

CITY OF PORTAGE ZONING BOARD OF APPEALS

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