



ZONING BOARD OF APPEALS

October 14, 2013

CITY OF PORTAGE ZONING BOARD OF APPEALS

Monday, October 14, 2013

(7:00 pm)

**Portage City Hall
Council Chambers**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

- * September 9, 2013

OLD BUSINESS:

NEW BUSINESS:

- * 1. ZBA #13-5, James and Sari Deters, 9625 Woodlawn Drive: Requesting a 2.5 foot side yard setback to construct a new dwelling 3.5 feet from the side property line where 5 feet is the minimum required.
- * 2. ZBA #13-6, Aldi Inc., 6295 and 6355 South Westnedge Avenue: Requesting a variance to erect 172 square feet of wall signs where a maximum 100 square feet is permitted.

OTHER BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

Star (*) indicates printed material within the agenda packet

Minutes of Meeting – September 9, 2013

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

MEMBERS PRESENT: Doug Rhodus, Jeffrey Bright, Mariana Singer, Lowell Seyburn, Tim Bunch, Glenn Smith, and Michael Robbe.

MEMBERS EXCUSED: James White

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator and Randy Brown, City Attorney

APPROVAL OF THE MINUTES: Smith moved and Rhodus seconded a motion to approve the August 12, 2013 minutes with the correction that Lowell Seyburn called the meeting to order. Upon voice vote, motion was approved 7-0.

OLD BUSINESS:

ZBA #13-1, 9136 Shaver Road: Mais summarized the request for a variance from the conflicting land use screening requirements along the north property line where abutting a nonconforming single family dwelling. Mr. Larry Harris, property owner's representative, stated the practical difficulties included the change in grade near the north property line, the existing mature vegetation, and the presence of an easement for AT&T and Consumers Energy.

A public hearing was opened. Ed Stiller, owner of 9126 Shaver Road, stated other people dumped much of the debris that was on his property but would soon complete the cleanup. He was also upset by the applicant's property being rezoned several months earlier. Seyburn responded the Board was not involved with either issue.

A motion was made by Singer, seconded by Bunch to grant a variance from the conflicting land use screening requirements along the north property line where abutting a nonconforming single family dwelling. There are exceptional circumstances applying to the property that do not apply generally to other properties in the same zoning district, which include: the topographic differences between the adjacent properties, the presence of above and below ground utilities, the nonconforming status of the adjacent residence, and surrounding zoning/land use pattern. 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 and 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: Upon roll call vote: Rhodus-Yes, Singer-Yes, Bright-Yes, Robbe-Yes, Seyburn-Yes, Bunch-Yes, and Smith-Yes. Motion passed 7-0.

ZBA #13-2, 665 Mall Drive: Mais summarized the requests for: a) a variance to erect a 194 square-foot "Dunham's Sports" wall sign on the west elevation where a minimum 150 square feet is permitted; b) a variance to erect a 112 square-foot "Sears Outlet" wall sign on the west elevation where a maximum 100 square feet is permitted; c) a variance to erect a 15 square-foot "merchandise pickup" directional sign on the north elevation where a maximum four square feet is permitted; and d) a 268 square-foot "Dunham's Sports" wall sign on the east elevation where no additional wall signage is permitted. Mais noted the applicant had submitted revised information significantly reducing request d) from the 859 square foot wall sign included in last month's agenda to 268 square feet by removing the background frame that code required be included as sign area. Additionally, the applicant indicates they intend to erect their second permitted freestanding sign near the southeast corner of the building to help identify the tenants from Ring Road, which had not previously been discussed. As a result, the applicant does not agree with staff's recommendation that a sign on the east elevation be permitted in lieu of a second sign. Lastly, the

applicant states variances a) and b) are needed because the west elevation has reduced visibility due to its distance from Martin Luther King Drive.

Seyburn inquired if staff was changing its recommendations based on the information provided by the applicant. Mais stated staff has modified the language from the previous report and appreciates the applicant has now provided some rationale for the sign requests on the west elevation. Mr. Josh Weiner and Mr. Steve Vandersloot were present to answer questions. Mr. Weiner stated the variances for wall signs on both the east and west elevations were needed to increase tenants' visibility if not from South Westledge then from other nearby commercial properties. Mr. Weiner stated the same walls could have significantly more signage if they had more tenants and that the proposed signs were not out of character with the area. Seyburn inquired if the applicant was likely to lose the tenants if they did not get the variances. Mr. Weiner said yes. Robbe stated he did not see what difference it would make having slightly larger signs than permitted by code on the west elevation, and asked why the applicant couldn't simply reduce the letter sizes a few inches and make them conforming. Mr. Weiner asked why the board couldn't simply grant a variance for letters that were only a few inches larger. Singer noted the building was very non-descript and while large, did not have good visibility. Seyburn inquired if the applicant would be utilizing any changeable copy board signs. Mr. Weiner said no. Mr. Vandersloot stated the practical difficulties were the building's orientation, and noted the additional sign areas available for "big box" retailers under Section 42-552(I) did not help Sears because their tenant space was 83 feet wide but deep enough they had over 36,000 square feet of floor area. Rhodus noted view of the east elevation was obstructed by other buildings and did not see how a larger sign would correct that situation. Mr. Weiner stated the view was obstructed from some angles but not others and the larger sign would be visible at points along Mall Drive and JC Penney Drive. Mr. Vandersloot stated the applicant was willing to reduce their proposed signage on the east elevation from 268 to 250 square feet, thereby matching the size of the wall sign recently approved for Dick's Sporting Goods. Bright inquired if smaller signs tended to get lost. Mr. Vandersloot stated they do and that he was aware of studies that showed that larger signs posed less traffic safety risks than smaller signs.

A public hearing was opened. Joe Hollander, 1822 West Milham, stated he owned the senior living facility at 610 Mall Drive and supports the requested variance, because the residents don't like living near a vacant building.

A motion was made by Bright, seconded by Singer to grant: a) a variance to erect a 194 square-foot "Dunham's Sports" wall sign on the west elevation where a minimum 150 square feet is permitted; b) a variance to erect a 112 square-foot "Sears Outlet" wall sign on the west elevation where a maximum 100 square feet is permitted; c) a variance to erect a 15 square-foot "merchandise pickup" directional sign on the north elevation where a maximum four square feet is permitted; and d) a 250 square-foot "Dunham's Sports" wall sign on the east elevation where no additional wall signage is permitted. There are exceptional circumstances applying to the property that do not apply generally to other properties in the same zoning district, which include the industrial appearance of the building, the building entrance orientation toward the parking lot, and the view from MLK Drive and other nearby commercial properties is impaired. The variance is necessary for the preservation and enjoyment of a substantial property right, the right to adequately identify a business which is similar to that possessed by other properties in the same zoning district and in the vicinity; 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 and 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: Upon roll call vote: Rhodus-No, Singer-Yes, Bright-Yes, Robbe-No, Seyburn-Yes, Bunch-Yes, and Smith-Yes. Motion passed 5-2.

ZBA #13-3, 9033 West End Drive: Mais summarized the request for a variance to construct a 30-foot by 40-foot accessory building on a zoning lot separate from the principal use. Seyburn observed that the

Board had on previous occasions treated similar requests where dwellings and accessory buildings were on the opposite sides of West End Drive as separate zoning lots and that a use variance was needed for this request. Mr. Lutz stated all the houses on the east side of West End Drive had accessory buildings on the west side. He had spoken to nine of the property owners on West End Drive and none indicated any objection to his request. Singer inquired if any homes along West End Drive were constructed on the west side of the street. Mr. Lutz stated no.

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

A motion was made by Singer, seconded by Smith to grant a use variance to construct a 30-foot by 40-foot accessory building on a zoning lot separate from the principal use, conditioned upon 1) construction of the accessory building on lot 45 be conducted concurrent with construction of the dwelling on lot 12, 2) the combined accessory building area of the proposed 1,200 square-foot detached accessory building on lot 45 and any accessory building constructed on lot 12 not exceed the ground floor living area of the dwelling, and 3) that the accessory building on lot 45 be owned and used in conjunction with the dwelling (principal use) to be constructed on lot 12. There are unique circumstances that create an unnecessary hardship, which include the surrounding development pattern along West End Drive; that the land cannot be reasonably used consistent with the uses allowed in the zoning district, the variance will not alter the essential character of the neighborhood nor be a detriment to adjacent properties; the variance will not materially impair the intent and purpose of this article or the district in which the property is located; and the immediate unnecessary hardship causing the need for the variance request was not created by the applicant. In addition, the application and supporting materials, staff report, and all comments and 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: Rhodus-Yes, Singer-Yes, Bright-Yes, Robbe-Yes, Seyburn-Yes, Bunch-Yes, and Smith-Yes. Motion passed 7-0.

NEW BUSINESS:

ZBA #13-4, David Corstange, 1711 & 1749 East Centre Avenue: Mais summarized the request for a Temporary Use Permit to sell Christmas trees and holiday plants November 29, through December 23, 2013, and annually thereafter. Mr. Corstange stated he had nothing to add to staff's summary.

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

A motion was made by Smith, seconded by Bright, that the application is found to be consistent with the provisions of Section 42-622(D) and a Temporary Use Permit be granted to sell Christmas trees and holiday plants November 29, through December 23, 2013 and annually thereafter, in accordance with the application materials submitted, conditioned upon review and approval by city staff annually thereafter. Upon roll call vote: Rhodus-Yes, Singer-Yes, Bright-Yes, Robbe-Yes, Seyburn-Yes, Bunch-Yes, and Smith-Yes. Motion passed 7-0.

OTHER BUSINESS:

None

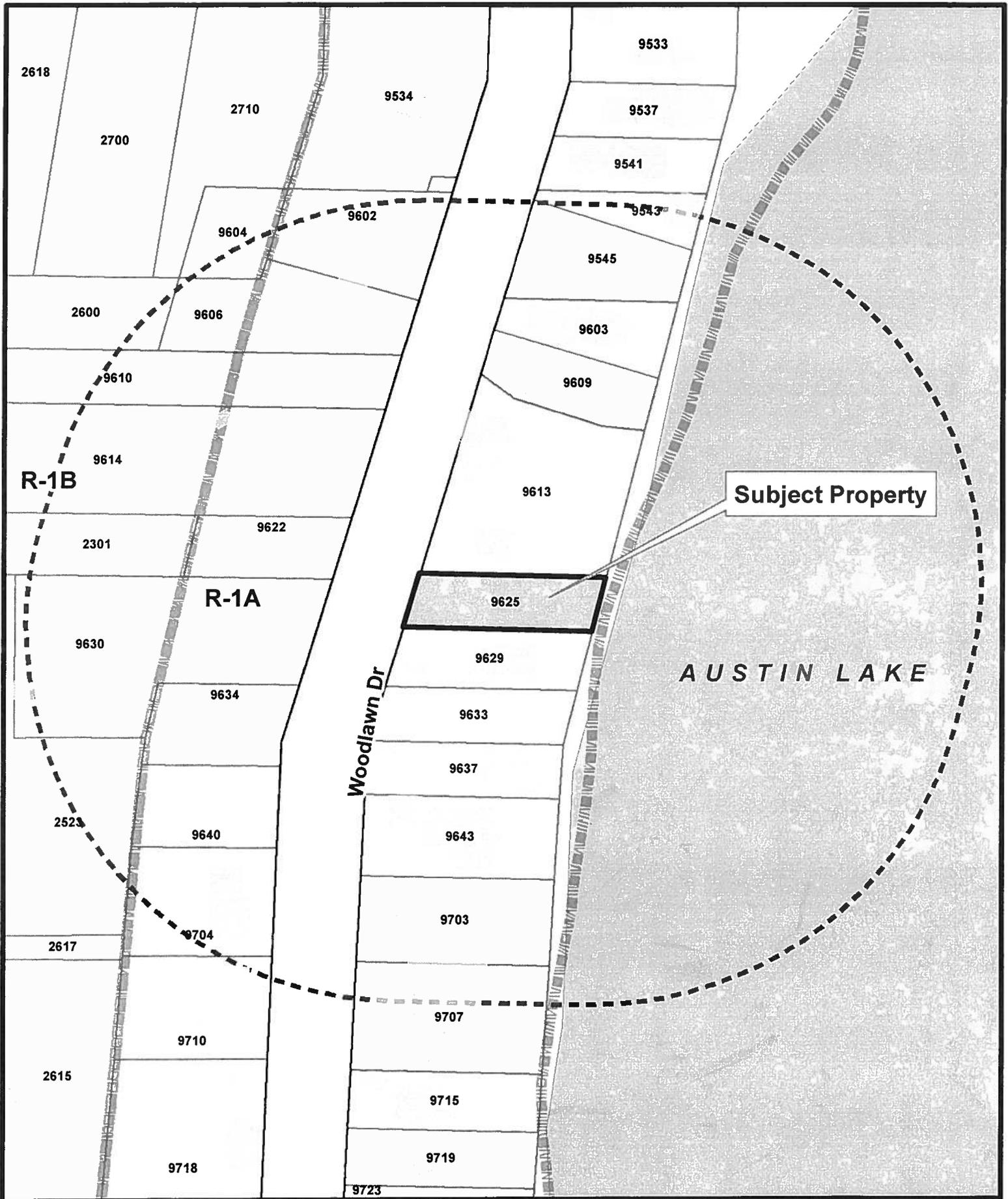
STATEMENT OF CITIZENS:

None

ADJOURNMENT: There being no further business, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator



-  Zoning Boundary
-  Subject Properties
-  300' Notification

ZBA 13-05
9625 Woodlawn Drive



1 inch = 100 feet



PORTAGE

A Natural Place to Move

RECEIVED
SEP 04 2011

12-100047

Department of Community Development

COMMUNITY DEVELOPMENT

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date _____

Name of Applicant James & Sari Deters James Deters
Print Signature

Applicant's Address 9625 Woodlawn Phone No. 269-598-7089

Name of Property Owner (if different from Applicant) same

Address currently live 2722 Kalarama, Portage 49024 Phone No. same

Address of the Property that is the subject of this Application:
 Street Address 9625 Woodlawn
 For Platted Property: Lot 12 of Supervisor's Plat McCamley Beach 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 _____ Section _____ Paragraph _____
 Regarding: Use _____ Area _____ Yards _____
 Setbacks north side Parking _____ Other _____

Reason for Request (Also complete page 2 of application): We need 2 1/2' variance from 5' setback to accommodate a decent sized garage & still fit a front door street side.

_____**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>13-5</u>	Filing Date: <u>9/4/13</u>	Tentative Hearing Date: <u>10/14</u>
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.)

Attached

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

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.)

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.)

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.)

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.)

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.)

Attached

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

Attached

Jan DeTo
Signature of Applicant

8-29-13
Date

Attachment to Portage Zoning Board of Appeals Application p. 2 questions

Reason for Variance

9-5-13

1. The property is a substandard sized R-1A lot 45.55' x 132' with an old cottage type home that is in disrepair (see attached pictures). We wish to remove the current house and build a decent sized house for full-time living. The depth of the property and setbacks streetside and lakeside are not a concern. However, given the 5' setbacks on both sides, and the needs of a decent sized attached two stall garage (20' wide), there is not enough room to locate a front door (streetside) that isn't pushed over into the corner of the house (see picture included of this house built).

Therefore, our request is for a variance on the north side boundary of the property line only. The variance would be 2 ½' on the north side setback, on less than 1/5 of the north side property line, and a 6" variance on less than 1/6 of the same property line. In total, the variance would cover less than 40% of the north side property line, and affect the other three setbacks not at all. The 2 ½' section would correspond only to the garage wall (see drawing). The 6" variance would correspond only to the remainder of the north side wall of the house. The 2 ½' variance would allow the garage to 'notch out' from the north side wall two feet. Without this variance the garage would be less than 20' wide and not allow decent use of two cars side by side in the garage. It would also push the front door into the front window (see picture), forcing a relocation of the interior stairs, and basically forcing a costly redraw of the entire house that would be costly and, we believe, unnecessary given the feedback from the neighbors.

The hardship portion of this request is three fold: the narrowness of the lot, the financial considerations created if we have to modify the house without the variance, and the aesthetic look of the house and lot. Our lot is pretty much the smallest anywhere nearby on the lake side of the street. What makes building possible for us is that our brother is a builder of small homes. He uses a stock plan and everything is pre-drawn, costed out, and all sub-contractors have done this repeatedly allowing efficiencies and cost savings. We are not wealthy weekenders from Chicago, 3rd or 4th generation lake family owners, Stryker/Pfizer executives, doctors, or business owners. I am an assistant principal in the public schools, and my wife a Patient Care Asst. at Bronson Hospital. Living on the lake has been our dream, and we hope there is still room for people like us on Austin Lake. Having to redraw the house for the small amount of variance we need would cost thousands of dollars in draftsman, architect, and mechanical fees as well as relocation of stairwells basically resulting in redrawing the whole house. Plan B would be to relocate the front door not facing the street, but entering the home from the side of the garage, creating an unusual and not aesthetically pleasing dwelling in the neighborhood.

2. Our neighbor to the north (where the variance would be) has a 125' wide lot. Their house is on the far side of the lot so there is a lot of open space in between us. They have an attached garage on the house, but a separate unattached garage on the other side of their lot adjoining our lot roughly where the bumpout to our garage would occur. They use it for storage and also store stuff outside between that garage and our shared property line (see included pictures of property line). This means the variance would not crowd a neighbor, limit use or enjoyment of

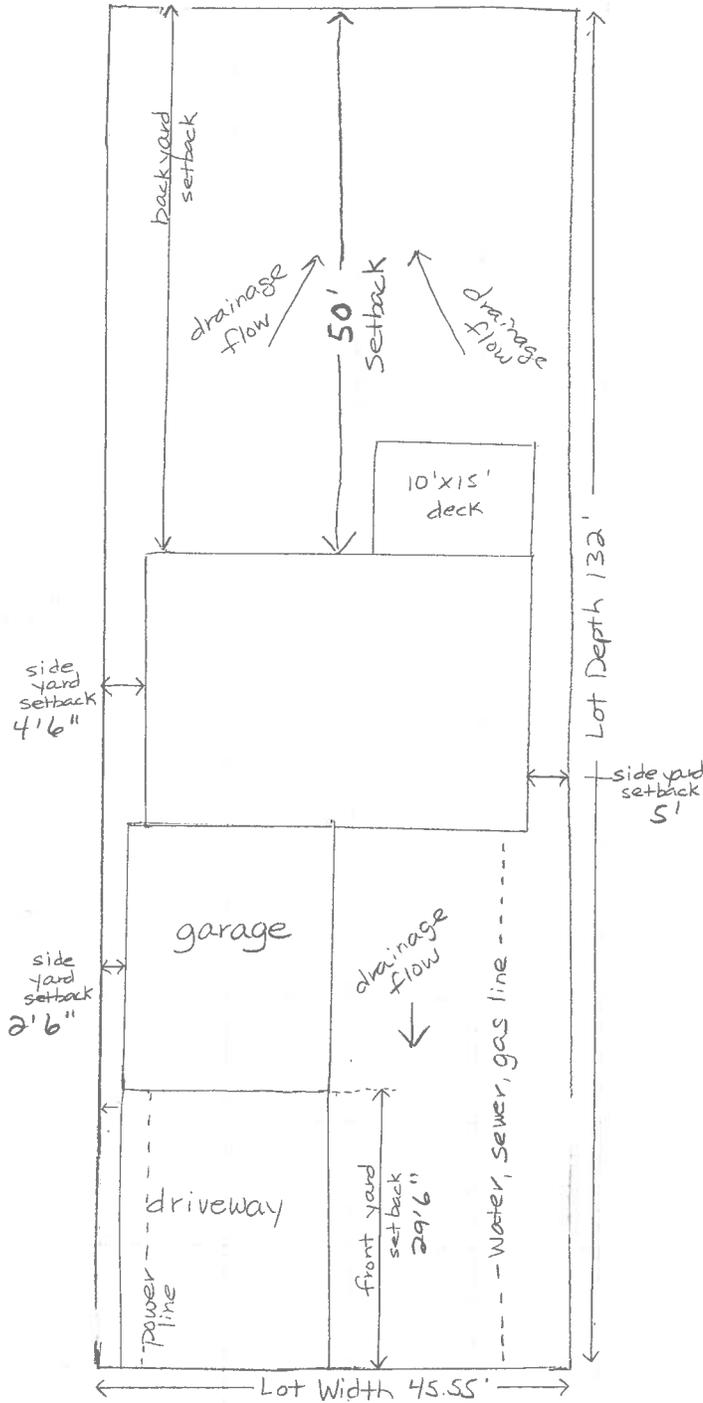
Variance request cont. p.2

their property, or change the aesthetic of the neighborhood. They agree with this and so have been happy to be the first to sign the petition supporting our request. We inquired from them about selling a couple feet and they were not interested in doing so.

Most of the properties on this street have good sized garages, many grandfathered closer to the street, or in some cases on setbacks, than ours would be. Our neighbors across the street have huge lots also. I am not sure what the exact sizes are of most of the lots on Woodlawn, but ours has to be one of the smallest.

3. As stated in #1, there is not enough space to locate an attached garage and a front door on the street side of the house due to the narrowness of the lot. We have chosen a cost-efficient pre-drawn bi-level plan, nothing grand, that needs 38' in width at the garage and 36' in width on the house. Rescaling the entire plan, which has been built many times, would be too costly for us.
4. The 2 ½' is the minimum necessary to accommodate the footprint of a reasonable 2 stall garage. As stated, due to the large lot next door and location of their house, this would not present any negative impact for the neighbor and they support our request. No other neighbor is affected by the variance. Every property owner contacted readily supported the variance request and signed our petition (within 300' we were able to meet with nine – a couple others are renters, and one was not home after repeated attempts). None had any objection and all agreed the variance was logical and just.
5. This is covered mostly in #2 and #4. This variance would in no way change the aesthetic of the neighborhood. In fact, it would improve the outward appearance and balance of the house as seen from the street (see pics). It should be noted also that the current property is one of the few remaining eyesores on the street (to be honest, no disrespect to the recently deceased owner). Several neighbors expressed they were happy to see it go and liked the picture of what the new house would look like. What we are proposing for the house alone (minus the garage) is less than the footprint of the current house, which has no garage, and will be an improvement to the neighborhood. All of the immediate neighbors, and all others contacted nearby, supported the variance by signing the attached petition.
6. The exact footprint of a garage being 2' different to one side, and not closer to the street, would in no way affect traffic, congestion, land usage, or hazards in the neighborhood.
7. I guess you could say it is due to our intended act to replace the existing house which has no garage. No one is at fault for the request.
8. As stated in # 5, the replacement of the current structure would be an improvement to the neighborhood, both in taxable value and aesthetic. The proposed house and garage would abide by the 25% rule for a structure footprint on the property, and maintain setbacks from the street and lake. Our proposal does not add to a 'crowded' feel in the neighborhood or in any way impede or change usage of neighbors' property or public right of ways.

Austin lake



Woodlawn Dr.

James and Sari Deters
3925 Woodlawn Dr.
Portage, MI 49002

Scale:
1 square = 3'

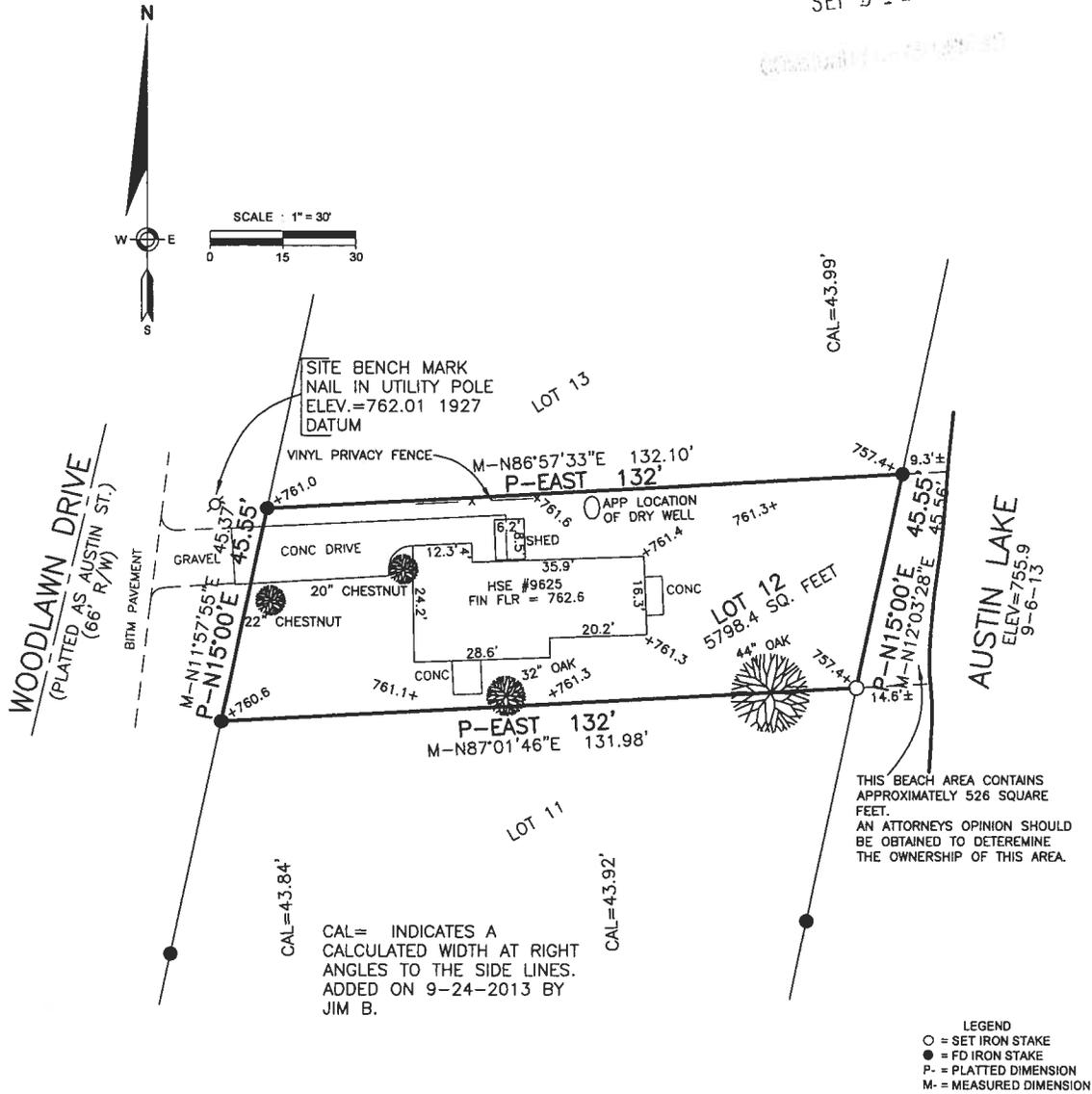
SURVEY CERTIFICATE

If this certificate is used for transfer of title, Act 288 of Public Acts of 1967 must be complied with

I, JOHN C. HUNT, PROFESSIONAL SURVEYOR #23513 IN THE STATE OF MICHIGAN DO HEREBY CERTIFY THAT THE DRAWING HEREIN DELINEATED IS A FULL AND ACCURATE REPRESENTATION OF A LAND SURVEY BEGUN ON 9-6-13 AND COMPLETED ON 9-11-13; FURTHER THAT THE ERROR OF CLOSURE WAS NO GREATER THAN ONE PART IN 5000 AND FURTHER THAT ALL OF THE REQUIREMENTS OF ACT 132 OF THE PUBLIC ACT OF 1970 AS AMENDED HAVE BEEN FULFILLED

LOT 12, SUPERVISOR'S PLAT OF McCAMLEY'S BEACH
AS RECORDED IN LIBER 13 OF PLATS ON PAGE 5,
SITUATED IN SECTION 26, TOWN 3 SOUTH, RANGE
11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY,
MICHIGAN.

RECORDED
SEP 24 2013
COUNTY CLERK



IF THE SURVEYOR'S SIGNATURE & SEAL ARE NOT AQUA-BLUE COLORED, THIS PLAN IS A COPY THAT SHOULD BE ASSUMED TO CONTAIN UNAUTHORIZED ALTERATIONS. THE CERTIFICATION, IF ANY, CONTAINED ON THIS DOCUMENT SHALL NOT APPLY TO ANY COPIES

PREPARED FOR:

JIM DETERS



SCALE: 1" = 30'	JOB NO.: 13-24904	DATE: 9-11-13	
DRAWN BY: j.e.b.		SHEET 1	OF 1
SOUTHWEST SURVEY & ENGINEERING CO., INC.			
Professional Land Survey Services John C. Hunt, P.S. #23513 214 West Michigan Avenue, Paw Paw, MI 49079 Ph.(269)657-6037 Fax (269)657-6139 website: southwestsurveyinc.com email: mail@southwestsurveyinc.com			

City of Portage variance request petition

8-23-13

Re: Property at 9625 Woodlawn, Supervisor's Plat # 12 McCamley Beach

Owners: Jim and Sari Deters

I understand the owners of the above property are requesting a variance of 2 1/2' on a portion of the setback on the north side affecting less than 1/5 of the property line adjoining the neighbor at 9613 Woodlawn (to accommodate attached garage), and a 6" variance on an additional 1/6 of the same property line to accommodate remainder of house. I understand the owners will still construct less than the 25% lot coverage rule held by City of Portage and that the structure will be within established setbacks on the remaining three sides. I understand that the owners of the adjoining affected property on the north side have no objection to the variance requested as indicated by their signature below.

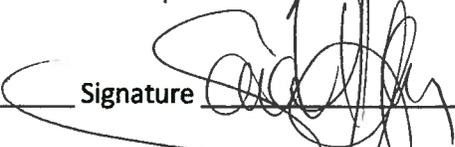
I/we, the undersigned, have no objection to this variance request:

Name (print) John Seelman Signature 

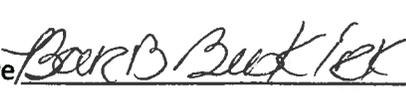
Address 9613 Woodlawn (north side immediate neighbor)

Name (print) Bob Nichols Signature 

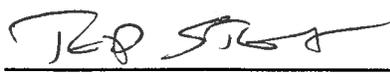
Address 9637 Woodlawn Dr. (neighbor up street south)

Name (print) Sarah Higley Signature 

Address 9704 Woodlawn Drive (neighbor across street)

Name (print) BARB BUSKIRK Signature 

Address 9602 WOODLAWN DR. (neighbor down street north)

Name (print) TED STOLT Signature 

Address 9609 WOODLAWN DR # 1 (neighbor 2 doors north)

Name (print) _____ Signature _____

Address 9629 Woodlawn Dr. (neighbor immediately south)

Name (print) Eric Hanson Signature E. Hanson

Address 9643 Woodlawn Dr (neighbor 2 doors south)

Name (print) Luanne Cook Signature LCook

Address _____

Name (print) Paul Grays Signature Paul Grays

Address 9703 Woodlawn Dr (neighbor 3 doors south)

Name (print) _____ Signature _____

Address 9630 Woodlawn Dr. (neighbor across street)

Name (print) Stacy Heister Signature Stacy Heister

Address _____

Name (print) _____ Signature _____

Address _____

Name (print) _____ Signature _____

Address _____

Name (print) _____ Signature _____



House to be built. You can see how moving garage 2' to right would impact front door + aesthetics, as well as interior.



The part of north side property line that would be affected. Boundary is back of neighbor's garage. They wouldn't see our building through their garage anyway.



The garage would footprint at about the side edge of the concrete. The rest of house not much different than the current house boundary.

This property line is the only one affected by the variance request. All three other setbacks are not an issue.



CURRENT – this is the house that will be replaced – a big improvement to the neighborhood and city value



AFTER – This is the house that we plan to build.

Same house plan landscaped and different color



North side property line. Us to right.
None of this would crowd or change the street.

Neighbor's 125' lot. They have no opposition.



Subject Property

Woodlawn Dr

AUSTIN LAKE

ZBA 13-05
9625 Woodlawn Drive

 Subject Properties



1 inch = 50 feet

TO: Zoning Board of Appeals **DATE:** October 4, 2013

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: ZBA #13-05; James Deters, 9625 Woodlawn Drive, R-1A, One Family Residential

CODE SECTION: 42-350; Schedule of Regulations, p. CD42:84

APPEAL: Requesting a variance to construct a 1,800 square-foot split level dwelling two and one half feet from the (north) side property line where a minimum five-foot side yard is required.

STAFF RECOMMENDATION:

The applicant requests the above variance per the enclosed application, plot plan, photographs, and related materials. The lakefront lot measures 45.5 feet wide by 132 feet deep and is substandard with regard to both lot width and area. It is improved with a 928 square-foot dwelling constructed in 1965, is zoned R-1A, One Family Residential, and is adjacent to other single family residences.

The applicant, who recently purchased the property in September 2013, proposes to demolish the existing dwelling and construct a new 1,800 square-foot split level dwelling with an attached 20-foot wide two-stall garage in front. The living area of the dwelling would be located four and one half feet from the (north) side property line and the garage would be two and one half feet from the (north) side property line. The R-1A district normally requires an eight-foot side yard setback. However, lots substandard in width are permitted a reduced side yard setback of five feet. The new dwelling is proposed to meet all other Zoning Code requirements.

The applicant states the practical difficulties are the narrowness of the lot, the additional expense of modifying the house design such that the garage is made flush with the north side of the dwelling and the location of the entry moved to another location (so as to accommodate a lesser variance), and the undesirable aesthetics of placing the entrance on the side of the dwelling or garage. While it is understood the narrow lot width presents a challenge, since new construction is proposed conforming alternatives are available. The applicant has a specific house design in mind, but constructing a different dwelling design that meets the reduced side yard setbacks is feasible and has been accomplished on many other narrow lakefront properties. As noted above, substandard width lots receive relief with reduced five-foot side yard setbacks, and minimum setbacks are established to provide for fire safety, emergency access, and provide adequate light and air between dwellings. For the aforementioned reasons the variance is not recommended.

PRACTICAL DIFFICULTY:

Applicant notes the narrow substandard lot width, additional cost to redesign the floor plan and aesthetic considerations. 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:

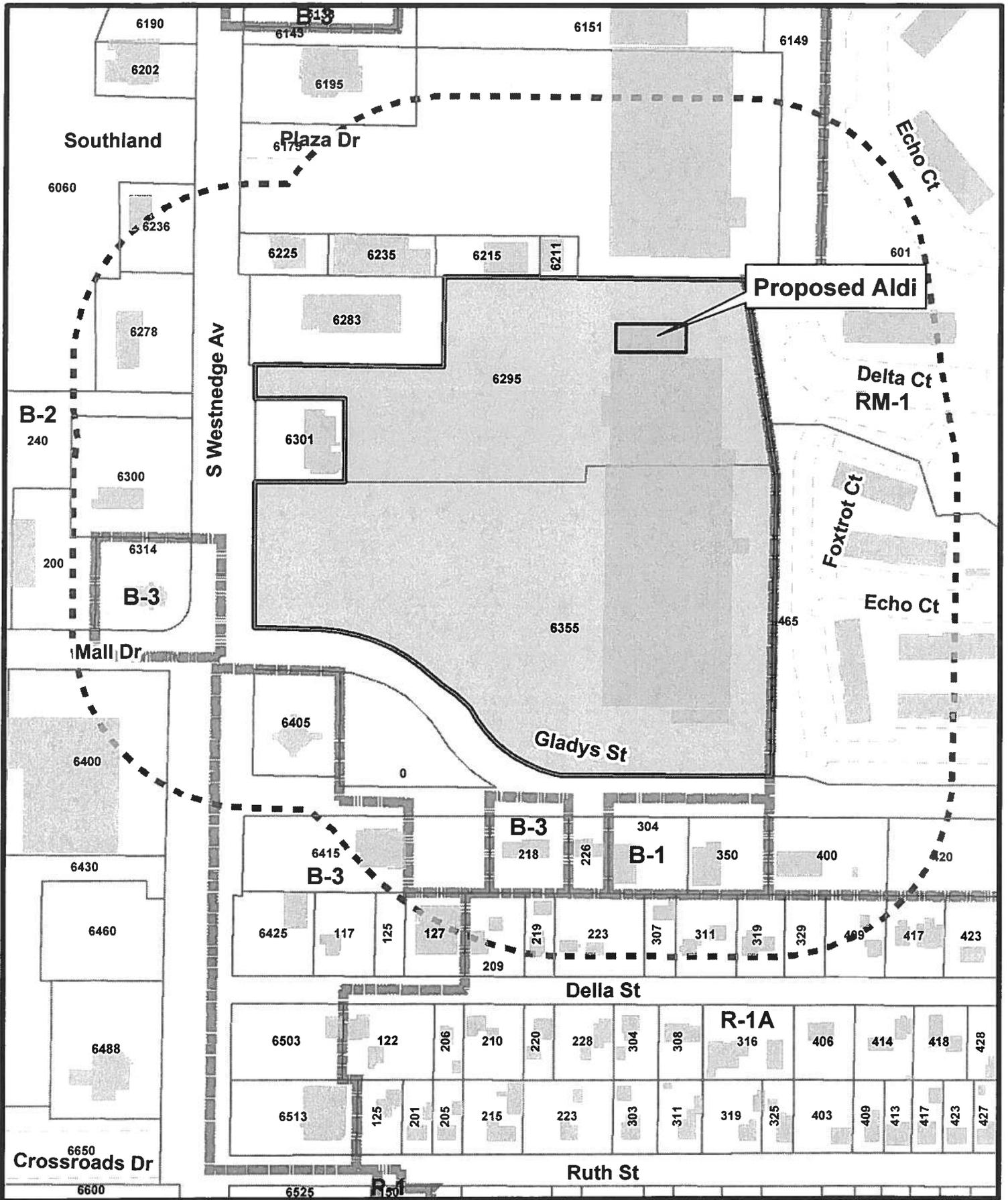
- 1a. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include _____;
- 2a. The variance is necessary for the preservation and enjoyment of a substantial property right, the right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

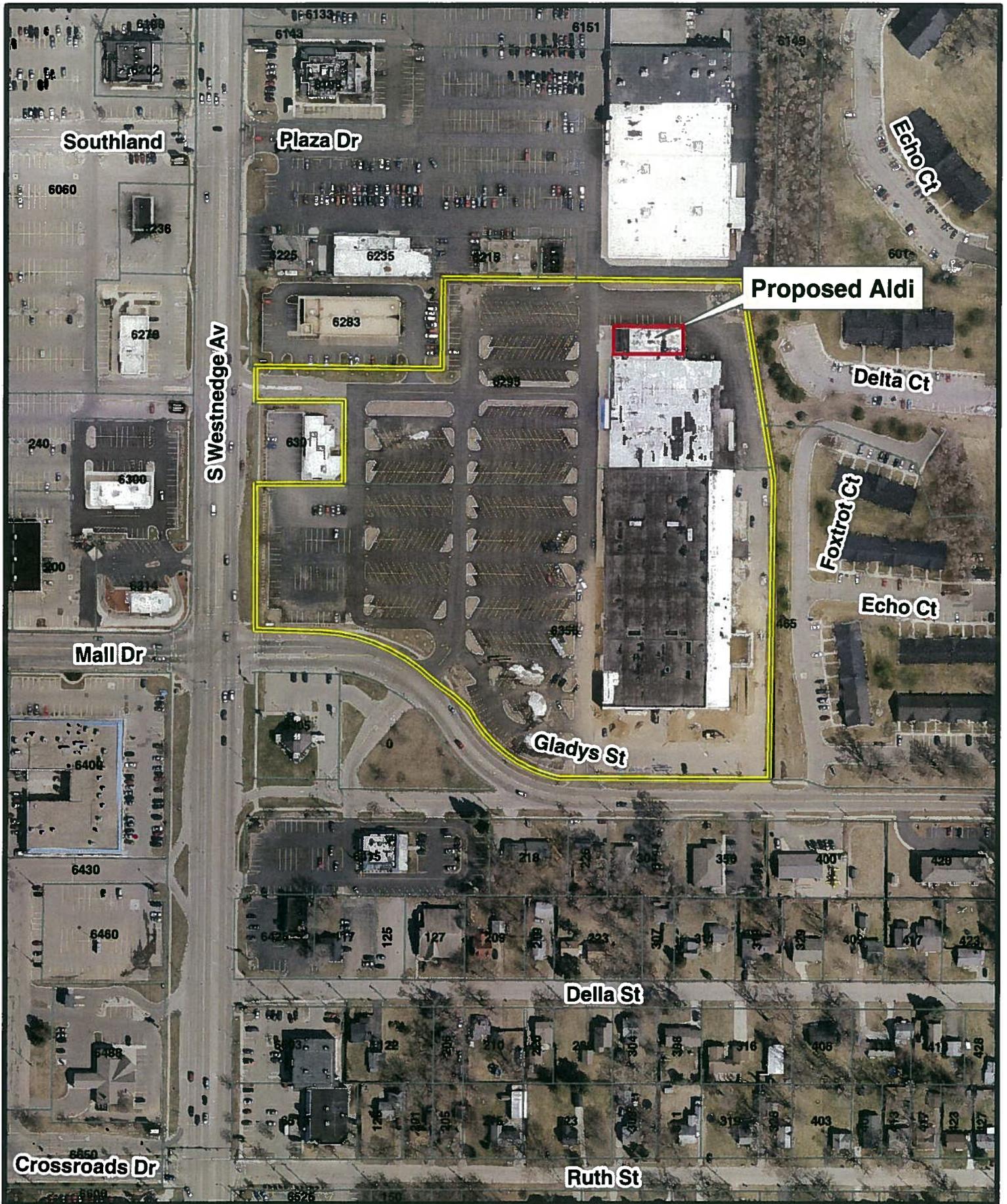


-  Zoning Boundary
-  Subject Properties
-  Notification Area

ZBA 13-06
6295 & 6355 South Westnedge Avenue



1 inch = 200 feet



Proposed Aldi

ZBA 13-06

6295 & 6355 South Westnedge Avenue



1 inch = 200 feet



Department of Community Development

RECEIVED

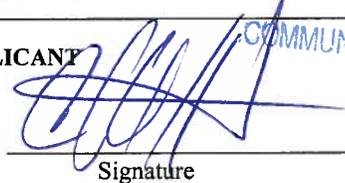
SEP 20 2013

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 9-18-13

Name of Applicant ALDI, INC
Print


Signature

COMMUNITY DEVELOPMENT

Applicant's Address 2625 N. STOKBRIDGE RD
WEBBERVILLE, MI 48892

Phone No. 517-521-3907

Name of Property Owner (if different from Applicant) KIN PROPERTIES, INC

Address 185 NW SPANISH RIVER BLVD SUITE 100 Phone No. 561-620-9200
BOCA RATON, FL 33432

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

Street Address 6295 S. WESTNEDGE AVENUE

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: PROPOSED TENANT

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 11 Section 42-552 Paragraph 1 2

Regarding: Use _____ Area Yards _____

Setbacks _____ Parking _____ Other _____

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

_____ **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>13-06</u>	Filing Date: <u>9/20</u>	Tentative Hearing Date: <u>10/14</u>
Previous Application Filed Regarding This Property: <u>94-75, 95-21, 95-23, 87-48, 97-37</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.)

PLEASE SEE ATTACHED

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

PLEASE 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.)

PLEASE 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.)

PLEASE 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.)

PLEASE 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.)

PLEASE 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.)

PLEASE SEE ATTACHED

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

PLEASE SEE ATTACHED


Signature of Applicant

9/18/13
Date

CITY OF PORTAGE
ZONING BOARD OF APPEALS
APPLICATION ATTACHMENT FOR
ALDI FOOD MARKET VARIANCE REQUEST

Legal Description of Property:

Parcel # 00010-130-O

A parcel of land situated in the Northwest quarter of Section 10, T.3.S., R.11.W., City of Portage, County of Kalamazoo, Michigan being more particularly described as follows:

Commencing at the Northwest corner of Section 10, T.3.S., R.11.W., City of Portage, County of Kalamazoo, Michigan; thence South along the West line of said Section 10, 1492.84 feet; thence S89°52'00" E., 60.00 feet to the Place of Beginning; thence continuing S89°52'00" E., 303.00 feet; thence North parallel with the West line of said Section 10, 150.00 feet; thence S89°52'00" E., 500.50 feet; thence S09°58'50" E., 310.38 feet; thence S00°08'00" W., 517.14 feet to the North right-of-way line of Gladys Street; thence S89°46'00" W., along the North right-of-way line of said Gladys Street, 715.09 feet; thence North parallel with the West line of said Section 10, 176.50 feet ; thence S89°46'00" W., parallel with the North right-of-way line of said Gladys Street, 141.00 feet to a point being 60.00 feet East of the West line of said Section 10; thence North parallel with the West line of said Section 10, 306.68 feet; thence S89°52'00" E., 141.00 feet; thence North parallel with the West line of said Section 10, 139.00 feet; thence N89°52'00" W., 141.00 feet to a point being 60.00 feet East of the West line of said Section 10; thence North parallel with the West line of said Section 10, 56.00 feet to the Place of Beginning.

Except that portion of the above described property acquired pursuant to Declaration of Taking as disclosed by instruments recorded in Liber 1646, Page 1229, and described as follows:

A fee simple in property located in the City of Portage, Kalamazoo County, Michigan and described as: A parcel of land to be used for right-of-way purposes in the Northwest quarter of Section 10, T.3.S., R.11.W., City of Portage, Kalamazoo County, Michigan, described as: Commencing at the Northwest corner of said Section 10; thence South on the West line of said Section 10 a distance of 1994.52 feet; thence East 60.00 feet to the East right-of-way line of Westnedge Avenue and the Point of Beginning of the land herein described; thence continuing East 141.00 feet; thence South 176.50 feet to the North line of Gladys Street; thence East on said North line 356.73 feet; thence Northwesterly 188.71 feet on a 214.50 foot radius curve to the right whose chord bears N55°12'11" W., 182.68 feet; thence Northwesterly 95.65 feet on a 274.50 foot radius curve to the left whose chord bears N39°59'16" W., 95.17 feet; thence N40°01'46" E., 5.00 feet; thence Northwesterly 195.27 feet on a 279.50 foot radius curve to the left whose chord bears N69°59'06" W. 191.32 feet; thence West 110.01 feet to the East right-of-way line of Westnedge Avenue; thence South on said East right-of-way line 70.00 feet to the Point of Beginning.

Project Description:

ALDI, Inc. is proposing to redevelop the north end cap of the existing commercial center located at 6295 & 6355 South Westnedge Avenue in the City of Portage, Michigan. The proposed redevelopment project includes demolition of the north +/- 135 feet of the existing commercial strip center and construction of a new +/-17,000 SF ALDI Food Market. The southern +/- 500 feet of this existing commercial center is currently under construction and redevelopment as a Hobby Lobby and a Dick's Sporting Goods. The addition of the ALDI Food Market will complete the revitalization of this commercial center.

The proposed ALDI Food Market has been designed to fit within the unique existing site constraints of this property, while providing an aesthetically pleasing appearance that is compatible with the rest of the commercial center. The ALDI Food Market building is proposed at 117'-4" wide and 164'-0" deep. The front façade proposes a combination of block, brick, glass, aluminum and EIFS materials to create a very attractive commercial structure. The front façade also incorporates pilasters and a stepped parapet, ranging from 24 to 30 feet high, to compliment the proposed facades of both Hobby Lobby and Dick's Sporting Goods and to ensure a cohesive and pleasing appearance for the overall commercial center.

The proposed wall signage includes two ALDI logo signs and a Food Market sign. Each logo sign is 9'-5 ½" high x 7'-11 ½" wide for an area of 75.27 SF each. The Food Market sign is 1'-6" high x 14'-3 ¼" wide for an area of 21.41 SF. The total proposed area of wall signage is 171.95 SF. The proposed wall signs have been designed to be proportional to the façade of the building and compatible with the approved wall signage of Hobby Lobby and Dick's Sporting Goods. The proposed wall signs compliment the ALDI's façade and do not create an appearance that is too large, too small or out of place.

The placement of the wall signage has been specifically chosen to provide a visually attractive appearance while also directing patrons to the store's location without the use of flashing, blinking, obnoxious or otherwise unpleasant signage that is distracting to the general public. The ALDI logo proposed for the southern portion of the façade, adjacent to Hobby Lobby, informs patrons entering the shopping center through the Westnedge entrance drive of the store's location. The placement of this sign is important as the entrance to the store is on the northwest corner of the building which is hidden behind Belle Tire. There is significantly limited visibility of the store's entrance from Westnedge Avenue. Once the customer passes Belle Tire and completely enters the parking lot, then the rest of the building becomes visible. The second ALDI logo and Food Market wall signs are grouped over the entrance location in standard ALDI fashion. The placement of these signs is also critical as they direct the customers to the store's entrance location. Identifying the store's entrance location eliminates confusion of how to access the store and informs disabled patrons of where they will find barrier free parking spaces within a reasonable distance from the entrance.

Reason for Variance:

ALDI Inc. is requesting a variance to the 200 foot wall frontage requirement set forth in Article 11, Section 42-552, Paragraph I 2 of the City of Portage Code of Ordinances, to allow for additional wall sign area of 72 SF for a building that is setback between 500 and 600 feet from the road right of way, but with less than 200 feet of building wall frontage. We are requesting this variance for the following reasons:

1. **Explanation of How the Property Characteristics Prevent Compliance with the Zoning Ordinance:** The subject property contains an existing commercial strip center and parking area. The southern +/- 500 feet of the existing center are currently under construction and redevelopment as a Hobby Lobby and a Dick's Sporting Goods. The north limit of the Hobby Lobby will be the demising wall between Hobby Lobby and ALDI. The demising wall will be located +/-205 feet south of the north property line of the subject property. The north 15 feet of the subject property contains dedicated utility easements, thus reducing the buildable area between Hobby Lobby and the north property line to +/- 190 feet.

The existing commercial center has been developed with loading areas along the east edge of the subject property behind the existing buildings. Traffic circulation has been previously established to direct truck traffic behind the buildings in a counter clockwise pattern. Trucks enter the loading area from the south east corner of the commercial center and continue north bound around the north side of the buildings and through the parking area out to the main roads. There is not sufficient room between the buildings and the east property line to allow trucks to turn around and exit at the same location they entered. It is therefore necessary to maintain a drive aisle between the north end of the building and the north property line to allow truck traffic to properly circulate. Maintaining a drive aisle along the north end of the site further reduces the buildable area between Hobby Lobby and the north property line to well below 200 feet.

The existing commercial center is setback 571 feet from the Westnedge Avenue right of way. Hobby Lobby and Dick's Sporting Goods both have building wall frontages in excess of 200 feet. The front facades of these stores have been designed with tall entrance parapets and large wall signs in excess of the standard 100 SF allowance, as allowed by the Zoning Ordinance. The ALDI Food Market front façade has been designed to be proportional with and compliment the façade of both Hobby Lobby and Dick's Sporting Goods. The proposed ALDI façade provides a cohesive and aesthetically pleasing appearance with the entire commercial center. The proposed ALDI wall signage is designed to be proportional to the proposed ALDI façade while also being compatible with the approved wall signage of Hobby Lobby and Dick's Sporting Goods. If the size of the ALDI wall signs is reduced to be less than 100 SF total, then wall signs will appear to be too small and disproportionate to the façade. If the parapet lines are reduced to create a façade that is proportional to smaller signs, then the building will appear to be too short and disproportionate to the rest of the commercial center.

The ALDI Food Market is proposed as the north end cap of this commercial center with a setback of 579 feet to the Westnedge Avenue road right of way. The north end cap is hidden behind two existing buildings located directly adjacent to Westnedge Avenue. Construction of a third building between this commercial center and Westnedge Avenue has been approved by the City of Portage. The combination of these factors significantly limits the visibility of the proposed ALDI building. As with any commercial business, visibility and consumer identification are key to survival. The proposed ALDI wall signage has

been designed to ensure reasonable visibility from Westnedge Avenue while still being proportional to the proposed building façade and compatible with the approved wall signage of Hobby Lobby and Dick's Sporting Goods.

The total proposed wall frontage for the entire commercial center is just over 619 linear feet. There are a total of three (3) tenants proposed for this commercial center. The average wall frontage per tenant is in excess of 206 feet each. Although each tenant lease space will be separated by a demising wall, the wall frontage itself will be continuous. If the entire commercial center is considered as a whole (as a cohesive development should be) then each tenant would be allowed a maximum of 200 SF of wall signage and the requested variance would not be necessary.

2. Uniqueness of Physical Property Characteristics:

The combination of the physical characteristics outlined above is unique to this site. Although other neighboring properties may share one of these characteristics, other sites do not share this combination of characteristics which make this site unique. It is the combination of these characteristics that warrants the granting of the variance requested.

3. Reasonable Use of Property:

A 200 foot wide building cannot reasonably be constructed between Hobby Lobby and the north property line. The ALDI Food Market must be less than 200 feet wide due to the existing site constraints. The variance requested is necessary to allow for wall signage that is reasonably visible from Westnedge Avenue and proportional with the exterior building façade. The variance is also necessary to allow ALDI Food Market to appear both proportional and in character with the other tenants in the commercial center.

4. Minimum Necessary Variance:

The variance requested is the minimum variance necessary. If the wall frontage of the north end cap was not limited to less than 200 linear feet by the existing site constraints, then the wall signage could be designed with a maximum area of 200 SF. However the wall signage has not been designed to utilize the maximum potential area, but instead has been designed to be proportional with the ALDI façade, compatible with the wall signage of the adjacent tenants and to be reasonably visible from Westnedge Avenue. Any modification of the variance that would cause the area of the proposed wall signs to be reduced would negatively impact the visibility of the signs, the aesthetic appearance of the façade and the compatibility with the rest of the commercial center. Reduction in the area of the proposed wall signs will not provide any logical or significant benefit to the other property owners in the area.

5. Variance Will Not Create Adverse Affects on Adjacent Properties:

Commercial development is permitted on the subject property and at the location on the property that the ALDI Food Market is proposed. The proposed ALDI Food Market does not encroach upon any building setback requirements nor create any undesired or unpermitted use of property. Wall signage is permitted on commercial structures in the B-2 Zoning District. The proposed ALDI wall signage would be permitted by the Zoning Ordinance if the existing site constraints did not limit the ALDI building frontage to less than 200 feet. The adjacent lease suites within this commercial center are currently under construction and are approved with wall signage in excess of 100 SF each. Granting of the variance will not have an adverse affect on the adjacent properties or alter the character of the area because the variance will actually allow for wall signage that is proportional with the exterior façade of the ALDI structure and compatible with the adjacent lease suites. The exterior façade and proposed wall signage of the ALDI Food Market have been specifically designed to be compatible with the character of Hobby Lobby and Dick's Sporting Goods and to create an aesthetically pleasing appearance for the overall center.

6. Variance Will Not Result in Increased Traffic Congestion, Noise, Fire, Flood and Other Concerns or Hazards:

The subject property is located within a heavy commercial district with frontage on a 5 lane public road. The variance has been requested to permit wall signage with reasonable dimensions, area and placement for this specific development. The size of the wall signage will not create an increase in the traffic congestion on the adjacent roadways. The proposed wall signs will not create noise. The size of the wall signs will have no impact on noise in the area. The signs will be designed and installed in accordance with current electric and building codes. The signs will not utilize open flame, hazardous or combustible materials. The size of the signs will not increase the potential hazard of fire, flood or create a detrimental impact to the area or the property.

7. Is the Reason for the Request, Practical Difficulty or Hardship, Due to the Act of the Applicant or Previous Property Owner?:

The reason for this request, practical difficulties and hardship are the site constraints outlined herein. These site constraints were not created by the Applicant or Owner but are the result of the historical land development patterns which have taken place along the Westledge Avenue corridor. We are requesting this variance because we understand the necessity to design our facility in a manner that is compatible, proportional and in character with the new development and revitalization of this commercial center that is currently underway.

8. How the Variance Would Fulfill the Spirit and Intent of the Zoning Ordinance:

“The Sign Ordinance, Section 42-540, is intended to regulate the use, construction, reconstruction, placement and design of signs in order to protect the public health, safety, peace and general welfare. Specifically, this section seeks to establish reasonable regulations regarding the size, type of construction and manner of anchoring signs and to regulate the time, place and manner of their display.”

Granting of this variance will not change the proposed use, materials, type of construction or placement of the proposed signs and will not impact the public health, safety, peace and general welfare. The proposed signs will serve the same use, be constructed of the same materials and be installed with the same type of construction regardless of size.

Granting of this variance will specifically allow the City to regulate the design, size and manner of display in a positive manner. Granting the variance will allow for signage that is reasonably visible, proportional to the building façade, and compatible with the signage of the adjacent tenants, thus promoting proper design and placement.

“The regulations contained in Section 42-540 involve a recognition that the individual user’s right to convey a message must be balanced against the public’s right to be free of signs which unreasonably compete, distract drivers and pedestrians and produce confusion. In balancing the individual user’s desire to attract attention with the citizen’s right to be free of unreasonable distractions, it is recognized that sign regulations provide business with equal opportunity to attract the public. However, oversized, projecting or crowded signs can lead to pedestrian and driver confusion and distraction, and endanger the public health, safety and welfare.”

The proposed wall signs do not allow for unreasonable competition, do not distract drivers or pedestrians and do not produce confusion. The proposed signage is actually designed to eliminate confusion and provide sufficient direction to drivers and pedestrians without being distracting.

The proposed wall signs are not oversized for the building, do not project out from the building, do not have a crowded appearance, do not lead to pedestrian or driver confusion or distraction and do not endanger the public health, safety or welfare.

“It is further recognized that:”

“Signs should be able to convey their message.”

The proposed signs have been designed to be reasonably visible from Westnedge Avenue to inform the public of the business location.

“Users of property should have reasonable freedom to determine the placement, construction, size and design of signs as well as the location of buildings.”

The ALDI wall signage has been designed of a size, type, manner and placement that meets the Users’ needs while also providing an appearance that is aesthetically pleasing and compatible with the adjacent development.

“Sign needs may vary based on particular circumstances.”

The existing site constraints create a need to provide signage that is larger than the standard allowance of Zoning Ordinance for this specific structure, but not larger than would be permitted for this use if the specific site constraints did not exist.

“It is further recognized that regulations for signs, especially number, size and placement, are desirable in order to:”

“Prevent or limit traffic or pedestrian accidents, injuries, deaths, and property damages resulting from obstructed vision, distraction or confusion to the public or to emergency safety personnel.”

The proposed wall signage does not obstruct vision, does not create distraction and does not create confusion.

“Minimize the risk of damage and injuries from signs that are dilapidated, windblown, electric shock hazards, etc...”

The proposed wall signs are to be new wall signs designed and constructed in accordance with current electric and building codes and do not create a potential risk of damage or injury.

“Achieve some uniformity in the size, number and placement of signs.”

The proposed wall signs are designed, sized and placed to be uniform and compatible with the adjacent tenants in the commercial center.

“Enhance the aesthetics of the community.”

The proposed wall signs are designed to be proportional with the building façade and provide an aesthetically pleasing appearance.

“Prevent blight”

The proposed wall signs do not promote any form of blight.

“Encourage equality among businesses and property.”

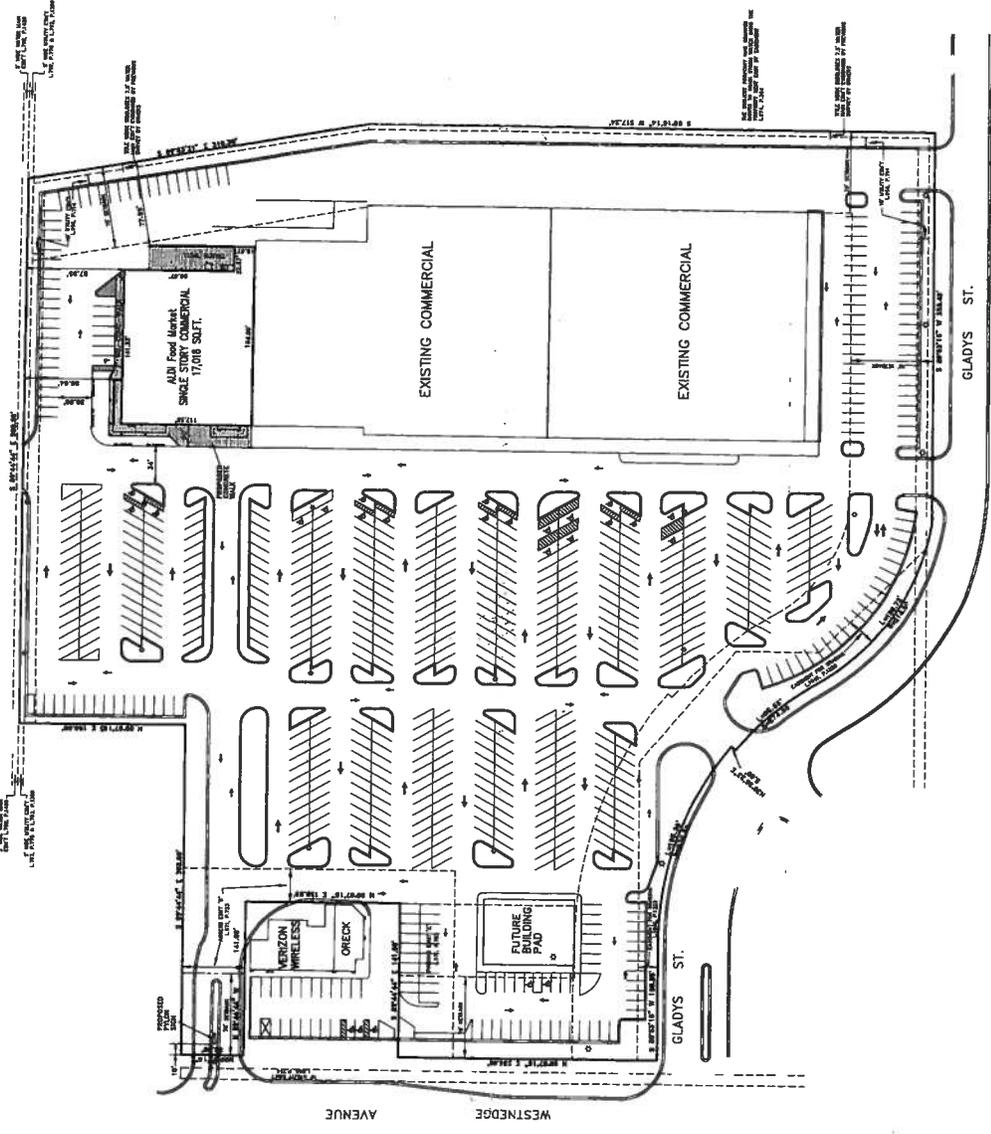
The proposed wall signs are designed to provide an equal level of advertisement as enjoyed by other large commercial entities with the same significant setback from the main roadway.

“Otherwise protect the public health, safety, peace and general welfare.”

The proposed wall signs do not create an adverse effect on the safety, peace or general welfare of the community.



VICINITY SKETCH
No Scale



SITE DATA:
 EXISTING PARCELS:
 00010-130-0
 6285 WESTNEDGE AVENUE
 ± 5.89 ACRES
 ZONED: B-2 COMMUNITY BUSINESS
 00010-135-0
 6285 WESTNEDGE AVENUE
 ± 8.18 ACRES
 ZONED: B-2 COMMUNITY BUSINESS
 PROPOSED USE: COMMERCIAL RETAIL/GROCERY
 PARKING CALCULATIONS:
 REQUIRED = 1 SPACE PER 150 SF. UFA
 10,128 SF / 150 SF. PER SPACE = 68 SPACES



DESIGN CAG	REVISION #	DATE	REVISION DESCRIPTION
DRAFT #10			
CHECK CAG			
ALDI FOOD MARKET PORTAGE, MICHIGAN			
CONCEPTUAL DEVELOPMENT PLAN			
CLIENT:	SCALE: 1/8" = 1'-0"	PROJECT NO.: 10229	DATE: SEP 11, 2013
ALDI, INC. 2021 N. WOODSTOCK RD. WESTBROOK, MICHIGAN 48892 (517) 562-7807			

CP1

STATE OF MICHIGAN
 PROFESSIONAL ENGINEER
 LICENSE NO. 10229
 EXPIRES 12/31/2014

Issue:	Date:
A	
B	
C	
D	

Revisions:	Date:
1	
2	
3	
4	

Special PROJECT ARCHITECT/ENGINEER	DATE
PROJECT LEAD	DATE
PROJECT MANAGER	DATE

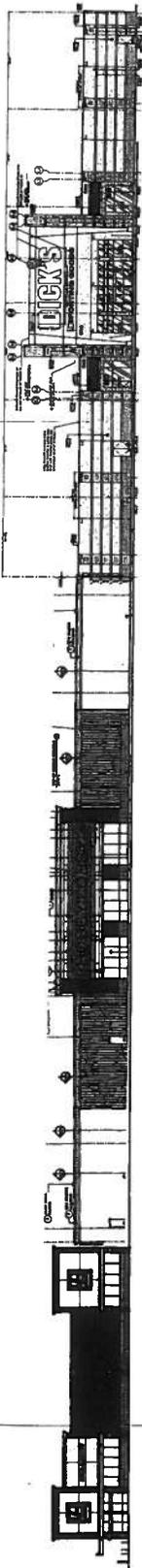
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 APD Engineering, PLLC
 615 Fritch Run
 Victor, NY 14564
 315.522.2272
 www.apd.com



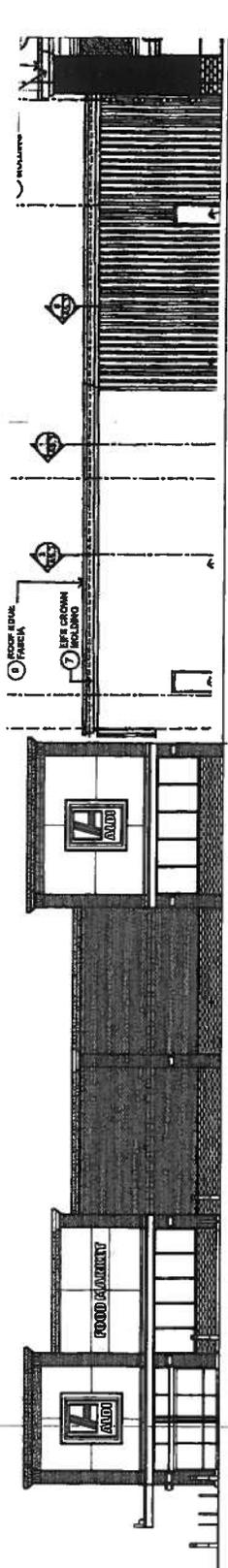
ALDI Inc.
 3251 North Washington Road
 Portage, MI 49002
 Kalamazoo County
 Project Name & Location:

Exterior Elevations
 Drawing Name:

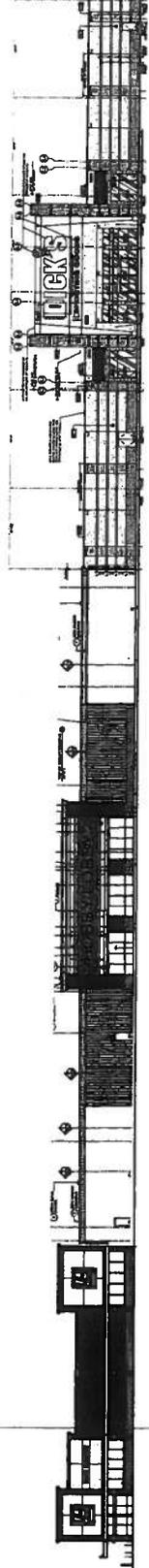
Project No.	11-0144
Date:	06/17/13
Type:	RHSD-V4
Drawn By:	XXX
Scale:	As Noted



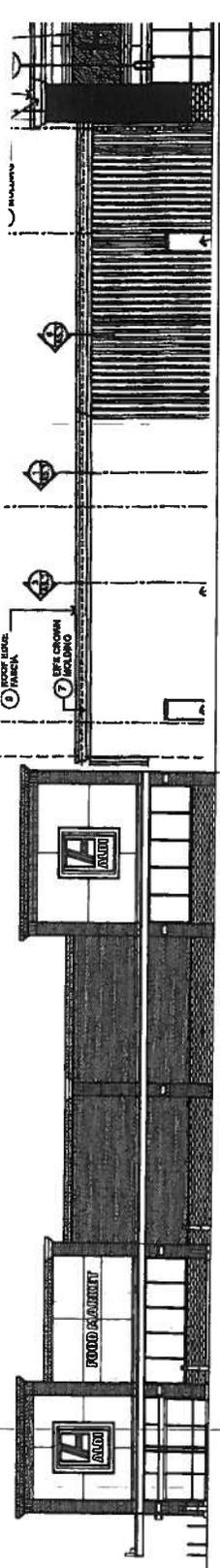
4 Front Elevation Concept 3 - Panoramic
 SCALE: 1/8" = 1'-0"



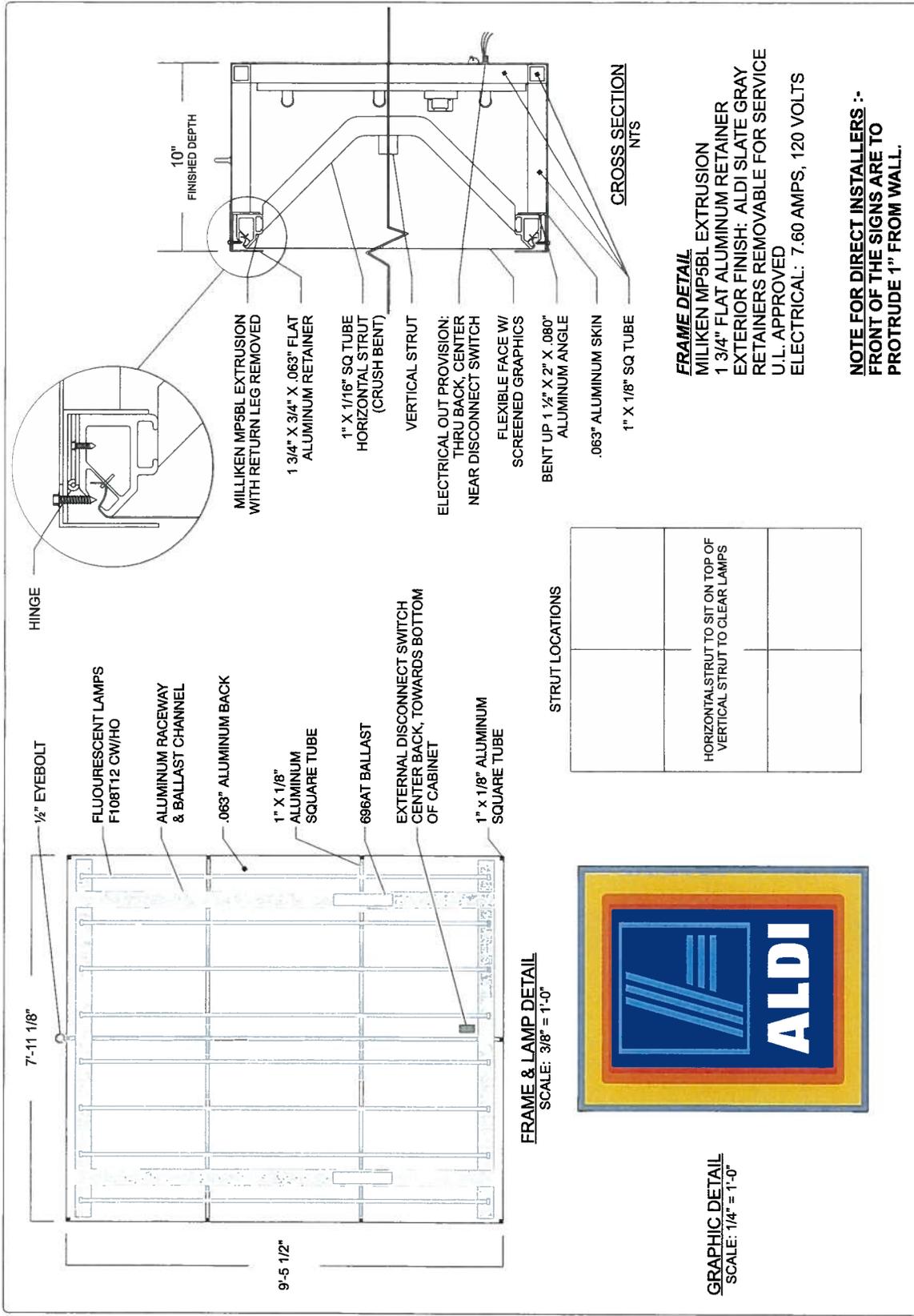
4 Front Elevation Concept 3 - Close-up
 SCALE: 1/8" = 1'-0"



4 Front Elevation Concept 4 - Panoramic
 SCALE: 1/8" = 1'-0"



4 Front Elevation Concept 4 - Close-up
 SCALE: 1/8" = 1'-0"



Customer: ALDI
Location: VARIOUS

Date: 11/2/09
Prepared By: MR/JJA/CM

File Name: 61178 - R3 - 9X7 SF PROTOTYPE 2009 C-PRINT
ENG: X

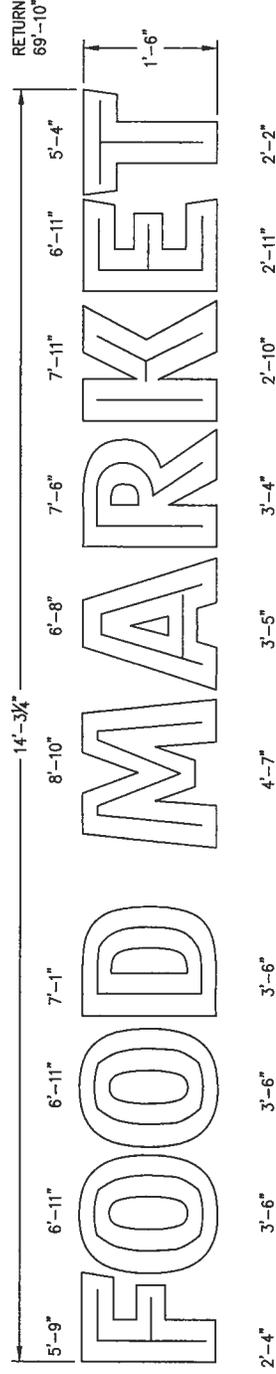
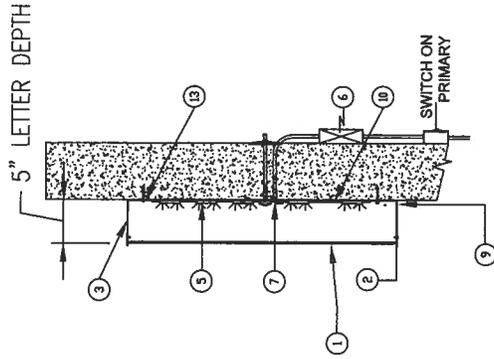
PERSONA
 Sign Makers / Image Builders
 Ph: 1-800-843-9888

DISTRIBUTED BY SIGN UP COMPANY
 700 21st STREET SOUTHWEST
 PO BOX 210
 WATERTOWN, SD 57201-0510

MATERIAL LIST	
ITEM	QTY
2	68"-10"
3	69"-10"
5	32"-1"
6	2
7	10
8	1
9	
10	10
11	
13	

ELECTRICAL SPECS		
ITEM	QTY	DESCRIPTION
1	2	MODULAR 60 POWER SUPPLY @ 1 AMP
1	32'-1"	SLOW QLS

LED 32'-1"
 2 x MOD60 POWER SUPPLY @ 1 AMP EACH
 240 WATS TOTAL
 PSI = F,O,O,D
 PS2 = M,A,R,K,E,T



1'-6" x 14' Channel Letters

TO: Zoning Board of Appeals **DATE:** October 4, 2013
FROM: Vicki Georgeau, ^{VA} Director of Community Development
SUBJECT: ZBA #13-06; Aldi Inc., 6295 and 6355 South Westnedge Avenue; B-2, Community Business
CODE SECTION: 42-552(H); B-2 Wall Signs, p. CD42:132.1 – 132.2
APPEAL: Requesting a variance to erect 172 square feet of wall signs where a maximum 100 square feet is permitted.

STAFF RECOMMENDATION:

The applicant requests the above variance per the enclosed application, sign sketches, and site plan. The 13.7 acre zoning lot is comprised of two parcels, 6295 and 6355 South Westnedge Avenue, and is improved with a 122,000 square foot commercial building. The property is zoned B-2 Community Business, and is adjacent to other commercial properties to the west, south and north, and a multi-family apartment complex to the east.

The commercial center was recently renovated to accommodate two new tenants: Dick's Sporting Goods and Hobby Lobby. The applicant, Aldi Food Market, proposes to demolish the north end of the building and construct a new approximate 17,000 square-foot store at the north end of the building with a lineal wall length of 117 feet. Two 75.2 square-foot "Aldi" wall sign logos and a 21.4 square-foot "food market" wall sign, totaling a combined 172 square feet in area are proposed on the west wall of the store. Because the proposed wall signs exceed the maximum permitted 100 square feet, a variance is needed.

The property has frontage on South Westnedge Avenue, but the building is setback nearly 600 feet. A freestanding sign will identify the tenant at the north drive entrance, but view of the west elevation is obscured by other commercial buildings in front (Belle Tire, Verizon/Oreck, etc.) leaving two vantage points that the proposed wall signs can be seen from: a narrow angle near the north drive entrance, and from the southwest near the intersection of Gladys and South Westnedge. The proposed Aldi logos will be placed at both the north and south ends of the tenant space, to optimize visibility at the aforementioned vantage points and facilitate customer way-finding. The proposed signs are consistent with the scale of the front building wall. If the wall length were 200 lineal feet, the proposed signs would be permitted without a variance. The variance will not be detrimental to adjacent property, and will not impair the intent and purpose of the Zoning Ordinance. For these reasons, the variance can be recommended.

PRACTICAL DIFFICULTY:

Significant building setback. View of west elevation partly obstructed. 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.**