PORTAGE

A Natural Place to Move

ZONING BOARD OF APPEALS

June 10, 2013

CITY OF PORTAGE ZONING BOARD OF APPEALS

Monday, June 10, 2013
(7:00 pm)
Portage City Hall
Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

- May 13, 2013

OLD BUSINESS:

NEW BUSINESS:

- ZBA #12-24, Gene Heilman, 7152 Starbrook Street: Requesting a front yard setback variance to construct a garage addition 22 feet from the (east) front property line, where a minimum 30-foot setback is required.
- ZBA #12-28, RWL Sign, on behalf of Old National Bank, 4301 and 4431 West Centre Avenue: Requesting a variance to allow replacement of a nonconforming sign panel at 4301 West Centre Avenue.

OTHER BUSINESS:

Election of officers

STATEMENT OF CITIZENS:

ADJOURNMENT:

Star (*) indicates printed material within the agenda packet

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CITY OF PORTAGE ZONING BOARD OF APPEALS

DRAFT

Minutes of Meeting – May 13, 2013

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

MEMBERS PRESENT: Lowell Seyburn, Timothy Bunch, Doug Rhodus, James White, Michael Robbe, Mariana Singer, and Glenn Smith.

MEMBERS EXCUSED:

Bob Soltis, Jeffrey Bright

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

APPROVAL OF THE MINUTES: Singer moved and Bunch seconded a motion to approve the April 8, 2013 minutes as submitted. Upon voice vote, motion was approved 7-0.

OLD BUSINESS:

None

NEW BUSINESS:

ZBA #12-26, 5303 South Westnedge Avenue: Mr. Mais summarized the request for variances from: a) perimeter parking lot landscape requirements along the north property line, and b) refuse container setback and corresponding conflicting land use screening requirements along the east property line. Joe Maguire, of Wolverine Development Corporation stated the site was originally developed in the 1960's by his father but now looks dated and in disrepair. The applicant proposes to refurbish the building and associated improvements to accommodate a Grand Traverse Pie Company restaurant. Mr. Maguire stated they have worked extensively with city staff with the site design, but determined it was not possible to provide a 10-foot wide green strip with trees along Andy Avenue and provide adequate width for a maneuvering lane without losing required parking spaces. The applicant has agreed to provide a four-foot wide green strip where currently none exists and will provide the required green strip area along the east property line, reduce the size of the dumpster pad, and also replace the screening fence along the east property line. Mr. Maguire added that granting the request and permitting the aforementioned improvements would result in a reduction of the degree of nonconformity. Robbe inquired if staff had concerns or considered traffic visibility with their recommendation to add additional bushes along Andy Avenue. Mr. Mais stated the landscaping should not present traffic visibility issues. Seyburn inquired if the city had determined whether adequate parking was available. Mr. Mais stated yes. Seyburn inquired if the applicant had shown the neighboring residences pictures of the proposed redevelopment. Mr. McGuire stated they had not. Seyburn inquired if the applicant had considered alternate locations for the dumpster away from the east property line. The applicant stated yes. Rhodus inquired what purpose the landscaping along Andy Avenue served. Mr. Mais stated it aesthetically softened the view of the site's parking areas from the street.

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 White, seconded by Singer to grant variances from: a) perimeter parking lot landscape requirements along the north property line (including a six-foot variance from the required 10-foot greenstrip, and tree and shrub plantings), and b) refuse container setback (three feet where a minimum 20-foot setback is required) and corresponding conflicting land use screening requirements along the east property line, conditioned upon the installation of an off-set row of shrubs within the newly established four-foot wide greenstrip area where a gap in plantings currently exists along the Andy Avenue frontage

(approximately 75-feet west of the Andy Avenue driveway), and installation of a new six-foot tall screening fence along the east property line for the following reasons: there are exceptional circumstances applying to the property that do not apply generally to other properties in the same zoning district, which include the existing site nonconformities, and that strict code compliance would create a practical difficulty for redevelopment; the variance is necessary for the preservation of a substantial property right, the right to operate and best utilize its' parking lot; 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, Robbe-Yes, Singer-Yes White-Yes, Rhodus-Yes, Seyburn-Yes. Motion passed 7-0.

OTHER BUSINESS:

STATEMENT OF CITIZENS:

None

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:38 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator

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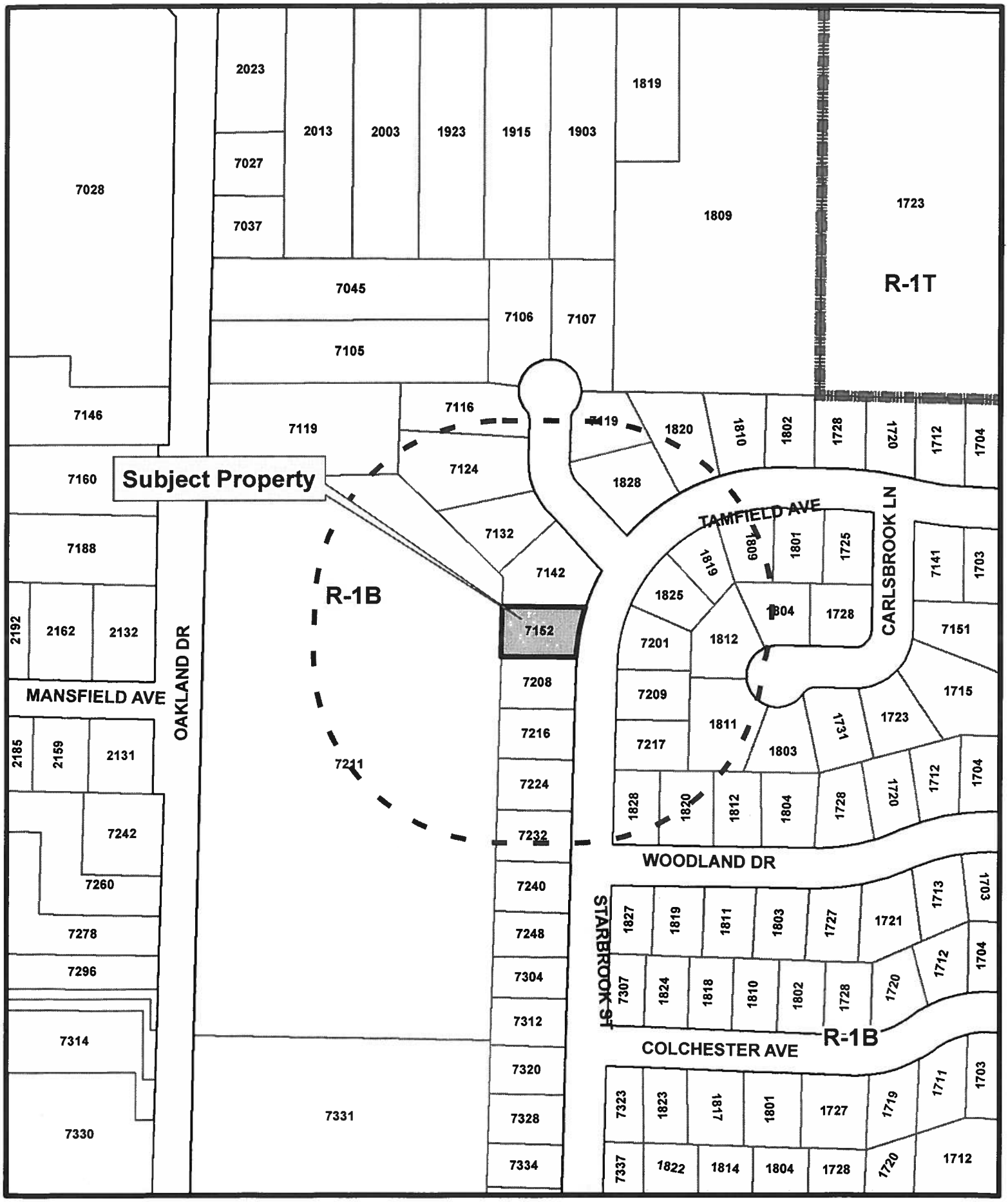

Zoning Boundary
Subject Properties
Notification Area

ZBA 12-24
7152 Starbrook Street

1 inch = 200 feet

PORTAGE
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Department of Community Development

RECEIVED
MAY 21 2013
COMMUNITY DEVELOPMENT

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date May 21, 2013

Name of Applicant Gene A. Heilman (Print) _____ (Signature)

Applicant's Address 8690 E. Main St., Galesburg, MI Phone No. 269-389-3214

Name of Property Owner (if different from Applicant) Trust of M. Joy & Carl G. Heilman

Address 7152 Starbrook St., Portage, MI 49024 Phone No. 269-389-3214

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

Street Address 7152 Starbrook St.

For Platted Property: Lot 146 of Yorkshire No. 5 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: Ownership

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 Art 4 Section 42-350 Paragraph A

Regarding: Use _____ Area _____ Yards X

Setbacks _____ Parking _____ Other _____

Reason for Request (Also complete page 2 of application): R-1B Front yard varied to 22 feet.

____ **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: 12-24	Filing Date: 4/8/13	Tentative Hearing Date: 6/10/13
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.)
An existing ranch style home w/attached garage on a narrow lot (82 feet). Currently is non-conforming on front yard (27 feet).

2. Are the physical characteristics you explained above unique and not shared by neighboring properties? (Attach additional sheets if needed.) Not unique.
Properties within same plat have as little as 20 foot to garage.

3. Can the property be reasonably used for the uses permitted in the zoning district without granting the variance? (Attach additional sheets is needed.)
The use is limited to non-handicapped individuals. This variance would allow for wider, at street grade, entrance to the basement, that could be fitted with an electric wheelchair lifting device, at a later time.

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.)
The variance is the minimum necessary to allow the modifications needed to allow aging in-place housing.

5. Explain how the variance would <u>not</u> result in adverse affects on adjacent properties or alter the character of the area. (Attach additional sheets if needed.)
The garage would be 5 feet closer to the lot line but still allow parking without interfering with the side walk.

6. Explain how the variance would <u>not</u> result in increased traffic congestion, noise, or other potential concerns, or in dangers from fire, flood or other hazards, that would be detrimental to the property or to the area. (Attach additional sheets if needed.)
No potential concerns or dangers.

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.)
The home, as designed, is not ADA friendly. To correct this, with the least change to the exterior, the garage front needs to move forward, the width of an ADA stairwell, with cover entrance. The additions on the rear allow for an ADA bathroom, an ADA kitchen and main floor laundry.

8. Explain how the variance <u>would fulfill</u> the spirit and intent of the Zoning Ordinance. (Attach additional sheets if needed.)
The variance would allow the owners to modify their home to help with the needs that come with disabilities and aging.

Signature of Applicant _____ Date _____

City of Portage

Zoning Board of Appeals

Project Number 12 10000024

Project Description ZBA 1224; 7152 Starbrook

Letter of explanation

My parents have owned this home from day one. I provided care and assistance for them, in their declining years and witnessed first-hand how difficult it was to work-around the issues that were designed into this home. Now, since they have both passed I wish to remodel, as necessary, to overcome the issues.

Due to the current design of the house and the topography of the north-side and rear yards, to make this house barrier-free for a wheelchair bound, independently living person requires a secondary basement stairwell, an enlarged kitchen and a bathroom that can accommodate a wheelchair.

To have a inclined-ramp, platform style wheelchair lift, the stairwell requires a width of 38 ½" minimum and the chair supporting platform must come in contact with the basement floor. The current stairwell is 35 ½" wide and has a landing that is 10" above the basement floor. A cold air return duct runs under the landing. Although the home has a walk-out basement design, the north-side yard has an aggressive slope and is source of falls in the winter.

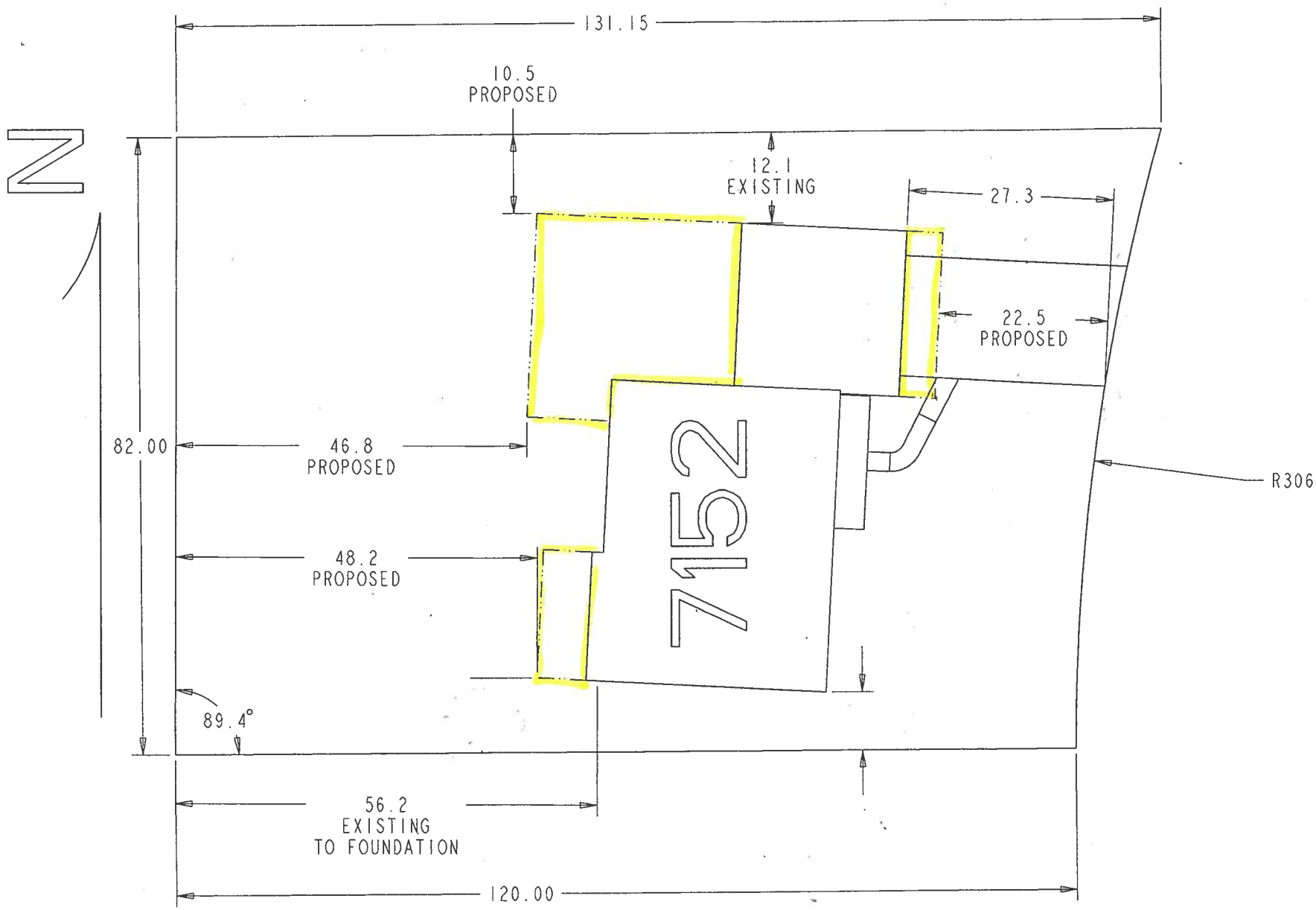
The current kitchen does not allow a wheelchair bound user to open the drawers, fully, due to space issues. Further, the sink does not allow the user to prepare food because it is at the wrong height and stops the wheelchair from going under the sink. All the overhead cabinets are not accessible to the user.

To overcome the design and topography issues, I wish to build further into the rear yard and somewhat into the front yard. To allow an all-weather stairwell to accommodate a platform-style wheel chair lift, a new stairwell is required. Unfortunately, the only location agreeable to the neighbors and structural engineers is within the rear of the garage. To accomplish this, the front of the garage would need to move closer to the sidewalk about 5 feet, thus, the front yard setback would be reduced to 22 feet. The house, as it currently sets, does not meet current front yard setback requirements. So I further ask for a variance to the front yard setback requirement. The proposed addition is within the 25% lot coverage requirement.

I attached some rough drawings, to show the proposed addition would have minimal effect to the street view.

Thank you,

Gene A. Heilman


N
131.15
10.5
PROPOSED
12.1
EXISTING
27.3
22.5
PROPOSED
82.00
46.8
PROPOSED
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PROPOSED
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R306
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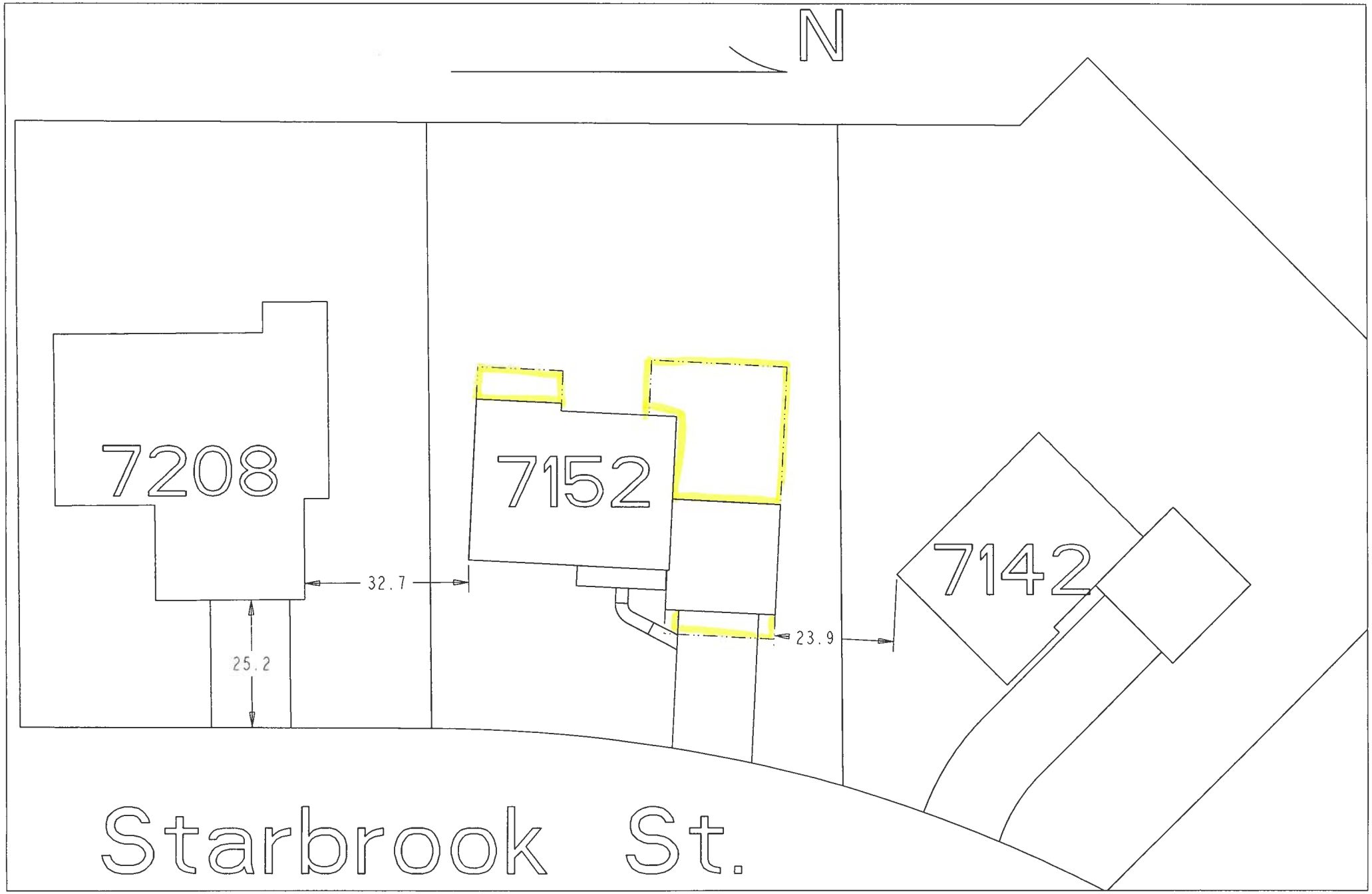
EXISTING
TO FOUNDATION
120.00


N
7208
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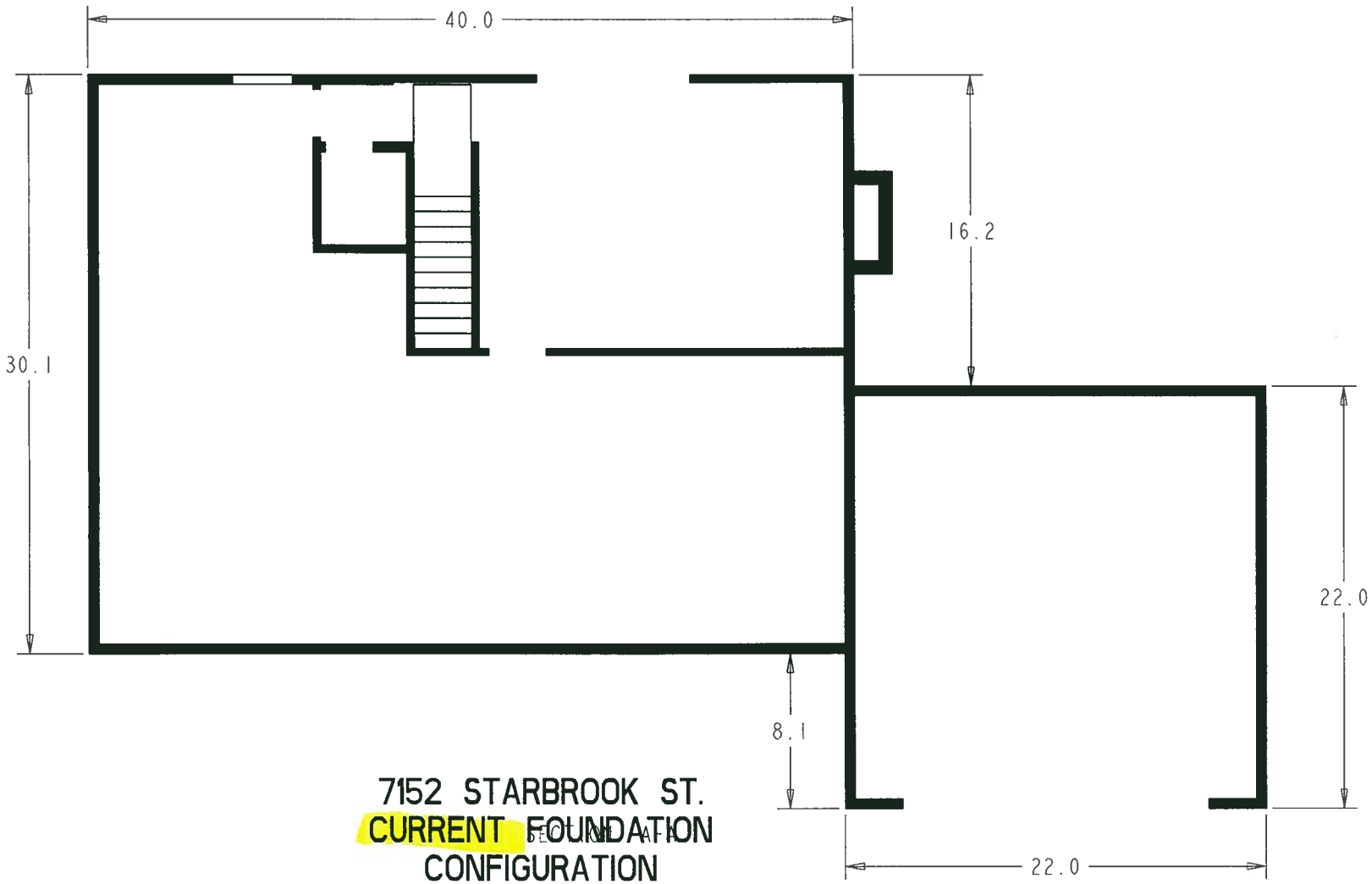
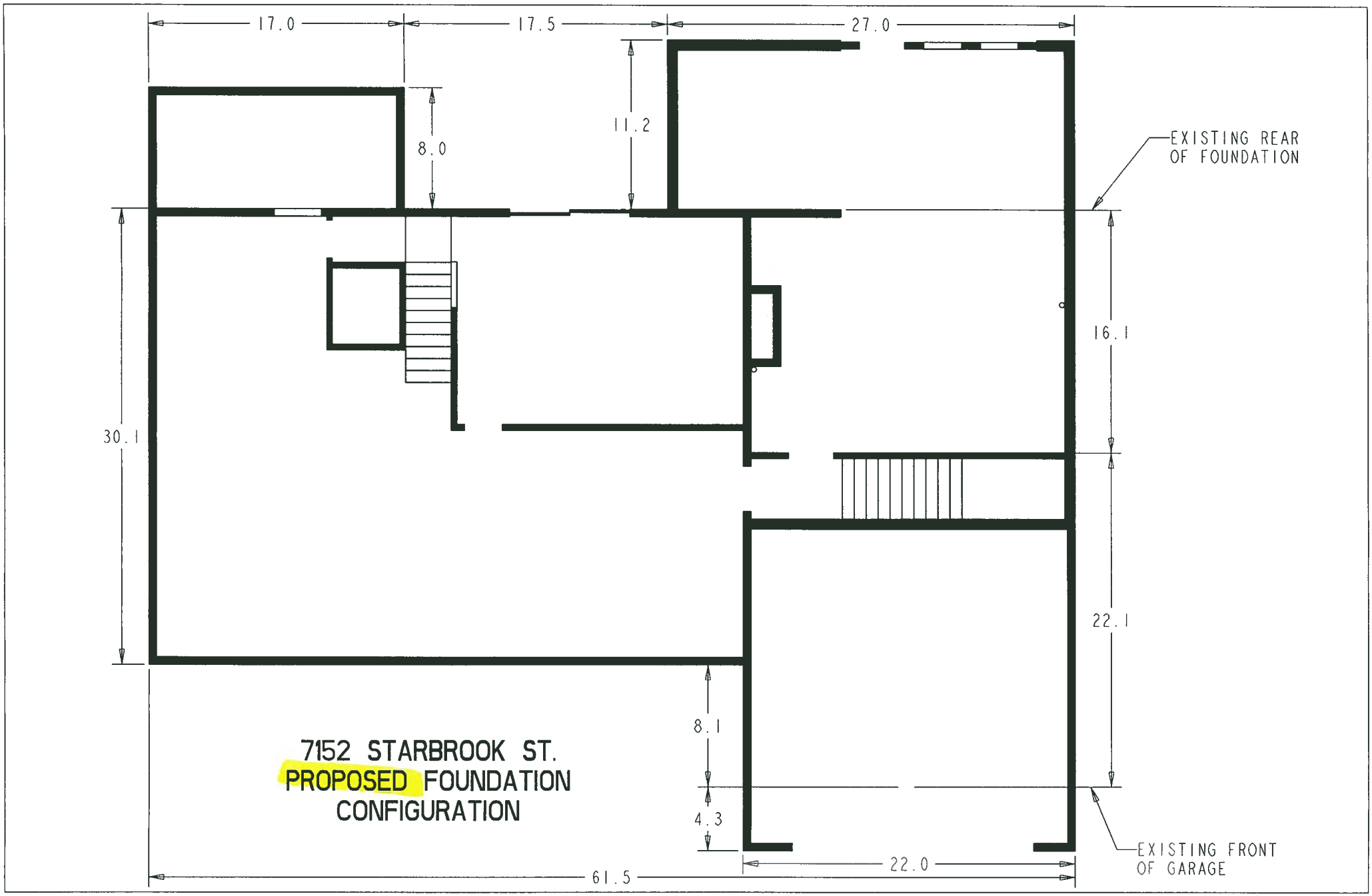
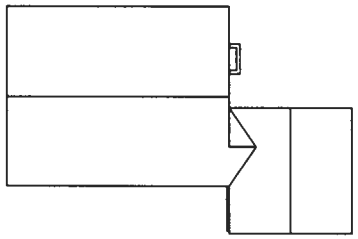
Starbrook St.



7152 STARBROOK ST.
CURRENT FOUNDATION
CONFIGURATION


17.0
17.5
27.0
8.0
11.2
EXISTING REAR
OF FOUNDATION
16.1
30.1
22.1
8.1
4.3
22.0
61.5
EXISTING FRONT
OF GARAGE
7152 STARBROOK ST.
PROPOSED FOUNDATION
CONFIGURATION



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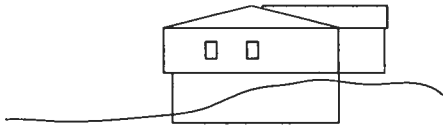
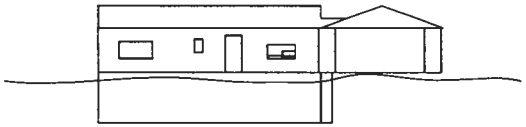
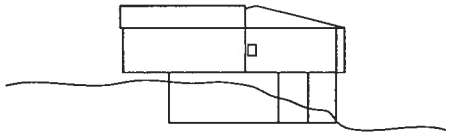
CURRENT CONFIGURATION



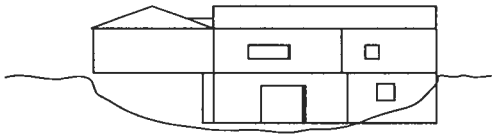
VIEW FROM THE SOUTH



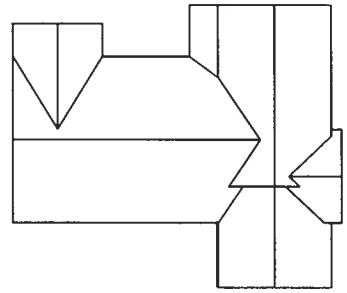
STREET VIEW

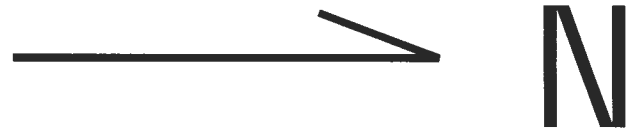


VIEW FROM THE NORTH

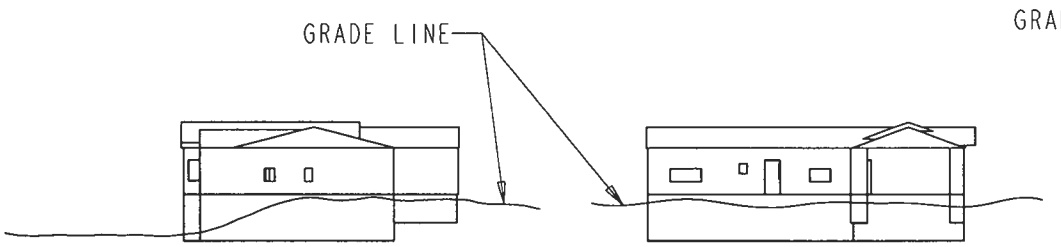


REAR VIEW



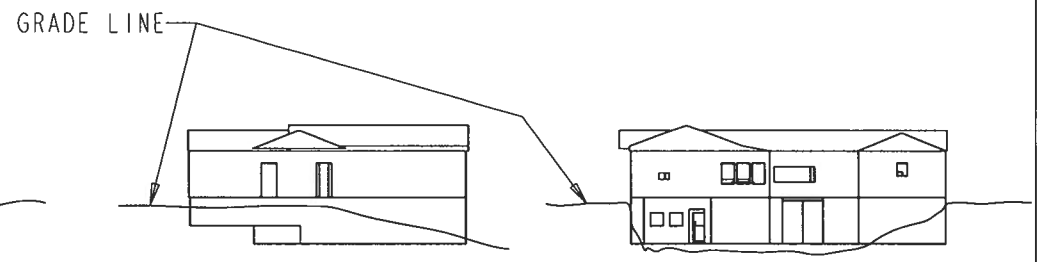


7152 STARBROOK ST.
PROPOSED CONFIGURATION



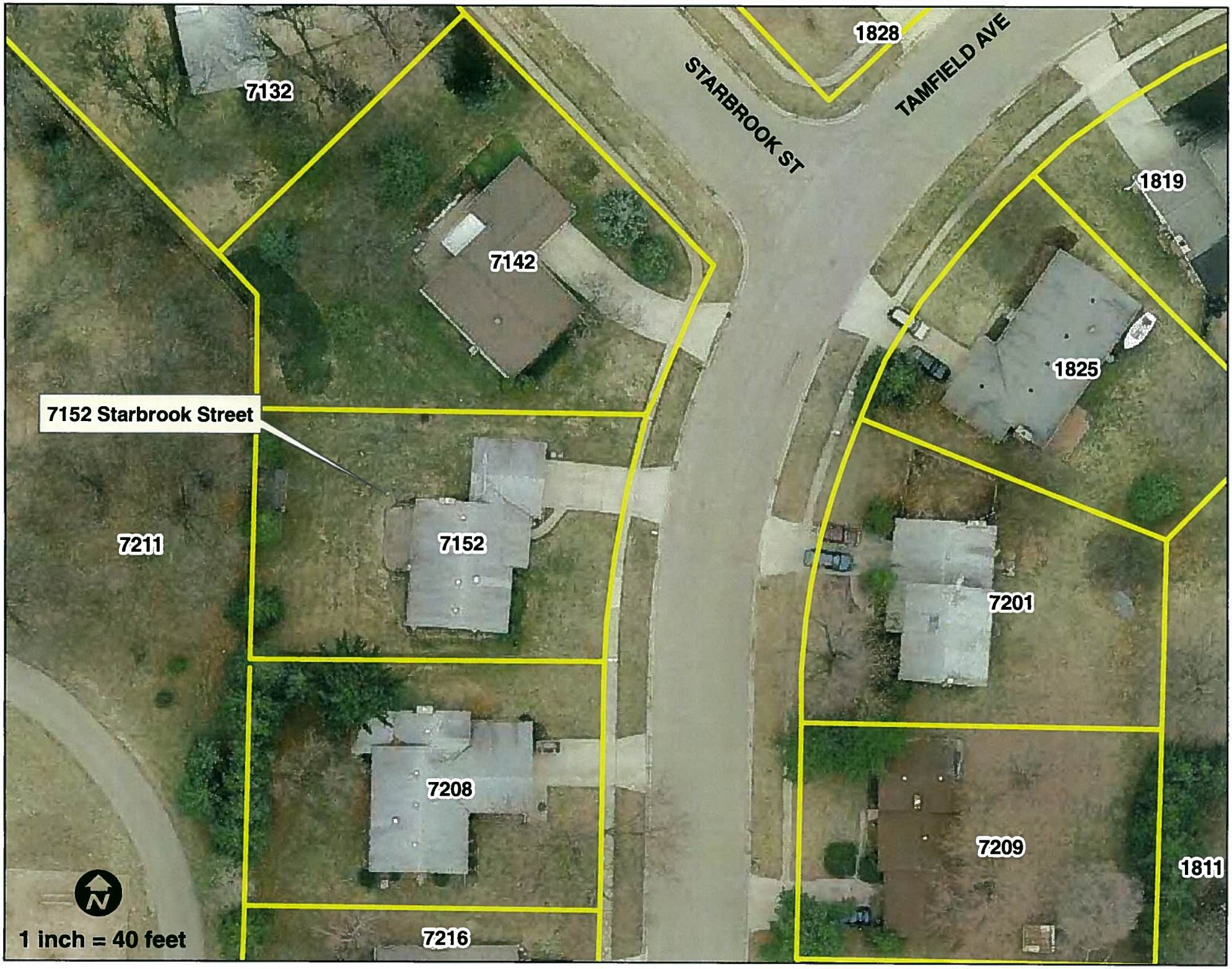
VIEW FROM THE SOUTH

STREET VIEW



VIEW FROM THE NORTH

REAR VIEW


7132
7142
7152 Starbrook Street
7211
7152
7208
7216
STARBROOK ST
TAMFIELD AVE
1828
1819
1825
7201
7209
1811
N
1 inch = 40 feet

PORTAGE
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Department of Community Development

TO: Zoning Board of Appeals **DATE:** May 31, 2013

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: ZBA #12-24; Gene Heilman, 7152 Starbrook Street; R-1B, One Family Residential

CODE SECTION: 42-350(A); Schedule of Regulations, p. CD42:84
42-133(D)(1); Nonconforming buildings and structures, p. CD42:44

APPEAL: Requesting a front yard setback variance to construct a garage addition 22 feet from the (east) front property line, where a minimum 30-foot setback is required.

STAFF RECOMMENDATION: The applicant requests the above variance per the enclosed application, plot plan, building sketches and letter of explanation. The property is zoned R-1B, One Family Residential and is adjacent to residences to the north, east, and south, and Saint Michael's Church to the west. The 10,454 square foot lot is improved with a nonconforming 1,177 square-foot dwelling and 484 square-foot attached garage constructed in 1967. The dwelling is nonconforming because it is setback 27 feet from the front (east) property line where a minimum 30-foot setback applies. The original building permit did not include a plot plan or other indication what the setbacks may have been, but aerial photographs confirm the dwelling's setbacks do not appear to have changed since its construction.

The applicant proposes to remodel and construct two additions on the dwelling, and build a 95 square foot addition onto the front of the attached garage to allow his family to "age in place". The applicant indicates the house is not barrier-free, which presented challenges for the prior occupants. For example, the lower level is inaccessible due to the narrow staircase and the kitchen configuration is difficult to use for a wheelchair-bound resident. Accessing the walk-out basement from the outside is similarly problematic due to the sloping site topography. Construction of a new, wider interior staircase capable of accommodating a wheelchair lift where the rear garage wall currently exists is proposed, in addition to relocation and construction of the kitchen, which are proposed to accommodate disability issues. Shifting the proposed staircase further west was considered by the applicant, but is problematic due to the presence of the existing fireplace foundation. The proposed garage reconstruction would extend to within 22 feet of the (east) front property line, and a variance is therefore required.

The existing dwelling design presents practical difficulties with regard to completion of barrier-free improvements. The need for the requested variance is not self-created, and is the minimum needed to accommodate the proposed improvements. In addition, the requested variance should have a minimal impact on adjacent properties. For example, the dwelling at 7142 Starbrook, which is closest to the proposed garage addition, projects farther forward than the proposed garage addition. Finally, the variance will not materially impair the intent and purpose of the Zoning Ordinance. For the reasons noted above, approval is the variance is recommended.

PRACTICAL DIFFICULTY: Location of nonconforming dwelling on the lot and existing dwelling design. See Suggested Motion form.

S:\2012-2013 Department Files\Board Files\ZBA\12-24; 7152 Starbrook\2012 05 31 VG ZBA 12-24 ,Starbrook, 7152 (staff rpt).doc

SUGGESTED NON-USE VARIANCE MOTION FORM

Mr. Chairman:

I move, in regard to ZBA #_____, the application by _____

for a variance from _____

_____

be:

a. granted for all of the following reasons:

1a. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include_____
_____;

2a. The variance is necessary for the preservation and enjoyment of a substantial property right, the right to_____, which is similar to that possessed by other properties in the same zoning district and in the vicinity;

3a. The immediate practical difficulty causing the need for the variance request was not created by the applicant;

4a. The variance will not be detrimental to adjacent property and the surrounding neighborhood, and;

5a. The variance will not materially impair the intent and purpose of the zoning ordinance.

-or-

b. denied for one of more of the following reasons:

1b. There are no exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district;

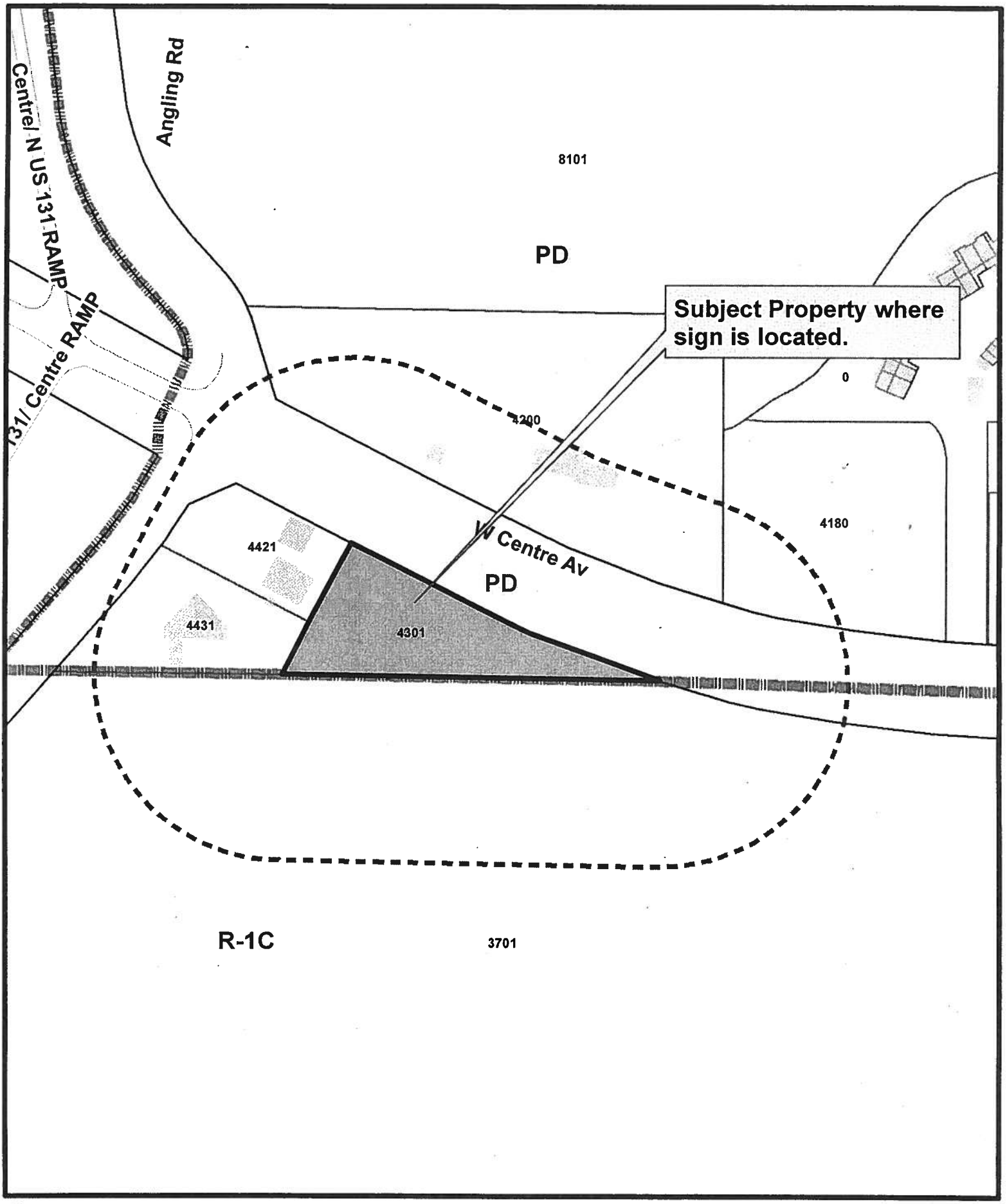
2b. The variance is not necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district in the vicinity because there are conforming alternatives available such as_____
_____.

3b. The immediate practical difficulty causing the need for the variance request was created by the applicant;

4b. The variance would be detrimental to adjacent property and the surrounding neighborhood, and;

5b. The variance would materially impair the intent and purpose of the zoning ordinance.

c. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, **and that action of the Board be final and effective immediately.**



Zoning Boundary
Subject Properties
Notification Area

ZBA 12-28
4431 West Centre Avenue

1 inch = 200 feet

12-1000073

PORTAGE
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Department of Community Development

RECEIVED
MAY 10 2013
COMMUNITY DEVELOPMENT

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 5-8-2013

Name of Applicant RWK SIGN (Print) _____ (Signature)

Applicant's Address 6185 W KL AVE KALAMAZOO, MI Phone No. 372-3629

Name of Property Owner (if different from Applicant) OLD NATIONAL BANK

Address 4431 W CENTRE AVE PORTAGE, MI 49024 Phone No. _____

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

Street Address 4431 W CENTRE AVE PORTAGE, MI 49024

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: CHANGING BANK OF AMERICA SIGNS TO OLD NATIONAL BANK

Application Fee _____ (Residential Uses) $330 (All Other Uses)

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

✓ **Variance from Zoning Ordinance:** Article _____ Section _____ Paragraph _____

Regarding: Use _____ Area _____ Yards _____

Setbacks _____ Parking _____ Other OFF PREMISE SIGN

Reason for Request (Also complete page 2 of application): EXISTING IS A OFF PREMISE 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

Application Number: 12-28	Filing Date: 5/10/13	Tentative Hearing Date: 6/10/13
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.)
DUE TO THE PROPERTY BEING DIVIDED OLD NATIONAL BANK NO LONGER HAS FRONTAGE ON CENTRE AVE. HOWEVER, THEY STILL MAINTAIN A DRIVEWAY & PHYSICAL ADDRESS AT 4431 W. CENTRE AVE.

2. Are the physical characteristics you explained above unique and not shared by neighboring properties? (Attach additional sheets if needed.)
THIS IS THE ONLY PARCEL WITH A PHYSICAL STREET ADDRESS WITHOUT ABUTTING PROPERTY ON THAT STREET.

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

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.)
IT IS NECESSARY TO IDENTIFY OLD NATIONAL BANK ON CENTRE DUE TO MOST PEOPLE LOOKING FOR THE BANK WILL BE ON CENTRE.

5. Explain how the variance would <u>not</u> result in adverse affects on adjacent properties or alter the character of the area. (Attach additional sheets if needed.)
THIS IS AN EXISTING SIGN THEREFORE THERE WILL BE NO ADVERSE AFFECTS ON ADJACENT PROPERTIES.

6. Explain how the variance would <u>not</u> 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.)
BY NOT GRANTING THIS VARIANCE IT WILL INCREASE TRAFFIC CONGESTION BECAUSE PEOPLE WOULD GET CONFUSED WHERE TO TURN TO GET TO THE BANK.

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 THIS WAS DUE TO THE DIVIDING OF THE PROPERTY, THAT WAS OUT OF OLD NATIONAL BANKS CONTROL

8. Explain how the variance <u>would fulfill</u> the spirit and intent of the Zoning Ordinance. (Attach additional sheets if needed.)
THE VARIANCE WOULD FULFILL THE INTENT BY ALLOWING IDENTIFICATION TO A BUILDING WITH A PHYSICAL ADDRESS AND ENTRANCE DRIVE ON CENTRE ST.

Signature of Applicant

5-8-2013
Date

PHOTO EDITS

2015331.JPG

You will be responsible for Tech Survey but the install will be done by others.

2041493.JPG

PORTAGE
A Natural Place to Move

Department of Community Development

TO: Zoning Board of Appeals **DATE:** May 31, 2013

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: ZBA #12-28; RWL Sign, on behalf of Old National Bank, 4301 and 4431 West Centre Avenue; PD, Planned Development

CODE SECTION: 42-544(B)(1); Nonconforming Signs, p. CD 42:126

APPEAL: Requesting a variance to allow replacement of a nonconforming sign panel at 4301 West Centre Avenue.

STAFF RECOMMENDATION: The applicant requests the variance per the enclosed application and sign sketch. The property at 4301 West Centre Avenue is 1.6 acres in area and is improved with a 3,383 square-foot Wendy's restaurant, and was formerly part of a larger 3.5 acre parcel that encompassed 4431 West Centre Avenue as well.

As background, in 2002 the property owner was granted a land division splitting the parcel occupied by Old National Bank (formerly Bank of America). This division caused the freestanding bank sign to become a nonconforming off-premises sign on the resulting parcel at 4301 West Centre Avenue. The Board has previously granted variances in 2003 (ZBA 03-12), 2005 (ZBA 05-05), and 2008 (ZBA 07-25) to permit panel changes to the subject sign to identify changes of bank ownership/identity.

In accordance with the Access Management Ordinance, the bank maintains a West Centre Avenue principal access shared with Wendy's and the BP station, and consequently retains a West Centre Avenue address despite frontage only along Angling Road. The bank building has limited visibility along Centre Avenue, particularly for westbound traffic. The sign identifying both the bank and Wendy's promotes ease of identification and facilitates traffic movements and safety.

Exceptional circumstances or conditions apply to the property that do not apply generally to other properties in the same zoning district, which include the bank property's limited visibility from West Centre Avenue, and that coordination of principal access enhances safety and aesthetics. The variance is necessary for the preservation of a substantial property right, the right to identify a business near its principal access drive, which is similar to that possessed by other properties in the same zoning district and in the vicinity. The variance will not be detrimental to the adjacent properties, and will not materially impair the intent and purpose of the Zoning Ordinance. For the aforementioned reasons, the variance is recommended for approval. It is recommended the Board include the previously imposed condition that no additional freestanding signs be permitted at 4301 West Centre. Further, it is recommended that future sign panel changes be permitted without Board review and approval, provided the sign is not structurally altered in any way and that a sign permit is obtained.

PRACTICAL DIFFICULTY: Limited visibility of bank property at 4431 West Centre. Shared access driveway requirement. See Suggested Motion form.

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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.**