

CITY OF
PORTAGE
A Place for Opportunities to Grow

ZONING BOARD OF APPEALS

May 14, 2012

CITY OF PORTAGE ZONING BOARD OF APPEALS

Monday, May 14, 2012

(7:00 pm)

Portage City Hall
Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

- * April 9, 2012

OLD BUSINESS:

- * ZBA# 11-16, Adams Outdoor Advertising, 5602 Lovers Lane: is requesting a variance for: a) a 672 square-foot non-accessory Electronic Message Display sign that exceeds the maximum allowed 300 square-foot sign area; b) a 99 foot variance to erect a sign two feet from the (north) property line where a minimum 101 foot setback is required; and c) a 43-foot variance to erect a sign seven feet from the (east) property line where a minimum 50 foot setback is required.

NEW BUSINESS:

- * ZBA# 11-20, Donald Kitchin, 7634 Hampton Oaks Drive: is requesting: a) a four-foot variance to retain an existing garage six feet from the (north) side property line; and b) a four-foot variance to construct a 12-foot by 14-foot three season porch six feet from the (north) side property line, where a 10-foot setback is required.
- * ZBA# 11-21, Sign Art Inc., on behalf of village Green Properties Ltd., 6430 South Westnedge Avenue: is requesting a 10 square-foot variance to replace a nonconforming 96 square-foot freestanding sign, with a 75 square-foot sign for Harding's Market, where 65 square feet is the maximum allowed.
- * ZBA# 11-22, Paul Locey, 6605 Lovers Lane: is requesting a variance to modify a nonconforming freestanding sign.

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 – April 9, 2012

The City of Portage Zoning Board of Appeals meeting was called to order by Chair Linenger at 7:00 p.m. in the Council Chambers. Two people were in the audience.

MEMBERS PRESENT: Mariana Singer, Doug Rhodus, Timothy Bunch, Betty Schimmel, Rob Linenger, Lowell Seyburn, and Jeffrey Bright.

MEMBERS EXCUSED: Glenn Smith

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

APPROVAL OF THE MINUTES: Schimmel moved and Singer seconded a motion to approve the March 12, 2012 minutes as submitted. Upon voice vote, motion was approved 7-0.

OLD BUSINESS:

ZBA #11-16, 5602 Lovers Lane: A communication from the applicant was read requesting the item be postponed until the May 14, 2012 meeting. A motion was made by Seyburn, seconded by Singer to postpone the hearing until the May 14, 2012 meeting. Upon voice vote, the motion passed 7-0.

NEW BUSINESS:

ZBA #11-18, Shaver Road, 8850: Staff summarized the request to allow 606 square feet of wall signage where a maximum 300 square feet is permitted. Roger DeHoek was present on behalf of Meijer Inc. Schimmel inquired if a new bottle return entrance was proposed. Mr. DeHoek stated yes and that the wall signs “Home, Fresh, Pharmacy Drive-up, and Bottle Return” corresponded to the entrances where those activities would be located and that a larger “Meijer” sign was proposed as well. Schimmel noted she did not think there was much difficulty locating this Meijer store. Bright asked if there were many changes to their business since opening at this location. Mr. DeHoek stated yes and that updating the signage at this location was part of general effort to standardize their signage in line with other locations. Bright asked if Meijer had received variances in other communities. Mr. DeHoek stated yes. Seyburn asked if Wal-Mart signage was comparable to Meijer. Staff stated Wal-Mart was entitled to the same amount of wall signage as Meijer and Wal-Mart’s signage is conforming. Seyburn inquired about the size of the freestanding signs and if it was possible for Meijer to get additional signage. Staff stated Meijer had a freestanding sign in front of the gas station and a 100 square-foot identification sign at the main entrance. Based on the uses and street frontage, installation of an additional 100 square-foot sign is possible. Seyburn asked if freestanding sign area could be exchanged for additional wall sign area. Staff stated no. Mr. Bear stated the Board could, however, include it as a condition of approval if the Board found a practical difficulty. Schimmel asked if the Chase Bank wall sign counted towards total Meijer wall signs. Staff stated no. Schimmel stated she did not support the request because there was no practical difficulty and felt the variance would set a precedent.

A public hearing was opened. No one spoke for or against the request. The public hearing was closed.

A motion was made by Bright, seconded by Seyburn to grant a variance to allow 606 feet of wall signage where a maximum 300 square feet is permitted. The practical difficulty is the 445 foot building setback, the immediate need for the variance was not created by the applicant, and the variance would not materially impair the intent and purpose of the Zoning Code. Upon roll call vote:

Bunch-No, Linenger-No, Rhodus-No, Schimmel-No, Seyburn-Yes, Singer-No, Bright-Yes. The motion failed 2-5.

After additional discussion, a motion was made by Seyburn, seconded by Bright, to grant a variance allowing 400 square feet of wall signage where a maximum 300 square feet is permitted, conditioned that no additional freestanding signs be permitted; there are exceptional conditions applying to the property that do not generally apply to other properties in the zoning district, which include the distance of the building from the road, the number of driveways and building entrances which require additional directional identification that motorists need to see from the road to park reasonably close to the appropriate entrance; the variance is necessary for the preservation of a substantial property right, the right of the building signs to be seen from the road, which is similar to that possessed by other properties in the same zoning district; the immediate practical difficulty 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 this hearing be incorporated in the record of this hearing and that action of the Board be final and effective immediately. Upon roll call vote: Bunch-Yes, Linenger-Yes, Rhodus-Yes, Schimmel-No, Seyburn-Yes, Singer-No, Bright-Yes. Motion passed 5-2.

ZBA #11-19, 4620 Golden Ridge Trail: Staff summarized the request for a two-foot rear yard setback variance to construct a 12-foot by 16-foot four season enclosed porch within 38 feet of the rear property line, where a 40-foot rear yard setback is required. Ms. O'Neill was present to answer questions.

A public hearing was opened. No one spoke for or against the request. The public hearing was closed.

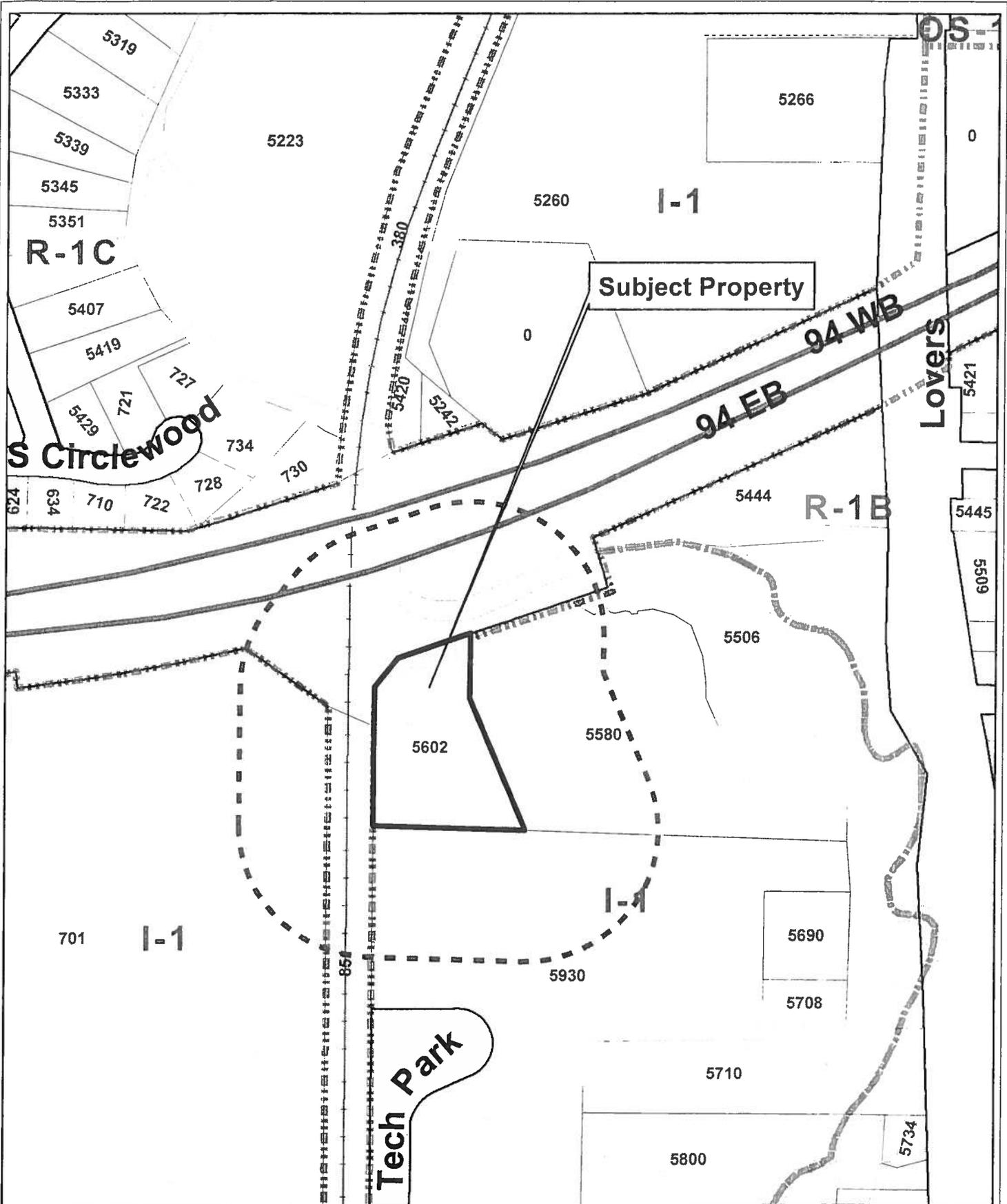
A motion was made by Seyburn, seconded by Singer, to grant a two-foot rear yard setback variance to construct a 12-foot by 16-foot four season enclosed porch within 38 feet of the rear property line, where a 40-foot rear yard setback is required; there are exceptional conditions applying to the property that do not generally apply to other properties in the zoning district, which include the existing floor plan, the irregular lot shape, and rear property line and orientation of dwelling; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to construct a porch addition which is similar to that possessed by other properties in the same zoning district and neighborhood; the immediate practical difficulty was not caused 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 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. Upon roll call vote: Bunch-Yes, Linenger-Yes, Rhodus-Yes, Schimmel-Yes, Seyburn-Yes, Singer-Yes, Bright-Yes. Motion passed 7-0.

STATEMENT OF CITIZENS:

ADJOURNMENT: There being no further business, the meeting was adjourned at approximately 7:05 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator



1 inch = 300 feet

ZBA 11-16

5602 Lovers Lane

Legend

-  ZBA11-16
-  300' Notification Boundary
-  Zoning Boundary

RECEIVED

FEB 16 2012

COMMUNITY DEVELOPMENT

CITY OF PORTAGE
A Place for Opportunities to Grow

Department of Community Development

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 2/3/12
Name of Applicant Adams Outdoor Advertising Kevin J. Green
Print Signature
Applicant's Address 407 E. Ransom Street Kalama, WA Phone No. 269-342-9831
Name of Property Owner (if different from Applicant) Adams Outdoor owns an easement
Address _____ Phone No. _____

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

Street Address 5602 Lovers Lane (5600 Lovers Lane)

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: Adams Outdoor owns a 672 sq ft billboard and perpetual easement

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 _____ Section _____ Paragraph _____
Regarding: Use _____ Area 672 sq ft Yards _____
Setbacks 2' Parking _____ Other _____

Reason for Request (Also complete page 2 of application): Billboard sits back 354' from oncoming traffic, MOI recently constructed sound barrier that blocks sign.

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: See attached letter & summary of request.

FOR STAFF USE

Application Number: <u>11-16</u>	Filing Date: <u>2/16/2012</u>	Tentative Hearing Date: <u>3/12/2012</u>
Previous Application Filed Regarding This Property: <u>None</u>		

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SUMMARY OF REQUEST
5602 Lovers Lane - Adams Outdoor Advertising

COMMUNITY DEVELOPMENT

- I. Rebuild a standard 14' x 48' Billboard located at I-94 & 5600 Lovers Lane with a digital/electronic sign of the same size (672 sq. ft.)
- II. Applicant would like to remove the west facing billboard sign and rebuild the structure and east facing billboard face to an electronic sign. Variances requested – size 14' x 48' (672 sq. ft. - size variance of 372 sq. ft.) and 2' setback next to R.O.W. line (front-setback variance of 48'). A height variance is not need for it meets the City of Portage specifications of being less than 40' above the grade of the freeway. See attachment.
- III. A sound barrier built by MDOT has completely blocked the west face and we would like to update the technology of the east face.

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.**

MDOT has built a sound wall that interferes with the billboard. We are requesting a setback and size variance due to the east face of the billboard being over 350' from the westbound traffic. Adams is requesting to keep the billboard face the same size as the existing face so oncoming traffic can read the billboard legibly. A 14' x 48' bulletin is also the standard sign face along freeways in the billboard industry. The vast majority of billboards along the freeways in Michigan and across the country are 672 sq. ft. 14' x 48' bulletin signs are used for aesthetics, consistence and standardization of the billboard industry. The irregular shape and topography (distance and height) would make it difficult to build a billboard of smaller size or comply with the 50' setback. Please see attached photos of proposed sign. (Artist rendering)

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

The sound wall has led to exceptional circumstances of having to rebuild the sign to see at least one of the sign faces. The physical characteristics are unique in that other neighboring properties do not have a billboard.

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

No, a variance is necessary of the preservation of this use. The City of Portage retained part of the property on Lover's Lane for Portage Creek Bicentennial Trail and Adams Outdoor secured an easement specifically for this billboard in 2005. The billboard is located in an industrial zone (I-1 light industrial) that allows billboards / non-accessory sign. The billboard will not be able to be reasonably seen from

cross-read traffic going westbound, if we construct a smaller size sign or longer front-yard setback from the R.O.W. The closest distance of oncoming traffic is over 350' (354') from the sign.

- 4. Is the variance the minimum necessary to permit reasonable use of the land and buildings, or would a lesser variance be fair and equitable to the applicant as well as logical and just to other property owners in the area?**

Yes, the dimension variances of size and setback are necessary to be able to see the billboard from oncoming traffic. The practical difficulty was not created by Adams Outdoor Advertising (was created by MDOT) and we wish to continue the existing use (billboards/off-premise signage).

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

The variance would not result in adverse affects, as Adams Outdoor is not adding, but rather taking down a sign face of the billboard. The variance will not be detrimental to any adjacent property owners which are all zoned I-1 light industrial.

- 6. Explain how the variance would not result in increase 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.**

Billboard or non-accessory signs are intended to be constructed along major highways such as I-94. The zoning (I-1) at this location allows for billboards in this area. The billboard will not increase traffic congestion, noise or other potential concerns that would be detrimental to the area.

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

The hardship was not created by Adams Outdoor Advertising. MDOT has built a sound wall.

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

The variance is consistent with the intended use / purpose of this property. The property is zoned I-1 which allows for billboards.

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FEB 16 2012

COMMUNITY DEVELOPMENT

February 16, 2012

**City of Portage
Zoning Board of Appeals
7900 South Westnedge Avenue
Portage, MI 49002**

Re: Zoning board application to continue the use and dimensions of an existing 14' x 48' billboard sign (672 sq. ft.) on I-94 west of Lovers Lane, south side of the freeway.

Dear members of the zoning board of appeals:

Adams Outdoor is requesting a dimension variance to maintain the existing size and setback of our billboard sign on I-94 west of Lovers Lane. The City of Portage allows for a 300 sq. ft. sign with a 50' setback. We are proposing removing the west sign face (for traffic going eastbound) of the existing billboard and rebuilding a single face electronic billboard for of the same size (672 Sq. ft.) as the existing sign for traffic going westbound. We are requesting a setback of 2' (a 48' setback variance) for the same reasons. The setback of 2' would actually be slightly further back than the existing sign.

The variance of size and setback are needed for proper visibility of the sign due to the distance of westbound traffic being over 350' (354') from the billboard. The billboard is a 14' x 48' bulletin which is the standard size for signs along the freeways and meets all the state and Michigan Department of Transportation requirements. MDOT recently constructed a sound wall just west of the billboard, which blocks the billboard from being seen traveling eastbound. We would like to continue the use and size of the east face and reduce the non-conformity of the billboard structure by removing 672 sq. ft. of the west face.

Attached is a summary of request and reasons for the variance. Thank you very much for your time and consideration.

Respectfully,

**Kevin J. Green
Real Estate Manager
Adams Outdoor Advertising**

RECEIVED

MAY 01 2012

COMMUNITY DEVELOPMENT

Brief Update

Variance Request for Billboard at of 5602 Lovers Lane

May 1, 2012

Dear members of the Zoning Board of Appeals,

My name is Kevin Green and I am the real estate manager for Adams Outdoor of Kalamazoo. I have been working with the City of Portage over the last several months to provide information and address any concerns about our variance request. I wanted to give you a brief update, in addition to the February 16 letter, summary of request and accompanying site plans.

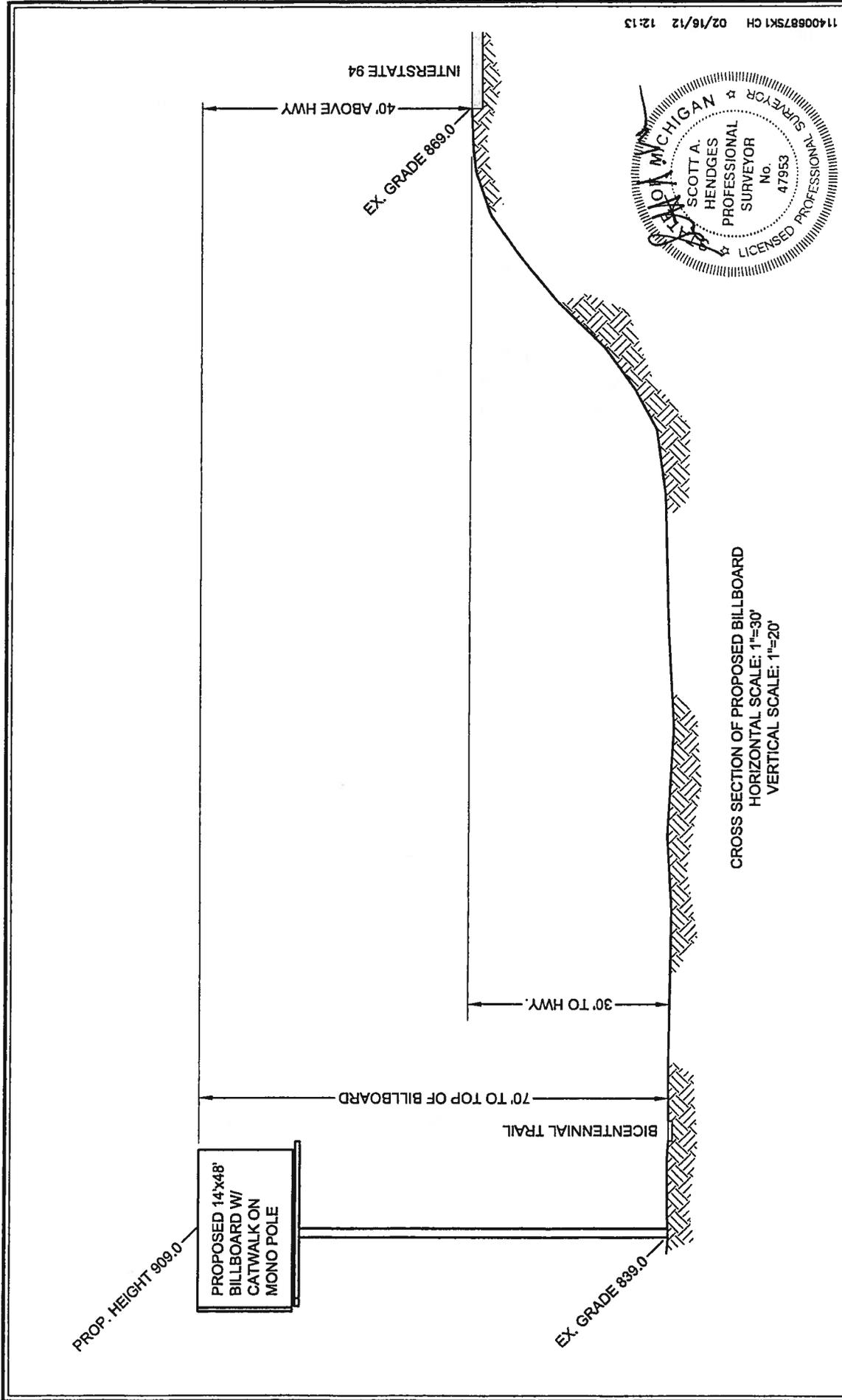
Our goal is to reduce the non-conformity of our billboard structure by removing 672 sq. ft. of the west face (the entire face), move the sign back over 15' from the existing location and upgrade the technology of the sign face. We are requesting a size variance to continue the use of our east face, which is 672 sq. ft. (the standard size of bulletins along freeways) and a variance to build the sign 2' from the right of way. The distance from the freeway and topography of the road compared to the property elevation would make it very difficult to see from the highway without the above variances.

We have submitted a letter dated February 28 from the Traffic Audit Bureau that shows how billboard size and distance from the highway affects the visibility of signs for oncoming traffic. The billboard will be over 350' from the closest point from traffic, which would make the billboard half as visible from passengers if we reduce the size. We have also been working with the property owner and neighboring property owners to minimize any impact of our billboard. We have agreed to purchase and attach a detuner on the billboard to negate any effects it could have on the radio station WQLR's radio signal. We have also agree to maintain and paint the back of our billboard sign face on a regular basis to minimize any aesthetic impact to the property owner, Mr. Joe Gesmundo, and other neighbors to the south of the sign.

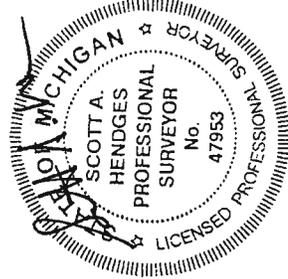
We appreciate the consideration from the zoning board and look forward to our meeting on May 14. Thank you for your time.

Respectfully,

Kevin J. Green
Real Estate Manager
Adams Outdoor Advertising



11400687SKI CH 02/16/12 12:13



CROSS SECTION OF PROPOSED BILLBOARD
HORIZONTAL SCALE: 1"=30'
VERTICAL SCALE: 1"=20'

- Scale 1" =
- = Asphalt
 - = Concrete
 - D = Description dimension
 - M = Measured dimension
 - P = Platted Dimension
 - = Set Iron Stake
 - = Found Iron Stake
 - x— = Fence Line
 - = Set wood stake

NEDERVELD

ANN ARBOR
3025 Miller Road
Ann Arbor, MI 48103
PHONE: 734.929.6963

CHICAGO
1082 National Parkway
Schaumburg, IL 60173
PHONE: 312.878.3897

GRAND RAPIDS
217 Grandville Ave., Suite 302
Grand Rapids, MI 49503
PHONE: 616.575.5190

HOLLAND
347 Hoover Boulevard
Holland, MI 49423
PHONE: 616.393.0449

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rev.:
project no.: 11400687 SKI
date: 2-16-12 CH



Photo of P. H. H. H. H.



**The Traffic Audit Bureau
for Media Measurement, Inc.**

Jeff Casper
Vice President, Director of Audit Operations & Research

February 28, 2012

Kevin Green
Adams Outdoor Kalamazoo
407 East Ransom Street
Kalamazoo, MI 49007

Dear Mr. Green:

There is a relationship between the square footage of the board and the audience it generates. The below analysis assumes a base circulation of 10,000 people with an opportunity to see the board each week. This would be for a smaller roadway, but the story is the same. As the below table shows, a slightly bigger sign at every reasonable distance from the road generates higher audience.

Square Feet	Distance From Road (ft)	A18+ Rating
672.00	100	6579
300.00	100	5842
672.00	200	5524
300.00	200	4430
672.00	300	4470
300.00	300	3019
672.00	400	3415
300.00	400	1607
672.00	500	2360
300.00	500	600

I trust this answers your questions. Please call with any more.

Sincerely,

MUNN – REESE, INC.

Broadcast Engineering Consultants
385 AIRPORT DRIVE – PO Box 220
COLDWATER, MICHIGAN 49036-0220

TELEPHONE
517-278-7339

INTERNET
www.munn-reese.com

FAX
517-278-6973

March 5, 2012

City of Portage
Zoning Board of Appeals
7900 South Westnedge Avenue
Portage, MI 49002

RECEIVED
MAR 06 2012
ASSESSORS OFFICE

Dear Members:

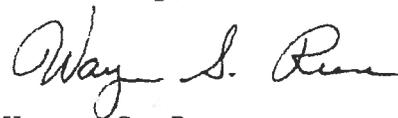
I am writing this letter on behalf of Midwest Communications, Inc. (Midwest), licensee of AM Broadcast Station WQLR, Kalamazoo, MI. The transmitting tower for WQLR is adjacent to the location of the proposed Electronic Message Display sign. As broadcast engineering consultants for the station, we have concerns that the large metal structure could affect the signal pattern of WQLR. The height of the supporting structure, as well as the sign itself, is of such a size as to potentially cause a disruption the circular pattern of the radio station's signal.

Midwest would consider dropping its objection of the structure if Adams Outdoor Advertising (Adams) would agree to provide detuning equipment for the billboard and its support structure. Nott, Ltd, of Farmington, NM, a leader in providing detuning equipment for the broadcast industry, believes they could detune the billboard. Adams would have to provide detailed drawings of the structure to Nott, Ltd. Obviously, Adams would be responsible for the costs involved.

We would request that the zoning board consider protecting the rights of the existing AM facility by adding this condition to any permit to build the proposed Electronic Message Sign proposed by Adams.

WSR/s

Sincerely,



Wayne S. Reese,
President

Jeff Mais - Midwest Communications, Inc. objection to Adams Outdoor (ZBA# 11-16)

From: Peter Tanz <peter.tanz@wkzo.com>
To: <maisj@portagemi.gov>
Date: 4/4/2012 12:17 PM
Subject: Midwest Communications, Inc. objection to Adams Outdoor (ZBA# 11-16)

Dear Mr. Mais;

Yesterday I met with Wayne Reese, Consulting Engineer at Munn-Reese, to discuss the Adams Outdoor application adjacent to WQLR-AM's site on Lovers Lane.

Wayne shared with me that Adams Outdoor has completed their due diligence on our WQLR de-tuning concerns and Adams is prepared to enter into an agreement with a company (Nott, Ltd.) to purchase a de-tuning components for their new billboard and to enter into an agreement with Munn-Reese to separately contract with them for professional adjustment of the de-tuning components to ensure they work properly to protect the AM station from the electronic sign's new tower structure.

With this understanding in place, I will attend the May meeting to formally withdraw any objection by Midwest Communications, Inc. to the proper installation of a new electronic billboard at 5602 Lovers Lane, Portage, MI.

In Wayne's email to Kevin (below) Wayne stresses that the de-tuning installation will protect the AM station's operation but will not have any effect on the actual operation of the electronic sign. It will need to be the responsible of Adams, their vendors and contractors to build an electronic sign that is properly shielded to prevent the R.F. radiation from the AM transmitter, the FM transmitter and the Cellular transmitters from interrupting the sign's operation.

Thank you for your assistance with this matter. I appreciate everyone's cooperation.

Sincerely,
Peter

--

Peter F. Tanz, CRMC / CDMC
Vice President - Michigan Region
Midwest Communications, Inc.
WHTC . WJXQ . WKZO . WLMI . WNWN . WNWN-FM
WQLR . WQTX . WTVB . WVIC . WVFM . WYVN
4200 West Main Street, Kalamazoo, MI 49006
269-350-3590



Wayne Reese

4:25 PM (18 hours ago)



- City Limits
- Points of Interest
- Airport
- Cemetary
- Court
- Fire Station
- Golf Course
- Library
- Municipal Facility
- Park
- Police
- Post Office
- School
- Street Centerlines
- Interstate/Expressway
- Major Arterial
- Minor Arterial/Collector
- Freeway Ramp
- Private Road
- Roads
- Surface Water
- Rivers
- Lakes
- Parcels
- Lot Lines
- 2006 Aerial Photos
- Lake Names
- Parcel Dimensions
- Parcel Addresses
- Street Names



DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. Please contact City of Portage Assessors office (329-4433) for current property assessment information.

SOURCES: City of Portage; Portage Public Schools; Plansight LLC; May 2007 for Parcel Data; Aerial Imagery as noted in overlay; School boundaries are approximate and should be confirmed with the Portage Public

TO: Zoning Board of Appeals **DATE:** May 4, 2012
FROM: Vicki Georgeau, Director of Community Development
SUBJECT: ZBA #11-16; Adams Outdoor Advertising, 5602 Lovers Lane; I-1, Light Industrial
CODE SECTION: 42-553(C)(2) Non-accessory Sign Area, p. CD42:132
42-553(C)(3) and (5) Non-accessory Sign Setback, p. CD42:132

APPEAL: Requesting a variance for: a) a 672 square-foot non-accessory Electronic Message Display sign that exceeds the maximum allowed 300 square-foot sign area; b) a 99 foot variance to erect a sign two feet from the (north) property line where a minimum 101 foot setback is required; and c) a 43-foot variance to erect a sign seven feet from the (east) property line where a minimum 50 foot setback is required.

STAFF RECOMMENDATION:

The applicant requests the above variances per the enclosed application, photographs and site sketch. The 2.5 acre property is zoned I-1, Light Industrial and is improved with a double-faced 672 square-foot non-accessory "billboard" sign. The property to the east is zoned I-1 and improved with several communication towers, while the property to the south is vacant and also zoned I-1. To the west of the property is the Grand Elk railroad, and to the north is the Michigan Department of Transportation (MDOT) right-of-way for I-94. A portion of the City of Portage Bicentennial Trail, located within the MDOT right-of-way also runs north of the property in close proximity to the proposed billboard sign.

As background, the applicant was issued a sign permit for a conforming 300 square-foot billboard sign in August, 1994. Contrary to the permit issued by the city, it was discovered in 2009 that the billboard was 672 square feet in area and the sign encroached into the MDOT right-of-way by approximately 10 feet. In 2010 MDOT began construction of a sound barrier wall in the vicinity of the sign reducing its visibility to eastbound traffic on I-94. The applicant proposes to replace the existing double-sided sign with a new single-side 672 square-foot EMD sign oriented to westbound traffic. The proposed sign will be located so the leading edge of the sign is two feet from the north property line where a 101-foot setback from right-of-way is required, and seven feet from the east property line where a 50 foot setback is required.

In support of request a), the applicant indicates a 14-foot by 48-foot billboard sign (672 square feet) is the industry standard along highways, and the requested variance is necessary for the sign to be legible for westbound I-94 traffic given that the proposed sign will be located approximately 350 feet from the nearest point of the westbound traffic lane (or 449 feet if the requested setback variance is not granted). The applicant has also submitted a letter from the Traffic Audit Bureau for Media Measurement Inc. (a media industry research organization) regarding the relationship between the sign size (300 square feet versus 672 square feet), the distance from the road, and the audience the sign will reach out of 10,000 motorists that pass by the sign in a typical week. This information indicates that as the distance from the road increases from 300 to 400 feet, and the size of the sign decreases from 672 square feet to 300 square feet, the number of motorists that would view the sign decreases considerably. Finally, the applicant indicates there is a reduction in the degree of nonconformity by eliminating the west sign face from the proposed sign (the current sign is a double-faced sign).

The premise that a larger sign is more easily read and captures a larger audience is not in dispute. The Zoning Code, however, seeks to achieve some uniformity in the size, number and placement of signs. While the applicant indicates a 672 square foot "Bulletin" billboard sign is the industry standard along highways, there are examples within southwest Michigan where 300 square foot billboard signs have been erected. In addition, with regard to legibility, a sign with an Electronic Message Display (EMD) is brighter and more dynamic than a traditional billboard, and with changes to the sign message permitted once every four seconds, the viewer audience drawn to such signs is likely to be higher in comparison to a traditional billboard sign. Notwithstanding the above, it is acknowledged that construction of the I-94 sound barrier wall, which diminished the visibility of the sign for eastbound motorists presents a practical difficulty for the applicant that was not self-created. Consequently, the applicant proposes to eliminate the sign face oriented to eastbound traffic, which the applicant contends is a reduction in the degree in nonconformity (the applicant considered retaining the eastbound sign face, but under this scenario, a height variance would have been necessary). It is noted EMD signs are available in several standard sizes, and after the 300 square foot maximum size permitted by the Zoning Code, the next largest size is a 378 square foot "Jr. Bulletin" sign, which would afford an increase in legibility, while not impairing the intent and purpose of the Zoning Code. Based on the above, a lesser variance that permits a 378 square foot sign, which includes a reduction in the number of sign faces and a reduction in nonconforming size of the sign, can be recommended.

With regard to the setback variance requests b) and c), there are exceptional conditions applying to this property that do not apply generally to other properties in the same zoning district, which include: the expanded right-of-way width on the south side of I-94 near the Portage Creek, and the significant distance (449 feet) the proposed sign would be located from the westbound traffic lane without the requested variance from the north property line. If the sign were setback 50 feet from the east property line as required, due to the parcel configuration, the proposed billboard sign would have to be shifted further south from the westbound traffic lane of I-94. The practical difficulty with regard to the excessive right-of-way was not created by the applicant, inasmuch as the property is surrounded by an interstate highway to the north and a railroad right-of-way to the west. The requested variance will have minimal, if any impact on adjacent properties. The applicant has agreed to install a "de-tuner" on the billboard to negate any effects the billboard would have on the communication towers to the east. In addition, the applicant has agreed to paint and maintain, on a regular basis, the back side of the single-faced billboard sign to minimize any aesthetic impact on the property owners to the south and west. For these reasons, the requested setback variances can be recommended. If the Board grants the requested setback variances, it is recommended the approval be conditioned upon: 1) installation of a de-tuner or similar device to negate effects on the adjacent communication towers, and 2) painting the back side of the billboard to minimize potential aesthetic impacts to properties to the south and west.

**PRACTICAL
DIFFICULTY:**

Request a): reduction in degree of nonconformity resulting from the elimination of west face of billboard and reduction in size
Requests b) and c): excessive right-of-way width; distance of sign from westbound driving lane. 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:

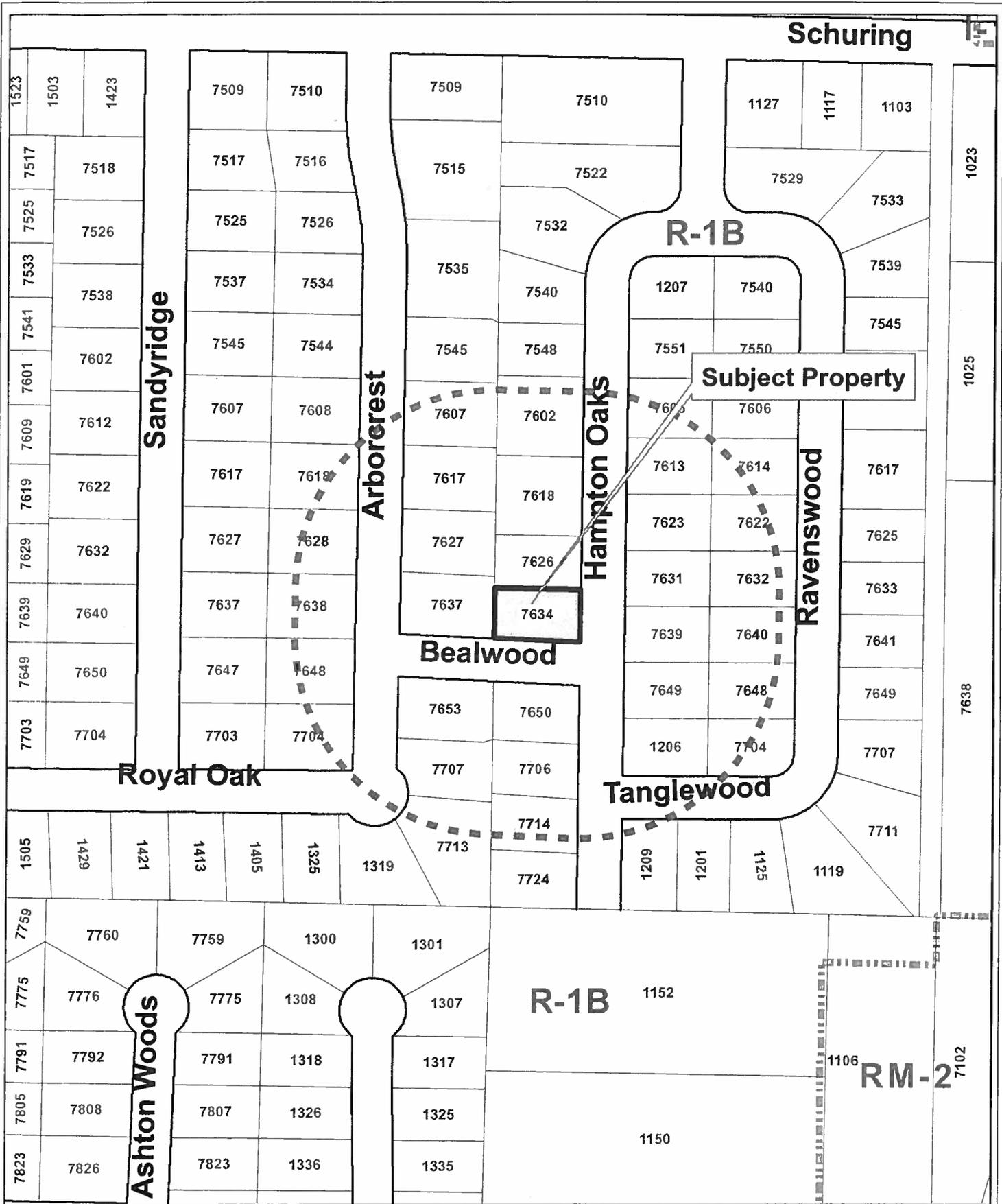
- 1a. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include _____;
- 2a. The variance is necessary for the preservation and enjoyment of a substantial property right, the right 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 11-20

7634 Hampton Oaks Drive

Legend

-  Zoning Boundary
-  300' Notification
-  Subject Parcel

RECEIVED

111-10000070

MAR 30 2012

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 3-25-12
Name of Applicant DONALD J. KITCHIN Ronald G. Kitchin
Print Signature
Applicant's Address 7634 HAMPTON OAKS DR. Phone No. (269) 873-1119
Name of Property Owner (if different from Applicant) _____
Address _____ Phone No. _____

Address of the Property that is the subject of this Application:
Street Address 7634 HAMPTON OAKS DR.
For Platted Property: Lot _____ of _____ Plat _____

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

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

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

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

Variance from Zoning Ordinance: Article 42 Section 350 Paragraph _____
Regarding: Use _____ Area Yards
Setbacks _____ Parking _____ Other _____

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

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

Reason for Request: _____

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

Reason for Request: _____

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

Article _____ Section _____ Paragraph _____

Reason for Request: _____

FOR STAFF USE

Application Number: <u>28A 11-20</u>	Filing Date: <u>3/30</u>	Tentative Hearing Date: <u>5/14/12</u>
Previous Application Filed Regarding This Property: <u>no</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.)

See attached letter.

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

See attached letter.

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

See attached letter.

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.)

See attached letter.

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.)

See attached letter.

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.)

See attached letter.

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.)

See attached letter.

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

See attached letter.

Donald G. Kitcher
Signature of Applicant

3/30/12
Date

Zoning Board of Appeals
Community Development
7900 South Westnedge Ave.
Portage, MI. 49002

RECEIVED

MAR 30 2012

COMMUNITY DEVELOPMENT

March 25, 2012

To Whom It May Concern:

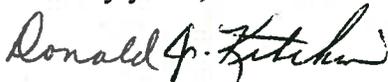
We are requesting a variance from Zoning Ordinance: Article 42 Section 350, regarding a setback to our property line. We would like to create a screened in back porch on our existing fenced in patio. This structure will comprise an area twelve by fourteen feet which is approximately half of the already existing patio.

Our property is located on a corner lot with a very narrow back yard. We don't have the required distance between our property line and our immediate neighbor's lot. Our home was built in 1967 and we have owned this property since 1988 and all existing structures were there when we purchased the property.

There is no other place on our property to build a screened in porch. This porch would be a definite improvement to the existing outdoor living area. This addition would not result in any adverse effects on adjacent properties. This will result in no increase of traffic, noise, or potential concerns to the area. Please see attached petition of our surrounding neighbors who approve this request.

This request is for the variance is the result of the previous property owners and builders of our home. Our house was built in 1967 and our immediate neighbor's home was built in 1973. By approving this variance the spirit and intent of the zoning ordinance would be honored by enhancing our home.

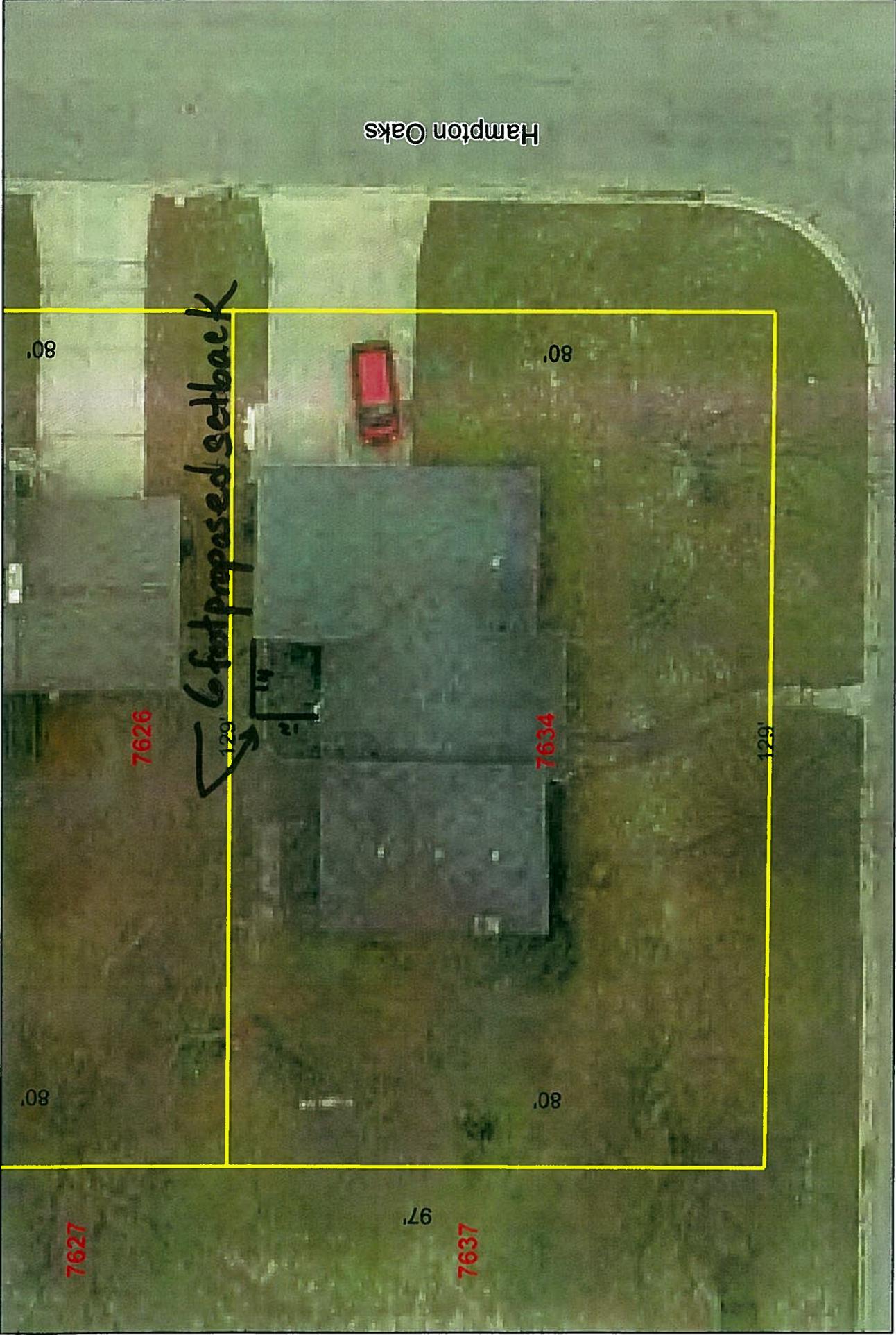
Sincerely yours,



Donald J. Kitchin



Elaine R. Kitchin



Aerial Photo 7634 Hampton Oaks

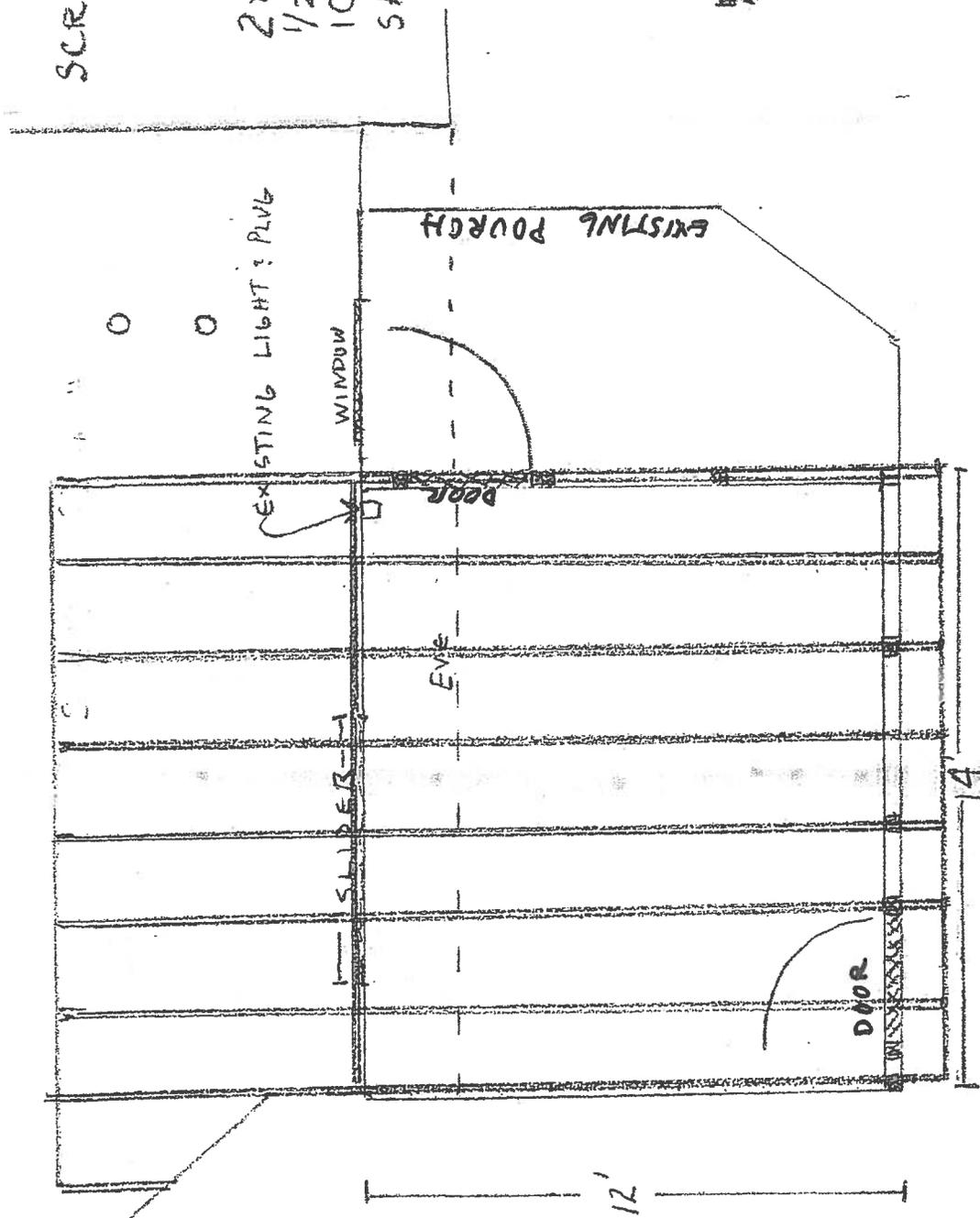


1 inch = 20 feet

SCREEN PORCH

2x8x20 ROOF RAFTERS
1/2" OSB SHEETING
ICE SHIELD TO COVER
SHINGLES TO MATCH

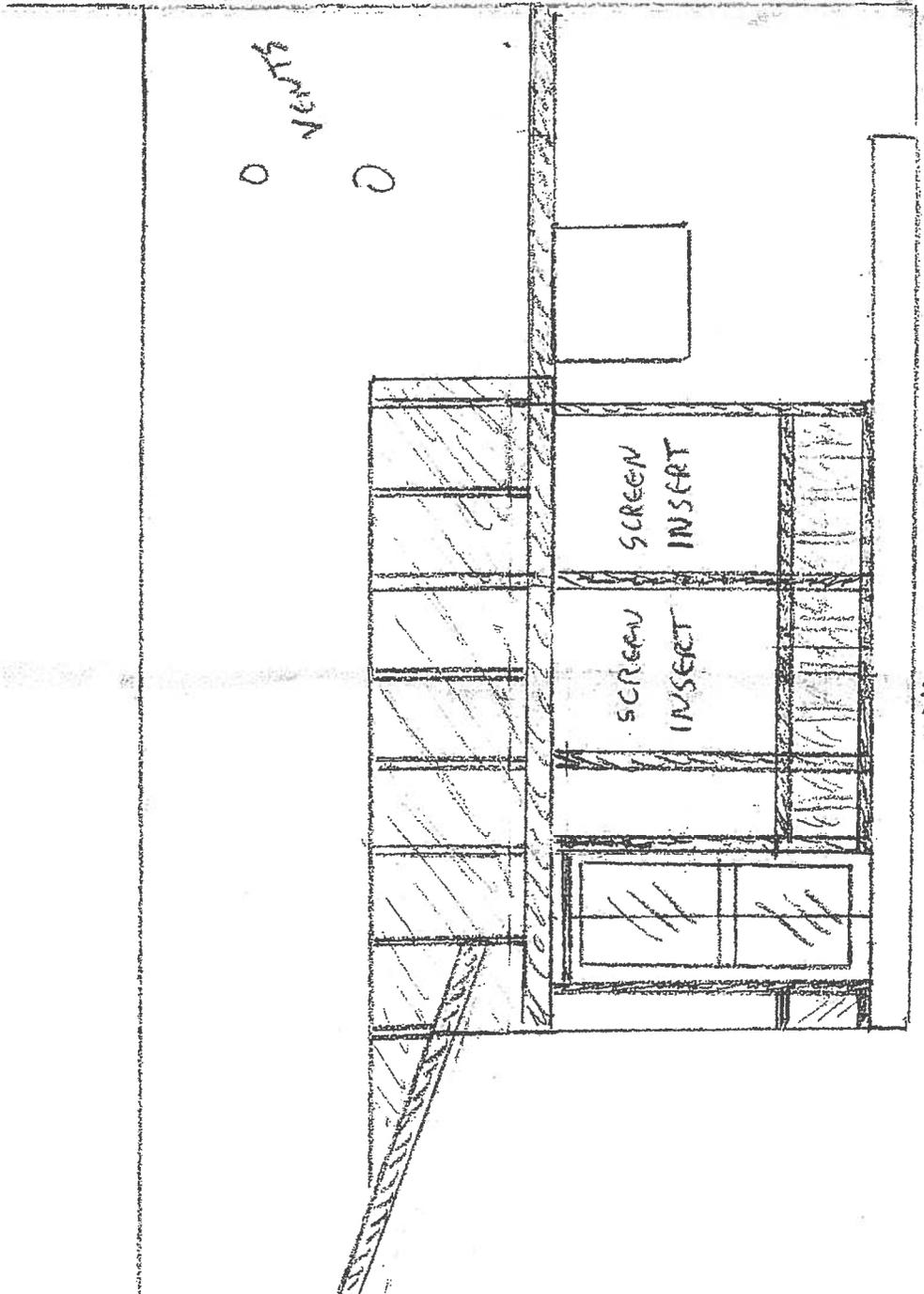
$$\frac{9}{4}'' = 150 = 1 \text{ ft}$$



12' x 14' SCREEN
POURCH

ON EXISTING PATIO

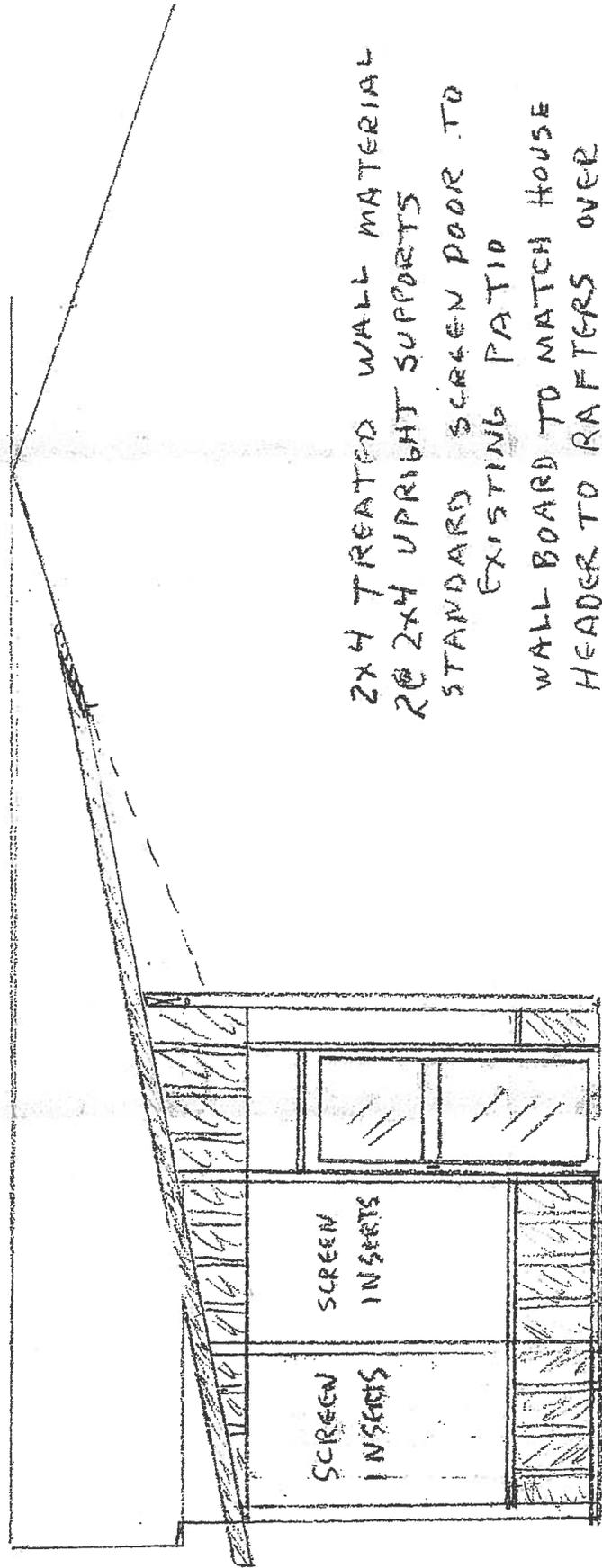
150 = 1ft



- 2x4 TREATED
FRAMING
DOUBLE 2x4
CAP PLATE

EXISTING CEMENT PATIO

150 = 1ft



2x4 TREATED WALL MATERIAL
2@ 2x4 UPRIGHT SUPPORTS
STANDARD SCREEN DOOR TO
EXISTING PATIO
WALL BOARD TO MATCH HOUSE
HEADER TO RAFTERS OVER
EXISTING HOUSE WALL

We, the undersigned neighbors of Don and Elaine Kitchin at 7634 Hampton Oaks Dr., approve their request for a variance to the Portage zoning code. They want to enclose half of an already existing patio into a screened in porch.

NAME

- 1. Gayle Wade - Gayle Wade
- 2. Amanda Poffhausen
- 3. Graham Kyne
- 4. Michelle A. Klop
- 5. LOU FARRAYE
- 6. R. Eugene Druwig
- 7. Russ Mitchell
- 8. Harley E. Caudle
- 9. Jandra McAlfee
- 10. Krara Janicke

ADDRESS

- 1. 7626 Hampton Oaks Dr.
- 2. 7623 Hampton Oaks Dr.
- 3. 7649 Hampton Oaks Dr.
- 4. 7706 Hampton Oaks Parkway
- 5. 7637 ARBORCREST ST.
- 6. 7617 ARBORCREST
- 7. 7631 Hampton Oaks Dr.
- 8. 7653 ARBORCREST
- 9. 7639 Hampton Oaks
- 10. 7627 ARBORCREST





TO: Zoning Board of Appeals **DATE:** May 4, 2012
FROM: Vicki Georgeau, ^{VK} Director of Community Development
SUBJECT: ZBA #11-20; Donald Kitchin, 7634 Hampton Oaks Drive; R-1B, One Family Residential

CODE SECTION: 42-350(A) Schedule of Regulations; p. CD42:84

APPEAL: Requesting a) a four-foot variance, to retain an existing garage six feet from the (north) side property line; and b) a four-foot variance to construct a 12-foot by 14-foot three season porch six feet from the (north) side property line, where a 10-foot setback is required.

STAFF RECOMMENDATION:

The 10,320 square-foot property is improved with a 2,164 square-foot tri-level dwelling and 528 square-foot attached garage constructed in 1967. The property is zoned R-1B One-Family Residential and is surrounded by single family residences.

The applicant requests a variance to construct a 12-foot by 14-foot three season porch over an existing concrete patio, along the north side of the dwelling six feet from the side (north) property line. During review of the request, it was discovered the attached garage does not meet the minimum 10-foot side yard setback. While a building permit is on record, no plot plan is available showing the location of the garage in relation to the side lot line. The applicant has located the lot corner stakes and confirmed the garage is setback six feet from the property line.

Concerning request a), an approved building permit is on record, and no neighborhood complaints have been received regarding the garage. In addition, the portion of the building immediately to the north is the attached garage for the dwelling located at 7626 Hampton Oaks, and there are no windows or openings in the garage wall. The impact of the requested variance is therefore minimal. The Hampton Oaks subdivision was recorded in 1964 and conformed with the subdivision regulations applicable at the time. Under the current subdivision regulations, however, corner lots are required to be platted at least 20 feet wider than the minimum lot width permitted in the zoning district (or at least 100 feet wide in an R-1B zoning district). The practical difficulty was not created by the applicant, and the variance will not be detrimental to adjacent property or the surrounding neighborhood. For these reasons the variance can be recommended.

Concerning request b), the floor plan and location of the dwelling on the lot is an exceptional circumstance that precludes practical conforming alternatives. The dwelling split level design does not lend itself to construction at ground level on the west side and would require a rear setback variance. The variance will not be detrimental to the adjacent property, and is not inconsistent with the intent and purpose of the Zoning Ordinance. For these reasons, the variance is recommended.

PRACTICAL DIFFICULTY:

Narrow corner lot; existing floor plan and split level dwelling design; orientation of existing dwelling on the lot. 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:

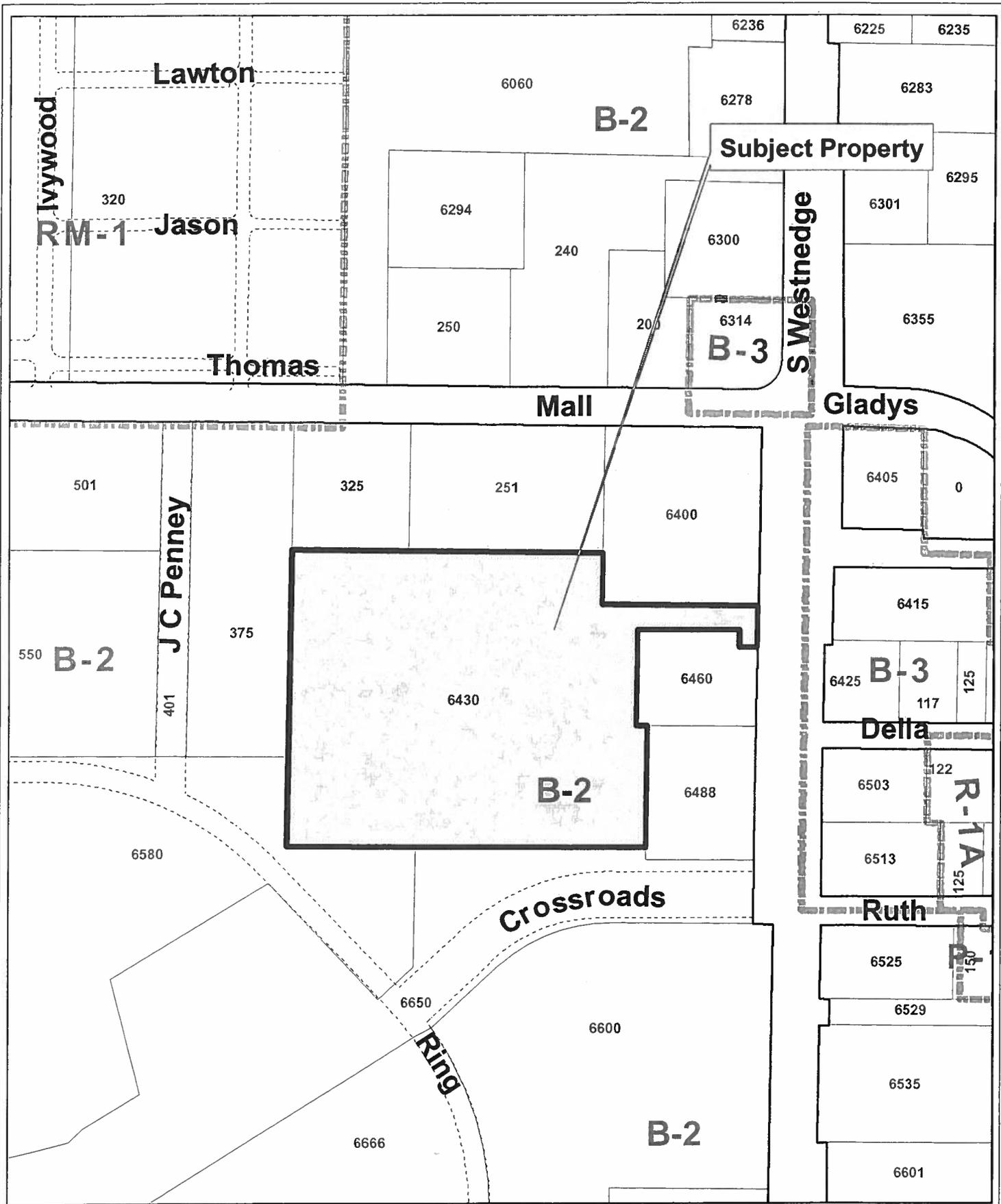
- 1a. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include _____;
- 2a. The variance is necessary for the preservation and enjoyment of a substantial property right, the right 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 = 225 feet

ZBA 11-21

6430 South Westnedge Avenue

Legend

-  Zoning Boundary
-  Subject Property

RECEIVED

APR 13 2012

COMMUNITY DEVELOPMENT



Department of Community Development

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 4/12/12
Name of Applicant SignArt, Inc. - Steve VanderSloot
Applicant's Address 5757 E. Cork St, Kalamazoo MI
Name of Property Owner (if different from Applicant) Village Green Properties Ltd
Address P.O. Box 2470, Portage, MI 49081
Address of the Property that is the subject of this Application:
Street Address 6430 S. Westnedge Ave, Portage, MI 49024
For Platted Property: Lot of Plat
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):

X Variance from Zoning Ordinance: Article 42 Section 552 Paragraph A
Regarding: Use Area Yards
Setbacks Parking Other

Reason for Request (Also complete page 2 of application): Replace existing 20' 3 1/4" tall and 95.92 sq. ft free-standing sign with new 20' 8" tall and 74.58 sq. ft. free-standing sign.

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 (11-21), Filing Date (4/13), Tentative Hearing Date (5/14); Previous Application Filed Regarding This Property: 2BA 81-12; 83-75; 95-37

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.)
See attached.

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

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

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.)
See attached.

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.)
See attached.

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.)
See attached.

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.)
See attached.

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



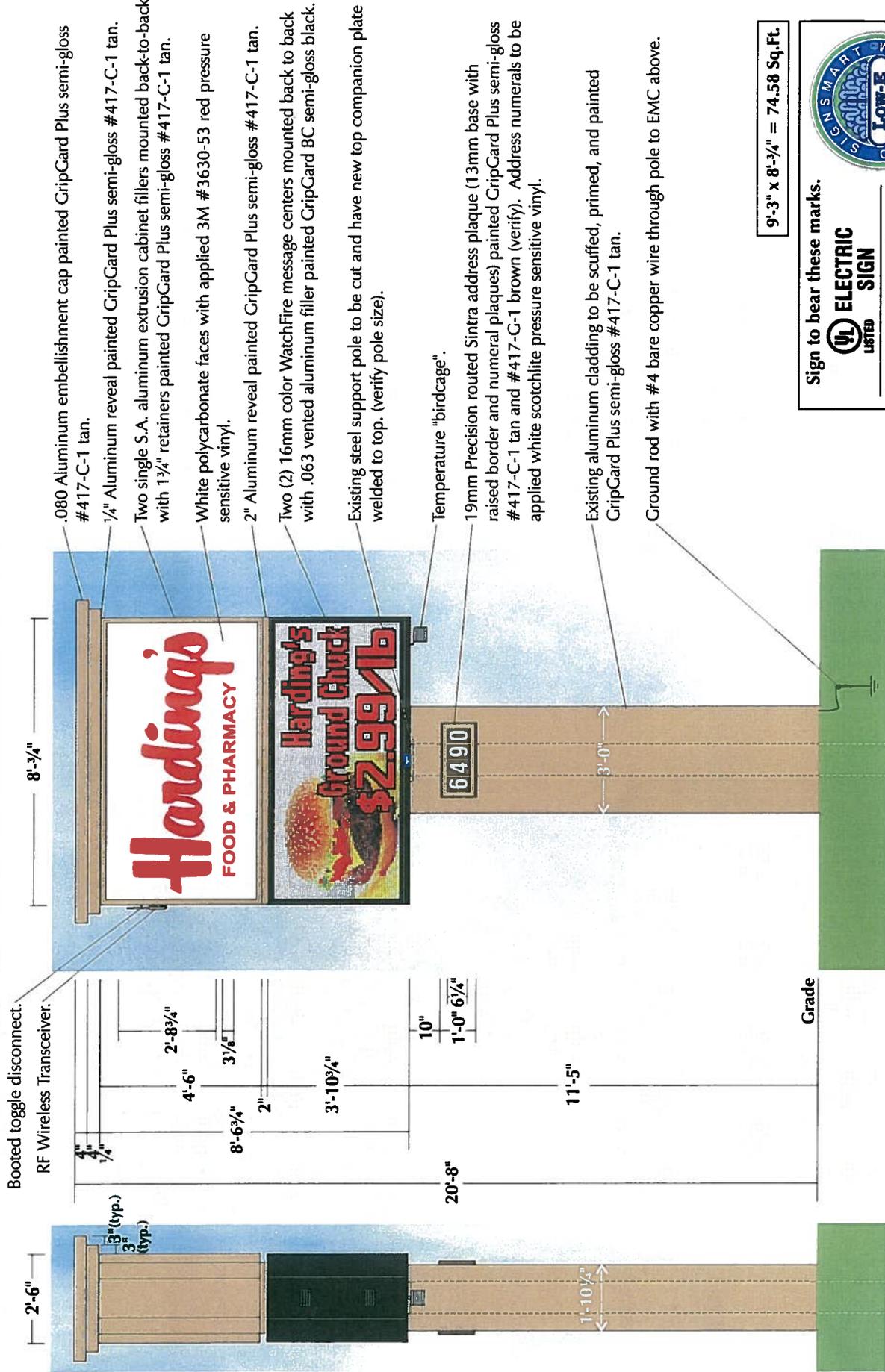
Signature of Applicant

4/12/12

Date

April 12, 2012

1. The irregular shaped property is 7.17 acres, 71.0 ft. frontage along S. Westnedge Ave., 700.76 ft. lot depth and 443.25 ft. west property line. Harding's MarketPlace resides on the western most portion of the parcel (building frontage approximately 600 ft. from the S. Westnedge Ave. right-of-way) with three properties between S. Westnedge Ave. and Harding's MarketPlace limiting visibility from S. Westnedge Ave. to include Crossroads Galleria retail development, the vacant and buildable 6460 S. Westnedge Ave., and 5/3rd Bank.
2. The physical characteristics (significant size parcel, substantial building setback, limited street frontage and obscured visibility due to developments located between the buildings and S. Westnedge Ave. right-of-way) are also shared by neighboring Southland Mall Ltd - 6060 S. Westnedge Ave., Southland Mall Annex Ltd - 6294 S. Westnedge Ave., and Old Village Development, Inc. - 240 Mall Drive. Former Zoning Board of Appeals has recognized these unique circumstances and provided relief in the form of larger free-standing signs than allowed by ordinance.
3. Yes. The owner will continue to use and maintain the existing free-standing sign.
4. Yes. The proposed free-standing sign is 22% less in area than the existing free-standing sign. Further reduction will not allow for adequate proportions to represent the Harding's MarketPlace logo, digital readerboard, standard sign design / build and efficient use of materials.
5. The existing free-standing sign is several years old, weathered, and in much need of refurbishment. The proposed new sign would carry the architectural features and color of the Harding's MarketPlace facade. Additionally, the sign would include a new digital LED display with advanced dimming / ambient light sensing and programming control.
6. The proposed free-standing sign is logically placed, adjacent to the ingress and egress for Harding's MarketPlace and neighboring parcels, curb protected, and possesses electrical service. The proposed free-standing sign, as with the current, will not create a visual obstruction. It is proposed to be located in the same position, re-use the existing support structure and decorative pole cladding. Thus, the proposed sign will maintain the same same clearance from the bottom of the sign cabinet to grade.
7. The reason for the request is due to the sign ordinance does not allow this legal non-conforming free-standing sign to be modified or changed without review and approval by the Zoning Board of Appeals.
8. The variance request would provide for reasonable identification of Harding's MarketPlace and the numerous products and services offered on premise. It is consistent in size, height, and setback with most others found in the commerical environment and will not "unreasonably compete, distract drivers, and pedestrians, and produce confusion." The investment in the community and improved aesthetics will benefit the City of Portage for years to come.



- .080 Aluminum embellishment cap painted GripCard Plus semi-gloss #417-C-1 tan.
- 1/4" Aluminum reveal painted GripCard Plus semi-gloss #417-C-1 tan.
- Two single S.A. aluminum extrusion cabinet fillers mounted back-to-back with 1 3/4" retainers painted GripCard Plus semi-gloss #417-C-1 tan.
- White polycarbonate faces with applied 3M #3630-53 red pressure sensitive vinyl.
- 2" Aluminum reveal painted GripCard Plus semi-gloss #417-C-1 tan.
- Two (2) 16mm color WatchFire message centers mounted back to back with .063 vented aluminum filler painted GripCard BC semi-gloss black.
- Existing steel support pole to be cut and have new top companion plate welded to top. (verify pole size).
- Temperature "birdcage".
- 19mm Precision routed Sintra address plaque (13mm base with raised border and numeral plaques) painted GripCard Plus semi-gloss #417-C-1 tan and #417-G-1 brown (verify). Address numerals to be applied white scotchlite pressure sensitive vinyl.
- Existing aluminum cladding to be scuffed, primed, and painted GripCard Plus semi-gloss #417-C-1 tan.
- Ground rod with #4 bare copper wire through pole to EMC above.

Sign to bear these marks.

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.

Double Faced Illuminated Pylon Sign with Message Center

Hardings' Market — 6490 S. Westnedge Ave, Portage, MI 49002

Lead #SV-8014740

This is an original unpublished drawing, submitted for your use in connection with a project being planned for you by SignArt. It is not to be reproduced, copied or exhibited in any fashion without written permission of SignArt. ©2012

DB 1-11-12jl Approved for: _____ By: _____ Date: _____

Hard-Portage



Existing Pylon

Cabinet Height:	8'-10 1/4"
Cabinet Width:	10'-10"
Overall Height:	20'-3 1/4"
Square Footage:	95.92



Alternative #1

Sign Height with EMC:	9'-3"
Sign Width:	8'-3/4"
Overall Height:	20'-8"
Square Footage:	74.58

Harding's Market — 6490 S. Westnedge Ave, Portage, MI 49002

This is an original unpublished drawing, submitted for your use in connection with a project being planned for you by SignArt. It is not to be reproduced, copied or exhibited in any fashion without written permission of SignArt. ©2012

DB 1-11-12jl Approved for:

By: _____ Date: _____

Lead #SV-8014740

Hard-Portage



City of Portage Map Document



web mapping by
Amalgam LLC



1:400

Map Publication:

Wed Apr 18 2012 08:21:20 AM

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.



RECEIVED

MAY 02 2012

COMMUNITY DEVELOPMENT

May 1, 2012

Ms. Vicki Georgeau
Director of Department of
Community Development
7900 S. Westnedge Avenue
Portage, MI 49024

Re: Harding's Market Sign Variance

Dear Ms. Georgeau,

Please be advised that we are supportive of Village Green Properties' request for a sign variance on behalf of Harding's Market.

Sincerely,

Timothy A. Timmons
Meyer C. Weiner Company

CC: Steve VanderSloot

TO: Zoning Board of Appeals **DATE:** May 4, 2012
FROM: Vicki Georgeau, ^WDirector of Community Development
SUBJECT: ZBA #11-21; Sign Art Inc., on behalf of Village Green Properties Ltd., 6430 South Westnedge Avenue; B-2, Community Business
CODE SECTION: 42-552(A); B-2 Freestanding Signs; p. CD42:130.2
42-544(C)(2); Nonconforming Signs; p. CD 42:128

APPEAL: Requesting a 10 square-foot variance to replace a nonconforming 96 square-foot freestanding sign, with a 75 square-foot sign for Harding's Market, where 65 square feet is the maximum allowed.

STAFF RECOMMENDATION:

The applicant requests the above variance per the enclosed application, sign sketch, and aerial photograph. The 7.1 acre zoning lot is flag-shaped with 71 feet of street frontage on South Westnedge Avenue, improved with two commercial buildings totaling 76,974 square feet in area, off street parking, and associated improvements. The property is zoned B-2, Community Business and is surrounded by other commercial properties.

As background, the Board granted a 50 square-foot variance permitting a 100 square-foot freestanding sign in 1983 (the sign erected measures 96 square feet). In 1993 a second use, Dunham's Sporting Goods, was added to the zoning lot but is not identified on the freestanding sign. Since another use was added to the zoning lot, an additional 15 square feet of signage is allowed pursuant to Section 42-552(B) of the Zoning Code. In 1996 the Board granted a variance allowing the existing nonconforming sign to be changed to identify a new tenant (Harding's Market). The applicant now proposes to remove the existing freestanding sign and replace it with a 75 square-foot sign in the same location. Because the maximum allowable freestanding sign area increased to 65 square feet as a result of the additional tenant, a 10 square-foot variance is requested.

Section 42-544(C)(2) and (3) states that the Board may permit sign variances if granting of the variance will reduce the degree of nonconformity of an existing sign or the granting of the variance will result in the removal of a nonconforming sign that, while not meeting the requirements of this article, are nonetheless, in keeping with the spirit and purpose of this article.

The proposal to replace a 96 square-foot sign with a 75 square-foot sign represents an appreciable reduction in the degree of nonconformity and is consistent with the spirit and purpose of the Zoning Code. For these reasons, the variance is recommended.

PRACTICAL DIFFICULTY:

Reduction in nonconformity. 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:

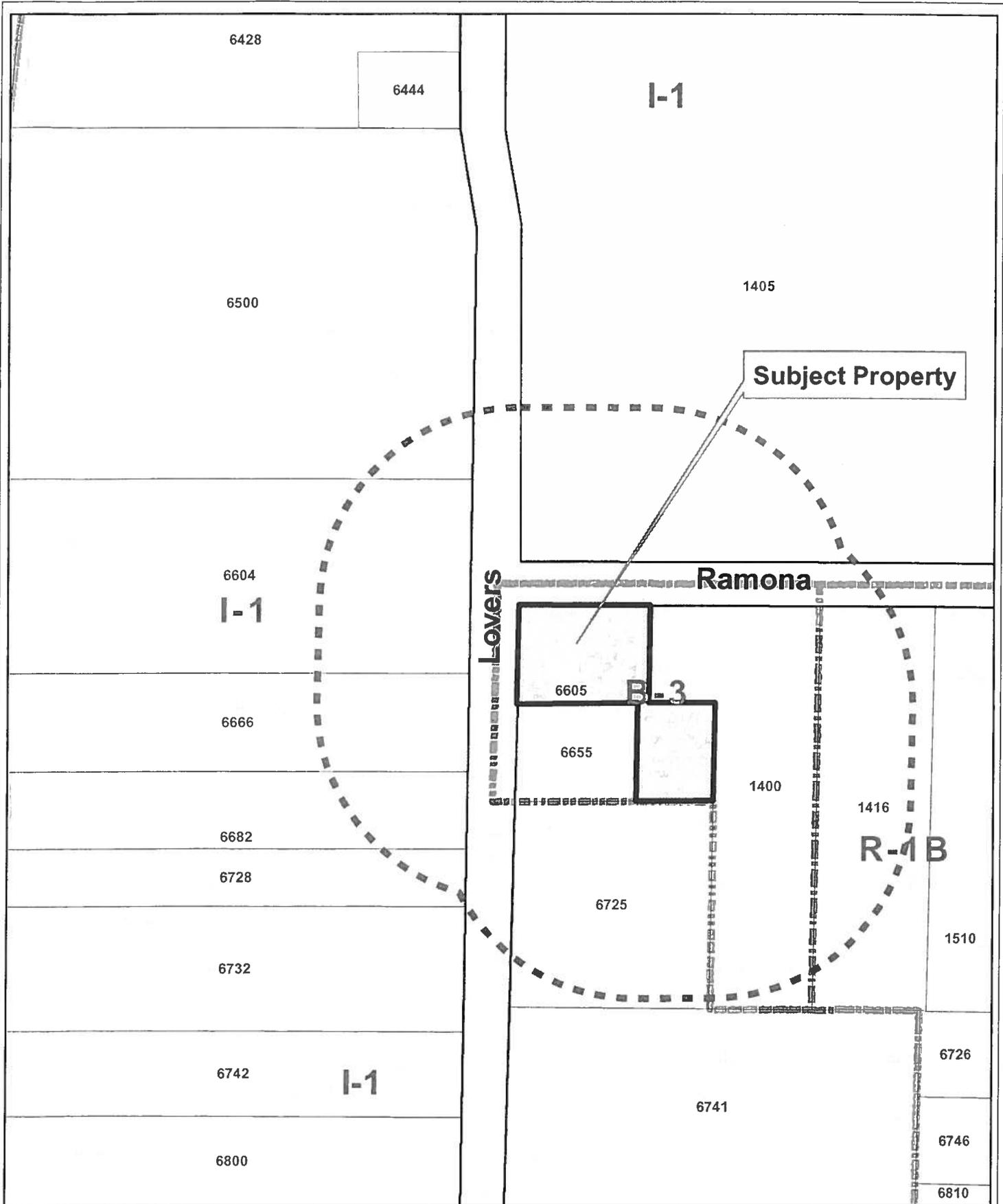
- 1a. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include _____;
- 2a. The variance is necessary for the preservation and enjoyment of a substantial property right, the right 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 11-22

6605 Lovers Lane

Legend

-  Zoning Boundary
-  300' Notification
-  Subject Parcel

RECEIVED

APR 16 2012



COMMUNITY DEVELOPMENT

Department of Community Development

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 4-5-2012

Name of Applicant PAUL LOCEY Print

Signature Paul Locey

Applicant's Address

Phone No.

Name of Property Owner (if different from Applicant)

Address Phone No.

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

Street Address 6605 LOVERS LANE

For Platted Property: Lot of PARCEL # 06480-096-A 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) 330.00 (All Other Uses)

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

Variance from Zoning Ordinance: Article Section Paragraph
Regarding: Use Area Yards
Setbacks X Parking Other

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

Appeal of Administrative Decision: Article Section Paragraph

Reason for Request:

Interpretation of the Zoning Ordinance: Article Section Paragraph

Reason for Request:

A Temporary Permit for: Building Use Other Approval

Article Section Paragraph

Reason for Request:

FOR STAFF USE

Table with 3 columns: Application Number, Filing Date, Tentative Hearing Date; and 1 row: Previous Application Filed Regarding This Property.

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.)

Our variance was allowed in 1984. We are only asking that it should be enforced as it stands.

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

Yes, we have a parking lot, AND DRAIN where we would have to move sign.

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

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

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

The sign has been in place for years and has never been a problem.

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.)

Our variance was allowed in 1984 and has caused no problems.

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

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

By keeping in place the variance that is already in place you would maintain the spirit of the law.

Paul Jolly
Signature of Applicant

4-15-2012
Date

•Chabre•

BEADS

**SPACE FOR RENT
269-327-3840**

ASP AMERICAN
SCREEN
269-323-8511 PRINTING

← DRAIN



Chabre

BEADS

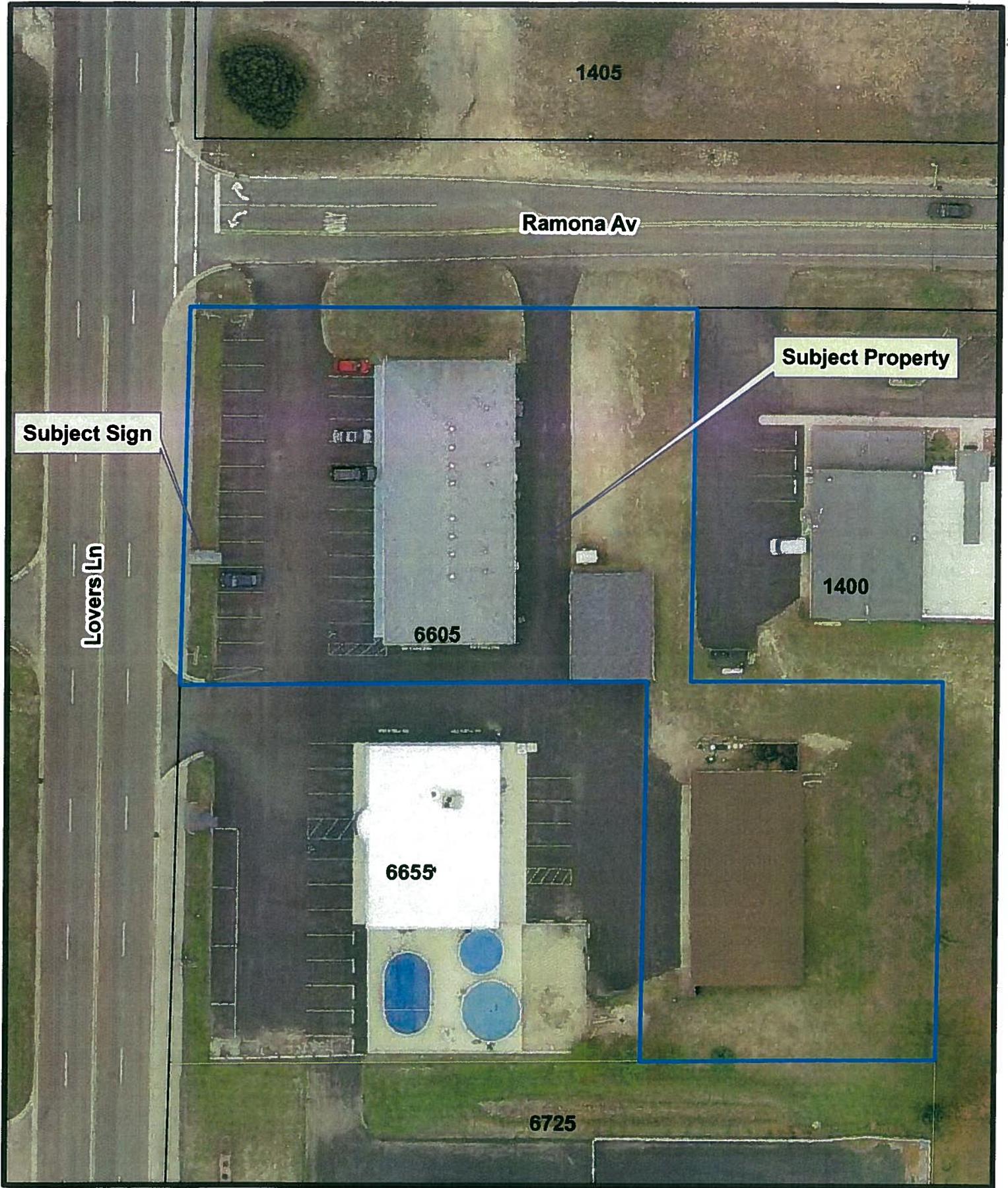
SPACE FOR RENT
269-327-3840

ASP AMERICAN
SCREEN
269-323-8511 PRINTING

HOT TOURS

DRAIN

Pool



1 inch = 50 feet

Vicinity Map

6605 Lovers Lane



TO: Zoning Board of Appeals **DATE:** May 4, 2012
FROM: Vicki Georgeau  Director of Community Development
SUBJECT: ZBA #11-22; Paul Locey, 6605 Lovers Lane; B-3, General Business
CODE SECTION: 42-544(B)(2); Nonconforming Signs; p. CD 42:128

APPEAL: Requesting a variance to modify a nonconforming freestanding sign.

STAFF RECOMMENDATION:

The applicant requests the above variance per the enclosed application and photographs. The one acre zoning lot is improved with a 4,854 square-foot retail building, two storage buildings, and an off street parking lot. The property is zoned B-3, General Business and is adjacent to commercial properties to the east and south, and industrial properties to the north and west.

The existing nonconforming freestanding sign was recently modified to identify two new tenants, ChaBre Beads and American Screen Printing, and the applicant seeks approval for the sign panel changes. As background, the Board granted a variance in 1984 allowing replacement of an existing nonconforming freestanding sign located approximately one foot from the front (west) property line. At that time, the practical difficulty cited by the Board was that a conforming sign location would conflict with the existing off-street parking area.

The applicant indicates the presence of the parking lot and storm drainage structures precludes the placement of a sign in a conforming location. However, a conforming alternative is available, which involves removal of one parking space to accommodate a freestanding sign in a conforming location (the site has one extra parking space over the minimum required by the Zoning Code). Elimination of a parking space to accommodate a freestanding sign is not uncommon and has been successfully accomplished at other locations in Portage including the recent variance request by Willow Creek Shopping Center, 5220 South Westnedge, amongst others. Since the storm drainage structures are located in the maneuvering lane of the parking lot, the relocated sign will not interfere with these structures. Another option available is a Nonconforming Sign Agreement, which permits changes to the sign for a five year period, after which time either a conforming sign be erected or the existing sign moved to a conforming location.

If the Board, however, finds a practical difficulty still exists, the variance may be granted. Should the Board grant a variance, it is recommended the property owner be permitted to change the sign without additional review and approval by the Board, provided the sign is not structurally altered or increased in size, and a sign permit is obtained.

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.**