



ZONING BOARD OF APPEALS

January 12, 2015

CITY OF PORTAGE ZONING BOARD OF APPEALS

Monday, January 12, 2015

(7:00 pm)

Portage City Hall
Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

- * December 8, 2014 meeting

OLD BUSINESS:

NEW BUSINESS:

- * 1. ZBA #14-17 Jeremy Vainavicz, 1009 Karendale Avenue: Requesting a variance to construct a 1,108 square-foot dwelling where a minimum 1,600 square feet is required.
- * 2. ZBA #14-18 Jerico, LLC, 531, 605 Kilgore Road 5024, 5036 South Westnedge Avenue: Requesting a variance to erect a 180 square-foot freestanding sign at 5024/5036 South Westnedge Avenue where a maximum 149 square-foot sign is permitted.
- * 3. ZBA #14-19 The Hinman Company, 5220 South Westnedge Avenue: Requesting a variance to modify a freestanding sign that would be: a) 212 square-feet in area where a maximum 180 square feet is permitted; and b) 29 feet high where a maximum 25-foot height is permitted.
- * 4. ZBA #14-20 Nathan Cronenwett, 1106 West Centre Avenue: Requesting a variance from the conflicting land use screening requirements along the southeast side of the site, between the hair salon use (currently under construction) and the adjacent senior apartment/retirement complex (Portage Pines Apartments, Fountain View Assisted Living Facility, Spruce Creek Apartments).

OTHER BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

Star (*) indicates printed material within the agenda packet

Minutes of Meeting – December 8, 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. Five people were in the audience.

MEMBERS PRESENT: Timothy Bunch, Chadwick Learned, Glenn Smith, Phillip Schaefer, Jeffrey Bright, Lowell Seyburn, and Randall Schau.

MEMBERS EXCUSED: A motion was made by Bunch, seconded by Schaefer to excuse Michael Robbe and Doug Rhodus. Upon voice vote motion passed 7-0.

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

APPROVAL OF THE MINUTES: Bunch moved and Schaefer seconded a motion to approve the November 10, 2014 minutes as submitted. Upon voice vote, motion was approved 7-0.

OLD BUSINESS:

ZBA #14-09, Janine Chicoine, 3620 East Shore Drive: No applicant was present. A motion was made by Bunch, seconded by Smith to postpone the matter until the January 12, 2015 meeting. Upon voice vote the motion passed 7-0.

NEW BUSINESS:

ZBA 14-14; Gaspare Matranga, 2804 East Shore Drive: Mais summarized the requests for a) a finding that there has been a change in circumstance since the October 23, 2014 Board decision; b) a variance to construct a 19-foot by 24-foot garage addition that would extend to within 21 feet of the front property line where a minimum 27 foot front yard setback is required; and c) a two-foot side yard setback variance to construct a 21-foot by 5.5-foot addition. Tina Kuchenbuch, Kira Sackley, and Gaspare Matranga were present on behalf of the applicant. Ms. Kuchenbuch stated Mr. Matranga has changed the request from the October 23, 2014 and was now asking for a lesser variance of 21 feet from the front property line as opposed to the 19 foot setback requested previously. Ms. Kuchenbuch stated the practical difficulty was the steep driveway slope, and the applicant's proposal for a side oriented garage that provides a level area in front of the garage door for vehicles to park and not have to worry about them sliding into the street during the winter months, which has happened on the existing driveway. Ms. Kuchenbuch stated the request will therefore help protect property and improve traffic safety. Ms. Kuchenbuch added the applicant did not create the practical difficulty with respect to the topography, and noted the request would not be detrimental to the neighborhood, as there are many dwellings along East Shore Drive that do not meet the minimum front setback. Learned inquired what the Board should be considering in determining if there has been a change in circumstances. Mais stated the Board should consider if there has been a significant change in the request itself and/or if the conditions surrounding the property have changed. Ms. Kuchenbuch stated the applicant has reduced the requested front setback by two feet and explained the difficulties in performing a turning maneuver from a stall in close proximity to the dwelling's front wall. Seyburn requested clarification if the applicant was intending to construct a third garage stall or not. Ms. Sackley stated the existing garage would be used primarily for storage by the applicant but there would be a third garage door close to the front of the dwelling that could be used for a small car by future owners. Bright inquired if the applicant had considered constructing a conforming 3.5 foot bump-out on the east side of the dwelling and using a vertically stacked washer/dryer. Mr. Matranga said his wife's arthritis made that option problematic. Seyburn inquired how close to the travelled portion of the street the garage would be. The applicant stated 29 feet.

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

Learned inquired if the Board should take into consideration just the two foot difference in the request or could other factors, such as a possible language barrier, be considered. Attorney Bear stated communication issues are regrettable but did not believe it is an issue that should be considered in this

situation. The Board must consider the application itself in determining if there has been a change in circumstances. In addition to the two foot front setback difference, Seyburn noted the applicant modified the design to incorporate additional building areas along the east side of the dwelling. A motion was made by Seyburn, seconded by Bunch, that the Board make a finding there has been a change of circumstances since the October 23, 2014 Board decision. Schau stated the applicant has modified the request slightly and raised new arguments but the facts before the Board are essentially the same as before and did not find there to be a change in circumstances. Upon roll call vote: Bunch-Yes, Schaefer-No, Schau-No, Seyburn-Yes, Learned-No, Bright-Yes, Smith-Yes. Motion passed 4-3.

Learned inquired if the applicant would consider a lesser variance for request b). The applicant responded no. A motion was made by Seyburn, seconded by Bunch, to grant a variance to construct a 19-foot by 24-foot garage addition that would extend to within 21 feet of the front property line where a minimum 27 foot front yard setback is required for the following reasons: there are exceptional circumstances applying to the property that do not apply generally to other properties in the same zoning district, which include the topography, and the side-oriented garage requires adequate space to allow safe turning in close proximity to the front of the dwelling. Moreover, that one of the purposes of a driveway is to park vehicles in front of the garage which the proposed design would allow to occur safely; 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. Upon roll call vote: Smith-Yes, Seyburn-Yes, Schaefer-No, Bunch-Yes, Bright-Yes, Learned-Yes, Schau-No. The motion passed 5-2.

A motion was made by Seyburn, seconded by Learned to deny c) a two-foot side yard setback variance to construct a 21-foot by 5.5-foot addition 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 same zoning district; 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 constructing a 3.5 foot wide addition; the variance would be detrimental to adjacent property and the surrounding neighborhood; and would materially impair the intent and purpose of the Zoning Ordinance. Upon roll call vote: Smith-Yes, Seyburn-Yes, Schaefer-Yes, Bunch-No, Bright-Yes, Learned-Yes, Schau-Yes. The motion passed 6-1.

ZBA #14-15, Philip Tullis, 2908 Kalarama Avenue: Mais summarized the request to construct a 23-foot by 13-foot garage addition seven feet from the (east) side property line where a minimum 10-foot setback is required. Mr. Tullis was present to answer questions. Bright asked the applicant to explain the practical difficulty. Mr. Tullis stated the conforming alternative of shifting the garage doors further west and constructing a narrower third stall did not look aesthetically appealing and left little room to open doors. Mr. Tullis added constructing a detached accessory building in the rear yard would have more negative impacts on adjacent property than the requested variance. Seyburn suggested the applicant might make the garage deeper as opposed to wider. Schau inquired if the applicant had three vehicles. Mr. Tullis stated yes. Mr. Tullis provided the Board letters of support from: Clark Bennett, 6320 Liteolier Street; George Amar, 6333 Liteolier Street; George Balog, 6275 Liteolier Street; Thomas McGee, 6230 Liteolier Street; Rudy Ruterbusch, 6345 Liteolier Street; Shahed Ahmed, 6290 Liteolier Street; Amelia Burch, 6324 Applewood Street; and Kathleen Aleman, 6248 Applewood Street.

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

Bright stated he agreed with the applicant that there were no appealing conforming alternatives. Schau stated most houses in the city do not have a three stall garage and most likely could not have one without a variance, and it appeared the practical difficulty in this case was simply that the applicant wants a three stall garage. A motion was made by Schau, seconded by Learned to deny the request to construct a 23-foot by 13-foot garage addition seven feet from the (east) side property line where a minimum 10-foot setback 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 same zoning district; 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 constructing a narrower garage or detached garage; the variance would be detrimental to adjacent property and the surrounding neighborhood; and would materially impair the intent and purpose of the Zoning Ordinance. Upon roll call vote: Smith-No, Schaeffer-Yes, Bunch-Yes, Bright-No, Learned-Yes, Schau-Yes, Seyburn-Yes. The motion passed 5-2.

ZBA 14-16, Carole Meier, 1416 West Milham Avenue: Mais summarized the request to erect a freestanding sign six feet from the (south) front property line where a minimum 10-foot setback is required. Ms. Meier stated she was not changing the sign location or setback from the previous sign. Ms. Meier stated it was discovered during installation a sign permit had been issued in error, but she had the contractor finish erecting the sign due to having a short window of time to open her business.

A public hearing was open no one spoke for or against the request. The public hearing was closed.

A motion was made by Learned, seconded by Seyburn, to grant a variance to erect a freestanding sign six feet from the (south) 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 apply generally to other properties in the same zoning district, which include the location and width of maneuvering lane and off-street parking spaces, the narrow, depth of the green strip available for sign location, that a permit had been issued, and the Board had previously granted a variance for a sign in the same location; 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. Upon roll call vote: Smith-Yes, Seyburn-Yes, Schaefer-Yes, Bunch-Yes, Bright-Yes, Learned-Yes, Schau-Yes. The motion passed 7-0.

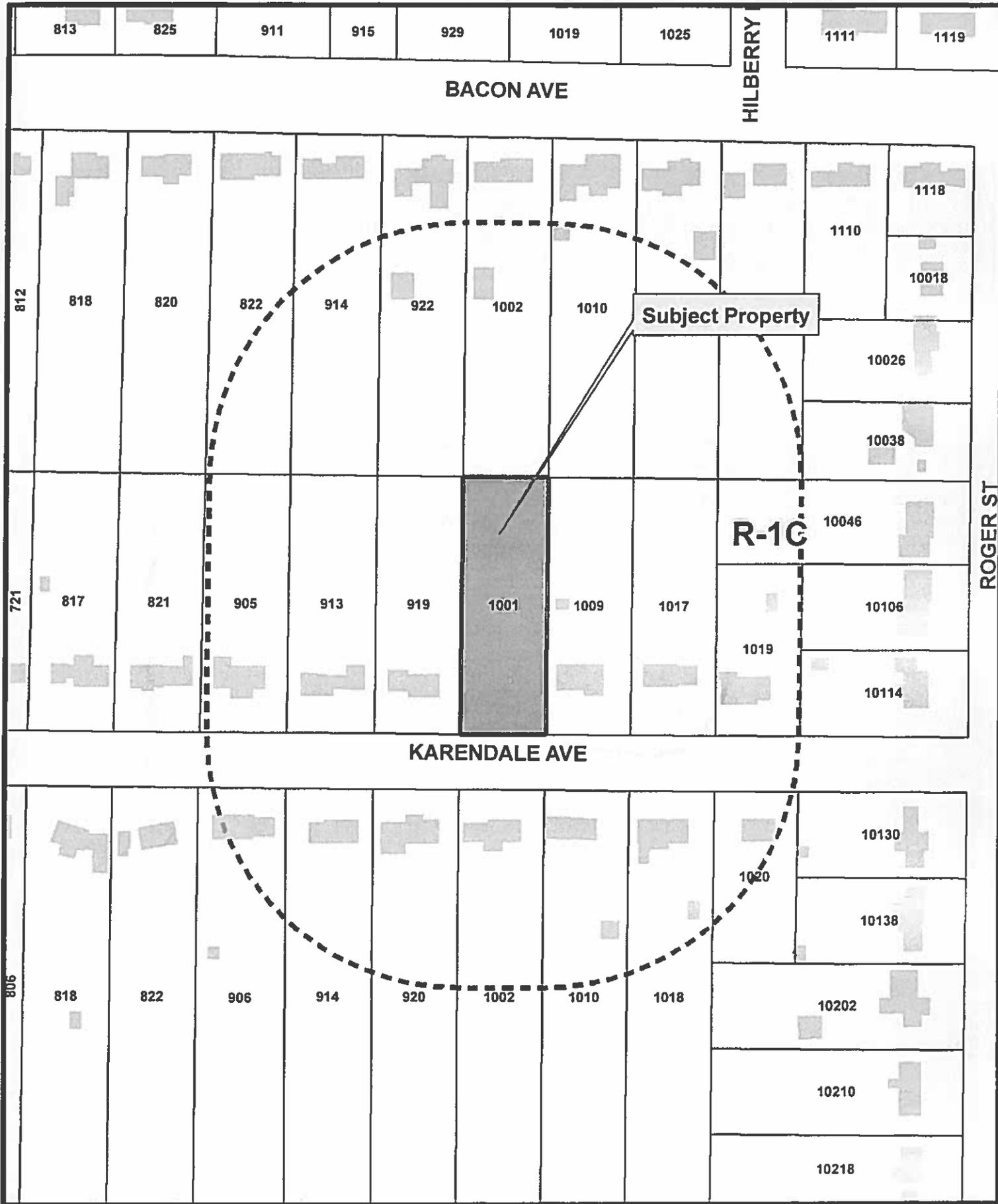
OTHER BUSINESS: Mais stated the Michigan Association of Planning was offering training workshops in early 2015 and that Board members interested in attending should contact staff.

STATEMENT OF CITIZENS: None.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator



-  Zoning Boundary
-  Subject Property
-  Notification Area

ZBA 14-17

1001 Karendale Avenue



1 inch = 150 feet



Aerial Photography 1001 Karendale Avenue

 Subject Property



1 inch = 100 feet

RECEIVED

DEC 09 2014



DEC 09 2014

RECEIVED

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 12-9-14
Name of Applicant Jeremy Vainavicz
Print Signature

Applicant's Address 7363 Hampstead Ln Phone No. 616-990-3144

Name of Property Owner (if different from Applicant) Larry + Nancy Mishall

Address 1009 Karendale Ave Phone No.

Address of the Property that is the subject of this Application:
Street Address 1001 Karendale Ave Portage, MI
For Platted Property: Lot 66 of Ludington Acres #2 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):

X Variance from Zoning Ordinance: Article Section 42 Paragraph 350
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: wish to build a smaller home than whats required by code

FOR STAFF USE

Table with 3 columns: Application Number (14-17), Filing Date (12/9/14), Tentative Hearing Date (1/12/14). 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.)

Surrounding Homes Sizes and Values are much smaller than the required square footage

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

12-8-14
Date

December 9, 2014

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

RE: Vacant Lot #66 Ludington Acres #2
1001 Karendale, Portage, MI 49002
Tax ID# 3910047420660

To whom it may concern:

The purpose of this letter is to request authorization to build an 1,108 sq. ft. home at 1001 Karendale, Portage, MI 49002 instead of the required code of 1,600 sq. ft. minimum for this parcel.

The proposed property plans for 1001 Karendale you will find attached.

This request is based on the research attached which shows the sq. footage averages for the Karendale properties range between 912 sq. ft. and 1,050 sq. ft with values between \$47,769 and \$98,700.

Thank you for your consideration. We trust that you will be in agreement that the proposed property plans would be a good fit and beneficial to the Karendale neighboring properties.

Sincerely,

Jeremy Vainavicz
7363 Hampstead Lane
Portage, MI 49024

General Property Information

City of Portage

[Back to Non-Printer Friendly Version] [Send To Printer]

Parcel: 04742-066-O Unit: CITY OF PORTAGE Data Current As Of: 12/5/2014 7:08:22 PM

Property Address	[collapse]
1001 KARENDALE AVE PORTAGE, MI 49002	

Owner Information	[collapse]
MISHALL, LARRY T & NANCY 1009 KARENDALE AVE PORTAGE, MI 49002	Unit: 10

Taxpayer Information	[collapse]
SEE OWNER INFORMATION	

General Information for Tax Year 2014				[collapse]
Property Class:	402 - 402 RESIDENTIAL VACANT	Assessed Value:	\$16,500	
School District:	39140 - PORTAGE	Taxable Value:	\$16,500	
State Equalized Value:	\$16,500	Map #	N/A	
User Number Indx:		Date of Last Name Chg:	04/11/2002	
		Date Filed:	03/01/2004	
		Notes:	N/A	
Historical District:	N/A	Census Block Group:	N/A	
Principal Residence Exemption	June 1st	Final		
2015	100.0000 %	-		
2014	100.0000 %	100.0000 %		
Previous Year Info	MBOR Assessed	Final S.E.V.	Final Taxable	
2013	\$16,500	\$16,500	\$16,500	
2012	\$16,500	\$16,500	\$16,500	

Land Information				[collapse]
	Frontage		Depth	
Lot 1:	100.00 Ft.		307.00 Ft.	
Lot 2:	0.00 Ft.		0.00 Ft.	
Lot 3:	0.00 Ft.		0.00 Ft.	
Total Frontage:	100.00 Ft.	Average Depth:	307.00 Ft.	
Total Acreage:	0.71			
Zoning Code:	R-1C			
Total Estimated Land Value:	\$33,000	Mortgage Code:		
Land Improvements:	N/A	Lot Dimensions/Comments:		
Renaissance Zone:	NO			

Renaissance Zone Expiration**Date:****ECF Neighborhood Code:** 4SF03 - SE RESIDENTIAL GRP 3**Legal Information for 04742-066-0**

[collapse]

LUDINGTON ACRES #2 LOT 66

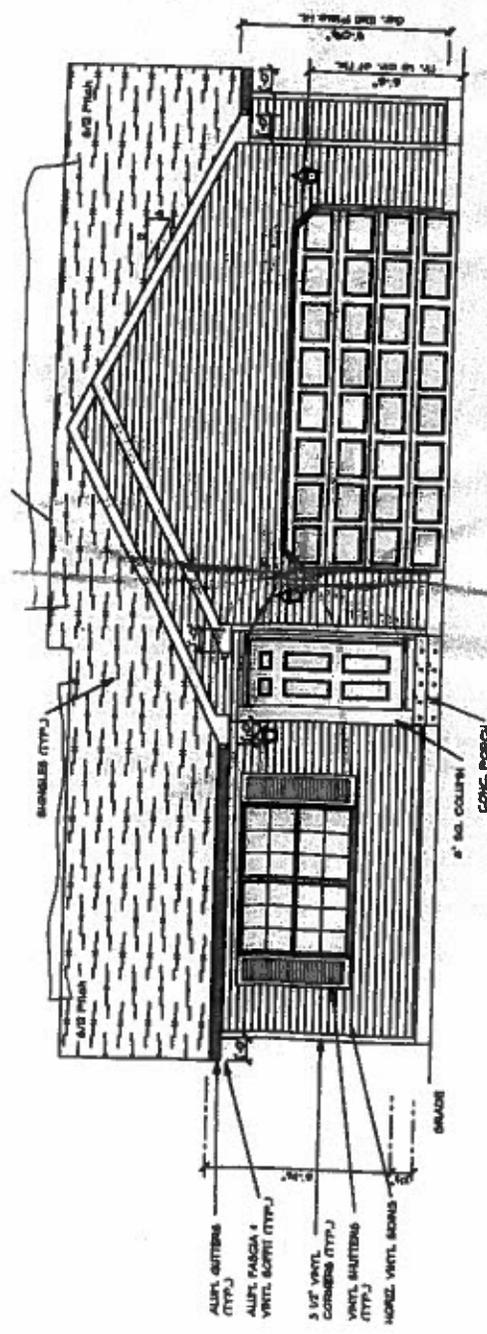
Sales Information

2 sale record(s) found.

Sale Date	Sale Price	Instrument	Grantor	Grantee	Terms Of Sale	Liber/Page
01/21/2002	\$25,936.00	WD	MISHALL, MARSHALL T & M L	MISHALL, LARRY T & NANCY	INVALID SALE	2002-009125
06/04/1993	\$0.00	LC			BLANK FOR FUTURE USE	1647-1302

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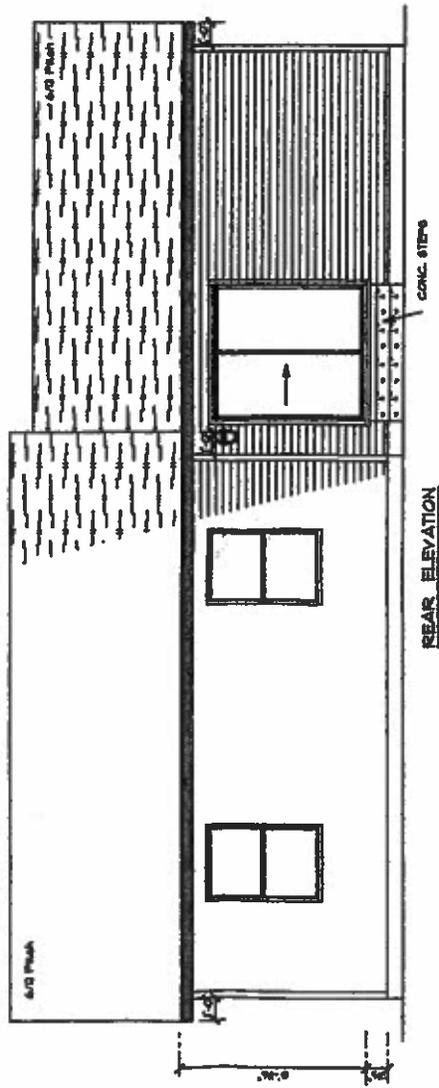
Name	Roberts Built Homes
Plan	FRONT ELEVATION
Date	November 20, 2004
Sheet	1 of 1

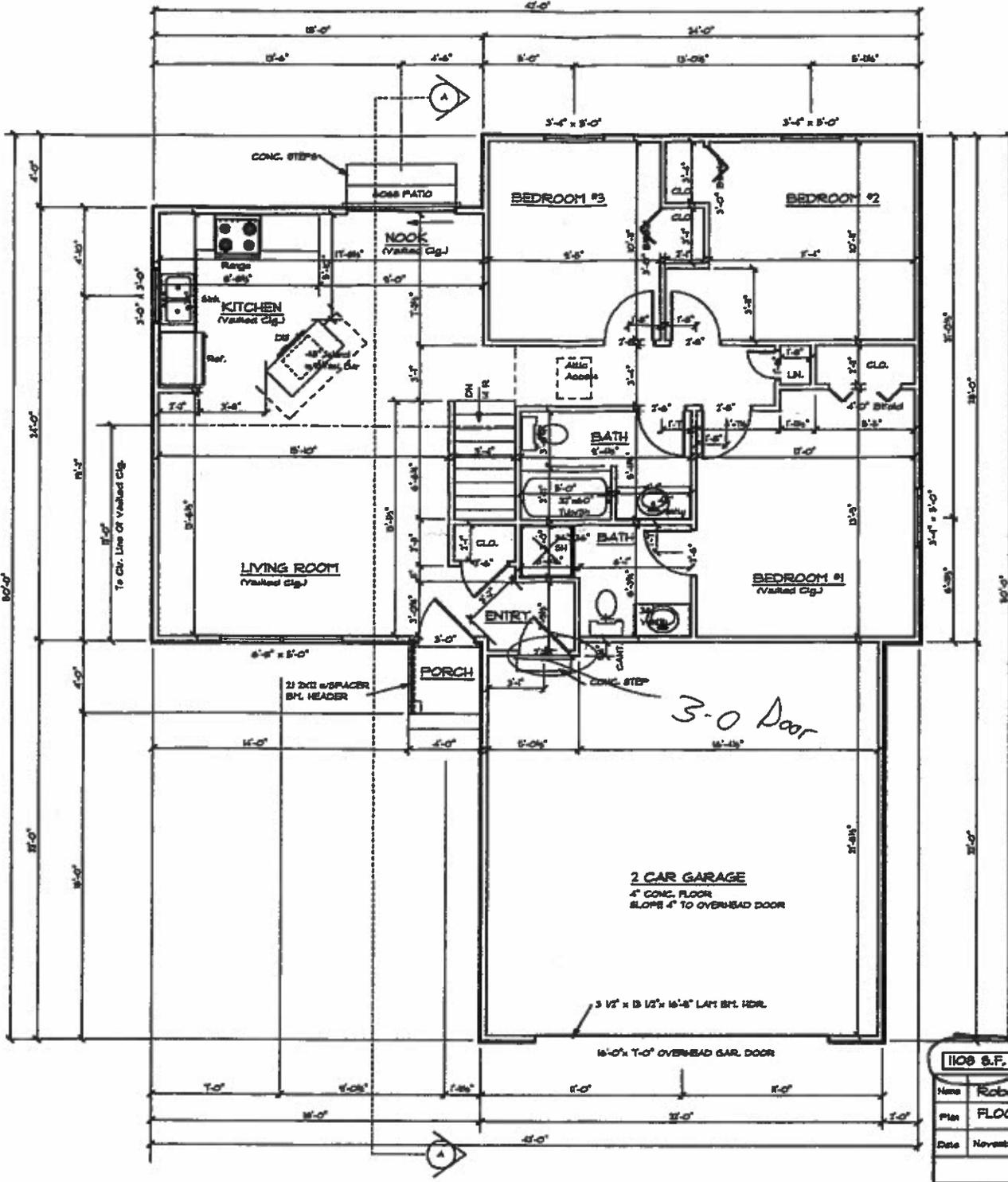
Approval of this permit DOES NOT relieve the builder or owner of full compliance with all codes and ordinances.

THESE PLANS TO BE KEPT ON SITE
CENTRO TOWNSHIP BLDG. DEPT.

Contractor's COPY

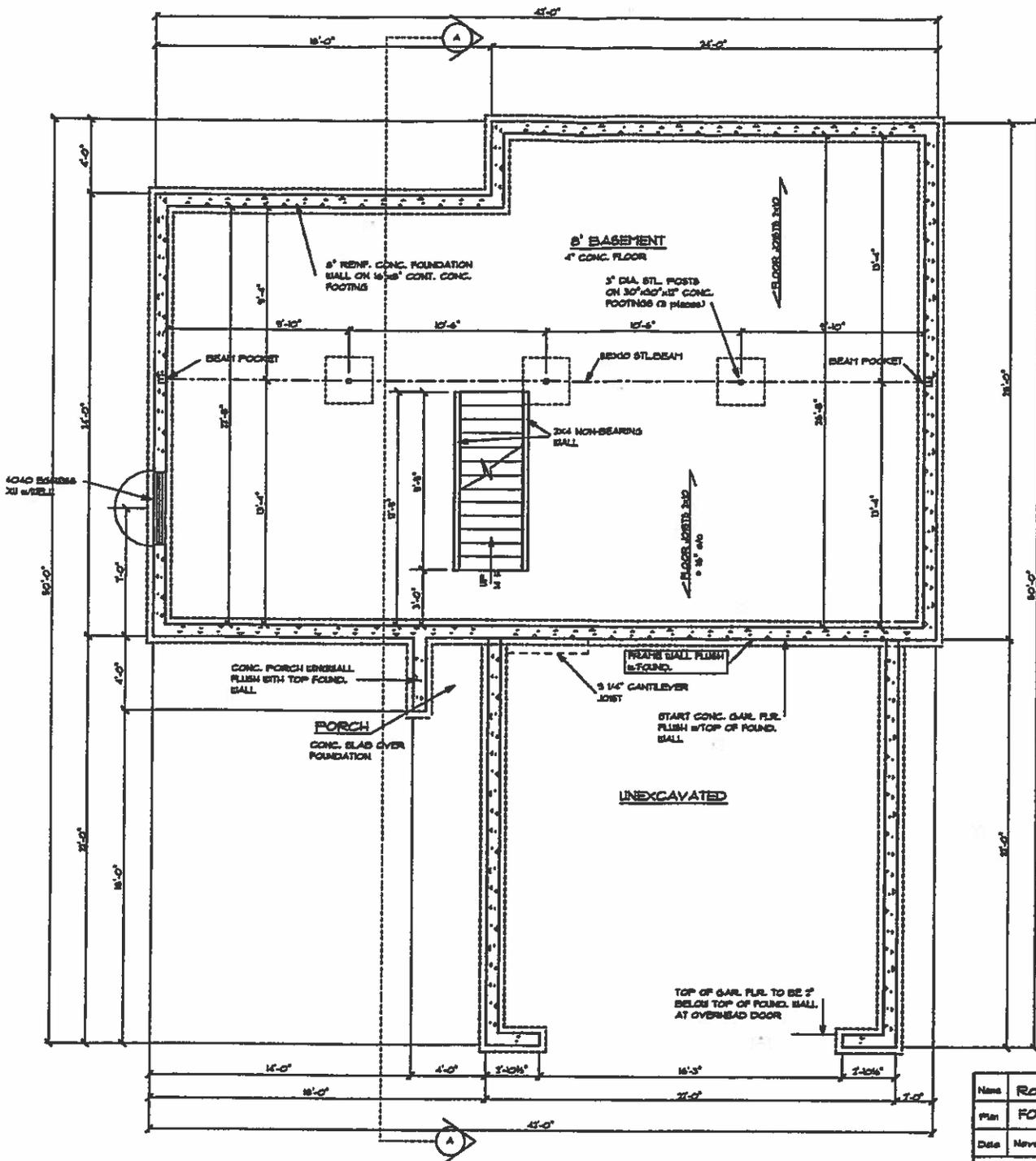
APPROVED



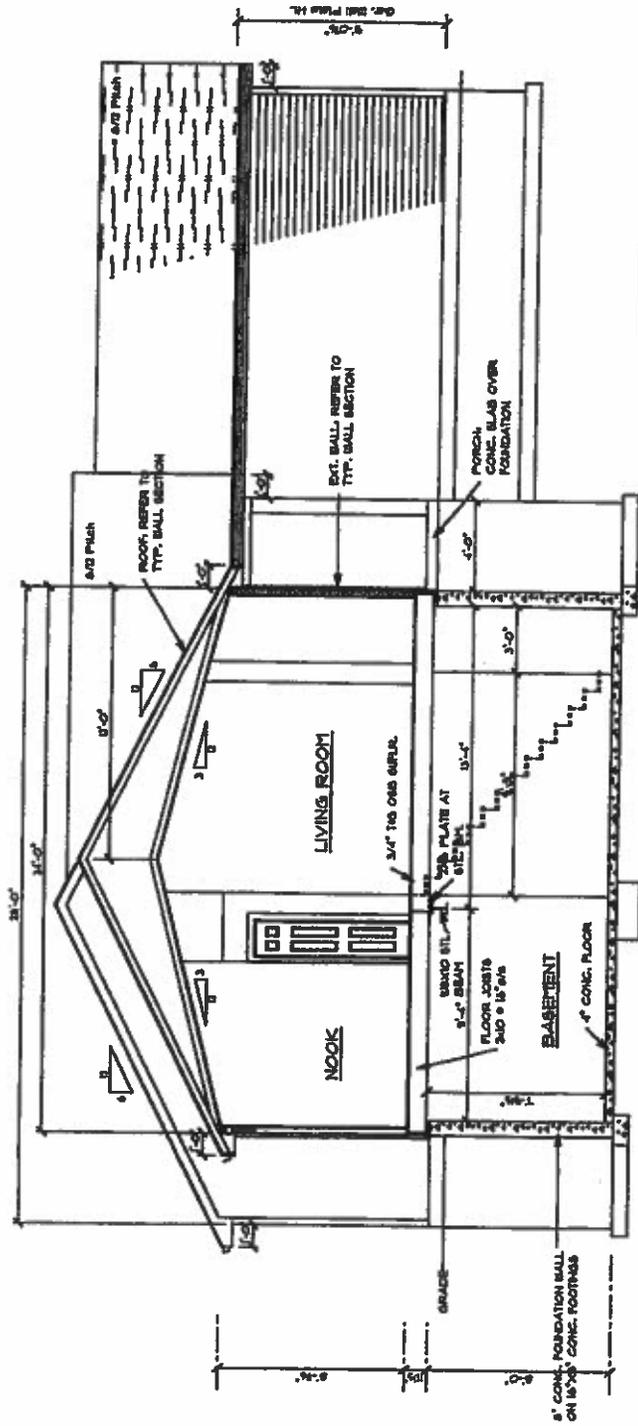


1100 S.F.

Name	Roberts Built Homes	
Plan	FLOOR PLAN	
Date	November 30, 2004	Sh.
		Dr.

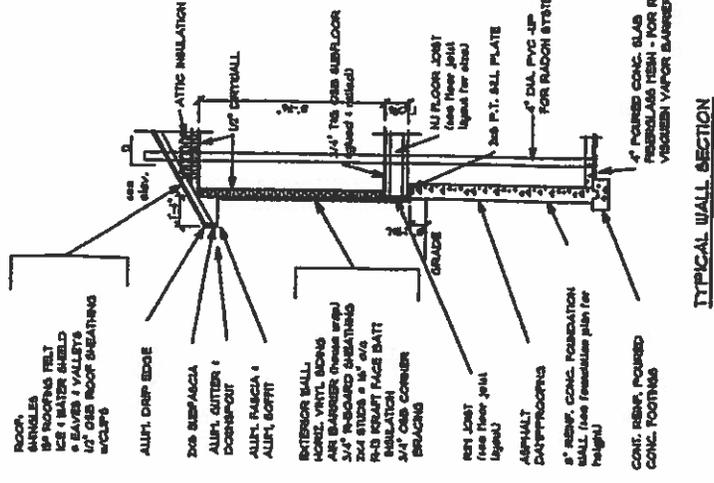


Name	Roberts Built Homes	
Plan	FOUNDATION	
Date	November 20, 2004	Dr.
		Or

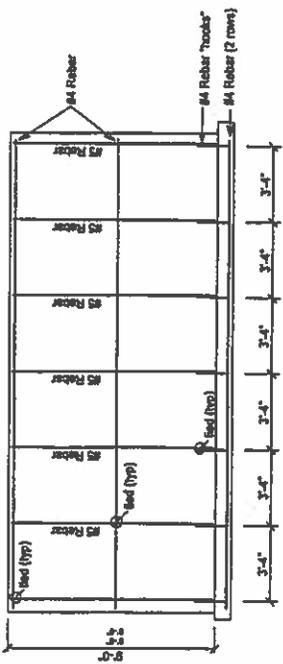


Name	Roberts Built Homes
Plan	SECTIONS
Date	November 20, 2004
Sheet	8th
of	9

SECTION A

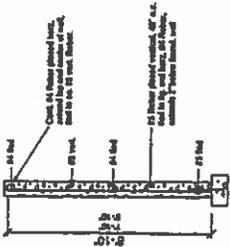


TYPICAL WALL SECTION



FOUNDATION WALL REBAR

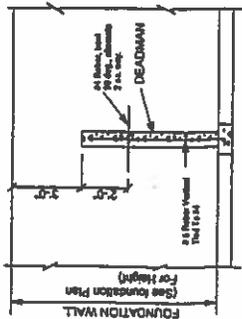
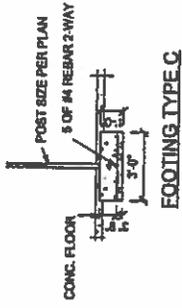
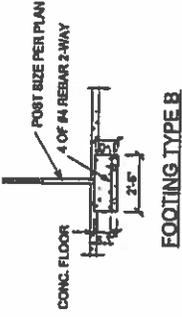
FOUNDATION DETAILS



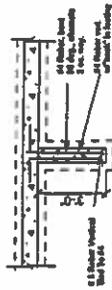
FOOTING & WALL SECTION



FOOTING SECTION



DEADMAN ELEVATION VIEW



DEADMAN PLAN VIEW

DEADMAN REBAR DETAIL



List Number: 2619478 **Property Sub-Type:** Single **Status:** Sold
Area: Greater **Family** **List Price:** \$99,900
Kalamazoo - K **New Construction:** No **Original List Price:**
Municipality: Portage **Auction or For Sale:** \$105,000
City **Sub-Area:** K20 - South **List Price/SqFt:** \$104.06
Lot Dimensions: 100 x **Portage** **Sold Price/SqFt:** 102.19
 204 **County:** Kalamazoo **Days On Market:** 76
Waterfront Y/N: No **Possession:** **Cumulative DOM:** 76
Water Access Y/N: **Tax ID #:** 391004740036A **Lot Acres:** 0.5
Body of Water: **Road Frontage:** 100 **Lot Square Footage:**
Water Frontage: 21,780
Directions:
Cross Streets: Terry Ln & Roger St

	Upper	Main	Lower	Bsmt	Total
Bedrooms	3				3
Full Baths	1				1
Half Baths					
Fin/Level	960				960 (Finished All Levels)
Total Sqft				960	960 (Sqft Above Grade)

ROOMS/DIMENSIONS/LEVELS

Design: Ranch	Year Built: 1958	Kitchen	Main	Laundry	Basement	Bedroom 2	Main
Stories: 1	Water: Public	Dining Area	Main	Master Bedroom	Main	Bedroom 3	Main
Manufactured Y/N: No	Sewer: Public	Living Room	Main	Master Bath	Main		
Total Fireplaces:	Driveway: Paved						
Master on Main:	Laundry on Main:						

of Rms Above Grade: 5

Legal: Ludington Acres W 100 ft of lots 36-37	SEV: 46,800	For Tax Year: 2005	High School: Central
Taxable Value: 32,117	Tax Year: 2005	Homestead %: 100	Middle School: Central
Annual Property Tax: 1,097	Zoning:	Special Assmt/Type: \$1373/Water	Elementary School: Lake Center
School District: Portage			

Terms Available: Cash/Conventional; FHA; VA	Water Fea. Amenities:	Heat Type: Forced Air
Water Type: Paved	Exterior Features:	Heat Source: Natural Gas
Street Type: Aluminum	Landscape:	Air Conditioning: Central
Exterior Material: Aluminum	Sale Conditions:	Fireplace:
Manufactured Details:	Outbuildings: Storage Shed	Kitchen Features: Eating Area
Roofing: Comp Shingle	Pool:	Access Feat:
Windows: Full Basement; Walk Out	Util Avail at Street: Broadband	
Substructure:	Assoc. Fee Incl.:	
Garage Type:	Utilities Attached: Cable; Natural Gas	

Lot Description:
Appliances: Dishwasher; Dryer; Microwave; Washer
Additional Items: Ceiling Fans; Home Warranty; Humidifier; Wood Floor
Assoc. Amenities:
Accessibility Feat:

Marketing Remarks: For additional photos & virtual tour see www.TeamWilkinson.com. Present owners have lived here for over 40 years & you will find they have taken great care of this wonderful home. Located in a very nice and quiet area within walking distance to Lake Center elementary. You will fall in love w/all the beautiful hardwood floors, coved ceilings, & plaster walls. The cook in the family will appreciate the recently updated kitchen w/oak cupboards, tile floor & backsplash, new countertops, recessed lighting, dishwasher, & microwave. The bathroom has also been totally updated. Home has been freshly painted & has lots of natural light. The walkout bsmt is partially finished w/a family room & office area. Seller have also updated w/electric, & replaced the furnace & A/C within the last 5 years. If

Agent Only Remarks:
Seller: **Phone:** **Occupant Type:** SA: 0 BA: 3.5 TC: 3.5 Var: No **Exclusive Agency:** No **RP:** No

	Name	Primary Phone	Email	Other
List Off:	RE/MAX Advantage (k158)	269-323-3900		Fax:
List Agt:	Wayne A Wilkinson (k221709)	269-217-2052	wayne@teamwilkinson.com	Mobile:
Co-listing Office:	RE/MAX Advantage (k158)	269-323-3900		
Alt Agt:	Wendy L Wilkinson- Lyster (k787469)	269-488-7653	wendy@teamwilkinson.com	
Selling Off:	RE/MAX Advantage (:k158):	269-323-3900	info@mi-homes.com	
Selling Agt:	Julie Becker-Zabavski(:k284339):	269-217-1872	julie@mi-homes.com	

Showing Instructions: Call L/S

Status Change Date: 07/28/2006	Listing Date: 04/28/2006	Terms: Conventional
Pending Date: 07/13/2006	Sold Date: 07/27/2006	Seller Concessions: \$3000 closing costs
	Sold Price: \$98,100	CDOM: 76

All information deemed materially reliable but not guaranteed. Interested parties are encouraged to verify all information. Copyright 2014 SWMRIC, LLC All rights reserved. The property on this sheet has been made available on 12/8/2014, 2:35 PM 12/8/2014, 2:35 PM and may not be listed by the office/agent presenting this information.

Residential Sold Agent Detail Report

1002 Karendale Avenue Portage, MI 49002

\$98,700



List Number: 13023885 **Property Sub-Type:** Single **Status:** Sold
Area: Greater Family **List Price:** \$95,900
Kalamazoo - K **Auction or For Sale:** **Original List Price:**
Municipality: Portage **Sub-Area:** K20 - South **\$109,700**
City: Portage **List Price/SqFt:** \$99.9
Lot Dimensions: 100 x **County:** Kalamazoo **Sold Price/SqFt:** 102.81
510 **Possession:** **Days On Market:** 84
Waterfront Y/N: No **Tax ID #:** 3910047420770 **Cumulative DOM:** 84
Water Access Y/N: No **Road Frontage:** 100 **Lot Acres:** 1.17
Body of Water: **Lot Square Footage:**
Water Frontage: 51,000
Directions: Bacon Rd. to Roger, south to Karendale, west to property
Cross Streets: Terry and Roger

	Upper	Main	Lower	Bsmt	Total
Bedrooms		3			3
Full Baths		1			1
Half Baths					
Fin/Level		960			960 (Finished All Levels)
Total Sqft				960	960 (Sqft Above Grade)

ROOMS/DIMENSIONS/LEVELS

Design: Ranch **Year Built:** 1956
Stories: 1 **Water:** Public
Manufactured Y/N:No **Sewer:** Public
Total Fireplaces:
Master on Main: **Laundry on Main:**

of Rms Above Grade: 5

Legal: Ludington Acres #2 Lot 77 **SEV:** 46,800 **For Tax Year:** 2013 **High School:**
Taxable Value: 46,800 **Tax Year:** 2012 **Homestead %:** 100 **Middle School:**
Annual Property Tax: 1,834 **Zoning:** R-1C **Special Assmt/Type:** None Known **Elementary School:**
School District: Portage

Terms Available: Cash/Conventional; FHA; MSHDA	Water Fea. Amenities:	Heat Type: Forced Air
Water Type:	Exterior Features:	Heat Source: Natural Gas
Street Type: Paved	Landscape:	Air Conditioning:
Exterior Material: Vinyl	Sale Conditions: None	Fireplace:
Manufactured Details:	Outbuildings:	Kitchen Features:
Roofing:	Pool:	Access Feat:
Windows:	Util Avail at Street:	
Substructure: Full Basement; Walk Out	Assoc. Fee Incl.:	
Garage Type: 2; Attached	Utilities Attached: Natural Gas	
Lot Description:		
Appliances:		
Additional Items:		
Assoc. Amenities:		
Accessibility Feat:		

Marketing Remarks: www.pamkellaknapp.com/13023885- Great Location, this 3 bedroom, 1 bath ranch walkout is tucked into a small neighborhood in south Portage. Close to lakes, parks and schools. Home has many updates including new stainless steel appliances, new 95% efficient furnace, updated kitchen, jacuzzi tub, gorgeous, easy to finish walkout basement, deck with a view of over an acre and backs up to large wooded area.

Agent Only Remarks:

Seller: **Phone:** **Occupant Type:** Owner **SA:** 0 **BA:** 3 **TC:** 0 **Var:** No **Exclusive Agency:** No **RP:** No

	Name	Primary Phone	Email	Other
List Off:	RE/MAX Advantage (k158)	269-323-3900		Fax:
List Agt:	Pamella M Knapp, Knapp/Knight Team (k859195)		pamellak@remax.net	Mobile: 269-720-8938
Co-listing Office:	RE/MAX Advantage (k158)	269-323-3900		
Alt Agt:	Shauna N Knight Team, Knapp/Knight Team (k370586)	269-352-2334	shaunak@remax.net	
Selling Off:	RE/MAX Advantage (:k158):	269-323-3900	info@mi-homes.com	
Selling Agt:	Pamella M Knapp, Knapp/Knight Team(:k859195):		pamellak@remax.net	
Showing Instructions: Call 217-3317 or email Cindy crowe@mi-homes.com-notice appreciated				

Status Change Date: 08/16/2013	Listing Date: 04/30/2013	Terms: FHA
Pending Date: 07/23/2013	Sold Date: 08/15/2013	Seller Concessions: \$2961
Sold Sale Conditions: Not Applicable	Sold Price: \$98,700	CDOM: 84

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List Number: 2003685 **Property Sub-Type:** Single Family
Area: Greater Kalamazoo - K **New Construction:** No
Municipality: Portage **Auction or For Sale:**
City: **Sub-Area:** K20 - South Portage
Lot Dimensions: 100 X 510 **County:** Kalamazoo
Waterfront Y/N: No **Possession:**
Water Access Y/N: **Tax ID #:** 3910047420760
Body of Water: **Road Frontage:** 100
Water Frontage:
Directions:
Cross Streets: Roger & Terry Ln

	Upper	Main	Lower	Bsmt	Total
Bedrooms		3			3
Full Baths		1			1
Half Baths					
Fin/Level		960			960 (Finished All Levels)
Total Sqft				960	960 (Sqft Above Grade)

ROOMS/DIMENSIONS/LEVELS

Design: Ranch **Year Built:** 1955
Stories: 1 **Water:** Public
Manufactured Y/N: No **Sewer:** Septic System
Total Fireplaces:
Master on Main: **Laundry on Main:**

of Rms Above Grade: 6

Legal: Ludington Acres, #2, Lot 76 **SEV:** 40,000 **For Tax Year:** 1998 **High School:**
Taxable Value: 37,100 **Tax Year:** 1998 **Homestead %:** 100 **Middle School:**
Annual Property Tax: 1,274 **Zoning:** **Special Assmt/Type:** N/A **Elementary School:**
School District: Portage

Terms Available:	Cash/Conventional	Water Fea. Amenities:	Heat Type:	Forced Air
Water Type:		Exterior Features:	Heat Source:	Natural Gas
Street Type:		Landscape:	Air Conditioning:	
Exterior Material:	Vinyl	Sale Conditions:	Fireplace:	
Manufactured Details:		Outbuildings:	Kitchen Features:	
Roofing:	Comp Shingle	Pool:	Access Feat:	
Windows:		Util Avail at Street:		
Substructure:	Full Basement	Assoc. Fee Incl.:		
Garage Type:	1; Attached	Utilities Attached:		
Lot Description:				
Appliances:				
Additional Items:				
Assoc. Amenities:				
Accessibility Feat:				

Marketing Remarks: Hud Case #263-270815. Fha Insured Financing Is Not Available. Home Being Sold as Is With All Known Or Unknown Defects And Hud Will Make No Repairs. Buyer And/Or Selling Agent Should Verify All Information Regarding Property. Hud, McB Or Re/Max Advantage Is Not Responsible For Accuracy Of Information Obtained Or Otherwise Provided. Electronic Bidding Only, Via The Internet Or Telephone. See Website: www.McBreo.Com For Instructions, Bid Dates, Requirements And Forms. Telephone Bids: 800-948-2952. Hud Does Not Supply Owners Policy Of Title Insurance As Part Of Sale. Selling Office May Receive Up To 5% Commission, Bib Fee Is 1%.

Agent Only Remarks:

Seller: Hud **Phone:** 6163233900 **Occupant Type:** SA: 5 BA: 5 TC: 5 **Var:** No **Exclusive Agency:** No **RP:** No

	Name	Primary Phone	Email	Other Fax:
List Off:	RE/MAX Advantage (k158)	269-323-3900		
List Agt:	Rowe Team (k202479)		alrowe@remax.net	
Alt Agt:	Mack Gregory (4204221)	269-323-3900	mack@mi-homes.com	
Selling Off:	RE/MAX Advantage (:k158):	269-323-3900	info@mi-homes.com	
Selling Agt:	Wayne A Wilkinson (:k221709):	269-217-2052	wayne@teamwilkinson.com	
Showing Instructions: No Appt. Needed - Use Combo Keybox. (B-c-m Or 1-9-5-4)				

Status Change Date:	04/13/2000	Listing Date:	02/04/2000	Terms:	Conventional
Pending Date:	02/16/2000	Sold Date:	04/13/2000	CDOM:	12
		Sold Price:	\$84,000		

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List Number: 2225088 **Property Sub-Type:** Single Family **Status:** Expired
Area: Greater Kalamazoo - K **New Construction:** No **List Price:** \$99,900
Municipality: Portage City **Auction or For Sale:** **Original List Price:** \$109,900
Lot Dimensions: 100'X307' **Sub-Area:** K20 - South Portage **List Price/SqFt:** \$109.54
APPROX. **County:** Kalamazoo **Sold Price/SqFt:** 0
Waterfront Y/N: No **Possession:** **Days On Market:** 102
Water Access Y/N: **Tax ID #:** 391047420650 **Cumulative DOM:** 102
Body of Water: **Road Frontage:** 100 **Expiration Date:** 11/15/2002
Water Frontage: **Lot Acres:** **Lot Square Footage:**

Directions: Portage Rd To Bacon West To Roger To Karendale.

Cross Streets: Roger And Terry Ln

	Upper	Main	Lower	Bsmt	Total
Bedrooms		2			2
Full Baths		1			1
Half Baths					
Fin/Level		912			912 (Finished All Levels)
Total Sqft				912	912 (Sqft Above Grade)

ROOMS/DIMENSIONS/LEVELS

Design: Ranch **Year Built:** 1957
Stories: 1 **Water:** Well
Manufactured Y/N: No **Sewer:** Public
Total Fireplaces: **Driveway:** Paved
Master on Main: **Laundry on Main:**

of Rms Above Grade: 5

Legal: Lot #65 Ludington Acres #2
Taxable Value: 32,900
Annual Property Tax: 1,104
School District: Portage

SEV: 38,600
Tax Year: 2001
Zoning:

For Tax Year: 2002
Homestead %: 100
Special Assmt/Type: WATER \$1600

High School:
Middle School:
Elementary School:

Terms Available: Cash/Conventional; FHA; MSHDA; VA

Water Fea.

Heat Type: Forced Air
Heat Source: Natural Gas

Water Type:
Street Type: Paved
Exterior Material: Aluminum; Wood

Amenities:

Exterior Features: Deck(s)
Landscape: Garden Area

Air Conditioning:

Manufactured

Sale Conditions:
Outbuildings: Storage Shed

Fireplace:

Details:

Pool:

Kitchen

Roofing:

Util Avail at Street: Electric; Natural Gas; Public Sewer; Public Water

Features:
Access Feat:

Windows:

Assoc. Fee Incl.:

Utilities Attached: Natural Gas

Substructure: Full Basement

Garage Type: 2; Attached

Lot Description:

Appliances:

Additional Items:

Assoc. Amenities:

Accessibility Feat:

Marketing Remarks: Rsvd: 2 Window A/C Units. Show Your Buyers This Very Sharp Two Bedroom (Was 3) Home Located On A Quiet Street With A Huge Lot. Beautiful Wood Floors, Newer Kitchen Floor And Tasteful Decorating, Makes This Home A Pleasure To Show And For A Buyer To Own. Check Out This Portage City Property On A Country Sized 100' By 307' Lot. * * The Information Presented Is For Reference Only And Should Not Be Construed To Be Representations Of Material Matters. Each Purchaser Should Confirm All Information Presented Here With Their Own Independent And Reliable Sources.

Agent Only Remarks:

Seller: Bradley & Heather King **Phone:** 2696644841 **Occupant Type:** SA: 0BA: 1000 TC: 1000 **Var:** No **Exclusive Agency:** Yes **RP:** No

List Off: **Name:** No-Frills Realty (k040) **Primary Phone:** 269-381-8911

List Agt: **J.R. Fulton (k071580)** **269-381-8911**

Selling Agt: **Non Agent:(nonagent):**

Showing Instructions: Vacant with keybox

Email

jrfulton@nofrillsrealtykzo.com

Other

Fax:

Mobile: 269-381-8911

Status Change Date: 11/16/2002

Listing Date:

08/05/2002

CDOM:

102

Pending Date:

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Residential Sold Agent Detail Report

913 Karendale Avenue Portage, MI 49002

\$47,769



List Number: 13022633 **Property Sub-Type:** Single **Status:** Sold
Area: Greater Family **List Price:** \$44,000
Kalamazoo - K **Auction or For Sale:** **Original List Price:**
Municipality: Portage **Sub-Area:** K20 - South **\$44,000**
City: Portage **Lot Dimensions:** 100 X **County:** Kalamazoo **List Price/SqFt:** \$45.83
307 **Possession:** AC **Sold Price/SqFt:** 49.76
Waterfront Y/N: No **Tax ID #:** 047420640 **Days On Market:** 0
Water Access Y/N: **Road Frontage:** 100 **Cumulative DOM:** 0
Body of Water: **Lot Acres:** 0.7
Water Frontage: **Lot Square Footage:**
Directions: Westnedge Or Portage To Bacon To Terry Or Roger To Karendale **30,492**
Cross Streets: Terry & Roger

	Upper	Main	Lower	Bsmt	Total
Bedrooms		2			2
Full Baths		1			1
Half Baths					
Fin/Level		960			960 (Finished All Levels)
Total Sqft					960 (Sqft Above Grade)

		ROOMS/DIMENSIONS/LEVELS								
Design:	Ranch	Year Built:	1953	Kitchen	14x15 Main	Master Bedroom	14x12	Main Bedroom 2	12x10	Main
Stories:	1	Water:	Public	Living Room	14x12	Main				
Manufactured Y/N:	No	Sewer:	Public							
Total Fireplaces:		Driveway:	Paved							
Master on Main:		Laundry on Main:								

of Rms Above Grade: 5

Legal: LUDINGTON ACRES #2 LOT 64	SEV: 49,500	For Tax Year: 2012	High School:
Taxable Value: 49,500	Tax Year: 2012	Homestead %: 100	Middle School:
Annual Property Tax: 1,195	Zoning:	Special Assmt/Type: NONE	Elementary School:
School District: Portage			

Terms Available:	Cash/Conventional	Water Fea. Amenities:	Heat Type:	Forced Air
Water Type:		Exterior Features:	Heat Source:	Electric
Street Type:	Paved	Landscape:	Air Conditioning:	
Exterior Material:	Vinyl; Other	Sale Conditions:	Fireplace:	Gas Log; Living
Manufactured Details:		Outbuildings:	Kitchen Features:	
Roofing:		Util Avail at Street:	Access Feat:	
Windows:		Assoc. Fee Incl.:		
Substructure:	Full Basement	Utilities Attached:		
Garage Type:	2; Attached			
Lot Description:				
Appliances:				
Additional Items:				
Assoc. Amenities:				
Accessibility Feat:				

Marketing Remarks: Make Offer (SEE AGENT REMARKS for submission, pending offers & access code) REO-BANK OWNED. PROPERTY SOLD AS IS WITHOUT REPAIR, WARRANTY OR SELLER DISCLOSURE. The listing Broker and Seller assume no responsibility and make no representations as to availability or accuracy of the property information depicted and described herein. See agent remarks for SHOWING INFO. SHOWING.ID: 7100285555

Agent Only Remarks: Access Code for door key pad is (C8165) HOME IS VACANT NO APPT. NEEDED. SELLER REQUIRES OFFERS MUST BE SUBMITTED VIA WWW.HUBZU.COM WILL DISPLAY REAL TIME IF AVAILABLE AND AMOUNT OF THE OFFER. For assistance call 1-855-882-1314 or email customercare@Altisource.com. Buyer is RESPONSIBLE for utility activation for inspections. Allow 48-72 hours after acceptance to receive purchase and sale agreement-PSA (see WWW.HUBZU.COM for PSA) Web technology fee of \$299 and possible buyer's premium.

Seller: **Phone:** **Occupant Type:** **SA:** 0 **BA:** 3% **TC:** 0 **Var:** No **Exclusive Agency:** Yes **RP:** No

	Name	Primary Phone	Email	Other
List Off:	REALHome Services & Sol - I (156000)	313-451-2175		Fax:
List Agt:	Randal Newhouse (27374)			Mobile:
Selling Off:	Keller Williams Kalamazoo Market Center (:k235):	269-324-3600	klrw499@kw.com	
Selling Agt:	Erin L Cramer(:k334184):		erincramer@kw.com	
Showing Instructions:	SEE AGENT REMARKS			

Status Change Date:	05/14/2013	Listing Date:	04/26/2013	Terms:	Cash
Pending Date:	04/26/2013	Sold Date:	05/10/2013	Seller Concessions:	0
Sold Sale Conditions:	REO/Bank Owned	Sold Price:	\$47,769	CDOM:	0

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List Number: 11049879 **Property Sub-Type:** Single **Status:** Sold
Area: Greater Family **List Price:** \$67,900
Kalamazoo - K **Auction or For Sale:** **Original List Price:**
Municipality: Portage **Sub-Area:** K20 - South **\$67,900**
City: Portage **County:** Kalamazoo **List Price/SqFt:** \$64.67
Lot Dimensions: 128 x 204 **Possession:** **Sold Price/SqFt:** 69.52
Waterfront Y/N: No **Tax ID #:** 3910047410530 **Days On Market:** 10
Water Access Y/N: **Road Frontage:** 332 **Lot Acres:** 0.6
Body of Water: **Lot Square Footage:** 26,112
Water Frontage:
Directions: Portage to Bacon Ave. west to Terry Ln. south to corner with Karendale.

Cross Streets: Terry Lane & Roger

	Upper	Main	Lower	Bsmt	Total
Bedrooms		3			3
Full Baths		1			1
Half Baths		1			1
Fin/Level		1,050			1,050 (Finished All Levels)
Total Sqft				1,050	1,050 (Sqft Above Grade)

		ROOMS/DIMENSIONS/LEVELS									
Design:	Ranch	Year Built:	1960	Kitchen	8x13	Main	Master Bedroom	11x12	Main Bedroom 2	10x10	Main
Stories:	1	Water:	Public	Dining Area	9x11	Main	Master Bath	5x11	Main Bedroom 3	10x10	Main
Manufactured Y/N:	No	Sewer:	Public	Living Room	13x18	Main					
Total Fireplaces:	2	Driveway:	Paved								
Master on Main:		Laundry on Main:									

of Rms Above Grade: 6

Legal: LUDINGTON ACRES # 1 WEST 128 FEET OF LOTS 53 AND 54. **SEV:** 62,200 **For Tax Year:** 2011 **High School:**
Taxable Value: 62,200 **Tax Year:** 2010 **Homestead %:** 100 **Middle School:**
Annual Property Tax: 2,345 **Zoning:** known **Special Assmt/Type:** None **Elementary School:**
School District: Portage

Terms Available:	Cash/Conventional	Water Fea.		Heat Type:	Forced Air
Water Type:		Amenities:		Heat Source:	Natural Gas
Street Type:	Paved; Public	Exterior Features:	Fenced Back	Air	Central
Exterior Material:	Brick	Landscape:	Shrubs/Hedges	Conditioning:	
Manufactured		Sale Conditions:	REO/Bank Owned	Fireplace:	Living; Wood; Other
Details:		Outbuildings:		Kitchen	
Roofing:		Pool:		Features:	
Windows:	Screens; Storms	Util Avail at Street:	Electric; Natural Gas; Public Sewer; Public Water	Access Feat:	
Substructure:	Full Basement	Assoc. Fee Incl.:			
Garage Type:	2; Attached	Utilities Attached:	Natural Gas		
Lot Description:	Corner; Level				
Appliances:	Dishwasher; Refrigerator				
Additional Items:	Attic Fan; Ceiling Fans; Garage Door Opener; Laundry Chute				
Assoc. Amenities:					
Accessibility Feat:					

Marketing Remarks: Department of Veterans Affairs Property! Brick ranch home on a corner lot in the City of Portage. Home has three bedrooms, one and a half baths, a two car attached garage, two fireplaces, and a full basement. The home needs some work. All offers must have proof of funds or pre-approval letters to be presented.

Agent Only Remarks: All offers subject to financing must have a Bank of America pre-approval or denial letter to be presented. They buyer may use any lender they choose for the actual loan. Subject to the VA contract and addendum's. Buyer or buyers agent to verify all information. The VA will not pay for title insurance. Cash offers subject to deed restriction, see the attachment.

Seller: Dept. of Vertans Affairs **Phone:** **Occupant Type:** Vacant **SA:** 0 **BA:** 3. **TC:** 0 **Var:** No **Exclusive Agency:** No **RP:** No

	Name	Primary Phone	Email	Other
List Off:	Coldwell Banker Woodland Schmidt (h10011)	616-396-5221		Fax:
List Agt:	David D Mead (h11599)	616-396-5221	ddmead@btc-bci.com	Mobile:
Selling Off:	Jaqua REALTORS (:k596):	269-341-4300	cbaker@Jaquarealtors.com	
Selling Agt:	Ruth Dickie(:k336189):	269-330-2151	rdickie@jaquarealtors.com	
Showing Instructions:	Call listing agent 24 hour notice please 269-521-6263			

Status Change Date:	11/07/2011	Listing Date:	09/06/2011	Terms:	FHA
Pending Date:	09/16/2011	Sold Date:	10/31/2011	Seller Concessions:	\$730.00 towards bcc and prepaids
Sold Sale Conditions:	REO/Bank Owned	Sold Price:	\$73,000	CDOM:	10

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TO: Zoning Board of Appeals **DATE:** January 2, 2015
FROM: Vicki Georgeau, ¹³Director of Community Development
SUBJECT: ZBA #14-17, Jeremy Vainavicz, 1001 Karendale Avenue, R-1C, One Family Residential

CODE SECTION: 42-350, Schedule of Regulations, p. CD42:89.

APPEAL: Requesting a variance to construct a 1,108 square-foot dwelling where a minimum 1,600 square feet is required.

STAFF RECOMMENDATION: The applicant, Mr. Jeremy Vainavicz, 7363 Hampstead Lane, is requesting the above referenced variance per the enclosed application, letter of explanation, building plans and other related materials. The 100-foot wide by 308-foot deep undeveloped lot is zoned R-1C, one family residential, and is located in the Ludington Acres #2 single-family residential plat.

The current owner of 1001 Karendale Avenue also owns and lives at 1009 Karendale Avenue and has been trying to sell the subject property since April, 2014. The applicant is a prospective buyer who proposes to construct a 1,108 square-foot one-story dwelling. Since the proposed dwelling falls 492 square feet below the minimum required 1,600 square feet, a variance is requested.

The Ludington Acres #2 plat was established in 1956 and consists of 22 lots along Karendale Avenue; 18 of which were developed during the 1950's, and two (726 and 806 Karendale) were later developed in 1970. Since 1970, the subject property has remained the only undeveloped lot on the street. The original 1965 zoning map classified the plat as R-1C, one family residential. At that time, the minimum required size for a one-story dwelling was 1,040 square feet. When the Zoning Ordinance was updated in 2003, the schedule of regulations were amended and the minimum square footage for one-story dwelling was increased to 1,600 square-foot within R-1C districts. However, there are no dwellings within the Ludington Acres #2 plat that meet the 1,600 square foot minimum requirement. This fact was recognized in 2003, and as a protection for property owners, footnote (5) of the Schedule of Regulations was accordingly adopted to confer conforming status to these dwellings.

The subject property has exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zoning district, as it is the only lot in the plat subject to the minimum 1,600 square-foot dwelling requirement. One of the intended purposes of regulating minimum dwelling sizes is to provide a mechanism to protect property values by encouraging a certain uniformity and predictability with regard to the size and character of the housing stock. The average size dwelling within the plat is 1,128 square feet. The

proposed variance to construct a 1,108 square-foot dwelling would therefore not be out of character or detrimental to adjacent property and the surrounding neighborhood. The immediate practical difficulty causing the need for the variance request was not created by the applicant; and the variance would not materially impair the intent and purpose of the Zoning Ordinance. For the reasons noted above, approval of the variance can be recommended.

**PRACTICAL
DIFFICULTY:**

Surrounding development pattern. See suggested motion form

T:\CONIMDEV\2014-2015 Department Files\Board Files\Zoning Board\14-17, 1001 Karendale\2015 01 02 VG ZBA 14-17 Karendale, 1001 (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:

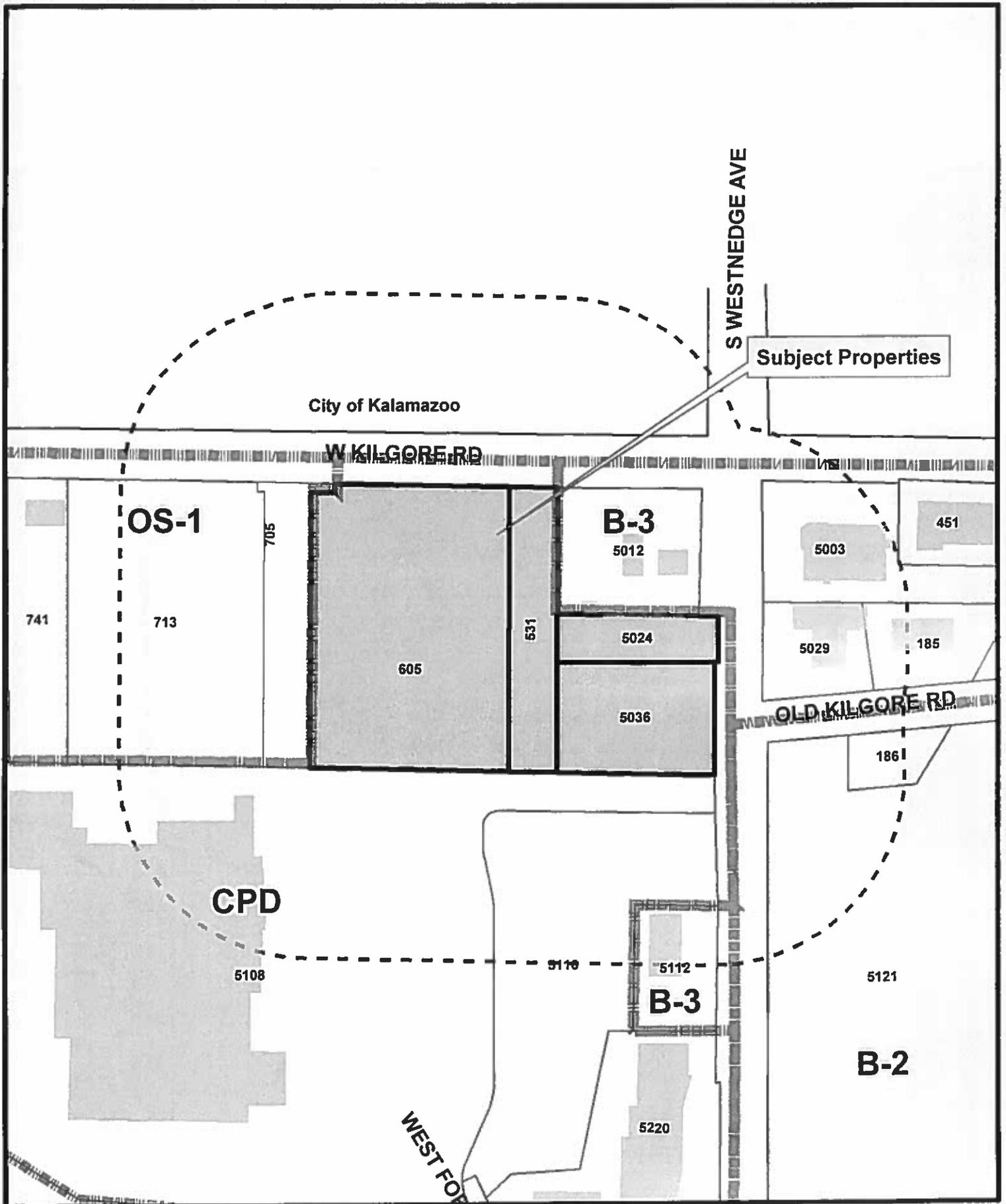
- 1a. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include _____;
- 2a. The variance is necessary for the preservation and enjoyment of a substantial property right, the right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



 Zoning Boundary
 Subject Property

ZBA 14-18
531, 605 West Kilgore Road,
5024, 5036 S Westnedge Avenue



1 inch = 200 feet

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 12/15/14
 Name of Applicant JERECO LLC (THE HINMAN Company) 
Print Signature
 Applicant's Address 750 TRADE CENTRE WAY Phone No. 342-8600
SUITE 100
 Name of Property Owner (if different from Applicant) SAME
 Address SAME Phone No. _____

Address of the Property that is the subject of this Application:
 Street Address 531 N. Kilgore & 5036 S. Westnedge
 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) \$ 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 _____ 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: _____

RECEIVED
 DEC 15 2014

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

COMMUNITY DEVELOPMENT

Reason for Request: * Exchange allowable signage area to allow larger allowed sign on Westnedge & smaller on Kilgore

FOR STAFF USE

Application Number: <u>14-18</u>	Filing Date: <u>12-15-14</u>	Tentative Hearing Date: <u>1-12-15</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.)

*Subject: Two (2) multi tenant signs for Kilgore @ Westnedge Dr.
The signs subject to this request are part of the same
C/D Development Area. The Kilgore Rd. frontage is wide and
allowed more signage. We request the larger sign be on Westnedge.*

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

This development has frontage on two primary roads.

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

*Without a variance, the larger sign will be on Kilgore Rd.
across from a church and school.*

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.)

*The request is the minimum as it simply exchanges
allowable signage of each property.*

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.)

There will be signage on both parcels.

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.)

*Signage is planned on these parcels with consideration
for visibility and traffic.*

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.)

*Both. Applicant has consolidated allowable signage
on applicable parcels resulting in fewer signs.*

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

*The large sign would be on the busier street. The
smaller sign allowed on the street with more pedestrian
traffic.*

John Hill

Signature of Applicant

12/15/14

Date

Subject Properties

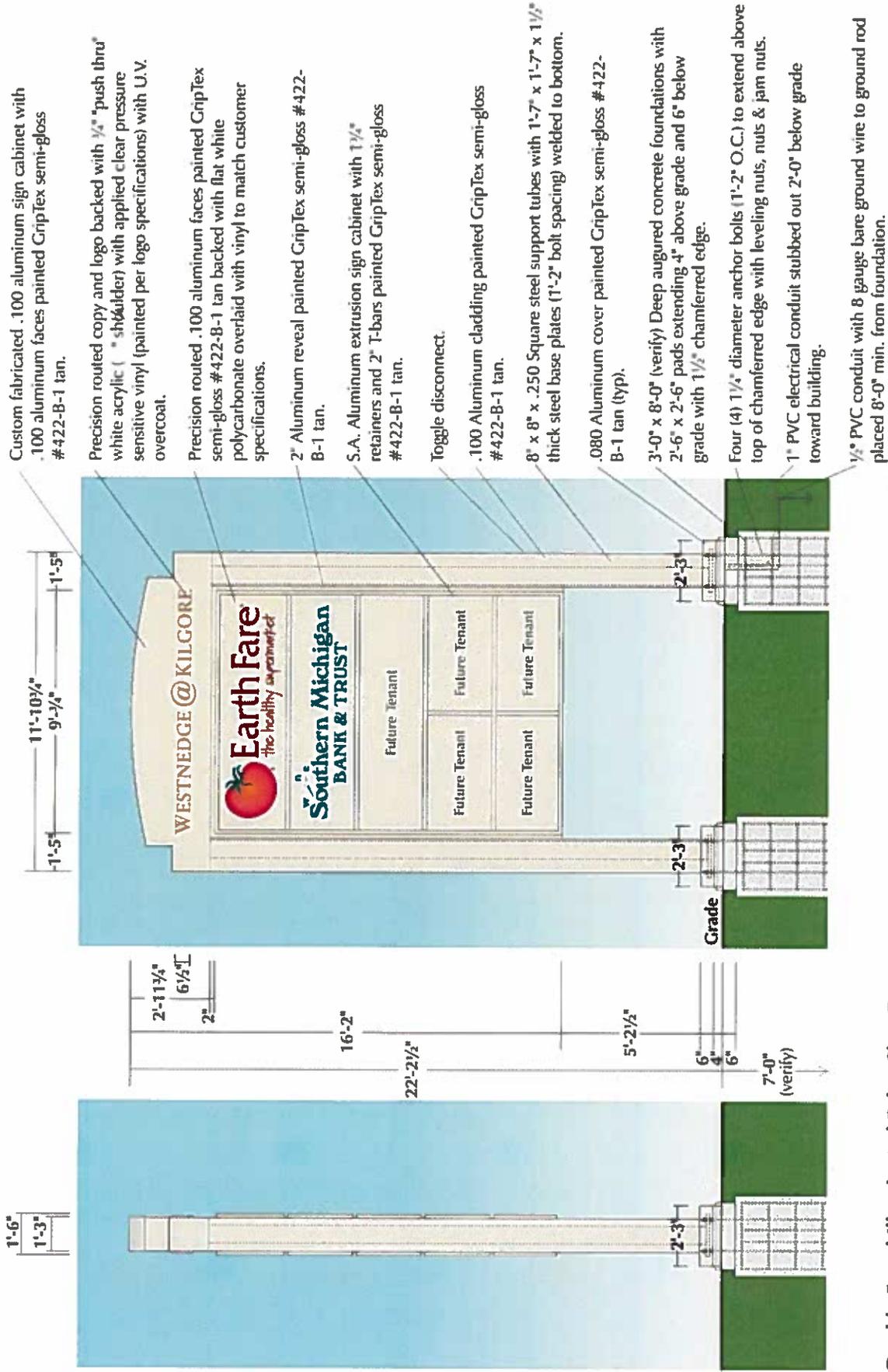
City of Kalamazoo

W Kilgore Rd

Old Kilgore Rd

S Westnedge Ave





Custom fabricated .100 aluminum sign cabinet with .100 aluminum faces painted GripTex semi-gloss #422-B-1 tan.

Precision routed copy and logo backed with 1/2" "push thru" white acrylic (1" shoulder) with applied clear pressure sensitive vinyl (painted per logo specifications) with U.V. overcoat.

Precision routed .100 aluminum faces painted GripTex semi-gloss #422-B-1 tan backed with flat white polycarbonate overlaid with vinyl to match customer specifications.

2" Aluminum reveal painted GripTex semi-gloss #422-B-1 tan.

S.A. Aluminum extrusion sign cabinet with 1 1/2" retainers and 2" T-bars painted GripTex semi-gloss #422-B-1 tan.

Toggle disconnect.

.100 Aluminum cladding painted GripTex semi-gloss #422-B-1 tan.

8" x 8" x .250 Square steel support tubes with 1'-7" x 1'-7" x 1 1/2" thick steel base plates (1'-2" bolt spacing) welded to bottom.

.080 Aluminum cover painted GripTex semi-gloss #422-B-1 tan (typ).

3'-0" x 8'-0" (verify) Deep augured concrete foundations with 2'-6" x 2'-6" pads extending 4" above grade and 6" below grade with 1 1/2" chamfered edge.

Four (4) 1 1/4" diameter anchor bolts (1'-2" O.C.) to extend above top of chamfered edge with leveling nuts, nuts & jam nuts.

1" PVC electrical conduit stubbed out 2'-0" below grade toward building.

1/2" PVC conduit with 8 gauge bare ground wire to ground rod placed 8'-0" min. from foundation.

Scale: 3/16" = 1'-0"

Double Faced Illuminated Pylon Sign Concept

AVB — The Trade Centre, Portage, MI

16'-2" x 9'-3/4" = 146.51 Sq.Ft.

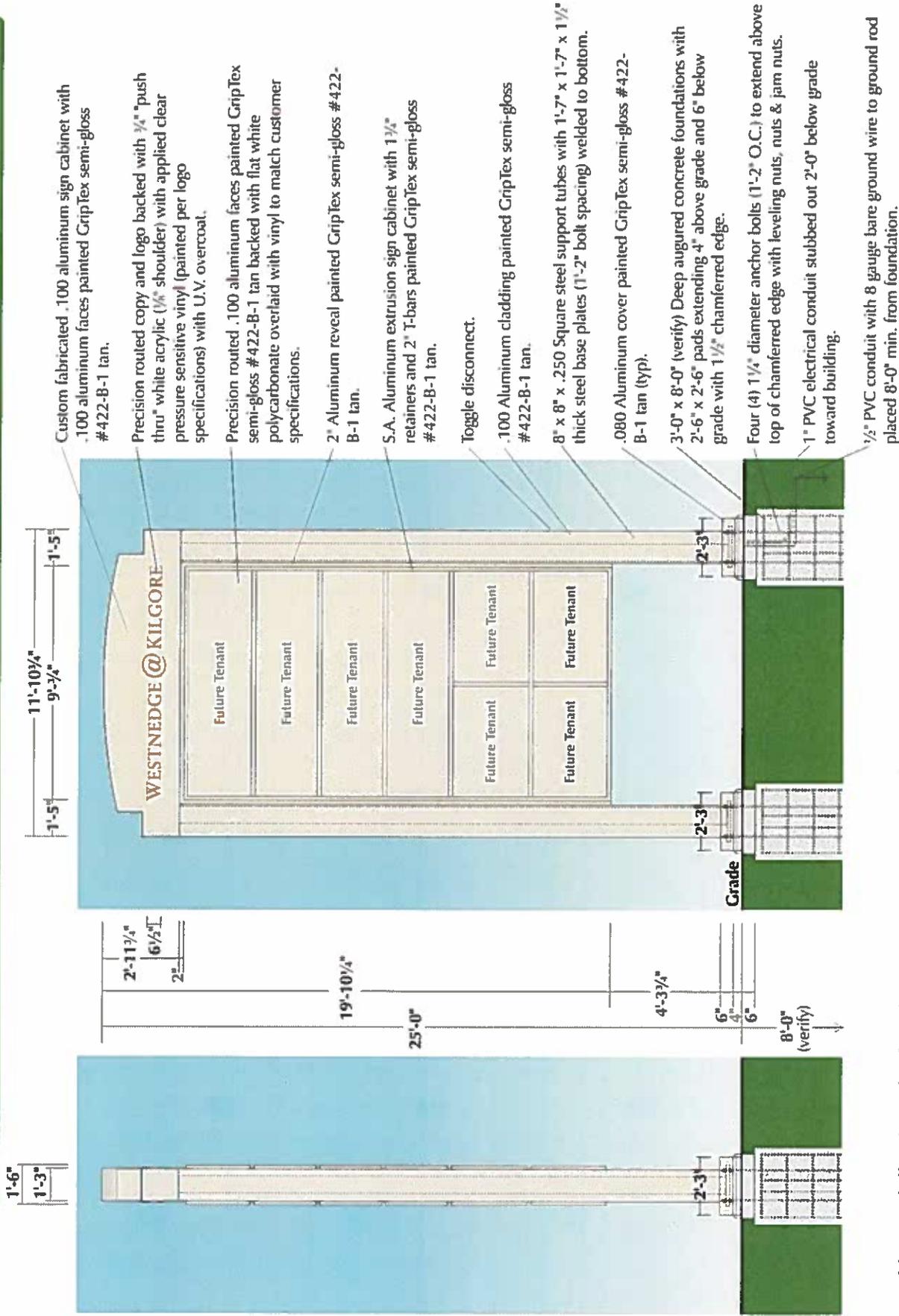
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JH 5-22-14
9-17-14NS
9-17-14AG

Approved for:

By:

Date:



Double Faced Illuminated Pylon Sign Concept

Scale: 3/16" = 1'-0"

AVB — The Trade Centre, Portage, MI

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JH 5-22-14
9-17-14NS
9-17-14AG

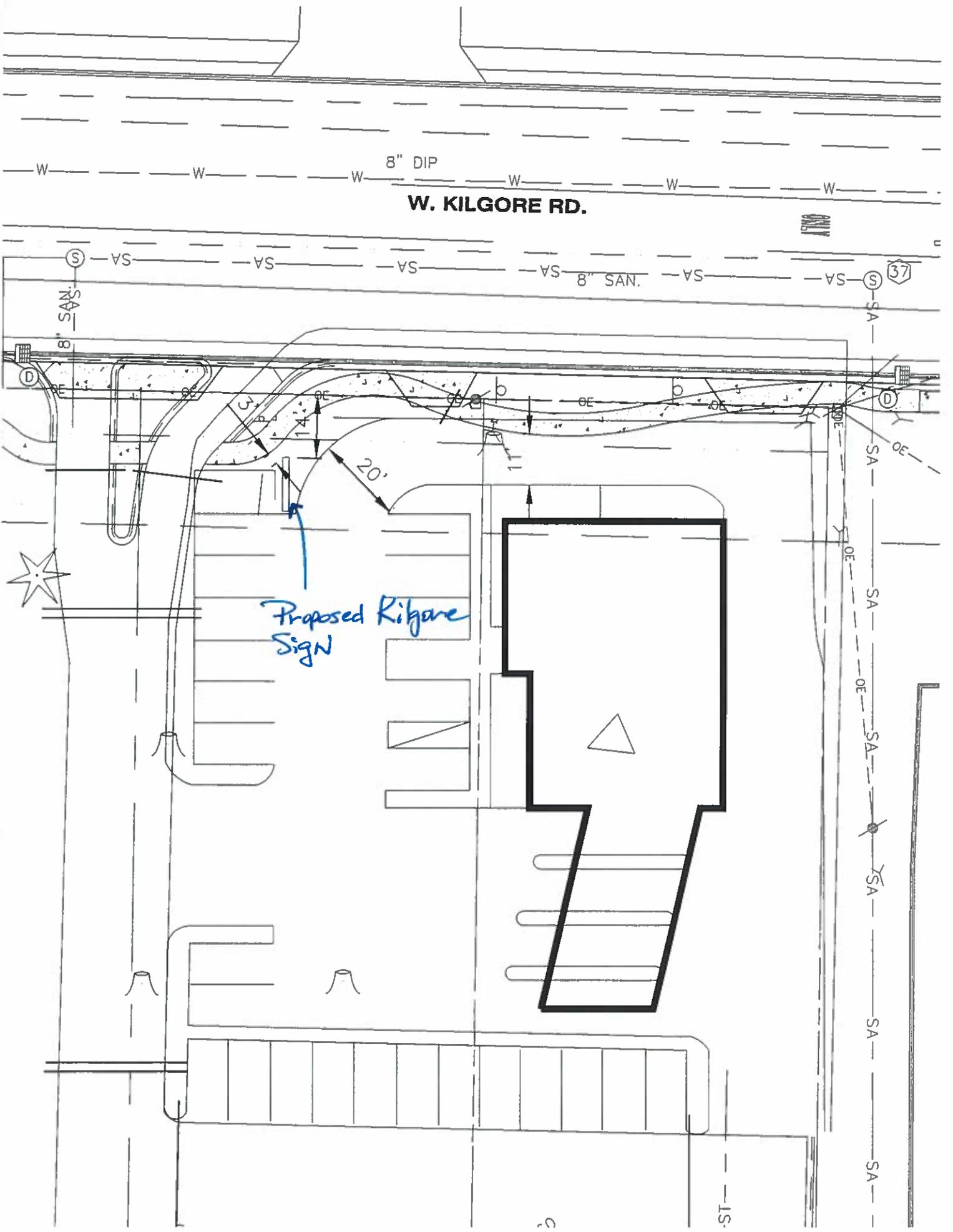
Approved for: _____

By: _____

Date: _____

19'-10 1/4" x 9'-7 1/2" = 179.93 Sq.Ft.

W. KILGORE RD.



Proposed Kilgore Sign

20'

8" DIP

8" SAN.

37

ONLY



IS

TO: Zoning Board of Appeals **DATE:** January 2, 2015

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

SUBJECT: ZBA #14-18, Jereco LLC, 531, 605 West Kilgore Road, 5024, 5036 South Westnedge Avenue, CPD, Commercial Planned Development

CODE SECTION: 42-552(A), Sign size, p. CD42:132.1

APPEAL: Requesting a variance to erect a 180 square-foot freestanding sign at 5024/5036 South Westnedge Avenue where a maximum 149 square-foot sign is permitted.

STAFF RECOMMENDATION: The applicant is requesting the above referenced variance per the enclosed application, letter of explanation, site and sign sketches. The 5.25 acre zoning lot consists of four parcels: 531 West Kilgore, 605 West Kilgore, 5024 South Westnedge Avenue, and 5036 South Westnedge Avenue. The subject properties were rezoned in April 2014 from a combination of B-3, OS-1, and P-1 zoning districts to CPD, Commercial Planned Development. The properties are improved with a 7,715 square-foot restaurant (Riviera Maya), and construction is underway on a 23,775 square-foot Earth Fare store and attached 3,200 square-foot retail building. Additional development is planned within the CPD as illustrated on the attached concept plan. The property is surrounded by commercial properties to the east (across South Westnedge Avenue), south and west. Across the street to the north is St. Monica Catholic School and church within the City of Kalamazoo.

The subject zoning lot has 347 feet of frontage along West Kilgore and 249 feet of frontage along South Westnedge Avenue. Two signs are permitted on West Kilgore; a 180 square-foot sign, and a 16 square-foot sign. A 149 square-foot sign is permitted for South Westnedge Avenue. The property at 5036 South Westnedge Avenue has an existing 60 square-foot sign that would be removed and consolidated with a proposed 180 square-foot multi-tenant sign. The applicant proposes to effectively swap the sign area entitlements by erecting a 180 square-foot freestanding sign on South Westnedge Avenue and erecting a smaller 149 square-foot sign on West Kilgore.

The applicant indicates placement of the larger sign along the South Westnedge Avenue where greater traffic volumes are present would improve site identification and way finding, particularly for businesses located farthest from the right-of-way. In addition, a reduction in the number of signs will reduce clutter and the overall visual impacts otherwise associated with multiple signs. Staff can therefore recommend approval of the requested variance with the condition that only one sign be permitted on West Kilgore that may not exceed 149 square feet.

PRACTICAL DIFFICULTY: Larger signage on West Kilgore Road, across from church/school less effective than signage on South Westnedge Avenue with increased visibility and traffic volumes.

SUGGESTED NON-USE VARIANCE MOTION FORM

Mr. Chairman:

I move, in regard to ZBA # _____, the application by _____
for a variance from _____

be:

a. granted for all of the following reasons:

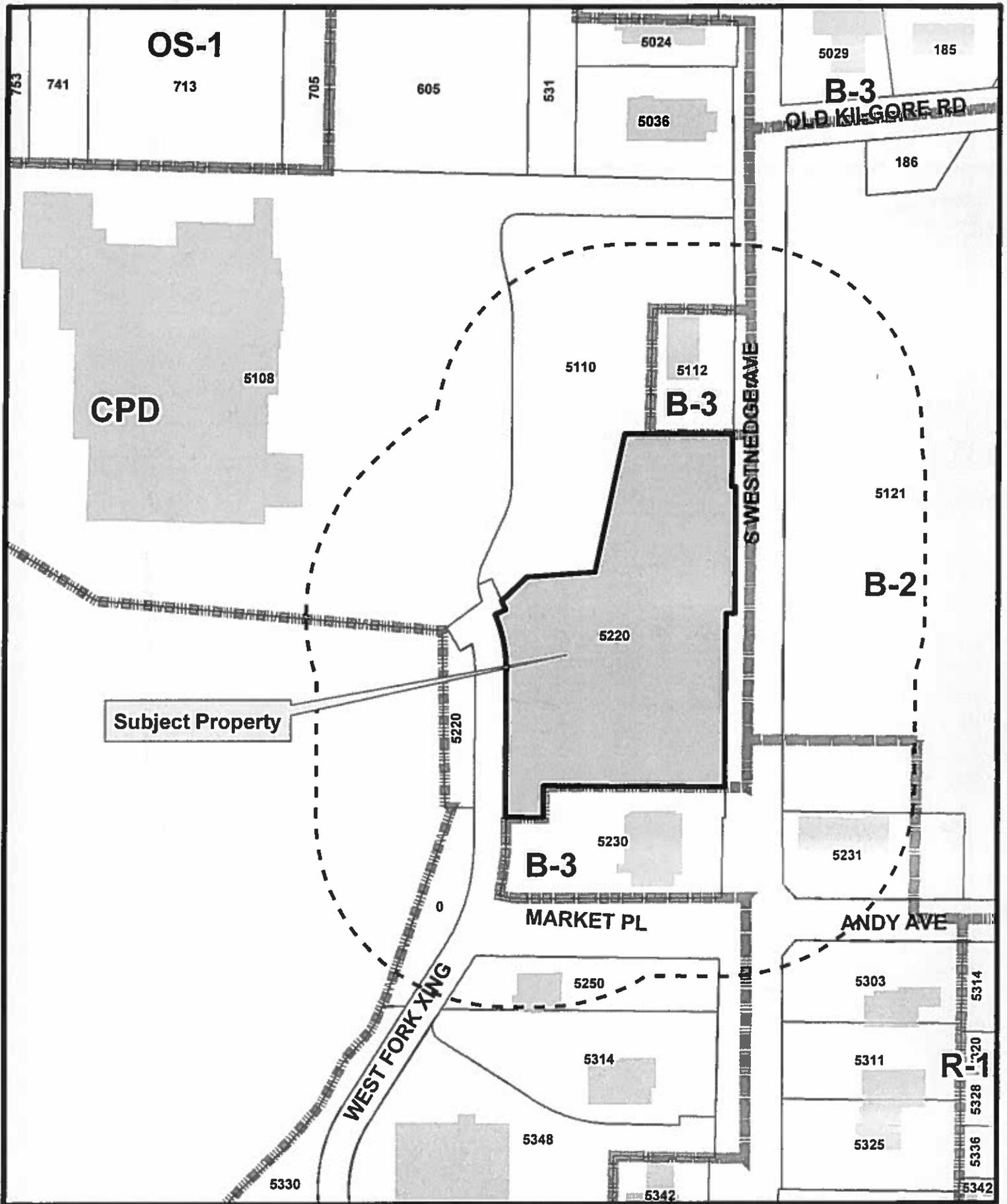
- 1a. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include _____;
- 2a. The variance is necessary for the preservation and enjoyment of a substantial property right, the right to _____, which is similar to that possessed by other properties in the same zoning district and in the vicinity;
- 3a. The immediate practical difficulty causing the need for the variance request was not created by the applicant;
- 4a. The variance will not be detrimental to adjacent property and the surrounding neighborhood, and;
- 5a. The variance will not materially impair the intent and purpose of the zoning ordinance.

-OR-

b. denied for one of more of the following reasons:

- 1b. There are no exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district;
- 2b. The variance is not necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district in the vicinity because there are conforming alternatives available such as _____;
- 3b. The immediate practical difficulty causing the need for the variance request was created by the applicant;
- 4b. The variance would be detrimental to adjacent property and the surrounding neighborhood, and;
- 5b. The variance would materially impair the intent and purpose of the zoning ordinance.

c. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately.



-  Zoning Boundary
-  Subject Property
-  Notification Area

ZBA 14-19
5220 S Westnedge Avenue



1 inch = 200 feet

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 12/15/14
 Name of Applicant The Hinman Company [Signature]
 Print Signature

Applicant's Address 750 TRADE CENTRE WAY SUITE 100 Phone No. 342-8600
 Name of Property Owner (if different from Applicant) W.B.C. Properties Limited Partnership
 Address SAME Phone No. SAME

Address of the Property that is the subject of this Application:
 Street Address 5220 S. Westnedge
 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) \$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 _____ Section _____ Paragraph _____
 Regarding: Use _____ Area _____ Yards _____
 Setbacks _____ Parking _____ Other _____

Reason for Request (Also complete page 2 of application): Add signage area to existing sign (32 SF) and reduce 2nd allowed sign by 32 SF. Allow 28' 7" height for sign #1 (existing)
 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 _____

RECEIVED

DEC 15 2014

FOR STAFF USE

COMMUNITY DEVELOPMENT

Application Number: <u>14-19</u>	Filing Date: <u>12-19-14</u>	Tentative Hearing Date: <u>1-12-15</u>
Previous Application Filed Regarding This Property: <u>ZBA 11-03</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.)

The property is very narrow where a second sign would be located.

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

yes.

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

Allowed signage area is a challenge. Adding a second sign creates narrow drive area.

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.)

This is the minimum to accommodate building square footage.

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.)

Total sign area is not changed for parcel.

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.)

Sign exists today at this location.

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.)

Previous owner & road widening.

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

Approval would allow adequate signage without adding a 2nd sign on parcel at this time.


Signature of Applicant

12/15/14
Date

WILLOW CREEK

**DOLLAR
TREE**

Payless
Shoes & More

**Batteries
& Bulbs**

Check @ Go

Great Clips

H&R BLOCK

**BIGGBY
COFFEE**

SUBS!
Submarine Sandwiches

SPECIALIZED

**WILD
BILLS
TOBACCO**

PAPA JOHN'S

DENTAL

MEDICAL
WEIGHT LOSS CLINIC

WITH HILTI PARTICIPATION

**GREAT CLIPS
OPEN 2 DAYS
A WEEK**

**PET
SUPPLIES**
"PLUS"
DISCOUNT
PET
SUPPLIES
**10- MILK BONE
\$9.98**

ZONING REQUIREMENTS
 ZONING: B-3
 DISTRICT: WESTBANK
 34.75 SF - RETAIL

TOTAL PARKING REQUIRED = 243 SPACES
 TOTAL PARKING PROVIDED = 114 SPACES
 TOTAL PARKING DEFICIT = 131 SPACES
 NOTE: 40 PROVIDED PARKING SPACES WILL BE PROVIDED UNTIL THE DEFICIT PARKING SPACES ARE MET.

- NOTES**
1. ALL DIMENSIONS SHOWN ARE TO THE EDGE OF METAL.
 2. PROVIDE CURB CUT/RAMP AT ALL BARBER TRICE ACCESS POINTS.
 3. PROVIDE SIGNAGE AND SIGNALS SHALL CONFORM TO THE CURRENT MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES AND SIGNALS MANUAL PER LOCAL.
 4. EXCEPT WHERE OTHERWISE INDICATED ON THESE PLANS, ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, ROAD TYPING, AND CITY OF PORTAGE STANDARD SPECIFICATIONS.
 5. IF ANY EROSION, DISCOMFORTS, OR OBSTRUCTIONS BECOME APPLICABLE, THESE SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGNER PRIOR TO CONSTRUCTION OF ANYTHING AFFECTED SO THAT CORRECTIONS OR REVISIONS MAY BE MADE AT THE TIME OF CONSTRUCTION.
 6. ALL WORK SHALL CONFORM TO ALL LOCAL, STATE AND FEDERAL LAWS, RULES AND REGULATIONS IN FORCE AT THE TIME OF CONSTRUCTION.
 7. ALL EXTERIOR CONCRETE SHALL BE ACOT GRADE PER (ACOTSPS), AND ENCLOSED, UNLESS OTHERWISE APPROVED.
 8. COORDINATE ALL WORK WITH ARCHITECTURAL PLANS.
 9. PROVIDE TEMPORARY ACCESS TO ALL BUSINESSES AND CONTRACTORS IN A WAY TO MINIMIZE IMPACTS. CONTRACTOR SHALL SUBMIT A PLAN TO COVER AS PART OF BID.
 10. COORDINATE ALL STAKING WITH OWNER.

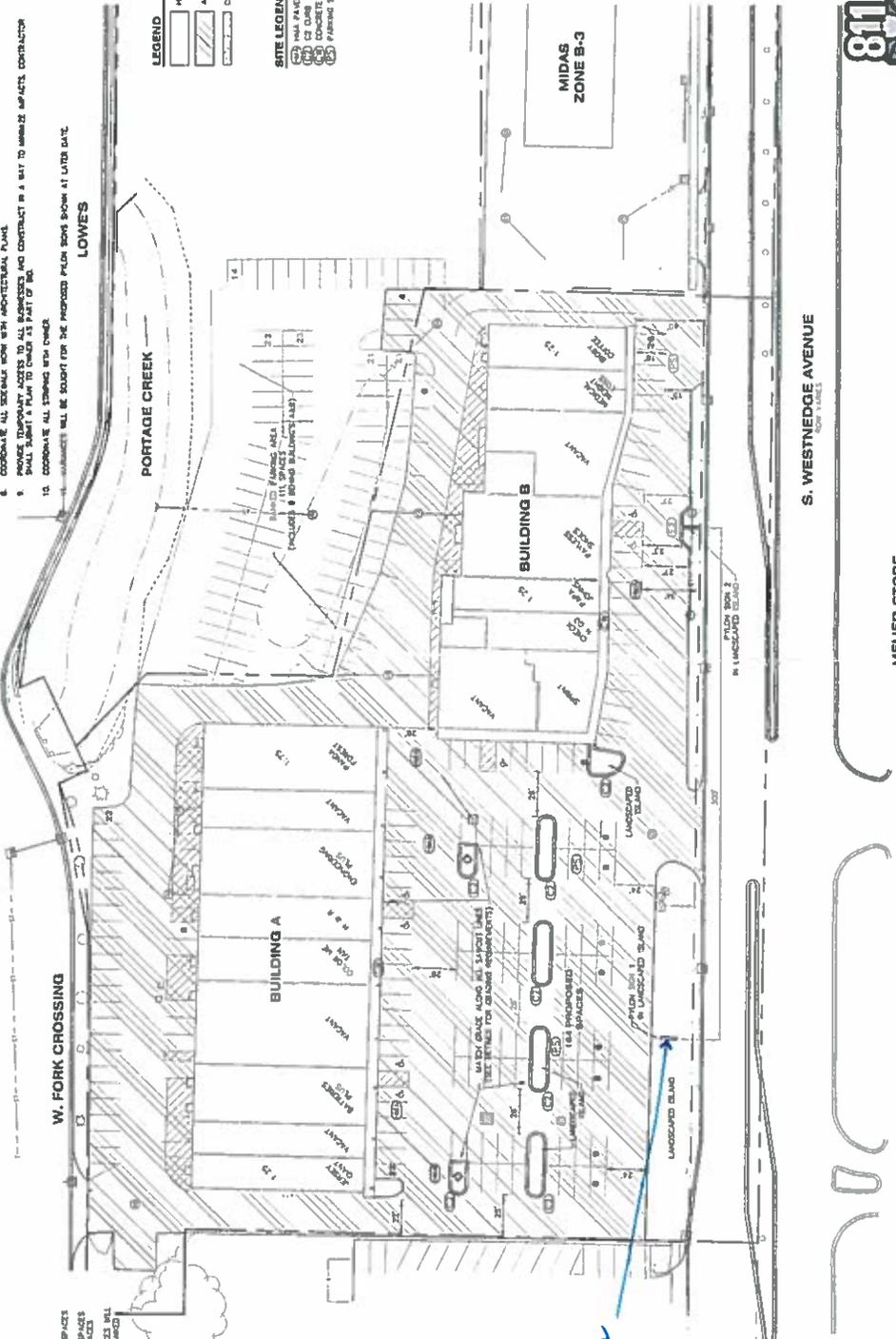


H S Hurley & Blawie
 1155 KENNEDY ROAD
 BIRMINGHAM, ALABAMA 35202
 205.982.4000 FAX 205.982.4001
 www.hurleyandblawie.com

NO.	DATE	DESCRIPTION
1	02/11/11	PRELIMINARY
2	02/11/11	REVISIONS
3	02/11/11	REVISIONS
4	02/11/11	REVISIONS
5	02/11/11	REVISIONS
6	02/11/11	REVISIONS
7	02/11/11	REVISIONS
8	02/11/11	REVISIONS
9	02/11/11	REVISIONS
10	02/11/11	REVISIONS

SITE LAYOUT PLAN
THE HINMAN COMPANY
WILLOW CREEK UPDATE

Sheet
C-2
 Project Title
 Client

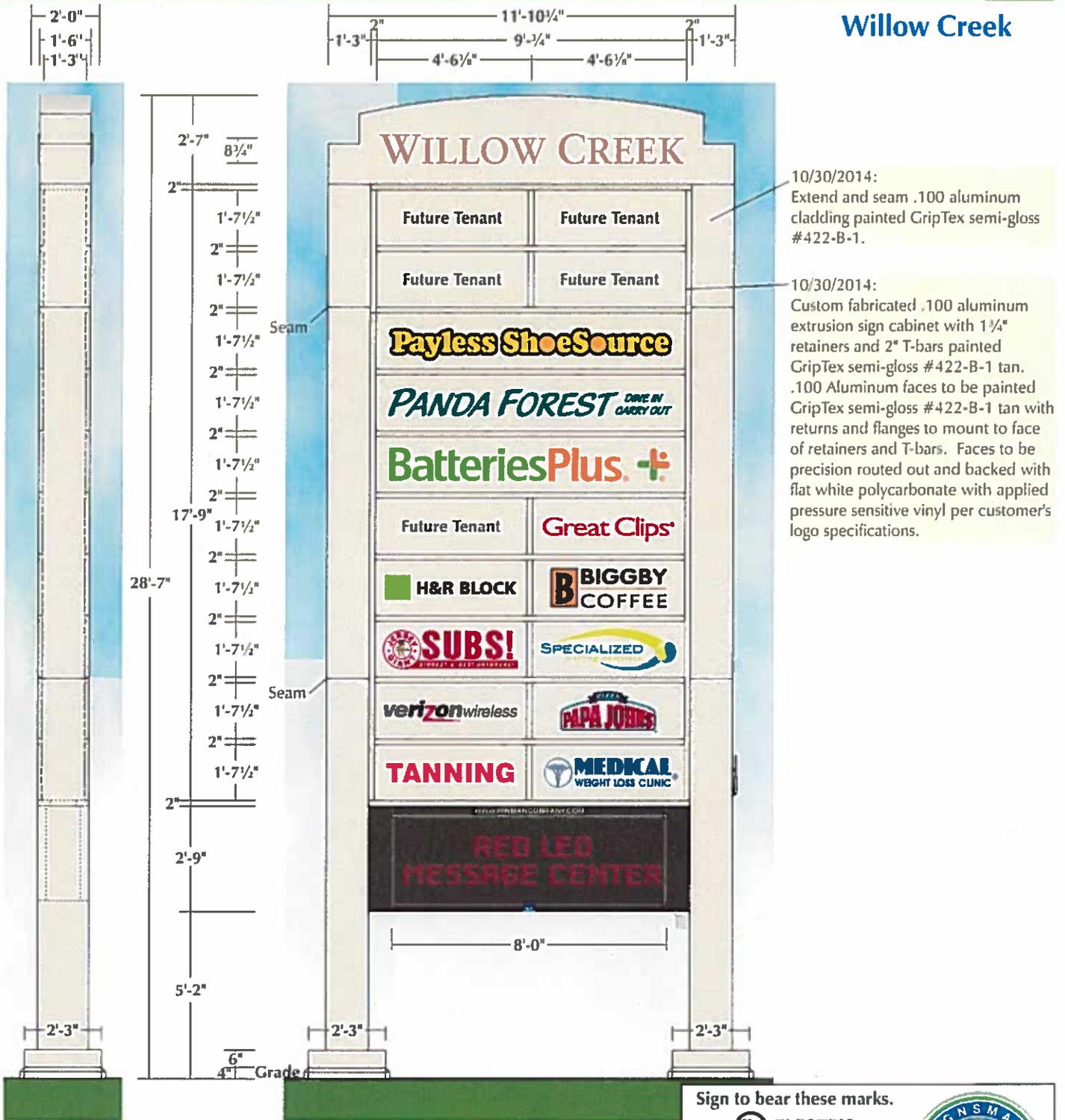


811
 Know what's below.
 Call before you dig.

CALL 811 TO REPORT ANY PROBLEMS YOU NOTICE WITH YOUR UTILITY SERVICE. YOU WILL BE NOTIFIED OF ANY PROBLEMS AND THE LOCATION OF ANY UTILITIES. CALL 811 TO REPORT ANY PROBLEMS WITH YOUR UTILITY SERVICE.

FOR MORE INFORMATION, VISIT US AT www.811.com

Willow Creek



10/30/2014:
Extend and seam .100 aluminum cladding painted GripTex semi-gloss #422-B-1.

10/30/2014:
Custom fabricated .100 aluminum extrusion sign cabinet with 1/4" retainers and 2" T-bars painted GripTex semi-gloss #422-B-1 tan. .100 Aluminum faces to be painted GripTex semi-gloss #422-B-1 tan with returns and flanges to mount to face of retainers and T-bars. Faces to be precision routed out and backed with flat white polycarbonate with applied pressure sensitive vinyl per customer's logo specifications.

Sign to bear these marks.



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.

Illuminated Double Faced Pylon Sign (#1)

Scale: " = 1'-0"

$9'-3/4" \times 23'-5" = 212.20 \text{ Sq.Ft.}$

The Hinman Company (Willow Creek) — S. Westnedge, Portage, MI

Lead #SV-1021396

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GI 10-29-14NS Approved for: _____ By: _____ Date: _____

- 4-6-11 9-27-11AG
- 4-15-11 2-29-12AG
- 6-22-11 8-23-12B1
- 6-27-11 3-11-12AG
- 7-3-11 5-17-12AG
- 6-6-11LL

LAYOUT PLAN

October 3, 2013 approved site plan

APPROXIMATE LOCATION OF DRIVE OPENING

R.O.W.

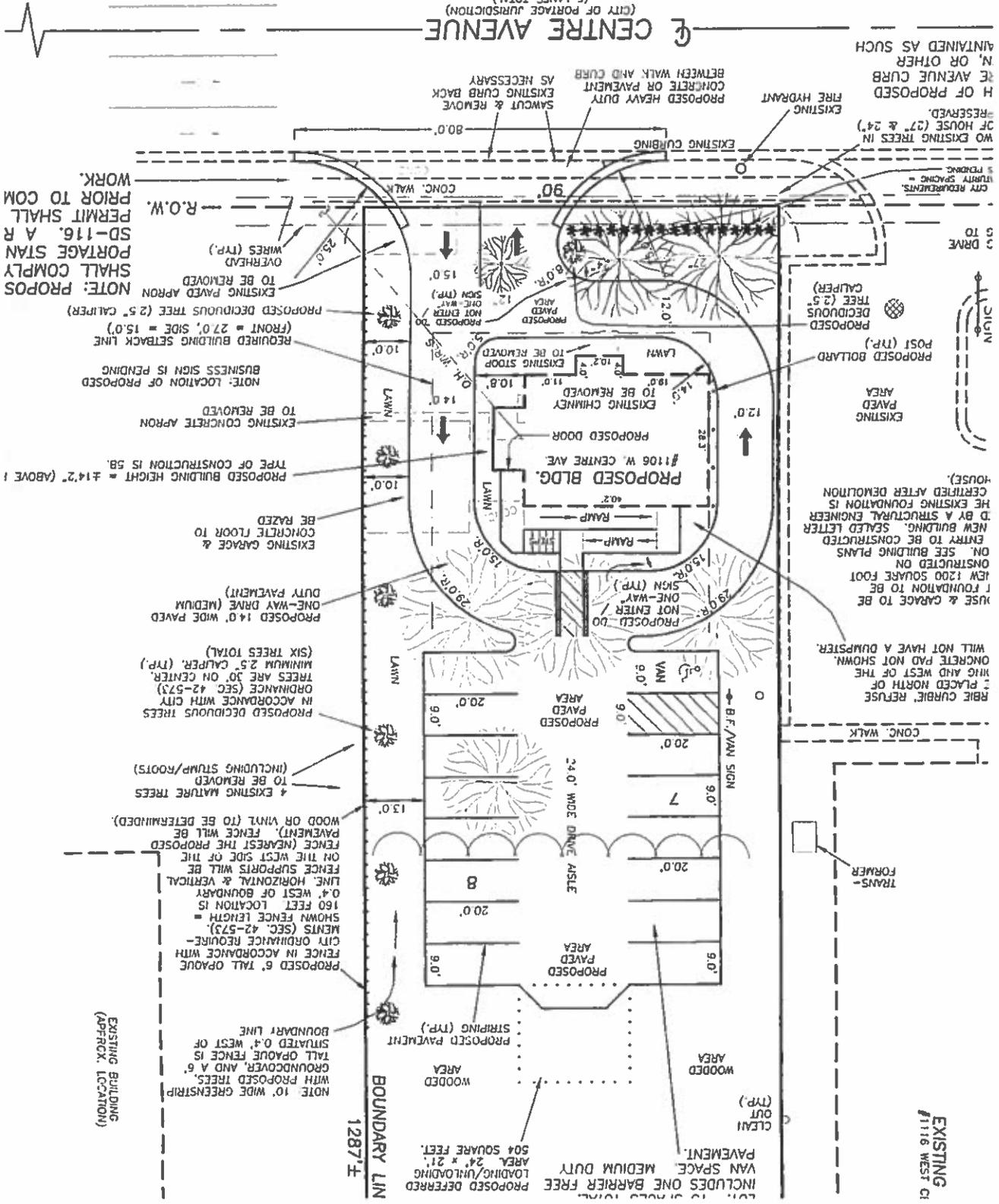
NOTE: SIDEWALK SHALL BE A MINIMUM OF 6" THICK WITHIN DRIVEWAY AREAS EXISTING. WALK WILL LIKELY NEED TO BE REMOVED AND REPLACED WITHIN THE VICINITY OF THE DRIVEWAY. ALSO, ANY SIDEWALK THAT IS DAMAGED OR BROKEN DURING ON-SITE CONSTRUCTION SHALL BE REPLACED.

APPROXIMATE LOCATION OF EXISTING CURBING

RIGHT-OF-WAY

DISTANCE OF 445 FEET SHALL BE MAINTAINED WITHIN THE PROPOSED CURBING. PLANTS WITH A HEIGHT OF 445 FEET SHALL BE MAINTAINED AS SUCH.

CENTRE AVENUE
(CITY OF PORTAGE JURISDICTION)
(5 LANES TOTAL)



NOTE: PROPOSED SHALL COMPLY WITH SD-116. A R PERMIT SHALL BE OBTAINED PRIOR TO COMMENCEMENT OF WORK.

EXISTING PAVED APRON TO BE REMOVED

PROPOSED DECIDUOUS TREE (2.5" CALIPER)

REQUIRED BUILDING SETBACK LINE (FRONT = 27'0", SIDE = 15'0")

NOTE: LOCATION OF PROPOSED BUSINESS SIGN IS PENDING

EXISTING CONCRETE APRON TO BE REMOVED

PROPOSED BUILDING HEIGHT IS 58' ±14.2" (ABOVE FINISHED GRADE)

EXISTING GARAGE & CONCRETE FLOOR TO BE RAZED

PROPOSED 14'0" WIDE PAVED ONE-WAY DRIVE (MEDIUM DUTY PAVEMENT)

PROPOSED DECIDUOUS TREES (SIX TREES TOTAL) MINIMUM 2.5" CALIPER (TRP.) TREES ARE 30' ON CENTER. ORDNANCE (SEC. 42-573) IN ACCORDANCE WITH CITY

4 EXISTING MATURE TREES (INCLUDING STUMP/ROOTS) TO BE REMOVED (WOOD OR VINYL (TO BE DETERMINED))

FENCE (NEAREST THE PROPOSED FENCE SUPPORTS WILL BE ON THE WEST SIDE OF THE LINE. HORIZONTAL & VERTICAL FENCE SUPPORTS WILL BE 0.4' WEST OF BOUNDARY. 160 FEET LOCATION IS SHOWN FENCE LENGTH = 160 FEET (SEC. 42-573) CITY ORDINANCE REQUIRE- FENCE IN ACCORDANCE WITH

PROPOSED 6" TALL OPAQUE BOUNDARY LINE SITUATED 0.4' WEST OF TALL OPAQUE FENCE IS SHOWN GROUNDLINE AND A 6' WITH PROPOSED TREES

NOTE: 10' WIDE GREENSTRIP BOUNDARY LINE

PROPOSED BOLLARD

EXISTING PAVED AREA

PROPOSED DECIDUOUS TREE (2.5" CALIPER)

PROPOSED POST (TRP.)

EXISTING PAVED AREA

PROPOSED 1200 SQUARE FOOT FOUNDATION TO BE CONSTRUCTED ON NEW BUILDING. SEaled LETTER TO BE PROVIDED BY A STRUCTURAL ENGINEER. THE EXISTING FOUNDATION IS TO BE DEMOLISHED (HOUSE). CERTIFIED AFTER DEMOLITION

HOUSE & GARAGE TO BE CONSTRUCTED ON NEW 1200 SQUARE FOOT FOUNDATION TO BE CONSTRUCTED ON NEW BUILDING. SEaled LETTER TO BE PROVIDED BY A STRUCTURAL ENGINEER. THE EXISTING FOUNDATION IS TO BE DEMOLISHED (HOUSE). CERTIFIED AFTER DEMOLITION

WILL NOT HAVE A DUMPSTER. CONCRETE PAD NOT SHOWN. REFUSE CURBIE PLACED NORTH OF KING AND WEST OF THE

EXISTING #1116 WEST CT

BOUNDARY LIN 1287±

PROPOSED DEFERRED LOADING/UNLOADING AREA 24' x 21' 504 SQUARE FEET

WOODED AREA

CLEAN OUT (TRP.)

WOODED AREA

PAVEMENT. INCLUDES ONE BARRIER FREE VAN SPACE. MEDIUM DUTY

TO: Zoning Board of Appeals **DATE:** January 2, 2015
FROM: Vicki Georgeau, Director of Community Development
SUBJECT: ZBA #14-19, ¹⁶The Hinman Company, 5220 South Westnedge Avenue, CPD,
Commercial Planned Development

CODE SECTION: 42-552(A), Sign size, p. CD42:132.1
42-552(H), Sign height, p. CD42:132.2

APPEAL: Requesting a variance to modify a freestanding sign that would be: a) 212 square-foot in area where a maximum 180 square feet is permitted; and b) 29 feet high where a maximum 25-foot height is permitted.

STAFF RECOMMENDATION: The applicant is requesting the above referenced variances per the enclosed application, letter of explanation, and sign sketch. The 4.5 acre property is zoned CPD, commercial planned development, and is improved with two commercial buildings comprising the Willow Creek shopping center.

As background information, the Willow Creek shopping center previously had a nonconforming 388 square-foot freestanding sign erected in the 1960's that was 40 feet high and extended to the front property line. A number of site updates/improvements took place in 2011 that included removal of the nonconforming sign and its replacement by the current conforming 180 square-foot sign. Based on the street frontage, the development is also entitled to a second, 142 square foot freestanding sign. The Board granted a variance (ZBA #11-3) in September 2011 permitting a second freestanding sign in front of the north building setback zero feet from the front property line. However, the second 142 square foot sign was not constructed and the variance has expired.

The applicant indicates construction of a second sign in front of the north building is a challenge. The north building has a 40-foot setback and the maneuvering lane is narrow, with a portion only 15 feet wide whereas the Zoning Code requires a 22-foot, two-way maneuvering lane. For these reasons, the applicant indicates the second sign is not desired at this time, and instead proposes to enlarge the existing freestanding sign by 32 square feet and increase the height to 29 feet.

Consolidation of signage would reduce the overall visual impacts when compared to the alternative of having two freestanding signs. Furthermore, the location of the previously proposed second freestanding sign in front of the north building is not desirable due to factors noted above. Staff can therefore recommend approval of the requested variances with the condition that no second freestanding sign be permitted on the zoning lot.

PRACTICAL DIFFICULTY: Narrow setback and maneuvering lane for second sign in front of north building.

SUGGESTED NON-USE VARIANCE MOTION FORM

Mr. Chairman:

I move, in regard to ZBA # _____, the application by _____

for a variance from _____

be:

a. granted for all of the following reasons:

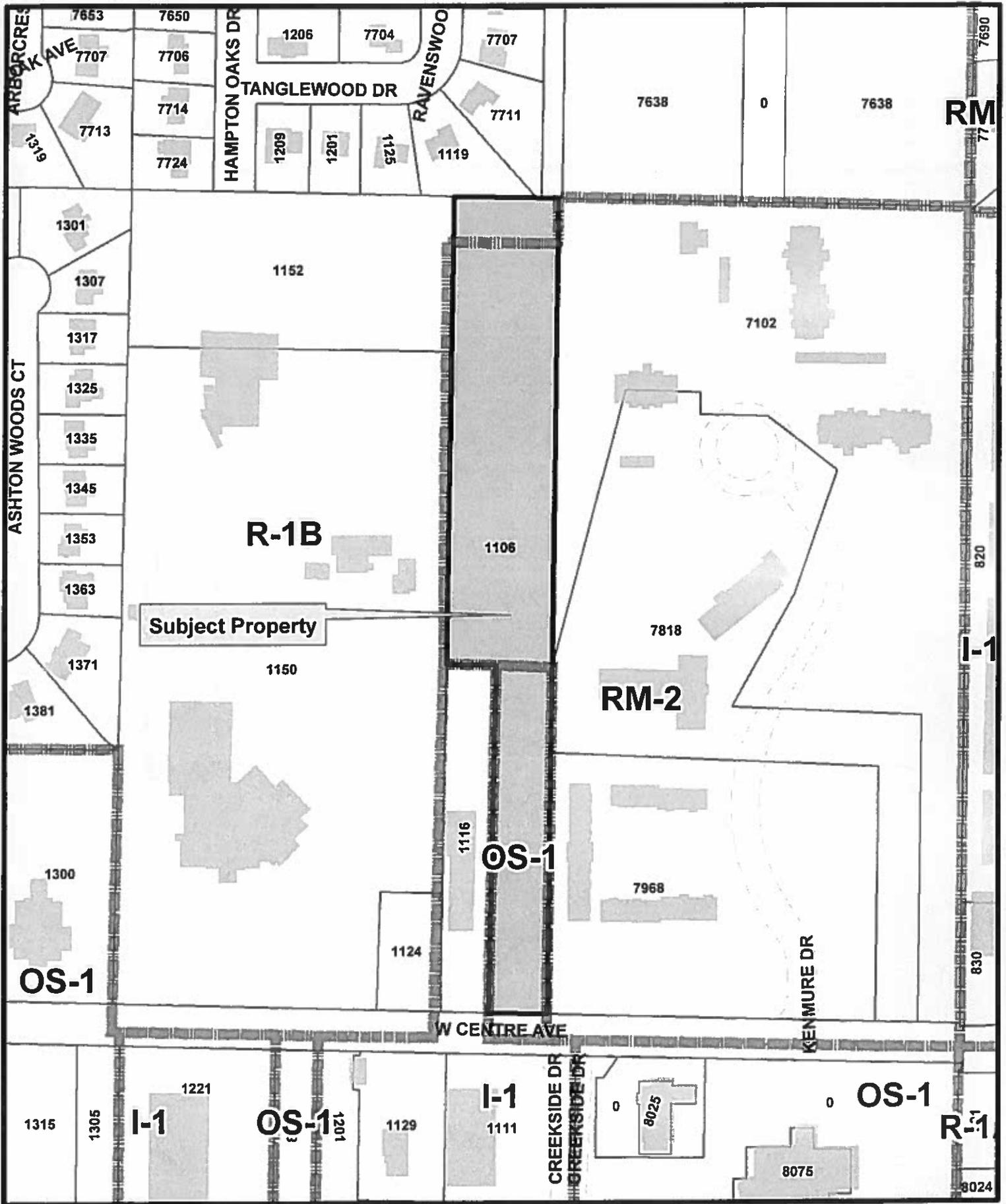
- 1a. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include _____;
- 2a. The variance is necessary for the preservation and enjoyment of a substantial property right, the right to _____, which is similar to that possessed by other properties in the same zoning district and in the vicinity;
- 3a. The immediate practical difficulty causing the need for the variance request was not created by the applicant;
- 4a. The variance will not be detrimental to adjacent property and the surrounding neighborhood, and;
- 5a. The variance will not materially impair the intent and purpose of the zoning ordinance.

-or-

b. denied for one of more of the following reasons:

- 1b. There are no exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district;
- 2b. The variance is not necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district in the vicinity because there are conforming alternatives available such as _____;
- 3b. The immediate practical difficulty causing the need for the variance request was created by the applicant;
- 4b. The variance would be detrimental to adjacent property and the surrounding neighborhood, and;
- 5b. The variance would materially impair the intent and purpose of the zoning ordinance.

c. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, **and that action of the Board be final and effective immediately.**



-  Zoning Boundary
-  Subject Property
-  Notification Area

ZBA 14-20
1106 West Centre Avenue



1 inch = 200 feet



 Subject Property

Aerial Photography 1106 West Centre Avenue



1 inch = 150 feet



RECEIVED

DEC 16 2014

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

COMMUNITY DEVELOPMENT

Application Date 12/16/2014

Name of Applicant Nathan Cronenwett
Print

Signature
Phone No. 269-217-7789

Applicant's Address 9111 Austin Dr. Portage 49002

Name of Property Owner (if different from Applicant) _____

Address _____ Phone No. _____

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

Street Address 1106 W Centre Ave Portage 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: _____

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 _____ Section 42-573 Paragraph C
Regarding: Use _____ Area _____ Yards _____
Setbacks _____ Parking _____ other Ten feet greenstrip

Reason for Request (Also complete page 2 of application): Existing conditions of the site and building does not lend itself to meeting the 10ft required greenstrip between the parking lot and screening

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 No. <u>25A 14-20</u>	Filing Date: <u>12/16/14</u>	Tentative Hearing Date: <u>1/12/15</u>
Previous Application Filed Regarding This Property: <u>N/A</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 is 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

Date

1106 W Centre Ave ZBA Letter

RECEIVED
DEC 31 2014
COMMUNITY DEVELOPMENT

December 31th, 2014

Dear Portage Zoning Board of Appeals,

My wife and I purchased the property at 1106 W Centre Avenue 3 years ago with the hopes of starting a new business. Our vision was to build a salon to provide a customer service oriented shop that we see a need for in Portage. It has been a long and difficult process and we have learned a lot along the way. We are happy that there is finally an end in sight and that we will have a beautiful unique building in Portage and hopefully a successful business to show for our efforts.

Our building is now nearing completion. We have a targeted grand opening date of February 1st. We are driving to this date because the salon that a number of the stylists are coming from is closing their doors on January 31st. This closing has made the February date move from a want to a necessity for us and our employees.

During the contractor bidding process numerous concerns about safety, practicality, and driver confusion were raised about our previously approved one-way maneuvering lanes around the east and west side of the building. An alternative plan was suggested to have a 22ft driveway along the east side of the Salon that would greatly simplify things. The new plan would alleviate the fears that someone might get hit by a car having to turn around a blind corner on the west side of the building, and concerns about a car hitting the salon, one of the cars parked in portage printings lot, or one of the large mature trees on the other side of the drive. A 22ft driveway would also provide a means to access the rear 2.5 acres of the property for future use. Unfortunately to go back to the original plan would require the following:

- Tear out an 8ft width of the existing asphalt driveway
- Relocate the water retention pond further North
- Extend the Parking lot further to the North which would have a further impact on Portage Pines residences natural views
- Relocate the salons emergency exit because the existing exit door would exit into the one way drive. This would also result in the loss of one of the styling stations and one to two employees.
- Likely need to cut down the three large mature trees in the front of the building
- Probably the most damaging impact will be the effect on the business opening date. It would likely be pushed from early February to spring sometime when asphalt plants reopen. The stylists planning on working at the salon would be faced with the decision of possibly loosing clients or having to find another place to work.

We are asking for the approval of an alternate screening plan with a 2ft greenstrip and the tree plantings on the other side of the fence. We believe the alternative plan upholds the intent of the zoning ordinance, reduces traffic confusion and the likely hood of having someone injured as a result of the previous plan. The property manager of the adjacent apartment complex Portage Pines agrees that it will also have a far superior visual screening effect for their residents. Portage Pines manager is on board with this proposed plan and has agreed to our offer to provide tree plantings on the apartment side of the six foot tall screening fence to further enhance the appearance of the separation (see attached letter).





I respectfully request the Portage Zoning Board of Appeals consideration towards the approval of our alternate screening plan. This will allow us to open our business and create more jobs in the area.

Thank You,

Nate Cronenwett
9111 Austin Dr.
Portage MI, 49002
(269) 217-7789

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.
 - a. The front (south) 539ft of the property along Centre Avenue is only 90ft wide while the rear 743ft of the property is 165ft wide. There was an existing house on the property when we purchased it and in an effort to preserve the existing foundation and as many trees as possible we decided to build our small salon upon the existing basement. The Salon is too close to the road to allow the parking lot to be in the front of the building. To allow parking in the rear of the building and to improve access and site circulation a 22ft maneuvering lane was installed. The maneuvering lane would also serve to not land lock the rear 1000ft of the property.
2. Are the physical characteristics you explained above unique and not shared by the neighboring properties?
 - a. The neighboring properties are either wider than 90ft at the road or they do not extend as far back as our property. As a result the neighboring properties do not have the land locking concerns. Their wider property allows them plenty of space for access to their rear acreage.
3. Can the property be reasonably used for the uses permitted in the zoning district without granting a variance?
 - a. The previously approved design with a one way circulation pattern was possible however it would lead to customer/public maneuvering confusion, safety concerns with blind turning corners, and an increased likely hood of property damage caused by snow plowing and driver error. Also moving the building further back on the property would only serve to land lock the rear 2.5 acres if a 22ft maneuvering lane was not provided.
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 the other property owners in the area?
 - a. The variance requested constitutes the best use of the building and property, and has been agreed upon by the property manager and the president of the board of the property most affected by the variance (Portage Pines).
 - b. Given that the intent of the 10ft greenstrip is to provide space for plantings Wedels Nursery stated that a Fernleaf Buckthorn tree can be used within the 2ft greenstrip between the fence and the driveway. Although this option would be reasonable with the intent of the zoning ordinance, it would not be as appealing to neighboring residents of Portage Pines.
5. Explain how the variance would not result in adverse effects on adjacent properties or alter the character of the area.
 - a. By placing the trees on the adjacent side of the fence the alternate screening plan would improve upon the intent of the ordinance and result in a better visual effect on the adjacent property.

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.
 - a. The alternate screening plan would reduce traffic congestion as well as increase pedestrian and driver safety. It would allow for a multi direction maneuvering lane that would cut down on potential traffic confusion. It would allow for a superior fire exit from the building by providing an exit on the opposite side of the building from the main entrance. It also eliminates the need for a blind turning corner that could be hazardous for pedestrians or persons performing grounds maintenance.

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?
 - a. While the site was designed with two one way driving lines around the east and west side of the building. During construction the plan was determined to be confusing, impractical, and even possibly dangerous due to practical difficulties of the property dimensions and existing conditions.

8. Explain how the variance would fulfill the spirit and intent of the Zoning Ordinance.
 - a. Although we believe we have a beautiful building and the positive comments keep flooding in about the architecture and materials that were used. We understand that the stated intent of the Zoning Ordinance is to limit the visual contact and create an impression of separation between residential and non-residential zoning areas. We believe the spirit and intent will be met with the requested alternate screening plan that will include the required fencing and tree plantings. However by placing the screening trees on the residential side of the fence we would further soften the visual impact and create what Portage Pines and we feel would be a superior screening and separation for the residents of Portage Pines Apartments.

LOCKHART

MANAGEMENT & CONSULTING

December 30, 2014

Mr. Jeffery Mais
Department of Community Development
City of Portage
7900 Westnedge Avenue
Portage, MI 49002

RE: Variance Request, 1106 West Centre Avenue
Portage, Michigan

Dear Mr. Mais:

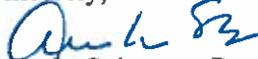
I am writing as the authorized agent for Portage Pines Nonprofit Corporation regarding the above-named request. Recently, I met with Mr. Cronenwett to discuss his proposed screening and barrier between the property he is developing and the Portage Pines Apartments property. Based on our discussion and understanding, we support this variance request.

Mr. Cronenwett and I discussed a couple of options for fencing and planting between the properties and reached the following tentative understanding: the fencing would be six feet in height and would be of pressure treated wood construction. The fence would be a shadow board or similar design. Rather than deciduous tree planting, we would support the planting of 6 – 8 conifers of a native variety such as white pine. We would like these to be of a healthy size, five to six feet in height. We understand they will be located on Portage Pines property and we will take responsibility for maintenance of them.

Our biggest concern for the long term is the maintenance and upkeep on the fence. If the trees are planted with sufficient size and density, in time this natural screening would be the primary buffer between our properties.

In summary, we support this requested variance with conditions similar those outlined above.

Sincerely,



Alan L. Sylvester, President

Lockhart Management & Consulting, LLC

Authorized Agents for Portage Pines Nonprofit Corporation

11-6-21





41-6-01

TO: Zoning Board of Appeals **DATE:** January 2, 2015
FROM: Vicki Georgeau,  Director of Community Development
SUBJECT: ZBA #14-20, Nathan Cronenwett, 1106 West Centre Avenue, OS-1, Office Service/RM-2, Multiple Family Residential/R-1B, One Family Residential

CODE SECTION: 42-573, Conflicting Land Use Screening, p. CD42:134.

APPEAL: Requesting a variance from the conflicting land use screening requirements along the southeast side of the site, between the hair salon (currently under construction) and the adjacent senior apartment/retirement complex (Portage Pines Apartments, Fountain View Assisted Living Facility, Spruce Creek Apartments).

STAFF RECOMMENDATION:

The applicant is requesting the above referenced variance per the enclosed application, letter of explanation, site plan and other related materials. The approximate 4.0 acre parcel (90-165 feet wide by 1,287 feet deep) has split zoning with the southern approximate 540 feet zoned OS-1, office service; the middle approximate 697 feet zoned RM-2, multiple family residential and the northern 50 feet zoned R-1B, one family residential.

As background information, the Planning Commission approved a site plan on October 3, 2013 for construction of an approximate 1,200 square foot hair salon and associated site improvements along the southern approximate 250-feet of the subject parcel (see attached). In an effort to reuse the existing building foundation (including a portion of the breezeway) at the site for the hair salon, the applicant designed a one-way, counterclockwise, vehicular circulation pattern around the hair salon building with a 14-foot wide maneuvering lane along the east side of the building and a 12-foot wide maneuvering lane along the west and south sides of the building. Conflicting land use screening identified on the approved site plan included a six-foot tall screening fence, 10-foot greenstrip and deciduous tree plantings every 30-feet.

As indicated by the applicant, changes were made during construction that do not meet Zoning Code related to conflicting land use screening along the east property line. Specifically, the applicant eliminated the one-way maneuvering lane along the west and south sides of the building and instead paved a two-way maneuvering lane (22-feet wide) along the east side of the building. Also, the parking lot north of the building was moved further east closer to the side property line, resulting in a two-foot greenstrip (parking lot/maneuvering lane setback) along the east property line where a 10-foot greenstrip is required.

The applicant indicates the revisions were made to improve internal traffic circulation, reduce the potential for confusion and improve safety. In conjunction with the variance request and in an attempt to meet the intent of the conflicting land

use screening regulations, the applicant has developed an alternative screening proposal. As detailed on the revised site plan, the applicant is proposing to install the required six-foot tall screening fence along the eastern property line, from a point beginning 51-feet from the front property line, extending north approximately 125-feet to the storm water retention basin. Since insufficient space is available to install the required deciduous trees in the greenstrip area, the applicant is proposing to install five white pine trees (minimum 6-8 feet tall) on the adjacent Portage Pines property to the east, where gaps in existing trees are present. The applicant has discussed this alternative screening proposal with the adjacent property owner and support of the alternative screening proposal and permission to install and maintain these trees has been granted by Portage Pines Nonprofit Corporation (see attached letter from Mr. Alan Sylvester, Authorized Agent).

It is unfortunate the applicant modified the site design during construction and prior to review and approval by the city. Prior to the start of construction, alternative site designs could have been pursued with the applicant such as relocation of the covered entry on the east side of the building to make room for a two-way maneuvering lane, or opting to construct a new building foundation in a more practical location. Unfortunately at this time, site changes necessary to bring the development back into compliance with the approved site plan are significant and would push back the planned February 2015 opening of the business.

While the original site plan design met Zoning Code requirements, it is acknowledged it was not ideal for internal traffic circulation. The site modifications constructed by the applicant will arguably improve on-site traffic flow and safety, and the alternative conflicting land use screening proposal meets the spirit and intent of the ordinance. If the Board finds that a practical difficulty exists and the criteria of the Zoning Code are met, it is recommended that any variance granted be conditioned upon a landscape maintenance agreement between the applicant and property owner of 7968 Kenmure Drive (Portage Pines Nonprofit Corporation).

**PRACTICAL
DIFFICULTY:**

Width of the parcel, location of the existing building foundation, and internal traffic safety concerns as noted by the applicant. 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.