CITY OF
PORTAGE
A Place for Opportunities to Grow

ZONING BOARD OF APPEALS

December 13, 2010

CITY OF PORTAGE ZONING BOARD OF APPEALS

Monday, December 13, 2010
(7:00 pm)
Portage City Hall
Council Chambers

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

* November 8, 2010

OLD BUSINESS:

* ZBA #10-08, Steve Rodgers, 10076 Woodlawn Drive, is requesting a) a variance to retain 210 square-feet of accessory building area; and b) a 160 square-foot variance to construct a detached shed in the rear yard, where the total combined accessory building area exceeds the ground floor living area of the dwelling by 353 square-feet.

* ZBA #10-09, Beacon Sign Company, on behalf of Auto Club Services, 499, 501, 525 Romence Road, is requesting a variance to add a 12 square-foot tenant logo to a nonconforming freestanding sign.

* ZBA #10-10, Greg Dobson, on behalf of Cole Century (GCG, LLC) 6600 and 6601 South Westnedge Avenue, is requesting variances to a) modify two nonconforming freestanding signs; and b) to replace 191 square-feet of nonconforming wall signs with 157 square-feet of wall signs.

NEW BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

Star (*) indicates printed material within the agenda packet

DRAFT

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – November 8, 2010

The City of Portage Zoning Board of Appeals meeting was called to order by Chair Henry Kerr at 7:00 p.m. in the Council Chambers. One person was in the audience.

MEMBERS PRESENT: Timothy Bunch, David Felicijan, Rob Linenger, Betty Schimmel, Lowell Seyburn, Marianne Singer, Donald Mordas, Henry Kerr, Daniel Rhodus

IN ATTENDANCE: Vicki Georgeau, Deputy Director of Neighborhood Services, Randall Brown, City Attorney

APPROVAL OF THE MINUTES: Linenger moved and Felicijan seconded a motion to approve the October 11, 2010 minutes as submitted. Upon voice vote, motion was approved 7-0.

OLD BUSINESS:

ZBA# 10-06, Scott Sampson, 4726 Deep Point Drive: Staff summarized the requested variance and provided an overview of additional information in the agenda regarding the 1988 variance granted for the attached garage, and an update on Building Code deficiencies, as requested by the Board at the October 11, 2010 meeting. Mr. Sampson reviewed photos of the property and dwelling and further explained the rationale for his requested variance, noting the property corner is located within the actual road pavement, that the lot has an unusual shape, that the corner of the addition will not obstruct traffic, or otherwise impact neighboring property in a negative manner. In response to Linenger, the applicant and staff noted the footing depth for the west side of dwelling has been approved by the Building Inspector. Rhodus indicated he reviewed the City Attorney opinions on lakefront lot boundaries, but has concerns the plat for this property does not describe the land to the shoreline and no deed has been provided that indicates the applicant owns additional land. In addition, Rhodus noted and staff concurred that without the additional land area, there is a lot cover problem with the dwelling. Attorney Brown indicated that the variance requested involves a setback issue only, not a lot cover issue. Further, Mr. Brown indicated that the opinions provided over the years, for which staff has relied upon, indicate that unless a lakefront plat has a public beach, walkway, promenade or other clear intent to restrict the land along the shore to public use, there is a presumption that lake front lot owners own property to the legal lake level. If the entire Board has concerns with the opinions provided on lakefront lot boundaries, additional research could be accomplished by the Office of City Attorney, and if that is desired, Mr. Brown recommended that all action on the setback variance request be postponed.

A public hearing was opened. No written or verbal comments were received and the public hearing was closed.

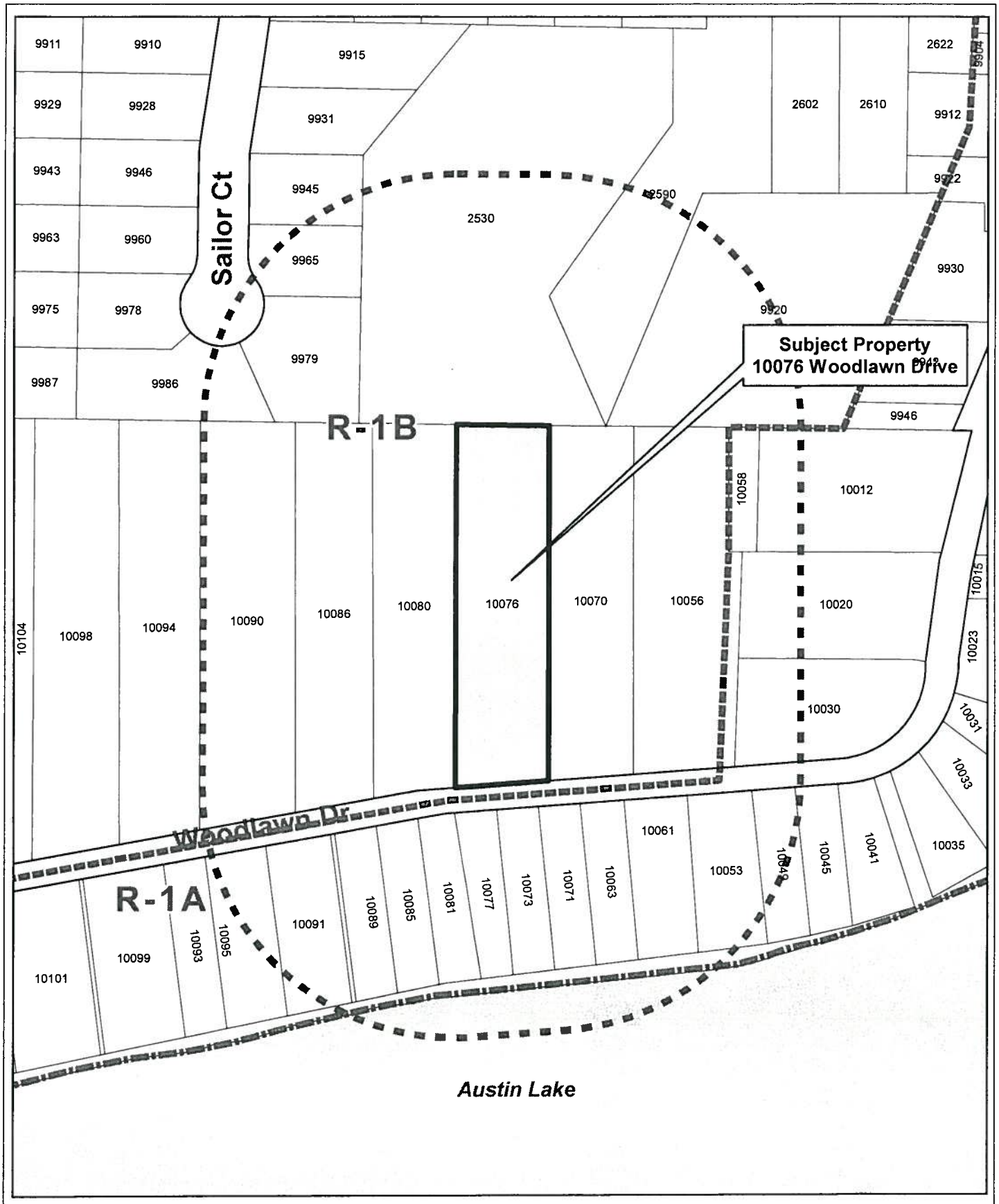
In response to Seyburn, Rhodus indicated he would have to vote "no" or "abstain" if the Board took action on the variance request due to his concerns with the lake front yard area. Seyburn asked the City Attorney to comment on the road encroachment onto the front yard. Brown indicated this matter is not relevant to the request. Felicijan and Linenger indicated the Board should focus only on the setback variance requested.

A motion was made by Linenger, supported by Singer, to deny a variance to enlarge or alter a nonconforming dwelling within the front yard setback where 27 feet is required to retain an addition on the northwest corner of the dwelling, as the variance would materially impair the intent and purpose of the zoning ordinance, and there are no exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing shall be incorporated in the record of this hearing and the findings of the Board, and that the action of the Board be final and effective immediately. Upon roll call vote, the motion carried 4-3 (Kerr-Yes, Linenger-Yes, Mordas-No, Schimmel-Yes, Seyburn-No, Singer-Yes, Rhodus-No).

OLD BUSINESS: None
STATEMENT OF CITIZENS: None
ADJOURNMENT: There being no further business, the meeting was adjourned at approximately 7:35 p.m.

Respectfully submitted,

Vicki Georgeau, AICP
Deputy Director of Neighborhood Services



10076 Woodlawn Drive
ZBA 10-08

0 130 260 Feet

Legend
- Zoning Boundary
- Subject Property
- 300' Notification Boundary

Map Document: (R:\GISADMIN\karl\projects\NOTIFICATION\zba\10-08_10076_woodlawn.mxd) 10/12/2010 -- 9:48:40 AM

CITY OF
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OCT 11 2010
COMMUNITY DEVELOPMENT

Department of Community Development

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 10-11-10

Name of Applicant Steve Rodgers (Print) Steve Rodgers (Signature)

Applicant's Address 10076 Woodlawn Phone No. 269-323-1925

Name of Property Owner (if different from Applicant) _____

Address _____ Phone No. _____

Address of the Property that is the subject of this Application:

Street Address 10076 Woodlawn

For Platted Property: Lot 64 of Wiona Acres Plat

[If The Property Is Unplatted, the Legal Description is needed. Please attach on a separate sheet.]

Applicant's interest in Property that is the subject of this Application: Home owner

Application Fee 135.00 (Residential Uses) _____ (All Other Uses)

Type of Appeal (Please check one of the following **bold choices** and provide the requested information):

✓ **Variance from Zoning Ordinance:** Article 42 Section 121 Paragraph B (3)

Regarding: Use NOT Affected Area NOT Affected Yards NOT Affected

Setbacks NOT Affected Parking NOT Affected Other NOT Affected

Reason for Request (Also complete page 2 of application): _____

____ **Appeal of Administrative Decision:** Article _____ Section _____ Paragraph _____

Reason for Request: _____

____ **Interpretation of the Zoning Ordinance:** Article _____ Section _____ Paragraph _____

Reason for Request: _____

____ **A Temporary Permit for:** Building _____ Use _____ Other Approval _____

Article _____ Section _____ Paragraph _____

Reason for Request: _____

FOR STAFF USE

Application Number: 10-08/10-1000006	Filing Date: 10/11/10	Tentative Hearing Date: 11/8/10
Previous Application Filed Regarding This Property: —		Postponed to 12/13/10 by Applicant

Reason For Variance

1. Please explain how the property has characteristics such as narrowness, shallowness, irregular shape, topography, or natural features that prevent compliance with the Zoning Ordinance. (Attach additional sheets if needed.)
   please see attached sheets

2. Are the physical characteristics you explained above unique and not shared by neighboring properties? (Attach additional sheets if needed.)
   no lots on both sides are the same

3. Can the property be reasonably used for the uses permitted in the zoning district without granting the variance? (Attach additional sheets is needed.)
   please see attached sheets

4. Is the variance the minimum necessary to permit reasonable use of the land and buildings, or would a lesser variance be fair and equitable to the applicant as well as logical and just to other property owners in the area? (Attach additional sheets if needed.)
   please see attached sheets

5. Explain how the variance would <u>not</u> result in adverse affects on adjacent properties or alter the character of the area. (Attach additional sheets if needed.)
   please see attached sheets

6. Explain how the variance would <u>not</u> result in increased traffic congestion, noise, or other potential concerns, or in dangers from fire, flood or other hazards, that would be detrimental to the property or to the area. (Attach additional sheets if needed.)
   please see attached sheets

7. Is the reason for the request, the practical difficulty or the hardship created, due to an act of the applicant or due to an act by the previous property owner? (Attach additional sheets if needed.)
   please see attached sheets

8. Explain how the variance <u>would fulfill</u> the spirit and intent of the Zoning Ordinance. (Attach additional sheets if needed.)
   please see attached sheets

Signature of Applicant

10-11-10
Date

① My property does not prevent compliance with Zoning ordinance. My property is a long Lot 434.4 Feet Deep with many Trees, which would make it hard for other property owners to see, The proposed 10x16 shed. And because my property slopes down away from the Front, It cannot be seen from the road.

③ The property can reasonably be used for the uses permitted in the Zoning district. My problem is we own several collector cars and a boat along with equipment used to keep my yard Looking nice – Lawn Tractor – Leaf Vacuum – dethatcher – aerator – roller – roto-Tiller. I also have a dune buggy that we take to silver Lake on some weekends. I do not Like to keep things outside. This is not good for equipment and does not Look good to see. By granting me this variance, I can keep my things inside and out of sight of my neighbors. My option is to store my boat at a marina at $20.00 per foot, and this would cost 440.00 per year (18 foot boat 22 with Trailer)

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(4) yes, The variance would be The minimum necessary To store our boat with The proposed shed of 10x16 I could store yard equpment in shed Thus Freeing up room To store The boat in pole barn

(5) With the way our LoT is Laid out: with many large Trees on both side and back it would make it hard for other property owners To see the shed.

(6) There would be no Traffic in or around the shed only by home owner. Noise would be To a minimum, There shoud be no fire hazard, Since There will be no electricity or souces of heat,

(7) The only hardship created is That without the proposed shed, I would have To pay $440.00 per year to store baat

(8) My requested variance would fulfill The spirit and intent of the Zoning ordinance by serving my purpose without detracting from the area nor offending my neighbors,

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LOT 64 Wiona Acres

W E S

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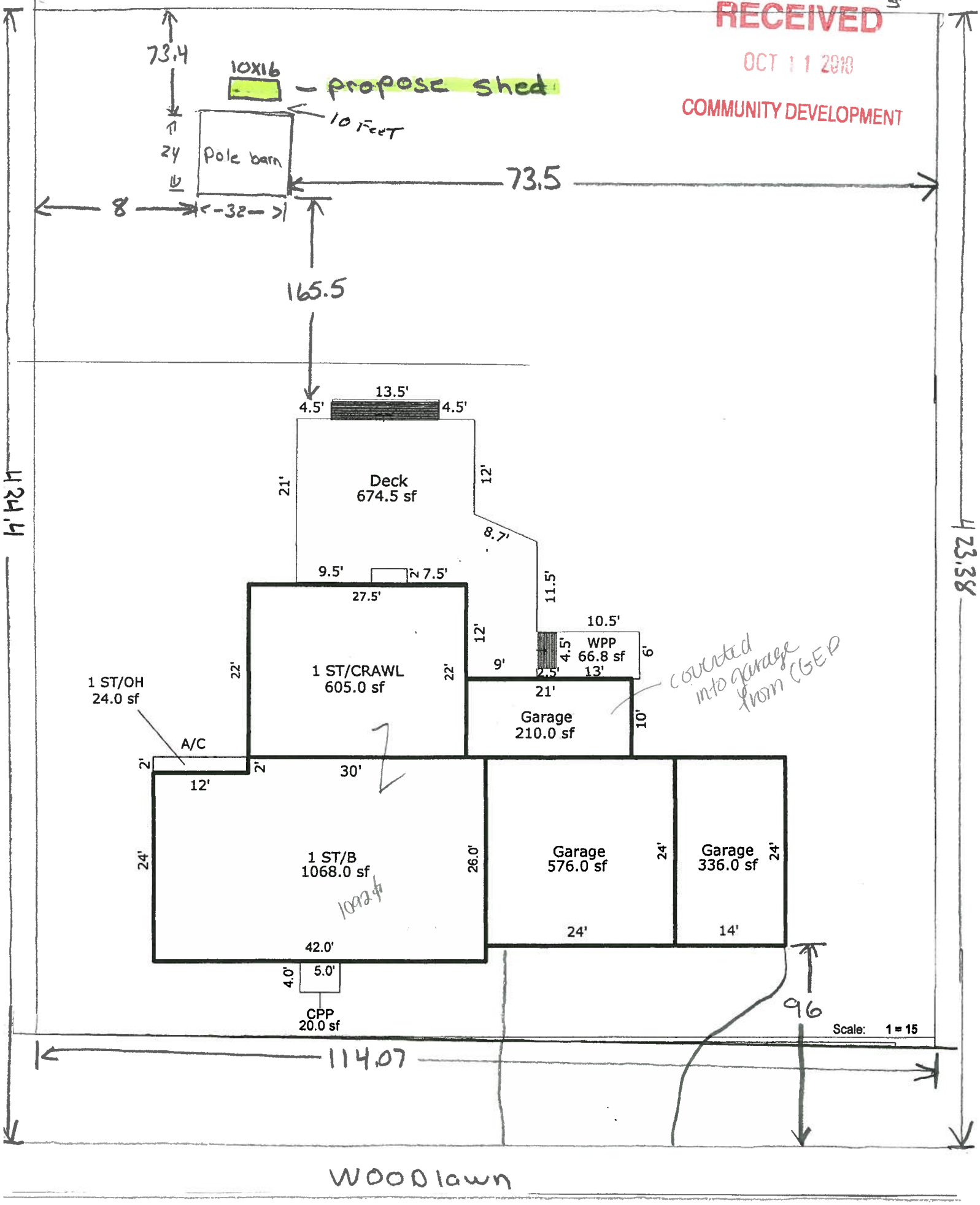

PR 02

PORTAGE, MICHIGAN

PERMIT No. 01-15

BUILDING PERMIT

THIS PERMIT MUST BE POSTED ON THE SITE

CRIPTION

: 14'x24'

Location 10076 WOODLAWN DR.

Owner ROGERS

Contractor HOME OWNER

CONTRACTORS MUST CALL 329-4466 FOR THE FOLLOWING INSPECTIONS:

These Permits Must Be Obtained Separately

BUILDING	ELECTRICAL	PLUMBING	MECHANICAL
FOOTINGS/WALLS	UNDERGROUND	UNDERGROUND	UNDERGROUND
FRAME/ROOF	ROUGH-IN	ROUGH-IN	ROUGH-IN
FIREPLACES	SERVICE	SEWER	FINAL
DRYWALL/PLASTER	FINAL	FINAL	
FINAL			

FAILURE TO COMPLY WILL RESULT IN BEING DENIED AN OCCUPANCY PERMIT & CONTRACTORS BEING SUBJECT TO FINE.

Thomas W. Schommer

Department of Community Development

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CITY OF PORTAGE
Meeting Record

In Attendance/Firm

Subject: 10076 WOODLAWN — S. RODGERS
Location: CITY HALL — J. MAIS
Date: 9/28/10
Time: 3:30

Discussion: DISCUSSED. ASSESSOR'S FINDINGS + DETERMINED 1890 ¢ OF ACCESSORY BLDG. IN EXISTENCE AND 1097 ¢ LIVING AREA FOR DWELLING. IN ORDER TO ERECT 160 ¢ SHED WOULD REQUIRE A) VARIANCE FOR SHED B) VARIANCE FOR RETENTION OF 193 ¢ OF EXISTING ACCESSORY BLDG. AREA.

NEXT ~~[illegible]~~ REGULAR MEETING 11/8/10 $135.00
SUBMISSION DEADLINE IS 10/11/10

Action:

Needle File:

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OCT 1 1 20
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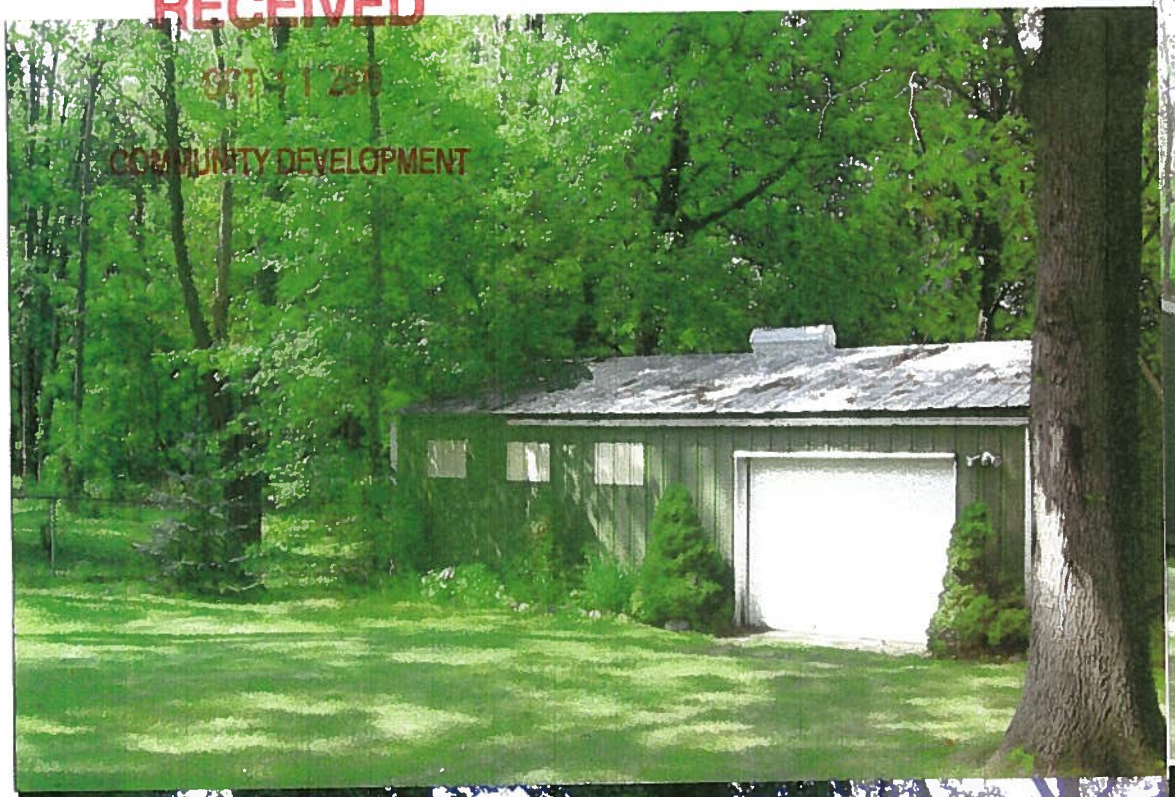

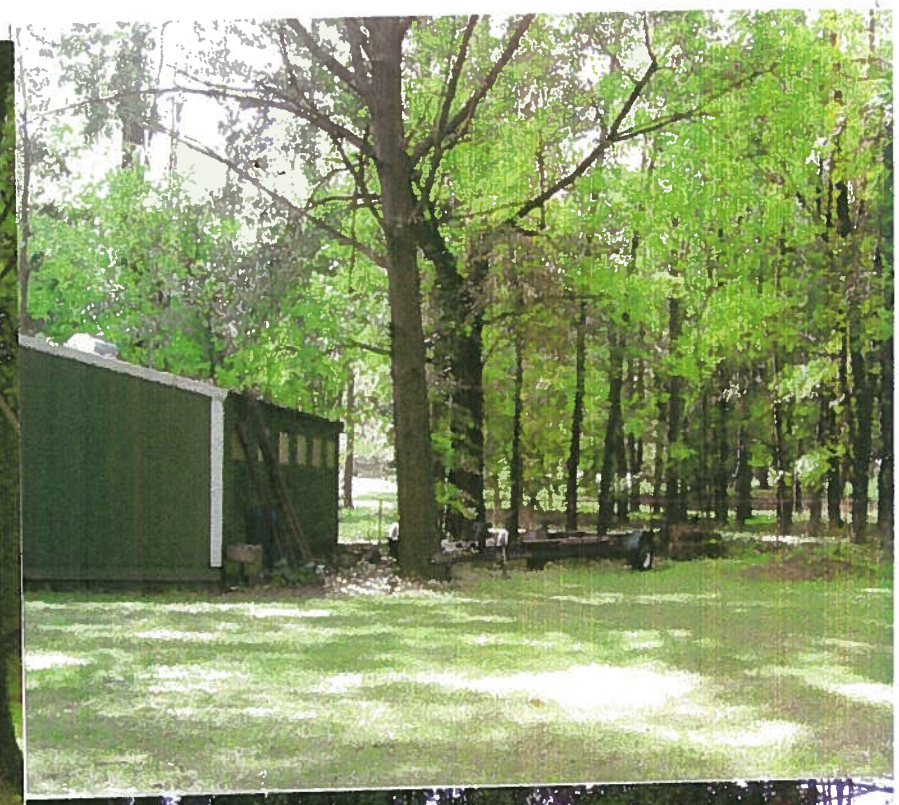

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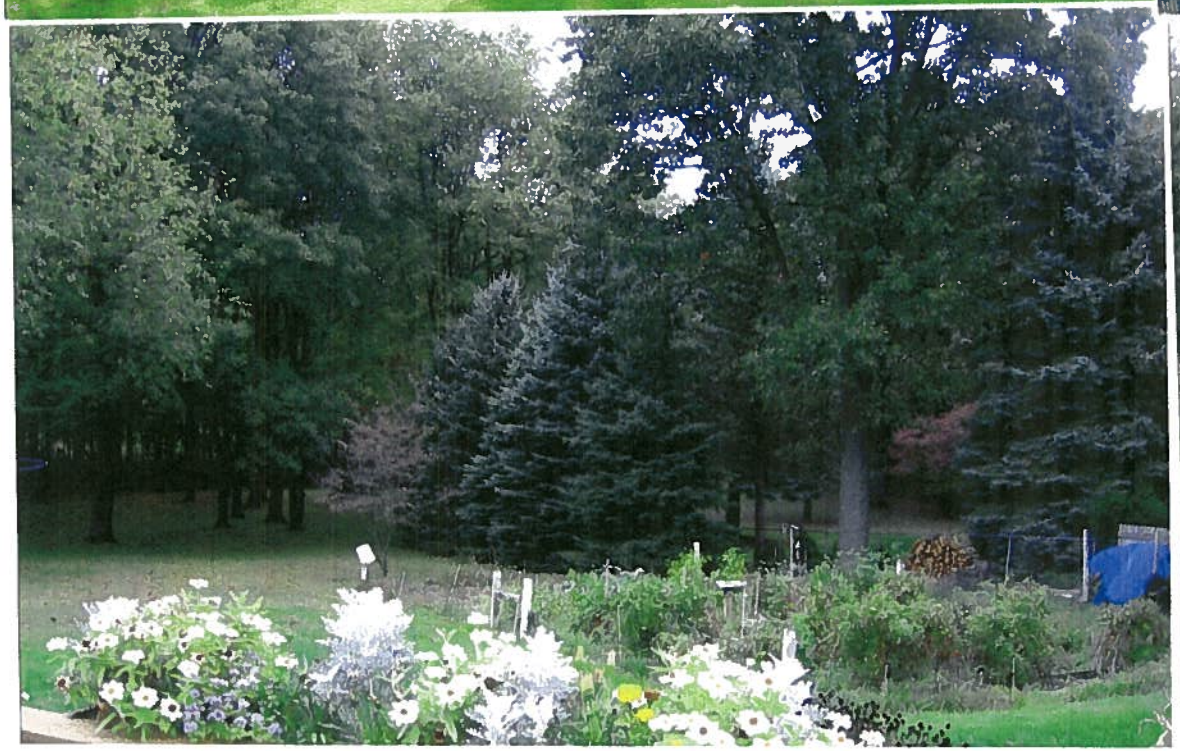

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Average Scale: 1 inch = 40.9 feet

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Department of Community Development

TO: Zoning Board of Appeals **DATE:** December 3, 2010

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: ZBA #10-08; Steve Rodgers, 10076 Woodlawn Drive; R-1B One Family Residential

CODE SECTION: 42-121(A) Accessory buildings; p. CD42:28

APPEAL: Requesting a) a variance to retain 210 square-feet of accessory building area; and b) a 160 square-foot variance to construct a detached shed in the rear yard, where the total combined accessory building area exceeds the ground floor living area of the dwelling by 353 square-feet.

STAFF RECOMMENDATION: The applicant requests the above variance per the enclosed application, photographs, and letter of explanation. The property is 1.11 acres in area and is improved with a 1,697 square-foot dwelling, a 1,122 square-foot attached garage, and a 768 square-foot detached pole barn.

Within the 1,122 square-foot attached garage, 210 square-feet was an enclosed porch that a previous owner converted into garage space without permit approval prior to 1983. The applicant wishes to retain this attached garage addition which, when combined with other existing accessory building area, exceeds the ground floor living area of the house by 193 square feet. In addition, the applicant is seeking a variance to construct an additional 160 square-foot detached shed behind the 768 square-foot detached pole barn in the rear yard.

The applicant notes that the lot depth and elevation, surrounding natural vegetation, and retention basin to the rear of the property make the proposed detached accessory building and attached accessory building inconspicuous from the street and neighboring properties. The applicant has multiple cars, a boat, and equipment to store indoors, and thus, less unsightly.

Conforming alternatives are available to the applicant, including expanding the ground floor living area of the dwelling, storing boats and equipment in the rear yard, and utilizing off-site storage. However, no complaints have been received, the attached accessory building area has been in existence for over thirty years with no apparent negative impact on the neighborhood. Also, the lot is large and the rear yard is not visible from the street, is obscured from many neighbors, and the retention basin to the north is unlikely to ever be developed in the future. If the Board finds a practical difficulty exists, then both variances can be authorized.

PRACTICAL DIFFICULTY: None noted by staff. See Suggested Motion form.

S:\2010-2011 Department Files\Board Files\ZBA\10-08; Woodlawn 10076\2010 11 01 JME ZBA 10-08 Woodlawn, 10076 (staff report)V2.doc

SUGGESTED NON-USE VARIANCE MOTION FORM

Mr. Chairman:

I move, in regard to ZBA #_____, the application by _____

for a variance from _____

_____

be:

a. granted for all of the following reasons:

1a. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include_____
_____;

2a. The variance is necessary for the preservation and enjoyment of a substantial property right, the right to_____, which is similar to that possessed by other properties in the same zoning district and in the vicinity;

3a. The immediate practical difficulty causing the need for the variance request was not created by the applicant;

4a. The variance will not be detrimental to adjacent property and the surrounding neighborhood, and;

5a. The variance will not materially impair the intent and purpose of the zoning ordinance.

-or-

b. denied for one of more of the following reasons:

1b. There are no exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district;

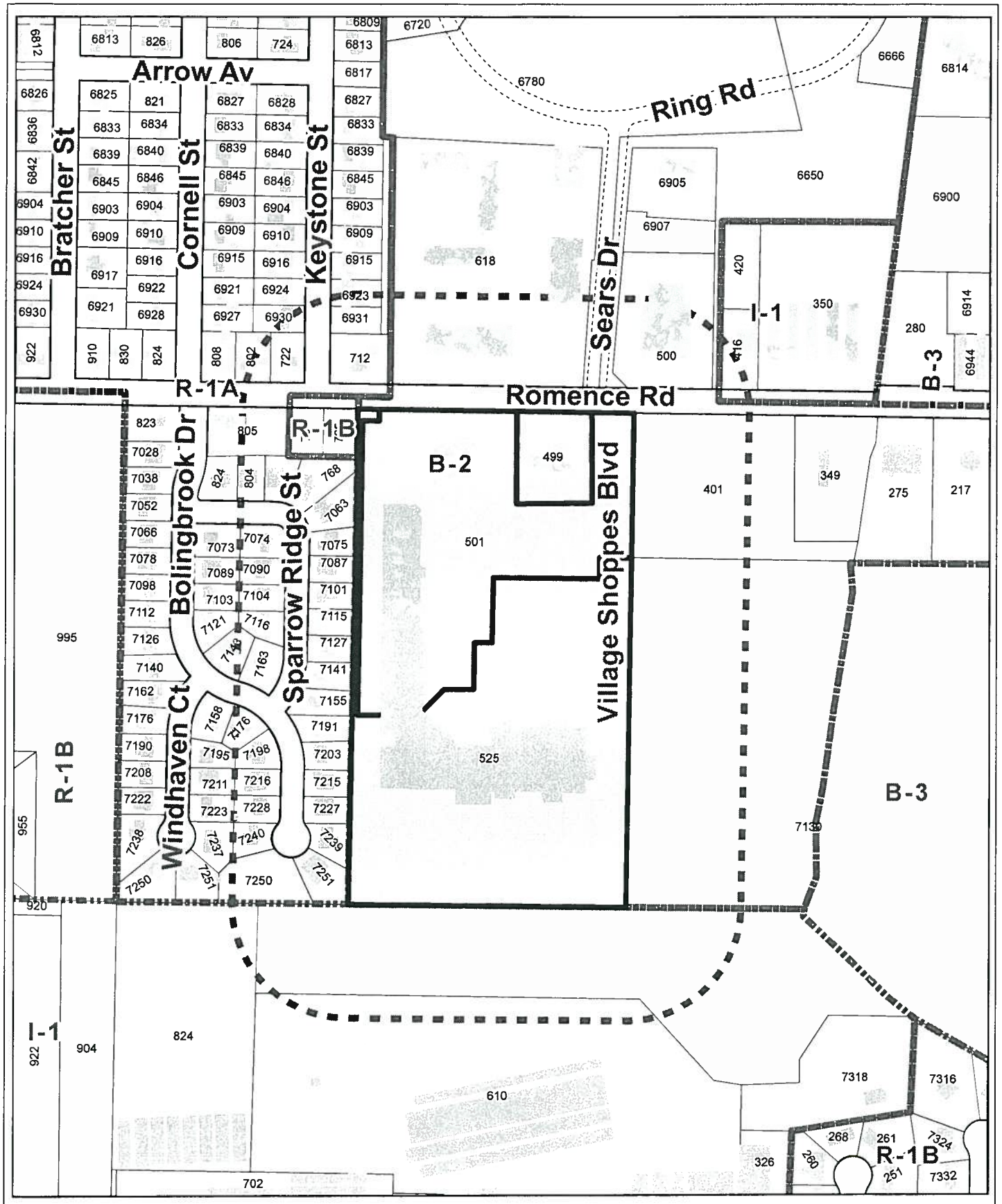
2b. The variance is not necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district in the vicinity because there are conforming alternatives available such as_____
_____.

3b. The immediate practical difficulty causing the need for the variance request was created by the applicant;

4b. The variance would be detrimental to adjacent property and the surrounding neighborhood, and;

5b. The variance would materially impair the intent and purpose of the zoning ordinance.

c. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, **and that action of the Board be final and effective immediately.**



ZBA 10-09

499,501,525 Romence Road

1 inch = 329 feet

Legend

Subject Properties

Zoning Boundary

Map Document: (R:\GISADMIN\karl\projects\NOTIFICATION\zba\10-09_525-501_romence.mxd) 11/19/2010 -- 4:54:08 PM

Appl Fee $330

1600007

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Department of Community Development

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 11/18/10

Name of Applicant SAM HADDAD BEACON SIGN COMPANY (Print) Sam Haddad (Signature)

Applicant's Address 19460 MT-ELLIOTT DET. MI 48234 Phone No. 313-368-3410 CELL 313-330-5724

Name of Property Owner (if different from Applicant) LANDLORD HWA PROPERTIES, INC. 2620 MCH AV SUITE A KALAMAZOO, MI 49006

Address _____ Phone No. _____

TENANT: AUTO CLUB SERVICES 1 AUTO CLUB DR. DEARBORN, MI 48126

Address of the Property that is the subject of this Application:

Street Address 665 ROMENCE ROAD

For Platted Property: Lot _____ of _____ Plat

[If The Property Is Unplatted, the Legal Description is needed. Please attach on a separate sheet.]

Applicant's interest in Property that is the subject of this Application: SIGN CONTRACTOR REQUESTING ADDING AAA LOGO TO EXISTING SIGN.

Application Fee _____ (Residential Uses) _____ (All Other Uses)

Type of Appeal (Please check one of the following **bold choices** and provide the requested information):

____ **Variance from Zoning Ordinance:** Article _____ Section _____ Paragraph _____

Regarding: Use _____ Area _____ Yards _____

Setbacks _____ Parking _____ Other _____

Reason for Request (Also complete page 2 of application): _____

____ **Appeal of Administrative Decision:** Article _____ Section _____ Paragraph _____

Reason for Request: _____

____ **Interpretation of the Zoning Ordinance:** Article _____ Section _____ Paragraph _____

Reason for Request: _____

____ **A Temporary Permit for:** Building _____ Use _____ Other Approval _____

Article _____ Section _____ Paragraph _____

Reason for Request: _____

FOR STAFF USE

Application Number: ZBA 10-09	**Filing Date:** 11/19/2010	**Tentative Hearing Date:** 12/13/2010
Previous Application Filed Regarding This Property: Dec 1999 (ZBA 99-24) & June 2007 (ZBA 06-33)		

Reason For Variance

1. Please explain how the property has characteristics such as narrowness, shallowness, irregular shape, topography, or natural features that prevent compliance with the Zoning Ordinance. (Attach additional sheets if needed.)

WOULD LIKE PERMISSION TO ADD AA LOGO AT BLANK BOTTOM SIGN PANEL OF EXISTING SIGN.

2. Are the physical characteristics you explained above unique and not shared by neighboring properties? (Attach additional sheets if needed.) NO - OTHER TENANTS ARE ON SIGN. MULTI-TENANT SIGN

3. Can the property be reasonably used for the uses permitted in the zoning district without granting the variance? (Attach additional sheets is needed.)

4. Is the variance the minimum necessary to permit reasonable use of the land and buildings, or would a lesser variance be fair and equitable to the applicant as well as logical and just to other property owners in the area? (Attach additional sheets if needed.)

This is a MINIMAL REQUEST TO ADD AA LOGO AT BOTTOM OF SIGN PANEL

5. Explain how the variance would <u>not</u> result in adverse affects on adjacent properties or alter the character of the area. (Attach additional sheets if needed.)

6. Explain how the variance would <u>not</u> result in increased traffic congestion, noise, or other potential concerns, or in dangers from fire, flood or other hazards, that would be detrimental to the property or to the area. (Attach additional sheets if needed.)

This will be part of the existing sign which is designed for multiple tenants

7. Is the reason for the request, the practical difficulty or the hardship created, due to an act of the applicant or due to an act by the previous property owner? (Attach additional sheets if needed.) No

8. Explain how the variance <u>would fulfill</u> the spirit and intent of the Zoning Ordinance. (Attach additional sheets if needed.)

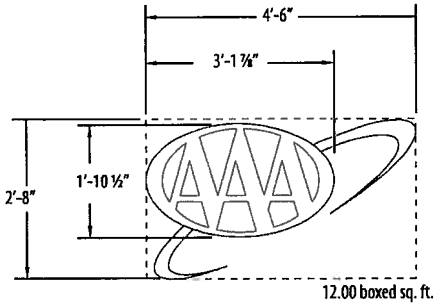
ADDING AA LOGO TO EXISTING SIGN WILL NOT CHANGE THE AESTHETIC OF THE EXISTING SIGN.

Signature of Applicant

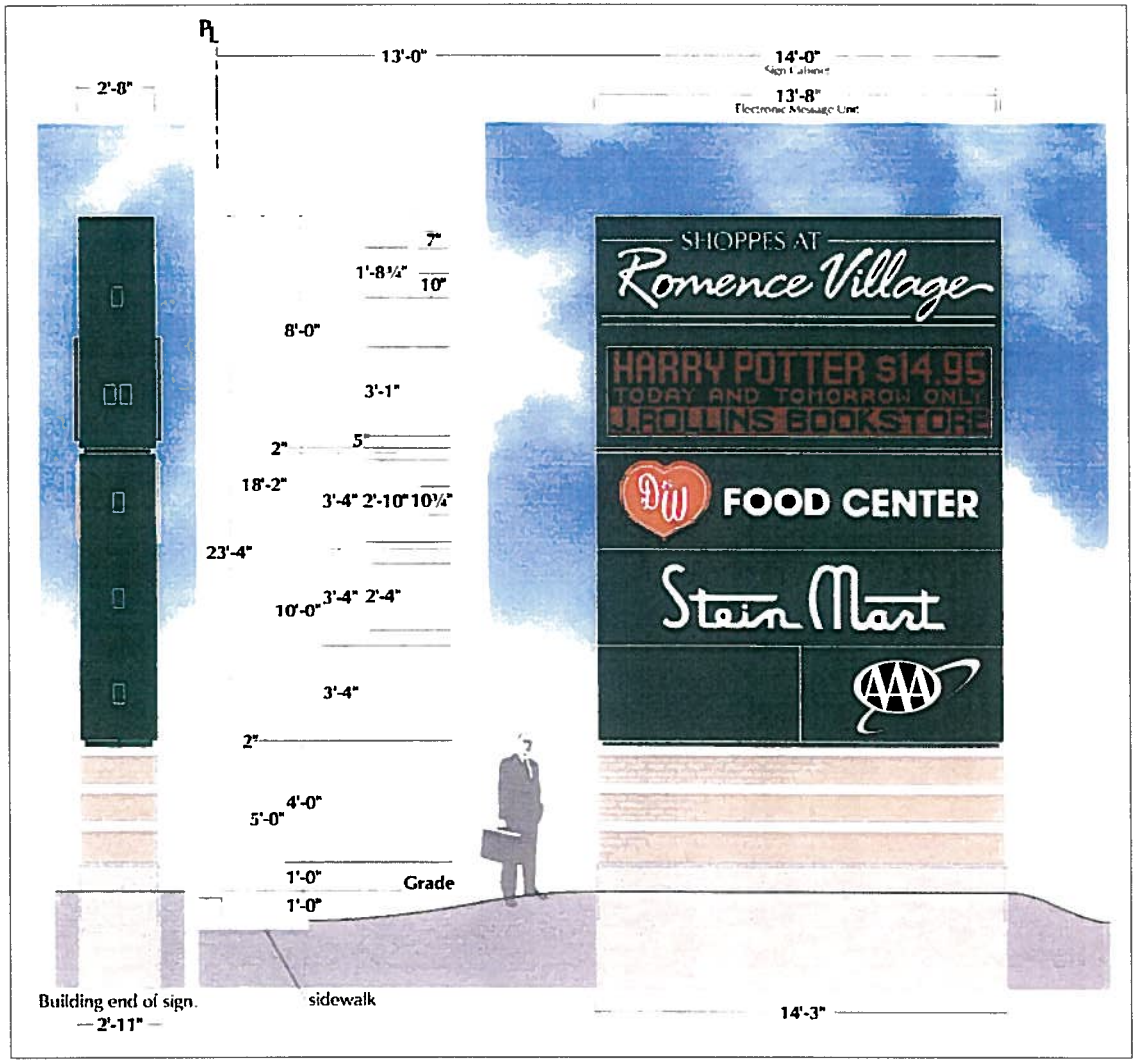
11/18/10
Date

AAA | Portage, MI

NOTE: Renderings below utilize sample dimensions derived from client surveys.



QTY 2: Aluminum logo routed to existing sign face, white plastic w/ green background



Located Bottom Right Panel on Each Side

FAIRMONT
SIGN COMPANY
3750 East Outer Drive
Detroit, MI 48234
t: 313.368.4000 f: 313.368.9335
www.fairmontsign.com

Client:

665 Romence Road
Portage, MI

Date: 10/21/10

File: Accounts/AAA/Elev/ Portage, MI

Designer: DRW

Scale: N/A

Job# 00000 **Sheet#** 2 of 2

Revision # 3 **Date:** 10-21

Revision Description:

sq. ft. adjust
delete insurance copy, sq. ft. adjust, logo
new pylon doc

Customer Approval:

THIS DRAWING REMAINS THE EXCLUSIVE PROPERTY OF FAIRMONT SIGN COMPANY. THIS DESIGN CANNOT BE COPIED IN WHOLE OR IN PART, ALTERED, OR EXHIBITED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF FAIRMONT SIGN COMPANY. THE EXCEPTION IS ANY PREVIOUSLY COPYRIGHTED ARTWORK SUPPLIED BY THE CLIENT.

UNLESS OTHERWISE NOTED, ALL COLORS PORTRAYED ARE REPRESENTATIVE ONLY.

ALL DIMENSIONS TO BE FIELD VERIFIED PRIOR TO INSTALLATION

CITY OF
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Department of Community Development

TO: Zoning Board of Appeals **DATE:** December 3, 2010

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: ZBA #10-09; Beacon Sign Co. on behalf of Auto Club Services, 499, 501, 525 Romence Road; B-2, Community Business

CODE SECTION: 42-544(B) Nonconforming Signs; p. CD42:128

APPEAL: Requesting a variance to add a 12 square-foot tenant logo to a nonconforming freestanding sign.

STAFF RECOMMENDATION: The applicant requests the above variance per the enclosed application and sign sketch. The property is approximately 21 acres and accommodates the Shoppes at Romence Village, a multi-tenant retail development and off-street parking lot. The zoning lot includes three adjacent properties and is zoned B-2 Community Business. The property is adjacent to a residential neighborhood to the west, commercial properties to the north and east, and the city-owned consolidated drain project to the east and south.

The Board granted a variance in December 1999 (ZBA 99-24), permitting a 240 square-foot freestanding sign, conditioned that the sign be located east of the easternmost access drive and the zoning lot be allowed no additional freestanding signs. (Two conforming 180 square-foot freestanding signs could be constructed on the property.) As the Board will also recall, a variance was granted in June 2007 to permit a sign panel change for D&W. Considerations by the Board also included the substantial change in elevation exists along the west property line. The sign is not visible from the residential neighborhood to the west.

While the 1999 variance permitting a 240 square foot freestanding sign was granted, the actual sign size is 254 square feet, as the Zoning Code permitted up to an additional 15 square feet of changeable copy board to be added to any nonconforming freestanding sign. The additional 14 square feet was added to the then regulated copy board/electronic message panel in the sign. The applicant proposes a 12 square-foot "AAA" tenant logo on the now blank bottom panel of the existing sign. Because the sign is nonconforming, a variance is needed to install the proposed sign face. No other structural alterations or modifications will be made to the sign structure.

The significant change in elevation and proximity to the residential neighborhood to the west are exceptional circumstances; the variance preserves the right to identify a new tenant, similar to that possessed by other properties in the same zoning district and vicinity; no other freestanding sign is permitted; and the variance would have minimal impact on neighboring properties. For these reasons staff can recommend approval. In addition, it is recommended the Board consider allowing future changes to the tenant panels below the electronic message display (EMD) section without further review by the Board, provided no other sign face area or sign structural changes are accomplished.

PRACTICAL DIFFICULTY: Change in elevation; Reduction of signs along Romence Road; Proximity to residential neighborhood. See Suggested Motion form.

S:\2010-2011 Department Files\Board Files\ZBA\10-09; Romence, 501\2010 11 24 JME ZBA 10-09 Romence, 501 (staff report).doc

SUGGESTED NON-USE VARIANCE MOTION FORM

Mr. Chairman:

I move, in regard to ZBA #_____, the application by _____

for a variance from _____

_____

be:

a. granted for all of the following reasons:

1a. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include_____
_____;

2a. The variance is necessary for the preservation and enjoyment of a substantial property right, the right to_____, which is similar to that possessed by other properties in the same zoning district and in the vicinity;

3a. The immediate practical difficulty causing the need for the variance request was not created by the applicant;

4a. The variance will not be detrimental to adjacent property and the surrounding neighborhood, and;

5a. The variance will not materially impair the intent and purpose of the zoning ordinance.

-or-

b. denied for one of more of the following reasons:

1b. There are no exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district;

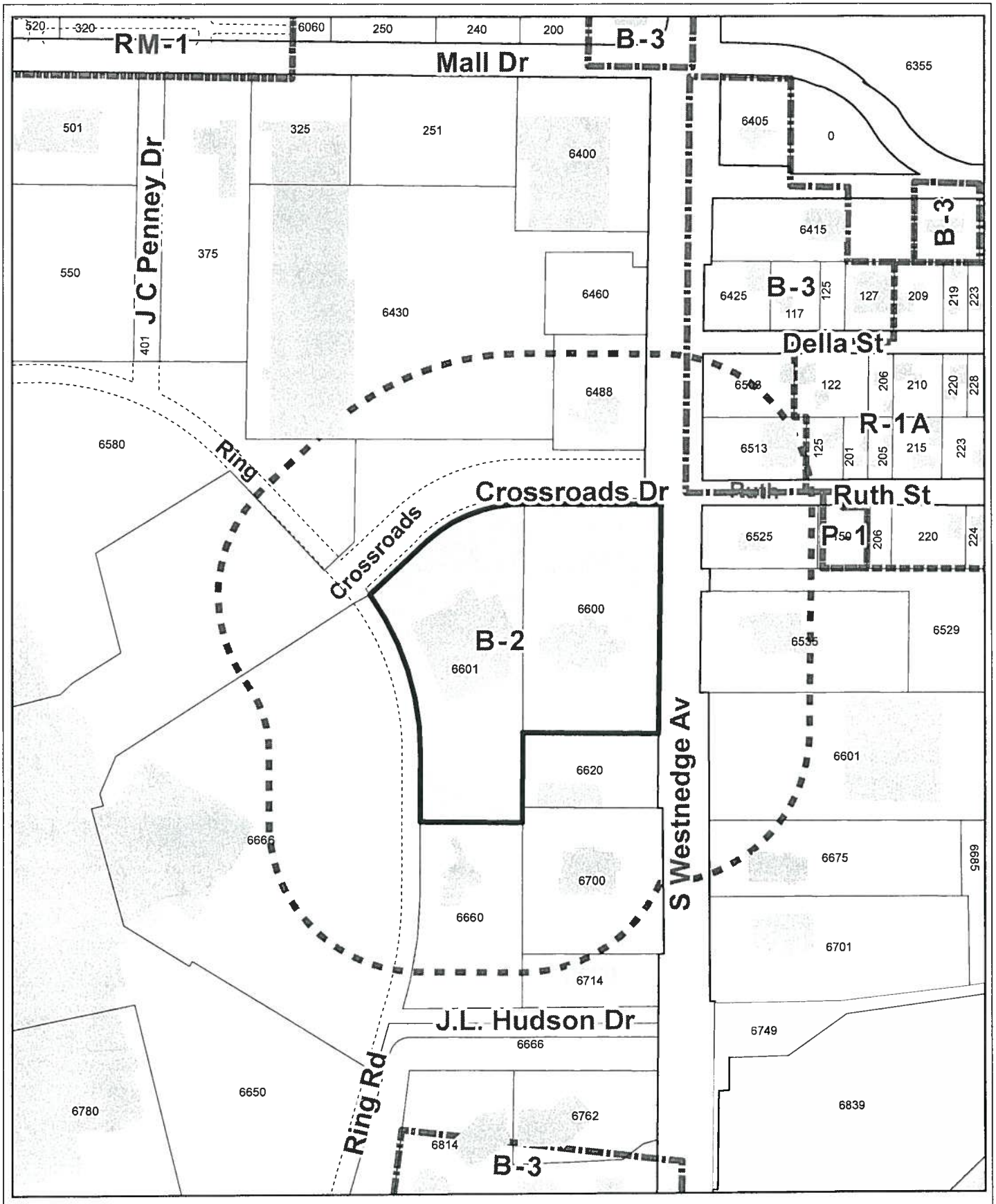
2b. The variance is not necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district in the vicinity because there are conforming alternatives available such as_____
_____.

3b. The immediate practical difficulty causing the need for the variance request was created by the applicant;

4b. The variance would be detrimental to adjacent property and the surrounding neighborhood, and;

5b. The variance would materially impair the intent and purpose of the zoning ordinance.

c. **In addition**, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, **and that action of the Board be final and effective immediately.**



ZBA 10-10

6600, 6601 South Westnedge Avenue

1 inch = 250 feet

Legend

- 300' Notification Boundary
- Subject Property
- Zoning Boundary

Map Document: (R:\GISADMIN\karl\projects\NOTIFICATION\zba\10-10_6600_swa.mxd) 11/22/2010 -- 10:35:11 AM

CITY OF
PORTAGE
A Place for Opportunities to Grow

Department of Community Development

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 11/19/10

Name of Applicant GREGORY A. DOBSON (Print) Gregory A. Dobson (Signature)

Applicant's Address 4200 W. Centre Ave, Portage MI Phone No. 269.329.3636

Name of Property Owner (if different from Applicant) GCG Portage, LLC

Address 6600 S. Westnedge Ave Phone No. 269.323.3200

Address of the Property that is the subject of this Application:

Street Address 6600 S. Westnedge Ave Portage MI 49024

For Platted Property: Lot _____ of _____ Plat

[If The Property Is Unplatted, the Legal Description is needed. Please attach on a separate sheet.]

Applicant's interest in Property that is the subject of this Application: OWNER

Application Fee _____ (Residential Uses) $330- (All Other Uses)

Type of Appeal (Please check one of the following **bold choices** and provide the requested information):

X **Variance from Zoning Ordinance:** Article _____ Section _____ Paragraph _____

Regarding: Use _____ Area _____ Yards _____

Setbacks _____ Parking _____ Other X

Reason for Request (Also complete page 2 of application): Requesting a variance from the square footage allowed for one existing free standing sign and existing wall signs.

____ **Appeal of Administrative Decision:** Article _____ Section _____ Paragraph _____

Reason for Request: _____

____ **Interpretation of the Zoning Ordinance:** Article _____ Section _____ Paragraph _____

Reason for Request: _____

____ **A Temporary Permit for:** Building _____ Use _____ Other Approval _____

Article _____ Section _____ Paragraph _____

Reason for Request: _____

FOR STAFF USE

Application Number: 10-10	**Filing Date:** 11/19/10	**Tentative Hearing Date:** 12/13/10
Previous Application Filed Regarding This Property: Feb. 2006 (ZBA 95-27) + Aug. 2007 (ZBA 07-16)		

Reason For Variance

1. Please explain how the property has characteristics such as narrowness, shallowness, irregular shape, topography, or natural features that prevent compliance with the Zoning Ordinance. (Attach additional sheets if needed.)

This property is irregularly shaped with frontages on 1 public road and three private roads.

2. Are the physical characteristics you explained above unique and not shared by neighboring properties? (Attach additional sheets if needed.)

Yes.

3. Can the property be reasonably used for the uses permitted in the zoning district without granting the variance? (Attach additional sheets is needed.)

No, General Motors requires the type and amount of sign requested. In addition we have three different product lines, each requiring signage.

4. Is the variance the minimum necessary to permit reasonable use of the land and buildings, or would a lesser variance be fair and equitable to the applicant as well as logical and just to other property owners in the area? (Attach additional sheets if needed.)

Yes. In fact we are asking for a reduction of square footage of signage on both the free standing signs (1 non-conforming, 1 conforming vs 1 non-conforming and 2 conforming) and amount of wall signage.

5. Explain how the variance would <u>not</u> result in adverse affects on adjacent properties or alter the character of the area. (Attach additional sheets if needed.)

A greater ammnt of signage already exists so we are reducing the impact on adjacent properties if any exists.

6. Explain how the variance would <u>not</u> result in increased traffic congestion, noise, or other potential concerns, or in dangers from fire, flood or other hazards, that would be detrimental to the property or to the area. (Attach additional sheets if needed.)

As per #5 we are reducing the amount of signage.

7. Is the reason for the request, the practical difficulty or the hardship created, due to an act of the applicant or due to an act by the previous property owner? (Attach additional sheets if needed.)

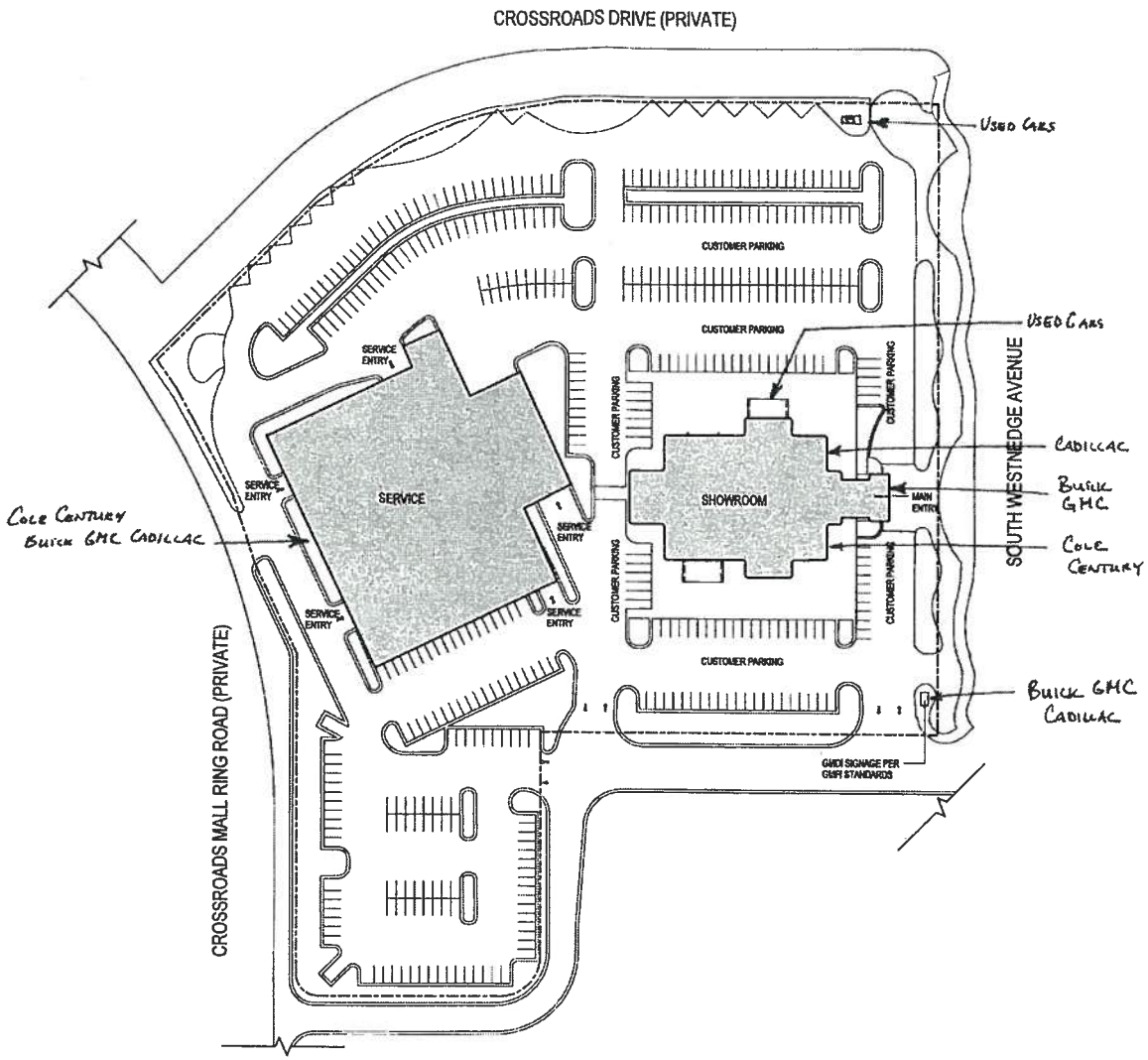
No.

8. Explain how the variance <u>would fulfill</u> the spirit and intent of the Zoning Ordinance. (Attach additional sheets if needed.)

There are exceptional conditions applying to this property that do not generally apply to other properties in the zoning district, the property is irregularly shaped, and the granting of the variance should not have a negative impact on any adjacent landowners

Signature of Applicant

11/19/10
Date



SITE PLAN

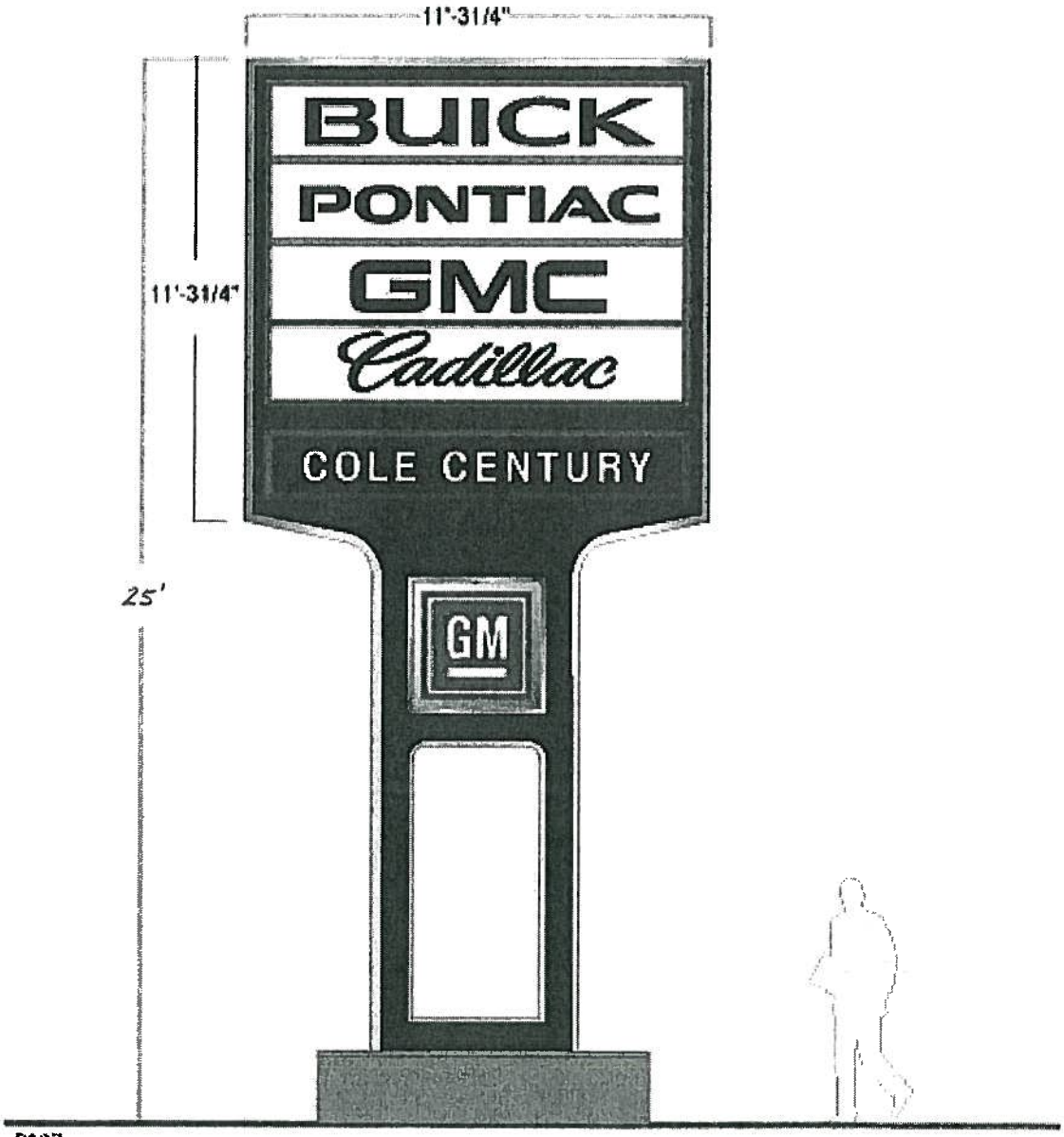
GENERAL MOTORS
Facility Image Program
Design Intent

Facility Proposal
COLE CENTURY

COLE CENTURY, INC.

SITE PLAN

Existing



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ISO 9001:2000 Certified Enterprise

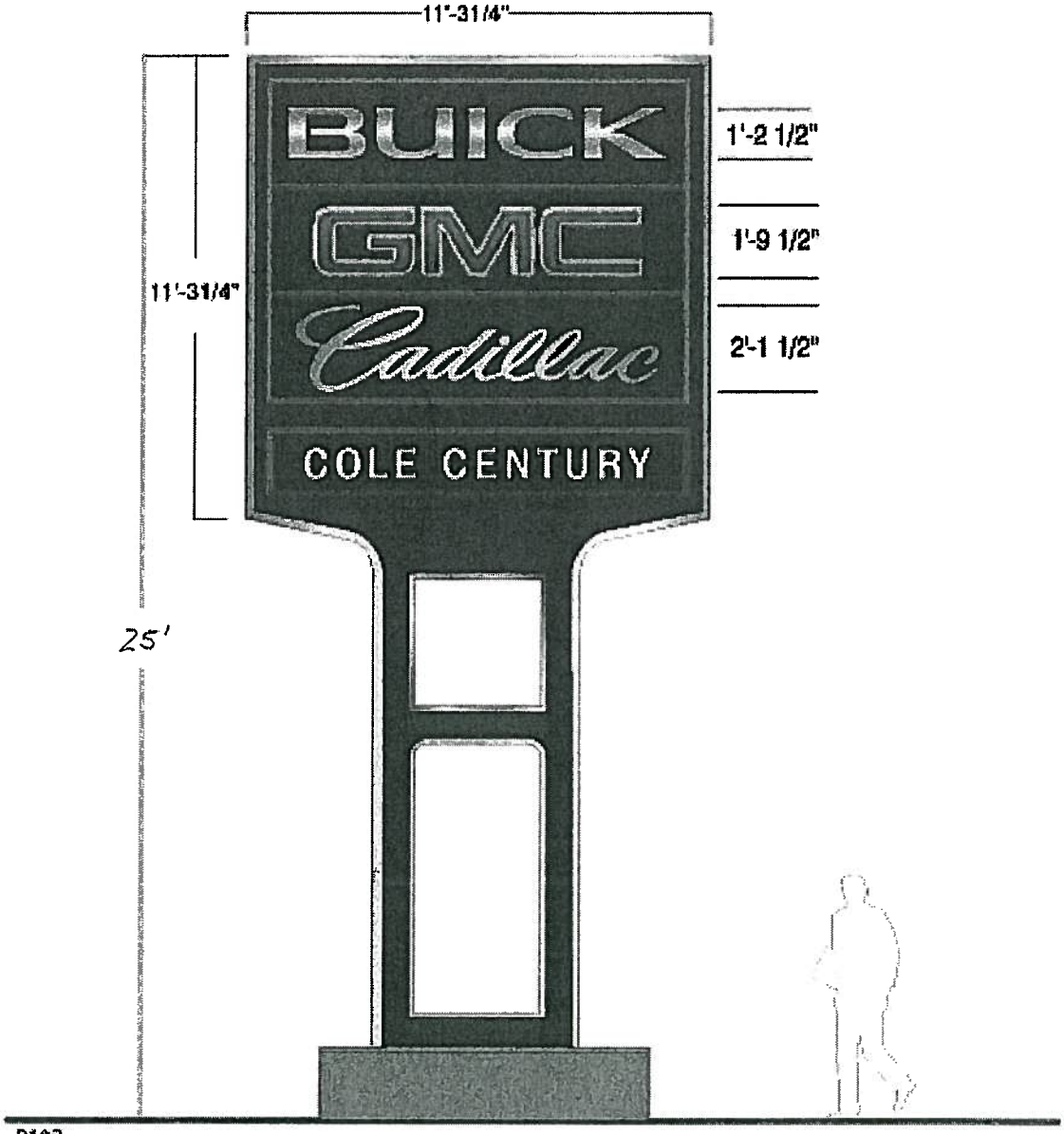
www.pattisonsign.com

Customer Approval: Date: __/__/__

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

Client:	Cole Century, Inc.		
Site:	6800 S Westnedge Ave.		Portage, MI
Designer:	R. Andree	Date:	10-01-10
Revised By:		Rev:	
Page: 1/1		Scale:	1/4"=1'-0"

PROPOSED



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Customer Approval: Date: __/__/__

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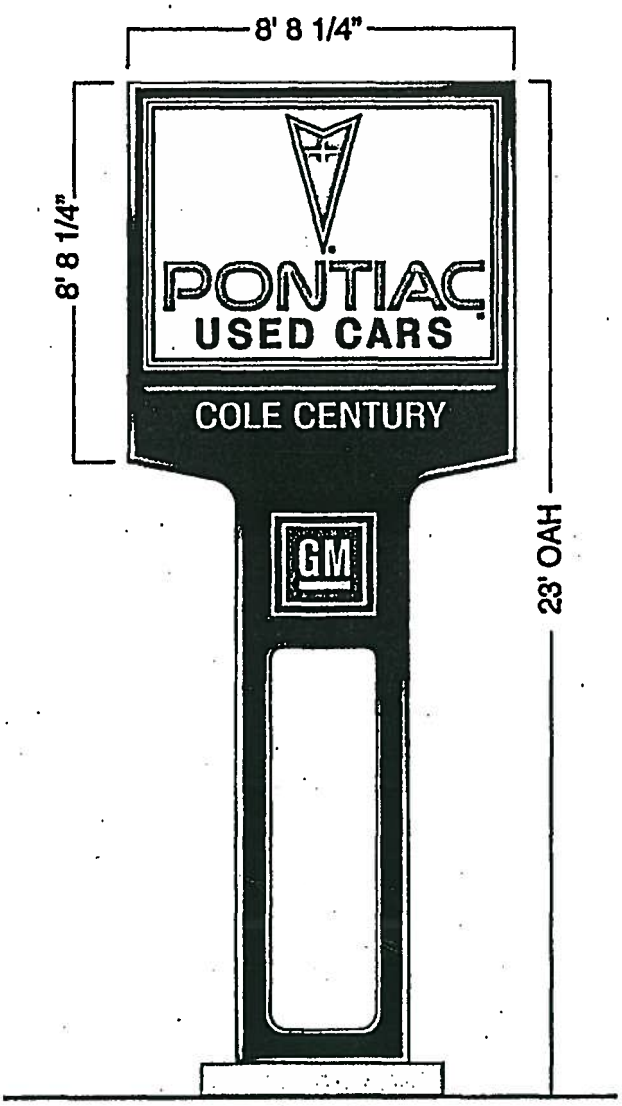
Client:	Cole Century, Inc.		
Site:	6600 S Westnedge Ave. Portage, MI		
Designer:	R. Andree	Date:	10-01-10
Revised By:		Rev:	
Page: 1/1		Scale:	1/4"=1'-0"

EXISTING



Account	GM	Drawn By	R. ANDREE
Project Title	GM P92 Pont UC @23' OAH (BLK)	IP Rep.	J. HINDS
Scale	1:48	Approved By	
Date Created	22 JUN 04	Date Revised	10 AUG 07

310378841 Pg 1 of 1

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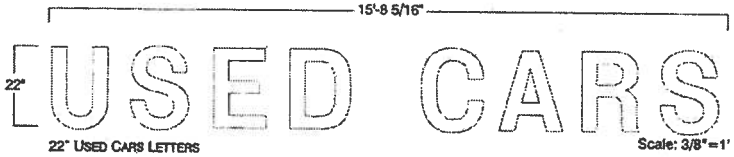
Proposed

16" Dealer Letters

Scale: 1/2"=1'

17" Buick Signature

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

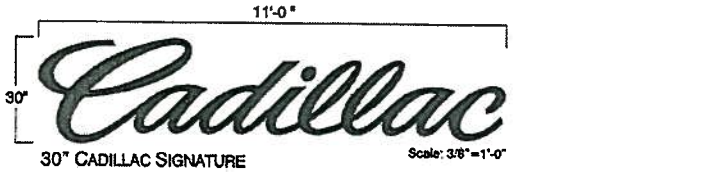


22" Used Cars Letters

Scale: 3/8"=1'

20" GMC Signature

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

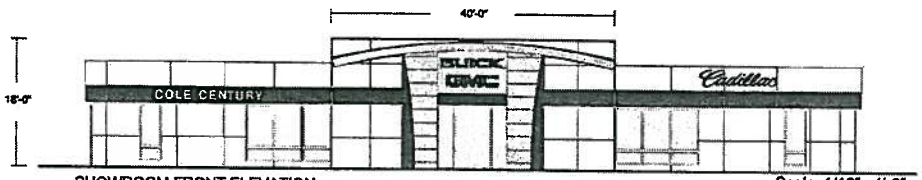


30" Cadillac Signature

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

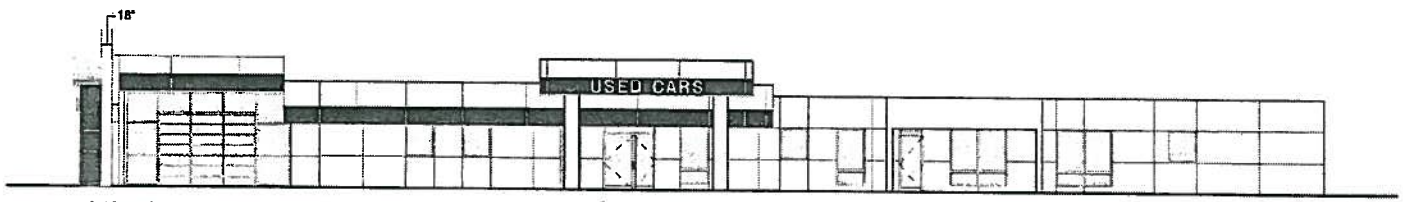
SIGN ELEMENTS

ELEMENT	SIZE (HEIGHT)	WEIGHT	ELECTRICAL	SQUARE FT.	LENGTH
Dealer Name Letters	16" Small LED	5 lbs./letter	.3 amps/letter.	28.03	15'-3 1/2"
Buick Signature	17" Small LED	tbd	2 amps.	14.1	8'-6 3/8"
GMC Signature	20" Med. LED	35 lbs.	2 amps.	12.39	7'-6 3/16"
Cadillac Signature	30" Small LED	40 lbs	4 amps	26.8	11'-0"
Used Cars Letters	22" Med. LED	8 lbs./letter	.4 amps/letter.	28.77	15'-8 5/16"



SHOWROOM FRONT ELEVATION

Scale: 1/16"=1'-0"



SHOWROOM RIGHT ELEVATION

Scale: 1/16"=1'-0"

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Customer Approval: Date: ___/___/___

By: ___ Date: ___/___/___

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.

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Client:	Cole Century		
Site:	Portage, MI		
Draftsman:	R. Andree	Date:	09-15-10
Checked By:		Rev.:	
Page: 1 / 1		Scale:	as noted

South Side →

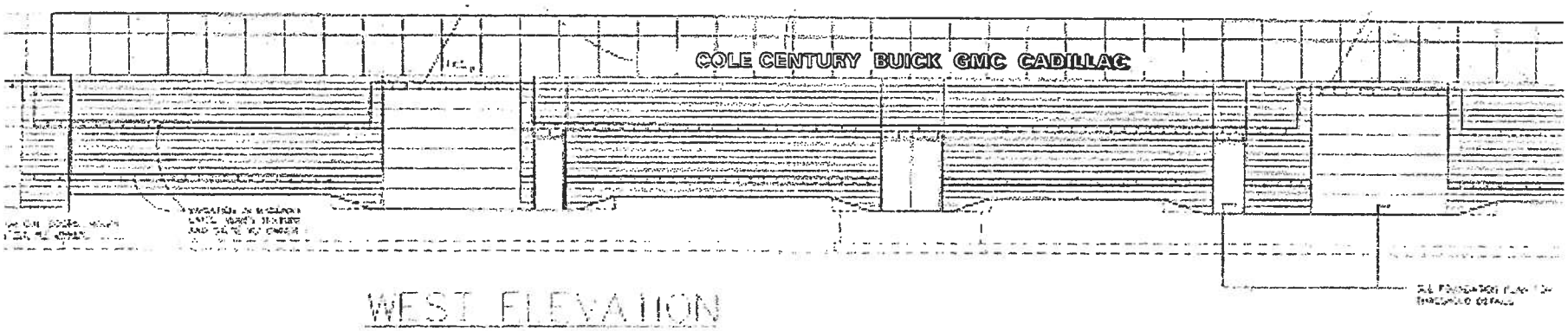
West Side →

Service Building:

Auto Entry – Service

Crossroads Mall – Cole Century Buick GMC Cadillac

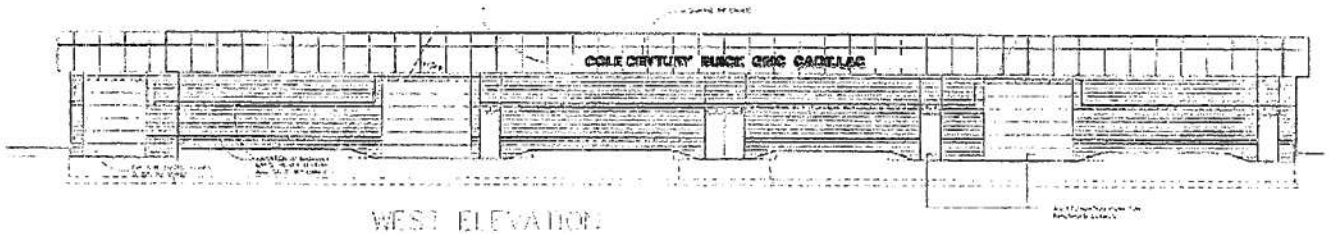
Other



WEST ELEVATION

¼" = 1'-0"

COLE 1'-6" X5'-6'
CENTURY 1'-6" X 10'-4"
BUICK 1'-6" X 6'-9"
GMC 1'-6"X 5'-1"
CADILLAC 1'-6" X 11'-0"



WEST ELEVATION

NO SCALE

MODERN NEON SIGN COMPANY / OLIVER LaCLAIR 349-8636

CITY OF
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A Place for Opportunities to Grow

Department of Community Development

TO: Zoning Board of Appeals **DATE:** December 3, 2010

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: ZBA #10-10; Greg Dobson on behalf of GCG Portage, LLC, 6600, 6601 South Westnedge Avenue; B-2, Community Business

CODE SECTION: 42-544(B) Nonconforming Signs; p. CD42:128

APPEAL: Requesting variances to a) modify two nonconforming freestanding signs; and b) to replace 191 square-feet of nonconforming wall signs with 157 square-feet of wall signs.

STAFF RECOMMENDATION: The applicant requests the above variances per the enclosed application, site sketch, and sign sketches. The zoning lot consists of 6600 and 6601 South Westnedge Avenue, is 5.6 acres with frontage on two private drives (Ring Road and Crossroads Drive) and South Westnedge Avenue, and accommodates a new and used car dealership, service center, and off-street parking lot. The property is adjacent to commercial properties on all sides.

As background, the Board initially granted variances in February 1996 (ZBA 95-27) permitting: 1) a 137 square-foot multiple-brand freestanding sign, 2) a 92 square-foot used car freestanding sign, 3) a 60 square-foot Nissan freestanding sign, and 4) 200 square feet of wall signs. The Board again approved variances in August 2007 allowing sign face replacements on the first two nonconforming freestanding signs to reflect a dealership merger and change in corporate branding. The third nonconforming Nissan freestanding sign was removed in the summer 2010. Subsequent changes in the auto industry have occurred and the applicant proposes to modify the signs. The applicant proposes to modify the 137 square-foot multiple-brand freestanding sign by removing the Pontiac/GM panel and replacing the sign faces to reflect new branding, resulting in a 126 square-foot sign (where a maximum 120 square feet is allowed). The applicant also proposes to change the sign faces on the 92 square-foot used car sales freestanding sign. Finally, the applicant proposes to replace wall signs that total 191 square feet with wall signs that total 157 square feet to reflect new corporate branding.

The proposed sign package represents lesser signage and a reduction in the degree of nonconformity for both the freestanding and wall signs. The same conditions and practical difficulties cited in previous requests remain present and include the irregular shape of the zoning lot with significant frontage on private streets, and multiple business brands/entities. Additionally, the variances will not be detrimental to adjacent properties, and will not materially impair the intent of the ordinance. For these reasons the variances are recommended.

PRACTICAL DIFFICULTY: Irregular shape of zoning lot; Multiple private street frontages; Multiple product lines/brands. See Suggested Motion form.

S:\2010-2011 Department Files\Board Files\ZBA\10-10; SWA, 6600\2010 11 24 JME ZBA 10-10 SWA, 6600 (staff report).doc

SUGGESTED NON-USE VARIANCE MOTION FORM

Mr. Chairman:

I move, in regard to ZBA #_____, the application by _____

for a variance from _____

_____

be:

a. granted for all of the following reasons:

1a. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include_____
_____;

2a. The variance is necessary for the preservation and enjoyment of a substantial property right, the right to_____, which is similar to that possessed by other properties in the same zoning district and in the vicinity;

3a. The immediate practical difficulty causing the need for the variance request was not created by the applicant;

4a. The variance will not be detrimental to adjacent property and the surrounding neighborhood, and;

5a. The variance will not materially impair the intent and purpose of the zoning ordinance.

-or-

b. denied for one of more of the following reasons:

1b. There are no exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district;

2b. The variance is not necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district in the vicinity because there are conforming alternatives available such as_____
_____.

3b. The immediate practical difficulty causing the need for the variance request was created by the applicant;

4b. The variance would be detrimental to adjacent property and the surrounding neighborhood, and;

5b. The variance would materially impair the intent and purpose of the zoning ordinance.

c. **In addition**, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, **and that action of the Board be final and effective immediately.**