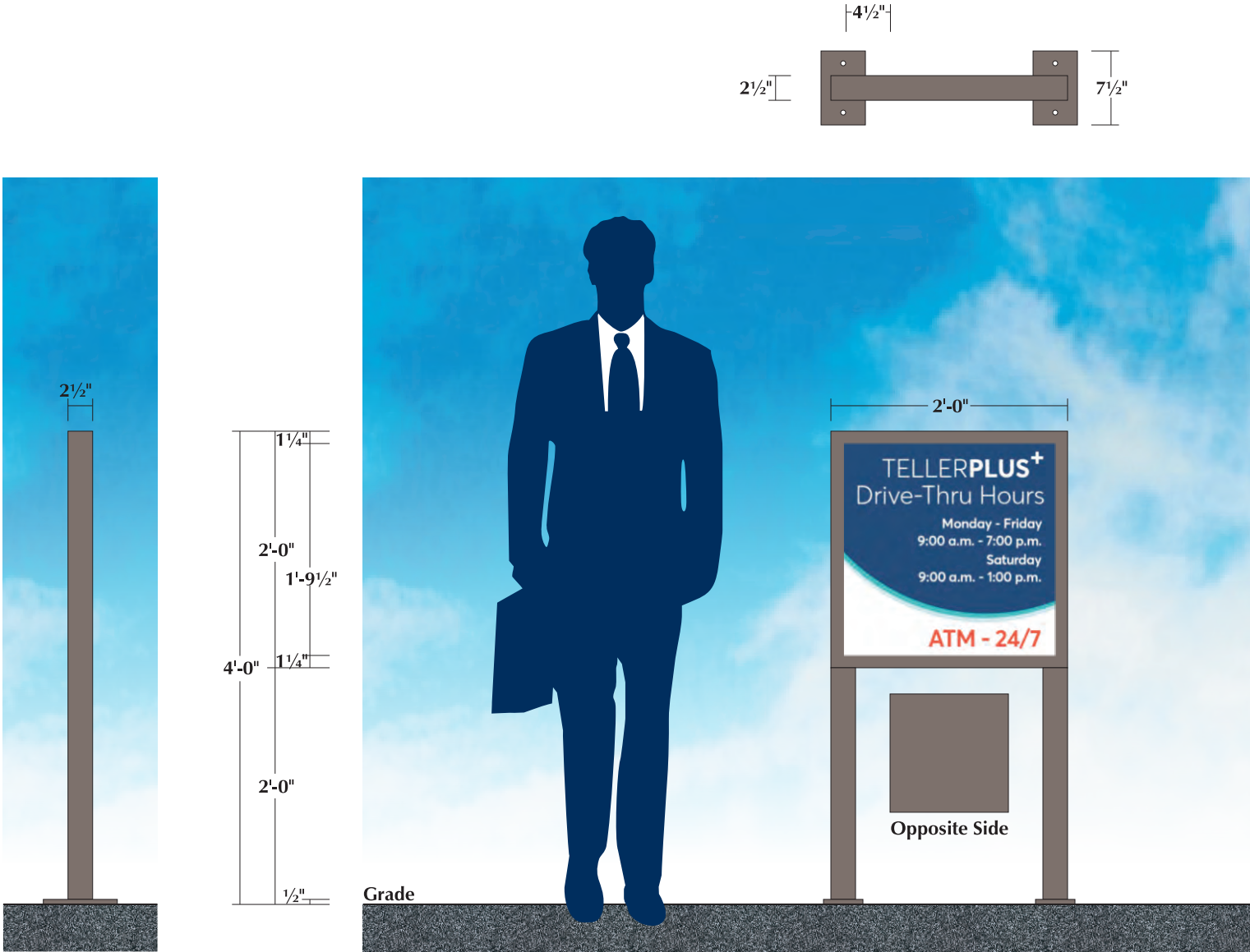


Sign #10

Non-Illuminated Single Faced ITM Drive Thru Signs

Faces
.100 Aluminum
Applied digitally printed pressure sensitive vinyl with U.V. overcoat.
Paint with GripGard EFX semi-gloss enamel.

Support/Foundation
2½" x 2½" x .125 Aluminum support tubes.
4½" x 7½" x ½" Aluminum base plates.
Paint with GripGard EFX semi-gloss enamel.



Sign #10 — Non-Illuminated Single Faced ITM Drive Thru Signs

Scale: ¾" = 1'-0"

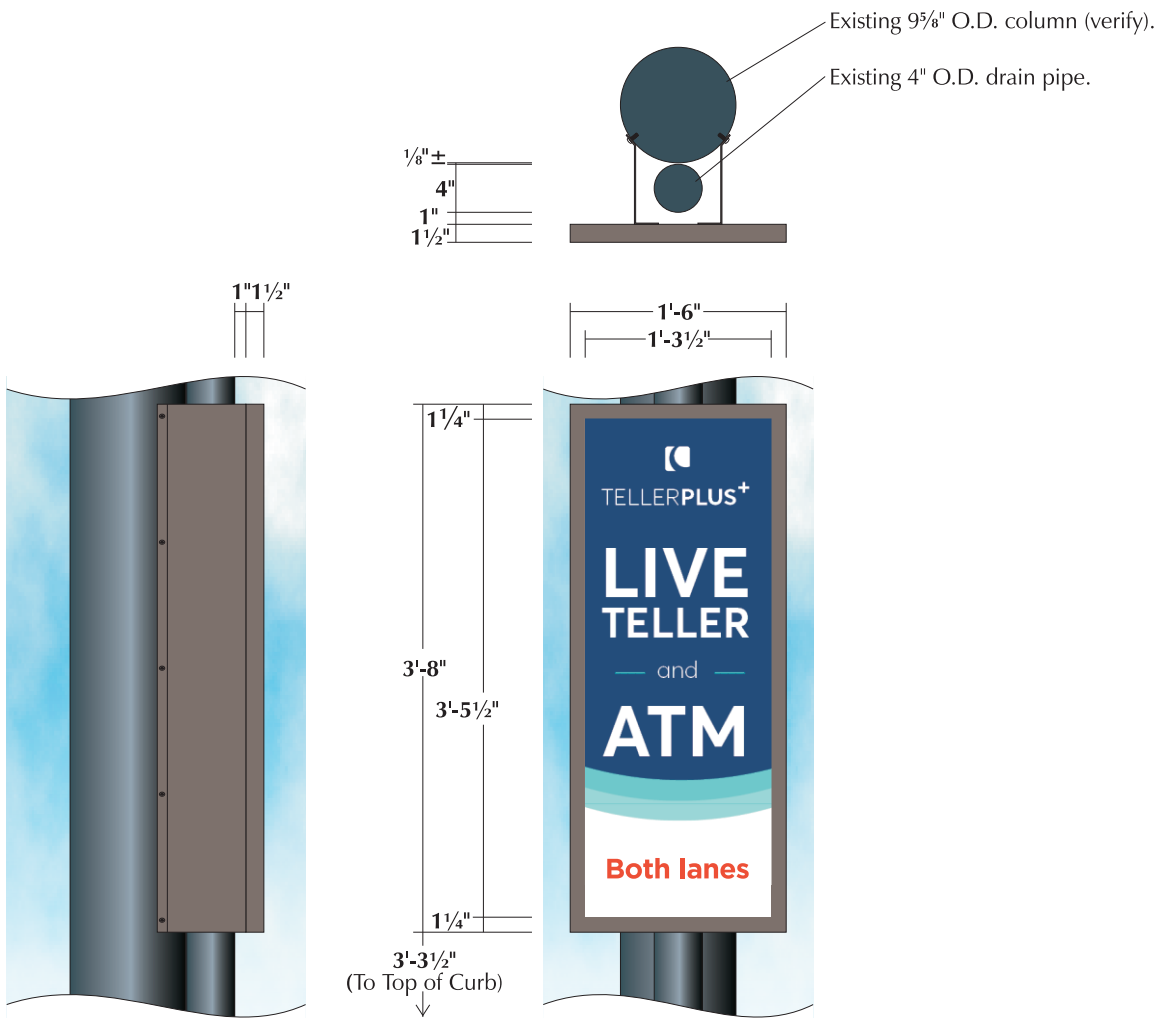


Square Footage	
Sign #10	1'-8¾" x 1'-8¾" = 2.99 Sq.Ft.

Non-Illuminated Single Faced ITM Drive Thru Sign

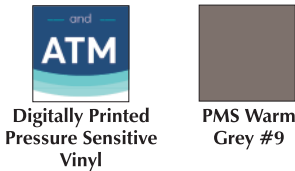
Construction
1½" Square tube frame.
.100 Aluminum face.
Applied digitally printed pressure sensitive vinyl with U.V. overcoat.
Paint with GripGard EFX semi-gloss enamel.

Mounting
Custom formed .100 aluminum brackets.
Paint with GripGard EFX semi-gloss enamel.
Fasten to column (fasteners and location of fasteners to be verified).



Sign #11 — Non-Illuminated Single Faced ITM Drive Thru Sign

Scale: ¾" = 1'-0"

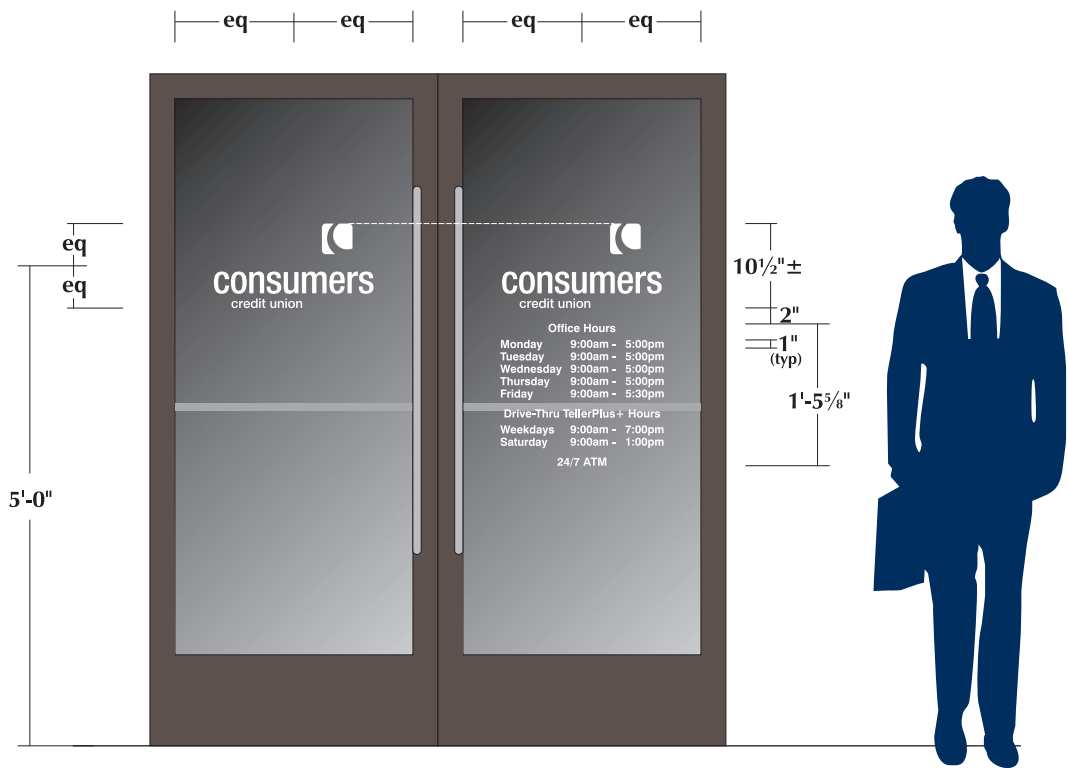




Door Vinyl

Applied opaque white pressure sensitive vinyl.

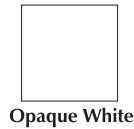
Note: Hours to be verified.



Sign #12 — Door Vinyl

Scale: 1/2" = 1'-0"

Note: Door dimensions to be verified prior to production. Branch hours to be verified prior to production.

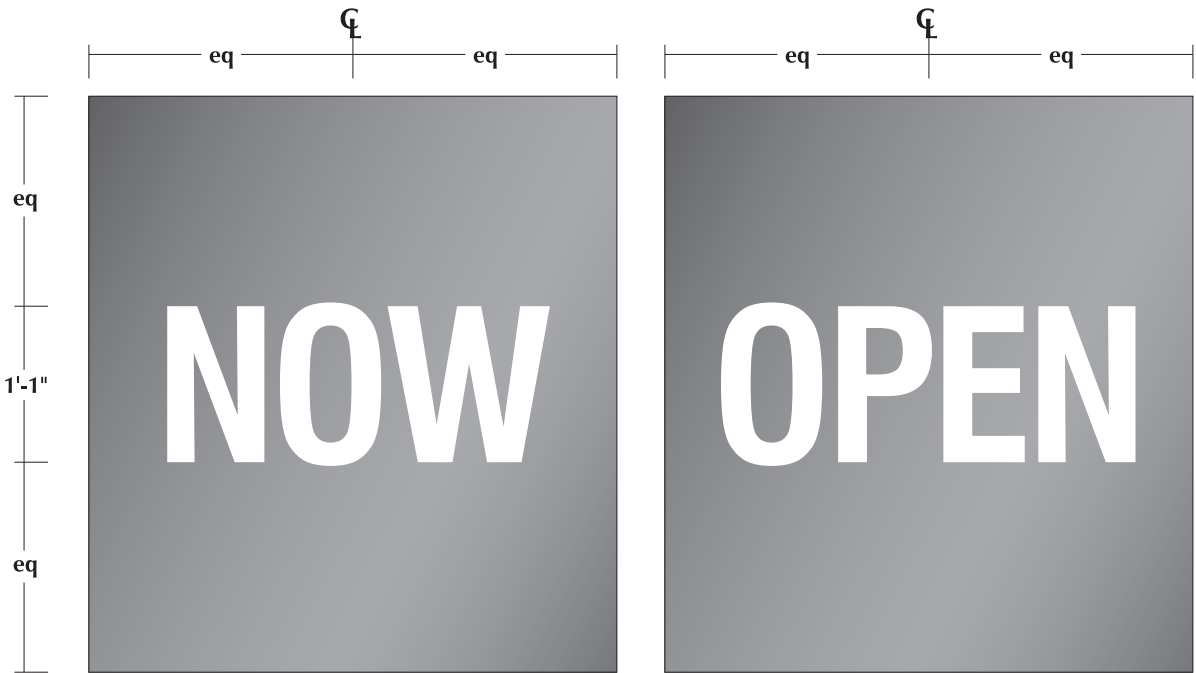




Signs #13 & #14

Window Vinyl

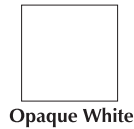
Applied opaque white pressure sensitive vinyl.

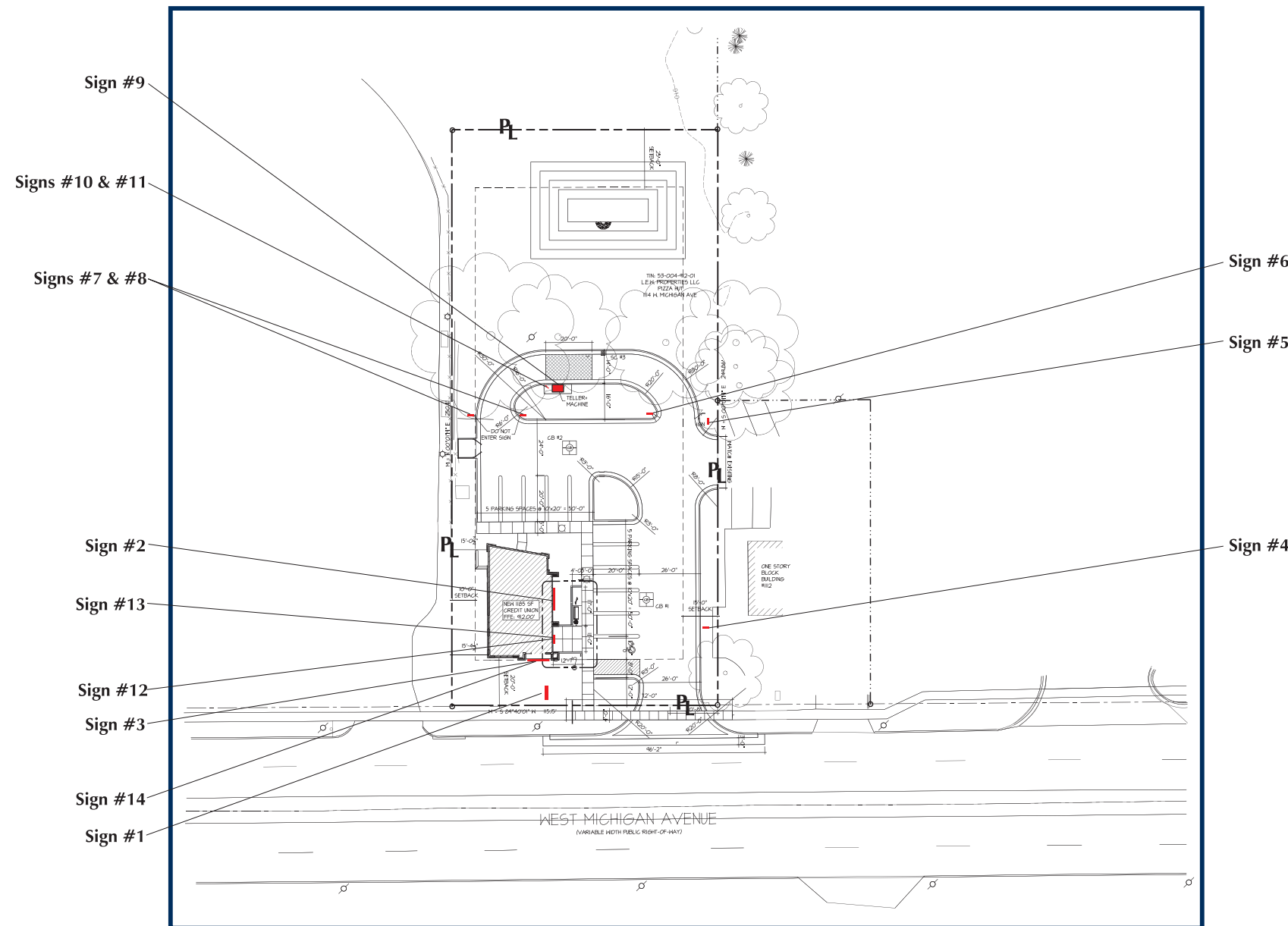


Signs #13 & #14 — Window Vinyl

Scale: 3/4" = 1'-0"

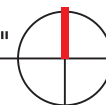
Note: Window dimensions to be verified prior to production.





Site Plan

Scale: 1/64" = 1'-0"



Notes:

CITY OF MARSHALL
PUBLIC HEARING NOTICE

The City of Marshall Zoning Board of Appeals will hold a public hearing on Thursday – December 14, 2023 at 7:00 p.m. IN THE COUNCIL CHAMBERS OF CITY HALL located at 323 West Michigan Avenue, Marshall, MI 49068 to hear public comments on the following:

Appeal #23.5 for 1114 West Michigan Avenue. An appeal for a use variance to allow the location of a financial institution with a drive through and a dimensional variance to allow a larger electronic message board sign.

The Zoning Board of Appeals under certain circumstances may grant a variance to the Zoning Regulations upon presentation of sufficient evidence to support the variance request.

Any property owner or their representative, or any interested person is invited to attend the meeting to be held as noticed above. Written response can be sent to the attention of the Director of Community Services, 323 W. Michigan Ave., Marshall, Michigan 49068. Please direct any questions to Eric Zuzga, 269-558-0354 or ezuzga@cityofmarshall.com.

The City of Marshall will provide necessary and reasonable auxiliary aids and services to individuals with disabilities at the hearing upon reasonable notice to the City Clerk of the need for the same. Individuals with disabilities requiring auxiliary aids or services should contact the office of the City Clerk at least four (4) days prior to the hearing. The City Clerk's Office can be reached at phone: 269-781-5183 or in-person at the location and times indicated below.

A copy of the variance requests may be obtained, inspected, or reviewed in the Office of the Clerk, Monday-Friday, between the hours of 8:30AM-12:00PM and 1:00PM- 4:00PM. The Clerk's Office is located at City Hall, 323 West Michigan Avenue, Marshall, MI 49068. The Clerk's Office can be reached at 269-781-5183.