



ZONING BOARD OF APPEALS

August 11, 2014

CITY OF PORTAGE ZONING BOARD OF APPEALS

Monday, June 9, 2014

(7:00 pm)

**Portage City Hall
Council Chambers**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

- * June 9, 2014 meeting

OLD BUSINESS:

NEW BUSINESS:

- * 1. ZBA #14-2 Andy Poulson, 2375 East Centre Avenue Requesting a variance to construct a new freestanding sign 5-feet from the front property line (East Centre Avenue right-of-way) where a minimum 10-foot setback is required.
- * 2. ZBA #14-3 The Air Zoo, 6151 Portage Road: Requesting: a) a Temporary Use Permit to allow an outdoor promotional event, the "2014 High on Kalamazoo Balloon Fest," from September 26 through September 28, 2014; and b) a variance to modify a nonconforming non-accessory sign at 6000 Portage Road.

OTHER BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

Star (*) indicates printed material within the agenda packet

CITY OF PORTAGE ZONING BOARD OF APPEALS

 DRAFT

Minutes of Meeting – June 9, 2014

The City of Portage Zoning Board of Appeals meeting was called to order by Jeffrey Bright at 7:00 p.m. in the Council Chambers. One person was in the audience.

MEMBERS PRESENT: Tim Bunch, Randall Schau, Michael Robbe, Doug Rhodus, Jeffrey Bright, Phillip Schaeffer, and Chadwick Learned.

MEMBERS EXCUSED: Lowell Seyburn, Glenn Smith

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

APPROVAL OF THE MINUTES: Robbe moved and Bunch seconded a motion to approve the April 28, 2014 minutes as submitted. Upon voice vote, motion was approved 7-0.

NEW BUSINESS:

ZBA #13-14, 1127 Schuring Road: Mais summarized the request for a variance to construct a 13-foot by 21.5-foot sunroom 4.5 feet from a swimming pool where a minimum 10-foot building separation is required. The applicant's builder, Silas Mulder, stated requiring 10 feet of separation between a pool and a dwelling would prevent problems if a house foundation was too close to an in-ground pool. The proposed sunroom, however, would be situated on the existing deck and the pool would be 4.5 feet from pylon footings, as opposed to a full foundation. Mr. Mulder said he would also replace any footings or supports that were necessary. Mr. Mulder stated the code allowed a covered deck to be immediately adjacent to a pool and believed the proposed 4.5-foot separation was adequate for this situation. Mr. Mulder stated staff's suggestion for a lesser variance would not allow sufficient room to accommodate a table and chairs. In addition, the deck currently covered a recessed area surrounded by a retaining wall and if the sunroom was cut back three feet it would allow that area to fill up with water and flood whenever it rained. Robbe and Learned both noted the applicant could build a covered deck instead of a sunroom without a variance, or with a lesser variance could construct a smaller sunroom with a 3 foot cantilever projecting past the sunroom which would cover the recessed area if flooding was a concern. The property owner, Lynn Hartman, stated they had considered other options but believed the three season room was the only acceptable option as it would keep the insects out and provide the space they wanted. Bright inquired if the applicant would consider accepting a lesser variance. Ms. Hartman replied no

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

A motion was made by Learned, seconded by Robbe to deny the request for a variance to construct a 13-foot by 21.5-foot sunroom 4.5 feet from a swimming pool where a minimum 10-foot building separation is required for the following reasons: there are no exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the zoning district; and 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 and vicinity because there are conforming or less nonconforming alternatives available such as constructing a covered deck or a smaller sunroom . Upon roll call vote: Robbe-Yes, Rhodus-Yes, Learned-Yes, Schau-Yes, Bunch-Yes, Schaeffer-Yes, Bright-Yes. Motion passed 7-0.

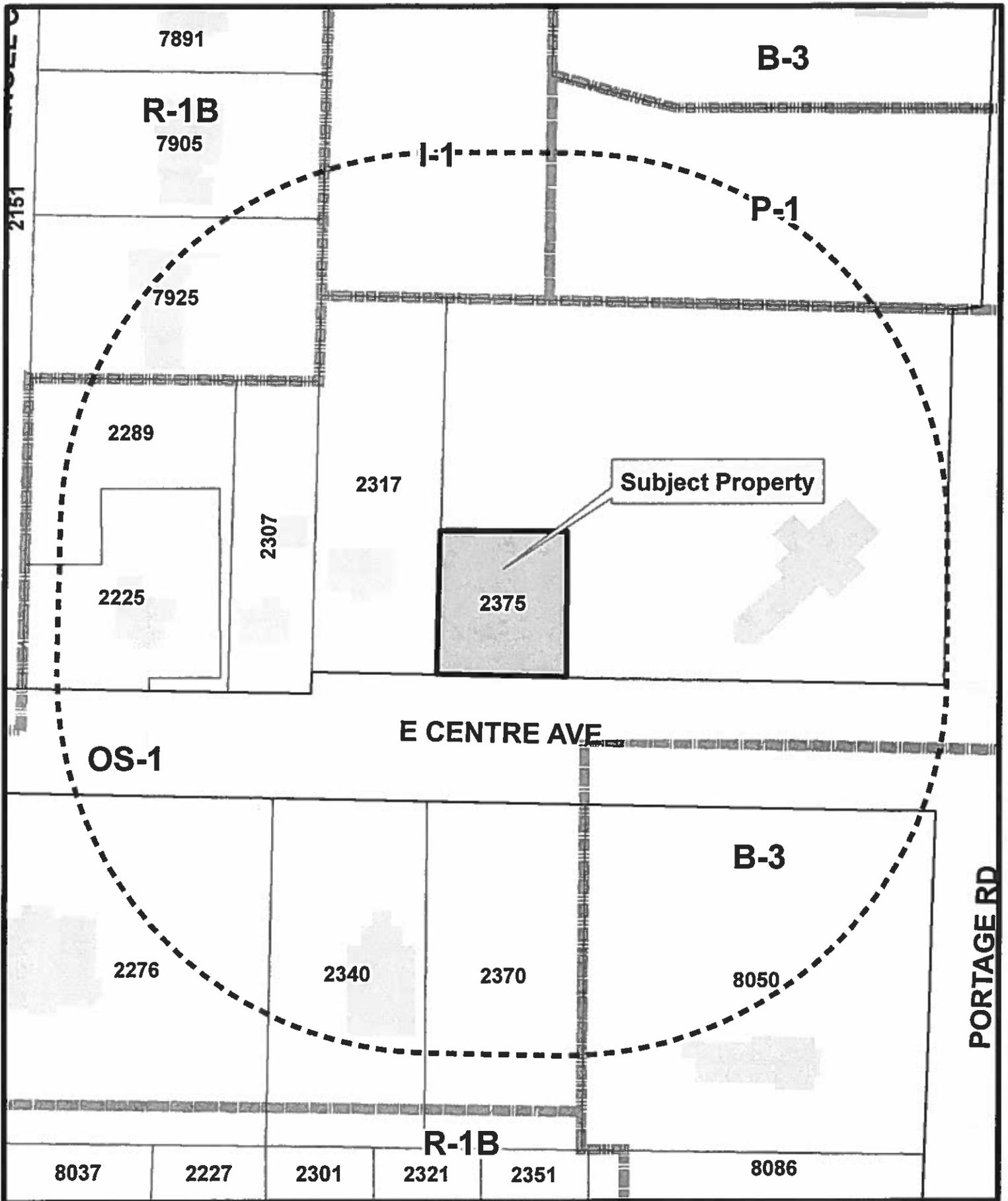
OTHER BUSINESS: Officer elections were held with Bright elected as Chair, Schaeffer as Vice Chair and Smith as Secretary.

STATEMENT OF CITIZENS:

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:40 p.m.

Respectfully submitted,

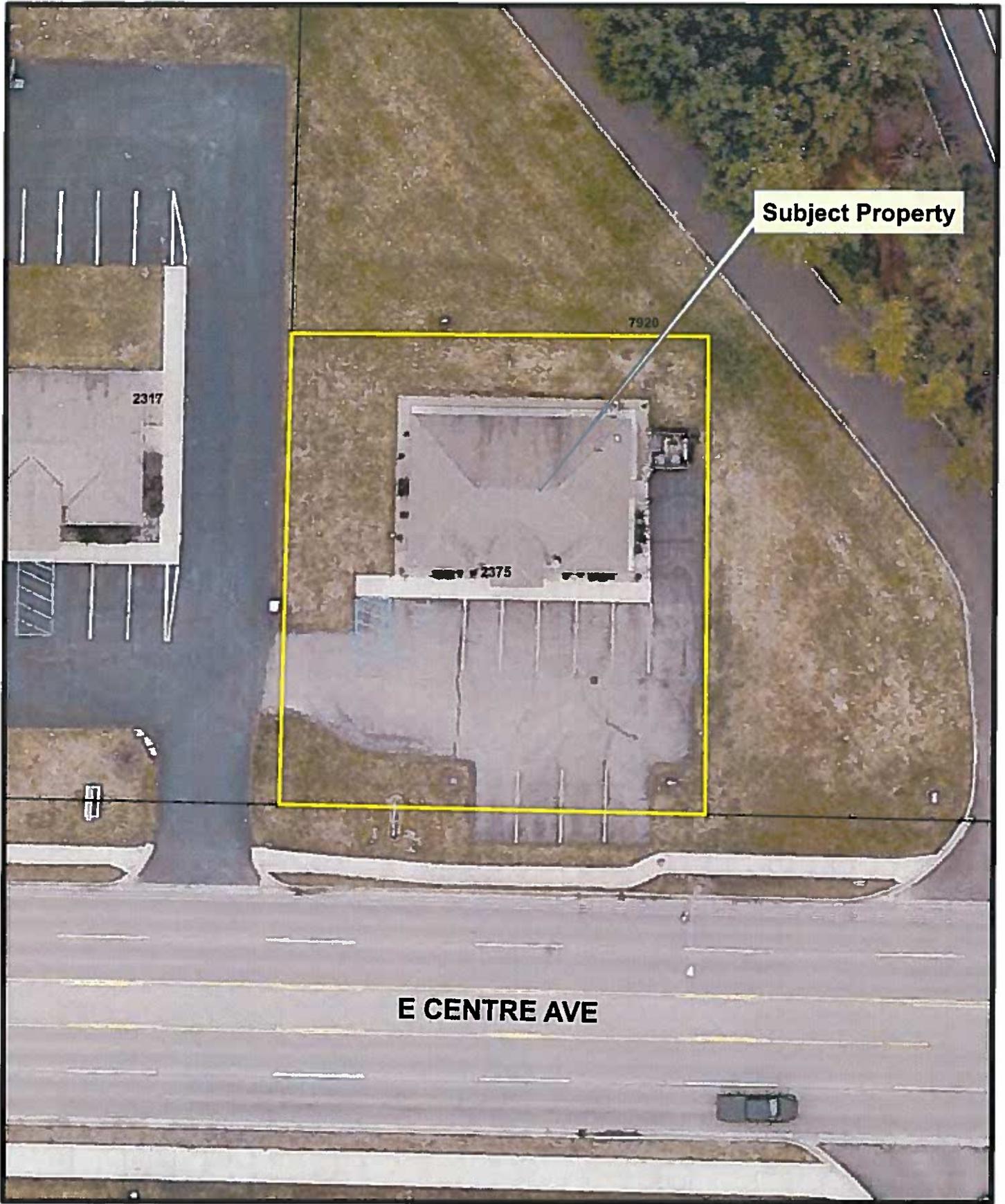
Jeff Mais
Zoning & Codes Administrator



ZBA 14-02
2375 East Centre Avenue

 Zoning Boundary
 Notification Area


 1 inch = 100 feet



 Subject Property

Aerial Photo
2375 East Centre Avenue


1 inch = 30 feet



ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 7-11-14
Name of Applicant ANOY POWLSEN
Applicant's Address 2375 E. Centre Ave
Name of Property Owner (if different from Applicant)
Address
Phone No.

Address of the Property that is the subject of this Application:
Street Address 2375 E. Centre Ave
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: 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 Parking Other

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

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: 14-1 Filing Date: 7/14/14 Tentative Hearing Date: 8/11/14
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.)

See Attached.

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

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

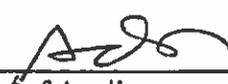
4. Is the variance the minimum necessary to permit reasonable use of the land and buildings, or would a lesser variance be fair and equitable to the applicant as well as logical and just to other property owners in the area? (Attach additional sheets if needed.)

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.)

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.)

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.)

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



Signature of Applicant

7-11-14

Date

RECEIVED
JUL 18 2014
COMMUNITY DEVELOPMENT

Zoning Board of Appeals attachment to 07/11/2014 application.

RE: 2375 E. Centre Ave

I recently purchased this property for my office and while applying for my sign permit it came to my attention that the original site map from 1997 was incorrect and that the existing sign was in the public right of way.

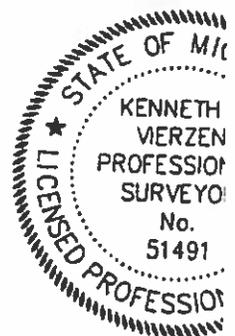
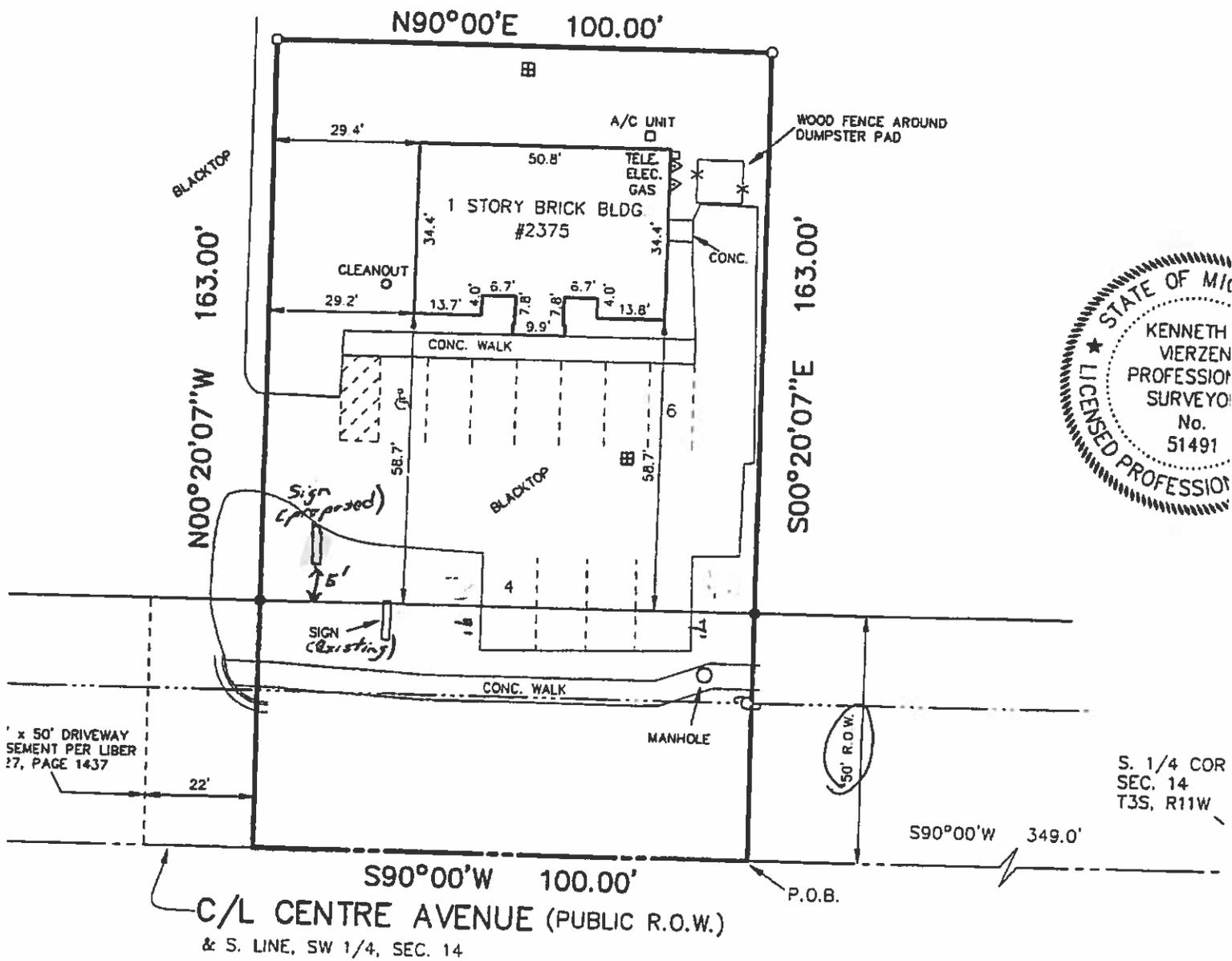
Given the new and correct site map, it appears that it would not be possible to meet the setback requirement for my new sign without putting it in my parking lot. I am more than happy to place the sign as far away as possible from the property line, but appears I would need a variance anywhere I put it.

I believe I can go 5 feet off the property line and have my sign in a place where it is still visible and also be clear from vehicles using my parking lot (UPS, Fed-Ex, tow trucks, etc.). In this case I would need a variance to be 5 feet off the property line.

This practical difficulty was not created by myself as the original site map was incorrect. The building, parking, signage, etc. were built using the original site map. When I purchased the building, I was under the assumption that I could put my sign in the same place that it has been for the last 15-20 years. My original plan was to erect a sign that stood approx. 6 feet off the ground, both for visual safety of motorist and visibility for my office

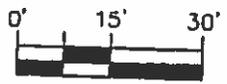
If I could move the sign out of the right of way I believe it could still be a functional sign as far as to identify my office as well as advertising. Placing the sign here should not cause any adverse affect to other property owners and will maintain the integrity of the visual landscape. In fact, I believe that my sign being 6-7 feet off the ground will be less of a visual impairment than the existing sign.

100.00 feet; thence North 00°20'07" W North) 163.00 feet; thence East 100.00 South 00°20'07" East 163.00 feet to b
 Commonly known as: 2375 E. Centre Av
 Tax ID No.: 00014-080-B



50' x 50' DRIVEWAY
 CEMENT PER LIBER
 27, PAGE 1437

S. 1/4 COR
 SEC. 14
 T3S, R11W



SCALE: 1" = 30'

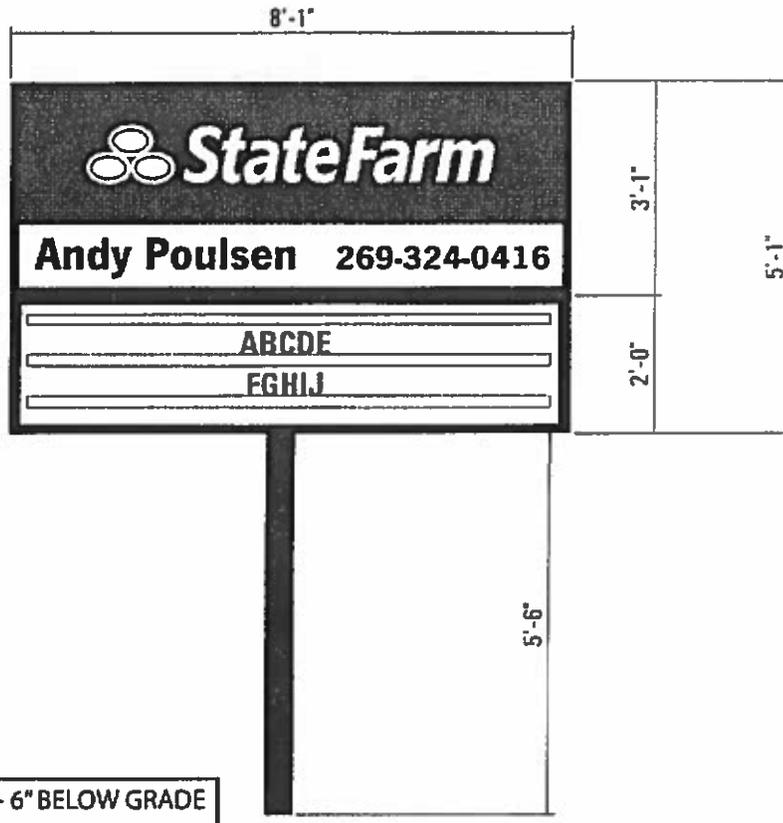
SCALE: 1" = 30'

LEGEND

Notes:

1. Description and easements of record are as shown on the plat of record at Devon Title Agency Commitment No. 87 effective date of March 04, 2014.
2. The bearings shown hereon are based on the meridian of the Southwest 1/4 of Section 14 as shown on the plat of record as furnished.
3. This property contains 16,300 square feet.

Standard New Box Sign 3'-1" x 8'-1" With Readerboard



Custom: (1) 5'1"x8'1" State Farm / Agent Imprint with Readerboard Double Face Center Pole Mount
 Illuminated Sign Flat Non-Glare UV Polycarbonate Faces -9-3/4"Deep Cabinet with Dark Gray Metallic Finish
 -H-Bar Divider -Complete with On/Off Toggle Switch -IBC Compliant
 Top Portion: 3'8"State Farm / Agent Imprint Panels
 Bottom Portion: 2'8"Readerboard with 2 Rows of Track to Accommodate 8"Slide-In Readerboard Letters

THIS ARTWORK IS TO BE USED FOR GRAPHIC REPRESENTATION ONLY

5/1/14
REV

THE InSite Group
 solutions for your project needs
 7675 Oak Ridge Highway • Knoxville, Tennessee 37931
 (865) 242-8200 Office • (865) 539-8311 Fax
 www.thesitegroup.com

SFA227338 Andy Poulsen

Customer Approval or Comments:

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File No.: SFA227338-1

Scale: 1:32

Date: 23MAY14

TO: Zoning Board of Appeals **DATE:** August 1, 2014

FROM: Vicki Georgeau, ^{lb} Director of Community Development

SUBJECT: ZBA #14-2; Andy Poulsen, 2375 East Centre Avenue, OS-1, Office Service District

CODE SECTION: 42-550(A)(1); Signs, OS-1, Office Services and OTR, Office, Technology and Research Districts, p. CD42:132

APPEAL: Requesting a variance to construct a new freestanding sign 5-feet from the front property line (East Centre Avenue right-of-way) where a minimum 10-foot setback is required.

STAFF RECOMMENDATION:

The applicant requests the above variance per the enclosed application, supporting letter, site plan and related materials. The property is 0.26 acres in size (100-feet by 115-feet), zoned OS-1, office service and is occupied by a 1,676 square foot office building and related improvements constructed in 1997. The subject parcel is bordered to the east, west and north by office land uses and OS-1 zoned property. Office land uses and zoning are also present to the south, across East Centre Avenue.

As background information for the Board, the site plan for the existing office development received Planning Commission approval on April 17, 1997. The architect who prepared the original site plan identified a 66-foot East Centre Avenue right-of-way width (33-feet from centerline) adjacent to 2375 East Centre Avenue. The approved site plan also indicates the freestanding sign and off-street parking lot will be setback 10 feet (minimum required) from the East Centre Avenue right-of-way line. Based on the information shown on the site plan, a sign permit was subsequently issued in 1997. It has been determined the site plan prepared by the architect in 1997 was in error and the actual East Centre Avenue right-of-way adjacent to 2375 East Centre Avenue is 100-feet wide (50-feet from centerline). As a result of this site plan error, the freestanding sign and a portion of the off-street parking lot originally installed in 1997 are located within the East Centre Avenue right-of-way. According to the applicant, he was unaware of this issue when he recently purchased the property and applied for a permit to remove the existing sign and install a new sign.

While the applicant has worked with Department staff to identify an alternative location for the new freestanding sign that is outside of the East Centre Avenue right-of-way and would meet the minimum 10-foot property line setback, the size and configuration of the property, location of existing site improvements (building and parking facilities) and greater right-of-way width limit conforming

ZBA #14-2
2375 East Centre Avenue

locations. Removal an existing parking space along the south property line to accommodate the sign, (11 off-street parking spaces exist, where 10 are required as noted on the approved site plan), is problematic. Without a variance, a portion of the sign would overhang into the maneuvering lane area causing a potential vehicular and/or pedestrian obstruction. Placement of the sign near the building (approximately 45 feet from the front property line) would significantly limit sign visibility. Given these site constraints, the applicant is proposing a new freestanding sign location that will be setback 5-feet from the front property line (East Centre Avenue right-of-way). The proposed sign location eliminates the right-of-way encroachment and will not have adverse impacts on adjacent properties. For the reasons mentioned above, the variance is recommended.

Finally, and for Board information, the issue of a portion of the off-street parking area being partially situated within the East Centre Avenue right-of-way is a matter for City Council consideration. Furthermore, the adjacent property to the west (2317 East Centre Avenue) also has a freestanding sign that is located within the East Centre Avenue right-of-way due to a similar site plan preparation error. Since the owner of this property is not constructing a new sign, the location of the existing sign in the East Centre Avenue right-of-way will also be considered by City Council. Staff will be working with the property owners and the City Attorney to finalize the right-of-way encroachments.

**PRACTICAL
DIFFICULTY:**

Lack of practical conforming alternatives given existing site improvements (parking/building); Surrounding office zoned property and land uses (no negative impacts); See Suggested Motion form.

S:\2014-2015 Department Files\Board Files\Zoning Board\14-2, 2375 E. Centre\2014 07 18 VG ZBA 14-2, 2375 E. Centre (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:

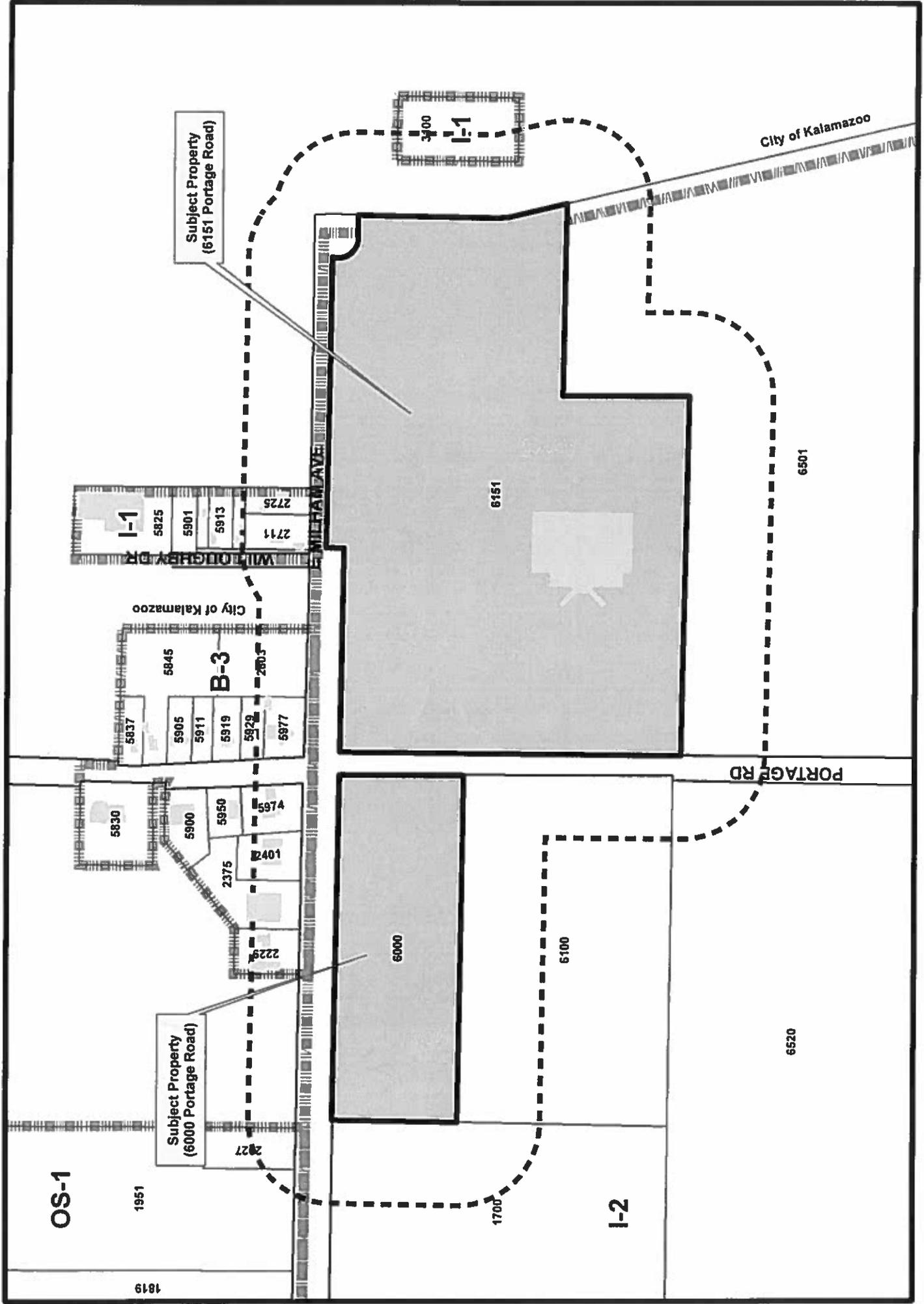
- 1a. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include _____;
- 2a. The variance is necessary for the preservation and enjoyment of a substantial property right, the right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

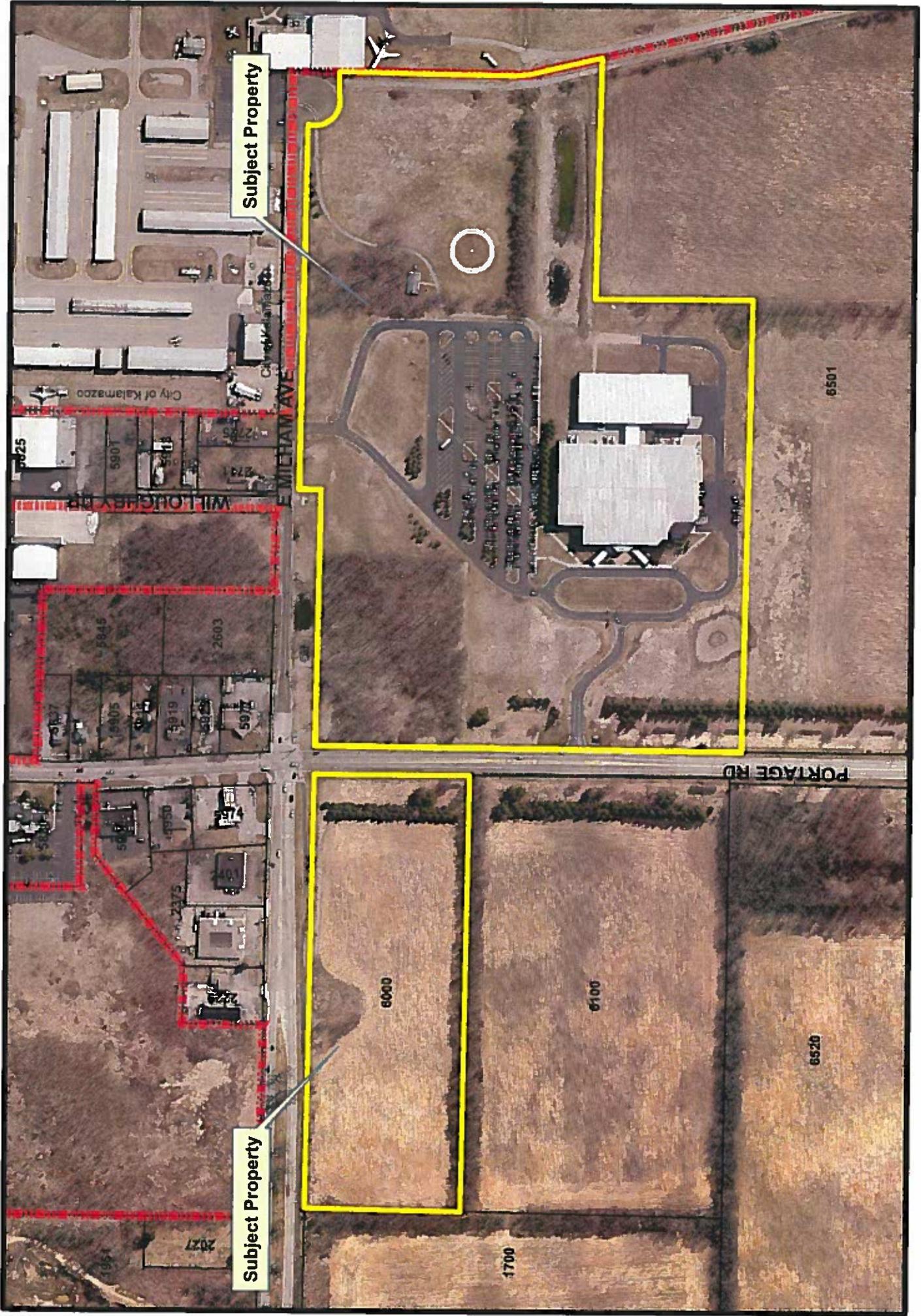
- 1b. There are no exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district;
- 2b. The variance is not necessary for the preservation and enjoyment of a substantial property right similar to that possessed 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.



- Subject Properties
- Notification Area
- Zoning Boundary

ZBA 14-03
6000, 6151 Portage Road



Subject Property

Subject Property

Aerial Photo 6000, 6151 Portage Road



1 inch = 360 feet



Department of Community Development

RECEIVED

JUL 14 2014

ZONING BOARD OF APPEALS APPLICATION

COMMUNITY DEVELOPMENT

FOR COMPLETION BY APPLICANT

Application Date 7-11-2014

Name of Applicant Kim Robinson [Signature]

Applicant's Address 6151 PORTAGE ROAD Phone No. 350-2822

Name of Property Owner (if different from Applicant) AIR ZOO

Address 6151 PORTAGE ROAD Phone No. _____

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

Street Address 6151 PORTAGE ROAD & 3101 EAST MILLHAM

For Platted Property: Lot _____ of _____ Plat _____

[If The Property Is Unplatted, the Legal Description is needed. Please attach on a separate sheet.]

Applicant's interest in Property that is the subject of this Application: _____

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

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

Variance from Zoning Ordinance: Article _____ Section _____ Paragraph _____

Regarding: Use _____ Area _____ Yards _____

Setbacks _____ Parking _____ Other _____

Reason for Request (Also complete page 2 of application): _____

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: SPECIAL EVENT - BALLOON FEST

FOR STAFF USE

Application Number: <u>2BA 14-7</u>	Filing Date: <u>7/14/14</u>	Tentative Hearing Date: <u>8/11/14</u>
Previous Application Filed Regarding This Property: _____		

NOT APPLICABLE. SEE ATTACHED DOCUMENTS

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.)

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

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

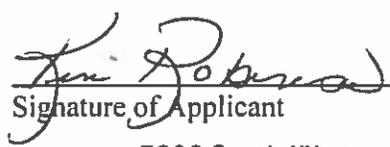
4. Is the variance the minimum necessary to permit reasonable use of the land and buildings, or would a lesser variance be fair and equitable to the applicant as well as logical and just to other property owners in the area? (Attach additional sheets if needed.)

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.)

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.)

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.)

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



Signature of Applicant

2-14-14
Date

Event: 2014 High on Kalamazoo Balloon Fest

Location: Air Zoo properties at 6151 Portage Road, 3101 East Milham and the vacant lot located between the two properties (see attached map)

Date and Time: Friday, September 26 th	5:00 p.m. to 10:00 p.m.
Saturday, September 27 th	7:30 a.m. to 10:00 p.m.
Sunday, September 28 th	7:30 a.m. to 9:00 a.m.

Expected Attendance: Each evening we expect a minimum of 3,000 spectators.
Morning balloon launches will see minimal activity
Saturday, daytime activities, should draw approximately 1,500 to 2,000

Admission Fee: None, to evening events. Regular Air Zoo admission fees apply to anyone participating in activities within the buildings.

The Air Zoo is requesting permission to hold this above event on its existing properties. The proposed itinerary of events is as follows: (weather permitting)

Friday, September 26

5:00 p.m. to 10:00 p.m.	Bands & Entertainment, Beer and Food Garden and Novelty Vendors (location – Air Zoo’s Milham Road location, cul-de-sac and a portion of Milham Road from the airport T-hangar access gate east)
5:30 p.m. to 7:30 p.m.	Balloon Launch (location – Air Zoo’s vacant lot)
8:00 p.m. to 9:00 p.m.	Balloon Glow (location – Air Zoo’s vacant lot)

Saturday, September 27

7:30 a.m. to 9:00 a.m.	Balloon Launch (location – Air Zoo’s vacant lot)
9:00 a.m. to 5:00 p.m.	Air Zoo open for normal business with special education programs and activities occurring on grounds
12:00 to 3:00 p.m.	Car Show – approximately 150 cars (location – grass area adjacent to the Air Zoo’s parking lot at 6151 Portage Road)
5:00 p.m. to 10:00 p.m.	Bands & Entertainment, Beer and Food Garden and Novelty Vendors (location – Air Zoo’s Milham Road location, cul-de-sac and a portion of Milham Road from the airport T-hangar access east)
5:30 p.m. to 7:30 p.m.	Balloon Launch (location – Air Zoo’s vacant lot)
8:00 p.m. to 9:00 p.m.	Balloon Glow (location – Air Zoo’s vacant lot)
9:00 p.m. to 9:30 p.m.	Fireworks – TENTATIVE – pending permission from airport, TSA, City of Portage and City of Kalamazoo and a sponsorship to cover costs.

Sunday, September 28

7:30 a.m. to 9:00 a.m.	Balloon Launch (location – Air Zoo’s vacant lot)
------------------------	--

Bands & Entertainment, Beer and Food Garden: These activities will be located in the parking lot of the Air Zoo's property at 3101 East Milham. A temporary permit is being requested from the State for the beer and wine sales. All alcohol sales and consumption will take place within this fenced area. Tickets will be sold to patrons to use for the purchase of food and beverage. Patrons wishing to purchase alcoholic beverages will be asked to show an ID at the time of ticket purchase. If 21 or older a wristband will be affixed to their wrist. Only those wearing the wristband will be allowed to exchange tickets for alcoholic beverages. The entire area will be monitored by Balloon fest personnel to ensure there is no underage drinking. Volunteers will also be posted at the gated parking lot entrance to make sure alcoholic beverages do not leave this area. A stage will be placed in the North East corner of the parking lot for use by all scheduled entertainers and bands. Licensed food vendors will also be located within this fenced in area.

A minimum of 6 port-a-johns, one handicapped accessible, will be located in this fenced in area along with trash receptacles and picnic tables. Three tents, one over the alcohol service area, one over the non alcoholic beverage area and one at the VIP seating area, will be erected. None of the tents will have sides. Two to three small pop up canopies will also be required in this area. Portable lighting is being obtained to supplement the lighting from the stage, in order to provide a safe environment. Placement will be determined once the stage lighting is in place.

Novelty Vendors: A maximum of 4 vendors will be located throughout the spectator area, described below, selling souvenirs.

Balloon Activities: All will take place in the vacant lot east of the 6151 Portage Road location's parking lot. Temporary snow fence will be installed on the Wednesday or Thursday prior to the event to keep spectators and balloon activities separated. The snow fence will parallel the asphalt walking path that runs through this lot, along its south side. More fencing will run north to south along the tree line at the west end of this lot. This fencing will start at the south tree line and run north to the walking path.

The balloonists will need to refill their propane tanks after each activity. In order to facilitate this, a propane truck will be parked at the south east corner of the field from Friday afternoon until Sunday afternoon. A fire truck from the airport will be in place anytime refueling activities occur.

Spectator Area: In addition to the designated parking lot area at our 3101 E. Milham address, discussed above, the Air Zoo proposes utilizing the remaining vacant lot north of the walking path and Milham Road, east of the airport T-hangar gate as a spectator area. This would necessitate closing Milham Road east of the T- hangar gate from 3:30 p.m. until 11:00 p.m. on both Friday and Saturday. Six port-a-johns will be located within this spectator area. Portable lighting is being obtained to provide additional lighting to supplement the existing street lights. Placements are yet to be determined.

Event Parking: The primary event parking will take place in the parking lot located at the Air Zoo's 6151 Portage Road location. A handicapped parking area, with 24 parking places, has been designated for this event. It is located at the east end of the parking lot and is highlighted in blue on the map. A small amount of additional parking will take place in the grass at the north end of this parking lot.

The overflow parking area will be located at the parking lot of the old Upjohn building at the corner of Portage and Romence Roads. Permission from the property owner's agent has been received and written permission from the property owner is pending. Western Michigan University will be providing

a minimum of 2 buses to shuttle spectators to and from this location and the 6151 Portage Road location. A shuttle schedule will be posted in marketing materials and at both sites. Volunteers will be located at the Air Zoo's primary lot and will make the determination when to close the parking in this area and route all remaining traffic to the overflow location. Balloon Fest personnel will park south of the Air Zoo buildings.

Fire Lanes: All existing Fire lanes on Air Zoo property will remain accessible. Parking within our lot will take place within the existing lines and will not be altered. An access point to the balloonist activity area will be placed in the snow fence, allowing emergency vehicles access to this field from the 6151 Portage Road parking lot.

Weather Emergency: In case of such an occurrence, an announcement will be made on the event PA system notifying all spectators. They will be given options of leaving the grounds or sheltering in either of the Air Zoo buildings. If this should occur, all Balloon Fest personnel that have 2 way radios will begin directing spectators appropriately and providing assistance as needed.

Prepared by:

Kim Robinson
Director of Operations
Air Zoo
6151 Portage Road
Portage, MI 49002
269-350-2822
krobinson@airzoo.org

- Pop & Water Sales
- BEER/WINE SALES
- VIP TENT
- STAGE
- FOOD SALES
- Miscellaneous Parking
- PROPANE & FIRE TRUCK
- PORTA JOHNS
2 LOCATIONS
- MISC VENDORS

FIELD ENTRY FOR
BALLOONISTS AND
EMERGENCY ACCESS TO
BALLOONIST FIELD

ROAD CLOSED 3:30 P.M.
TO 11:00 P.M. FRIDAY
AND SATURDAY

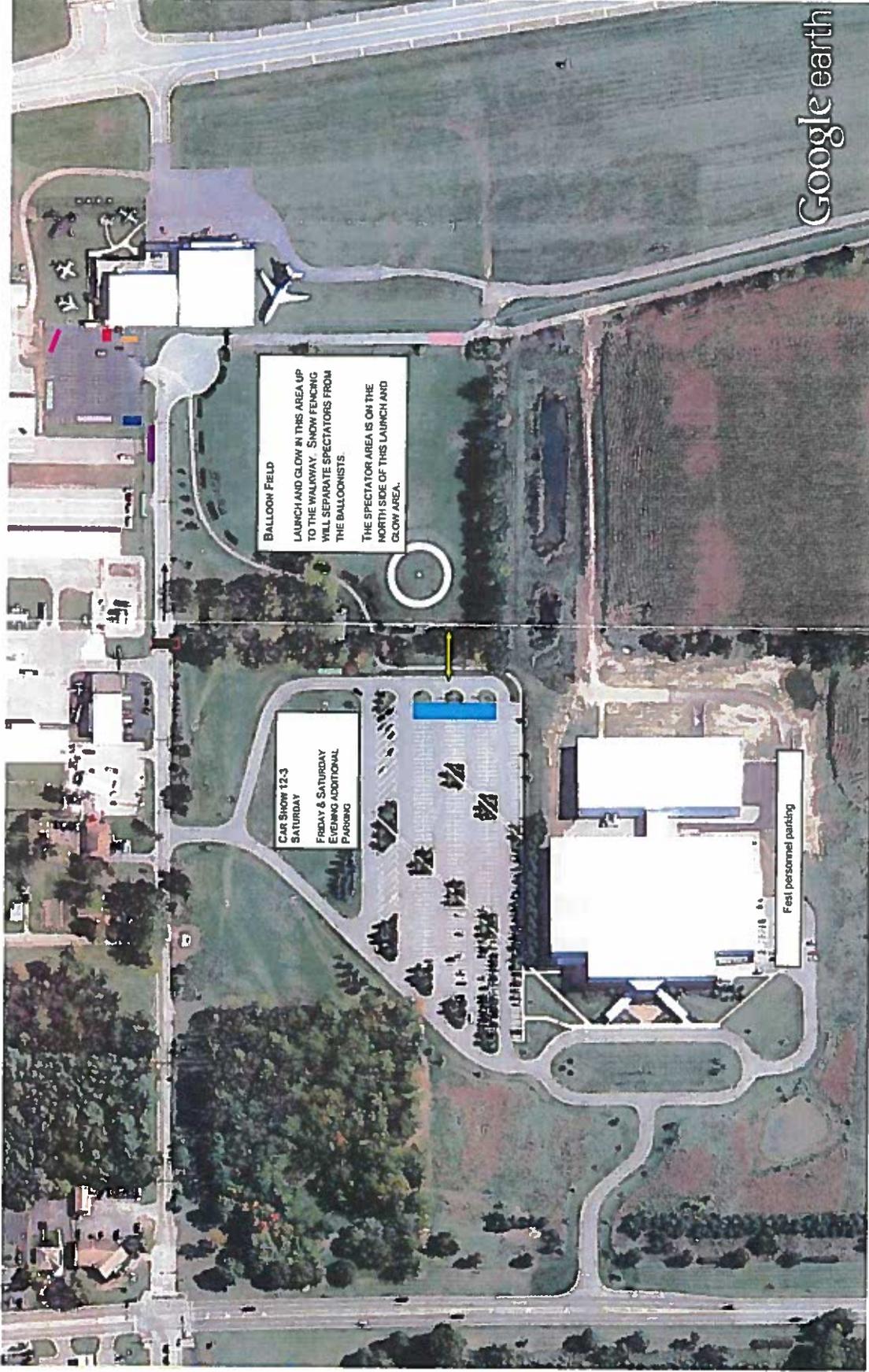
SNOW FENCE
LINE

Google earth

BALLOON FIELD
LAUNCH AND GLOW IN THIS AREA UP
TO THE WALKWAY. SNOW FENCING
WILL SEPARATE SPECTATORS FROM
THE BALLOONISTS
THE SPECTATOR AREA IS ON THE
NORTH SIDE OF THIS LAUNCH AND
GLOW AREA.

**CAR SHOW 12-3
SATURDAY**
FRIDAY & SATURDAY
EVENING ADDITIONAL
PARKING

Fest personnel parking





Department of Community Development

JUL 17 2014

ZONING BOARD OF APPEALS APPLICATION

COMMUNITY DEVELOPMENT

FOR COMPLETION BY APPLICANT

Application Date 7/18/14
Name of Applicant Kalamazoo Aviation History Museum (Air Zoo)
Applicant's Address 6131 Portage Rd.
Name of Property Owner (if different from Applicant) Same
Address
Phone No.

Address of the Property that is the subject of this Application:
Street Address Existing Air Zoo signage on corners of Milham & Portage Rd.
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: Requesting variance to add to existing signage
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 4 Section 42-540 Paragraph
Regarding: Use Area Yards
Setbacks Parking Other signage
Reason for Request (Also complete page 2 of application): See attached documents

Appeal of Administrative Decision: Article Section Paragraph
Reason for Request:

Interpretation of the Zoning Ordinance: Article Section Paragraph
Reason for Request:

A Temporary Permit for: Building Use Other Approval
Article Section Paragraph
Reason for Request:

FOR STAFF USE

Table with 3 columns: Application Number (14-03), Filing Date (7/18/14), Tentative Hearing Date (8/11/14). Row 2: Previous Application Filed Regarding This Property.

Reason For Variance

1. Please explain how the property has characteristics such as narrowness, shallowness, irregular shape, topography, or natural features that prevent compliance with the Zoning Ordinance. (Attach additional sheets if needed.)

see attached

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

N/A

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

see attached

4. Is the variance the minimum necessary to permit reasonable use of the land and buildings, or would a lesser variance be fair and equitable to the applicant as well as logical and just to other property owners in the area? (Attach additional sheets if needed.)

N/A

5. Explain how the variance would not result in adverse affects on adjacent properties or alter the character of the area. (Attach additional sheets if needed.)

see attached

6. Explain how the variance would not result in increased traffic congestion, noise, or other potential concerns, or in dangers from fire, flood or other hazards that would be detrimental to the property or to the area. (Attach additional sheets if needed.)

see attached

7. Is the reason for the request, the practical difficulty or the hardship created, due to an act of the applicant or due to an act by the previous property owner? (Attach additional sheets if needed.)

N/A

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

see attached

Patrick J. Rutledge

Signature of Applicant

7/18/14

Date

Description of Proposed Addition to Air Zoo Signage on Corner of Milham & Portage Rd.

Request:

The Air Zoo formally and respectfully requests the granting of a variance to add a 5ft x 6ft. graphic signage panels to the existing changeable text signage at the corners of Milham and Portage Rd.

Brief Description:

This structural addition will consist of a simple permanent frame affixed to the existing signage, allowing graphic/photographical panels to be added and interchanged.

Purpose:

The Air Zoo is rapidly expanding its public offerings in the areas of education, events, and exhibitions. One of the key components missing from our current signage is the ability to present graphic/photographical images of these offerings to the general public.

Need:

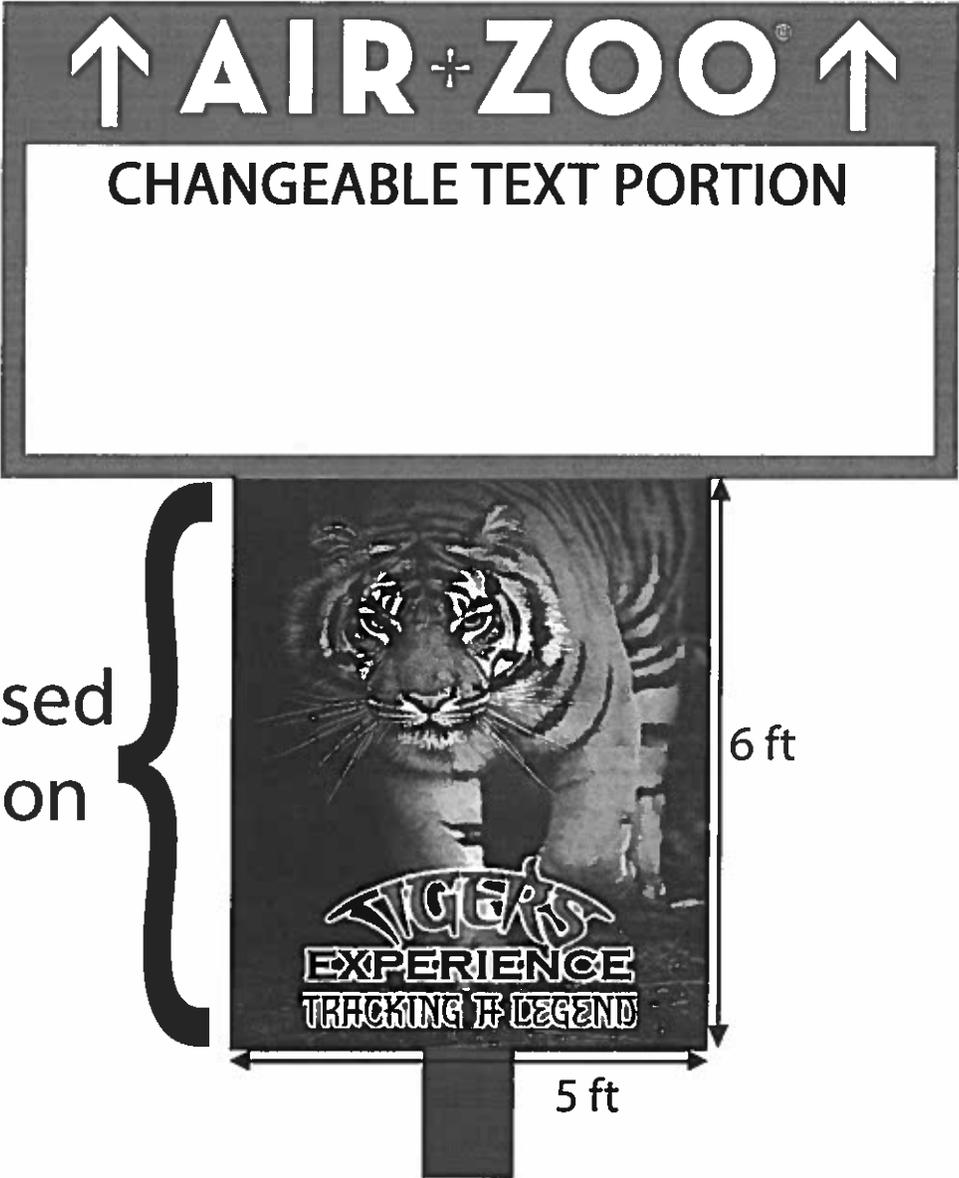
In addition to the Air Zoo's longstanding mission of preserving the legacy of aviation & space science, we have been evolving and expanding our offerings to include a focus on science, technology, engineering, art, and mathematics (STEAM) education and workforce development. We feel the addition of graphic/photographical imagery to our existing signage is critical to convey this new direction to the public and keep them informed of exhibitions, events, and educational opportunities.

Potential Impact on Traffic, Congestion, etc:

As Air Zoo signage has already existed at the location for some time now and, to the best of our knowledge, has not negatively impacted traffic, congestion, or in any other way infringed or impeded on the public, we feel that there will be no additional impacts in these areas if the variance is granted.



Illustration of proposed changes to Air Zoo signage on Milham & Portage Rd.



TO: Zoning Board of Appeals **DATE:** August 1, 2014

FROM: Vicki Georgeau, ^{Director} Director of Community Development

SUBJECT: ZBA #14-03, Air Zoo, 6151 Portage Road, I-2, Heavy Industrial
6000 Portage Road, I-2, Heavy Industrial

CODE SECTION: 42-622(D), Temporary Uses, p. CD42:140.3.
42-544(B)(2), Nonconforming Signs, p. CD42:128

APPEAL: Requesting: a) a Temporary Use Permit to allow an outdoor promotional event, the "2014 High on Kalamazoo Balloon Fest," from September 26 through September 28, 2014; and b) a variance to modify a nonconforming non-accessory sign at 6000 Portage Road.

STAFF RECOMMENDATION: The applicant is requesting the above referenced Temporary Use Permit and variance per the enclosed applications, letters of explanation, site sketch, sign sketch and related materials. The property at 6151 Portage Road is 50 acres in area, is zoned I-2, Heavy Industrial and accommodates an aviation museum (the Air Zoo), off street parking lot and associated improvements. The property is adjacent to other industrial zoned properties to the south and west, and the Kalamazoo/Battle Creek International Airport (located within the City of Kalamazoo) to the north and east. To the north are four parcels located within city limits; the properties at 2711 and 2725 Willoughby Drive are zoned I-1, Light Industrial, and the properties at 2603 Willoughby Drive and 5977 Portage Road are zoned B-3, General Business. The Air Zoo also owns 3101 East Milham Avenue, which is located in the City of Kalamazoo. The 15 acre I-2 zoned property at 6000 Portage Road, accommodates a non-accessory sign used by the Air Zoo, and is surrounded by industrial zoned properties to the east south and west. Across the street to the north is undeveloped property located within the City of Kalamazoo and several parcels in a B-3, General Business zone.

As background for the Board, the "High on Kalamazoo Balloon Fest" operated last year but did not undergo formal review by the Department of Community Development and approval of a Temporary Use Permit by the Board due to time constraints associated with the scheduling of the event. However, based on anecdotal observations, the event appeared to have been well organized and operated. The applicant indicates this year the event is anticipated to draw a peak attendance of 3,000 spectators during evening hours. The Air Zoo's off-street parking lot has 388 regular spaces and 19 bus/RV spaces available. Limited additional parking will be provided during the evening hours on the grass area immediately north of the parking lot (this area will be utilized earlier in the day for a car show exhibit). Overflow parking will also be available at 6901 Portage Road (the former Pfizer building at the northeast corner of Portage Road, and

Romence Road) where busses will shuttle spectators between this location and 6151 Portage Road. Hot air balloon launch and balloon glow activities will be located on the large open grass area east of the off-street parking lot and south of the pedestrian walkway between the two Air Zoo buildings. The area will be cordoned off from spectators with a temporary snow fence. Several activities including food and drink tents, live music, VIP tent, and novelty vendors, will be located on the Air Zoo property on the north side of East Milham Avenue (3101 East Milham Avenue), located within the City of Kalamazoo. The applicant indicates they are also coordinating with other agencies concerning public safety, food service, and liquor license issues. Lastly, the applicant proposes to close East Milham Avenue to vehicular traffic east of Willoughby Drive from 3:30 p.m. to 11:00 p.m. on Friday, September 26th and Saturday, September 27th.

The proposed Temporary Use does not involve permanent structures, or permanent capital improvements, is consistent with the standards for Temporary Uses and is recommended for approval with the following conditions: 1) on-street parking is prohibited along East Milham Avenue (City of Portage Parks, Recreation and Public Services Department will provide and place necessary signage); 2) all fire lanes and apparatus access roads remain unobstructed during the event; and 3) emergency plans be provided to the Fire Marshal prior to the event detailing procedures in the event of fire, power loss, or medical emergencies.

Concerning request b), the applicant currently utilizes a 50 square-foot nonconforming non-accessory sign located near the southwest corner of the Portage Road/East Milham Avenue intersection on 6000 Portage Road. The sign is nonconforming because it is setback 10 feet where a minimum 20 foot setback from right-of-way is required. The applicant indicates the mission of the Air Zoo has expanded to include a focus on science, technology, engineering, art, and mathematics education and to promote public awareness of its new educational programs and periodic special exhibits, proposes to attach a five-foot by six-foot sign panel to the existing sign support.

As information for the Board, the sign setback was reduced by the acquisition of additional right-of-way and relocation of the sign in 2001 for the widening of East Milham Avenue. The subject sign's modest size more closely resembles the scale of a standard freestanding business identification sign than the 300 square-foot 'billboard' type sign typically associated with non-accessory signs. While the applicant has conforming alternatives available, and could erect a 300 square-foot sign in a conforming location, the proposed additional 30 square-foot sign panel (80 square feet total) would have considerably less impacts on the surrounding area. For this reason the variance can be recommended.

**PRACTICAL
DIFFICULTY:**

Not applicable for Temporary Use Permit. None noted for the sign variance; however, the proposed variance has less impacts on surrounding area than conforming alternatives.

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.