

ZONING BOARD OF APPEALS  
TUESDAY, DECEMBER 17, 2013 @ 7:00 P.M.

CALL TO ORDER: 7:05 p.m.

COMMISSIONERS: Chairperson Laurie Slade  
Mr. Sam Anderson, Jr.  
Mr. Carlos Bueno  
Ms. Patricia Hollis  
Ms. Debra Monroe  
Mr. Ahmad Taylor  
Mr. Lee Todd  
Ms. Elcine Kirkendolph-Alternate  
Mr. Joseph Sinclair--Alternate

CHAIRPERSON SLADE: I will call the meeting to order. Roll call, please.

MR. SABO: Bueno?

MR. BUENO: Here.

MR. SABO: Taylor?

MR. SABO: Excused for time conflict.

MR. SABO: Todd?

MR. TODD: Here.

MR. SABO: Monroe?

MS. MONROE: Absent, Resignation presented, moving from City.

MR. SABO: Hollis?

MS. HOLLIS: Present.

MR. SABO: Anderson?

MR. ANDERSON: Here.

MR. SABO: Kirkendolph?

MS. KIRKENDOLPH: Here.

MR. SABO: Sinclair?

MR. SINCLAIR: Here. Arrived 7:11pm

MR. SABO: Slade?

MS. SLADE: Present.

EXCUSED: TAYLOR.

ABSENT: MONROE, Resignation.

ALSO PRESENT: Mr. C. James Sabo, Professional Planner  
Mr. Gordon Bowdell, Associate Planner

COMMUNICATIONS: None.

ADOPTION OF MINUTES: November 19, 2013.

COMM. BUENO MADE A MOTION FOR APPROVAL OF THE MINUTES FOR November 19, 2013 AND COMM. TODD SUPPORTED.

CHAIRPERSON SLADE: Roll call, please.

VOTE: AYES: Bueno, Todd, Anderson, Kirkendolph,  
Slade.  
NAYS: None.  
ABSTAIN: Hollis, absent for that meeting.

Vote 5-0-1 for approval of the November 19, 2013 Minutes.

OLD BUSINESS: 5.1 ZBA-13-16

Request from the applicant to postpone the variance request application to February 18, 2014

Property Description: 700 Collier Road, Sidwell# 14-09-426-007.

COMM. BUENO MADE A MOTION TO POSTPONE ZBA 13-16, 700 COLLIER RD TO FEBRUARY 18, 2014 ZBA MEETING AND COMM. TODD SUPPORTED.

CHAIRPERSON SLADE: Roll call, please.

VOTE: AYES: Bueno, Todd, Hollis, Anderson, Kirkendolph,  
Sinclair, Slade.  
NAYS: None.  
ABSTAIN: None.

Vote 7-0-0 for approval of the Motion.

NEW BUSINESS: 6.1 ZBA-13-29

Finding of Facts presented by Mr. Sabo.

MR. SABO: Property Description: 11 O'Riley Street, the property is an existing legal nonconforming lot on O'Riley Street, 39' x 101.50' are the measurements. Sidwell # 14-33-155-004

Variance Request: Dimensional Variance for Section 2.304(b) Dimension and Design Standards: Minimum Lot Width and Minimum Lot Area. The minimum required lot width is 60 feet in the R-1 One-Family Dwelling district. The existing lot width along O'Riley Street is 39.0 feet. The applicant is requesting a dimensional variance to decrease the minimum lot width from the required 60 feet to 39 feet. A variance of 20 feet is requested.

Dimensional Variance for Section 6.506(c) Application to Lots of Record. For the purpose of erecting a single-family detached dwelling in the R-1 district, a previously platted (or otherwise legally created) non-conforming lot, shall be considered conforming with respect to the minimum lot width and lot area requirements of the ordinance "IF" the proposed development would conform to all other applicable requirements and standards.

Claimed Practical Difficulty: The applicant has stated that the variance request is based on practical difficulty related to the particular existing lot dimensions. The applicant claims the lot is buildable and can otherwise meet all other requirements of the zoning ordinance with the exception of the minimum lot width and lot area requirements. The applicant states that the Pontiac zoning ordinance specifically allows a method of relief for legally nonconforming lots from the Section 2.304 lot dimension standards, which is Section 6.506(c) as described. The applicant claims that the practical difficulty related to their lot is that they are not able to meet either provision of the Section 6.506 standards. They are not able to meet the minimum lot area standard, which is 4,800 square feet. Additionally, they are not able to meet the minimum lot width standard or 40 feet. The applicant states that without a zoning variance, the lot is unbuildable. However, it appears they have proposed a single-family house that will meet all other provisions of zoning ordinance related to setbacks, height, and placement.

Additionally, the applicant states they are not able to acquire sufficient adjacent land to meet the lot width or lot area standards of the ordinance. The applicant also states that while the lot is now nonconforming (legally), it was created in the past and at some point in time was a legal and legitimate

buildable lot. For these reasons, the applicant requests that the Zoning Board of Appeals grant the dimensional variance requests for lot width and lot area standards.

**Staff Findings:**

1. The subject site is zoned R-1.
2. The proposed construction of a single family house on the existing nonconforming lot would meet all other zoning ordinance standards for setbacks, design, appearance, floor area, building size and height.
3. The existing nonconforming lot does not meet the zoning ordinance provisions for minimum lot width and minimum lot area for Section 2.304(b) or Section 6.506(c) for construction of a single family house.
4. The lot was legally created with a lot width of 39 feet and lot area of 3,958.5 square feet.
5. There are other similar sized lots in the immediate neighborhood.
6. Without a variance from the Zoning Board of Appeals, it will be very difficult for the applicant/property owner to acquire sufficient land to meet the current zoning ordinance provisions for lot area and lot width.

**AUTHORIZATION: Section 6.407 Dimensional Variance**

1. Compliance with the strict letter of the restrictions governing area, setback, frontage, height, bulk, lot coverage, density or other dimensional or construction standards will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with such restrictions unnecessarily burdensome.

**Meets the standard, without a variance, a single family dwelling cannot be built.**

2. A grant of the variance will do substantial justice to the applicant as well as to other property owners in the district, and a lesser variance will not give substantial relief to the applicant as well as be more consistent with justice to other property owners in the zoning district.

**Meets the standard, a variance provides substantial justice and a lesser variance provides no relief.**

3. The plight of the applicant is due to the unique circumstances of the property.

Meets the standard, there are specific unique circumstances related to the property.

4. The problem is not self-created.

Meets the standard, lot size and lot dimensions are not self-created.

5. The spirit of this ordinance will be observed, public safety and welfare secured, and substantial justice done.

Meets the standard, spirit of the ordinance will be observed.

6. There is compliance with the standards set forth in Sect 6.401.B.

Meets the standard for supply of light/air, traffic, safety, welfare.

7. Compliance with standards for discretionary decisions contained in Sec 6.303

N/A.

**RECOMMENDATION:** To approve the dimensional variance requests for ZBA-13-29, 11 O'Riley Street for Section 2.304(b) Dimension and Design Standards to decrease the required minimum lot width from 60 feet to 39 feet; a variance of 21 feet; And, to approve the dimensional variance request for Section 6.506(c) Application to Lots of Record to decrease the required minimum lot area from 4,800 square feet to 3,958.50 square feet; a variance of 841.50 square feet; as the request appears to meet the standards for practical difficulty from Section 6.407 of the Zoning Ordinance.

Petitioner Al Martin, Community Housing Network, 79 Oakland Avenue appeared and indicated the request was similar to previously granted variances for Unity Park neighborhood.

CHAIRPERSON SLADE DECLARED PUBLIC HEARING OPEN.

No public comments.

CHAIRPERSON SLADE DECLARED PUBLIC HEARING CLOSED.

COMM. TODD MADE A MOTION TO APPROVE THE DIMENSIONAL VARIANCE REQUESTS FOR ZBA-13-29, 11 O'RILEY STREET FOR SECTION 2.304(B) DIMENSION AND DESIGN STANDARDS TO DECREASE THE REQUIRED MINIMUM LOT WIDTH FROM 60 FEET TO 39 FEET; A VARIANCE OF 21 FEET; AND,

TO APPROVE THE DIMENSIONAL VARIANCE REQUEST FOR SECTION 6.506(C) APPLICATION TO LOTS OF RECORD TO DECREASE THE REQUIRED MINIMUM LOT AREA FROM 4,800 SQUARE FEET TO 3,958.50 SQUARE FEET; A VARIANCE OF 841.50 SQUARE FEET; AS THE REQUEST APPEARS TO MEET THE STANDARDS FOR PRACTICAL DIFFICULTY FROM SECTION 6.407 OF THE ZONING ORDINANCE AND COMM. ANDERSON SUPPORTED.

CHAIRPERSON SLADE: Roll call, please.

VOTE: AYES: Todd, Anderson, Hollis, Bueno,  
Kirkendolph, Sinclair, Slade.  
NAYS: None.  
ABSTAIN: None.

Vote 7-0-0 for approval of the Dimensional Variance.

### 6.2 ZBA 13-30

Finding of Facts presented by Mr. Bowdell.

MR. BOWDELL: Property Description: 940 Joslyn, Sidwell #14-16-454-002.

Variance Request: Request for dimensional variance as follows:

Section 4.303 Table 8 - Minimum parking requirements

- 53 parking spaces required; 43 parking spaces proposed; 10 parking space variance requested

Section 4.305(E) - Parking Space and Maneuvering Land Dimensions

- 20 ft. parking space length required 18-20 parking space length proposed; 2 ft. variance requested

Section 4.406(A) - Minimum parking lot landscaping abutting a right-of-way

- 8 ft. buffer and 5 trees required; 0 trees proposed; 8 ft. buffer and 5 trees variance requested

Section 4.406(C) - Interior Parking lot Landscaping

- 7 deciduous trees required; 0 deciduous trees proposed; 7 deciduous tree variance requested

Claimed Practical Difficulty: (Dimensional Variance) The applicant stated that there is not adequate parking at the site. Applicant believes that a reduction in the required landscape buffering will help accommodate the parking that he is seeking.

**Staff Findings:**

1. Site is zoned C-1, Local Business district.
2. According to the Zoning Ordinance, this facility is required to have 53 parking spaces
3. Planning Commission may reduce the required numerical parking space count.
4. No planning commission review required for this application; Zoning Ordinance specifies a minor expansion for administrative review.
5. Required off street parking spaces should be 9 ft. in width and 20 ft. in length.
6. Proposed parking space width and length vary from 9 ft. in width to 18' to 20' in length. (Non-conforming)
7. Required off street parking maneuvering lanes should be 20 ft. in width.
8. Proposed parking maneuvering lane at 21' to 21'-1"
9. Section 4.406(A) of the zoning ordinance requires all parking lots adjacent to a right-of-way (excluding alleys) to be landscaped with an 8 ft. buffer and 1 tree for every 30 feet.
10. No landscape buffer is proposed. Applicant is seeking to remove existing landscape buffer. (Non-conforming)
11. Section 4.406(C) of the zoning ordinance requires all parking lots that exceed 40 spaces to have 1 tree for every 6 spaces of interior parking landscaping.
12. Proposed expanded parking lot contains 43 parking spaces
13. Seven deciduous trees would be required. Applicant has no interior landscaping proposed. (Non-conforming)

**AUTHORIZATION:** Section 6.407 Dimensional Variance

**Authority**-The Zoning Board of Appeals may grant a dimensional (non-use) variance to provide relief from a specific standard in this ordinance relating to an area, a dimension or a construction requirement or limitation, upon the concurring vote of a majority of the members of the Zoning Board of Appeals.

1. Compliance with the strict letter of the restrictions governing area, setback, frontage, height, bulk, lot coverage, density or other dimensional or construction standard will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with such restrictions unnecessarily burdensome.  
Meets this standard. There are multiple interconnected restrictions, in which conformity with these restrictions would

be unnecessarily burdensome to the owner. According to the zoning ordinance the existing "restaurant" use of the site requires 53 parking spaces. The applicant's proposed parking lot expansion to better accommodate these spaces reduces the landscape buffer from the right-of-way and the interior parking lot landscaping requirements. Conversely, to include the required right-of-way landscaping and interior parking lot landscaping would cause a reduction in the number of parking spaces that could be provided.

2. A grant of the variance will do substantial justice to the applicant as well as to other property owners in the district, and a lesser variance will not give substantial relief to the applicant as well as be more consistent with justice to other property owners in the zoning district.

May/Not meet this standard. Although a grant of a variance would do substantial justice to the applicant, it appears that a lesser variance would be more appropriate so to have consistent parking lot length, maneuvering lane width, and to provide some time of buffer between the parking lot and the street.

3. The problem is not self-created.

Meets this standard. The problem is self-created from the stand point that the applicant is seeking to expand their parking lot; however, the correlation between the number of required off street parking spaces and the required parking lot landscaping is not self-created.

4. The spirit of this ordinance will be observed, public safety and welfare secured, and substantial justice done. Does not meet this standard. As proposed the parking proposed parking lot is 1 ft. to 2 ft. away from the right-of-way (sidewalk). This design creates a potential for vehicles to overhang into the right-of-way (sidewalk). The planning department believes that some type of buffer should be required to prevent this public safety hazard.

5. There is compliance with the standards set forth in Section 6.401(B).

May/Not meet this standard. The proposed variance will not impair an adequate supply of light and air to adjacent property or will unreasonable increase the congestion in public streets. However, the potential of parked vehicles overhanging into the right-of-way will create a public safety issue.

6. There is compliance with the standards for discretionary decisions as contained in Section 6.303.

Not Applicable.



RECOMMENDATION: To approve lesser dimensional variances for (ZBA-13-30) 940 Joslyn, as it appears the lesser variances better meet the intent of the zoning ordinance and better ensure public safety subject to

1. Reduction of minimum parking space length from 20 feet to 18 feet (2 ft. variance), except for ADA required parking spaces.
2. Reduction of minimum parking requirement from 53 parking spaces to 43 spaces.
3. Reduction of minimum interior parking lot landscaping requirement from 7 deciduous trees to 0 deciduous trees. (7 tree variance)

Petitioner Pashko Gojcaj and owner of CoCo's Coney Island, agreed with the presentation as presented by Mr. Bowdell and explained the need for the parking lot variance.

CHAIRPERSON SLADE DECLARED PUBLIC HEARING OPEN.

Contractor for Mr. Gojcaj, supported the project.

CHAIRPERSON SLADE DECLARED PUBLIC HEARING CLOSED.

Board members discussed possible compromises for a variance request.

COMM. TODD moved to approve lesser dimensional variances for (ZBA-13-30) 940 Joslyn, as it appears the lesser variances better meet the intent of the zoning ordinance and better ensure public safety subject to:

1. Reduction of minimum parking space length from 20 feet to 18 feet (2 ft. variance), except for ADA required parking spaces.
2. Reduction of minimum parking requirement from 53 parking spaces to 43 spaces.
3. Reduction of minimum interior parking lot landscaping requirement from 7 deciduous trees to 0 deciduous trees. (7 tree variance)
4. A three foot landscape buffer remain between right-way-way and the parking lot along Joslyn. Seconded by Hollis.

CHAIRPERSON SLADE: Roll call, please.

VOTE: AYES: Todd, Hollis, Anderson, Bueno, Sinclair  
Kirkendolph, Slade.

NAYS: None.  
ABSTAIN: None.

Vote 7-0-0 for approval of the variances as amended.

### 6.3 ZBA 13-31

Finding of Facts presented by Mr. Bowdell.

MR. BOWDELL: Property Description: 15 S. Saginaw Street,  
Sidwell #14-29-480-004.

Variance Request: Request for dimensional variance as follows:

Section 5.105(C)(1)(c) Building Mounted Signs; C-2 District - 3 square feet per lineal foot of ground floor frontage or 80 square feet, whichever is less. Buildings or uses with more than one street frontage may have additional wall signs with an area equal to 50% of that permitted for the primary frontage. Applicant is seeking variance to install a 92 square foot marquee/projecting sign (Building Mounted Sign). In 2006, applicant received a dimensional variance to increase the wall sign square footage to an 85 sq. ft. sign. Applicant's proposed variance is 7 square feet.

Claimed Practical Difficulty: (Dimensional Variance) The applicant stated that the proposed sign is nearly identical to the previously approved sign "Industry".

### Staff Findings:

1. The property is zoned C-2, Downtown Mixed Use district.
2. The proposed sign meets the definition of a Building-Mounted Sign: A display sign that is painted on, adjacent to or attached to a building wall, door, window or related architectural feature. Such signs include, but are not limited to awning, canopy, projecting, and wall signs.
3. Section 5.105(C)(1)(c) states that Building Mounted Signs in a C-2 district are permitted at 3 square feet per lineal foot of ground floor frontage or 80 square feet, whichever is less. Buildings or uses with more than one street frontage may have additional wall signs with an area equal to 50% of that permitted for the primary frontage
4. On September 19, 2006, the City of Pontiac Zoning Board of Appeals approved a dimensional variance request to increase

the maximum permissible square footage of a sign from 60 sq. ft. to 85 sq. ft. and to permit letters in front of (2nd story) windows; subject to letters not exceeding 5 ft. in height and not being more than 1 ft. from the front edge of the marquee.

5. Proposed sign meets all other applicable conditions from previous variance request except square footage.
6. New variance request is to increase sign area from 85 sq. ft. to 92 sq. ft. (7 sq. ft. requested)
7. On Tuesday, December 10, 2013 the Pontiac Historic District Commission approved the proposed sign subject to obtaining a variance from the Zoning Board of Appeals.

**AUTHORIZATION:** Section 6.407 Dimensional Variance

**Authority-**The Zoning Board of Appeals may grant a dimensional (non-use) variance to provide relief from a specific standard in this ordinance relating to an area, a dimension or a construction requirement or limitation, upon the concurring vote of a majority of the members of the Zoning Board of Appeals.

1. Compliance with the strict letter of the restrictions governing area, setback, frontage, height, bulk, lot coverage, density or other dimensional or construction standard will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with such restrictions unnecessarily burdensome.

May/My not meet this standard. The restriction of the maximum area of the wall sign does not appear to prevent the owner from using the property for a permitted purpose. However, due to the length of the name of the establishment, to conform to the previous approved variance may be unnecessarily burdensome to the owner of the property because it would greatly reduce the height of the letters of the sign and destroy the historical look of a marquee sign.

2. A grant of the variance will do substantial justice to the applicant as well as to other property owners in the district, and a lesser variance will not give substantial relief to the applicant as well as be more consistent with justice to other property owners in the zoning district.

Appears to meet the standard. A lesser variance does not appear to provide substantial justice. The applicant's proposal is a marquee sign. The zoning ordinance does not take into account historic districts and historical elements of a building. A marquee sign is not a typical "modern day" sign. Marquee signs

are historically designed to be larger and "stand out" compared to traditional modern day signs.

3. The problem is not self-created.

Meets this standard. The problem is self-created from the standpoint that the applicant is seeking a larger sign; however, the fact that the sign is an 'existing' marquee sign and the length of the name of the establishment is longer than the previously approved name and sign is not necessarily self-created.

4. The spirit of this ordinance will be observed, public safety and welfare secured, and substantial justice done.

Meets this standard. The proposed sign appears to provide substantial justice to the applicant and surrounding property owners. Although the proposed sign exceeds the ordinances regulation on maximum size, due to its marquee style, the proposed sign appears to meet the intent of the ordinance for size and placement.

5. There is compliance with the standards set forth in Section 6.401(B).

Meets this standard. The proposed variance will not impair an adequate supply of light and air to adjacent property or will unreasonable increase the congestion in public streets or increase the danger of fire or endanger the public safety or unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City.

6. There is compliance with the standards for discretionary decisions as contained in Section 6.303.

Not Applicable.

**RECOMMENDATION:** To approve the proposed dimensional variance (ZBA-13-31), Electricity - Eagle Theater Entertainment, LLC to increase the maximum square footage of the marquee sign from 85 sq. ft. to 92 sq. ft. (7 ft. variance) as the request appears to meet the standards for practical difficulty described in Section 6.407 of the Zoning Ordinance.

Petitioner Blair McGowan owner of Elektriccity Night Club agreed with the presentation as presented by Mr. Bowdell and explained the need for the sign variance.

CHAIRPERSON SLADE DECLARED PUBLIC HEARING OPEN.

No public comment.

CHAIRPERSON SLADE DECLARED PUBLIC HEARING CLOSED.

Board members discussed possible compromises for a variance request.

COMM. TODD moved to approve the proposed dimensional variance (ZBA-13-31), Electricity - Eagle Theater Entertainment, LLC to increase the maximum square footage of the marquee sign from 85 sq. ft. to 92 sq. ft. (7 ft. variance) as the request appears to meet the standards for practical difficulty described in Section 6.407 of the Zoning Ordinance. Seconded by Anderson.

CHAIRPERSON SLADE: Roll call, please.

VOTE: AYES: Todd, Anderson, Hollis, Bueno, Sinclair  
Kirkendolph, Slade.

NAYS: None.

ABSTAIN: None.

Vote 7-0-0 for approval of the variances as presented.

#### 6.4 ZBA 13-32

Finding of Facts presented by Mr. Sabo.

MR. SABO: Property Description: 44405 Woodward Avenue, Sidwell  
#14-29-480-004.

Variance Request: Request for dimensional variance as follows:

1) Section 5.105(B) allows one (1) ground sign per parcel in the C-0 Residential Office District. The applicant is requesting to exceed the maximum number of ground signs by four (4) additional ground signs as follows:

- Ground sign E-1, Variance request is for one (1) additional ground sign.
- Ground sign E-2, #6, Variance request is for one (1) additional ground sign.
- Ground sign E-2, #7A, Variance request is for one (1) additional ground sign.
- Ground sign E-2, #7B, Variance request is for one (1) additional ground sign.

Total of four (4) additional ground signs requested. The new total number of ground signs at site would be nine (9) additional ground signs at 44405 Woodward Avenue. Variance

approval ZBA-11-04 and Variance request ZBA-13-32. See note below.

NOTE: The applicant appeared before the ZBA at the October 18, 2011 meeting with application number ZBA-11-04. At that time, the ZBA granted a variance for five (5) additional ground signs for St. Joseph Mercy Oakland. They are returning to request four (4) additional ground signs and expand the variance to nine (9) additional ground signs in total. The variances granted in 2011 are listed below:

Approved Variance Application—ZBA-11-04

- Ground sign B-3, Variance request is for one (1) additional ground sign.
- Ground sign B-4, Variance request is for one (1) additional ground sign.
- Ground sign B-5, Variance request is for one (1) additional ground sign.
- Ground sign B-2, Variance request is for one (1) additional ground sign.
- Ground sign C-7, Variance request is for one (1) additional ground sign.

2) Section 5.105(C) Maximum Allowable Sign Area and number of signs.

Section 5.105(C) states the maximum allowable sign area in the C-0 Residential Office district is "2 square feet per lineal foot of ground floor frontage or 50 square feet, whichever is less." The applicant is seeking dimensional variances for the following sign:

- Wall sign, D-1, #2, building wall sign northbound Woodward; (D-1 sign type) proposed area is 178.44 sq. feet. Variance request is 178.44 sq. feet.

NOTE: The applicant appeared before the ZBA at the October 18, 2011 meeting with application number ZBA-11-04. At that time, the ZBA granted variances to exceed the maximum allowable sign area. They are returning to seek an additional sign area variance to install a new wall sign for the new patient tower addition at the south end of the building. The variances granted in 2011 are listed below:

Approved Variance Application—ZBA-11-04

- Wall sign, D-10, building wall sign southbound Woodward, (D-1 sign type) proposed area is 146.67 sq. feet. Variance request is 96.67 sq. feet.
- Ground sign A-1, main entry sign southbound Woodward; (A-1 sign type) proposed area is 117.4 sq. feet. Variance request is 67.4 sq. feet.
- Ground sign B-3, medical office building entry southbound Woodward, (B-1 sign type) proposed area is 126.0 sq. feet. Variance request is 76.0 sq. feet.
- Ground sign B-4, emergency directional northwest corner Bassett & Woodward, (B-1 sign type) proposed area is 126.0 sq. feet. Variance request is 76.0 sq. feet.
- Ground sign B-5, emergency directional Bassett & ER entry drive, (B-2 sign type) proposed area is 72.0 sq. feet. Variance request is 22.0 sq. feet.
- Ground sign B-2, entry drive 909 building northbound Woodward, (B-2 sign type) proposed area is 72.0 sq. feet. Variance request is 22.0 sq. feet.

**Claimed Practical Difficulty:** (Dimensional Variance) The applicant has stated that the St. Joseph Mercy Oakland Hospital campus is a very large project site covering more than 18 acres. The hospital campus fronts on several different streets. The applicant states that the Zoning Ordinance and Sign Ordinance do not contemplate a development site of this size and magnitude. The ordinance cannot be adapted to meet the needs of a large hospital campus. Additionally, they state that 50 square feet of total sign area is not at all sufficient to address the total signage needs for the entire hospital campus. They claim that the ordinance is written to address the needs of a single small office building, single commercial style building, or an individual tenant space. The applicant further states that the hospital campus serves a specific community need and as such, should be considered unique and separate from the standard requirements of the zoning ordinance. The applicant states that they respectfully request the ZBA to consider their zoning variance request and approve their application.

**Staff Findings:**

The subject site is zoned C-0 Residential Office and is the location of SJMO Hospital.

The requested dimensional variance is intended to complete the remaining hospital campus signage related to the patient tower expansion at the southern portion of the existing site.

The proposed signs exceed the maximum area requirements of the Zoning Ordinance.

The proposed signs exceed the maximum number of ground signs requirements of the Zoning Ordinance.

It appears that the Sign/Zoning Ordinance does not anticipate or provide regulations for a large campus style site.

The variance request seems somewhat reasonable and valid under the circumstances presented as the hospital is an important community institution.

The ZBA granted similar variances in 2011 for application ZBA-11-04 related to the hospital expansion project.

**AUTHORIZATION:** Section 6.407 Dimensional Variance

**Authority-**The Zoning Board of Appeals may grant a dimensional (non-use) variance to provide relief from a specific standard in this ordinance relating to an area, a dimension or a construction requirement or limitation, upon the concurring vote of a majority of the members of the Zoning Board of Appeals.

1. Compliance with the strict letter of the restrictions governing area, setback, frontage, height, bulk, lot coverage, density or other dimensional or construction standards will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with such restrictions unnecessarily burdensome.

Meets the standard, without a variance, the applicant would be prohibited from installing additional signage.

2. A grant of the variance will do substantial justice to the applicant as well as to other property owners in the district, and a lesser variance will not give substantial relief to the applicant as well as be more consistent with justice to other property owners in the zoning district.

Meets the standard, a lesser variance would not provide relief to the applicant.

3. The plight of the applicant is due to the unique circumstances of the property.

Meets the standard, the parcel size, design, and layout of the hospital site is unique.

4. The problem is not self-created.

Meets the standard, the existing hospital site has been at its current location for approximately 80 years.

5. The spirit of this ordinance will be observed, public safety and welfare secured, and substantial justice done.

Meets the standard.



6. There is compliance with the standards set forth in Sect 6.401.B.

Meets the standard.

7. Compliance with standards for discretionary decisions contained in Sec 6.303

N/A

**RECOMMENDATION:** To approve the variance requests for 44405 Woodward Avenue St. Joseph Mercy Oakland Hospital, ZBA-13-32 for:

1. Section 5.105(B) to exceed the maximum number of ground signs by nine (9) additional ground signs as follows and add 4 new/additional ground signs proposed as detailed:

- Ground sign E-1, Variance request is for one (1) additional ground sign.
- Ground sign E-2, #6, Variance request is for one (1) additional ground sign.
- Ground sign E-2, #7A, Variance request is for one (1) additional ground sign.
- Ground sign E-2, #7B, Variance request is for one (1) additional ground sign.

2. Section 5.105(C) to exceed the maximum allowable sign area by an additional 178.44 square feet in the C-0 Residential Office district to add a new building sign as detailed:

- Wall sign, D-1, #2, building wall sign northbound Woodward; (D-1 sign type) proposed area is 178.44 sq. feet. Variance request is 178.44 sq. feet.

Petitioner Linda Whichman, representative for St. Joseph Mercy Oakland Hospital agreed with the presentation as presented by Mr. Sabo and explained the need for the sign variance.

CHAIRPERSON SLADE DECLARED PUBLIC HEARING OPEN.

Quincy Stewart, resident spoke in favor of the sign variance and supported the St. Joseph Mercy Oakland proposal.

CHAIRPERSON SLADE DECLARED PUBLIC HEARING CLOSED.

Board members discussed the variance request.

COMM. TODD moved To approve the variance requests for 44405 Woodward Avenue St. Joseph Mercy Oakland Hospital, ZBA-13-32 for:

1. Section 5.105(B) to exceed the maximum number of ground signs by nine (9) additional ground signs as follows and add 4 new/additional ground signs proposed as detailed:

- Ground sign E-1, Variance request is for one (1) additional ground sign.
- Ground sign E-2, #6, Variance request is for one (1) additional ground sign.
- Ground sign E-2, #7A, Variance request is for one (1) additional ground sign.
- Ground sign E-2, #7B, Variance request is for one (1) additional ground sign.

2. Section 5.105(C) to exceed the maximum allowable sign area by an additional 178.44 square feet in the C-0 Residential Office district to add a new building sign as detailed:

- Wall sign, D-1, #2, building wall sign northbound Woodward; (D-1 sign type) proposed area is 178.44 sq. feet. Variance request is 178.44 sq. feet. Seconded by Hollis.

CHAIRPERSON SLADE: Roll call, please.

VOTE: AYES: Todd, Hollis, Anderson, Bueno, Sinclair  
Kirkendolph, Slade.

NAYS: None.

ABSTAIN: None.

Vote 7-0-0 for approval of the variances as presented.

PUBLIC COMMENT: None.

MISCELLANEOUS: None.

MOVED BY to adjourn:

All in Favor: Ayes: All Nays: None Abstain: None

ADJOURNMENT: 8:07 p.m.