

CITY OF PORTAGE ZONING BOARD OF APPEALS

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