

## CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – August 11, 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. Two people were in the audience.

**MEMBERS PRESENT:** Tim Bunch, Randall Schau, Michael Robbe, Doug Rhodus, Jeffrey Bright, Lowell Seyburn, Glenn Smith, and Chadwick Learned.

**MEMBERS EXCUSED:** A motion was made by Bunch, seconded by Robbe to excuse Phillip Schaefer. Upon voice vote motion passed 7-0

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

**APPROVAL OF THE MINUTES:** Robbe moved and Bunch seconded a motion to approve the June 9, 2014 minutes as submitted. Upon voice vote, motion was approved 7-0.

### **NEW BUSINESS:**

**ZBA #14-02, 2375 East Centre Avenue:** Mr. Mais summarized the request for a variance to construct a new freestanding sign 5 feet from the front property line where a minimum 10-foot setback is required. Mr. Poulsen was present to answer any questions. There were no questions.

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

A motion was made by Robbe, seconded by Bunch to grant a variance to construct a new freestanding sign 5 feet from the front property line where a minimum 10-foot setback is required for the following reasons: there are exceptional circumstances applying to the property that do not generally apply to other properties in the zoning district which include the public street right-of-way width was incorrectly shown on the original site plan; the variance is necessary for the preservation of a substantial property right, the right to have a sign visible from the right-of-way, 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 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 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: Robbe-Yes, Rhodus-Yes, Seyburn-Yes, Schau-Yes, Bunch-Yes, Smith-Yes, Bright-Yes. Motion passed 7-0.

**ZBA #14-03, 6151 and 6000 Portage Road:** Mr. Mais summarized the requests for: 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. Kim Robinson stated the Air Zoo learned from last year’s event and this year they made arrangements for overflow parking at 6901 Portage Road and would be running shuttle busses between that parking lot and the Air Zoo throughout the event. Seyburn inquired how far back the sign was from the street itself and if the city was concerned the proposed sign addition might obstruct traffic visibility. Mr. Mais stated he did not know the exact distance but it was more than 50 feet back from East Milham and did not believe the proposed sign would cause traffic visibility problems. Bright inquired how many were expected to attend the balloon fest at peak times. Ms. Robinson stated last year about 2,500 but those figures might be higher this year due to the Talons Out Honor Flight. Bright inquired who else the Air Zoo had to coordinate with for the balloon launch near the airport. Ms. Robinson said they had to coordinate with the FAA.

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

A motion was made by Seyburn, seconded by Bunch, to approve a Temporary Use Permit to allow an outdoor promotional event, the “2014 High on Kalamazoo Balloon Fest” from September 26 through

September 28, 2014 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; 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; and 4) plans for overflow parking be provided to city staff prior to the event. Upon roll call vote: Robbe-Yes, Rhodus-Yes, Seyburn-Yes, Schau-Yes, Bunch-Yes, Smith-Yes, Bright-Yes. Motion passed 7-0.

A motion was made by Seyburn, seconded by Robbe to approve a variance to modify a nonconforming non-accessory sign at 6000 Portage Road for the following reasons: there are exceptional circumstances applying to the property that do not generally apply to other properties in the zoning district which include the city acquiring additional public street right-of-way; the variance is necessary for the preservation of a substantial property right, the right to have a non-accessory sign; the immediate practical difficulty causing the need for the variance was not created by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood, as it sits far back from the streets and is significantly smaller than a conforming 300 square-foot sign, 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 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: Robbe-Yes, Rhodus-Yes, Seyburn-Yes, Schau-Yes, Bunch-Yes, Smith-Yes, Bright-Yes. Motion passed 7-0.

**OTHER BUSINESS:** Mais stated city staff was looking into making arrangements for additional training for Board members as is done periodically.

**STATEMENT OF CITIZENS:**

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

Respectfully submitted,

Jeff Mais  
Zoning & Codes Administrator