



ZONING BOARD OF APPEALS

November 14, 2016

CITY OF PORTAGE ZONING BOARD OF APPEALS

Agenda

Monday, November 14, 2016

(7:00 pm)

Portage City Hall
Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

- * October 10, 2016 meeting

OLD BUSINESS:

NEW BUSINESS:

- * ZBA #16-10, Sign Art, on behalf of Woodbridge Community Partnership, LLC, 3750 and 3950 West Centre Avenue: Requesting a variance to erect a 129 square-foot freestanding sign where a maximum 75 square-foot sign is permitted.
- * ZBA #16-11, James Dally, 4295 Bishop Road: Requesting variances to a) erect an accessory sign in a different zone than the principal use; and b) erect a 75 square-foot freestanding sign where a maximum 48 square-foot sign is permitted.
- * ZBA #16-12, Dave Schnelker and John Stephen, 1906 and 1908 West Milham Avenue: Requesting a variance to permit a second freestanding sign where one sign is permitted on the zoning lot.

OTHER BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

Star (*) indicates printed material within the agenda packet

CITY OF PORTAGE ZONING BOARD OF APPEALS

 DRAFT

Minutes of Meeting – October 10, 2016

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. Seventeen people were in the audience.

MEMBERS PRESENT: Phil Schaffer, Chadwick Learned, Alexander Philipp, Lowell Seyburn, Jay Eichstaedt, Michael Robbe, Randall Schau

MEMBERS EXCUSED: Jeffrey Bright, John Byrnes

IN ATTENDANCE: Jeff Mais, and Kyle Mucha, Zoning & Codes Administrators, and Charlie Bear, Assistant City Attorney.

APPROVAL OF THE MINUTES: Robbe moved, support by Schaffer, to approve the September 12, 2016 minutes as submitted. Upon voice vote, the motion was approved 7-0.

OLD BUSINESS:

ZBA #16-04, Adam & Sarah Beuker, 2611 Woodbine Avenue: Mais summarized the request for: a) a variance to construct a 25-foot wide by 20-foot deep attached garage 5.6 feet from the front property line where a minimum 30-foot setback is required; or b) a variance to retain the existing dwelling 25.6 feet from the front property line where a minimum 30-foot front setback is required. Adam Beuker stated the variance should be granted because of the steep pitch of the driveway (four foot drop), inadequate drain system near the garage, hazardous conditions during the winter time to enter and exit their property, structural concerns due to rain and snow melt. The owners stated a flood occurred in August 2016, and they have had to hire a restoration company to repair the extensive flood damage. Learned inquired about the parking of vehicles in the public right-of-way should the variance be granted. Mr. Beuker responded that vehicles will not impact visibility nor the intent of the ordinance should the variance be granted and that many other properties in the area along Woodlawn Avenue had garages as close as the proposed garage. Mais acknowledged there are many legal nonconforming garages on Woodlawn but the city's position is new nonconformities should be avoided when conforming options are available. Schau inquired about bringing the area to grade. Mrs. Beuker stated the difficulty of bringing the driveway area to level grade, and then expanding the home elsewhere to make up for the loss of the garage space would be cost prohibitive.

A public hearing was opened. No one spoke for or against the variance requested. Public hearing was then closed.

A motion was made by Learned, supported by Robbe, to deny a variance for the construction of a 25-foot wide by 20-foot deep attached garage 5.6 feet from the front property line where a minimum 30-foot setback is required for the following reasons: There are no exceptional or extraordinary circumstances or conditions applying to the property that would apply to other properties in the same zoning district; the variance is not necessary for the enjoyment of the property; a lesser variance would be more in line with the neighborhood; a drainage system could be installed to handle the water concerns brought forth by the property owner; the variance may be detrimental to neighboring properties; while the practical difficulty was not caused by the applicant, the applicant was made aware of the driveway slope prior to purchasing the home. Upon roll call vote: Robbe – yes, Schaefer – no, Philipp – no, Schau – no, Seyburn – no, Learned – yes, Eichstaedt – no. Motion failed 5-2.

A motion was made by Schau, supported by Philipp, to grant a variance for the construction of a 25-foot wide by 20-foot deep attached garage 5.6 feet from the front property line where a minimum of 30-foot setback is required for the following reasons: there are exceptional or extraordinary circumstances or conditions that do not apply generally to other properties in the same zoning district which include: the steepness of the present driveway; the variance is necessary for the preservation of a substantial property right – the right to not have one's home flood; the immediate practical difficulty causing the need for the variance was not created by the applicant but rather by the architect fifty years ago; 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 material, 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 action of the Board be final and effective immediately. Upon roll call vote: Robbe – no, Schaefer – no, Philipp – yes, Schau – yes, Seyburn – yes, Learned – no, Eichstaedt – yes. Motion passed 4-3.

ZBA #16-06, Wal-Mart Stores, Inc.: Mais summarized the request for a variance to allow 735 square feet of wall signage where a maximum 325 square feet is permitted. Doug Plumber (Development Representative) was present on behalf of the applicant. Mr. Plumber stated the need for the variance is to keep signs proportional to the building size and that there would be no vision impairment with the additional signage. Robbe inquired of staff if the addition of the new building addition gave Wal-Mart additional wall signage. Staff stated the applicant is currently entitled to the maximum amount of wall signage allowable.

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

Seyburn inquired about the current signage at Meijer on Shaver Road; staff stated the Board granted Meijer a variance allowing 400 square feet. Seyburn noted Walmart was configured differently than Meijer in the number and location of separate building entrances. Eichstaedt inquired if the variance was granted, could a second freestanding sign be erected. Mais responded yes provided the zoning lot did not change.

A motion was made by Robbe, supported by Schau to deny the variance requesting 735 square feet of wall signage where a maximum of 325 square feet is permitted for the following reasons; there are no exceptional or extraordinary circumstances or conditions that apply to the property that do not apply generally to other properties in the same zoning district; the variance is not necessary for the enjoyment of the property due to conforming alternatives being available; the practical difficulty was created by the applicant (Wal-Mart); the variance will be detrimental to adjacent property and the surrounding neighborhood; the variance would materially impair the intent and purpose of the zoning ordinance. In addition, the application and supporting material, 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 action of the Board be final and effective immediately. Upon roll call vote; Robbe – yes, Schaefer – yes, Philipp – yes, Schau – yes, Seyburn – no, Learned – no, Eichstaedt – no. Motion passed, 4 – 3.

After further discussion, a motion was made by Learned, supported by Eichstaedt to grant a variance allowing 400 square foot of wall signs for the front of the building (east elevation) and a maximum of 112 square feet of signage for the north elevation with the condition no additional freestanding sign may be erected on the property without express permission from the Board, for the following

reasons: there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties of the same zoning district which include; the total length of the building and significant setback from Shaver Road; the ability to identify multiple sections of the business; 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; the variance will not materially impair the intent and purpose of the zoning ordinance. The application and supporting material, 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 action of the Board be final and effective immediately. Upon roll call vote: Robbe – no, Schaefer – yes, Philipp – no, Schau – no, Seyburn – yes, Learned – yes, Eichstaedt – yes. Motion passed 4-3.

NEW BUSINESS:

ZBA #16-07, Kim Neeb, 9138 Portage Road: Requesting a variance to retain two freestanding signs where one sign is permitted. During the meeting, the application was withdrawn at Mr. Neeb's request. The board accepted the request.

ZBA #16-08, Dan Jaqua, 408 and 414 West Milham Avenue: Mais summarized the requests for: a) a variance to reconstruct an off-street parking lot 2.5 feet from the (north) side property line where a minimum 10-foot greenstrip is required; and b) a variance to locate a refuse container and enclosure nine feet from the north property line and six feet from the east property line where a 20-foot setback from each property line is required. Mr. Jaqua stated the properties at 414 West Milham and 328 West Milham Avenue were being redeveloped. The applicant stated he disagreed with the suggestion to eliminate parking spaces as they needed all the parking shown on the plan, and a screening fence along the north property line would impact visibility for drivers backing out of 5923 Missouri Avenue. Discussion followed.

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

Motion was made by Learned, supported by Schau, to deny the variance requests to a) reconstruct an off-street parking lot 2.5 feet from the (north) side property line where a minimum 10-foot greenstrip is required; and b) a variance to locate a refuse container and enclosure nine feet from the north property line and six feet from the east property line where a 20-foot setback from each property line is required for the following reasons; there are no exceptional or extraordinary circumstances or conditions applying to the property that would apply generally to other properties in the same zoning district which include: a conforming alternative for the location of the refuse dumpster and a new site plan for the properties in question; the immediate practical difficulty causing the need for the variance was created by the applicant; the variance would be detrimental to adjacent property and the surrounding neighborhood. In addition, the application and supporting material, 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 action of the Board be final and effective immediately. Upon roll call vote: Robbe – yes, Schaefer – yes, Philipp – yes, Schau – yes, Seyburn – no, Learned – yes, Eichstaedt – no. Motion to deny passed 5-2.

ZBA #16-09, Plaza Corp, 6525 South Westnedge Avenue and 150, 206 Ruth Street: Mais summarized the requests for: a) a variance to erect a 5,120 square-foot commercial building 60 feet from the (north) front property line where a minimum 75-foot setback is required; and b) a variance to locate a refuse container in a P-1 vehicular parking district. Due to a conflict of interest, Eichstaedt

stepped down and abstained from participation. Andy Wenzel stated they proposed to redevelop the subject property with a new 5,120 square-foot commercial building having a setback that results in a reduction in nonconformity from the current building. Mr. Wenzel stated the goal is to develop the site for two new businesses, a parking lot that extends onto 150 Ruth Street and provide storm water management on 206 Ruth Street. The proposed location of the refuse container and screening area are to be 160 feet away from the nearest resident. Robbe asked the applicant what type of material will be used for the dumpster screening. Mr. Wenzel stated the dumpster would have a walled enclosure made of the same materials used for the building facade and a gate for waste management access. Discussion followed.

A public hearing was opened.

A resident at 418 Ruth stated she was concerned about the commercialization of the vacant property (150 Ruth) and that any new development would have a negative impact on the neighborhood. The resident also stated she and other property owners along Ruth Street do not wish to see the trees cut down at 150 Ruth Street – for the trees provide a noise buffer from the adjacent businesses. The resident also presented a petition for the record “strongly objecting to the variance as it consists of the destruction of trees for parking lot purposes.” Seyburn clarified that the only matters the Board had authority in this case to address were regarding a setback variance and whether to allow a dumpster to be located on a P-1 zoned property at 150 Ruth Street, and could not prohibit construction of the parking lot at that location. Patricia Sybul who has friends that live on Ruth Street, was concerned with pests on the now vacant property on Ruth Street. Mr. Wenzel stated he will look into the concern and correct any issues that may be present. Tom Wagner, 308 Ruth Street, was concerned with the waste management pickup schedule and cited current schedules have companies removing the trash in the dumpsters at 4:00 a. m. Mr. Wagner was also concerned about parking lot noise and light pollution from parking lot lights. A resident at 409 Ruth inquired about an alternative location for the refuse container. Mike White, 220 Ruth Street, shared his concerns for the location and appearance of the dumpster. There being no further comments the public hearing was then closed.

A motion was made by Learned, supported by Schau, to grant a variance to erect a 5,120 square-foot commercial building 60 feet from the (north) front property line where a minimum 75-foot setback is required for the following reasons: 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 the narrow corner lot configuration; the variance would result in a reduction of non-conformity; the immediate and 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 material, 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 action of the Board be final and effective immediately. Upon roll call vote: Robbe – yes, Schaefer – yes, Philipp – yes, Schau – yes, Seyburn – yes, Learned – yes. Motion passed 6-0.

A motion was made by Robbe, supported by Schaefer, to grant a variance to locate a refuse container in a P-1 vehicular parking district for the following reasons: 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 the variance will allow waste management companies to

gain access to the refuse containers in a safe manner; the immediate and 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 material, 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 action of the Board be final and effective immediately. Upon roll call vote: Robbe – yes, Schaefer – yes, Philipp – yes, Schau – yes, Seyburn – no, Learned – no. Motion passed 4-2 (Eichstaedt abstained).

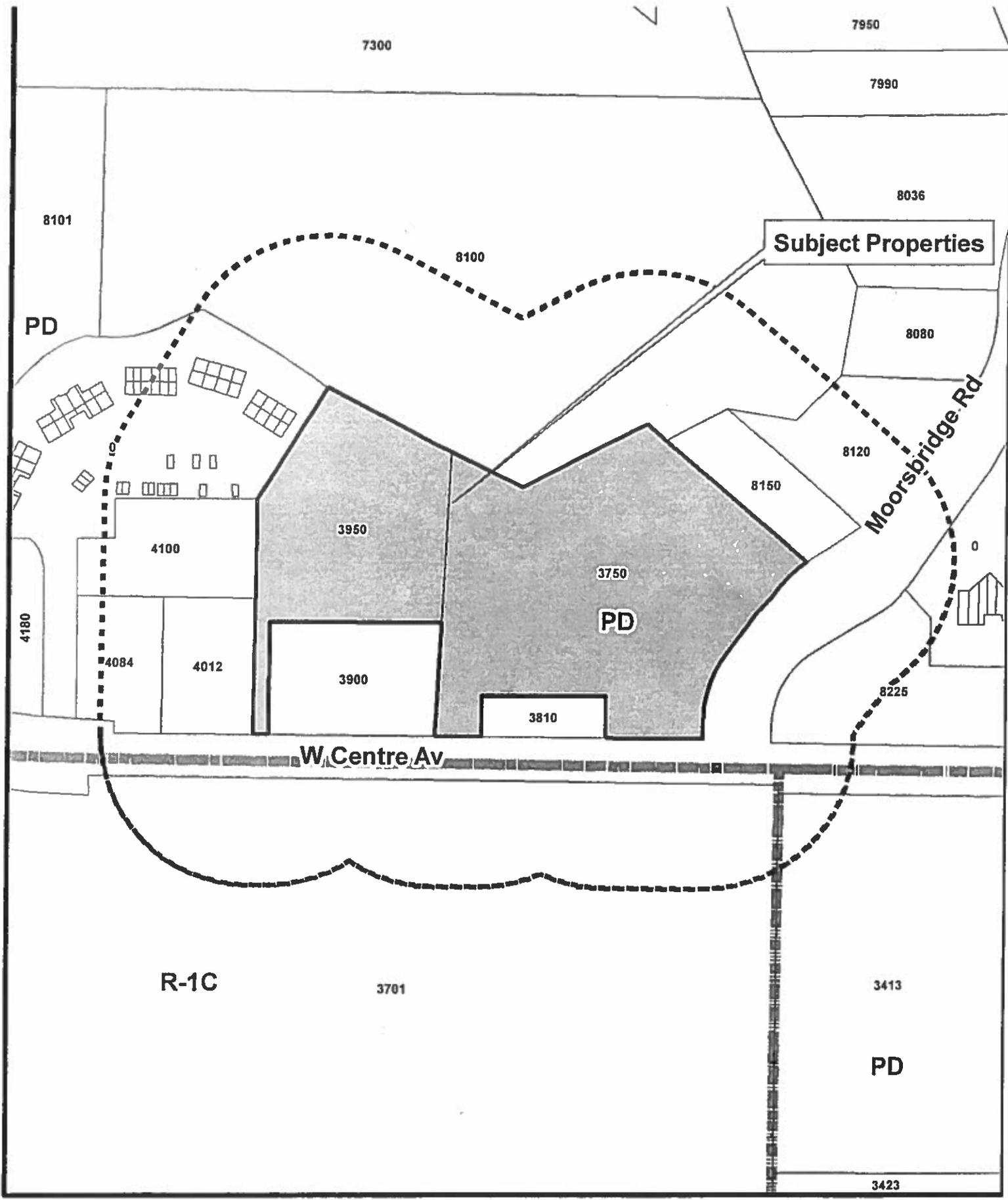
OTHER BUSINESS: Seyburn stated he will not be able to attend the December, 2016 and February, 2017 meetings.

STATEMENT OF CITIZENS:

ADJOURNMENT: There being no further business, the meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Kyle Mucha
Zoning & Codes Administrator



Legend

-  Subject Properties
-  300' Notification Radius

ZBA # 16-10
3750 & 3950 West Centre Avenue



1 inch = 250 feet



Legend
Subject Properties

Aerial Photography 3750 & 3950 West Centre Avenue


1 inch = 200 feet

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 10.7.16
 Name of Applicant Steve VanderSloot - SignArt, Inc. 
 Print Signature

Applicant's Address 5757 East Cork Street, Kalamazoo, MI 49048 Phone No. 269.381.3012

Name of Property Owner (if different from Applicant) WOODBRIIDGE COMM PTNRSP, LLC

Address 7950 Moorsbridge Rd., Portage, MI 49024 Phone No. _____

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

Street Address 3750 West Centre Ave, Portage, MI 49024

For Platted Property: Lot _____ of _____ Plat _____

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

Applicant's interest in Property that is the subject of this Application: Specialty sign contractor.

Application Fee _____ (Residential Uses) \$330.00 (All Other Uses)

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

Variance from Zoning Ordinance: Article 03-01 Section 42-548 Paragraph A
 Regarding: Use _____ Area X Yards _____
 Setbacks _____ Parking _____ Other _____

Reason for Request (Also complete page 2 of application): Install a 128.82 sq. ft. multi-tenant free-standing sign.

Appeal of Administrative Decision: Article _____ Section _____ Paragraph _____

Reason for Request: _____

Interpretation of the Zoning Ordinance: Article _____ Section _____ Paragraph _____

Reason for Request: _____

A Temporary Permit for: Building _____ Use _____ Other Approval _____

Article _____ Section _____ Paragraph _____

Reason for Request: _____

FOR STAFF USE

Application Number: <u>16-10</u>	Filing Date: <u>10/10</u>	Tentative Hearing Date: <u>11/14</u>
Previous Application Filed Regarding This Property: <u>86-63</u>		

Reason For Variance

CS 5116

1. Please explain how the property has characteristic features that prevent compliance with the Zoning Ordinance. (Attach additional sheets if needed.)
The property in question is a 10.98 acre shopping center with frontage of 313.75 feet of along W. Centre Ave. and 429.97 feet along Moorsbridge Rd. The site has one primary entrance/exit point on W. Centre Ave. and a secondary on Moorsbridge Rd. Notable are the building setbacks, ranging between 350 - 500 feet.
2. Are the physical characteristics you explained are unique and not shared by neighboring properties? (Attach additional sheets if needed.)
Unique physical characteristics include natural landscape on the southeast portion of the parcel, extensive landscaping and multiple buildings situated on out lots along W. Centre Ave., wetlands bordering the north, and sloping terrain to the away from the south property line and to the east.
3. Can the property be reasonably used for the use permitted in the zoning district without granting the variance? (Attach additional sheets if needed.)
Yes.
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.)
No.
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.)
The combined sign area of the proposed W. Centre Ave. and the existing Moorsbridge Rd. sign would not exceed the total allowed for the zoning lot. The proposed sign meets setback requirements and does not exceed maximum height allowance. The Woodbridge Shopping Village ID and tenant faces will remain mostly opaque. The proposed LED display possesses advanced ambient light and dimming controls.
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.)
The proposed request would not invasive, alter the characteristics of the property, or be a source of danger.
7. Is the reason for the request, the practical difficulty or the hardship created, due to an act of the applicant or due to an act by the previous property owner? (Attach additional sheets if needed.)
No. The request is a response to the needs of the merchants in todays market.
8. Explain how the variance would fulfill the spirit and intent of the Zoning Ordinance. (Attach additional sheets if needed.)
This shopping center, located in this natural and well landscaped setting, by nature creates challenges to merchant visibility and top of mind awareness. The variance process by nature recognizes these facts and adjusts sign allowances to provide a fair playing field, the key premise of the variance process itself.



Signature of Applicant

October 7, 2016

Date



October 7, 2016

SignArt Inc.
5757 E. Cork Street
Kalamazoo, MI 49018

269.381.3012
800.422.3030
FAX 269.381.0999

www.signartinc.com



Zoning Board of Appeals
City of Portage
7900 S. Westnedge Ave.
Portage, MI 49002

**Re: Dimensional Variance Request
Woodbridge Shopping Village
3750 W. Centre Ave.**

Dear Zoning Board of Appeals:

Please find attached completed Zoning Board of Appeals application, sign designs, and fee for the request referenced above.

On behalf of Woodbridge Commons Partnership, LLC, SignArt, Inc. is requesting to install a 128.82 sq. ft. multi-tenant free-standing sign. The scope of the project includes re-using the majority of the existing Woodbridge Shopping Village sign and modifying to accommodate the addition of a EMD (electronic message display). The EMD will serve to identify those tenants not currently represented on the static sign panels as well as feature contemporary imagery to tastefully communicate the many offerings of the primarily local merchants. Note ownership is willing to consider the removal of the single-faced non-illuminated monument sign located along Moorsbridge Rd. should the board find this reasonable.

Do not hesitate to contact me should you need any further information. Thank you for your time and consideration.

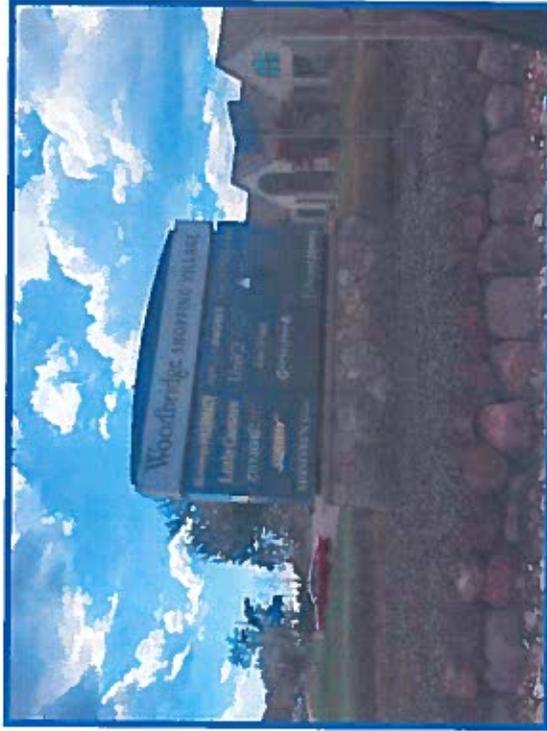
Best regards,

Steve VanderSloot
Sales Director

Enclosures

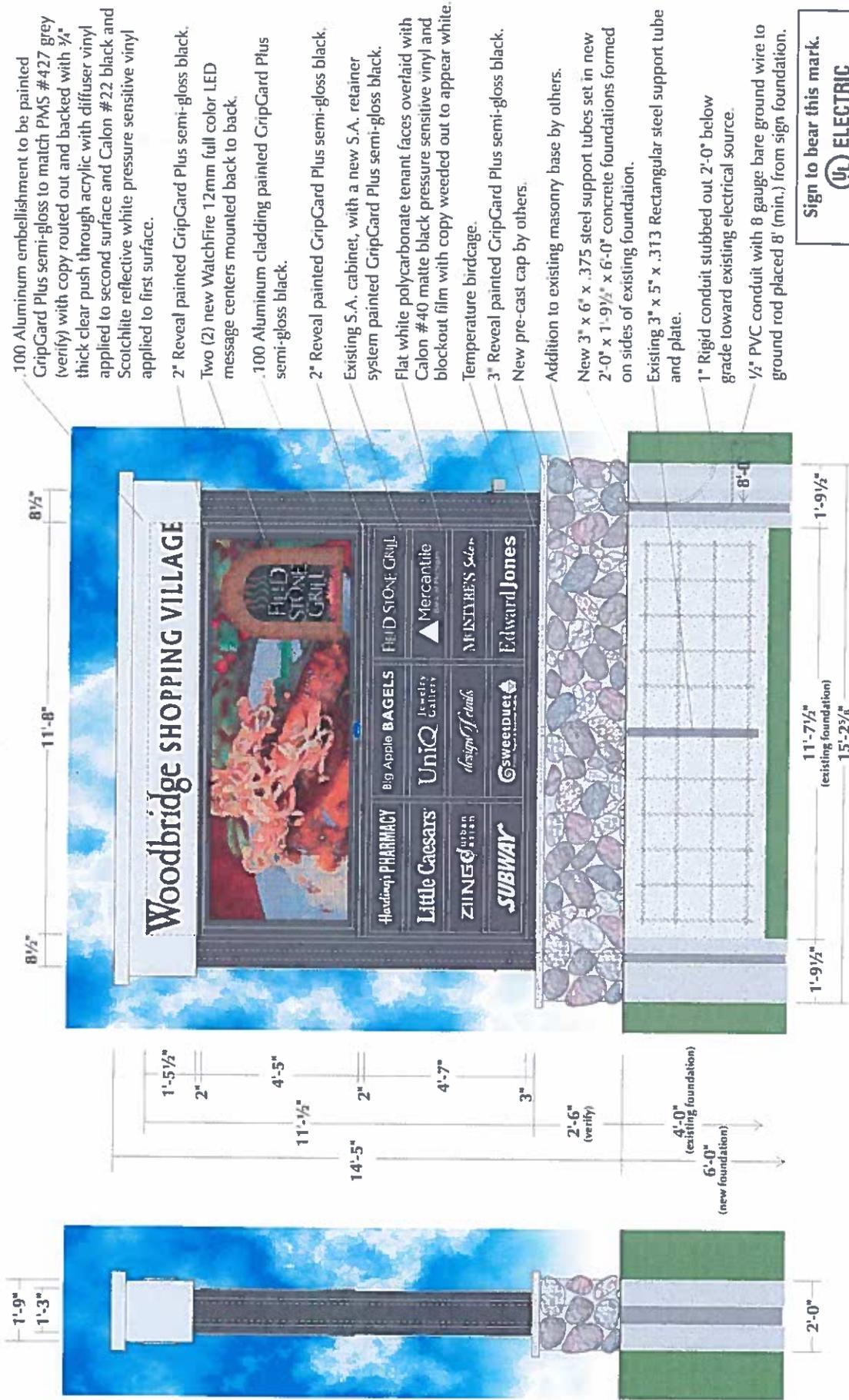
May 6, 2016

Woodbridge Shopping Village
Portage, MI



SignArt Inc.
5757 E. Cork Street
Kalamazoo, MI 49048
269.381.3012
Fax 269.381.0999





- 100 Aluminum embellishment to be painted GripCard Plus semi-gloss to match PMS #427 grey (verify) with copy routed out and backed with 3/4" thick clear push through acrylic with diffuser vinyl applied to second surface and Calon #22 black and Scotchlite reflective white pressure sensitive vinyl applied to first surface.
- 2" Reveal painted GripCard Plus semi-gloss black.
- Two (2) new WatchFire 12mm full color LED message centers mounted back to back.
- 100 Aluminum cladding painted GripCard Plus semi-gloss black.
- 2" Reveal painted GripCard Plus semi-gloss black.
- Existing S.A. cabinet, with a new S.A. retainer system painted GripCard Plus semi-gloss black.
- Flat white polycarbonate tenant faces overlaid with Calon #40 matte black pressure sensitive vinyl and blackout film with copy weeded out to appear white.
- Temperature birdcage.
- 3" Reveal painted GripCard Plus semi-gloss black.
- New pre-cast cap by others.
- Addition to existing masonry base by others.
- New 3" x 6" x .375 steel support tubes set in new 2'-0" x 1'-9 1/2" x 6'-0" concrete foundations formed on sides of existing foundation.
- Existing 3" x 5" x .313 Rectangular steel support tube and plate.
- 1" Rigid conduit stubbed out 2'-0" below grade toward existing electrical source.
- 1/2" PVC conduit with 8 gauge bare ground wire to ground rod placed 8' (min.) from sign foundation.

Sign to bear this mark.

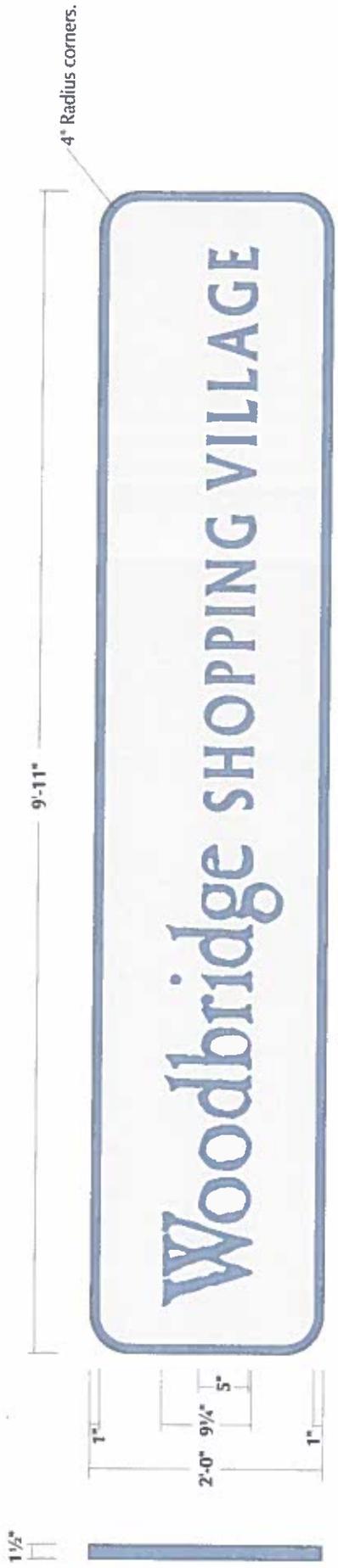
UL LISTED **ELECTRIC SIGN**

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

Double Faced Illuminated Monument Sign
 Note: Tenants are mounted back to back on sign.
Woodbridge Hills — Moorsbridge Rd., Portage, MI



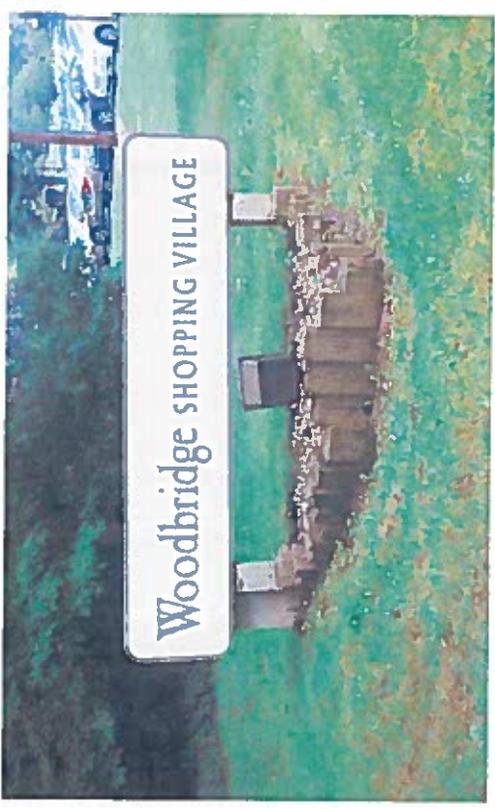
SIGN #2 — EXISTING MONUMENT SIGN



Sign #2 — Existing Single Faced Non-Illuminated Monument Sign
 Existing sign to be removed, if necessary.

Scale: 3/4" = 1'-0"

Square Footage
 2'-0" x 9'-11" = 19.83 Sq.Ft.



Elevation
 Scale: None

Woodbridge Hills — Moorsbridge Rd., Portage, MI

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JL 11-6-17 5-1-15NS
 2-6-13AC 12-7-15AC
 5-17-14/H 4-29-15/RL
 Approved for: 5-6-16ks By: Date:



Existing Monument Sign
 Day Time — Sign Comparison Page

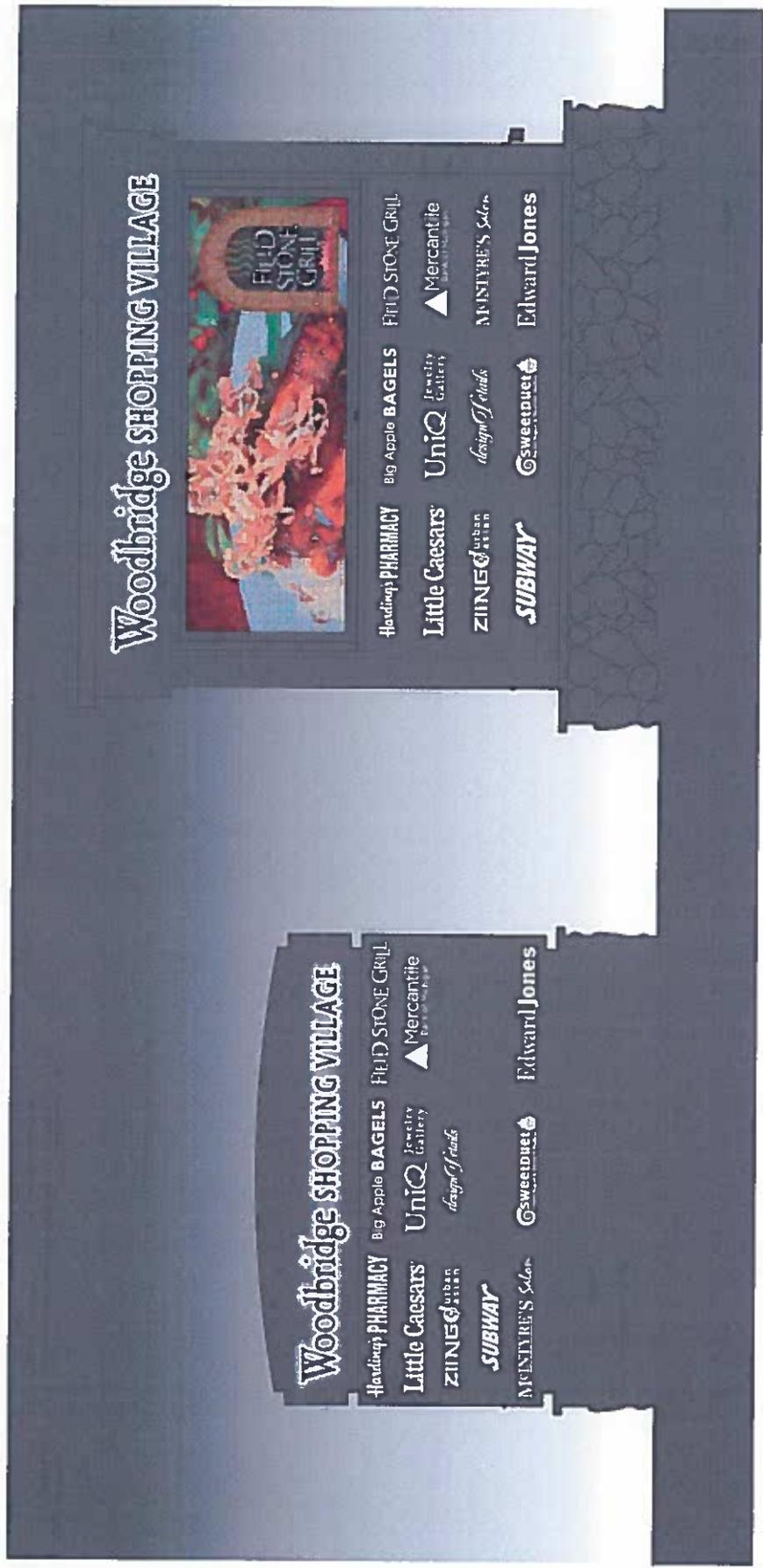
Proposed Sign #1 — Monument Sign

Scale: 1/4" = 1'-0"

Woodbridge Hills — Moorsbridge Rd., Portage, MI

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JL 11-6-17 5:11:58 PM
 2-6-13AC 17:35AC
 5-17-14H 4:29:13AM
 Approved for: _____ By: _____ Date: _____



Existing Monument Sign

Proposed Sign #1 — Monument Sign

Night Time — Sign Comparison Page

Scale: 1/4" = 1'-0"

Woodbridge Hills — Moorsbridge Rd., Portage, MI

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JL 11-6-12 5:1-15Ks
 2-1-13AG 6:2-15Ks
 5-17-14RH 12:7-15AG
 4-29-15RL

Approved for:

By:

Date:

Sign #1

Existing Sign #2



Site Plan



Scale: None

Woodbridge Hills — Moorsbridge Rd., Portage, MI

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JL 11-6-15AG 3-1-15NS 2-6-15AG 12-7-15AG 5-17-14H 4-29-15BL

Approved for:

By:

Date:

WoodbridgeSV8

TO: Zoning Board of Appeals **DATE:** November 4, 2016
FROM: Vicki Georgeau, ^{VA} Director of Community Development
SUBJECT: ZBA #16-10, Sign Art on behalf of Woodbridge Community Partnership LLC, 3750, 3950 West Centre Avenue, PD, Planned Development
CODE SECTION: 42-548(A), PD Signs, p. CD42:131
APPEAL: Requesting a variance to erect a 129 square-foot freestanding sign where a maximum 75 square foot sign is permitted.

STAFF RECOMMENDATION:

The applicant is requesting the above referenced variance per the enclosed application, sign sketches, and letter of explanation. The subject 10.9 acre zoning lot consists of two parcels: 3750 and 3950 West Centre Avenue, which are improved with a 52,926 square-foot multi-tenant commercial building, and a 12,375 square-foot multi-tenant commercial building (collectively identified as "Woodbridge Shopping Village"), off-street parking lot and related improvements. The property is zoned PD, planned development, and is part of Woodbridge Hills. The zoning lot is adjacent to office uses also within the PD zone to the east, north and west. Across the street on the south side of West Centre Avenue is the State Game Area.

The applicant currently has a 75 square-foot multi-tenant freestanding sign near the main entrance on West Centre Avenue. A smaller 20 square-foot wood sign identifies the secondary entrance on Moorsbridge Road, which has limited visibility. The applicant proposes to modify the current sign on West Centre Avenue with the addition of an Electronic Message Display to identify tenants not currently on the main sign panels, and to display other sales information. The proposed sign will measure 129 square feet in area, whereas the largest freestanding sign size permitted in a PD district is 75 square feet.

The property has 313 feet of street frontage on West Centre Avenue and 430 feet of frontage on Moorsbridge Road and is permitted one 75 square-foot freestanding sign on West Centre Avenue and two 75 square-foot signs along Moorsbridge. A larger West Centre Avenue multi-tenant sign will improve the shopping center visibility at the main entrance, while retention of the existing small wooden sign along Moorsbridge Road will identify the secondary entrance. There are exceptional circumstances applying to the property that do not generally apply to other properties in the same zoning district, which include the limited visibility along Moorsbridge Road due to the topography and existing vegetation. The variance not be detrimental to adjacent property or impair the intent of the Zoning Ordinance. For these reasons the variance can be recommended, conditioned upon only one sign on the Moorsbridge Road frontage, not exceed 20 square feet in area.

PRACTICAL DIFFICULTY:

Topography and limited visibility. 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:

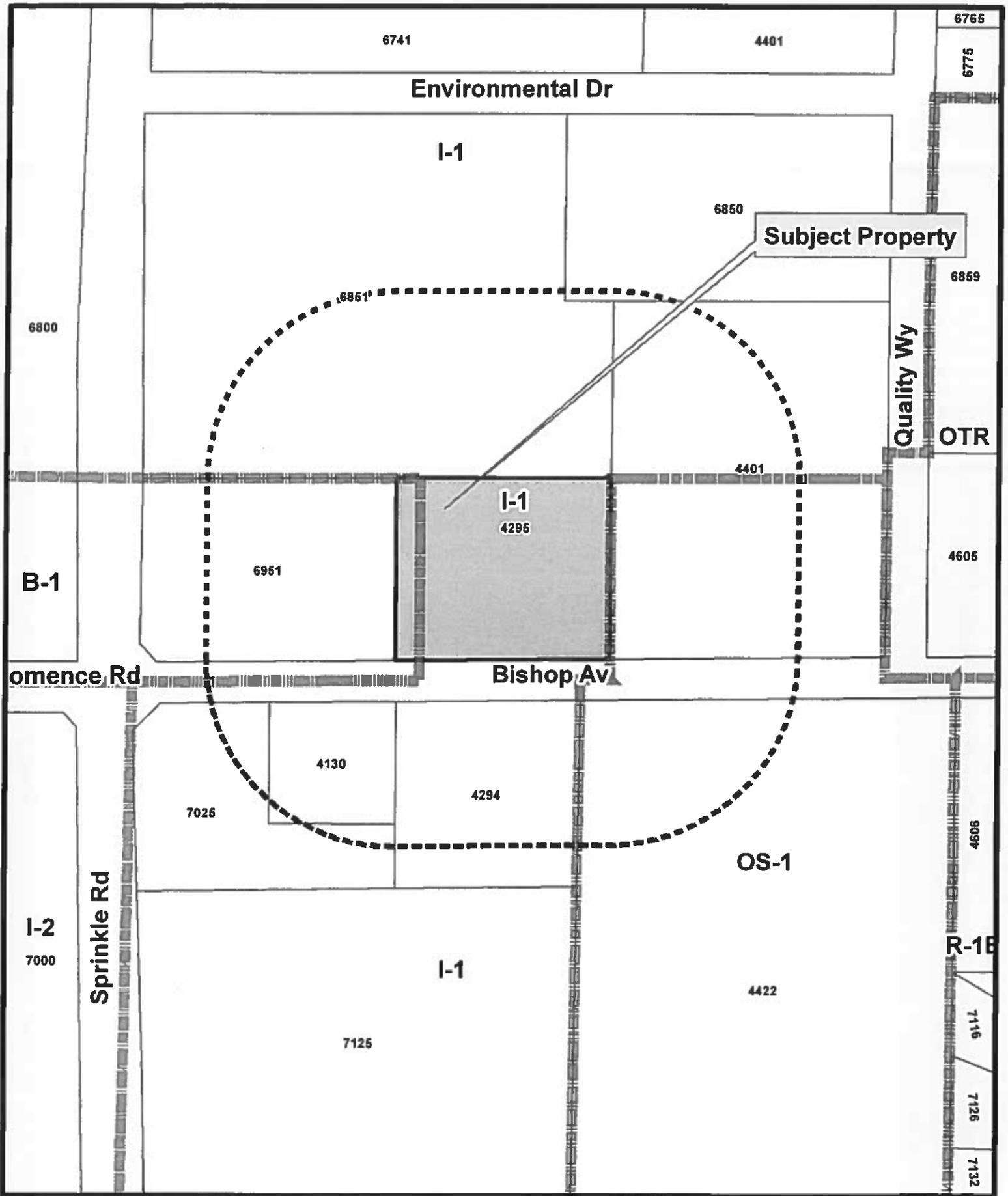
- 1a. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include _____;
- 2a. The variance is necessary for the preservation and enjoyment of a substantial property right, the right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



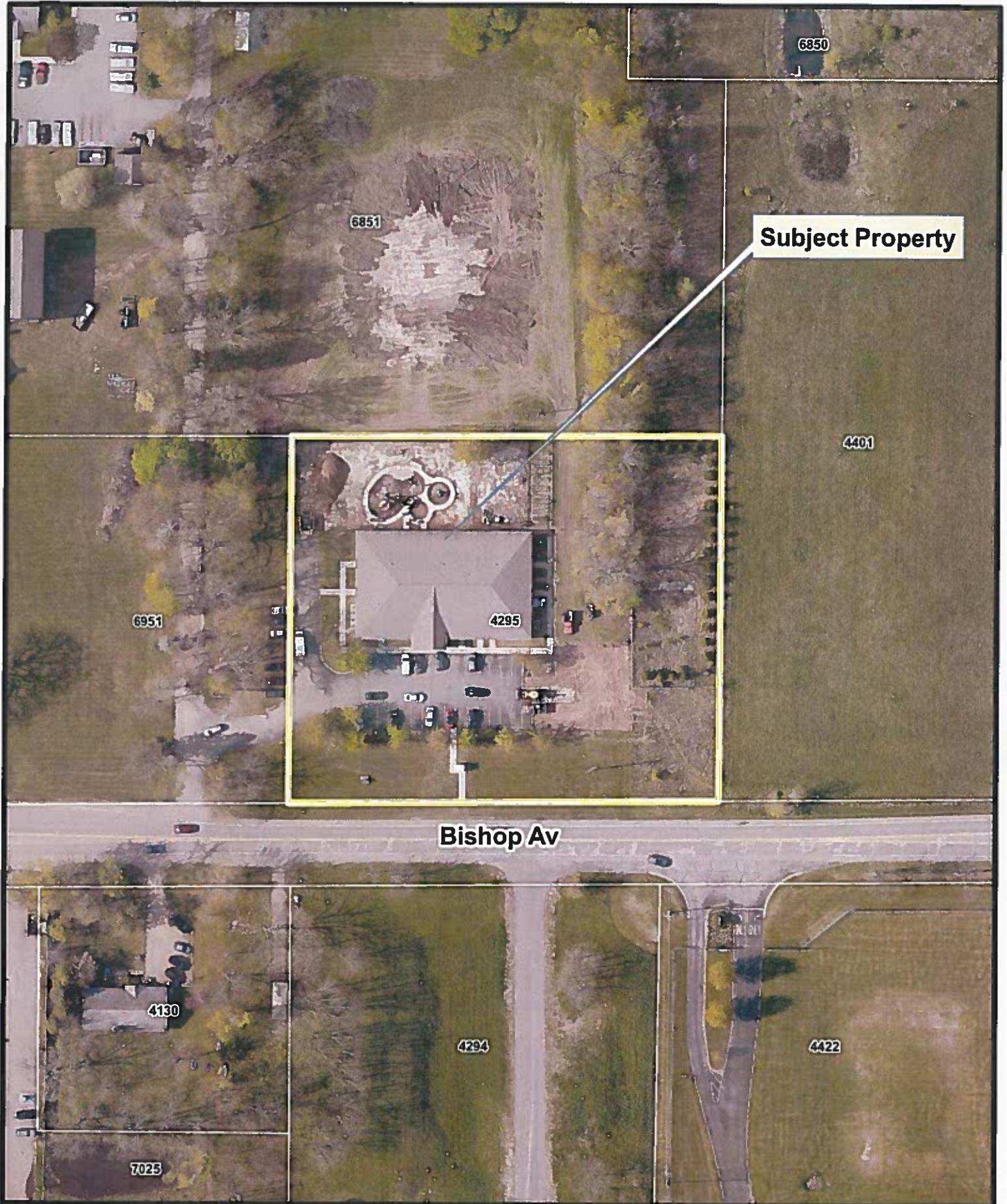
Legend

-  300' Notification Radius
-  Subject Property

ZBA # 16-11
4295 Bishop Avenue



1 inch = 200 feet



Subject Property

Bishop Av

Legend

 Subject Property

Aerial Photography
4295 Bishop Avenue



1 inch = 100 feet



PORTAGE

A Natural Place to Move

Department of Community Development

RECEIVED

OCT 13 2016

ZONING BOARD OF APPEALS APPLICATION

COMMUNITY DEVELOPMENT

FOR COMPLETION BY APPLICANT

Application Date 10/12/16
 Name of Applicant JAMES DAILY Print
 Applicant's Address 9110 PORTAGE RD
 Name of Property Owner (if different from Applicant) SAME
 Address _____ Phone No. _____

[Signature] Signature
 Phone No. (269) 381-0776

Address of the Property that is the subject of this Application:
 Street Address 4295 BISHOP RD PORTAGE, MI 49002
 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: REAL ESTATE + BUSINESS

Application Fee _____ (Residential Uses) \$ 335.00 (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: CHILD CARE FACILITY WAS ALLOWED (PERMITTED) TO BE LOCATED IN AN INDUSTRIAL ZONED AREA. INDUSTRIAL SIGN ALLOWANCE IS EXTREMELY SMALL COMPARED TO OTHER ZONING.

FOR STAFF USE

Application Number: <u>16-11</u>	Filing Date: <u>10/13</u>	Tentative Hearing Date: <u>11/14</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.)
WHICH ARE AS PERMITTED USE IN INDUSTRIAL ZONING IS TO CONSTRUCTING ON SIGN SIZE ALLOWANCE
2. Are the physical characteristics you explained above unique and not shared by neighboring properties? (Attach additional sheets if needed.)
YES, THEY ARE UNIQUE.
3. Can the property be reasonably used for the uses permitted in the zoning district without granting the variance? (Attach additional sheets if needed.)
NO, OUR SIGNAGE LIMITATIONS ARE CONSTRUCTING AND VITALLY IMPORTANT TO THE SUCCESS OF OUR BUSINESS.
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.)
YES, THE REQUEST IS THE MINIMUM TO REASONABLY SERVE OUR BUSINESS.
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.)
WE HAVE NO ADJACENT PROPERTIES OR NEIGHBORS.
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.)
N/A
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.)
ORIGINAL FRANCHISE ONLY HAD BUILDING MOUNTED SIGNAGE
8. Explain how the variance would fulfill the spirit and intent of the Zoning Ordinance. (Attach additional sheets if needed.)
THE VARIANCE WOULD SIMPLY ALLOW THE BUSINESS TO HAVE THE NECESSARY EXPOSURE AS IT WOULD HAVE IN THAT OF OTHER ZONING.

[Signature]
Signature of Applicant

10/12/16
Date



October 25, 2017

Kyle Mucha
Zoning & Codes Administrator
7900 South Westnedge Ave
Portage, MI 49002
269.329.4473

Reference: Variance Request
Adventures Learning Center
4295 Bishop Rd

Dear Mr. Mucha,

Our childcare facility was allowed to be built on an industrial zoned parcel as it provided a "supportive function" to the local employers.

We are seeking a variance to allow the installation of a monument sign that is larger than that allowable by the I-1 zoning.

We have recently constructed the same exact signage at two of our other locations in Caledonia and Kentwood MI. These signs were 84 sf per face.

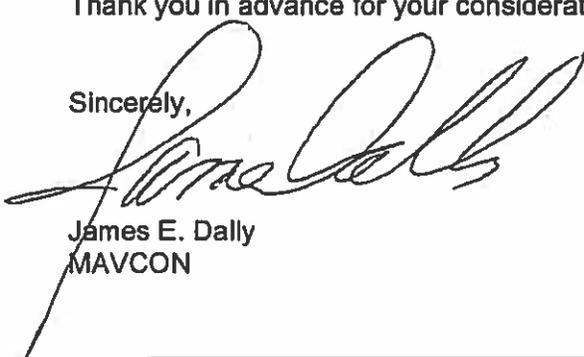
The business ordinance appears to allow 1 sf for every 2.5 lf of frontage. Our frontage measures 344.60', at the 2 1/2 lf of frontage = 1 sf of signage we calculate 137.84 sf

The signs we have at our 2 other locations are both 84 sf per face, we would like to obtain approval to construct this exact same sign at a total of 75 sf at our Portage location.

Given that we are located so far away from Sprinkle Rd and located on a secondary street, we need to obtain the maximum allowable signage for visibility. All sign components are pre-fab by the franchisor.

Thank you in advance for your consideration.

Sincerely,



James E. Dally
MAVCON

INVERT MARK
N 48" OAK
.EV=867.88

PROPOSED
BITUMINOUS
DRIVE

48" OAK

866
867

LANDSCAPE ISLAND (exist)
520 S.F.

EXIST LANDSCAPE

1.0%

EXISTING BITUMINOUS

868

868

MATCH
EXIST

MATCH
EXIST

MATCH
EXIST

R.O.W.

W

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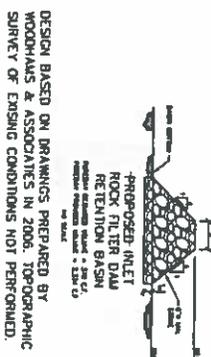
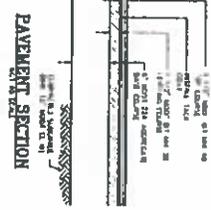
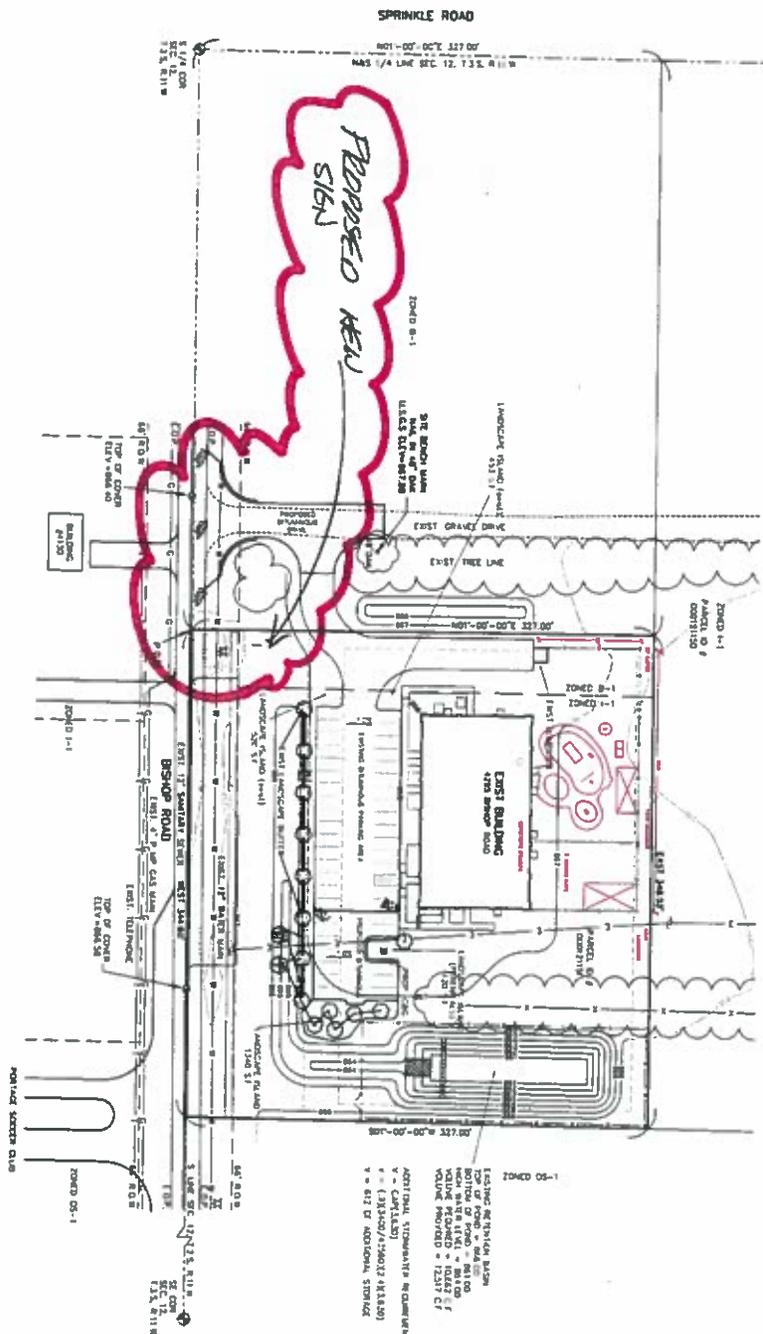
867

867

EXIST. 12" SAN

PLANT MATERIAL LIST (revised)

SYMBOL	NO.	SIZE	COMMON NAME	COMMON NAME	PLANTING
1	1	1"	RED PALMHEADED YEW	RED PALMHEADED YEW	200
2	1	1"	RED PALMHEADED YEW	RED PALMHEADED YEW	200
3	1	1"	RED PALMHEADED YEW	RED PALMHEADED YEW	200
4	1	1"	RED PALMHEADED YEW	RED PALMHEADED YEW	200
5	1	1"	RED PALMHEADED YEW	RED PALMHEADED YEW	200
6	1	1"	RED PALMHEADED YEW	RED PALMHEADED YEW	200
7	1	1"	RED PALMHEADED YEW	RED PALMHEADED YEW	200
8	1	1"	RED PALMHEADED YEW	RED PALMHEADED YEW	200
9	1	1"	RED PALMHEADED YEW	RED PALMHEADED YEW	200
10	1	1"	RED PALMHEADED YEW	RED PALMHEADED YEW	200
11	1	1"	RED PALMHEADED YEW	RED PALMHEADED YEW	200
12	1	1"	RED PALMHEADED YEW	RED PALMHEADED YEW	200
13	1	1"	RED PALMHEADED YEW	RED PALMHEADED YEW	200
14	1	1"	RED PALMHEADED YEW	RED PALMHEADED YEW	200
15	1	1"	RED PALMHEADED YEW	RED PALMHEADED YEW	200
16	1	1"	RED PALMHEADED YEW	RED PALMHEADED YEW	200
17	1	1"	RED PALMHEADED YEW	RED PALMHEADED YEW	200
18	1	1"	RED PALMHEADED YEW	RED PALMHEADED YEW	200
19	1	1"	RED PALMHEADED YEW	RED PALMHEADED YEW	200
20	1	1"	RED PALMHEADED YEW	RED PALMHEADED YEW	200



- NOTES:**
1. SEE REMARKS PROVIDED BY OWNER REGARDING SITE.
 2. ALL DIMENSIONS UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS UNLESS OTHERWISE NOTED.
 5. ALL DIMENSIONS UNLESS OTHERWISE NOTED.
 6. ALL DIMENSIONS UNLESS OTHERWISE NOTED.
 7. ALL DIMENSIONS UNLESS OTHERWISE NOTED.
 8. ALL DIMENSIONS UNLESS OTHERWISE NOTED.
 9. ALL DIMENSIONS UNLESS OTHERWISE NOTED.

SITE DATA (revised)

1. 100' ST. 100' ST. 100' ST.

2. 100' ST. 100' ST. 100' ST.

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16. 100' ST. 100' ST. 100' ST.

17. 100' ST. 100' ST. 100' ST.

18. 100' ST. 100' ST. 100' ST.

19. 100' ST. 100' ST. 100' ST.

20. 100' ST. 100' ST. 100' ST.

PAINT STRIPING (revised)

1. 100' ST. 100' ST. 100' ST.

2. 100' ST. 100' ST. 100' ST.

3. 100' ST. 100' ST. 100' ST.

4. 100' ST. 100' ST. 100' ST.

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19. 100' ST. 100' ST. 100' ST.

20. 100' ST. 100' ST. 100' ST.

GRADING/DRAINAGE PLAN

APPLE TREE LEARNING CENTER

PORTAGE, MICHIGAN

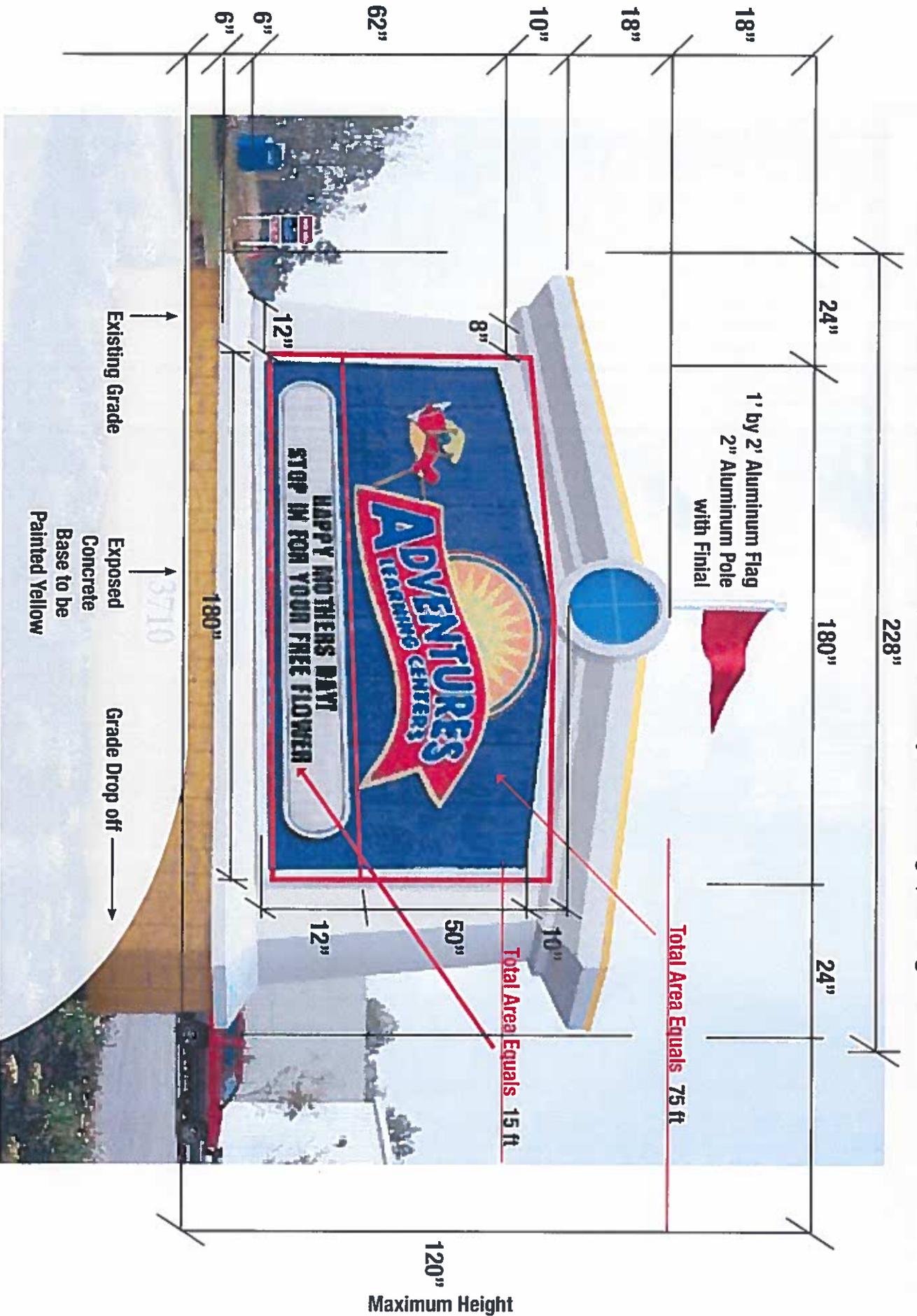
WOODHAMS & ASSOCIATES INC.

100 W. Kalamazoo Street • Kalamazoo, Michigan 49006

269.333.4212 • Fax: 269.333.4216

C-4

Portage Adventures Learning Center, 4295 Bishop Rd Portage, Michigan 49002



Notes:
1) Sign is 2 sided

Sign Dimensions

Sign to be located 10' minimum away
from public right-of-way

TO: Zoning Board of Appeals **DATE:** November 4, 2016

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

SUBJECT: ZBA #16-11, James Dally, 4295 Bishop Road, I-1 Light Industrial

CODE SECTION: 42-553(B), I-1 Signs, p. CD42:132.2
42-121(4), Accessory Uses, p. CD42:28

APPEAL: Requesting variances to: a) erect an accessory sign in a different zone than the principal use; and b) erect a 75 square-foot freestanding sign where a maximum 48 square foot sign is permitted.

STAFF RECOMMENDATION:

The applicant is requesting the above referenced variance per the enclosed application, sign sketch, and letter of explanation. The subject 2.6 acre property is improved with a 10,764 square-foot child care facility constructed in 2007, off-street parking lot, and related improvements. The property is primarily zoned I-1, light industrial; however, the west 40 feet of the property is zoned B-1, local business. The property is adjacent to undeveloped property zoned OS-1, office service, to the east, undeveloped property zoned B-1 to the west, industrial property to the north and an undeveloped industrial property across the street to the south.

A Special Land Use permit was approved in 2006 to operate Appletree Learning Center (daycare facility) in a light industrial zone. A new daycare operator, Adventures Learning Center, now occupies the building and proposes to erect a 75 square-foot freestanding sign with a 15 square-foot changeable copy board on the B-1 portion of the property.

With regard to request a), placement of a freestanding sign near the west property line close to the entrance drive is appropriate. The applicant did not create the zoning configuration, and the variance would not be detrimental to the surrounding neighborhood and would not impair the intent of the Zoning Ordinance. For these reasons, the variance can be recommended.

Concerning request b), the applicant has indicated the proposed signage exists at facilities in other communities, and that commercial zones generally have greater sign area entitlements than industrial zones. The majority of child care facilities within the city are located in either office or residential zones, where the maximum permitted size signs are 50 square feet. Even if the entire property were zoned B-1, local business, a 50 square-foot sign would be the maximum allowed. The applicant has demonstrated no compelling reason why a conforming sign will not work at this location nor any unique circumstances or visibility issues in connection with the property. It is noted the previous occupant operated for nearly a decade at this location without a freestanding sign. The applicant has conforming alternatives available, and for the reasons noted above, the variance is not recommended.

PRACTICAL DIFFICULTY:

Zoning district boundaries. 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.**



Subject Properties

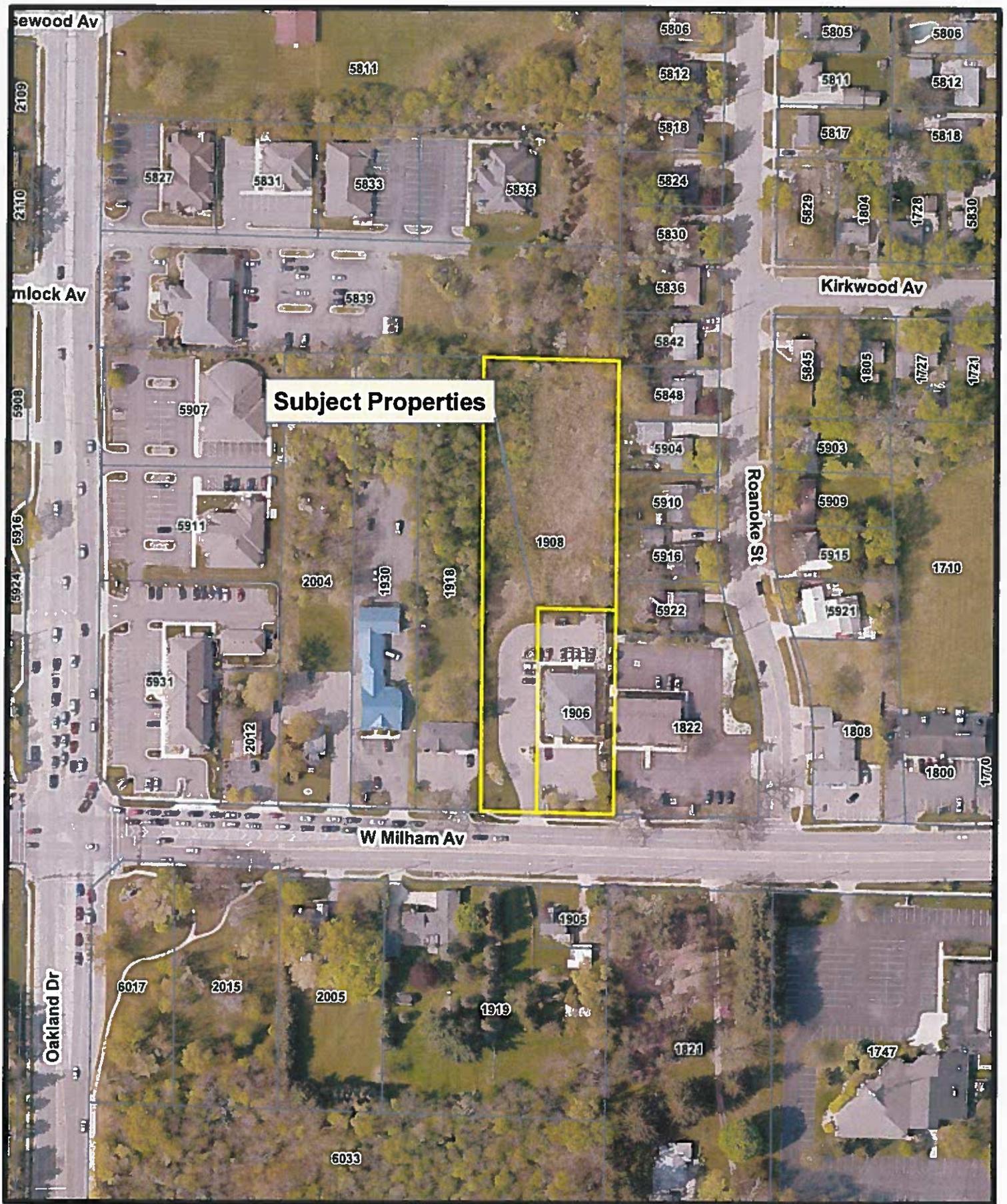
ZBA # 16-12

1906 & 1908 West Milham Avenue

-  300' Notification
-  1906 W. Milham
-  1908 W. Milham



1 inch = 150 feet



1906 & 1908 West Milham Avenue



16-12_1906_WMilham

1 inch = 150 feet

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 10/14/2016

Name of Applicant Dave Schwelker & John Stephens
Print

[Signature]
Signature

Applicant's Address 5717 Oakland Dr., Portage

Phone No. (269) 459-6212

Name of Property Owner (if different from Applicant) JDD Development

Address 5839 Oakland Dr., Portage

Phone No. (269) 207-2912

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

Street Address 1908 W Milham Ave, Portage MI

For Platted Property: Lot 19 of Prairie Acres 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: Buyer.

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 4 Section 42 Paragraph 550

Regarding: Use _____ Area _____ Yards _____

Setbacks _____ Parking _____ Other Signs

Reason for Request (Also complete page 2 of application): To allow for independent business sign on Milham Rd at 32 square feet

Appeal of Administrative Decision: Article _____ Section _____ Paragraph _____

Reason for Request: _____

Interpretation of the Zoning Ordinance: Article _____ Section _____ Paragraph _____

Reason for Request: _____

A Temporary Permit for: Building _____ Use _____ Other Approval _____

Article _____ Section _____ Paragraph _____

Reason for Request: _____

FOR STAFF USE

Application Number: <u>16-12</u>	Filing Date: <u>10/17</u>	Tentative Hearing Date: <u>11/14</u>
Previous Application Filed Regarding This Property: <u>-</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.)
See attached

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

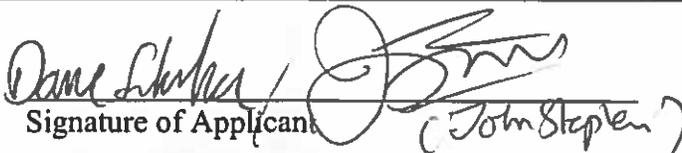
4. Is the variance the minimum necessary to permit reasonable use of the land and buildings, or would a lesser variance be fair and equitable to the applicant as well as logical and just to other property owners in the area? (Attach additional sheets if needed.)
See attached.

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.)
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.)
See attached.

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


Signature of Applicant (John Stepien)

10/17/2016
Date

1. The city reclassified the parcel into one zoning lot when 1906 Milham was developed in 2009, even though two separate addresses & legal descriptions have been maintained.
2. The characteristic above is unique – no other neighboring properties are combined into one zoning lot.
3. No, any business located on this parcel will require signage.
4. The variance is the minimum necessary to permit reasonable use of the parcel.
5. The parcel is already zoned correctly for the intended use.
6. The parcel is already zoned correctly for the intended use.
7. No. The city combined both parcels into one zoning parcel unbeknownst to the current owner.
8. To provide signage for a business looking to relocated in Portage.

SURVEYOR'S CERTIFICATE:

I DONALD R. GILCHRIST, A LICENSED PROFESSIONAL SURVEYOR NO. 13583 IN THE STATE OF MICHIGAN, HEREBY CERTIFY THAT THE DRAWING HEREON DELINEATED IS A FULL AND ACCURATE REPRESENTATION OF A LAND SURVEY OF PARCELS OF LAND DESCRIBED AS FOLLOWS.

DESCRIPTION OF LAND SURVEYED:

PARCEL A:

THE WEST 78 FEET OF LOT 19 PRAIRIE ACRES, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 10 OF PLATS ON PAGE 26, KALAMAZOO COUNTY RECORDS.

PARCEL B:

LOT 19 EXCEPT THE WEST 78 FEET OF PRAIRIE ACRES, SECTION 5, PORTAGE TOWNSHIP (NOW CITY), KALAMAZOO COUNTY, MICHIGAN, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 10 OF PLATS ON PAGE 26, KALAMAZOO COUNTY RECORDS.

DESCRIPTION OF PARCELS AFTER SPLIT:

PARCEL "1" (PARENT PARCEL)

LOT 19 PRAIRIE ACRES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 10 OF PLATS ON PAGE 26, KALAMAZOO COUNTY RECORDS. EXCEPT THE SOUTH 245.00 FEET OF THE EAST 96.00 FEET THEREOF.

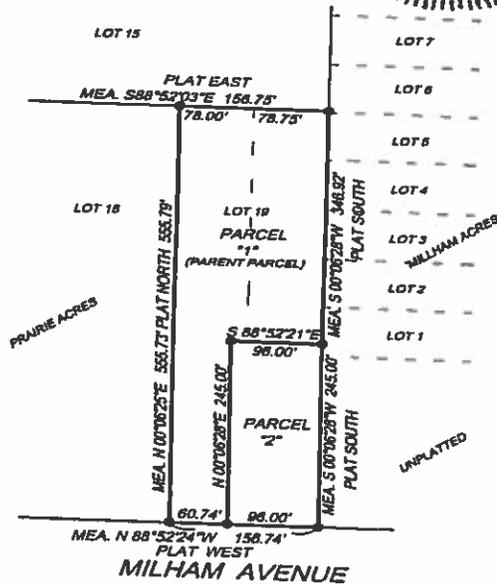
PARCEL "2"

THE SOUTH 245.00 FEET OF THE EAST 96.00 FEET OF LOT 19 PRAIRIE ACRES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 10 OF PLATS ON PAGE 26, KALAMAZOO COUNTY RECORDS.

Donald R. Gilchrist
DONALD R. GILCHRIST P.S. NO. 13583



5/26/09
DATE



IRON RODS AT ALL POINTS MARKED THUS - ●

<p>LOT SURVEY WITH SPLIT</p> <p>LOCATED IN THE PLAT OF PRAIRIE ACRES, SECTION 5, TOWN 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN.</p> <p>SCHNELKER</p> <p><small>COPYRIGHT 2009 DON R. GILCHRIST & ASSOCIATES</small></p>	<p>DON R. GILCHRIST & ASSOCIATES VAN BUREN COUNTY SURVEYOR</p> <p>P.O. BOX 121 PAW PAW, MICHIGAN 49079</p> <p>PH. 269-657-6021 FAX 269-657-6022</p>	
	<p>DATE 4/14/09 REV. 5/26/09</p>	<p>CHECKED BY - DRG</p>
	<p>SCALE 1" : 200'</p>	<p>SHEET 1 OF 1</p>
	<p>DRAWN BY Dallas</p>	<p>JOB NO. 09-130</p>

TO: Zoning Board of Appeals **DATE:** November 4, 2016

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

SUBJECT: ZBA #16-12, Dave Schnelker and John Stephen, 1906 and 1908 West Milham Avenue, OS-1 Office Service

CODE SECTION: 42-550(A), OS-1 Signs, p. CD42:132

APPEAL: Requesting a variance to permit a second freestanding sign where one sign is permitted on the zoning lot.

STAFF RECOMMENDATION:

The applicant is requesting the above referenced variance per the enclosed application, site sketch, and related materials. The subject two-acre zoning lot is comprised of two parcels, 1906 and 1908 West Milham Avenue. The property is improved with a 4,048 square-foot medical clinic ('Singer Eye Center'), off-street parking lot and related improvements. The property is primarily zoned OS-1, office service, however a 310-foot deep by 79-foot wide portion of 1908 West Milham Avenue to the north of 1906 West Milham Avenue is zoned P-1, vehicular parking. The property to the west is zoned OS-1, the property to the east is zoned B-1, local business, and a residential neighborhood is located to the northeast and across the street to the south are nonconforming residences in an OS-1 zone.

The Singer Eye Center received site plan approval in May 2009. The approved site plan illustrates the zoning lot as including 1906 and 1908 West Milham Avenue, with shared access and storm water drainage, and 12 off-street parking spaces located on 1908 West Milham Avenue. There is a note on the site plan indicating a freestanding sign will be located at the front of the property. In December 2009, the applicant requested a lot line adjustment, which was approved. However, the adjustment did not change the zoning lot designation. A sale of 1908 West Milham Avenue is now pending and the buyer desires to have a separate freestanding sign. As the zoning lot has less than 300 feet of frontage, only one freestanding sign is permitted.

The applicant indicates "the city reclassified the parcel into one zoning lot when 1906 West Milham was developed in 2009, even though two separate addresses & legal descriptions have been maintained." As noted above, the approved site plan includes both properties within the same zoning lot. If this were not the case, a variance would have been necessary for the required parking that extends onto 1908 West Milham Avenue. The zoning lot has 157 feet of frontage and may have a freestanding sign up to 50 square feet in area. Eight square feet of sign area is also available for each additional use on the zoning lot. With one additional use, the zoning lot is permitted a 58 square foot sign. The existing sign is 32 square feet in area and an additional 26 square feet of sign area could be added without a variance. Because conforming alternatives are available and the immediate practical difficulty creating the need for the variance is self-created, the variance is not recommended. However, if the Board finds a practical difficulty, the variance may be granted.

PRACTICAL DIFFICULTY: 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.**