



ZONING BOARD OF APPEALS

January 28, 2013

CITY OF PORTAGE ZONING BOARD OF APPEALS

Monday, January 28, 2013

(7:00 pm)

**Portage City Hall
Council Chambers**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

- * December 10, 2012

OLD BUSINESS:

NEW BUSINESS:

- * ZBA# 12-18, BW3 Acquisitions LLC, 251 and 325 Mall Drive: Requesting a 29-foot variance to construct a 7,575 square-foot restaurant 46 feet from the front (north) property line, where a minimum 75-foot setback is required.
- * ZBA# 12-19, Valley City Sign, on behalf of Jack Loeks Theaters, Inc., 6600 Ring Road: Requesting a 194 square-foot variance to erect a 194 square-foot wall sign where a maximum of 225 square feet of signage is permitted.

OTHER BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

Star (*) indicates printed material within the agenda packet

CITY OF PORTAGE ZONING BOARD OF APPEALS

 DRAFT

Minutes of Meeting – December 10, 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. Three people were in the audience.

MEMBERS PRESENT: Rob Linenger, Timothy Bunch, Doug Rhodus, Betty Schimmel, Jeffrey Bright, Michael Robbe, Mariana Singer, and Glenn Smith.

MEMBERS EXCUSED: Lowell Seyburn

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

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

OLD BUSINESS:

NEW BUSINESS:

ZBA #12-16, 4317 West Milham Avenue: Mais summarized the request for a variance to construct a 2,600 square-foot duplex unit with 10-foot side yard setbacks, where minimum 30-foot setbacks are required. Realtor, Rick Berner, stated the property had been on the market for two years and they have found a prospective buyer who wants to build a duplex, but the 30-foot side setbacks present practical difficulties leaving only a 25 foot wide building envelope, and orienting the house sideways to the street would not only look unusual but would leave no back yard for kids to play in. Bright inquired how far the proposed duplex would be from the adjacent apartments to the east and west. Staff stated 60 feet. Rhodus inquired if the vegetation on site would be retained. Rick Hamming stated he was the prospective buyer/builder and that the only tree he intended to cut was one located where the duplex would be built.

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 Smith, seconded by Singer, to grant a variance to construct a 2,600 square-foot duplex unit with 10-foot side yard setbacks, where minimum 30-foot setbacks are required. There are exceptional circumstances applying to the property which include the narrow building envelope, and the lot is adjacent to other multiple family dwellings; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to construct a duplex; the immediate practical difficulty causing the need for the variance request 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 the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Bunch-Yes, Smith-Yes, Bright-Yes, Schimmel-Yes, Singer-Yes Linenger-Yes, Rhodus-Yes. Motion passed 7-0.

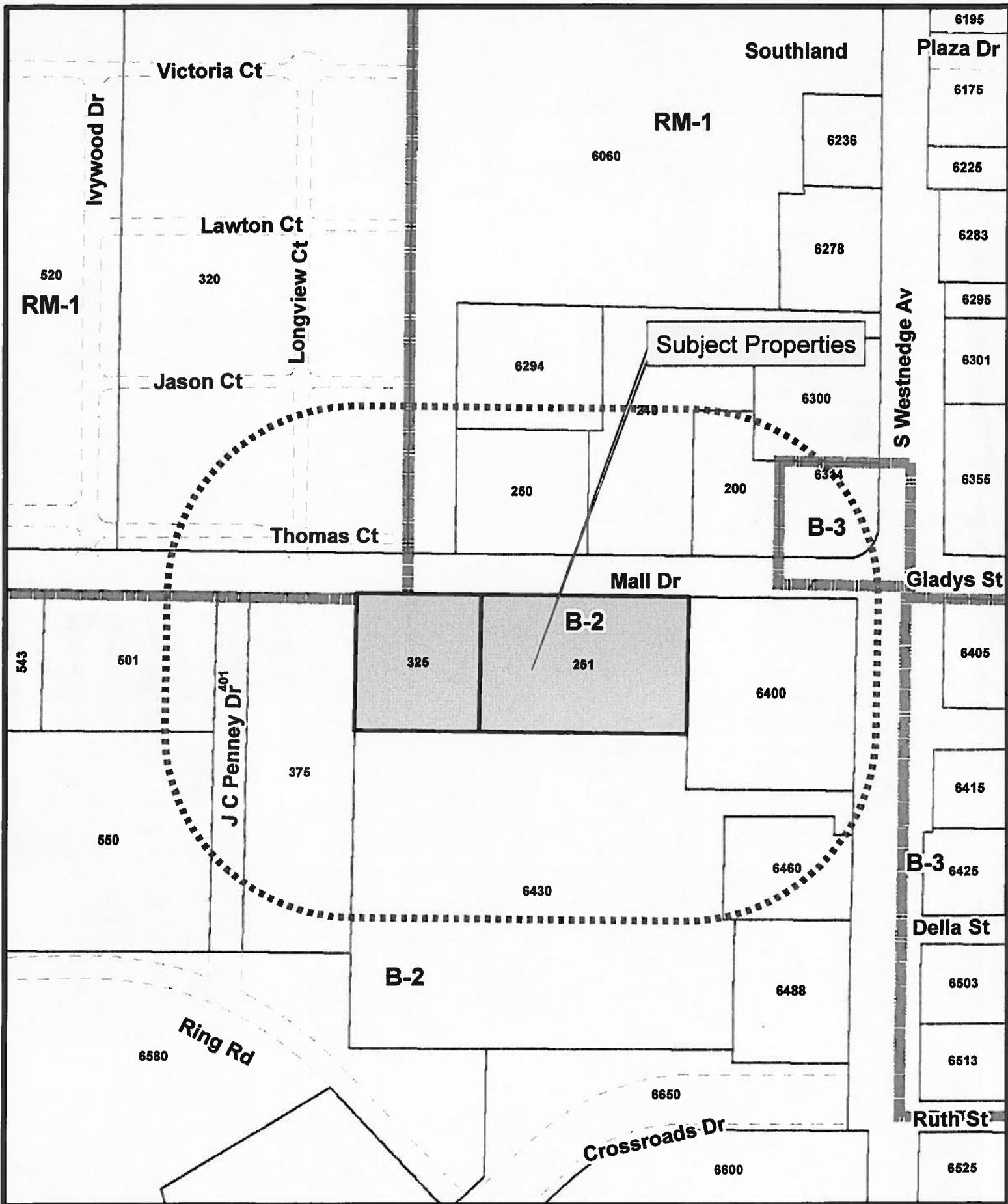
OTHER BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT: There being no further business, the meeting was adjourned at approximately 8:20 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator



-  Zoning Boundary
-  Subject Properties
-  Notification

ZBA 12-18
251 & 325 Mall Drive



1 inch = 200 feet

RECEIVED

DEC 05 2012



COMMUNITY DEVELOPMENT

Department of Community Development

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 12/5/12

Name of Applicant BW3 Acquisitions, LLC

Signature [Handwritten Signature]

Applicant's Address Meyer C. Weiner Co 700 Mall Dr Portage, MI 49024

Phone No. 269-323-2441

Name of Property Owner (if different from Applicant) Same

Address Phone No.

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

Street Address TBD north of 325 Mall 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:

Application Fee (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 Division 4 Section 42-350 Paragraph A
Regarding: Use Area Yards
Setbacks X Parking Other

Reason for Request (Also complete page 2 of application): To allow construction of a 6,071 s.f. Buffalo Wild Wings. Requesting a 25' set back variance

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 (12-18), Filing Date (12/5/12), Tentative Hearing Date (1/14/13). Row 2: 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.)
Buildable site without variance is 25' which only allows a depth of 100'. Total sf of 2,500 sf is too small for exposure in the 2nd row of the retail corridor. Larger deeper space can't be marketed. The small 2,500 sf loses the economics of scale to make it work economically. The space is hidden from the Westnedge corridor and needs prominence.
2. Are the physical characteristics you explained above unique and not shared by neighboring properties? (Attach additional sheets if needed.)
The only other property that may share a similar characteristic would be Hodgson Light and Log and they have no interest in expanding.
3. Can the property be reasonably used for the uses permitted in the zoning district without granting the variance? (Attach additional sheets if needed.)
It is not reasonable to develop this property with only 25' of frontage. It would be too small and too hidden to benefit from the all important South Westnedge.
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.)
This variance is the minimum necessary to accommodate a tenant willing to go such a distance from S. Westnedge and meet the economics needed to build in such a difficult economic environment blocked by a 31,000 sf out building (Galleria). Additionally, Dollar Tree wants their entire space and they have 14 years of term and options on their lease.
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.)
We believe Buffalo Wild Wings will bring increased traffic to the area and benefit Crossroads Car Wash to the west, Dollar Tree to the south and others. This is in keeping with the character of the area.
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 variance would increase much needed patron traffic to the area. There is plenty of parking, multiple access points and extended co-tenancy that should preclude any traffic congestion.
7. Is the reason for the request, the practical difficulty or the hardship created, due to an act of the applicant or due to an act by the previous property owner? (Attach additional sheets if needed.)
No. The previous owner leased Dollar Tree without carving out an additional 25' needed to develop this parcel. The hardship is one of size and visibility.
8. Explain how the variance would fulfill the spirit and intent of the Zoning Ordinance. (Attach additional sheets if needed.)
The variance would allow the land owner to develop an otherwise narrow parcel that benefits from a large, nearly unused parking field that would add traffic and value to the Shopping Center.

Signature of Applicant

Date



December 21, 2012

Mr. Mike West
City of Portage
7900 S. Westnedge Avenue
Portage, MI 49024

Re: Zoning Board of Appeals Variance Application
Buffalo Wild Wings

Dear Mike,

Enclosed is a fully completed variance application as well as supporting materials that includes a site/concept plan, floor plan, aerial, and proposed picture elevation of a typical Buffalo Wild Wings. We have reached an agreement on the terms of a lease, if we can obtain a set back variance of 29 feet leaving a set back from Mall Drive of 46 feet rather than the required 75 feet in the Ordinance. As described in the application the site enjoys the benefit of a large parking field and is situated in the second row of the prime retail area on South Westnedge Avenue. We need the ability to create prominence, economies of scale and dimensions that are functional for this restaurant or future retail and restaurant uses if it should become available. The hardships include a narrow buildable piece of land (22' without variance) with significant supporting parking hidden by the 31,000 square feet Galleria development. We cannot feasibly build without variance; the variance will allow further development that will strengthen the tenant mix of the shopping center.

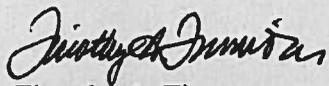
We are aware that the previous owner of this land initiated the process for a larger variance in 2006 but the request was eventually withdrawn. There are many differences between this request and the previous one that include:

1. We own the parking field that this parcel benefits from and we maintain it. New development on this parcel will contribute to the maintenance of the parcel;
2. We have support from adjacent property owners or occupants that include Salim Harik (Galleria), Village Green Properties and Dollar Acquisitions
3. The economy has changed making it very difficult for the economics to work on new construction. The building size must be large enough to gain construction economies and small enough to benefit from higher prorata rent. Restaurant users are uniquely qualified to meet this standard but often require too much parking. In this case we have the used parking field available.

Prior to seeking a variance, alternatives were discussed with staff that included reclaiming space from Dollar Tree and building elsewhere on the zoning lot. Because of existing leases neither alternative is feasible.

Please consider this variance request at your ZBA meeting schedule for January 14, 2014. We will be attending the meeting to answer any questions the ZBA Board Members or Staff might have. Hopefully all will agree that this proposed development is more visually appealing and functional than the chain link outdoor growing area that existed with the former Frank's prior to 2006. Thanks in advance for your consideration.

Sincerely,



Timothy A. Timmons
Meyer C. Weiner Company

Enc: site plan, elevation and aerial





Mall Drive

SITE

Dollar Tree

Dunham's

Harding's Marketplace

Sears

JC Penney

Macy's

Southland Mall

S. Westnedge Ave.

CROSSROADS

CAR WASH & DETAIL CENTER

375 Mall Drive
Portage, MI 49024

RECEIVED
JAN 14 2013
COMMUNITY DEVELOPMENT

JAN. 9, 2013

MR. MIKE WEST
CITY OF PORTAGE
7900 S. WESTNEDGE AVE.
PORTAGE, MI 49024

RE: ZONING BOARD OF APPEALS VARIANCE FOR PROPOSED BUFFALO WILD
WINGS DEVELOPMENT

DEAR MR. WEST:

WE ARE SUPPORTIVE OF THE VARIANCE AND PROPOSED BUFFALO WILD
WINGS DEVELOPMENT TO THE EAST OF OUR CAR WASH AND DETAIL
CENTER. THIS DEVELOPMENT WOULD BE A GREAT ADDITION TO OUR
NEIGHBORHOOD AND CREATE TRAFFIC FOR THE BENEFIT OF ALL.
PLEASE FIND A WAY TO SUPPORT IT AND GET IT APPROVED AS PRO-
POSED.

THANK YOU FOR YOUR HELP AND IF YOU HAVE ANY QUESTIONS FOR ME
PLEASE DO NOT HESITATE TO CALL ME AT MY OFFICE (342-1773).

SINCERELY,



RICHARD CAGLE
PRESIDENT
CROSSROADS CAR WASH, INC.

The Crossroads Galleria

P O Box 715, Portage Michigan 49081-0715, Ph: 269.760.2930
salim.harik@gmail.com

December 20, 2012

Mr. Mike West
City of Portage
7900 S. Westnedge Avenue
Portage, MI 49024

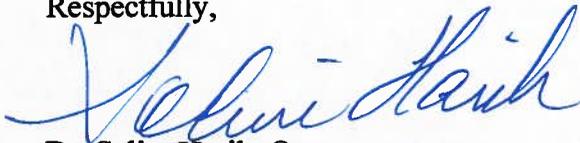
RECEIVED
DEC 26 2012
COMMUNITY DEVELOPMENT

RE: Zoning Board of Appeals Variance for the proposed Buffalo Wild Wings

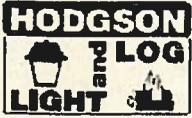
Dear Mr. West,

I have reviewed the plans for the proposed Buffalo Wild Wings at 325 Mall Drive next to Dollar Tree and I am writing to support this development. As owner of the neighboring Galleria, I believe this use will complement not only our development but others in the area. It is nice to see new development in Portage and I hope you can find a way to approve it. Thanks for your consideration.

Respectfully,



Dr. Salim Harik, Owner
Crossroads Galleria
P.O. Box 715
Portage, MI 49081



A Division of Hodgson Enterprises, Inc. www.hodgsonlightandlog.com

LIGHTING ♦ FIREPLACES ♦ OUTDOOR & CASUAL FURNITURE ♦ DECORATIVE ACCESS

RECEIVED
DEC 20 2012
COMMUNITY DEVELOPMENT

December 17, 2012

Mr. Mike West
City of Portage
7900 S. Westnedge Avenue
Portage, MI 49024

RE: Zoning Board of Appeals Variance for the proposed Buffalo Wild Wings

Dear Mr. West,

My partners and I have reviewed the pending plans for the addition of a Buffalo Wild Wings and we are supportive of the variance required for this development. We are supportive of new business to the area and this would be a nice addition, particularly in this time of business contraction. Thanks for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Oldfield".

Tom Oldfield
Partner
Hodgson Light and Log



Department of Community Development

TO: Zoning Board of Appeals **DATE:** January 18, 2013
FROM: Vicki Georgeau, Director of Community Development
SUBJECT: ZBA #12-18; BW3 Acquisitions, LLC, 251 Mall Drive and 325 Mall Drive; B-2, Community Business
CODE SECTION: 42-350(A) Schedule of Regulations; p. CD42:84

APPEAL: Requesting a 29-foot variance to construct a 7,575 square-foot restaurant 46 feet from the front (north) property line, where a minimum 75-foot setback is required.

STAFF RECOMMENDATION: The 2.68 acre zoning lot is comprised of two parcels: 251 Mall Drive and 325 Mall Drive, and is occupied by an 18,663 square-foot commercial building (Dollar Tree), off-street parking lot, and associated improvements. The property is zoned B-2, Community Business and is surrounded by other commercial properties.

As background information, the existing 18,663 square-foot commercial building was previously occupied by Frank's Nursery and Crafts. In 1979, the Board granted Frank's Nursery and Crafts a 40 foot variance (ZBA #79-38) to permit the construction of a covered/screened outdoor sales area 35 feet from the front (north) property line, where a 75-foot setback is required. The attached 2004 aerial photograph shows the outdoor garden center and covered/screened outdoor sales area. In 2005, Frank's Nursery and Crafts vacated the premises and Dollar Tree reoccupied the building in 2006. As part of the transition between Frank's and Dollar Tree, the outdoor garden center was removed and landscaping (grass and trees) was installed. Also in 2006, the previous owner of the property submitted an application to the Board (ZBA #05-30) requesting a 38-foot setback variance to construct a 6,000 square-foot building addition on the north side of Dollar Tree 37 feet from the front (north) property line. However, the applicant withdrew the request before final Board action.

The property is now under new ownership and the applicant is requesting a 29-foot variance to construct a 7,575 square-foot building addition for Buffalo Wild Wings (BW3) to within 46 feet of the (north) front property line, north of the existing Dollar Tree store. The applicant has provided a preliminary site plan and building elevation of the BW3 restaurant. Also attached is an aerial photograph that illustrates the proposed building footprint, off-street parking and landscaping. A new eight space off-street parking lot between the building and Mall Drive is also proposed.

When the existing building was constructed in 1979, the building was setback 97 feet from Mall Drive, 22 feet more than the required minimum. After the removal of the outdoor sales area, a buildable land area of 22 feet in width remains. The applicant maintains a building width of 22 feet is not practical or

economically feasible to meet the needs of BW3 or a future tenant. In addition, the applicant indicates it is not possible to reconfigure the Dollar Tree store to accommodate a portion of the proposed BW3 due to the terms of the existing long-term Dollar Tree lease, which was already in place when the property was purchased.

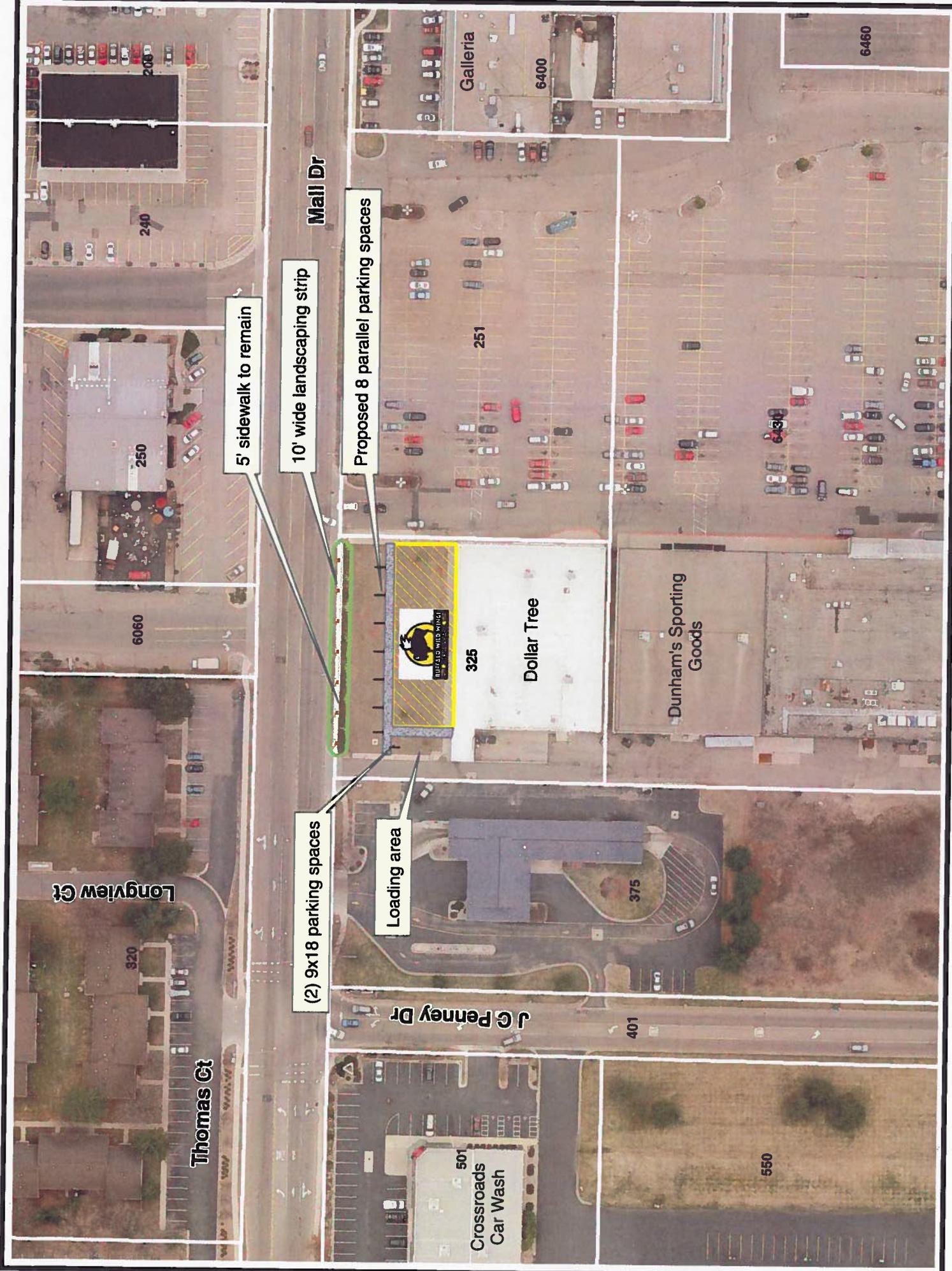
Based on the information provided by the applicant, the proposed building will maintain a low profile along Mall Drive (approximately 25 feet in height, whereas 35 feet is permitted in the B-2 district) consistent with other existing buildings in the immediate area. As shown on the conceptual building elevation drawing, the addition will consist of masonry (brick) materials, and will include several window openings (nine windows are indicated on the building floor plan) along Mall Drive. The proposed building design and materials will complement other adjacent businesses and will result in an improved streetscape appearance along this section of Mall Drive. Finally, the requirement for a larger setback distance in the B-2 district is intended to address a building(s) with a much larger size and mass. The proposed 50 foot by 150 foot building is similar in size and mass to other buildings constructed in the local or general business districts where the front yard setback is 27 and 30 feet, respectively.

As shown on the attached aerial photograph, construction of the building as proposed by the applicant 46 feet from the north property line will have minimal impact on adjacent land uses. Immediately east of the proposed building addition is a large parking lot area owned by the applicant and further to the east, at the intersection of Mall Drive and South Westnedge, is the Galleria shopping center. To the north, across Mall Drive, is the outdoor display area for Hodgson's Light and Log, a rear access drive to Southland Mall, and the Timberwood Crossings apartment complex. To the west is the Crossroads Auto Wash building, which has a setback similar to the existing Dollar Tree building. Although construction of the BW3 building will extend further north than the Crossroads Auto Wash building, the setback distance from the north property line is less than approved for the Frank's Nursery and Crafts covered/screened outdoor sales, and the prior 2006 setback variance request.

The immediate practical difficulty causing the need for the variance was not created by the applicant, as the existing building was constructed in a location to accommodate a type of use that included an outdoor display area. The remaining buildable area of 22 feet in width is insufficient to reasonably accommodate a building addition and use, and conforming alternatives are not practical due to an existing long-term lease with the Dollar Tree. For the reasons noted above, the variance can be recommended with the following conditions: 1) the building height be limited to 25 feet to ensure a low-profile building; and 2) the building design and materials include masonry (brick) materials and several window openings consistent with the conceptual building elevations submitted with the application.

**PRACTICAL
DIFFICULTY:**

Location of existing building and limited building area width along north side of building. See Suggested Motion form.



5' sidewalk to remain

10' wide landscaping strip

Proposed 8 parallel parking spaces

(2) 9x18 parking spaces

Loading area

501
Crossroads
Car Wash

325
Dollar Tree

Dunham's Sporting
Goods

Galleria

6400

6460

Longview Ct

Thomas Ct

Mall Dr

J C Penney Dr



**2004 Aerial Photo
251 & 325 Mall Drive**



1 inch = 149 feet

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:

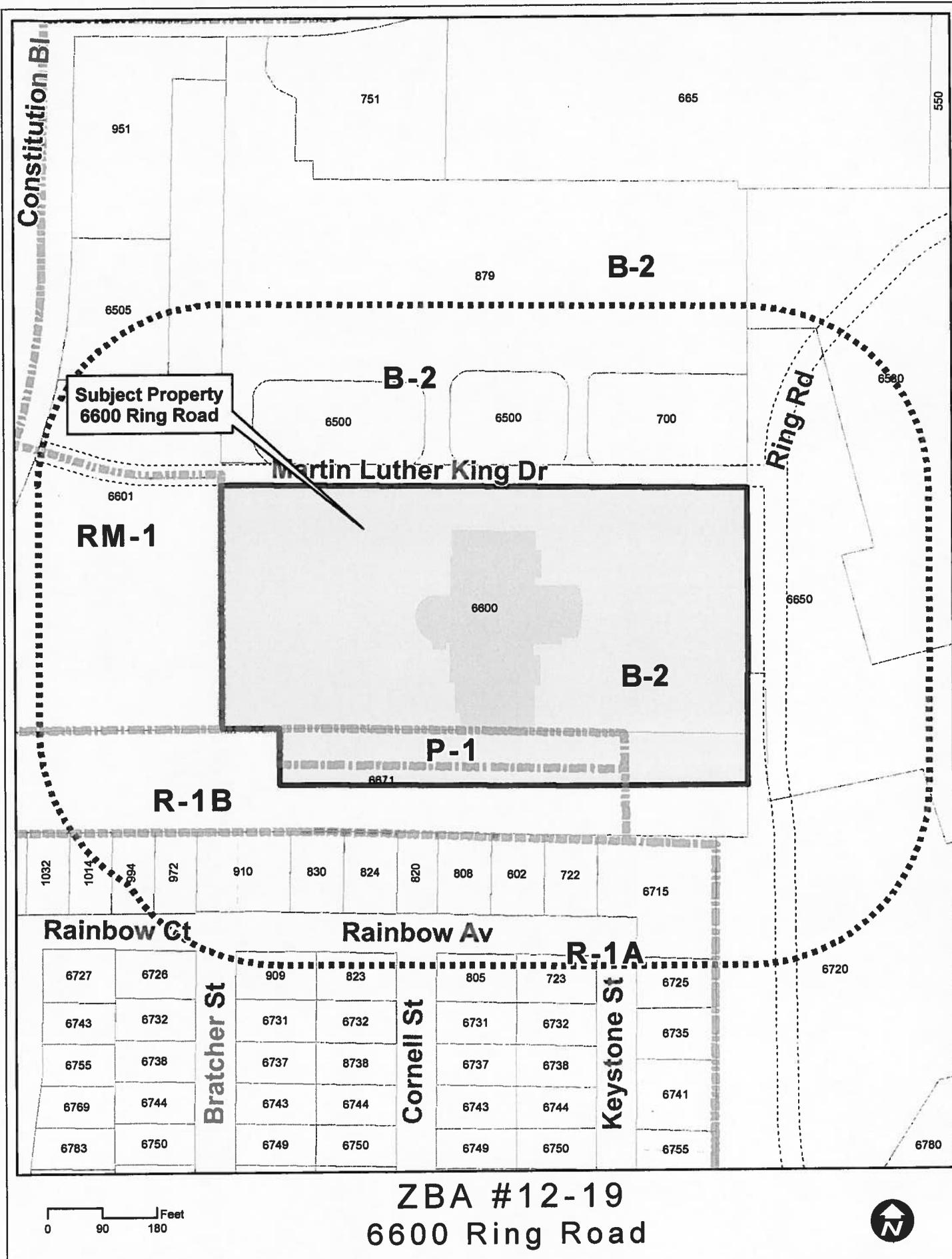
- 1a. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include _____;
- 2a. The variance is necessary for the preservation and enjoyment of a substantial property right, the right 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
6600 Ring Road**

RM-1

B-2

B-2

B-2

P-1

R-1B

R-1A

Martin Luther King Dr

Ring Rd

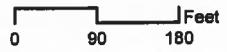
Rainbow Ct

Rainbow Av

Bratcher St

Cornell St

Keystone St



**ZBA #12-19
6600 Ring Road**



COMMUNITY DEVELOPMENT

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 12-17-12

Name of Applicant Lindsay Bell (Lindsay Bell)
 Print Signature

Applicant's Address 5009 West River Drive Phone No. 616-785-5713

Name of Property Owner (if different from Applicant) Loeks Theaters, Inc.

Address 2121 Celebration Dr NE, Grand Rapids MI Phone No. 616-447-4200

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

Street Address 6600 Ring Rd, Portage, MI

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: agent authorized to apply for permits and variance

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 4 Section 42.552 Paragraph H
 Regarding: Use _____ Area _____ Yards _____
 Setbacks _____ Parking _____ Other _____

Reason for Request (Also complete page 2 of application): Additional sign required to advertise enhanced services offered in existing location

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: Requesting signage for expanded operations and services at an existing and successful theater location.

FOR STAFF USE

Application Number: <u>12-19</u>	Filing Date: <u>1/3/13</u>	Tentative Hearing Date: <u>1/28/13</u>
Previous Application Filed Regarding This Property: <u>ZBA 04-10</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

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

WPBAM
Signature of Applicant

12-17-12
Date

Reason For Variance

1. The property has limited exposure to main stream traffic by design of Ring Road (and irregular shape of parcel). The building has not gone through any noticeable addition or construction to the outside appearance of the building that would indicate the added service of IMAX theater entertainment recently available at the existing location. The elevation of the access road surrounding the area compared to the elevation of the theater building can limit visibility of the theater's frontage.
2. The physical characteristics noted above are unique to this business because the size, structure and outward appearance of the building has not changed. Neighboring properties may not even know there has been an addition of theater services, unless additional signage is allowed. The sign proposed is intended to be visible primarily from the mall area.
3. The use of the building is within the limitations of the zoning, however the investment made to the theater itself will suffer without the addition of the wall sign. The sign will communicate and educate the public about the new services available inside, and thus will eventually repay the investment already made in this community. The draw for IMAX theater once it's presence is known, will be important to Southwest Michigan. It is so unique to this area that the next closest IMAX is in the Chicago area.
4. The sign as proposed was designed in order to continue flowing visual appearance and enhance the signage that is already approved and in use. The signage proposed is a logical addition to the area and will encourage commerce and attract attention to all surrounding businesses in this area. The size and scope of the sign is equitable in comparison to the signs currently allowed in this zone. Similar size and style of signage can be seen in neighboring Sears and JC Penny stores currently. The sign proposed is designed to be visible from the mall area, and the elevation of the theater property is such that this size and location of signage is the only way to achieve this visibility.
5. The sign as proposed will enhance the signage already in use, and will stay consistent with the character of the area. Examples of neighboring businesses with multiple wall signs can be seen at the Cole Century automobile dealership and the Sears Auto Repair building. Generous wall signage is evident at Art Van Furniture Center, JC Penny, and Sears stores all nearby.
6. The traffic congestion, noise, or hazard risk will not increase because of the approval of wall signage at this existing, successful theater location. The area is already a heavily traveled commercial area.
7. The investment in the technology and this community has already been made by the theater owner. The signage proposed will allow the owner communicate the expanded services and enhance the quality of entertainment offered to customers. By not allowing the communication of this new investment with the proposed signage, customers are not aware of additional services. This could potentially create difficulty and confusion for the customer.
8. The proposed sign will support the signage already in existence with this community location. The character and flavor of the area will remain the same and the community will benefit from the latest in available technology and entertainment. This property is unique to Southwest Michigan and the regional draw demands increased signage.

Legal Description for the property of 6600 Ring Rd. Portage,MI parcel# 90009-015-D:

SECTION 9-3-11 BEG 715.19 FT E & 493 FT S OF C 1/4 POST SEC 9, TH S 418.59 FT, TH W 714.63 FT TO N & S 1/4 LI SEC 9, TH CONT W 155.39 FT, TH N 423.55 FT, TH E 870 FT TO P.O.B.



To see all the details that are visible on the screen, use the "Print" link next to the map.



O = proposed wall sign location



PHOTO SCAN #148,319-2_PS

NOT TO SCALE: Image is for illustration purposes only.
Objects in reality may be larger or smaller than depicted

PROJECT: LOEKS - PORTAGE	DESIGNER: JB
DRAWING: YES	REVISIONS:
DATE: 01.15.15	SALES: 32(SU)
HOURS: .50	



An Employee Owned Company

5089 West River Drive Comstock Park, MI 49321 Ph: 616 784 5711 Fax: 616 784 8280 www.valleycitysign.com

The designs, details and plans represented herein are the property of Valley City Sign, specifically developed for your personal use in connection with the project being planned for you by Valley City Sign. They are not to be shown to anyone outside of your organization, nor are they to be used, reproduced, exhibited or copied in any fashion whatsoever. All or any part of these designs except registered trademarks remain the property of Valley City Sign.



VALLEY CITY SIGN
An Employee Owned Company

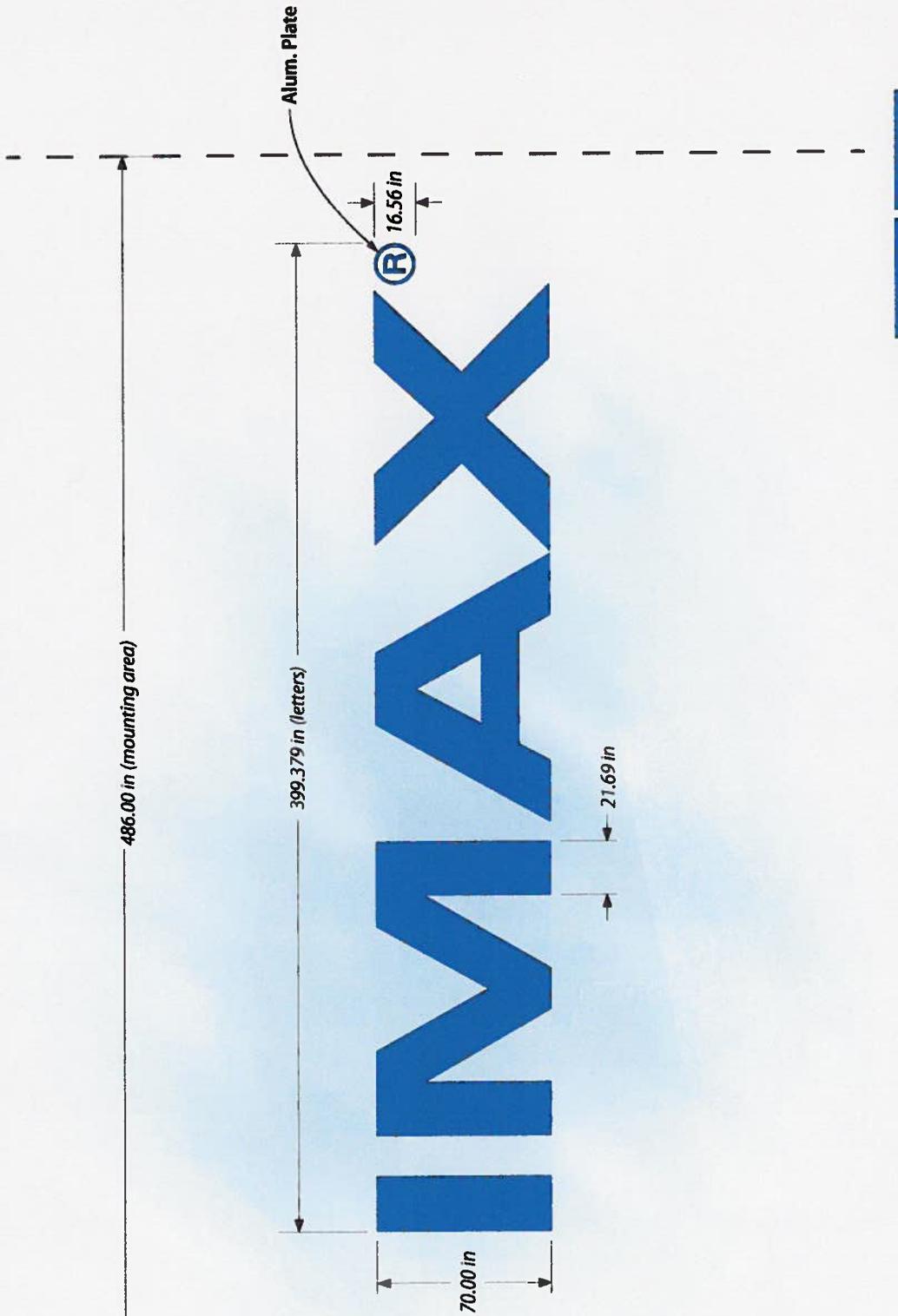
5009 West River Drive, Cornstock Park, MI 49521, Ph: 616.784.5711, Fax 616.784.8280, www.valleycitysign.com

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PHOTO SCAN #148,319-3_PS

NOT TO SCALE: Image is for illustration purposes only. Objects in reality may be larger or smaller than depicted

PROJECT:	LOEKS - PORTAGE
DRAWING:	YES
DESIGNER:	JB
DATE:	01.15.15
REVISIONS:	
HOURS:	.50
SALES:	32(FSU)



ALUM. PLATE	ALUM. PLATE
Process Blue Screech #4590-337	Map 10 Hatch Process Blue Screech #600-337

DRAWING #148,319

SCALE: 1/2" = 1'-0"

ONE (1) SET OF FACE-LIT CHANNEL LETTERS
AND ONE (1) ALUM. PLATE REGISTRATION MARK

PROJECT: LOEKS - PORTAGE
PHOTOSCAN (S): NO DESIGNER: JB
DATE: 12.07.12 REVISIONS:
HOURS: 1 SALES: 32(SU)

CUSTOMER SIGNATURE



An Employee Owned Company

5009 West River Drive Comstock Park, MI 49321 Ph. 616.784.5711 Fax. 616.784.8280 www.vallecitysign.com

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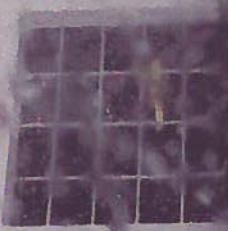




BUICK



CADILLAC







TO: Zoning Board of Appeals **DATE:** January 18, 2013
FROM: Vicki Georgeau, Director of Community Development
SUBJECT: ZBA #12-19; Valley City Sign, on behalf of Jack Loeks Theaters, Inc., 6600 Ring Road; B-2, Community Business
CODE SECTION: 42-552(H) and (I); B-2, Community Business, wall signs; p. CD42:131
APPEAL: Requesting a 194 square-foot variance to erect a 194 square-foot wall sign where a maximum of 225 square feet of signage is permitted.
STAFF RECOMMENDATION:

The applicant requests the above variance per the enclosed application and sign sketch. The 8.1 acre zoning lot accommodates a 61,500 square-foot theater, and has frontage on MLK Drive and Ring Road (both private streets). The property is zoned B-2, Community Business and is adjacent to other commercial properties to the north and east, an undeveloped parcel zoned RM-1, Multiple Family Residential to the west, and to the south is a 171-foot wide parcel owned by Consumers Energy, zoned R-1B, One Family Residential, and P-1, Parking.

As background, the Board granted a 75 square-foot variance in 2004 (ZBA#04-10) for a 225 square-foot sign installed on the west elevation, where 150 square feet of sign area is permitted. The east elevation currently has a 225 square-foot "Celebration! Cinema" wall sign; the maximum size permitted by Code. In 2012 the theater was expanded and increased in height to accommodate an IMAX theater. To better identify the IMAX theater, the applicant proposes to erect an additional 194 square-foot "IMAX" sign on the east elevation of the theater.

The applicant notes other businesses in the vicinity, such as Sears, Art Van, Cole-Century, and JC Penney, have multiple wall signs and that the amount of wall signage is 'generous'. The aforementioned businesses have wall signs with sizes that range from 60 square feet (Cole-Century) to 360 square feet (JC Penney) on any one elevation facing Ring Road (some of these businesses did receive prior wall sign variances). It is acknowledged that the IMAX theater is unique to the metropolitan region, and consequently draws patrons from outside the community. An approximate 14 foot change in elevation also exists between Ring Road and the Celebration Cinema properties, obscuring view of the theater's east elevation (except the top portion of the newly added IMAX theater) from Ring Road south of MLK Drive, and potentially complicating way-finding for patrons unfamiliar with the area. Conforming alternatives exist, which include: modifying the existing freestanding sign; or erecting conforming wall signs identifying both 'Celebration! Cinema' and 'IMAX' on the east elevation. The 24 inch tall letters forming the word 'Cinema' on the existing wall sign are legible when viewed from the mall and Ring Road north of MLK Drive. The request is excessive and the applicant has not demonstrated why a 194 square foot sign (with 70 inch letters) is necessary. If the Board finds a practical difficulty, it is recommended a lesser variance, such as a 100 square-foot sign, be considered.

**PRACTICAL
DIFFICULTY:**

Unique use noted by applicant. Elevation change between theater and access road. 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.**