

CITY OF
PORTAGE
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ZONING BOARD OF APPEALS

January 10, 2011

CITY OF PORTAGE ZONING BOARD OF APPEALS

Monday, January 10, 2011

(7:00 pm)

Portage City Hall
Council Chambers

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

- * December 13, 2010

OLD BUSINESS:

- * 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.

NEW BUSINESS:

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 13, 2010

DRAFT

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. Two people were in the audience.

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

MEMBERS PRESENT: Lowell Seyburn

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 November 8, 2010 minutes as submitted. Upon voice vote, motion was approved 7-0.

NEW BUSINESS:

ZBA# 10-08, Steve Rodgers, 10076 Woodlawn Drive: Staff summarized the requests for 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. Mr. Rodgers was present to answer questions about the requests. Kerr noted conforming alternatives were available, and that additional living area could be added or some items could be moved to an off-premises storage facility. The applicant stated that would be expensive, and while he didn't have any hardship, the property did have characteristics, including the lot size and the location of the proposed shed that would minimize impacts on neighboring properties. Kerr advised the applicant the Board could not grant variances based on financial reasons.

A public hearing was opened. Letters received in support of the requests were read from: Darlene Ingersall, 10080 Woodlawn Drive; Robert & Pat Rustenholtz, 10076 Woodlawn Drive; Clarence LaCombe & Janice Webinski, 10073 Woodlawn Drive; Mark & Danielle Kinder 10077 Woodlawn Drive; Ellie & Craig Dove, 10086 Woodlawn Drive; Don & Sue Katz, 10071 Woodlawn Drive; Doug Schoetzow, 10063 Woodlawn Drive; and Mark Verberg, 10081 Woodlawn Drive. There being no further comments the public hearing was closed.

A motion was made by Linenger, supported by Felicijan, to grant a variance to retain 210 square-feet of accessory building area, as there are exceptional circumstances applying to the property that do not apply generally to other properties in the same zoning district, which include: the large lot size, the view of the attached accessory building is obscured from the street, and that no complaints had been received about the addition since it was constructed about 30 years ago; the immediate practical difficulty causing the variance was not created by the applicant; the variance will not be detrimental to adjacent property; and the variance will 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 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 7-0 (Kerr-Yes, Felicijan-Yes, Linenger-Yes, Mordas-Yes, Schimmel-Yes, Bunch - Yes, Singer-Yes).

A motion was made by Linenger, supported by Felicijan to deny 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, for the following reasons: conforming alternatives are available 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; the immediate practical difficulty causing the need for the variance was created by the applicant; 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 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 7-0 (Kerr-Yes, Felicijan-Yes, Linenger-Yes, Mordas-Yes, Schimmel-Yes, Bunch - Yes, Singer-Yes).

ZBA# 10-09, Beacon Sign Company, on behalf of Auto Club Services, 499, 501, 525 Romence Road: Staff summarized the request for a variance to add a 12 square-foot tenant logo to a non-conforming freestanding sign. Sam Haddad with Beacon Sign Company was present to answer questions. Kerr requested clarification that the

applicant was only adding a panel to a portion of a sign that had previously been approved by the Board as part of ZBA 99-24 and was not proposing an increase to the existing sign structure in any way. Staff responded yes. A public hearing was opened. As no one was present to speak for or against the request, the public hearing was closed.

A motion was made by Linenger, seconded by Felicijan to approve a variance to add a 12 square-foot tenant logo to a nonconforming freestanding sign, as there are exceptional circumstances applying to the property that do not apply generally to other properties in the same zoning district which include: the significant change in elevation and proximity to the residential neighborhood to the west; the variance preserves the right to identify a new tenant similar to that possessed by other properties in the same zoning district and vicinity; the variance will not be detrimental to adjacent properties; and the variance will not materially impair the intent and purpose of the Zoning Ordinance, with the condition that future changes to the tenant panels below the electronic message display section may be reviewed administratively without further review by the Board, provided no other structural changes are accomplished. 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 7-0 (Kerr-Yes, Felicijan-Yes, Linenger-Yes, Mordas-Yes, Schimmel-Yes, Bunch - Yes, Singer-Yes).

ZBA #10-10, Greg Dobson, on behalf of Cole Century (GCG, LLC) 6600 and 6601 South Westnedge Avenue: A communication from the applicant requesting the item be postponed until the January 10, 2011 meeting date was read. No one was present on behalf of the applicant or in the audience to speak on the matter. A motion to postpone the item until the January 10, 2011 meeting was made by Linenger, and seconded by Felicijan. Upon voice vote, the motion passed 7-0.

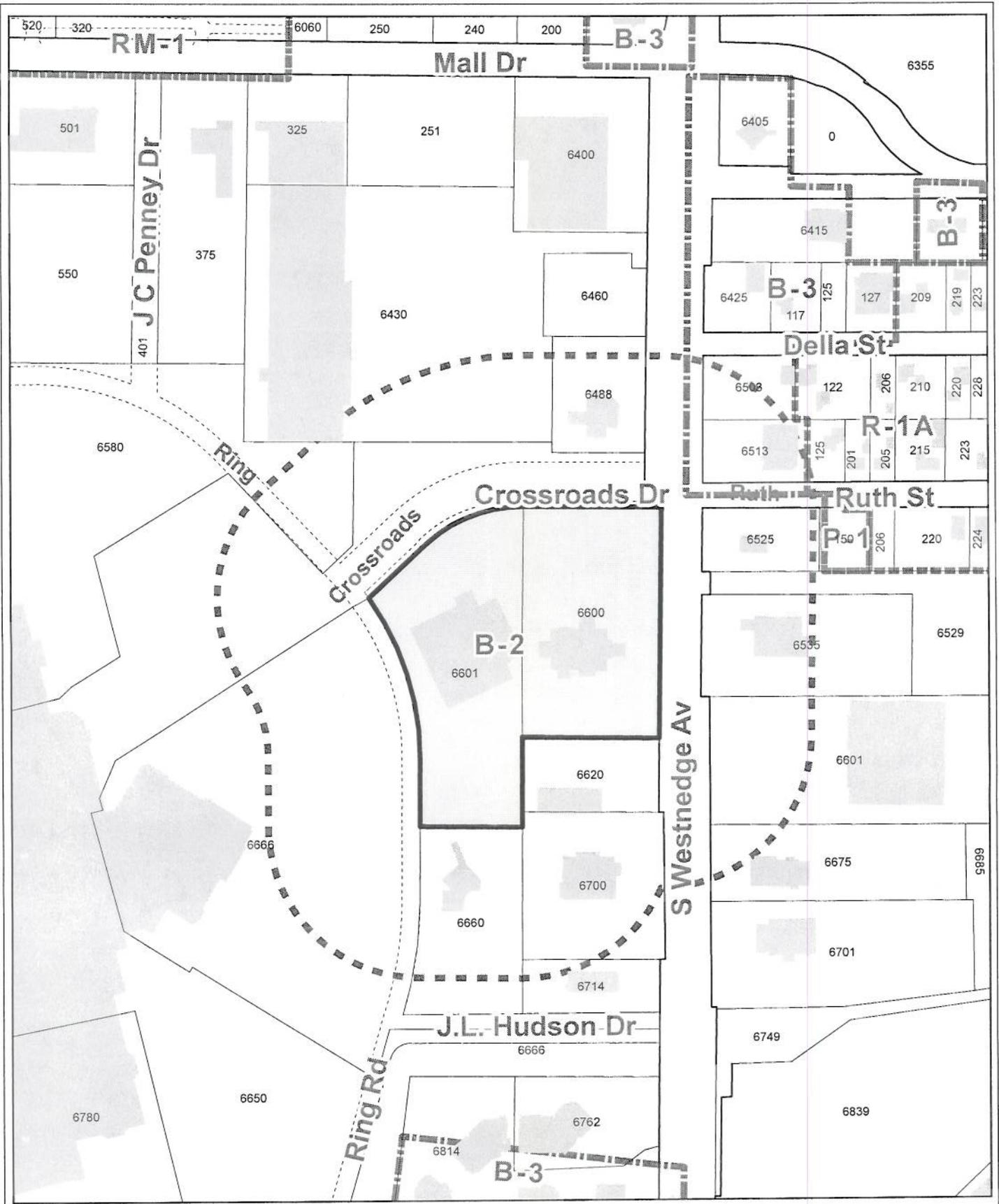
OLD BUSINESS: None

STATEMENT OF CITIZENS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at approximately 7:30 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator



ZBA 10-10

6600, 6601 South Westnedge Avenue



1 inch = 250 feet

Legend

- 300' Notification Boundary
- Subject Property
- Zoning Boundary

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 11/19/10
 Name of Applicant GREGORY A. DOBSON *Greg A. Dobson*
Print 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. Westridge Ave Phone No. 269.323.3200
 Address of the Property that is the subject of this Application:
 Street Address 6600 S. Westridge 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):
 Variance from Zoning Ordinance: Article _____ Section _____ Paragraph _____
 Regarding: Use _____ Area _____ Yards _____
 Setbacks _____ Parking _____ Other

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

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 frontage 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 if 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 not result in adverse affects on adjacent properties or alter the character of the area. (Attach additional sheets if needed.)

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

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.)

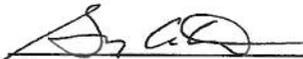
As per #5 we are reducing the amount of signage.

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.

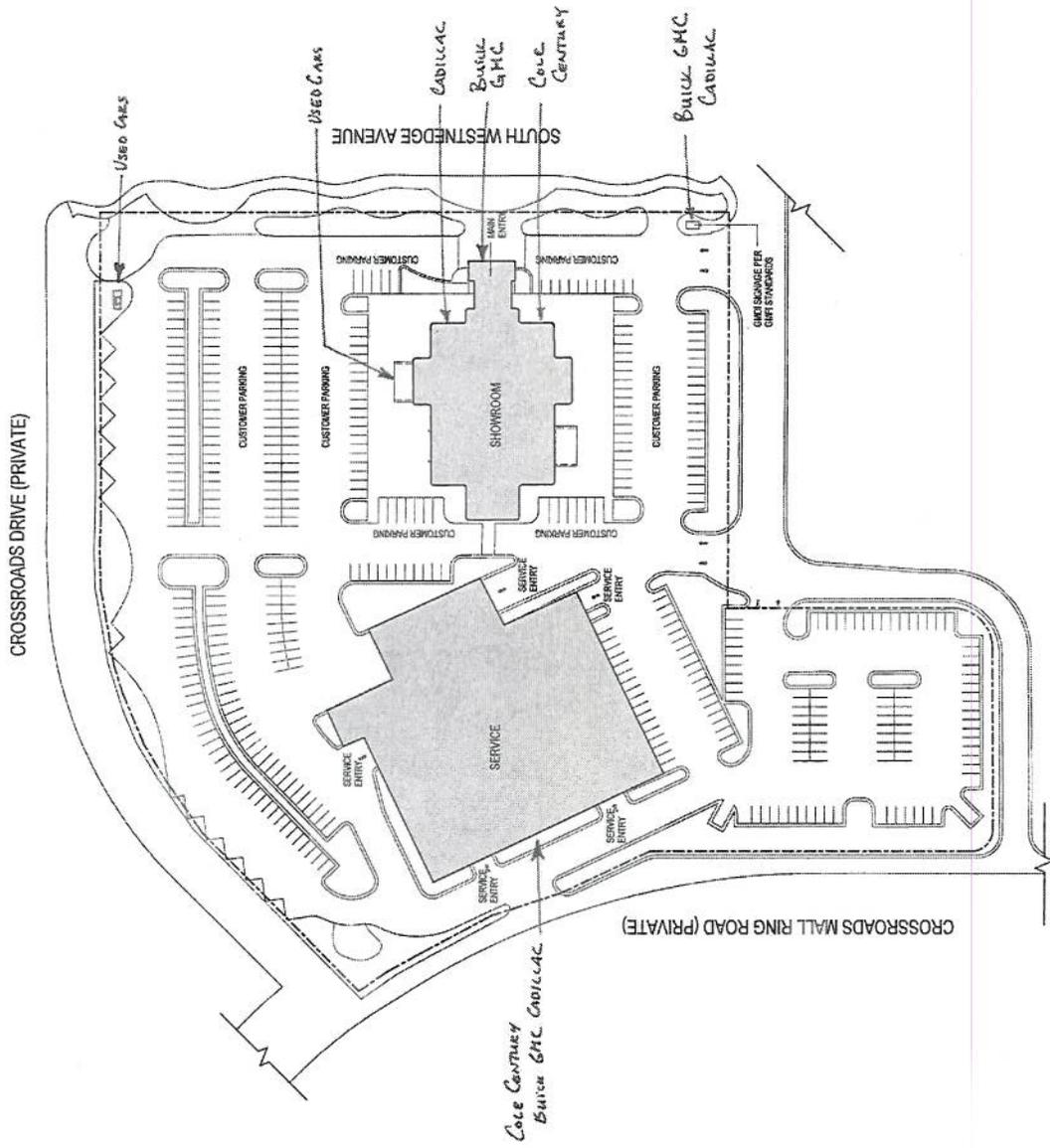
8. Explain how the variance would fulfill the spirit and intent of the Zoning Ordinance. (Attach additional sheets if needed.)

Then on 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

NT ↑



SITE PLAN

EXISTING



P137

PATTISON
SIGN GROUP INC.
410 N CEDAR BLUFF RD. • SUITE 501 • KNOXVILLE TN 37629
• Tel: (603) 863-1100 • Fax: (603) 864-1100 • Toll Free: (800) 233-1070

Customer Approval:

Date: / /

This sign intended to be installed in accordance with the requirements of Article 603 of National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



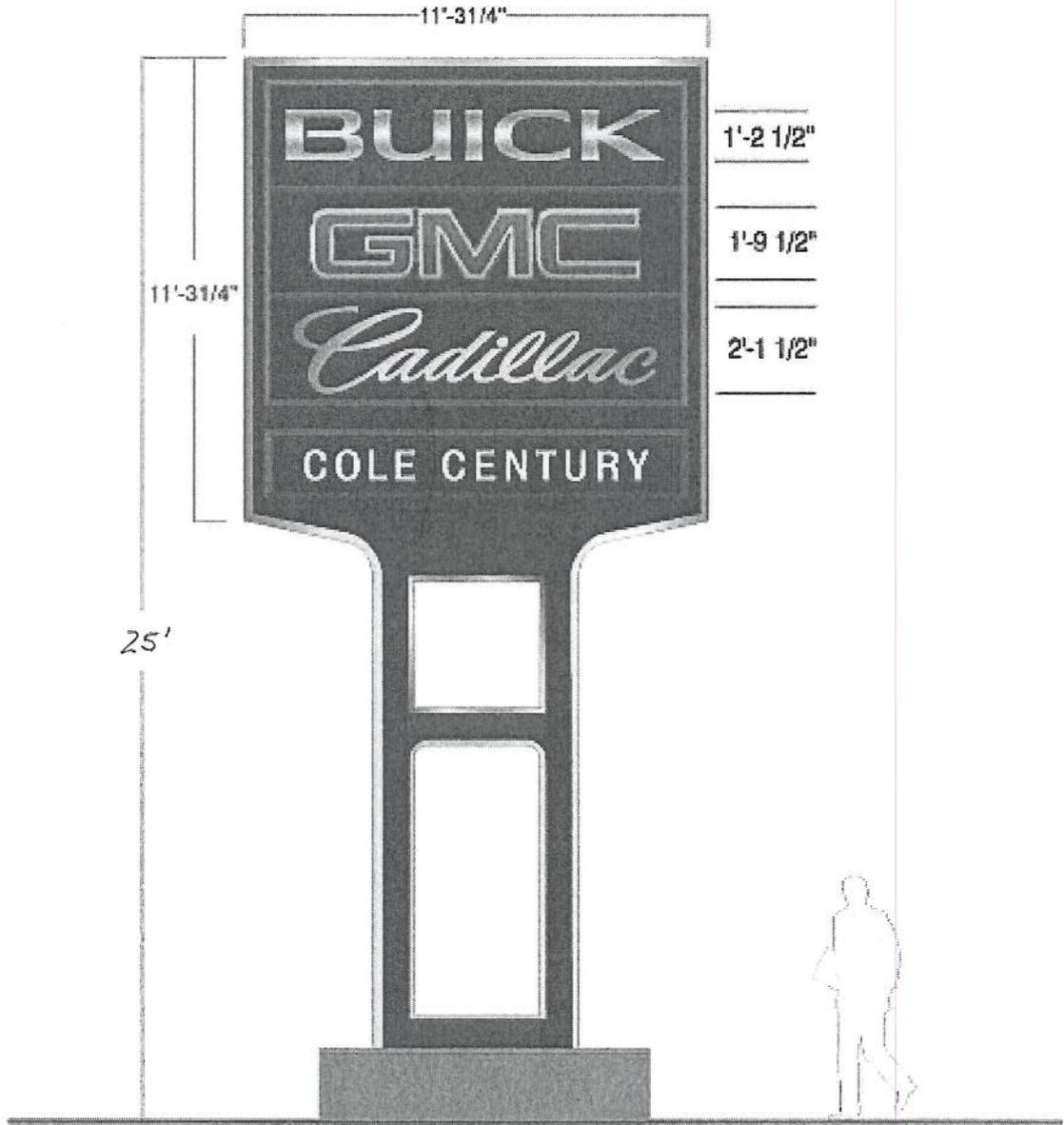
Client:	Cole Century, Inc.		
Site:	6600 S Westledge Ave.	Portage, MI	
Designer:	R. Andree	Date:	10-01-10
Revised By:		Rev:	
Page:	1/1	Scale:	1/4"=1'-0"

ISO 9001:2000 Certified Enterprise

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PROPOSED



P137



416 N CEDAR BLUFF RD • SUITE 101 • KNOXVILLE TN 37628
 • Tel (606) 643-1100 • Fax (606) 644-1100 • Toll Free (800) 229-1876

Customer Approval

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.



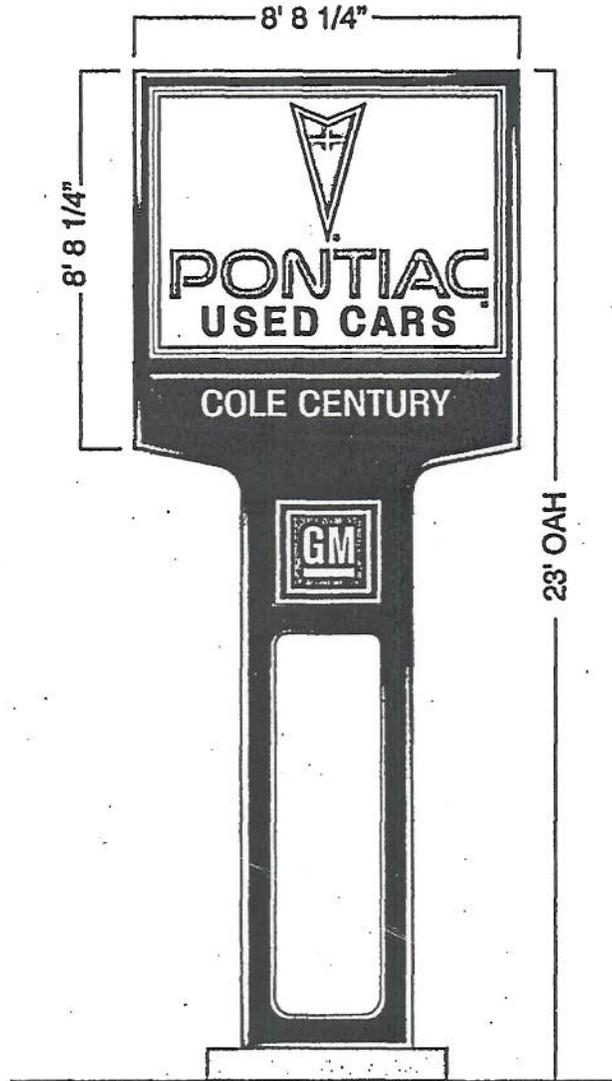
Client:	Cole Century, Inc.		
Site:	6500 B Westnedge Ave.	Portage, MI	
Designer:	R. Andree	Date:	10-01-10
Revised By:		Rev:	
Page:	1/1	Scale:	1/4"=1'-0"

ISO 9001:2000 Certified Enterprise

www.pattisonsign.com

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EXISTING



Account GM
Project Title GM P92 Pont UC
@23' OAH (BLK)
Scale 1:48
Date Created 22 JUN 04

Drawn By R. ANDREE
IP Rep. J. HINDS
Approved By
Date Revised 10 AUG 07

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Knoxville, TN 37950-9043
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310378841 Pg 1 of 1

Proposed

15'-3 1/2" **COLE CENTURY** 16" DEALER LETTERS
Scale: 1/2" = 1"

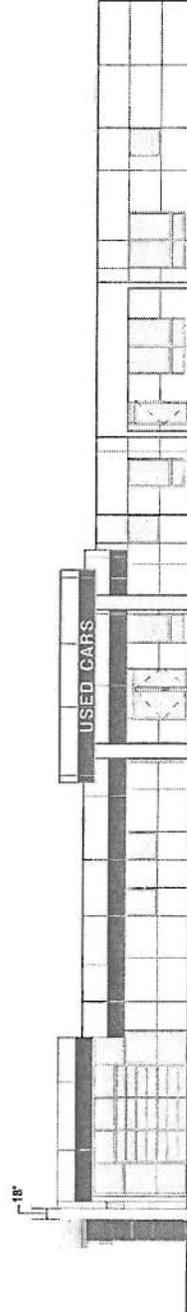
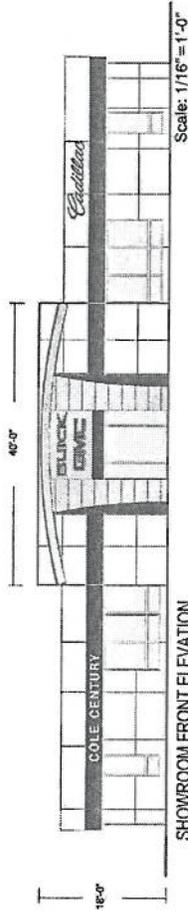
17 3/4" **BUICK** 114 3/8" 17" BUICK SIGNATURE
Scale: 1/2" = 1'-0"

15'-9 5/16" **USED CARS** 22" USED CARS LETTERS
Scale: 3/8" = 1"

20" **GMC** 89 3/16" 20" GMC SIGNATURE
Scale: 1/2" = 1'-0"

11'-0" **Cadillac** 30" CADILLAC SIGNATURE
Scale: 3/8" = 1'-0"

ELEMENT	SIZE (HEIGHT)	WEIGHT	ELECTRICAL	SQUARE FT.	LENGTH
Dealer Name Letters	16" Small LED	5 lbs./letter	.3 amp/letter	28.03	15'-3 1/2"
BUICK Signature	17" Small LED	14.1 lbs.	2 amps.	14.1	9'-9 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	28.8	11'-0"
Used Cars Letters	22" Med. LED	6 lbs./letter	4 amp/letter	28.77	15'-9 5/16"



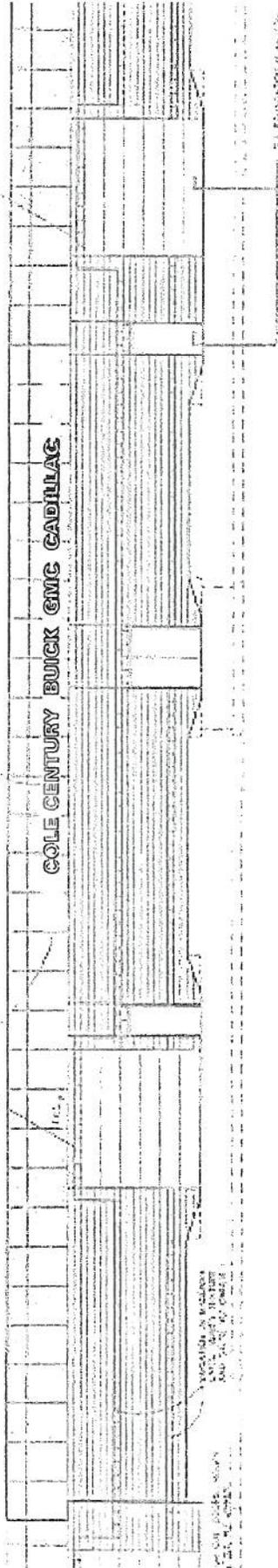
PATISON
SIGN GROUP, INC.
410 N CEDAR BLUFF RD. • SUITE 101 • KNOXVILLE, TN 37923
• Tel: (865) 993-1105 • Fax: (423) 694-1106 • Toll Free (866) 218-1676

Customer Approval: _____ Date: _____
BY: _____ Date: _____
RO-9901-2009 PATISON SIGN GROUP, INC.
SOME PATISON SIGN GROUP, INC. ALL RIGHTS RESERVED AND PART OF THIS TRAINING MAY BE REPRODUCED BY ANY PERSON WITHOUT WRITTEN PERMISSION FROM PATISON SIGN GROUP, INC.

Client: COLE CENTURY
Site: PORTAGE, MI
Draftsman: R. ANDREE
Checked By: _____
Date: 09-15-10
Page: 1/1
Scale: as noted

SOUTH SIDE →
WEST SIDE →

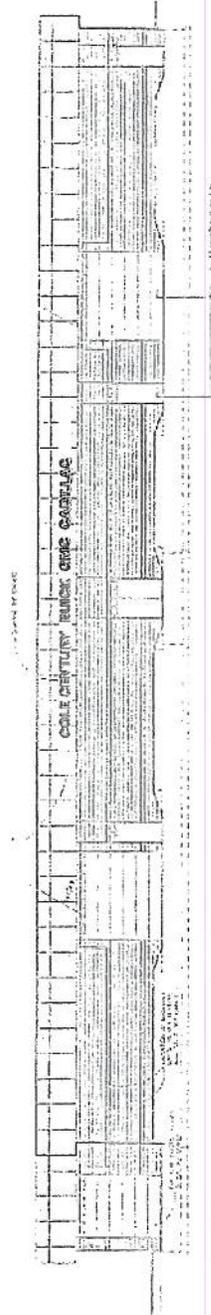
SERVICE BUILDING:
Auto Entry - Service
Cross roads Main - COLE CENTURY BUICK GMC CADILLAC
Other



WEST ELEVATION

1/4" = 1'-0"

- COLE 1'-6" X 5'-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

Jeff Mais - Cole Century Signage Variance Request

From: "Greg Dobson" <gdobson@avbinc.com>
To: "Jeff Mais" <maisj@portagemi.gov>
Date: 12/28/2010 10:14 AM
Subject: Cole Century Signage Variance Request
CC: "Joe Gesmundo" <jgesmundo@avbinc.com>, "Tom Cole" <tomcole@coleautomotive.com>

Jeff,

As we have discussed over the phone, we are in the middle of a re-imaging, initiated by General Motors, for our Cole Century Store on Westnedge Avenue in Portage. This store previously sole Cadillac, Nissan and Pontiac brands when the initial variance was approved. Now the store sells Buick GMC and Cadillac vehicles. We still have three brands requiring the same amount of wall signage but less pylon sign space. This is owing to the removal of the Nissan pylon sign which has been relocated to Stadium Drive and the removal of the GM square from one pylon sign.

We have received specific information from GM for replacing the new car (Buick GMC Cadillac) pylon sign. We have provided the City with the visual showing the new and existing sign. While we are required to request a variance for this sign, when we change sign panel, the sign will actually become smaller owing to the removal of the GM square below the larger panel. Therefore, owing to the removal of the Nissan sign and the removal of the GM square, our total requested pylon sign square footage has decreased. We will soon be receiving a new panel design for the pre-owned car sign as well, but the artwork is not yet available from GM. This sign, like the new car sign, will simply be a replacement of the existing sign panel, with no increase in required square footage.

We have also received some direction from GM in regards to our wall signage. We know what is required for the Westnedge Avenue frontage. We do not have the final details on the remaining signs. We do know that each sign will be replaced with a new sign and a new fresh look will be presented. Since we do not have the final details we are requesting to be allowed to maintain our existing 191 sq. ft. of signage.

Both Joe Gesmundo and I will be out of town on a long-scheduled trip on Monday, January 10, 2011. Tom Cole will be representing the partnership at the meeting. We feel the wall and pylon sign variances we are requesting continue to be justified owing to the special situations facing this property, most significantly the four roads that surround this property-the reason stated on our initial application when the store was first opened. We look forward to working with the City as we enhance the aesthetic of this car dealership. Please contact me directly with any questions or concerns.

Sincerely,

Greg Dobson
AVB COMPANIES
direct 269 329 3636
direct fax 269 329 3637
email gdobson@avbinc.com
4200 W. Centre Ave
Portage, MI 49024
www.avbconstruction.com

TO: Zoning Board of Appeals **DATE:** December 28, 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.

STAFF RECOMMENDATION:

The applicant requests the above variances per the enclosed application, site sketch, and sign sketches submitted on November 17, 2010. On December 13, 2010 the applicant requested postponement of action, and on December 28, 2010 the applicant submitted revised information regarding the requested variances. 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 of the same area to reflect new corporate branding.

The proposed sign package represents lesser signage and a reduction in the degree of nonconformity. 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.

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.**