

CITY OF
PORTAGE
A Place for Opportunities to Grow

ZONING BOARD OF APPEALS

January 11, 2010

CITY OF PORTAGE ZONING BOARD OF APPEALS

Monday, January 11, 2010

(7:00 pm)

**Portage City Hall
Council Chambers**

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

- * December 14, 2009

OLD BUSINESS:

NEW BUSINESS:

- * ZBA# 09-13, 10950 East Shore Drive: Phil Woods on behalf of Tom Woods, is requesting a variance to retain two accessory buildings without an existing principal permitted use (one-family dwelling).

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

Star (*) indicates printed material within the agenda packet

CITY OF PORTAGE ZONING BOARD OF APPEALS
Minutes of Meeting – December 14, 2009

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. Six people were in the audience.

MEMBERS PRESENT: David Felicijan, Betty Schimmel, Henry Kerr, Rob Linenger, Lowell Seyburn, Marianne Singer, Timothy Bunch (alt.)

MEMBERS EXCUSED: Donald Mordas (alt.)

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator, Charlie Bear, Assistant City Attorney

APPROVAL OF THE MINUTES: Felicijan moved, and Linenger seconded a motion to approve the October 12, 2009 minutes with two modifications. Upon voice vote, motion was approved 7-0.

NEW BUSINESS:

ZBA# 09-11, 6026, South Westnedge Avenue: Staff summarized the request for a 75 square-foot variance from the maximum permitted 100 square-foot wall sign size for a portion of the building that will be occupied by ABC Warehouse. Steve VanderSloot, Jim Meinershagen, and Tim Timmons were present on behalf of Sign Art, ABC Warehouse, and Southland Acquisitions, LLC respectively. VanderSloot acknowledged the sign code was amended in 2003, but explained that ABC Warehouse had exceptional circumstances in that it is a larger retailer with 27,000 square feet of leased space, 140 feet of lineal wall length, and because the tenant space was a little short of the 200-foot wall length, additional sign area is not permitted, resulting in a situation where the adjacent tenant with only 48 feet of lineal wall length gets the same size wall sign. VanderSloot noted the previous tenant, Circuit City received a wall sign variance based on setback and visibility, and during the ensuing decade more building pad sites had been developed in front of the mall, and the trees obscuring site visibility had grown larger. Kerr indicated the 2003 amendment was developed to eventually achieve consistency with sign size. VanderSloot indicated the proposed sign is in proportion with the size of the wall area for the tenant space and other existing signs in Southland Mall. Schimmel and Linenger noted the text on the bottom portion of the proposed sign was too small to be legible, and store identification could be improved if the business name was increased and the small text was eliminated. VanderSloot responded that ABC Warehouse was a national chain and seeks to maintain uniform branding at all locations, including the text on the bottom of the wall sign. Linenger observed that several chains appeared to have block lettering on the freestanding signs that did not match the styles found on their wall signs. Timmons clarified the property owner tries to maintain uniformity on the freestanding signs, whereas the tenants wall signs can be consistent with tenant branding. Felicijan inquired regarding the size of the existing ABC Warehouse wall sign and how many other stores have signs at or under 100 square feet in size. Meinershagen indicated the existing ABC Warehouse wall sign is roughly 150 to 170 square feet in size, and he knows of only two other stores with smaller wall sign sizes.

A public hearing was opened. Tim Timmons, Southland Acquisitions, spoke in favor of the request and noted the same practical difficulty still exists when Circuit City was granted a variance. As no further public comments were received, the public hearing was closed. Seyburn noted the proposed sign is proportional to the size of the wall area and that the building setback has always been an issue for Southland Mall.

A motion was made by Felicijan, supported by Singer, to deny a 75 square-foot variance from the maximum permitted 100 square-foot wall sign size for a portion of the building that will be occupied by ABC Warehouse for the following reasons: there are no exceptional circumstances applying to the property that do not generally apply to others in the same zoning district; and the variance would materially impair the intent and purpose of the zoning ordinance. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at the hearing are to be incorporated in the record and the action of the Board shall be final and effective immediately. Upon roll call: Linenger-Yes, Kerr-Yes, Seyburn-No, Schimmel-Yes, Felicijan-Yes, Singer-Yes, Bunch-Yes. Motion carried 6-1.

Kerr inquired if the Board wanted to make an alternative motion. A motion was made by Seyburn to grant a 50 square-foot variance from the maximum permitted 100 square-foot wall sign for a portion of the building that will be occupied by ABC Warehouse for the following reasons: 1) there is a significant reduction in the nonconformity of the existing sign; 2) the existing space which was designed for a sign façade will be out of proportion for the sign permitted; 3) the applicant's region-wide logo would have to be drastically altered from all of its other signs in order to fit the required 100 square foot space; 4) the spirit of the ordinance which deals with buildings 300 feet back from the road would not be infringed upon as this building is 460 feet back, and because of that there are exceptional circumstances applying to the property that do not generally apply to others in the same zoning district; the variance is necessary for the preservation and enjoyment of a

substantial property right, the right for the property to be identified from the road; the immediate practical difficulty causing the need for the variance request was not created by the applicant; the variance would not be detrimental to adjacent property and surrounding neighborhood; and the variance would not materially impair the intent and purpose of the ordinance. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at the hearing are to be incorporated in the record and the action of the Board shall be final and effective immediately. As no support for the motion was offered, the motion failed.

ZBA# 09-12, 665 Mall Drive: Staff summarized the request for a variance to erect two 288 square-foot wall signs where a maximum 175 square feet is permitted. Justin VanderArk of the Home Builders Association of Greater Kalamazoo was present present to explain the request and the history of the Home Expo event. The building at 665 Mall Drive is larger than the last venue and over 15,000 visitors are anticipated. However, 80% of guests come from outside Portage and outside the Kalamazoo County area, and wall signs are proposed to ensure the event can be easily located. In response to Kerr, the applicant indicated the signs would be removed no later than March 22, 2010. In response to Singer, VanderArk clarified the location of the proposed signs. Felicijan inquired if the sign on the north wall of the building will be illuminated and visible from the residential area. VanderArk indicated they would not illuminate the sign on the north wall, and staff indicated it would be visible from the multi-family developments to the north. Felicijan inquired how the Home Expo event advertised changes in venue in the past. VanderArk indicated large signs were placed close to the road. In response to Felicijan, staff clarified if signs are illuminated, lighting would have to be accomplished so as not to create glare. Schimmel inquired if temporary directional signs are allowed. Staff indicated yes, on-site directional signs are permitted. Linenger asked if the existing pylon sign would be used. VanderArk indicated specific plans have not yet been developed for the freestanding sign. While the use is temporary, Linenger indicated a concern with the requested 576 square feet of wall signs.

A public hearing was opened. Tim Timmons, Southland Acquisitions, and Bard Overlander, Don's Card Hut both spoke in favor of the request for a short-term use that will generate significant traffic in the area. Faith Cervin, 678 Edgefield, also spoke in favor of the request. Letters of support from the following individuals were also read into the record: Tim Timmons, Southland Acquisitions; Don Bloomand, World of Floors; Cindy Schur, Hannapel Home Center. There being no further comments, the public hearing was closed. Felicijan indicated a desire to assist with the request, but noted a need to be in keeping with the ordinance. Linenger suggested a lesser variance to permit two 8 foot by 12 foot signs. VanderArk indicated such signs would be too small. Dale Shugars, Home Builders Association, noted the project and location are unique, the temporary event will create jobs and activity in the area, and recommended the Board vote in accordance with the staff recommendation.

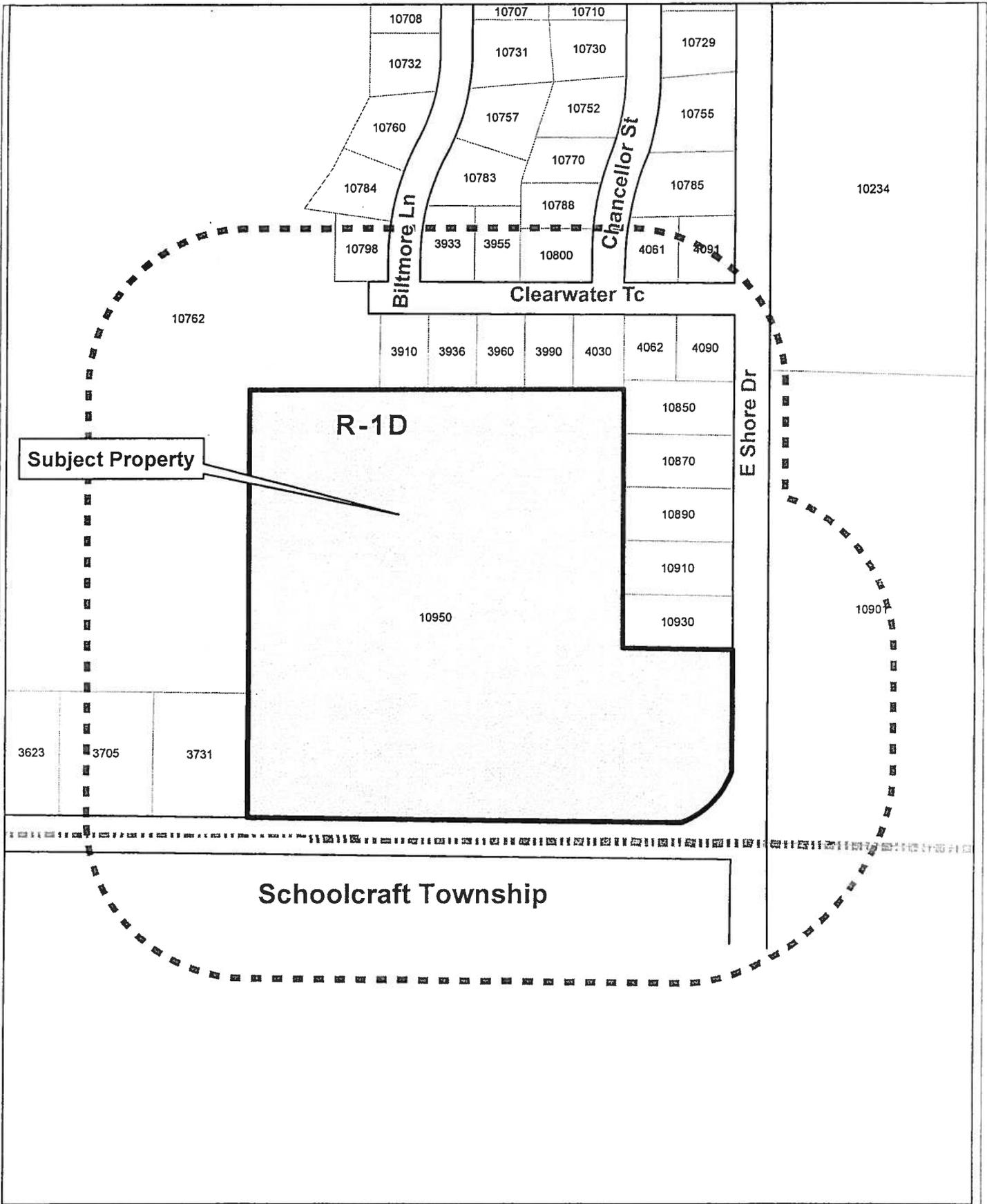
A motion was made by Linenger, supported by Felicijan, to approve a variance for two 128 square-foot signs, which would be 8 foot by 16 foot and located as indicated on the elevations shown in the agenda, for the following reasons: there are exceptional circumstances or conditions applying to the property that do not generally apply to others in the same zoning district; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to advertise temporarily for a regional event; the variance would not be detrimental to adjacent property and surrounding neighborhood; and because it is temporary, the variance would not materially impair the intent and purpose of the zoning ordinance. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at the hearing are to be incorporated in the record and the action of the Board shall be final and effective immediately. Linenger-Yes, Kerr-Yes, Seyburn-Yes, Schimmel-No, Felicijan-Yes, Singer-Yes, Bunch-Yes. Motion carried 6-1.

STATEMENT OF CITIZENS: None.

ADJOURNMENT: There being no further business, the meeting was adjourned at approximately 8:10 p.m.

Respectfully submitted,

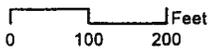
Jeff Mais, Zoning & Codes Administrator



Subject Property

R-1D

Schoolcraft Township



ZBA 09-13
10950 East Shore Drive

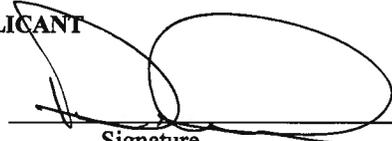
 300' Notification
 Subject Properties

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 12/03/2009

Name of Applicant Dale Woods
 Print


 Signature

Applicant's Address 1630 JOHN ST.

Phone No. 377-3789

Name of Property Owner (if different from Applicant) _____

Address _____ Phone No. _____

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

Street Address 10950 EAST SHORE DR.

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: ACCESSORY USE FOR CONSTRUCTION OF RESIDENCE.

Application Fee \$135 (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 ACCESSORY Area _____ Yards _____
 Setbacks _____ Parking _____ Other _____

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

ACCESSORY USE FOR TOOL + EQUIPMENT STORAGE TO ALLOW FOR CONSTRUCTION.

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: <u>09-13</u>	Filing Date: <u>12/4/09</u>	Tentative Hearing Date: <u>1/11/10</u>
Previous Application Filed Regarding This Property:		

SEE ATTACHED

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.)

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

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

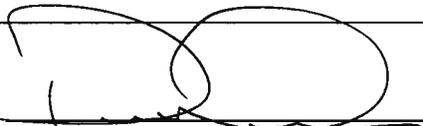
4. Is the variance the minimum necessary to permit reasonable use of the land and buildings, or would a lesser variance be fair and equitable to the applicant as well as logical and just to other property owners in the area? (Attach additional sheets if needed.)

5. Explain how the variance would not 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 not 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.)

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.)

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



Signature of Applicant

12/03/2009
Date

RECEIVED

DEC 15 2009

COMMUNITY DEVELOPMENT

12/03/2009

Purpose:

What I am seeking is the ability to construct a permanent small shed (12x16) and a temporary round top structure to facilitate in the construction of my residence. The small shed is needed for storage of construction tools/equipment, lawn tractor, chainsaws, fuel, etc. It is not feasible to constantly transport the necessary equipment to the property each time work and maintenance of the property takes place in wanting to do a majority of the work myself. The round top structure is needed for the storage of equipment and building materials while work takes place. Once the residence is in place the intention would be that the round top would be removed.

Residence plans, drawings, and DEQ study are currently being compiled for submission to the city in by the end of January once the DEQ consultant study has been completed. Current project plan timeline for the construction of the residence would have footings poured by the end of July this summer.

- 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.**

The property characteristics are not the limiting features preventing compliance with the zoning ordinance. If anything a property of this size (15 acres) may be approaching outside the realm of which many of the zoning ordinances were originally intended.

- 2) Are the physical characteristics you explained above unique and not shared by neighboring properties?**

Yes, the immediate surrounding properties relative to where the structures would be placed are vacant land. The few occupied properties surrounding the property are 1/3 acre lots.

- 3) Can the property be reasonably used for the uses permitted in the zoning district without granting the variance?**

No, without the functionality provided by these structures to property, construction of the residence and maintenance of the property will be next to impossible.

- 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?**

Yes, this variance is the minimum for what would be needed for maintenance and development of a residence on the property.

- 5) Explain how the variance would not result in adverse affects on adjacent properties or alter the character of the area.**

The variance will allow for positive effects on the adjacent properties by providing storage for equipment need to maintain the property, as well as leading to the development of a residence to the property. Nine of the fourteen surrounding properties are vacant land. The added structures would only be visible from one of the occupied surrounding lots.

- 6) Explain how the variance would not 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.**

The variance would allow for less traffic by preventing the transportation of equipment to and from the property, equipment would be able to remain on site. Some noise will be inherent to maintaining the property and construction of the residence as with any construction project.

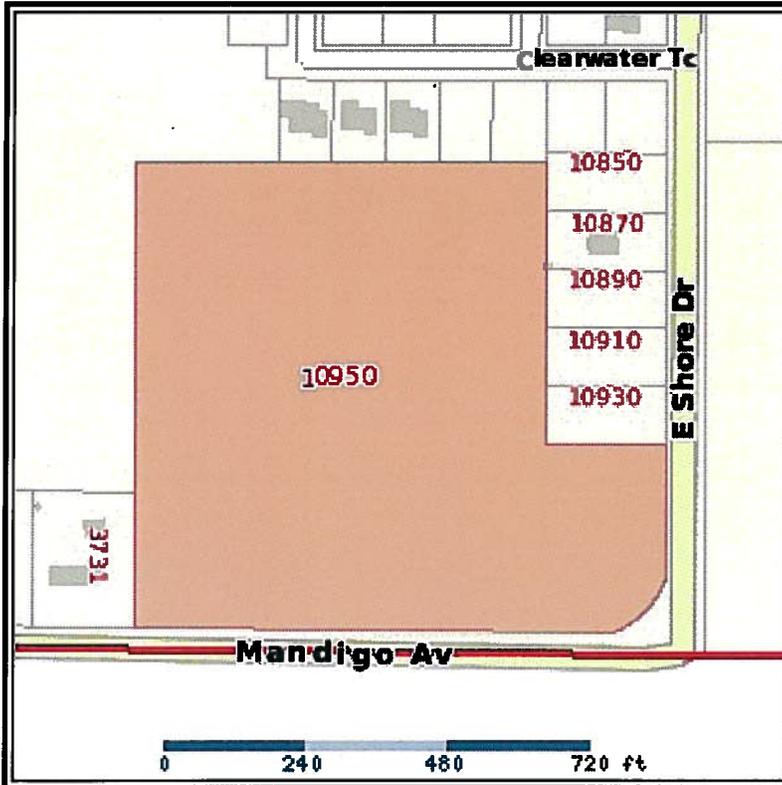
- 7) Is the reason for the request, the practical difficulty or the hardship created, due to an act of the applicant or due to an act by the previous property owner?**

The reason for the request is due to desired action being sought by the applicant.

- 8) Explain how the variance would fulfill the spirit and intent of the Zoning Ordinance.**

The variance would most definitely fulfill the spirit and intent of the zoning ordinance by enabling work on the residence that once completed will put the property in accordance with all zoning ordinances.

RECEIVED
DEC 15 2009
COMMUNITY DEVELOPMENT



CITY OF
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A Place for Opportunities to Grow

**City of Portage, MI
 Parcel Report**

This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. Please contact the City/County for current property assessment information. The user of this map acknowledges that the City/County shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City/County from any and all claims brought by the User, its employees or agents, or third parties which arise out of the Users access or use of data provided. **IN OTHER WORDS, USE AT YOUR OWN RISK !!!**

Report Date: 12/3/2009

Parcel ID: 000361150
Acres: 14.4
Parcel Address: 10950 EAST SHORE DR
Parcel Address2:
Parcel City: PORTAGE
Parcel State: MI
Parcel Zipcode: 49002

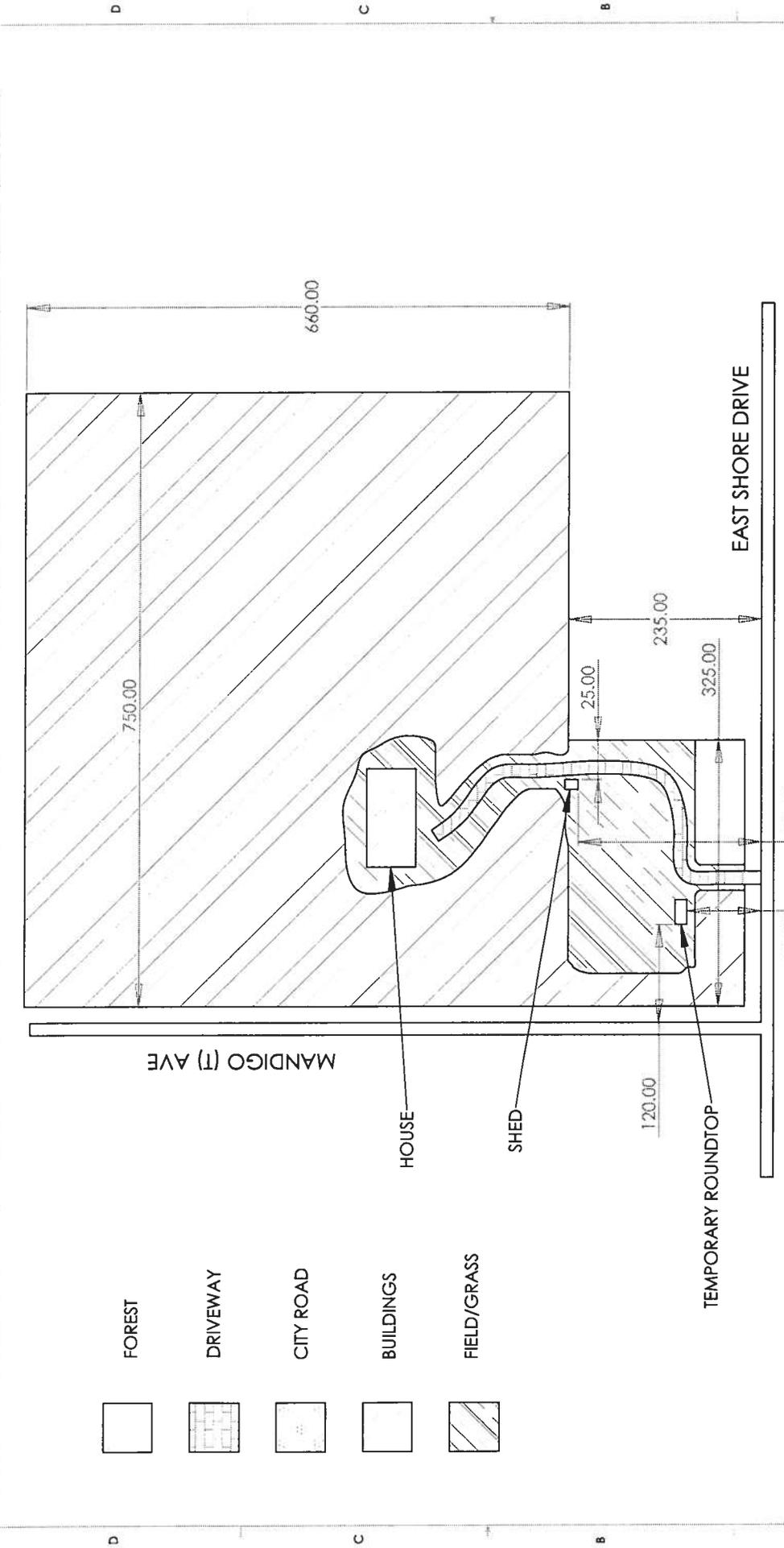
Owner: WOODS, THOMAS R & SHARON K
Owner(secondary):
Owner Address: 1630 JOHN ST
Owner City: PORTAGE
Owner State: MI
Owner Zipcode: 49002

Legal Description: SEC 36-3-11 BEG AT S 1/4 POST SEC 36, TH N 00 DEG 15'39in W ON THE NORTH-SOUTH 1/4 LINE OF SD SEC A DISTANCE OF 940.53 TH N 00 DEG 15'39in W, PARALLEL WITH THE NORTH-SOUTH 1/4 LINE OF SD SEC 36 A DISTANCE OF 834.00 FT, TH S 89 DEG 46'21in E, PARALLEL WITH SD S LINE 703.53 FT, TH S 00 DEG 15'39in E PARALLEL W THE NORTH-SOUTH 1/4 LINE OF SD SEC 36 A DISTANCE OF 475.00 FT, TH S 89 DEG 46'21in E PARALLEL WITH SD SOUTH LINE 237.00 FT TO THE NORTH-SOUTH 1/4 LINE OF SD SEC 36 TH SOUTH 00 DEG 15'39in EA ST ON SD NORTH-SOUTH 1/4 LINE 359.00 FT TO SD SOUTH 1/4 POST AND THE POB, EXCEPT BEGINNING AT A POINT 133.00 FT W AND 33.00 FT N OF THE S 1/4 POST OF SD SEC 36 TH E 100.00 FT TH N 100.00 FT T SWSTRLY AROUND A CURVE TO TH E RIGHT APPROXIMATELY 157.00 FT TO THE POB.

School District: Vicksburg
Year Built: 0

Taxable Value: 65600

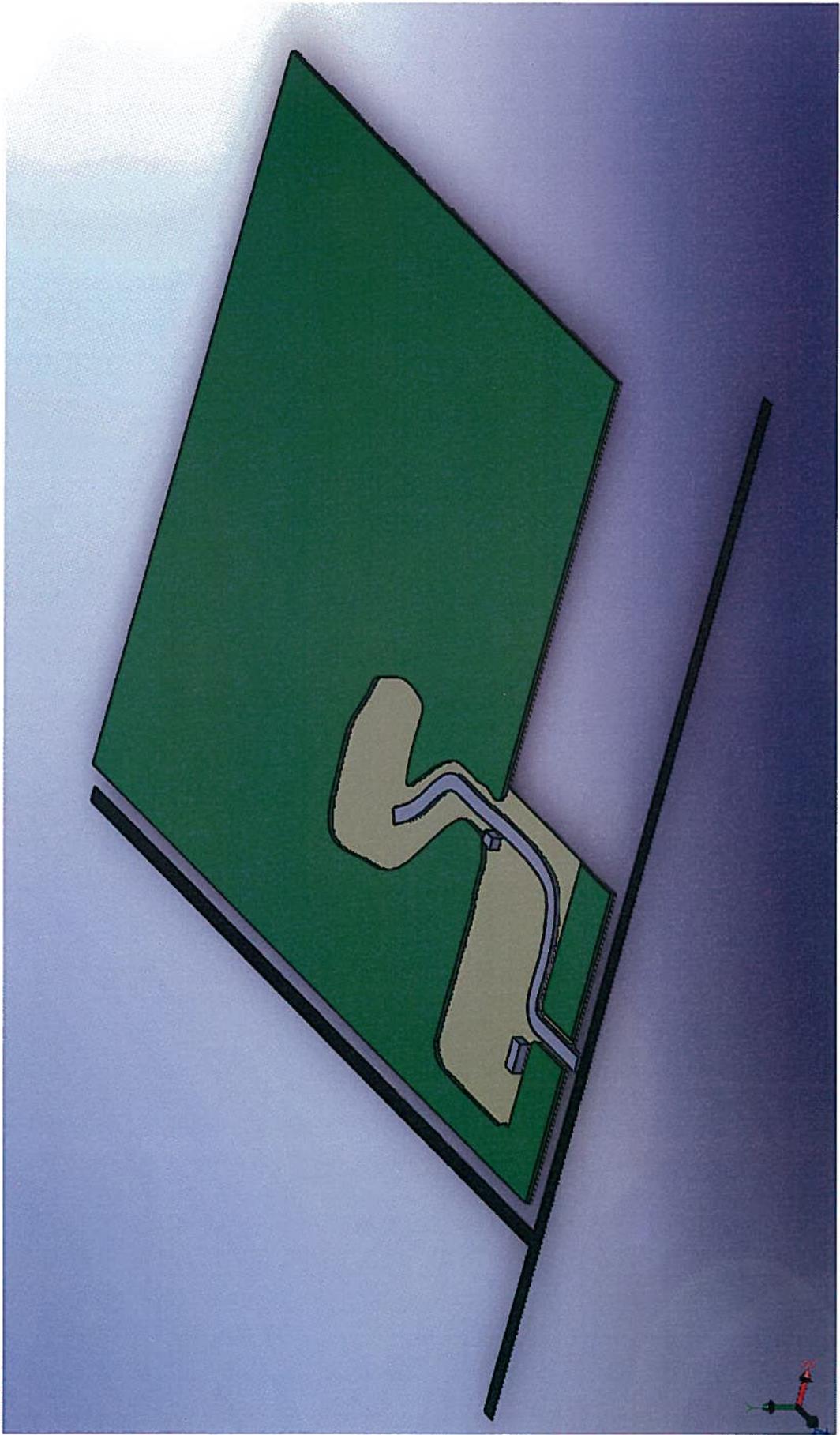
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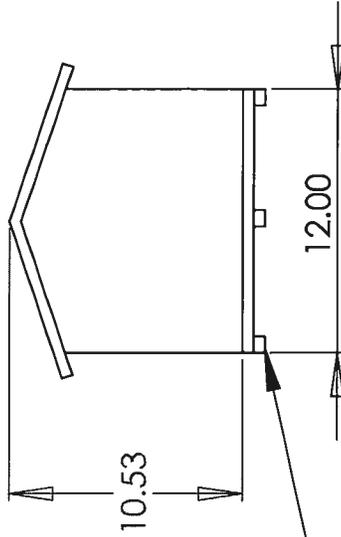
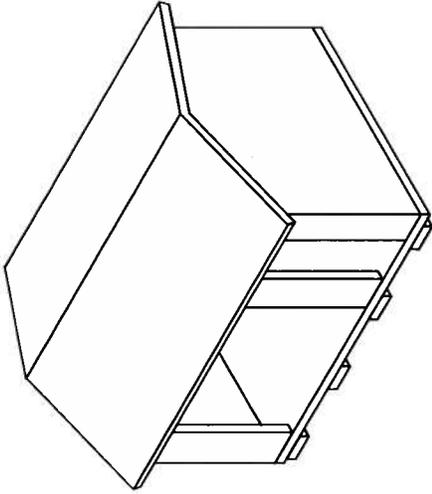
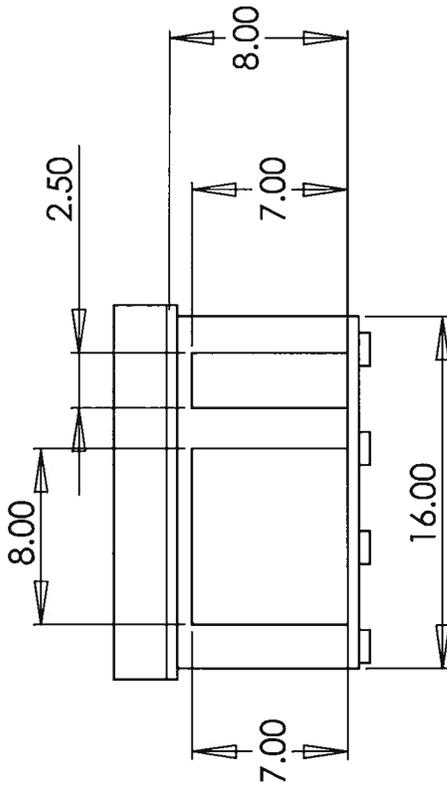
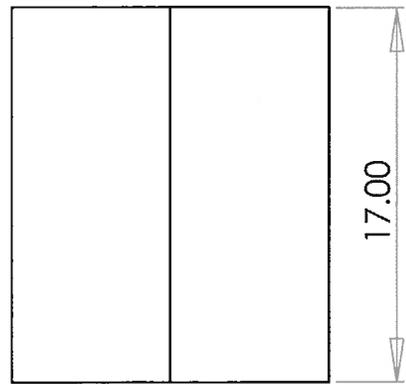


-  FOREST
-  DRIVEWAY
-  CITY ROAD
-  BUILDINGS
-  FIELD/GRASS

RECEIVED DEC 15 2009		COMMUNITY DEVELOPMENT	
TITLE: 10950 EAST SHORE DR SIZE DWG. NO. B Property REV A SCALE: 1:5000 WEIGHT: SHEET 1 OF 1		NAME DTW DATE 10/09 DRAWN CHECKED ENG APPR MFG APPR G.A. COMMENTS:	
UNLESS OTHERWISE SPECIFIED: DIMENSIONS ARE IN FEET TOLERANCES: FRACTIONAL: 1/8" MINUS ANGULAR: MACH. BEND: 3 THREE PLACE DECIMAL: 0.005 INTERPRET GEOMETRIC TOLERANCING PER MATERIAL FINISH		DO NOT SCALE DRAWING	
NEXT ASSY		USED ON APPLICATION	
PROPRIETARY AND CONFIDENTIAL THE INFORMATION CONTAINED IN THIS DRAWING IS THE SOLE PROPERTY OF THE WOODS. ANY REPRODUCTION IN PART OR AS A WHOLE WITHOUT THE WRITTEN PERMISSION OF THE WOODS IS PROHIBITED.			

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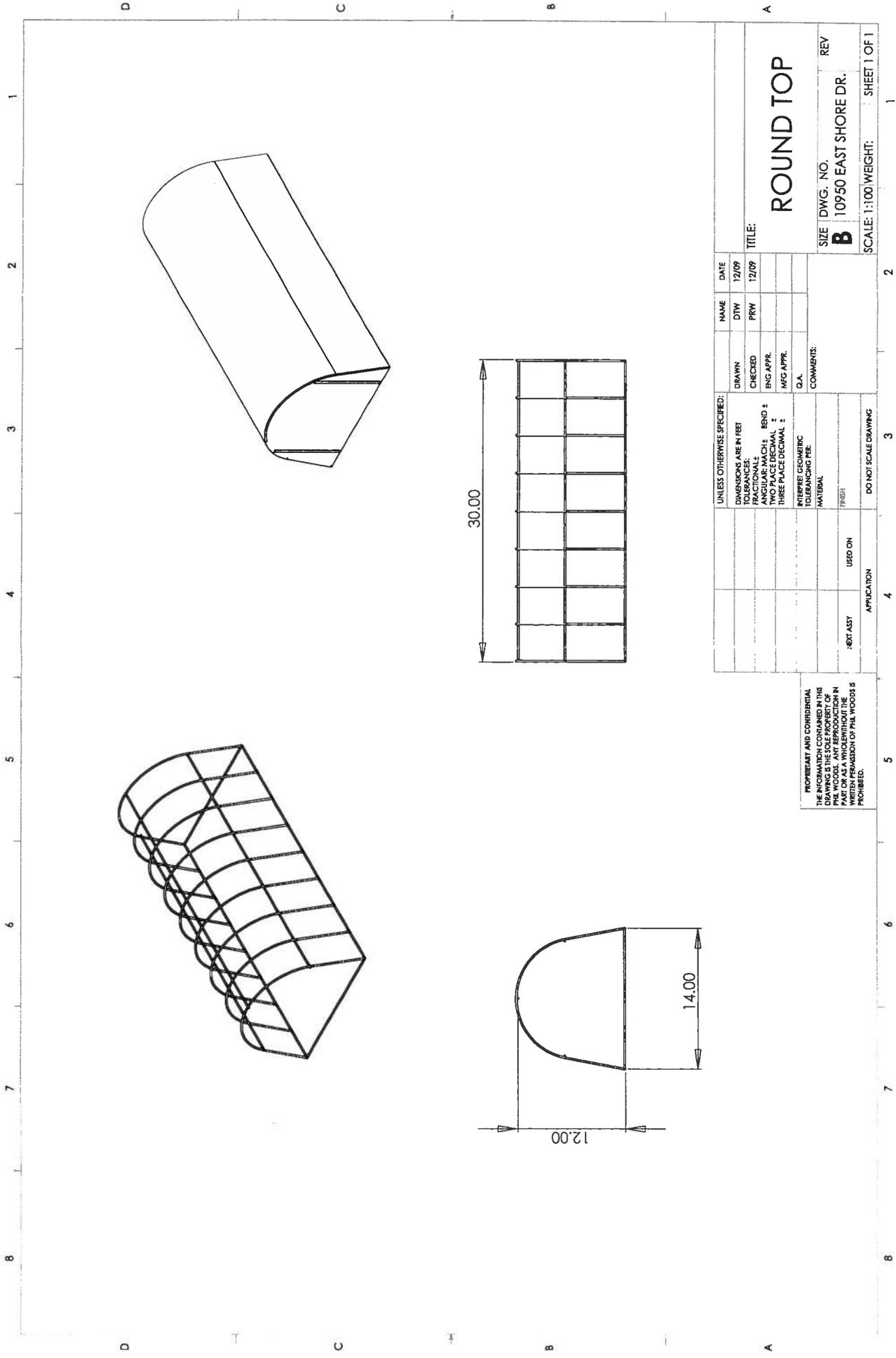
UNLESS OTHERWISE SPECIFIED:	DRAWN	NAME	DATE
DIMENSIONS ARE IN FEET	DTW	DTW	10/09
TOLERANCES:	CHECKED		
FRACTIONAL: ±	ENG APPR.		
ANGULAR: MACH: ± BEND: ±	MFG APPR.		
TWO PLACE DECIMAL: ±	Q.A.		
THREE PLACE DECIMAL: ±	COMMENTS:		
INTERPRET GEOMETRIC TOLERANCING PER:			
MATERIAL			
FINISH			
DO NOT SCALE DRAWING			

PROPRIETARY AND CONFIDENTIAL
 THE INFORMATION CONTAINED IN THIS DRAWING IS THE SOLE PROPERTY OF PHIL WOODS. ANY REPRODUCTION IN PART OR AS A WHOLE WITHOUT THE WRITTEN PERMISSION OF PHIL WOODS IS PROHIBITED.

TITLE:
10950 EAST SHORE DR

SCALE: 1:100 WEIGHT: SHEET 1 OF 1

SIZE DWG. NO. REV
A Shed A

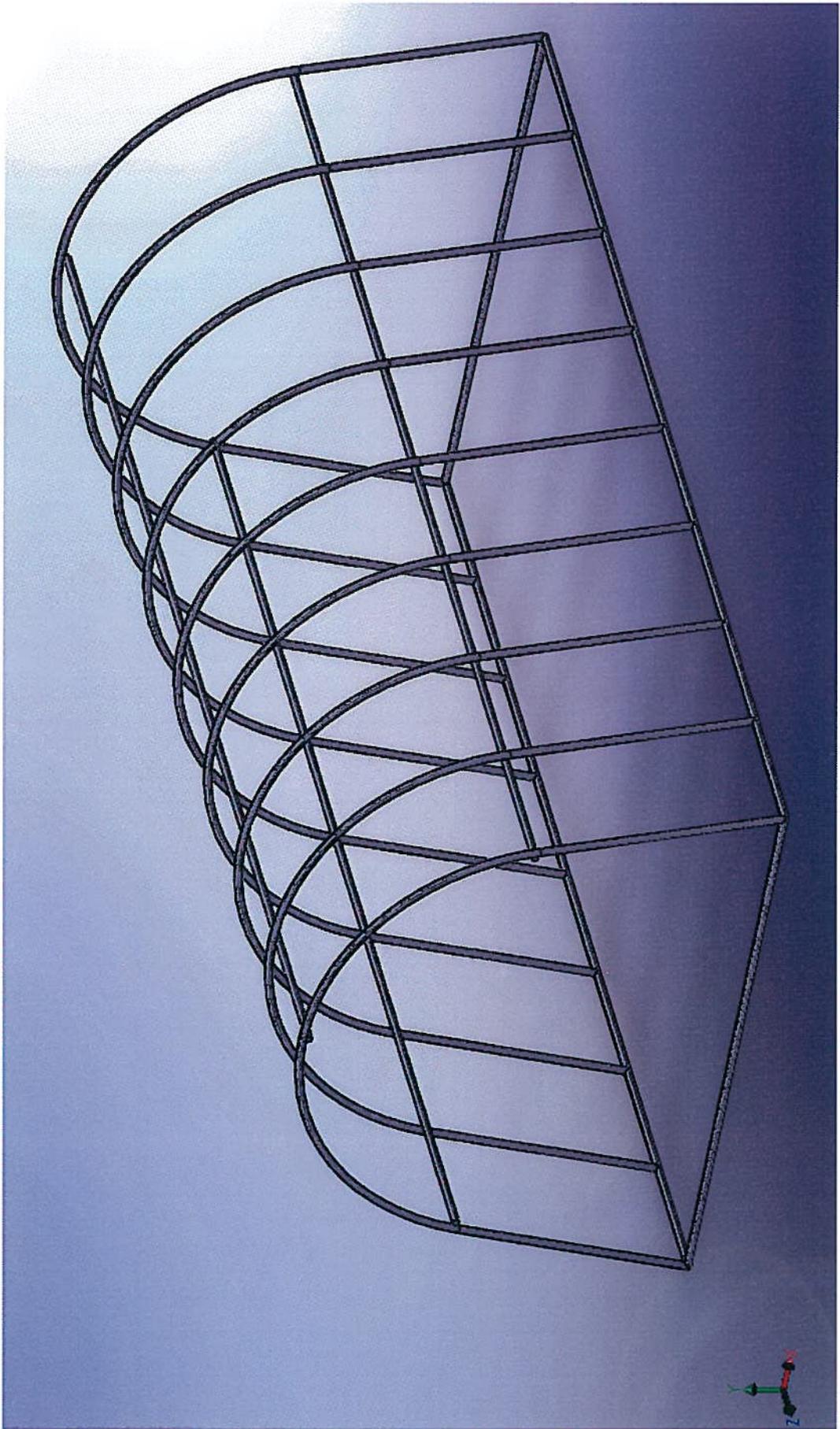


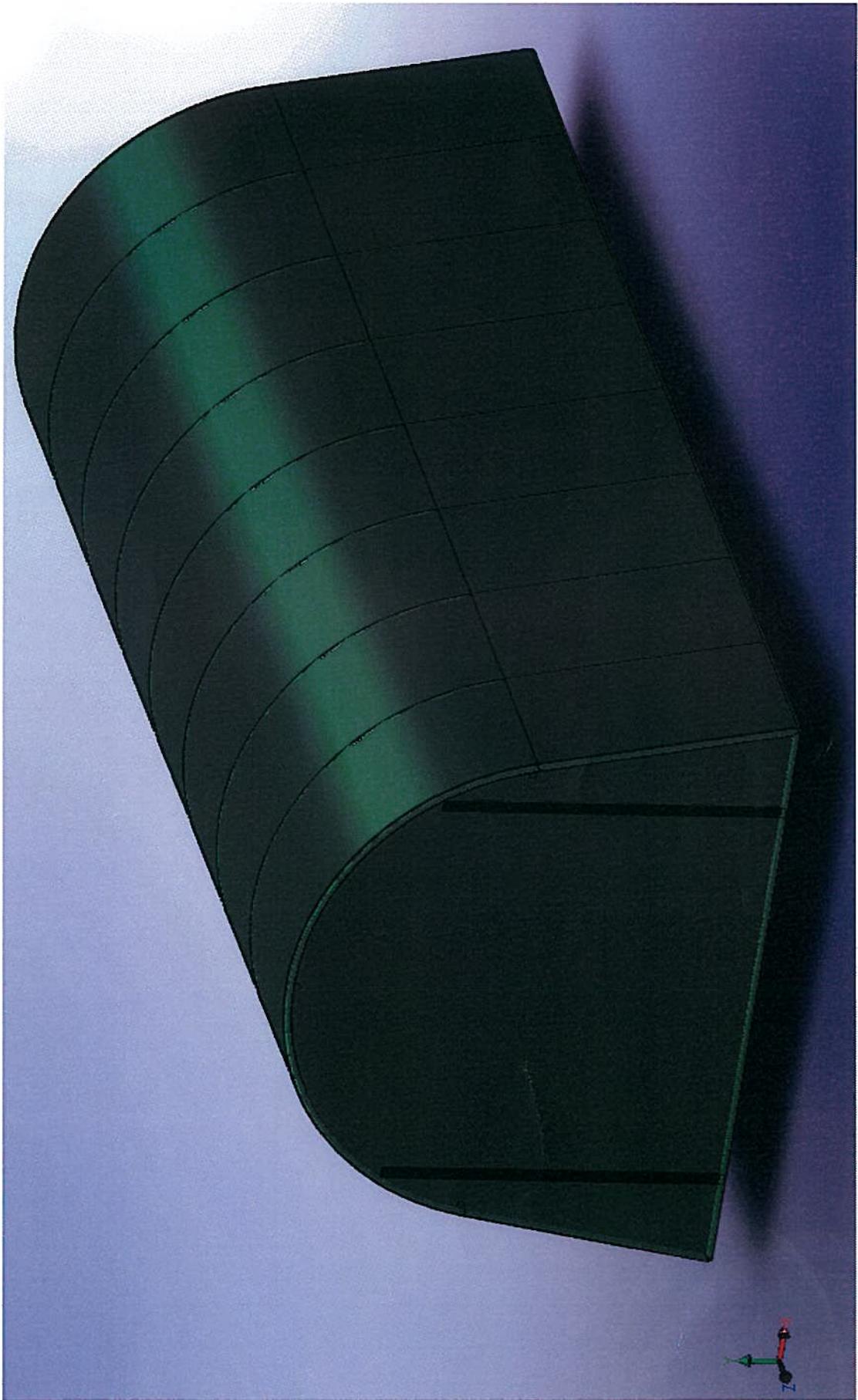
UNLESS OTHERWISE SPECIFIED:		NAME		DATE	
DRAWN	DTW	DTW	12/09	12/09	
CHECKED	PRW	PRW			
ENG APPR.					
MFG APPR.					
Q.A.					
COMMENTS:					
INTERPRET GEOMETRIC TOLERANCING PER:					
MATERIAL:					
FINISH:					
DO NOT SCALE DRAWING					
NEXT ASY		USED ON		APPLICATION	

ROUND TOP

SIZE DWG. NO. REV
B 10950 EAST SHORE DR. REV
 SCALE: 1:100 WEIGHT: SHEET 1 OF 1

PROPRIETARY AND CONFIDENTIAL
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 DRAWING IS THE SOLE PROPERTY OF
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 PART OR AS A WHOLE WITHOUT THE
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TO: Zoning Board of Appeals **DATE:** December 31, 2009

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: ZBA #09-13, Phil Woods on behalf of Tom Woods; 10950 East Shore Drive; R-1D One-Family Residential

CODE SECTION: a) 42-181, Principal Permitted Uses, R1-A-E, One Family Residential, p. CD42:60;
b) 42-121, Accessory Buildings, Residential Zoning Districts, p. CD42:28

APPEAL: Requesting a variance to retain two accessory buildings without an existing principal permitted use (one-family dwelling).

STAFF RECOMMENDATION:

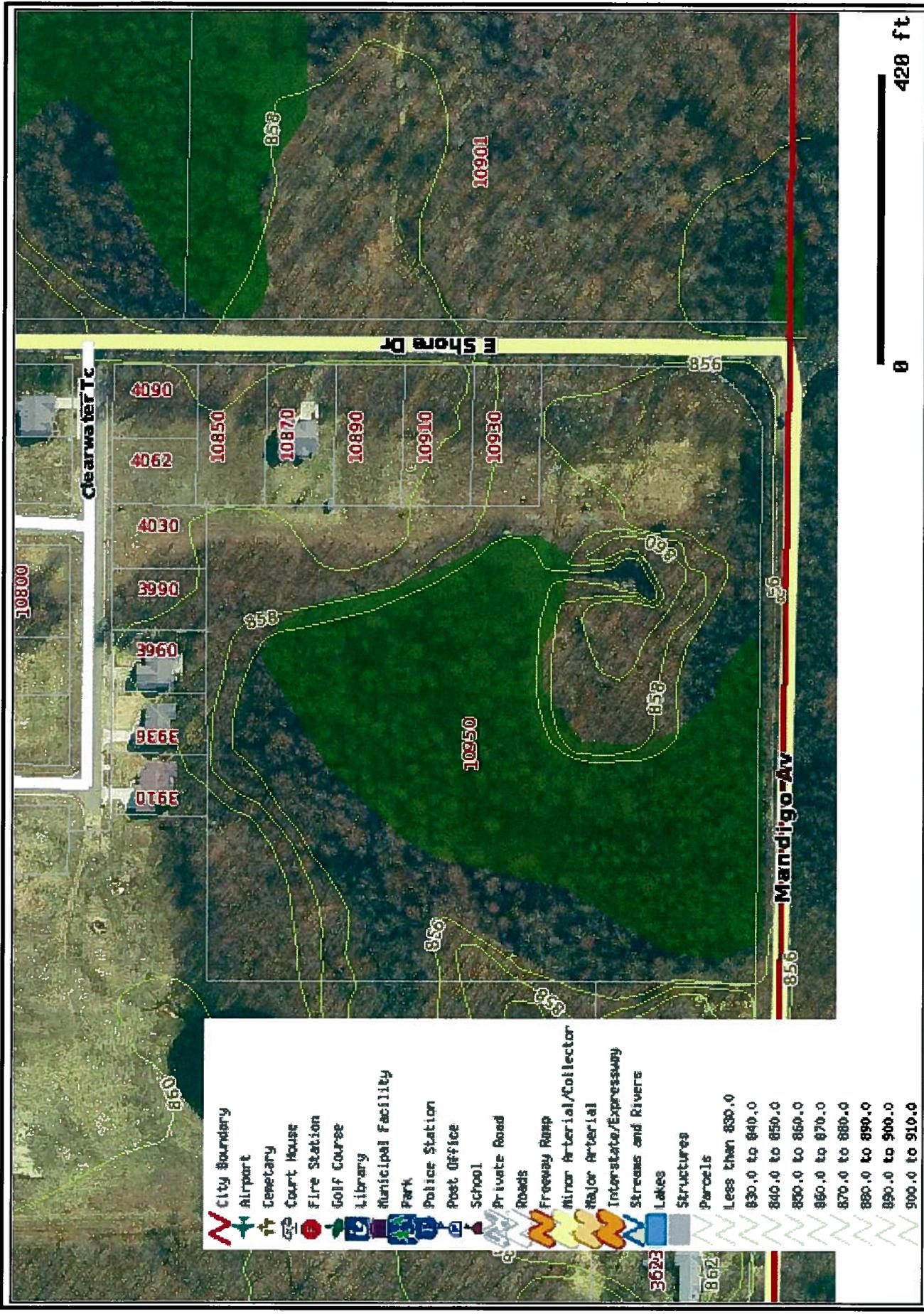
The applicant is requesting the variance per the enclosed application and sketches. The 14.4 acre parcel has two accessory buildings, a 192 square foot site-built shed and 420 square foot demountable Quonset hut-style building. As shown on the attached map, the property contains a large wetland area, and the applicant is working with the Michigan Department of Environmental Quality (DEQ) to obtain the proper review and permits for construction of a single family dwelling.

In response to a citizen complaint, the city became aware that the applicant recently built the two accessory buildings to store equipment for clearing the parcel. In addition to the accessory buildings, several trucks, earth moving equipment, and recreational vehicles were present on site. Storage of items not associated with the land clearing have since been removed. The applicant states he was unaware a permit was required for the accessory buildings and proposes to obtain a building permit and begin construction on a new residential dwelling with foundation work targeted for completion by July 31, 2010. However, a building permit can not be issued until any necessary permits are first obtained from the DEQ. In the meantime, the applicant requests the variance to retain the two accessory buildings in order to assist with construction preparations. Based on information available at this time, it is not known if the proposed dwelling can be constructed on the property as planned.

If the Board finds a practical difficulty exists and a variance is granted, the following conditions are recommended: 1) DEQ approval and permit to construct a single-family dwelling on the property must be obtained by April 30, 2010; 2) a City of Portage building permit must be obtained for the dwelling and accessory buildings within 60 days of DEQ approval and permit issuance; 3) the footings/foundation must be completed by July 31, 2010, with the Certificate of Occupancy issued within one year of issuance of the City of Portage building permit; and 4) no outdoor storage of materials or equipment not directly associated with the construction activity is permitted until the dwelling is completed.

PRACTICAL DIFFICULTY:

Single-family dwelling construction plans as noted by the applicant. See attached Board Suggested Motion Form.



- City Boundary
- Airport
- Cemetery
- Court House
- Fire Station
- Golf Course
- Library
- Municipal Facility
- Park
- Police Station
- Post Office
- School
- Private Road
- Roads
- Freeway Ramp
- Minor Arterial/Collector
- Major Arterial
- Interstate/Expressway
- Streams and Rivers
- Lakes
- Structures
- Parcels
- Less than 830.0
- 830.0 to 840.0
- 840.0 to 850.0
- 850.0 to 860.0
- 860.0 to 870.0
- 870.0 to 880.0
- 880.0 to 890.0
- 890.0 to 900.0
- 900.0 to 910.0

This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. Please contact the City/County for current property assessment information. The user of this map acknowledges that the City/County shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City/County from any and all claims brought by the User, its employees or agents, or third parties which arise out of the Users access or use of data provided. **IN OTHER WORDS, USE AT YOUR OWN RISK !!**

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.**