



CITY OF CHELSEA
ZONING BOARD OF APPEALS
AGENDA
AUGUST 20, 2014, 5:00 P.M.
COUNCIL CHAMBERS, 311 SOUTH MAIN ST.
CHELSEA, MI 48118

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Approval of the Minutes for the June 18, 2014 ZBA Meeting.

NEW BUSINESS

VARIANCE 14-5:

Speedway: An application has been filed by **EXP U.S. Service Inc.** of **150 E. Gay Street, Suite 1510, Columbus, OH 43215** for **four variances requests** as part of a Preliminary Site Plan submittal for a proposed **Speedway Gasoline Station and Convenience Store** to be constructed on the following described parcel of land: Rich Gas Station 930 S. Main Street (Tax Code: 06-06-13-140-016, 06-06-13-140-017) and Wolverine Food & Spirits 20460 Old US 12 (Tax Code: 06-06-13-140-033).

Article 5, Section 16(E)(1a) – Applicant was denied a variance on May 21, 2014 to increase the required maximum light levels for gas station canopy lighting from 20 foot-candles to 30 foot-candles. Per Section 12.08 (F) – No application for a variance which has been denied by the Zoning Board of Appeals shall be resubmitted for a period of 365 days from such denial, except on grounds of new evidence or proof of changed conditions which are found by the Zoning Board of Appeals to be valid. Applicant has submitted new evidence that they wish the Zoning Board of Appeals to consider.

Article 5, Section 16(E)(1.c.) – Applicant requests that they be allowed to have LED lights instead of metal halide fixtures for all site lighting.

Article 4, Section 36(E)(5.a.) – Applicant requests that the Gateway Overlay District requirement for a minimum front facade of 50% window and doors be reduced to 38%.

ADJOURNMENT



JAL

CITY OF CHELSEA

**Zoning Board of Appeals Meeting Minutes
August 20, 2014
Council Chambers
311 S. Main Street, Chelsea, MI**

Members Present: Tom Osborne (Chairman), Charles Schauer, Jasen King, Charles Burgess, and Marcia M. White

Others Present: Mike Bergmand (Speedway), Christopher Jolley (EXP), Christine Linfield

Chairman Osborne called the meeting to order at 5:00 pm.

Chairman Osborne read the draft minutes from the June 18, 2014 ZBA meeting.

Motion by Burgess, seconded by King, to approve the minutes of June 18, 2014 as read. Motion passed all ayes.

Item 14-05:

Article 5, Section 16(E)(1a) – Speedway was denied a variance on 5/21/14 to increase the required maximum light levels for a gas station canopy lighting from 20 foot-candles to 30 foot-candles. Per Section 12.08 (F) – No application for a variance which has been denied by the Zoning Board of Appeals shall be resubmitted for a period of 365 days from such denial, except on ground of new evidence or proof of changed conditions which are found by the Zoning Board of Appeals to be valid.

EXP submitted a letter dated July 18, 2014, which was presented as new evidence that other gas stations in Chelsea have higher light levels than what is required in the ordinance. Discussion ensued regarding how this is not a change in site conditions and that these gas stations were in operation prior to the new lighting ordinance going into effect. It was recommended by staff, that the Zoning Board of Appeals make a motion to determine if the letter from EXP contains valid evidence that would then allow the applicant to reapply for a variance without having to wait 365 days.

Motion by White, second by Burgess that per Section 12.08(F) the applicant has provided to the Zoning Board of Appeals new additional information that is valid for review. Ayes (1), Nays (4). Motion fails.

Article 5, Section 16(E)(1c) – Speedway has requested a variance to be allowed to use LED for all site lighting instead of metal halide lighting.

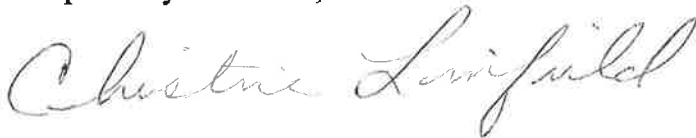
Motion by Schauer, second by King, to approve the use of LED lighting due to increased energy efficiency and recommends that the Planning Commission amend this section of the Zoning Ordinance to allow LED lighting. All Ayes. Motion Passed.

Article 4, Section 36(E)(5a) – Speedway has requested a variance to the Gateway Overlay District requirement for a minimum front facade of 50% windows and doors be reduced to 38%.


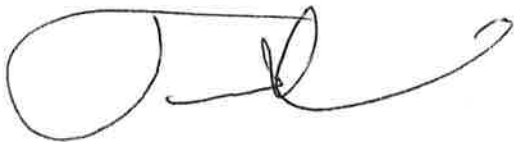
Motion by White, Second by Schauer, that the applicants request to reduce the minimum front facade of 50% windows and doors be reduced to 38% due interior equipment heights and proposed floor plan layout. All Ayes. Motion Passed.

Motion by Schauer, second by White to adjourn the meeting at 5:45 p.m.

Respectfully submitted,



Christine Linfield
Planning, Engineering, Zoning & Community Dev. Dir.



**Zoning Board of Appeals Meeting Minutes
June 18, 2014
Council Chambers
311 S. Main Street, Chelsea, MI**

Members Present: Tom Osborne (Chairman), Charles Schauer, Jasen King, Charles Burgess, and Marcia M. White

Others Present: Tracy Bumpus (Chelsea Milling), Dena Gilmore (Wags to Wishers), Christine Linfield

Chairman Osborne called the meeting to order at 5:00 pm.

Chairman Osborne read the draft minutes from the May, 18, 2014 ZBA meeting.

Motion by Schauer, seconded by King, to approve the minutes of May 18, 2014 as read.
Motion passed all ayes.

Item 14-03:

Chelsea Milling Company requests a variance to reduce the sign setback from 30 ft to 22 ft in order to install a stature of "Corny" near the front door. "Corny" is the mascot of the company and a nice photo opportunity for guests taking the factory tours. Setback reduction is needed due to there not being enough space between the building and the property line.

Motion by White, second by Schauer, to approve the request for a reduction in sign setback requirements from 30 ft to 22 ft due to the building being in place prior to the zoning ordinance. Motion passed. All Ayes.

Item 14-04:

Tamela Roo Holdings requests a variance to reduce the sign setback from 40 ft to 13 ft to install a free standing sign for the news Wags to Wiskers Retail Pet Store. Setback reduction is needed due to there not being enough space between the parking lot and the M52 right-of-way. The new construction was constrained due to the presence of an existing detention basin which services this property and surrounding businesses.

Motion by White, second by Schauer, to approve the variance to reduce the front yard sign setback from 40 ft to 20 ft due to the hardship of the existing detention basin and

eliminate one tree from the final site plan which would block the view of the sign.
Motion passed. All Ayes.

Motion by White, second by King to adjourn the meeting at 5:13 p.m.

Respectfully submitted,



Christine Linfield
Planning, Engineering, Zoning & Community Dev. Dir.





TRANSMITTAL

TO: City of Chelsea
Planning & Zoning
305 S. Main Street, Suite 100
Chelsea, MI 48118

ATTN: Ms. Christine Linfield

DATE: July 18, 2014
JOB NO.: RUS-00216151-A1
RE: Speedway Store #7250
Chelsea, MI

FILE NO.: F/204/RUS-00216151-A1

WE ARE SENDING ATTACHED UNDER SEPARATE COVER VIA _____ THE FOLLOWING:

- Prints Shop Drawings Specifications Copy of Letter
 Plans Samples Change Order Payment Request

NO. OF COPIES	DATED	DESCRIPTION
1		Revised Application for a Variance or Appealing a Decision
1	07/18/14	Letter from Chris Jolley/exp
14 sets		Full Size Drawing Sheets

THESE ARE BEING TRANSMITTED AS INDICATED BELOW:

- As Requested For Approval For your Information For your Comments

REMARKS:

The enclosed documents are provided for your review. Please contact Chris Jolley at (614) 744-4317
with any questions. Thank you!

XC: Charlie Wlodyka
Chris Jolley

BY: Shelley Rene' Readnour
Sector Coordinator

Zoning Boards of Appeals Application
City of Chelsea
Washtenaw County, Michigan

Date 07/11/14

APPLICANT(S) NAME (print) Christopher Jolley, exp US Services

APPLICANT(S) ADDRESS 150 E Gay Street, Suite 1510

Columbus, OH 43215 PHONE# 614-744-4317

Type of Appeal – The Appeal made herewith is for:

- A Variance from the Zoning Ordinance
 An interpretation of the Zoning Ordinance

For the following reasons: See attached letter

NOTE: By signing this appeal application, you are stating that you have had the opportunity to read the Automatic Stay Rule governing the Board of Review's decision and that you understand the rule.

Date: 7/18/14 Applicants signature: Christopher Jolley

THE APPLICANT(S) ARE: OWNER(S) OF THE PROPERTY INVOLVED.
 ACTING ON BEHALF OF THE OWNER(S) OF PROPERTY INVOLVED.

Fee received: \$ 225 by the Planning & Zoning Inspector Christine Linsford

For Variances from the Zoning Ordinance

Combine parcels 06-06-13-140-033, 06-06-13-140-017, &

Address of the Property involved: 06-06-13-140-016

Indicate the provisions(s) of the Zoning Ordinance that are being addressed in this appeal. **DO NOT** Quote the Ordinance. Indicate the Article, Section, Subsection and Paragraph in question:

Article 5, Section 16, Subsection E, Paragraph 1a

Article 5, Section 16, Subsection E, Paragraph 1c

Article 4, Section 36, Subsection E, Paragraph 5a

For Applications for Appeal of the Interpretation of the Zoning Ordinance

PLEASE PRINT OR TYPE (If additional space is needed use the back or a separate sheet)

I/We _____ of _____

_____ Hereby appeal to the Zoning Board of Appeals from the decision of the Zoning Inspector on Application No. _____, dated _____, 20____, whereby

- () A Zoning Compliance Permit was () Granted () Denied
- () A Certificate of Occupancy was () Granted () Denied

To: _____

Address of the Property involved: _____

Legal Description: _____

Indicate the provisions(s) of the Zoning Ordinance that are being questioned or addressed in this appeal. **DO NOT** Quote the Ordinance. Indicate the Article, Section, Subsection and Paragraph in question:

FOR ZONING BOARD OF APPEALS USE ONLY

At the meeting of the Zoning Board of Appeals on _____20____, the appeal described on this form was considered and the Board determined that the

- () Zoning Compliance Permit
- () Certificate of Occupancy

was ()Granted or ()Denied for the following reasons: _____



July 18, 2014

City of Chelsea
Zoning Board of Appeals
305 S Main St
Suite 100
Chelsea, MI 48118

Re: **Speedway Store #7250 Rebuild**
exp Project No: RUS-00216151-A1
Parcels 06-06-13-140-033, 06-06-13-140-017, & 06-06-13-140-016
Variance

Dear Christine Linfield:

On behalf of Speedway, we respectfully request the following variances:

Article 5, Section 16, Subsection E, Paragraph 1a limits the intensity of light underneath a gas station canopy to be a maximum of twenty footcandles. Speedway has determined from past experiences and through the operation of their current gas stations, that a minimum of thirty footcandles is needed to ensure customer safety around the canopy. This higher level of lighting permits greater visibility for both vehicular and pedestrian traffic navigating around the pump islands. A major component of the safety concern is that many customers tend to park their vehicle at the pump and walk to the store instead of moving their vehicle to a dedicated parking spot after filling up with gas.

Through the use of a light meter, **exp** and Speedway determined that there are gas stations in the City of Chelsea that exceed the twenty footcandle maximum under the canopy. The Mobile gas station on M52 at the Interstate 94 interchange had a measured maximum of 36.2 footcandles. The Rich gas station at the intersection of M52 and Old US-12 had a measured maximum of 23.3 footcandles. The Mobile gas station at the corner of M52 and Van Buren St had a measured maximum of 36.6 footcandles. This provides evidence that the other operators of gas stations have a similar desire for a higher than 20 footcandles intensity under the canopy.

Article 5, Section 16, Subsection E, Paragraph 1c restricts all site lighting to be metal halide fixtures. Speedway is seeking a variance to propose utilizing LED fixtures to conserve more energy and provide greater bulb life when compared with metal halide lamps. The LED fixtures will have a similar color temperature as metal halide so as to meet the ordinance's intent of creating a unified lighting standard throughout the municipality.

Article 4, Section 36, Subsection E, Paragraph 5a requires that commercial buildings within the Gateway Overlay District are comprised of at least fifty percent windows and doors on the first floor front façade. Speedway is seeking a variance to propose a building with thirty-eight percent of the front façade to be comprised of windows and doors. Any additional glazing would need to be a spandrel type

exp U.S. Services Inc.

Company: City of Chelsea Zoning Board of Appeals

Re: Variance

Project Number: RUS-00216151-A1

Date: July 18, 2014

glazing since it would open to the back side of display shelving and into the restrooms. Spandrel glazing would not meet Article 4, Section 36, Subsection E paragraph 5c requirement that glazing be clear. Speedway is not proposing additional glazing as it would need to be spandrel type glazing and it is felt that masonry would present a better aesthetic than two contrasting types of glazing on the front façade along M-52.

Sincerely,



Christopher Jolley

exp U.S. Services Inc.

m-is-0043,d-exp_11\rus\00216151-a1\admin\variance application 2014-07-18\city of chelsea variance letter_rus-00216151-a1_07-18-14.docx

