

CITY OF  
**PORTAGE**  
*A Place for Opportunities to Grow*

# ZONING BOARD OF APPEALS

**October 10, 2011**

# CITY OF PORTAGE ZONING BOARD OF APPEALS

Monday, October 10, 2011

(7:00 pm)

Portage City Hall

Council Chambers

## CALL TO ORDER

## PLEDGE OF ALLEGIANCE

## ROLL CALL

## APPROVAL OF MINUTES:

- \* September 12, 2011

## OLD BUSINESS:

- \* ZBA#10-20, 8127 Portage Road: Board review of Temporary Use Permit.

## NEW BUSINESS:

- \* ZBA# 11-4, 7085 Sandpiper Street: Silas Mulder, on behalf of Paul Honeyset, 7085 Sandpiper Street, is requesting a three-foot rear yard setback variance to construct a 12-foot by 18-foot sunroom to within 37-feet of the rear property line, where a 40-foot rear yard setback is required.
- \* ZBA# 11-5, 2404 Fairfied Road: William Kilkelly, 2404 Fairfield Avenue, is requesting a 30 square-foot variance to retain a 256 square-foot shed and 528 square-foot garage with a combined area that exceeds the ground floor living area of the dwelling.
- \* ZBA# 11-6, 8585 Portage Road: Shannon Reeves, on behalf of Wiggles, Waggles & Tails, 8585 Portage Road, is requesting a variance from two special land use provisions for a commercial kennel:  
a) A 380-foot variance from the 500-foot setback from a residential district boundary; and b) A variance from the enclosure requirements for outside exercise areas.
- \* ZBA# 11-7, 1901 Romence Road Parkway: Sign Art, on behalf of Stryker Corporation and 1901 Romence LLC, 1901 Romence Road Parkway, is requesting a 10-foot variance to erect two, 14 square-foot directional signs identifying the Stryker Corporation west building entrance.

## Election of Officers

## STATEMENT OF CITIZENS:

## ADJOURNMENT:

Materials Transmitted

Star (\*) indicates printed material within the agenda packet

CITY OF PORTAGE ZONING BOARD OF APPEALS

DRAFT

Minutes of Meeting – September 12, 2011

The City of Portage Zoning Board of Appeals meeting was called to order by Lowell Seyburn at 7:05 p.m. in the Council Chambers. Two people were in the audience.

**MEMBERS PRESENT:** Timothy Bunch, Lowell Seyburn, Daniel Rhodus and Jeff Bright.

**MEMBERS EXCUSED:** Mariana Singer, Betty Schimmel and Rob Linnenger

**MEMBERS ABSENT:** David Felicijan, Donald Mordas

**IN ATTENDANCE:** Jeff Mais, Zoning & Codes Administrator and Charles Bear, Assistant City Attorney

**APPROVAL OF THE MINUTES:** Bright moved and Bunch seconded a motion to approve the June 27, 2011 minutes as submitted. Upon voice vote, motion was approved 4-0.

**NEW BUSINESS:**

**ZBA #11-1, 5900 Portage Road.** Staff summarized the request for a variance to modify a nonconforming freestanding sign at 5900 Portage Road. Gary Goidosik was present to answer questions.

A public hearing was opened. No one was present to speak for or against the request. The public hearing was closed.

A motion was made by Bright, supported by Bunch, to grant a variance to 1) modify a nonconforming freestanding sign at 5900 Portage Road on the condition the sign be moved to a conforming location should the additional right-of-way be utilized for roadway purposes in the future or if the vegetation is cleared on the adjacent property to the north; and 2) allow the property owner to change the multi-tenant sign panels without additional review and approval from the Zoning Board of Appeals. The Board cited the following reasons to grant the variance: 1) There are exceptional circumstances applying to the property that do not generally apply to others in the same zoning district; 2) mature vegetation located on the property to the north limiting visibility to southbound traffic; 3) expanded public street right-of-way; 4) immediate need for the practical difficulty was not caused by the applicant; 5) the variance will not be detrimental to adjacent property; and 6) will not materially impair the intent and purpose of the zoning ordinance. In addition, the application and related materials, staff report and all discussion and additional materials presented at this hearing shall be incorporated into the record of this hearing and the findings of the Board, and action of the Board shall be final and effective immediately. Upon roll call vote: Seyburn-Yes, Rhodus - Yes, Bunch-Yes, Bright-Yes, the motion carried 4-0.

**ZBA #11-3, 5220 South Westnedge Avenue.** Staff summarized the request for a variance to erect a freestanding sign at the front property line, where a minimum ten-foot setback is required. Mr. Andy Wenzel was present on behalf of the applicant, Hinman Company, to answer questions. Mr. Rhodus requested clarification as to whether both the northern and southern signs would need to be removed when the South Westnedge Enhancement Project is completed in ten years. Staff stated both signs would likely need to be relocated if and when the SWEPS project is completed, but clarified that only the northern sign was the subject of this request since the proposed southern sign would be placed in a conforming location. Mr. Wenzel stated the northern sign would be secured by bolts to facilitate ease of removal/relocation, similar to the Trade Center sign. Mr. Wenzel added the proposal was a win-win scenario as it entailed the removal of the significantly nonconforming existing sign.

A public hearing was opened. No one was present to speak for or against the request. The public hearing was closed.

A motion was made by Bunch, seconded by Rhodus to grant a 10-foot variance to erect a freestanding sign at the front property line since there are exceptional circumstances applying to the property that do not generally apply to other properties in the same zoning district and include 1) the northern portion of the north building is setback only 40 feet from the front (east) property line and the northern portion of the

north parking lot has a nonconforming 15-foot wide maneuvering lane; 2) if the sign were to be moved further south to a location where the setback is in compliance, a separation distance variance between the two proposed freestanding signs would be needed; 3) the immediate practical difficulty causing the need for the variance was not created by the applicant; 4) replacement of the existing nonconforming sign with two smaller signs that conform to height and area requirements represents a reduction in the degree of nonconformity; 5) the variance will not be detrimental to adjacent property and the surrounding area and will not materially impair the intent and purpose of the Zoning Ordinance. Due to the aforementioned conditions, placement of a sign in front of the north building that meets the minimum ten foot setback is not feasible. The motion also included a provision to allow the property owner to change the multi-tenant sign panels without additional review and approval from the Zoning Board of Appeals provided the sign is not structurally altered, and sign permits are obtained for sign panel changes. In addition, the application and related materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated into the record of this hearing and the findings of the Board, and that action of the Board shall be final and effective immediately. Upon roll call vote: Seyburn-Yes, Rhodus - Yes, Bunch-Yes, Bright-Yes, the motion carried 4-0.

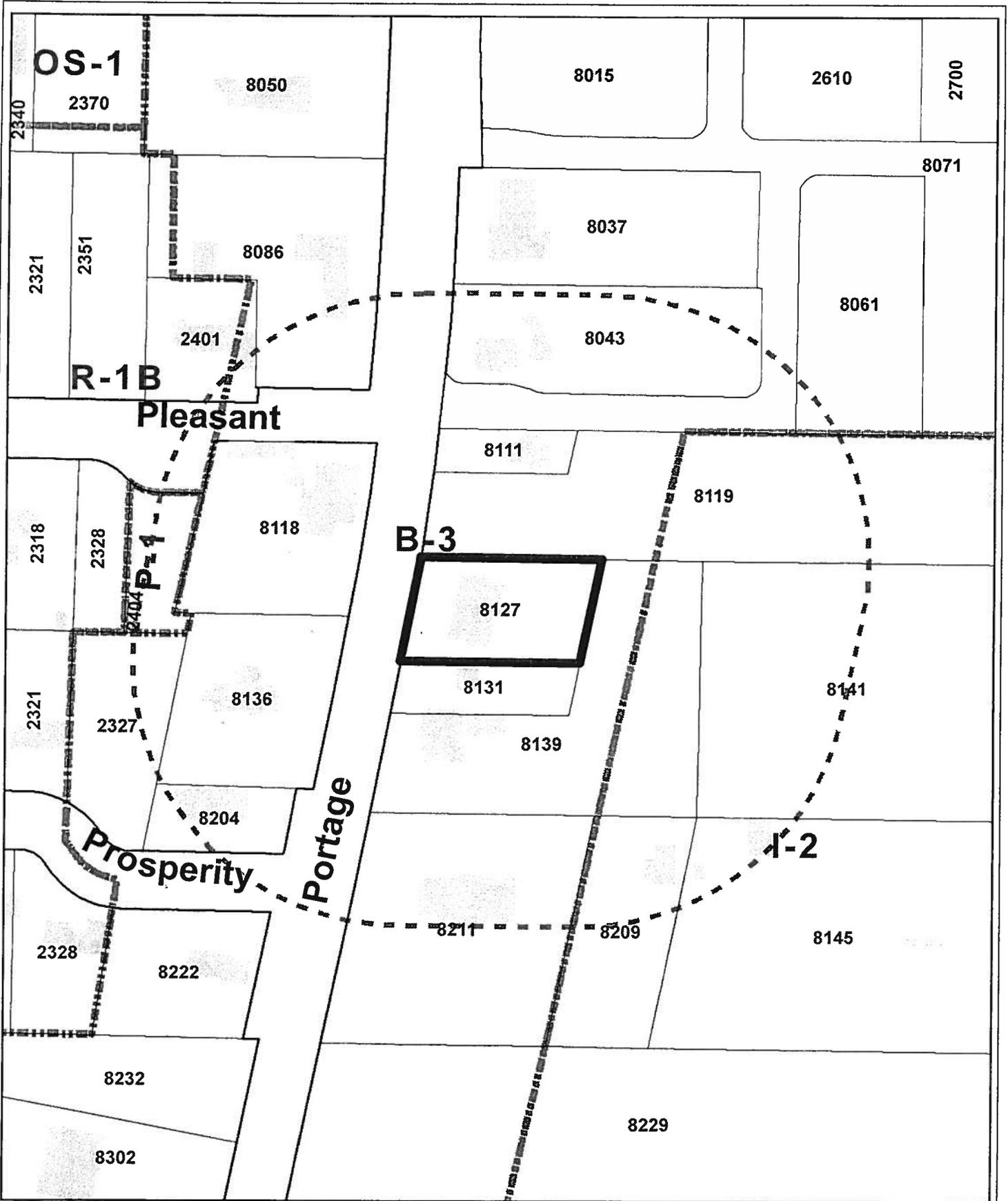
Election of officers: A motion was made by Bunch, seconded by Bright to postpone the election of officers until the October meeting. Upon voice vote, motion was approved 4-0.

**STATEMENT OF CITIZENS:**

**ADJOURNMENT:** There being no further business, the meeting was adjourned at approximately 7:35 p.m.

Respectfully submitted,

Jeff Mais  
Zoning & Codes Administrator



ZBA 10-20  
8127 Portage Road



1 inch = 150 feet

Legend

-  Subject Properties
-  300' Notification Boundary
-  Zoning Boundary

**TO:** Zoning Board of Appeals

**DATE:** September 30, 2011

**FROM:** Vicki Georgeau, <sup>h</sup>Director of Community Development

**SUBJECT:** Status Update – Temporary use permit for Sheila Shubnell, on behalf of Green Earth Hydroponics, to operate a farmers market at 8127 Portage Road

On June 27, 2011, the Board approved a Temporary Use Permit for Sheila Shubnell to operate an outdoor farmers market on Monday's from July through September 2011, and each Monday during June through September 2012 and annually thereafter, conditioned upon 1) a maximum of 10 vendors be situated as proposed in the east parking lot; 2) maintaining 17 parking spaces; and 3) the Temporary Use be reviewed by the Board not later than October 11, 2011. Pursuant to the third condition, the Temporary Use Permit is now subject to Board review.

Based on the information provided by the applicant and site inspections completed by staff, the farmers market only operated on three days in August and one day in September. A maximum of four vendors were present at any one time and a maximum of 18 customers visited the location (refer to the attached information provided by the applicant). As a result, the use generated minimal traffic and appears to have had minimal impact on neighboring properties. Additionally, no complaints were reported to the Department of Community Development during the course of the operation.

Based on the foregoing, staff recommends the Temporary Use for Sheila Shubnell, on behalf of Green Earth Hydroponics, to operate a farmers market at 8127 Portage Road be annually approved by the administration subject to conditions one and two above.

SS:\2010-2011 Department Files\Board Files\ZBA\10-20; Portage, 8127\2011 09 30 VG ZBA 10-20; Portage, 8127 (staff rpt).docx

variance was not created by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood, 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 the hearing are to be incorporated in the record and the action of the Board shall be final and effective immediately. Upon roll call vote: Linenger-Yes, Schimmel-Yes, Felicijan-Yes, Seyburn-Yes, Singer-Yes, Bunch-Yes, Bright-Yes, the motion carried 7-0.

ZBA# 10-20, 8127 Portage Road: Staff summarized the request for a Temporary Use Permit for an outdoor farmer's market each Monday from July through September 2011, and each Monday during June through September 2012 and annually thereafter. Sheila Shubnell was present to answer any questions. Felicijan noted the applicant got permission from Burger King to accommodate any potential overflow parking, and inquired how the applicant would notify patrons of this fact. Ms. Shubnell stated she intended to use the existing changeable copy board on site for that purpose. Linenger noted the site had designated entrance and exit drives and stated the one concern he had would be if patrons parked in the access drives to the north and south of the building. Ms. Shubnell stated they would be vigilant in directing patrons to park at the Burger King lot.

A public hearing was opened. Letters of support were read from The Barber Shop, 8127 Portage Road; Burger King, 8215 Portage Road; People's Food Coop, 436 South Burdick Street, Kalamazoo; Fair Food Matters, 323 North Burdick Street, Kalamazoo. The public hearing was closed.

A motion was made by Felicijan, seconded by Singer, to grant a Temporary Use Permit for an outdoor farmer's market each Monday from July through September 2011, and each Monday during June through September 2012 and annually thereafter, conditioned upon 1) a maximum of 10 vendors be situated as proposed in the east parking lot; 2) maintaining 17 parking spaces for existing businesses; and 3) the Temporary Use Permit be reviewed by the Board not later than October 11, 2011 at which time the Temporary Use can be reviewed and considered for annual administrative approval. Upon roll call vote: Linenger-Yes, Schimmel-Yes, Felicijan-Yes, Seyburn-Yes, Singer-Yes, Bunch-Yes, Bright-Yes, the motion carried 7-0.

**STATEMENT OF CITIZENS:**

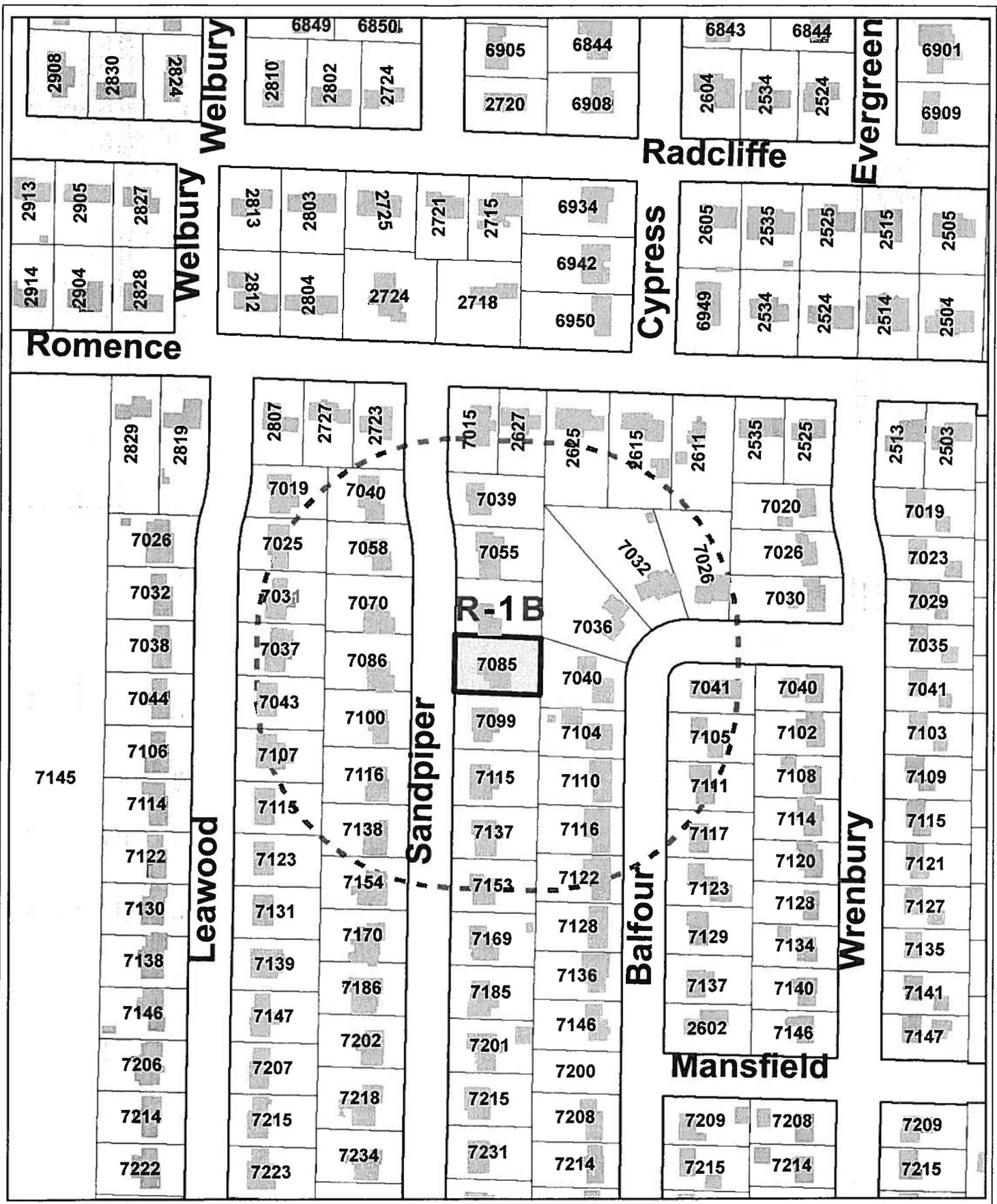
**ADJOURNMENT:** There being no further business, the meeting was adjourned at approximately 8:10 p.m.

Respectfully submitted,

Jeff Mais  
Zoning & Codes Administrator

**Farmer's Market**

<b>Date</b>	<b>Vendors</b>	<b>Customers</b>
15-Aug	1	10
22-Aug	2	14
29-Aug	4	22
5-Sep	Labor Day NO FARMER'S MARKET	
12-Sep	4	18



1 inch = 200 feet

ZBA 11-04  
7085 Sandpiper Street

Legend

-  Subject Properties
-  300' Notification Boundary
-  Zoning Boundary

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CITY OF PORTAGE A Place for Opportunities to Grow

Department of Community Development

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 9-9-11
Name of Applicant SILAS MULDER
Applicant's Address 4244 RAVIDNE RD. KALAMAZOO MI 49006
Name of Property Owner (if different from Applicant) PAUL + MARY HONEYSETT
Address 7085 SANDPIPER ST. PORTAGE MI 49024
Street Address 7085 SANDPIPER
For Platted Property: Lot 2 of PLEASANT MEADOWS 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: CONTRACTOR FOR HOMEOWNERS

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):

[X] Variance from Zoning Ordinance: Article 42-350 - SCHEDULE OF REGULATIONS Section Paragraph
Regarding: Use Area Yards
Setbacks X Parking Other

Reason for Request (Also complete page 2 of application): HOMEOWNERS WOULD LIKE TO PLACE 12' PROJECTION SUNROOM ON DECK, 37' FROM REAR PROPERTY LINE.

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

Table with 3 columns: Application Number (11-4), Filing Date (Sept 10), Tentative Hearing Date (Oct 10). Row 2: Previous Application Filed Regarding This Property:

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### 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.)

LOT SIZE IS SIMILAR TO OTHERS IN PLAT. THIS HOME IS LOCATED 35' FROM THE STREET R.O.W., WHEN ALL OTHER HOMES NEARBY ARE 30' FROM THE STREET. THIS GIVES 7085 MORE FRONT YARD OPEN SPACE, AND 5' LESS IN THE REAR YARD

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

THE 35' SETBACK OF THE HOUSE FROM SANDPEPER ST. IS UNIQUE, THE CLOSEST 16 PROPERTIES HAVE 30' STREET SETBACKS.

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

YES, PROPERTY IS CURRENTLY SINGLE-FAMILY RESIDENTIAL, AND CAN CONTINUE AS SUCH.

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.)

MR. + MRS. HONEYSETT BELIEVE THAT A 3' SETBACK VARIANCE IS A MINIMUM REQUEST IN THAT IT ALLOWS FOR A 12' PROJECTION SUNROOM. THE 12' SPACE ALLOWS ACCESS FOR MRS. HONEYSETT'S FATHER IN A WHEELCHAIR, AND DAUGHTER WITH A WALKER, BOTH OF WHOM SHE FREQUENTLY CARES FOR AT THE HOME.

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.)

AS SHOWN ON THE "SURROUNDING PROPERTIES" PRINTOUT, A 12' PROJECTION SUNROOM IN PLACE OF THE EXISTING 12' PROJECTION DECK WOULD NOT AFFECT THE VIEW OR USE OF ANY NEIGHBORING PROPERTIES, OR ALTER THE CHARACTERISTICS OF THE AREA.

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

MR. + MRS. HONEYSETT DO NOT PLAN ON ANY ADDITIONAL VISITORS OR NOISE AS A RESULT OF ADDING THE SUNROOM, ONLY INCREASED QUALITY OF LIFE FOR THEM AND THEIR FAMILY.

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 previous property owner? (Attach additional sheets if needed.)

THE DECISION TO LOCATE THE HOME 5' FARTHER FROM THE STREET THAN ALL OTHER HOMES WAS NOT MADE BY MR. + MRS. HONEYSETT, WHO WOULD GLADLY MOVE THE ENTIRE HOME FORWARD 3' IF THAT WAS A VIABLE OPTION.

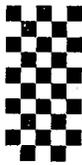
8. Explain how the variance would fulfill the spirit and intent of the Zoning Ordinance. (Attach additional sheets if needed.)

MR. + MRS. HONEYSETT HAVE RAISED THEIR FAMILY ON HONEYSETT ST., AND APPRECIATE THE NEED FOR AN ORDERLY COMMUNITY WITH AMPLE BACKYARD SPACE. THEY WOULD LIKE TO STAY IN THE HOME FOR RETIREMENT, AND ENJOY THE USE OF THE SUNROOM WHILE ENTERTAINING FAMILY. THEY HOPE THAT THE BOARD WILL ACCEPT THAT A 37' REARSETBACK IN THIS CASE ALLOWS THE

  
Signature of Applicant

9-9-11  
Date

SECRET OF THE ZONING  
TO STAY INTACT.



September 12, 2011

City of Portage-Attention Jeff Mais

Jeff,

I authorize and agree with the application for the Dimensional Variance Request submitted by Silas Mulder of Mulder Glass concerning my property at 7085 Sandpiper, Portage Michigan. Please proceed with the submission of the request. If you have any questions, my cell number is 1269 491-3274. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Paul G. Honeysett".

Paul G. Honeysett

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SEP 12 2011  
COMMUNITY DEVELOPMENT

HONEYSETT  
FILE COPY

9-9-11

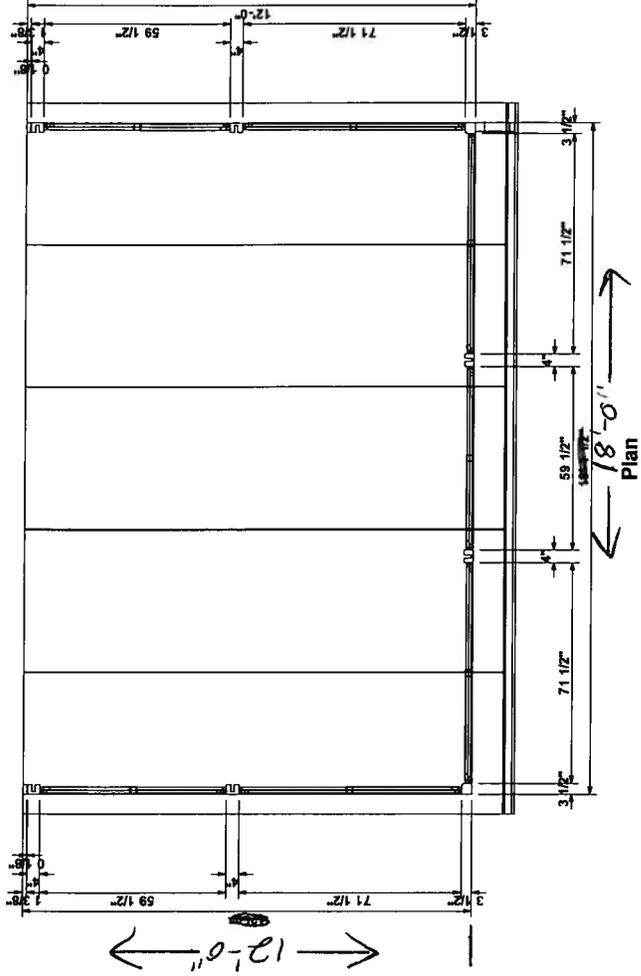
Honeysett Project  
12 x 18 Studio Room  
With Transoms

Mulder Glass, Inc.  
8-19-11

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SEP 09 2011

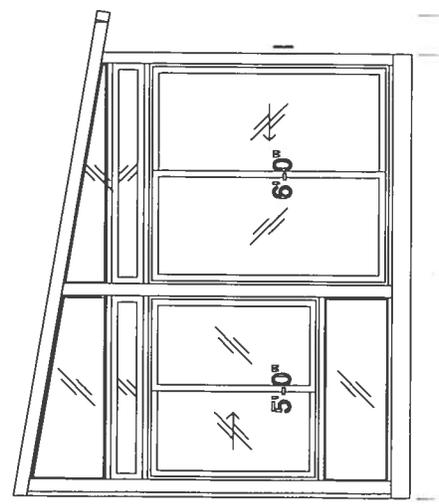
COMMUNITY DEVELOPMENT



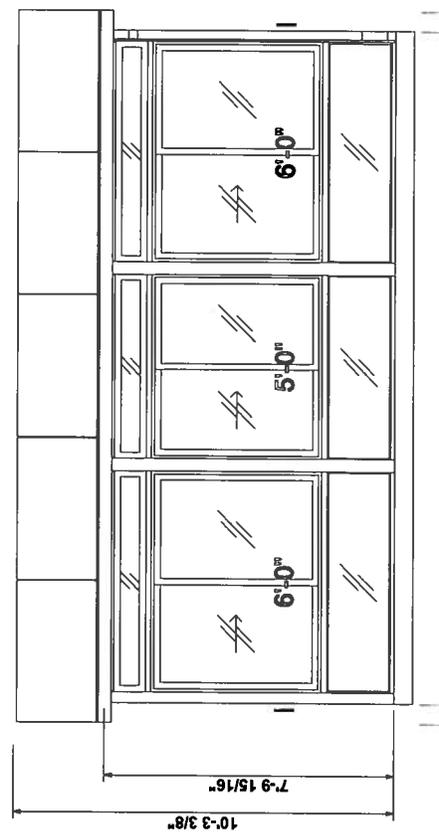
Axonometry

# HONEYSETT SUNROOM DETAIL

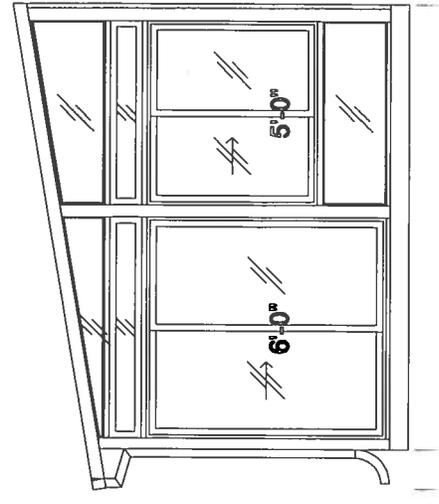
## FLOORPLAN + ELEVATIONS



Left Elevation



Front Elevation



Right Elevation



Honeysett Site Plan

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 I:300  
 SEP 09 2011  
 Map Publication:

**Disclaimer:**  
 This map does not represent a survey or legal document and is provided on an "as is" basis. City of Portage expresses no warranty for the information displayed on this map document.



web mapping by  
 Amalgam LLC

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**COMMUNITY DEVELOPMENT**



Honeysett - Surrounding Properties



web mapping by  
Amalgam LLC

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**PORTAGE**  
*A Place for Opportunities to Grow*



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Map Publication:  
**SEP 09 2011**

**COMMUNITY DEVELOPMENT**

**Disclaimer:**

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- 16 CLOSEST PROPERTIES ON SANDPIPER ST. HAVE ROAD-TO-GARAGE SETBACKS OF 30', -7085 IS THE ONLY ONE WITH A 35' SETBACK.



THE ONLY ONE WITH A 35' SETBACK.

Honeysett - Sandpiper St. - OVERVIEW

**PORTAGE**  
A Place for Opportunities to Grow

web mapping by  
Amalgam LLC



Publication: Thu Sep 8 2011 02:35:54 PM



1:1200

**Disclaimer:**

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SEP 09 2011

COMMUNITY DEVELOPMENT

**TO:** Zoning Board of Appeals **DATE:** September 30, 2011  
**FROM:** Vicki Georgeau, <sup>VG</sup> Director of Community Development  
**SUBJECT:** ZBA #11-04; Silas Mulder, on behalf of Paul Honeyset, 7085 Sandpiper Street; R-1B, One Family Residential  
**CODE SECTION:** 42-350(A) Schedule of Regulations; p. CD42:84  
**APPEAL:** Requesting a three-foot rear yard setback variance to construct a 12-foot by 18-foot sunroom to within 37-feet of the rear property line, where a 40-foot rear yard setback is required.

**STAFF RECOMMENDATION:**

The applicant requests the above variance per the enclosed application and attachments. The 0.26 acre parcel is rectangular-shaped with 87 feet of frontage on Sandpiper Street and 132 feet of depth. The property is improved with a 1,752 square-foot, two-story residential dwelling and attached 528 square-foot garage constructed in 1988. The parcel is surrounded by other single-family residences zoned R-1B.

The applicant proposes to construct a 12-foot by 18-foot sunroom where there currently exists a deck, along the east side of the dwelling approximately 37-feet from the rear (east) property line. While open, uncovered decks are allowed to project up to 10-feet into the required rear yard setback, enclosed structures such as the proposed sunroom are required to meet the 40-foot rear yard setback applicable to the main building.

The applicant identifies circumstances that apply to the property and not others in the area including the front yard setback and orientation of the dwelling. While the majority of the dwellings along Sandpiper Street have a 30-foot front yard setback, the subject dwelling has a slightly larger, 35-foot front yard setback. The applicant identifies this larger front yard setback and building orientation as reducing the area within the rear yard for strict conformance with the 40-foot rear yard setback. Additionally, the applicant illustrates in the attached materials that placement of the enclosed sunroom on the existing deck will not affect the view or use of neighboring properties. The requested variance is the minimum amount needed for the sunroom, and will not alter the character of the residential neighborhood. For the reasons noted above, approval of the variance is recommended.

**PRACTICAL DIFFICULTY:**

Reduced rear yard area given front yard setback and orientation of dwelling; proposed sunroom on existing deck within rear yard with no significant impacts on adjacent properties. 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:

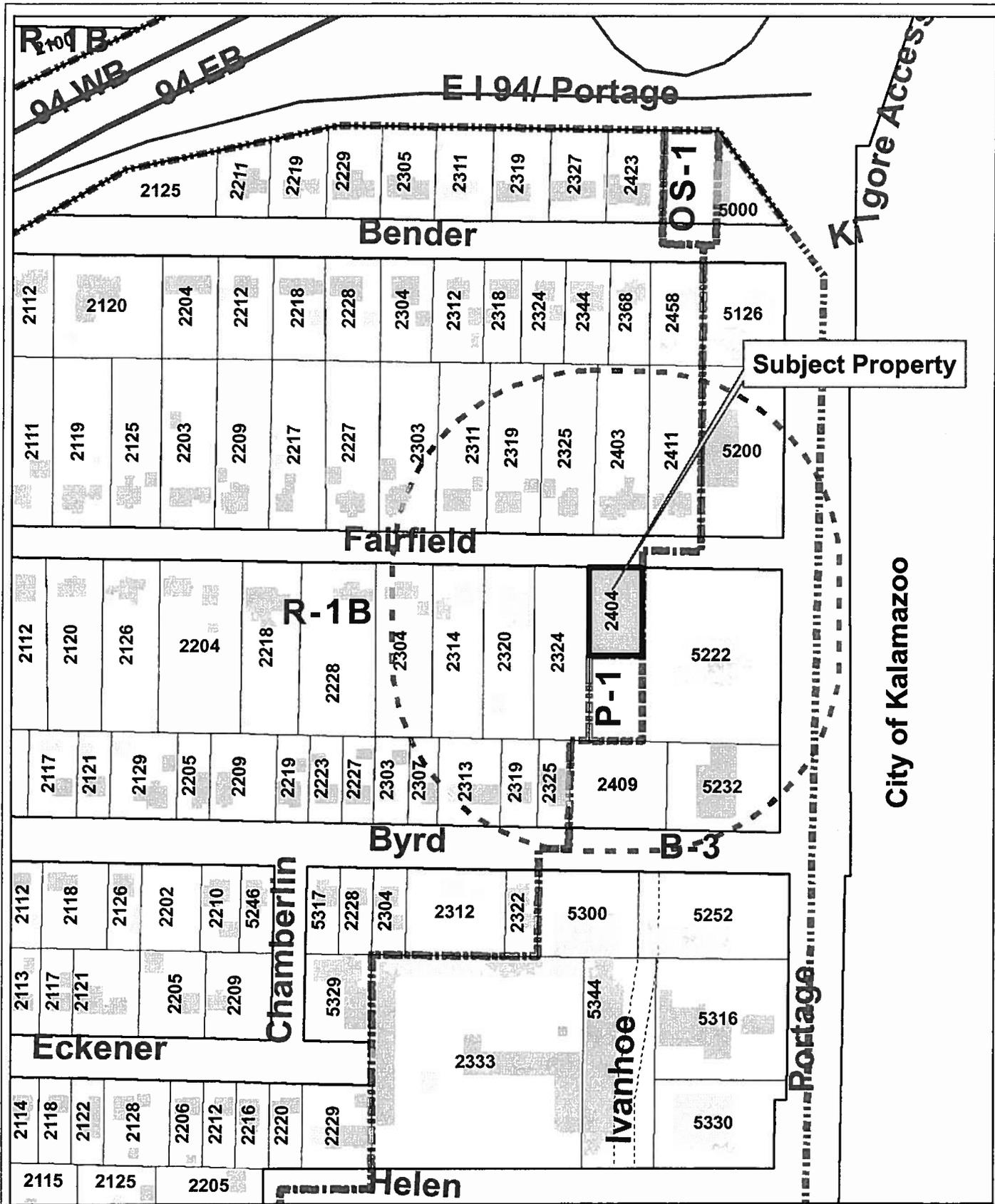
- 1a. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include \_\_\_\_\_;
- 2a. The variance is necessary for the preservation and enjoyment of a substantial property right, 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.**



Subject Property

City of Kalamazoo



1 inch = 200 feet

ZBA 11-05  
2404 Fairfield Road

**Legend**

- 300' Notification Boundary
- Subject Properties
- Zoning Boundary

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SEP 12 2011

CITY OF PORTAGE A Place for Opportunities to Grow

COMMUNITY DEVELOPMENT Department of Community Development

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 9-12-2011

Name of Applicant William K Kelly

Signature William K Kelly

Applicant's Address 2404 FAIRFIELD ROAD

Phone No. 269-599-6145

Name of Property Owner (if different from Applicant)

Address Phone No.

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

Street Address 2 SAME AS ABOVE

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: HOMEOWNER / RESIDENT

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):

X Variance from Zoning Ordinance: Article Section 42-121 Paragraph

Regarding: Use Shed-17yr old Area 16x16 Yards

Setbacks Parking Other Sq. FOOTAGE

Reason for Request (Also complete page 2 of application): Shed BUILT 17YRS AGO - EXCEEDED 59 FOOT BY 30 SQ FEET (3' x 10') - I WILL COMPLY WITH FIRE CODE VIOLATION - SEE ATTACHED SHEET

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

Table with 3 columns: Application Number (11-05), Filing Date (9/12/2011), Tentative Hearing Date (10/10/11), Previous Application Filed Regarding This Property (ZBA 10-07)

William Kilkelly

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.)

NO CHARACTERISTICS - See ATTACHED SHEET

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

N/A

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

NOT WITHOUT MAJOR RE-CONSTRUCTION - I WILL COMPLY WITH FIRE CODE REQUIREMENTS AS AGREED TO WITH COMMUNITY DEVELOPMENT RECOMMENDATIONS -

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 - ONLY 3059. FT (3'x10') - DOES NOT AFFECT ANY OTHER PROPERTY

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.)

FAT TONY'S SPORTS BAR - IS EAST OF MY PROPERTY LINE - W/IN 6' PRIVATE FENCE - I OWN THE LOT WEST OF HOUSE LOT

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.)

NO CONCERN AS FAR AS TRAFFIC.

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.)

N/A

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

See ATTACHED SHEET.

William Kilkelly  
Signature of Applicant

9-12-2011  
Date

9-12-2011

## Portage Zoning Board of Appeals

P. 1 of 2

- This is my second application to the Zoning Board of Appeals - First one was denied (S-2 var)
- I was not prepared for that meeting as it pertains to all of my options. I was basically a "Fish out of Water" - I've learned alot since then
- This application 9/12/2011 is a major change from the first.
- The Two (2) code violations have to do with
  - ① Fire Code
  - ② Total Sq. Footage of Shed - (30 sq ft - over)
- The Dept. of Community Development have helped me understand + correct the problems.

There is a plan to correct the Fire Code which I have AGREED TO w/ the Dept.

\* The Sq Footage was over by 60 sq ft until the city re-measured my residence and corrected the Sq Footage - Now I am only over by 30 sq ft. (3'x10').

\* The Building Contractor I hired did NOT bother to check w/ the city - which would have prevented this mess. I put my trust in a Licensed Builder who I can't locate

continued

- He did not obtain a Permit and obviously did not know Build. Code Require
- As stated on my application the shed is not causing any diffialty to any properties + neighbors
- The shed belongs in with my house + garage in appearance. NO surrounding property is affected by the shed which has been there for 17 yrs.
- I use it for storage of Lawn + Garden Equip  
Patio Furniture - Grill + Dishes + Etc

Finally, I am requesting the Board to grant me a 3' x 10' area which I have exceeded.

Thank you for your consideration.

P.S. - Please come out to my resident + see for yourself how nice it looks as is + that it is not a problem to anyone.

Sincerely

William Kippel

1/2 PLYWOOD SHEETING  
2X8 16" ON CENTER  
SHINGLES + ICE WATER SHIELD  
VALLEY MATERIAL  
METAL FACIA

2X6  
RAFTERS

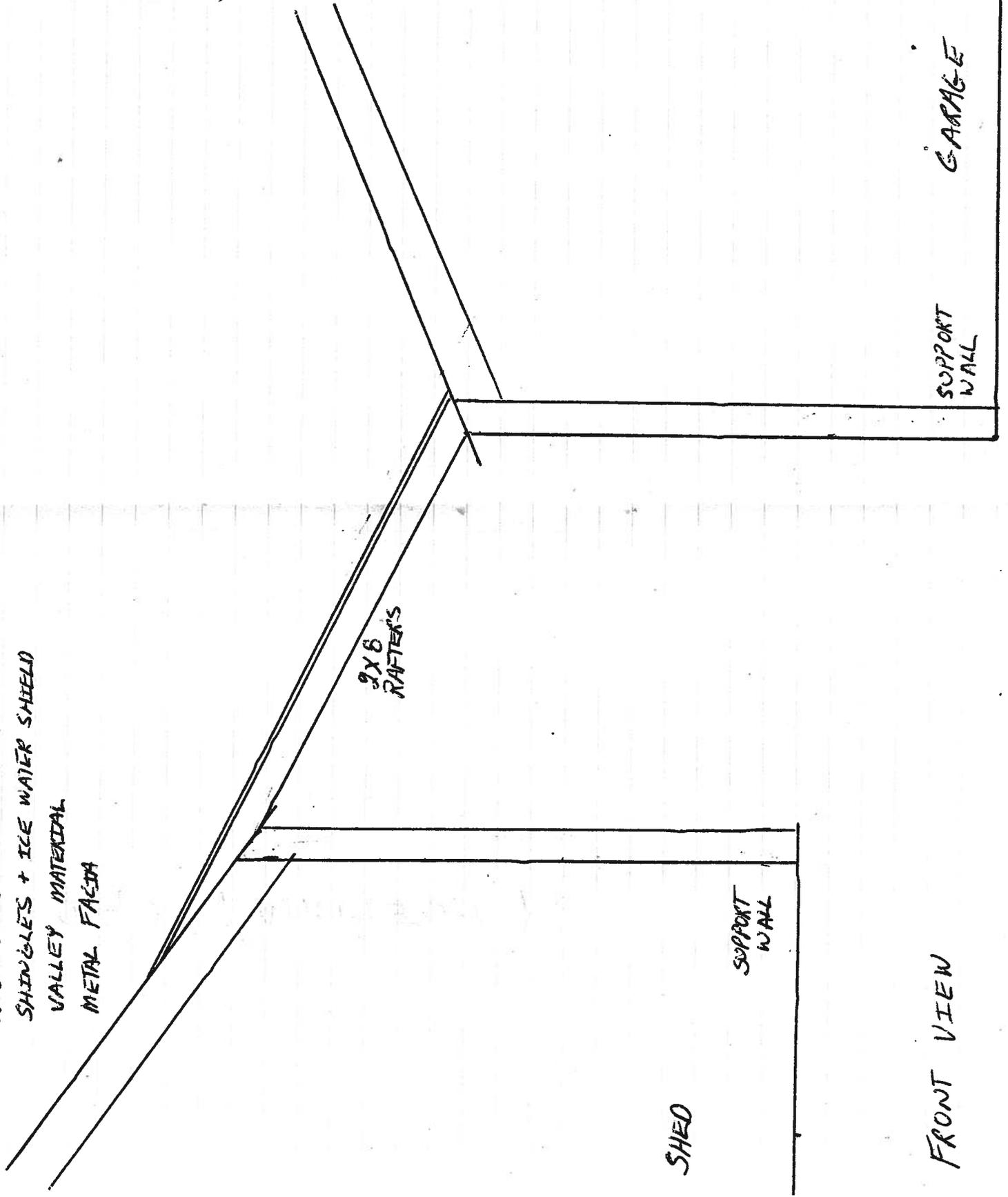
SHED

SUPPORT  
WALL

FRONT VIEW

SUPPORT  
WALL

GARAGE



RECEIVED

SEP 15 2011

COMMUNITY DEVELOPMENT

TOP VIEW

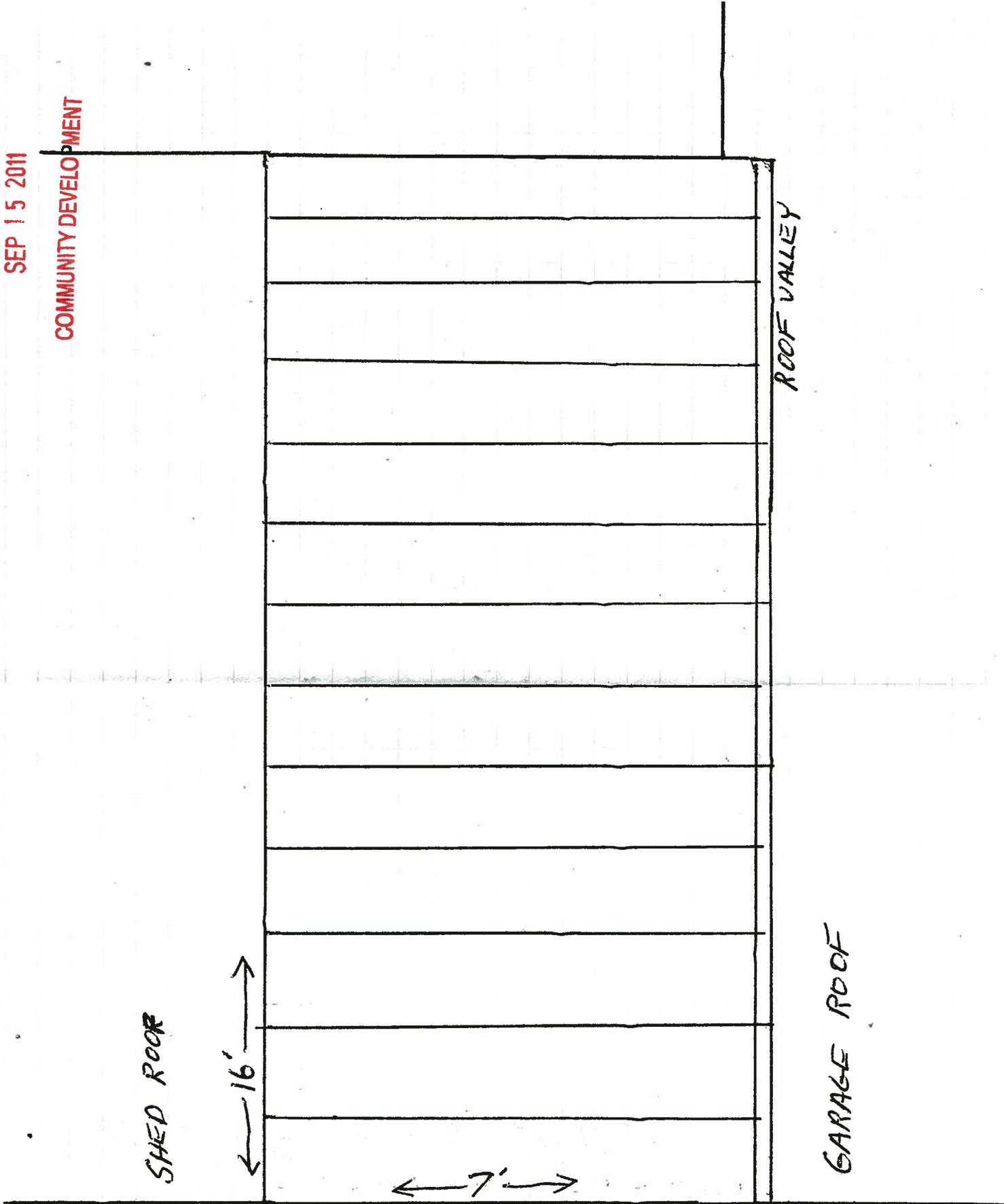
SHED ROOF

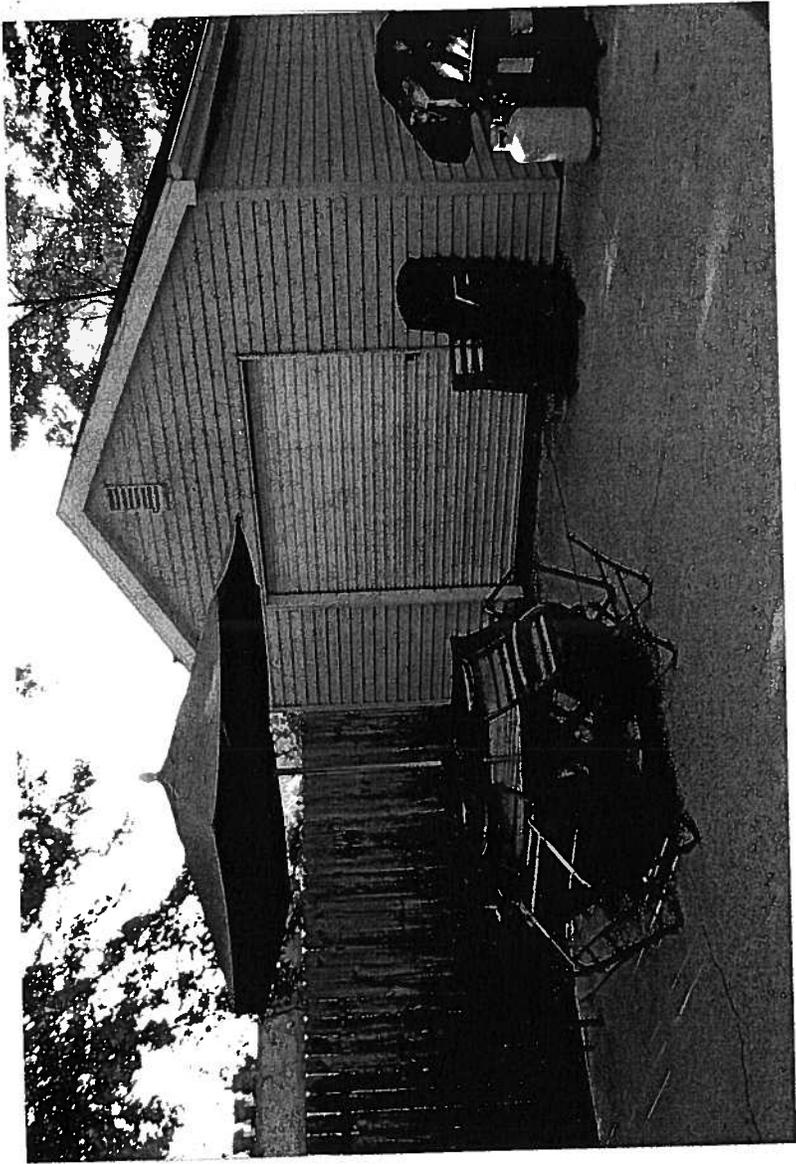
← 16' →

← 7' →

ROOF VALLEY

GARAGE ROOF





**TO:** Zoning Board of Appeals **DATE:** September 30, 2011

**FROM:** Vicki Georgeau, <sup>VB</sup> Director of Community Development

**SUBJECT:** ZBA #11-05; William Kilkelly, 2404 Fairfield Road; R-1B One Family Residential

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

**APPEAL:** Requesting a 30 square foot variance to retain a 256 square-foot shed and 528 square foot garage with a combined area that exceeds the ground floor living area of the dwelling.

**STAFF RECOMMENDATION:**

The applicant requests the above variance per the enclosed application, photograph, and letter of explanation. As background, in October 2010, the applicant was denied a) a 60 square-foot variance to retain a 256 square-foot shed and 528 square-foot garage that exceeds the ground floor living area of the dwelling, and b) a variance from the 10-foot building separation requirement (minutes and staff report attached). Over the past year, the applicant has been working with staff on solutions to resolve the nonconformity.

New information is available and the applicant has also modified the request. First, all buildings on the property were re-measured, and it has been confirmed that the dwelling has 30 more square feet of ground floor living area than was previously indicated. The applicant also now proposes to attach the shed to the garage with a common roof, creating an open breezeway between the two buildings, thereby eliminating the 10-foot building separation requirement. The combined accessory building area (breezeways are not counted towards calculating accessory building area) totals 784 square feet as compared to the dwelling's ground floor living area of 754 square feet, and a 30 square-foot variance is requested. In addition, to ensure compliance with the maximum accessory building size, the applicant has agreed to combine the vacant lot he owns at 2324 Fairfield Road with his property at 2404 Fairfield Road.

While conforming alternatives are available, the modified variance request is minimal and would not impair the spirit and intent of the Zoning Code. The property has characteristics that do not apply generally to other properties in the vicinity: it is adjacent to developed commercial property to the south and east, and is screened from view to the east and south by a six-foot opaque fence and mature vegetation; the house is located directly in front of the shed and blocks the view from the north; the applicant owns the adjacent vacant lot to the west at 2324 Fairfield Road. As a result, the variance would not be detrimental to adjacent properties, and no complaints have been received regarding the accessory buildings in the past.

**PRACTICAL DIFFICULTY:**

Structures effectively screened from view; adjacent to commercial property to the south and east, vacant lot to the west. See Suggested Motion form.

discussion and upon roll call vote, the motion failed 3-4 (Kerr-No, Linenger-No, Mordas-Yes, Schimmel-No, Seyburn-Yes, Singer-No, Rhodus-Yes).

A motion was made by Singer, supported by Linenger, 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. The immediate practical difficulty causing the need for the variance request was created by the applicant, and while the applicant did not construct the illegal addition, he knew about it when he purchased the property, and the variance would materially impair the intent and purpose of the zoning ordinance. Upon roll call vote, the motion failed 3-4 (Kerr-No, Linenger-Yes, Mordas-No, Schimmel-Yes, Seyburn-No, Singer-Yes, Rhodus-No).

A motion was made by Seyburn to reconsider the first motion, which was supported by Rhodus, to postpone action on the request until the November 8, 2010 meeting to allow an opportunity to review information relevant to the 1988 variance for the attached garage, and to receive an update regarding the conformity of the dwelling with the Building Code. Upon roll call vote, the motion passed 5-2 (Kerr-No, Linenger-Yes, Mordas-Yes, Schimmel-Yes, Seyburn-Yes, Singer-No, Rhodus-Yes).

ZBA #10-07, William Kilkelly, 2404 Fairfield Road: Staff summarized the request for a) a 60 square foot variance to retain a 256 square-foot shed and 528 square foot garage with a combined area that exceeds the ground floor living area of the dwelling; and b) a four-foot variance from the required 10-foot building separation between the accessory buildings as specified in the Zoning Code. Mr. Kilkelly was present to explain his request, and that he hired a licensed contractor that told him he did not need a permit for a shed. The roof lines of the two buildings and service door for the garage present a problem with regard to attaching the buildings, and that the shed was built over 15 years ago, with no complaints. The applicant does not want to combine his adjacent lot due to tax ramifications. Bunch asked if the complaints about debris in the neighborhood involved this property. Staff responded yes and that the violations were addressed in a short period of time. Singer asked if the shed could be moved east without a setback problem. The applicant noted there is plenty of room, but that the shed could not be easily moved and would require a new slab. In response to Seyburn, staff indicated that if the Board granted a variance from the separation requirement, a fire wall in both the shed and adjacent garage wall are recommended. Linenger indicates it is unfortunate that a building permit was not obtained. Bunch indicated that a fire rated wall between the buildings would be an acceptable condition to address the building separation variance. In response to Schimmel, staff verified that if a 60 square foot addition was added to the dwelling, one of the two variances would not be needed.

A public hearing was opened. William Inkster, 2320 Fairfield Road, spoke in favor of the request, noting there is commercial property to the south and east with a six-foot solid wood fence, that the shed has been up for 15 years with no impact on the neighborhood. Seyburn asked if the house has a basement, and Mr. Inkster indicated yes. There being no further comments the public hearing was closed.

A motion was made by Linenger, supported by Singer, to deny a) a 60 square foot variance to retain a 256 square-foot shed and 528 square foot garage with a combined area that exceeds the ground floor living area of the dwelling; and b) a four-foot variance from the required 10-foot building separation between the accessory buildings as specified in the Zoning Code due to a lack of practical difficulty, and because the variance will 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. After further discussion and upon roll call vote: Linenger-Yes, Schimmel-Yes, Rhodus-No, Seyburn-No, Kerr-Yes, Singer-Yes, Mordas-Yes) motion carried 5-2.

**STATEMENT OF CITIZENS:** None

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

Respectfully submitted,

Vicki Georgeau, AICP  
Deputy Director of Neighborhood Services

**TO:** Zoning Board of Appeals **DATE:** October 1, 2010  
**FROM:** Jeffrey M. Erickson, Director of Community Development  
**SUBJECT:** ZBA #10-07; William Kilkelly, 2404 Fairfield Road; R-1B One Family Residential  
**CODE SECTION:** 42-121(A) Accessory buildings; p. CD42:28

**APPEAL:** Requesting a) a 60 square foot variance to retain a 256 square-foot shed and 528 square foot garage with a combined area that exceeds the ground floor living area of the dwelling; and b) a four-foot variance from the required 10-foot building separation between the accessory buildings.

**STAFF RECOMMENDATION:**

The applicant requests the above variances per the enclosed application, photographs, and letter of explanation. The property is 10,890 square feet in area and is improved with a nonconforming 1,060 square-foot dwelling and a 528 square-foot detached garage. The nonconforming 256 square-foot shed was constructed in 1997. The 1½ story dwelling is nonconforming because it has 724 square feet of ground floor living area (1,080 square feet required). The shed is nonconforming because with the garage, it exceeds the ground floor living area of the dwelling, and does not have the required 10-foot separation from the garage. The property is adjacent to developed commercial property to the south and east, and is screened from view by a six-foot opaque fence. The applicant also owns the adjacent vacant lot to the west at 2324 Fairfield Road, but has no plans to sell or otherwise develop the property.

The city became aware of the nonconforming shed while responding to a citizen complaint about debris at several properties on Fairfield Road. No permit is on record. The applicant maintains his contractor advised no permit was needed and the shed otherwise met code requirements. No prior complaints have been received regarding the shed, and both accessory buildings are in good condition. The shed is needed to store lawn equipment and other household items. In addition, the shed is not visible from neighboring properties and the applicant contends there is no negative impact on the neighborhood.

Conforming alternatives are available to the applicant. Examples include reconstructing the shed to meet the area and separation requirements, or adding living area to the dwelling, or attaching the shed and garage (an arrangement that would necessitate combining the two lots so that the newly attached accessory building would not exceed 20% of the required rear yard. The variances, however, are minimal, with few impacts on adjacent property anticipated. If the Board finds a practical difficulty, and authorizes the variances, it is advised that the variance be conditioned upon the shed and garage being fitted with an appropriate fire-rated material on the interior of the facing garage wall and shed wall to enhance safety protection in a manner consistent with the Building Code.

**PRACTICAL DIFFICULTY:**

None noted by staff. 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:

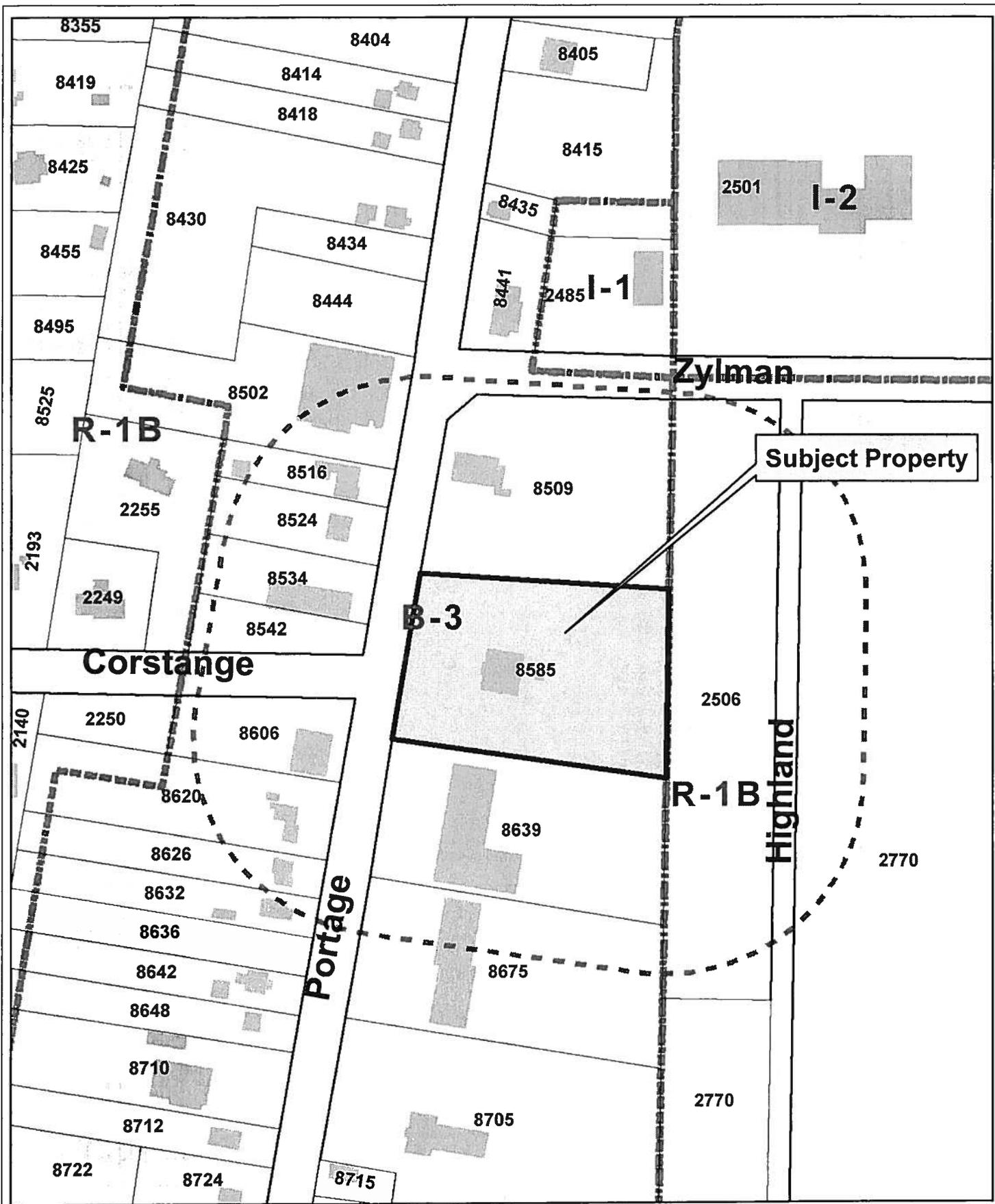
- 1a. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include \_\_\_\_\_;
- 2a. The variance is necessary for the preservation and enjoyment of a substantial property right, 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.**



1 inch = 200 feet

ZBA 11-06  
8585 Portage Road

Legend

-  300' Notification Boundary
-  Subject Properties
-  Zoning Boundary

11-000006

**ZONING BOARD OF APPEALS APPLICATION**

FOR COMPLETION BY APPLICANT

**RECEIVED**  
 SEP 13 2011  
 COMMUNITY DEVELOPMENT

Application Date 9/10/11  
 Name of Applicant Shannon Reeves Print Shannon Reeves Signature  
 Applicant's Address 10358 Westminster Phone No. 269-321-3298  
 Name of Property Owner (if different from Applicant) Charlotte Hubbard  
 Address 11046 Higley Circle West, Schoolcraft, MI Phone No. 269-718-7317  
 Address of the Property that is the subject of this Application: 49087  
 Street Address 8585 Portage Rd.  
 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: overnight boarding at our already established Doggie Daycare

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): Variance on 2 sections of Kennel ordinance regarding letters b+e of #7-Kennels or animal shelters

**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>11-06</u>	Filing Date: <u>9/13/11</u>	Tentative Hearing Date: <u>10/10/11</u>
Previous Application Filed Regarding This Property: <u>no prior ZBA</u>		

Please see attached letter.

**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.)

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

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

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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.)

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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.)

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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.)

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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.)

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

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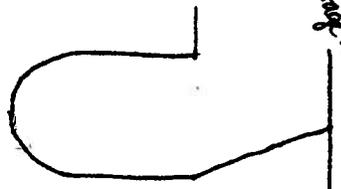
Shannon Rewes  
Signature of Applicant

9/10/11  
Date



Polk Rd.

Neighboring Building



Grass Area

Asphalt

Grass Area

Wooded Area

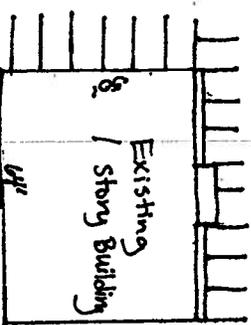
Paved Parking Area

RECEIVED  
SEP 09 2010  
COMMUNITY DEVELOPMENT

\* Light pole

\* Light pole

Existing 1 Story Building

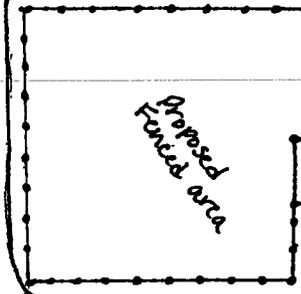


Asphalt

Asphalt

Shed

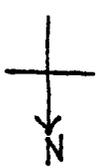
Proposed area



Grass Area

Wooded Area

Scale  
1/8" = 1' #









**TO:** Zoning Board of Appeals **DATE:** September 30, 2011  
**FROM:** Vicki Georgeau, <sup>jk</sup> Director of Community Development  
**SUBJECT:** ZBA #11-06; Shannon Reeves, 8585 Portage Road; B-3, General Business  
**CODE SECTION:** 42-262(C)(7)(b and e) Kennels or animal shelters; p. CD42:75  
**APPEAL:** Requesting a variance from two special land use provisions for a commercial kennel:  
a) A 380-foot variance from the 500-foot setback from a residential district boundary;  
b) A variance from the enclosure requirements for outside exercise areas.

**STAFF RECOM-  
MENDATION:**

The applicant requests the above variances per the enclosed application, letter of explanation, floor plan and site plan. As background information, an administrative determination was made in September 2010 that 1) a dog day care use was not specifically addressed in the Zoning Code, and 2) the use may be allowed in the B-3 zone as a special land use. A dog day care use was not considered a commercial kennel, as defined in the Zoning Code, since the operational aspects differ. On October 7, 2010 the Planning Commission approved a Special Land Use Permit for Wiggles, Waggles & Tails Doggie Daycare to establish a dog daycare facility at 8585 Portage Road subject to the following conditions: 1) No overnight boarding, breeding or selling of dogs; 2) Hours of operation be restricted from 6:30 a.m. to 6:00 p.m.; and 3) Compliance with applicable City Codes related to the operation of this use including noise, odors, sanitation and health. The applicant now desires to expand the business operation to accommodate overnight boarding and, therefore, is considered a commercial kennel per the Zoning Code definition, and must fulfill the Special Land Use Permit conditions of approval for a kennel. The applicant can meet all but two of the conditions and, as a result, is requesting two variances from the Zoning Board of Appeals. If the variances are approved, the applicant must submit an application to the Planning Commission and request a Special Land Use Permit to operate a commercial kennel.

The dog daycare business operates from an existing 3,000 square foot building and attached/fenced outdoor exercise area (approximately 5,000 square feet) that is located along the east/rear side of the building. Since opening in November 2010, the applicant indicates clients have made multiple requests for overnight boarding. The applicant proposes 11 overnight kennels within the building, with a possibility of additional kennels in the future (15 kennels maximum).

With regard to request a), a variance from the 500-foot setback from a residential district, the facility (building and fenced outdoor exercise area) is 120-feet from the residential district boundary and a 380-foot variance is requested. Variance request b) involves the condition that the outside exercise area be enclosed by at least three sides of the building. The applicant is operating a dog daycare from an existing, square-shaped building. In order to fulfill this requirement, a substantial building addition would need to be constructed.

In support of the variances, the applicant indicates the property to the north is vacant (former gas station), and to the east the property is also vacant and heavily wooded. To the south, the property is occupied by several businesses located in the Liberty Square retail center. The outdoor exercise area is located behind the building not visible from Portage Road, and not readily visible to customers of the adjacent Liberty Square businesses. As information for the Board, if the residential property to the east along Highland Drive develops in the future, City Code requires the developer to provide additional buffering (tree plantings, berming and/or similar natural screening/barrier) between the residences and adjacent business or industrial land uses. While the Zoning Code allows up to 75 dogs on a two-acre property, the applicant proposes a maximum of 45 dogs on-site at any given time (30 daycare dogs and 15 dogs for overnight boarding). In addition, no changes to the existing outdoor exercise area are proposed.

With regard to both variance requests and how each may impact the adjacent residential zoning district, the Planning Commission concluded in October 2010 that retention of existing natural vegetation (mature trees and associated vegetation) along the eastern portion of the property provides an effective buffer. As a result of the 2010 Planning Commission approval, an outdoor exercise area not screened by the building already exists and to the knowledge of staff, no noise or other complaints have been received from adjacent property/business owners. Although there already exists a dog daycare business and an outdoor exercise area, the addition of 15 overnight kennels will alter the current on-site activities. In particular, dogs will be at the facility 24 hours per day, and the hours of use for the outdoor exercise area will be extended to 7:00 a.m. and 9:00 p.m., as permitted in the Zoning Code.

If the Board finds a practical difficulty exists, the following conditions of approval are recommended for Board consideration:

1. the number of animals be limited to not more than 45 (30 daycare dogs and 15 dogs for overnight boarding);
2. the outdoor exercise area not be expanded beyond its current dimensions, and no cages/runs be established in this area;
3. kennel staff be present any time animals are located within the outdoor exercise area;
4. should there be noise complaints that cannot be addressed by operational changes to the business, a six-foot solid screen fence or wall must be installed around the outdoor exercise area.

**PRACTICAL  
DIFFICULTY:**

The existing building design and location, limited size of kennel operation; retention of existing mature trees and natural vegetation along east property line abutting single family residential zoning. 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.

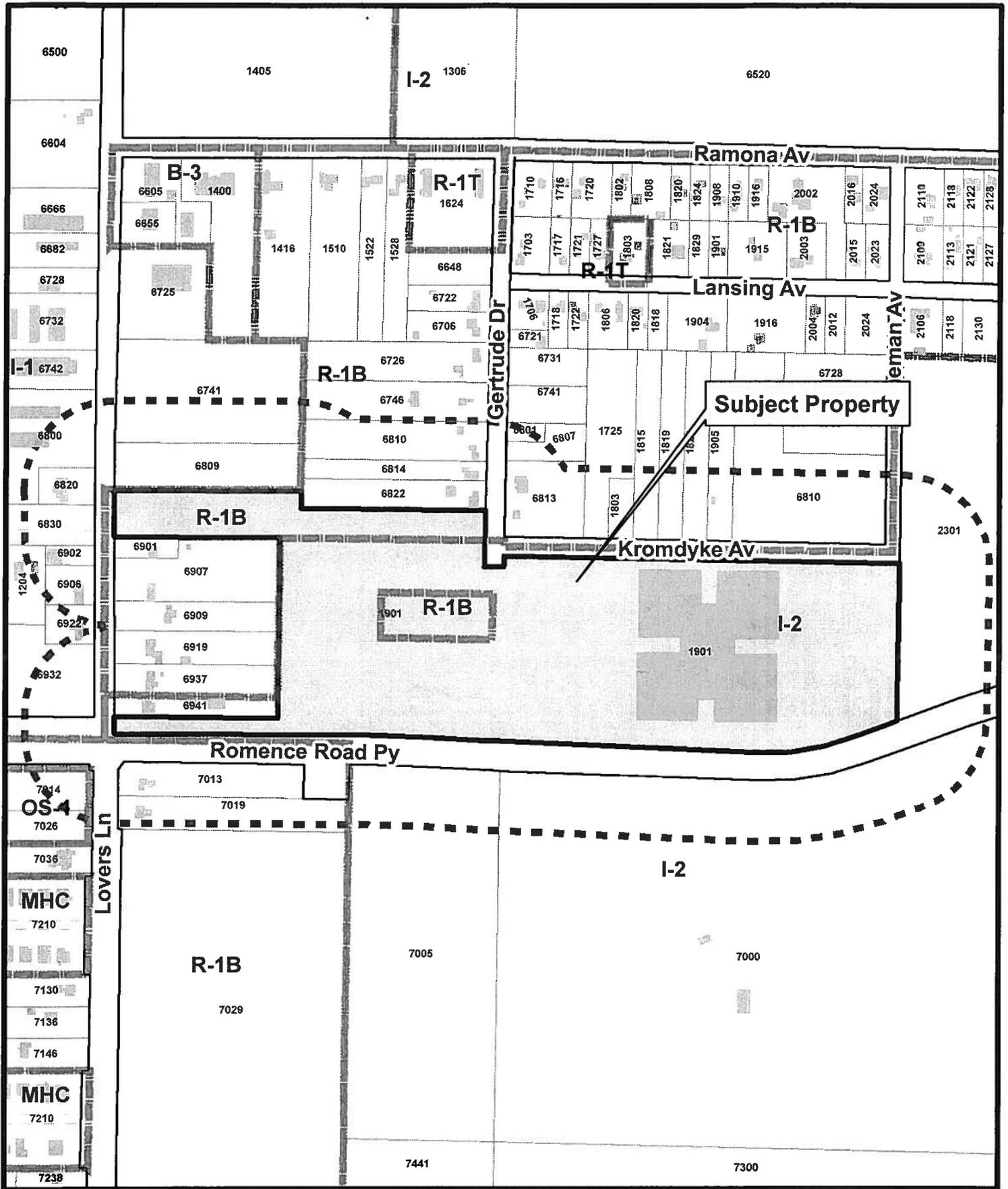
**-or-**

**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.**





-  Zoning Boundary
-  300' Notification Boundary
-  Subject Property

**ZBA #11-07**  
**1901 Romence Road Parkway**



1 inch = 433 feet

**ZONING BOARD OF APPEALS APPLICATION**

**FOR COMPLETION BY APPLICANT**

Application Date 9.19.11

Name of Applicant Steve VanderSloot - SignArt, Inc.  
 Print



Signature

Applicant's Address 5757 East Cork Street, Kalamazoo, MI 49048 Phone No. 269.381.3012

Name of Property Owner (if different from Applicant) 1901 Romence LLC

Address 2500 South Highland Avenue, Lombard, IL 60148 Phone No. \_\_\_\_\_

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

Street Address 1901 Romence Road, Portage, MI 49002

For Platted Property: Lot \_\_\_\_\_ of \_\_\_\_\_ Plat \_\_\_\_\_

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

Applicant's interest in Property that is the subject of this Application: Specialty sign contractor.

Application Fee \_\_\_\_\_ (Residential Uses) \$330.00 (All Other Uses)

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

Variance from Zoning Ordinance: Article 03-01 Section 42-543 Paragraph A-2

Regarding: Use \_\_\_\_\_ Area X Yards \_\_\_\_\_

Setbacks \_\_\_\_\_ Parking \_\_\_\_\_ Other \_\_\_\_\_

Reason for Request (Also complete page 2 of application): Install a reverse/halo illuminated, 13.75 sq. ft., directional sign to a masonry retaining wall adjacent to Stryker public entrance.

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>11-07</u>	Filing Date: <u>9/19/11</u>	Tentative Hearing Date <u>10/10/11</u>
Previous Application Filed Regarding This Property:		

**Reason For Variance**

CS suc

1. Please explain how the property has characteristic features that prevent compliance with the Zoning Ordinance. (Attach additional sheets if needed.)  
The property in question is a 34.02 acre campus with frontage of over 1300 feet along Romence Road. The campus has two entrance/exit points to accommodate the multi-use facility.

---

2. Are the physical characteristics you explained ~~are~~ unique and not shared by neighboring properties? (Attach additional sheets if needed.)  
The closest comparison to this parcel and use would be the other Stryker locations (4100 East Milham, 6300 South Sprinkle Road, and 8300 East Centre Avenue) and Pfizer.

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

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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.)  
No.

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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.)  
The directional sign was designed for pedestrian identification of the spectacular Stryker entrance and courtyard. The sign will not be readable, and likely not visible, from the adjacent right-of-way. The sign will be over 400 feet from the right-of-way measuring perpendicular to Romence Road and 500 feet measuring from the vehicular entrance.
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.)  
The directional sign mounted to a 4' 0" +/- low profile masonry retaining wall. The lighting is indirect and reflects/absorbs off of the masonry retaining wall.

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7. Is the reason for the request, the practical ~~diff~~ 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

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8. Explain how the variance would fulfill the spirit and intent of the Zoning Ordinance. (Attach additional sheets if needed.)  
The multi-use facility is a large campus that share similar characteristics only shared by those of similar size and scope. Due to the multi-use and multi-entrance, a variance is necessary to properly direct visitors.



Signature of Applicant

September 19, 2011

Date



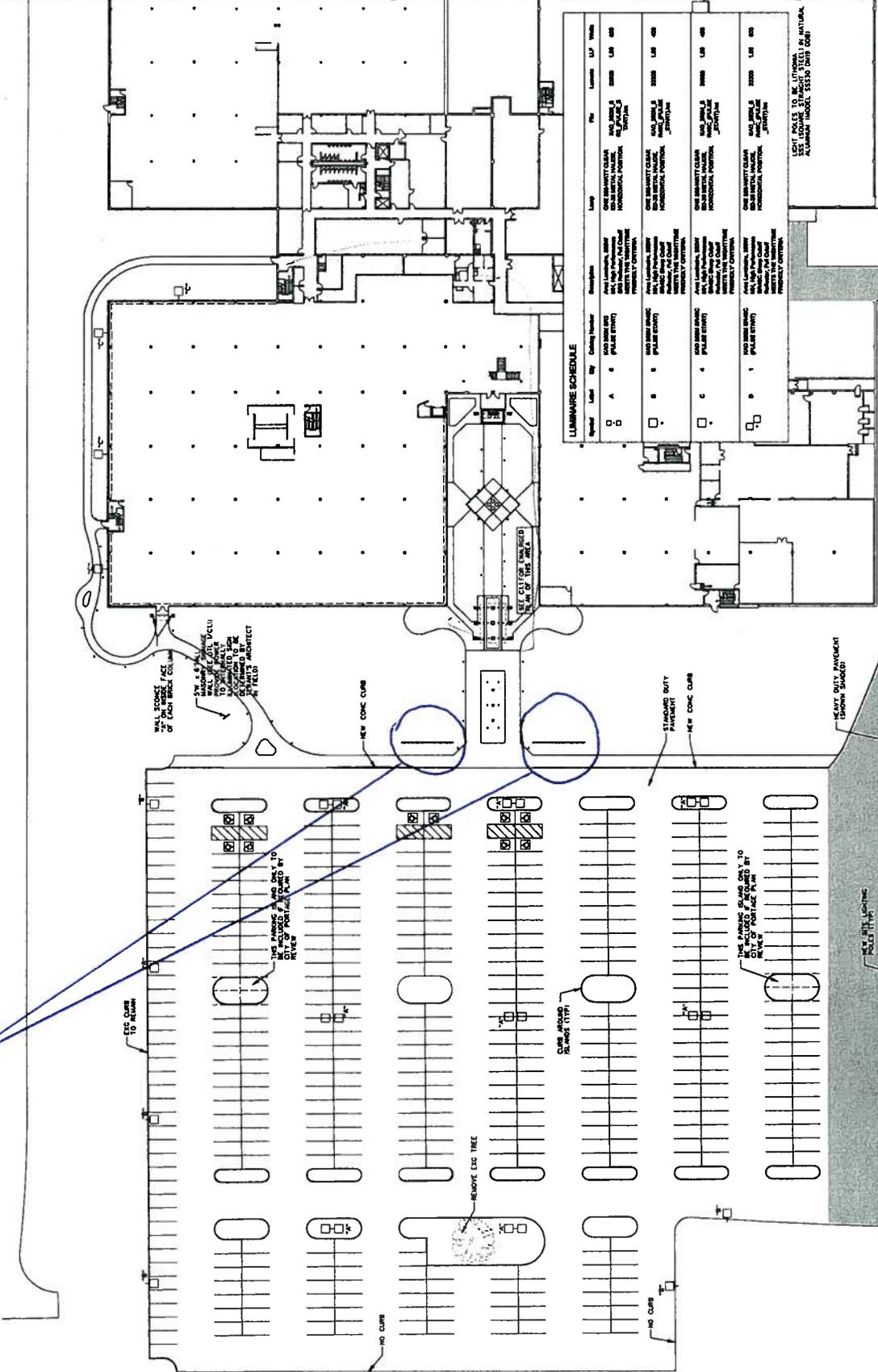
Architecture & Engineering & Planning  
 13 Ionia SW in Suite 250  
 Grand Rapids, MI 49503  
 Telephone: 616.454.1398  
 Facsimile: 616.454.0944  
 www.thedesignforum.com

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 and Development  
 1000 South Algonquin  
 Westland, MI 48097  
 Telephone: 734.720.7722  
 Fax: (248) 649-5575  
 www.primeconstruction.com

1901 Romence Road  
 Remodeling  
 Portage, Michigan

Do not scale drawings  
 Use indicated dimensions  
 In Charge: MJB  
 Checked: NLS  
 Issued for:  
 Date: 4/28/11  
 REVIEW: 4/28/11  
 REVIEW: 5/8/11  
 REVIEW: 5/20/11  
 PERMITS: 5/28/11  
 FOR CONSTRUCTION: 7/12/11

Project Number: 2011-01-10  
 Sheet: C1.2



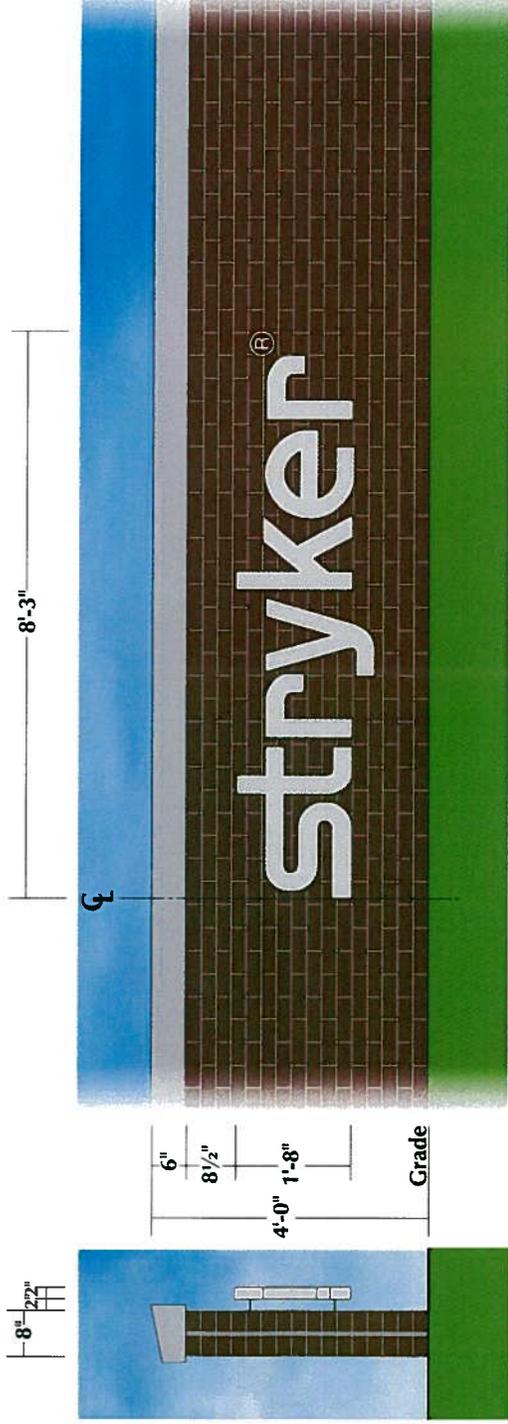
**LUMINAIRE SCHEDULE**

Symbol	Level	Qty	Category	Description	Height	Power	Notes
○	1	4	PLAQUE (STREET)	NEW LUMINAIRE, 200W PLAQUE (STREET) SEE HIGH PERFORMANCE LUMINAIRE SPECIFICATIONS FOR THE EXACT TYPE PRODUCT TO BE USED.	10'-0"	200W	SEE HIGH PERFORMANCE LUMINAIRE SPECIFICATIONS FOR THE EXACT TYPE PRODUCT TO BE USED.
○	1	6	PLAQUE (STREET)	NEW LUMINAIRE, 200W PLAQUE (STREET) SEE HIGH PERFORMANCE LUMINAIRE SPECIFICATIONS FOR THE EXACT TYPE PRODUCT TO BE USED.	10'-0"	200W	SEE HIGH PERFORMANCE LUMINAIRE SPECIFICATIONS FOR THE EXACT TYPE PRODUCT TO BE USED.
○	1	6	PLAQUE (STREET)	NEW LUMINAIRE, 200W PLAQUE (STREET) SEE HIGH PERFORMANCE LUMINAIRE SPECIFICATIONS FOR THE EXACT TYPE PRODUCT TO BE USED.	10'-0"	200W	SEE HIGH PERFORMANCE LUMINAIRE SPECIFICATIONS FOR THE EXACT TYPE PRODUCT TO BE USED.
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LIGHT POLES TO BE LUMINAIRE  
 ALLUMINAIRE MODEL: 25310 (2011 CODE)

OVERALL ARCHITECTURAL SITE PLAN  
 SCALE: 1/32" = 1'-0"

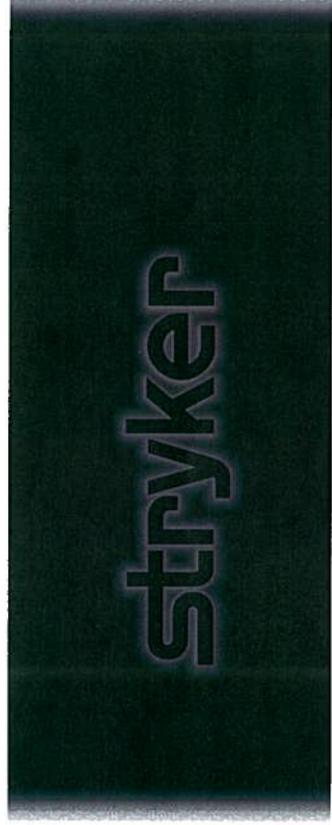
PROPOSED SIGNS



**Reverse Illuminated Channel Letters**

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

2" Deep reverse channel letters with .100 aluminum faces and .080 returns painted GripCard Plus semi-gloss "brushed aluminum" to be stud mounted 2" from masonry retaining wall. Letters are illuminated using CE Tetra miniMAX white LEDs.  
**Note: Precision routed .250 aluminum 'C' painted GripCard Plus semi-gloss "brushed aluminum" to be stud mounted flush to masonry wall and will not illuminate.**



**Night Time Elevation**

**Stryker — 1901 East Romence Rd., Portage, MI**

**Lead #SV-1021699**

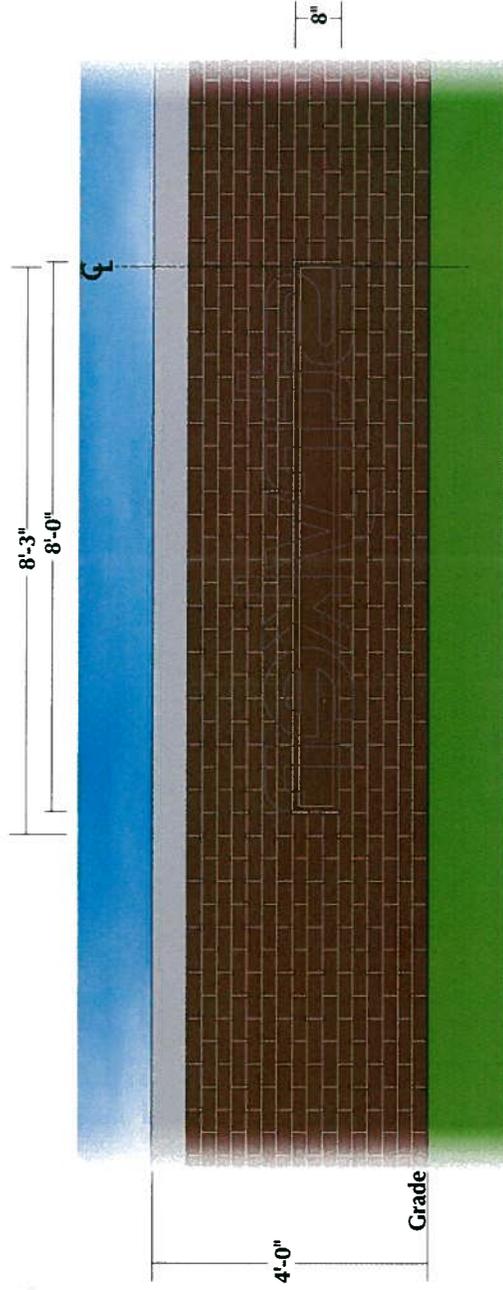
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**GI** 7-6-11  
 7-11-11  
 7-27-11JH  
 8-4-11

**Approved for:**

**By:**

**Date:**



**Recessed Raceway** **Scale: 3/8" = 1'-0"**

Custom fabricated .100 aluminum raceway painted CripCard Plus semi-gloss to match masonry retaining wall (verify).

**Note: Electrical to be verified. Dimensions to be verified.**

**Stryker — 1901 East Romence Rd., Portage, MI**

Lead #SV-1021699

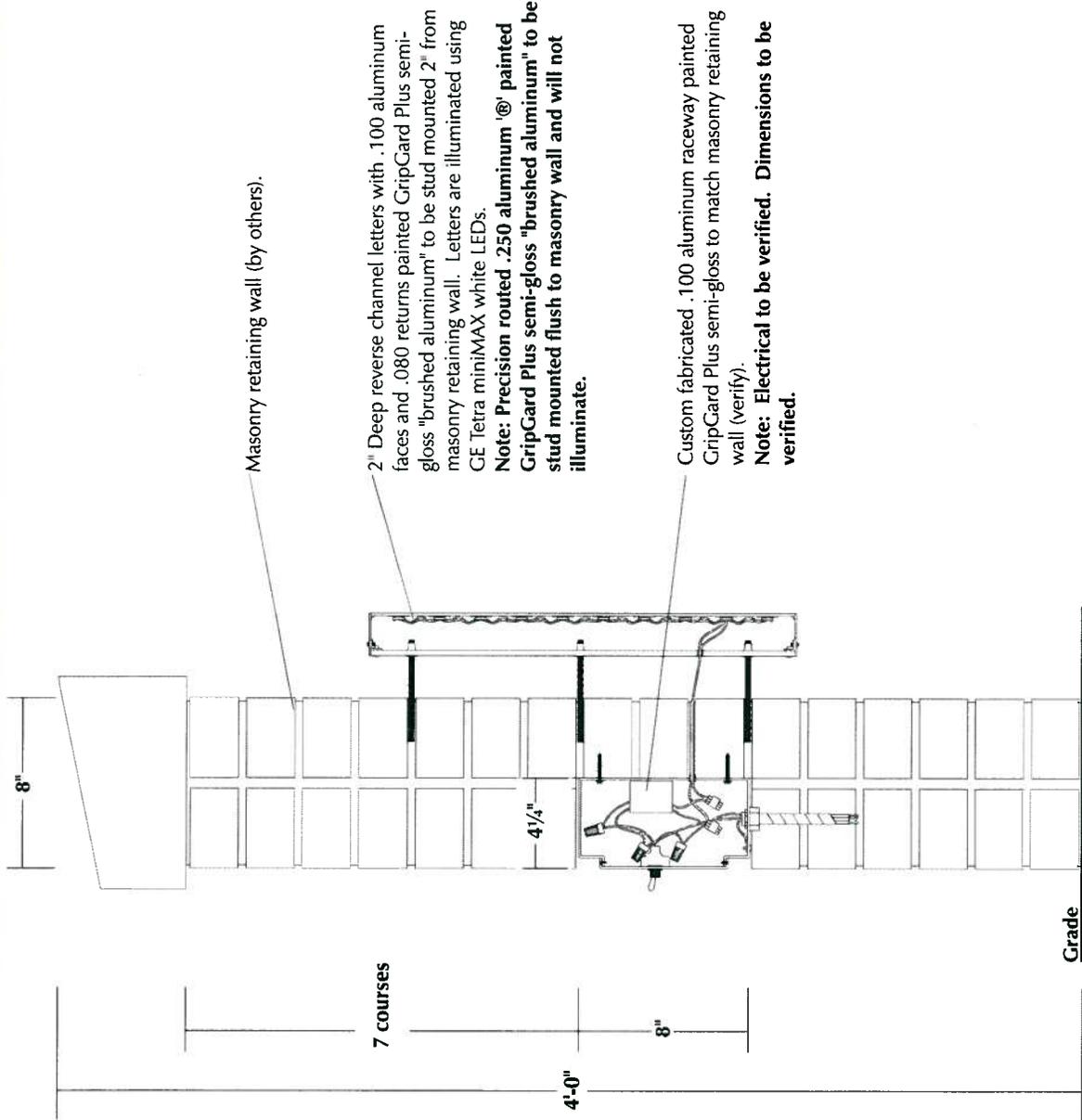
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GI 7-6-11  
7-11-11  
7-27-11JH  
8-4-11

Approved for: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_



**Reverse Illuminated Channel Letters/Raceway Detail** Scale: 1 1/2" = 1'-0"

**Stryker — 1901 East Romence Rd., Portage, MI**

Lead #SV-1021699

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GI 9-8-11JH

By: \_\_\_\_\_

Date: \_\_\_\_\_

**TO:** Zoning Board of Appeals **DATE:** September 30, 2011  
**FROM:** Vicki Georgeau, <sup>VG</sup> Director of Community Development  
**SUBJECT:** ZBA #11-7; Sign Art Inc., on behalf of Stryker Corporation and 1901 Romence LLC, 1901 Romence Road Parkway; I-2, Heavy Industry and R-1B, One Family Residential  
**CODE SECTION:** 42-543(A)(1) Directional Signs; p. CD42:126  
**APPEAL:** Requesting a 10-foot variance to erect two, 14 square-foot directional signs identifying the Stryker Corporation near the west building entrance of 1901 Romence Road Parkway.

**STAFF RECOMMENDATION:**

The applicant requests the above variance per the enclosed application, site sketch, and sign sketches. The 34 acre property at 1901 Romence Road Parkway is improved with a 407,200 square-foot office building and off-street parking lots. The property is primarily zoned for I-2, Heavy Industry, but a portion of the northwest corner of the property and an enclave southwest of Gertrude Drive are zoned R-1B, One Family Residential. To the north, the property is adjacent to two single family residences and several vacant lots, zoned R-1B, One-Family Residential, to the west are six single family residences along Lovers Lane and to the east and south are industrial properties.

Stryker Corporation leased the northwest quadrant of the office building, and is making a significant investment towards site and building improvements. One such improvement is the redesign of the building entrance and the construction of two four-foot high brick walls facing the parking lot near the west entrance of the building. The walls serve as architectural features and are intended to convey a sense of arrival. The applicant proposes to place 14 square-foot 'Stryker' directional signs on each wall. The signs are considered directional as they serve to identify the Stryker entrance for internal vehicular traffic and pedestrians. A variance is requested as the Zoning Code specifies a maximum directional sign size of four square feet. As noted by the applicant, the signs will be located over 500 feet from the eastbound lane of Romence Road Parkway, and are not intended to be legible from the public right-of-way. The nearest residence, 6813 Gertrude, is 535 feet away and view of the signs from this property is obscured by existing mature vegetation.

The size of the subject property, location of existing site improvements and location/orientation of the proposed signs makes this variance request unique to 1901 Romence Road Parkway. The signs are internal to the site and not intended to be viewed from a public right-of-way. Because the sign will not be visible to adjacent properties, the variance will not be detrimental to adjacent property or the surrounding neighborhood and will not materially impair the intent and purpose of the Zoning Ordinance. For the reasons noted above, approval of the variance can be recommended.

**PRACTICAL DIFFICULTY:**

Sign not readable from adjacent property or public right-of-way. Scale and nature of industrial office campus. 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.**