

CITY OF PORTAGE ZONING BOARD OF APPEALS

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