



ZONING BOARD OF APPEALS

March 9, 2015

CITY OF PORTAGE ZONING BOARD OF APPEALS

Monday, March 9, 2015

(7:00 pm)

Portage City Hall
Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

- * January 12, 2015 meeting

OLD BUSINESS:

NEW BUSINESS:

- * 1. ZBA #14-21 Justin Escher, 1412 Meadowbrook Lane: Requesting a use variance to allow an accessory building to remain with no principal use on a lot.
- * 2. ZBA #14-22 Jason Sibley, on behalf of Stryker Corporation and 1901 Romence LLC, 1901 Romence Road Parkway: Requesting a variance to a) allow the installation of a new seven square-foot internal directional sign, and 2) increase the sign area of an existing directional sign to seven square feet where a maximum four square-foot directional signs are permitted.

OTHER BUSINESS:

Resignation of Timothy Bunch

STATEMENT OF CITIZENS:

ADJOURNMENT:

Star (*) indicates printed material within the agenda packet

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – January 12, 2015

 DRAFT

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, Michael Robbe, Glenn Smith, Phillip Schaefer, Jeffrey Bright, Lowell Seyburn, and Randall Schau.

MEMBERS EXCUSED: A motion was made by Bunch, seconded by Schaefer to excuse Doug Rhodus and Chad Learned. 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 December 8, 2014 minutes with the change that Bright, not Bunch voted no on ZBA #14-14(C). Upon voice vote, motion was approved 7-0.

OLD BUSINESS:

ZBA #14-09, Janine Chicoine, 3620 East Shore Drive: No applicant was present. Upon voice vote, the Board accepted the withdrawal of the application 7-0.

NEW BUSINESS:

ZBA 14-17; Jeremy Vainavicz, 1009 Karendale Avenue: Mais summarized the request to construct a 1,108 square-foot dwelling where a minimum 1,600 square feet is required. Property owner, Larry Mishall, was present to answer questions. Seyburn inquired if the minimum dwelling size requirement for R-1C zones was affected by the size of the basement. Mais stated not in the case of one-story ranch dwellings.

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

A motion was made by Bunch, seconded by Schaefer to grant a variance to construct a 1,108 square-foot dwelling where a minimum 1,600 square feet is required for the following reasons: there are exceptional or extraordinary circumstances applying to the property that do not apply generally to other properties in the same zoning district, which include it is the only lot in the plat subject to the minimum 1,600 square-foot dwelling requirement; the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity, the right to develop the lot with housing comparable to the rest of the neighborhood; the immediate practical difficulty causing the need for the variance request was not caused by the applicant; the variance would not be detrimental to adjacent property and the surrounding neighborhood; and would not materially impair the intent and purpose of the Zoning Ordinance. In addition, the application and supporting materials, staff report, and all comments and discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Smith-Yes, Seyburn-Yes, Schaefer-Yes, Bunch-Yes, Bright-Yes, Robbe-Yes, Schau-Yes. The motion passed 7-0.

ZBA #14-18, Jerico LLC, 531, 605 West Kilgore Road, 5024, 5036 South Westnedge Avenue: Mais summarized the request to erect a 180 square-foot freestanding sign at 5024/5036 South Westnedge Avenue where a maximum 149 square-foot sign is permitted. Andy Wenzel and Steve Vandersloot were present to answer questions. Mr. Wenzel stated they were allowed a 180 square-foot sign based on the Kilgore Road frontage and a 149 square-foot sign based on the South Westnedge Avenue frontage and thought it made more sense to swap the signs placing the larger 180 square-foot sign on South Westnedge where there was more traffic, and put the smaller 149 square-foot sign on Kilgore Road, where there was less traffic and is across the street from St. Monica church and school. Bunch noted there is currently a freestanding sign in front of Riviera Maya. Mr. Wenzel stated they propose to remove the Riviera Maya sign and incorporate it into the new sign. Bunch inquired if this resulted in a reduction of signage. Mais

stated yes. Seyburn inquired where specifically they would be placing the sign along South Westnedge Avenue. Mr. Vandersloot said they have not yet chosen the specific location, but that it would meet all setback requirements. Seyburn expressed concern for traffic visibility along South Westnedge if there were insufficient minimum clearance under the proposed sign. Mr. Vandersloot replied they considered this as they didn't want to create traffic visibility issues either but felt they could balance adequate visibility while also identifying tenants.

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

Schau inquired why staff was recommending elimination of the second (16 square-foot) sign along Kilgore Road. Mais stated it would reduce visual clutter. Mr. Wenzel stated they wanted the option to keep the second sign and had a tenant that may be interested in the small sign. Schau stated he would not include the condition that the second (16 square-foot) sign on Kilgore be eliminated. A motion was made by Schau, seconded by Robbe, to grant a variance allowing a 180 square-foot freestanding sign for South Westnedge Avenue and a 149 square-foot sign for Kilgore Road 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 dual frontage zoning lot, and would result in a reduction of signage; the immediate practical difficulty causing the need for the variance was not created by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood; and the variance will not materially impair the intent and purpose of the Zoning Ordinance. In addition, the application and supporting materials, staff report, and all comments and discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Smith-Yes, Seyburn-Yes, Schaefer-Yes, Bunch-Yes, Bright-Yes, Learned-Yes, Schau-Yes. The motion passed 7-0.

ZBA #14-19, The Hinman Company, 5220 South Westnedge Avenue: Mais summarized the request 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. Andy Wenzel and Steve Vandersloot were present to answer questions. Mr. Wenzel stated there is a conforming 180 square-foot sign, and while they were granted a setback variance for a second sign at the north end of the property, the sign was never erected because the north building is located too close to the right-of-way to provide sufficient space for both a sign in front and a safe maneuvering lane. The proposal was to add a 32 square-foot panel at the top of the existing sign but if a second sign were ever to be erected in the future they would make the subject sign conforming. Bunch inquired if the proposed modification would make the sign taller than other signs in the area. Mr. Vandersloot acknowledged it would be taller than other signs but the resulting sign consolidation is preferable to the alternative of erecting a second sign at the front property line.

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

A motion was made by Seyburn, seconded by Bright, to grant 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 with the condition that no additional signs be permitted without first making this sign conforming, 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 narrow maneuvering lane in front of the north building; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to identify businesses on premises; 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, Robbe-Yes, Schau-Yes. The motion passed 7-0.

ZBA #14-20, Nathan Cronenwett, 1106 West Centre Avenue: Mais summarized the request for a variance from the conflicting land use screening requirements along the southeast side of the site, between the hair salon and the adjacent senior apartment/retirement complex (Portage Pines Apartments, Fountain View Assisted Living Facility, Spruce Creek Apartments). Mr. Cronenwett stated he made a mistake when he followed the advice of a contractor by deviating from the approved site plan, but felt the resulting layout was preferable because the approved site plan made it possible for vehicles to potentially hit the building. Pat Flanagan of Ingersoll, Watson & McMachen stated the existing drive configuration is preferable to the one-way traffic circulation pattern as it provides green space on the west side of the building, preserves mature trees on the south side, and the proposed screening plan is as good as the approved plan. Bright inquired if all the proposed plantings would be on the Portage Pines property. Mr. Flannigan replied most would be on the neighboring property.

A public hearing was opened. Alan Sylvester spoke on behalf of Portage Pines and stated they supported the applicant's proposal as they had already planned on planting additional trees and did not mind maintaining the proposed screening trees. Seyburn noted there was an easement for a water main along the west side of the Portage Pines property and wondered where the location of the main was. Mr. Flanagan stated approximately 10 feet east of the property line and it would not be impacted by the proposed tree placement. Seyburn inquired how Portage Pines would have felt if the applicant had approached them with the screening proposal prior to them deviating from the approved plan. Mr. Sylvester replied they would still have preferred the proposed plan. The public hearing was closed.

The Board discussed various means to ensure the applicant is held responsible for the screening trees. A motion was made by Seyburn, seconded by Schau, to grant a variance permitting the driveway to remain in its current configuration two feet from the east property line and the conflicting land use screening be installed as shown on the proposed plan with the understanding that the applicant assumes all financial responsibility for the installation, maintenance, and if necessary, replacement, of the five screening trees on the adjacent property (7968 Kenmore Drive), with the condition that the minutes of this meeting be recorded at the Kalamazoo County Register of Deeds with the applicant's deed. There are exceptional circumstances applying to the property that do not apply generally to other properties in the same zoning district, which include the narrowness and depth of the property; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to develop the property in a logical manner; the immediate practical difficulty (the width of the property) 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, Robbe-Yes, Schau-Yes. The motion passed 6-1.

OTHER BUSINESS: None

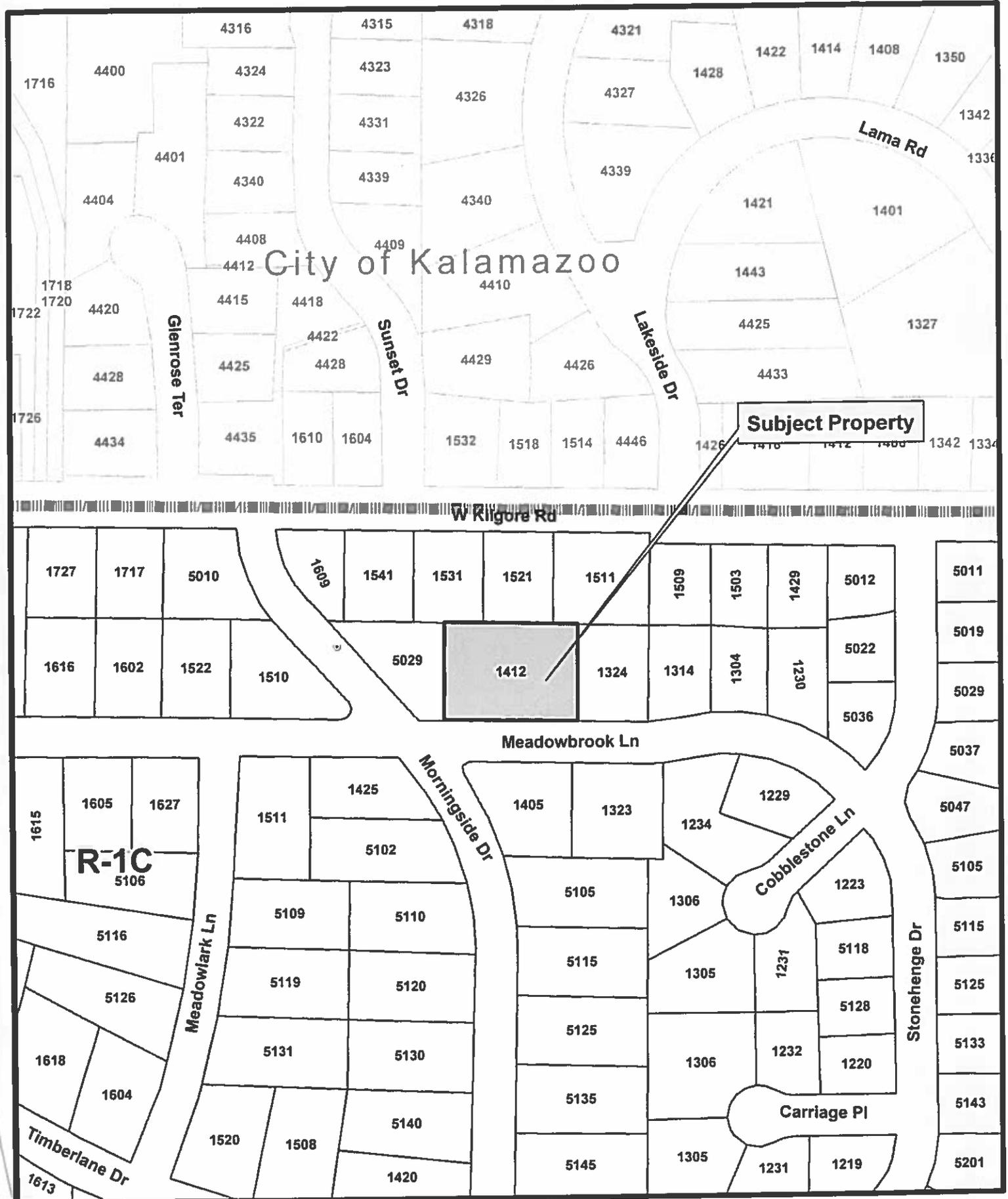
STATEMENT OF CITIZENS: None.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:59 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator

A large, light blue, semi-transparent stamp with the word "DRAFT" in a bold, sans-serif font. To the left of the text is a small icon of a document with a checkmark.



City of Kalamazoo

Subject Property

ZBA 14-21

1412 Meadowbrook Lane

 Subject property
 Zoning Boundary



1 inch = 200 feet



City of Kalamazoo

W Kilgore Rd

Subject Property

Meadowbrook Ln

Morningside Dr

Aerial Photography
1412 Meadowbrook Lane

 Subject property



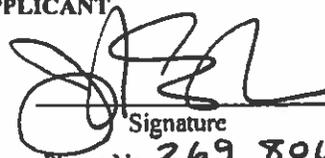
1 inch = 100 feet

11

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date _____
 Name of Applicant JUSTIN ESCHER
Print
 Applicant's Address 1412 MEADOWBROOK LN.
 Name of Property Owner (if different from Applicant) N/A
 Address _____ Phone No. _____


 Signature
 Phone No. 269 806 7016

Address of the Property that is the subject of this Application:
 Street Address 1412 MEADOWBROOK LN
 For Platted Property: Lot _____ of _____ Plat _____

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

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

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

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

Variance from Zoning Ordinance: Article _____ Section _____ Paragraph _____
 Regarding: Use _____ Area _____ Yards _____
 Setbacks _____ Parking _____ Other _____

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

Appeal of Administrative Decision: Article _____ Section _____ Paragraph _____

Reason for Request: _____

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

Reason for Request: _____

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

Article _____ Section _____ Paragraph _____

Reason for Request: _____

FOR STAFF USE

Application Number:	Filing Date:	Tentative Hearing Date:
Previous Application Filed Regarding This Property:		

Reason For Variance

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

SEE ATTACHED NARRATIVE

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

SEE ATTACHED NARRATIVE

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 NARRATIVE

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 NARRATIVE

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.)

IT IS CURRENTLY A PART OF THE CHARACTER OF THE NEIGHBORHOOD. SEE PHOTOS

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.)

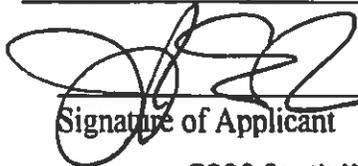
SEE ATTACHED NARRATIVE

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.)

HARDSHIP CREATED BY CURRENT OWNER, WHO IS INTERESTED IN THE BEST INTERESTS OF ALL INVOLVED.

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

IT WOULD SERVE THE WANTS AND NEEDS OF THEIR CITIZENS, PLUS MAINTAIN A QUALITY AESTHETIC IN THE AFFECTED NEIGHBORHOOD.


Signature of Applicant

2-8-15

Date

I Live at 1412 Meadowbrook Lane in Portage.

Just over four years ago I bought the vacant lot connected to the east side of my property and built a detached garage on the property. I worked with the city to accomplish this by code which required me to join the properties so that I didn't have a secondary use building on a lot without a primary use building. My intention was to eventually add a home to the garage so I poured frost footings at greater expense to meet code for attached garages.

The reason I built the garage in the first place was to restore car that my father had driven since 1962. I wanted to do this before he passed away because he loved this car. After 3 years of exhausting work I am proud to say I presented the finished car to him in April of 2014. It was just 3 weeks later that he passed.

As life happens, work and personal life has taken me to Grand Rapids. I put my joined property for sale last spring but have not had luck in selling it. A primary objection to the home is the cost (I am trying to recoup the cost of the lot).

A month or so ago, I received a call from Jacque Carlson. She and her husband Dirk live on the north side of Kilgore about 2 blocks away from my house. They were going for a walk and saw my home for sale and noticed the lot next door. They love the area and would like to stay in the area. In 8-10 years though they will need to downsize and the home they are in currently will no longer be needed. They have been looking for a lot to build their retirement home on. They love the area and want to stay. So they have determined that they will buy my lot. They would like to use the garage when they build their home but as stated previously they won't build for 8-10 years.

The City clearly told me that I could not split the lot with the secondary use structure on it unless the buying party applied for a building permit to build a primary use structure. I understand this. However, in this case I believe it makes sense to leave the structure as is for 8-10 years until a new primary use home is constructed - and I believe it is in the best interest of all parties:

1. My neighbors - The structure is well built, maintained, and nicely landscaped currently. If I was to have to raze the building, there would be a driveway that would lead to concrete footing sticking 12" inches out of the ground. It would look like a building project that was abandoned. I will have a signed petition from the neighbors immediately affected by the property asserting that keeping the structure is the best course of action.
2. The buyers - They have committed to buy the property. Worst case scenario is the garage has to come down. What they would prefer is to have the garage remain so they can use it as the garage for their retirement home. They have committed to maintaining the property in a fashion consistent with the way it has been since the garage was built. They live in close proximity, so it's easy to maintain and check on. They have indicated that they are willing to assure the city that the garage will come down if for some reason they can not build their retirement home in 8-10 years.
3. The Current owner (Justin Escher) - I will see all the hard work and quality craftsmanship I put into building a structure the right way, will not go to waste. As well, I will not have to incur the costs to tear down the garage.

4. The city of Portage - They will have served the needs of their citizens and all interested parties. They will have made a decision which conserves natural resources, instead of adding to the county landfill.

The sale of the property is imminent. Jacque Carlson and her husband will buy the property whether the structure is allowed or is not. I am thinking about the best interests of all the parties when I ask board to allow this structure to remain standing for 8-10 years as a secondary use structure without a primary use structure, until the primary use structure is erected to bring the property back into code.

Raymond J. Sortman
5110 Morningside Dr.
Portage, MI 49024

February 26, 2015

Ms. Vicki Georgeau, Director
Department of Community Development
City of Portage
7900 S. Westnedge Ave.
Portage, MI 49002

RECEIVED
FEB 26 2015
COMMUNITY DEVELOPMENT

Re: Justin Escher, 1412 Meadowbrook Lane use variance request

Dear Ms. Georgeau,

I would like to express views regarding the above mentioned request. First, I am not in favor of the Zoning Board of Appeals granting this request. My understanding of the situation is that the building in question sits on a separate lot from and adjacent to the primary residence of Mr. Escher. Mr. Escher acquired the lot a couple of years ago and constructed the building in accordance, I assume, with a permit issued by the City of Portage. The house has now been for sale for several months. It would appear that in approving this request that Mr. Escher would be able to sell his principle residence on it' lot while retaining ownership of the separate lot with the detached garage.

Secondly, if someone in Portage would buy a vacant lot in a neighborhood for the purpose of building a garage or storage building without building a house, the City of Portage would not approve the permit.

Thirdly, granting this request would undermine the ordinance and set precedence.

In conclusion, I recommend the board of appeals deny the request.

Sincerely,

Ray Sortman

TO: Zoning Board of Appeals **DATE:** February 27, 2015

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: ZBA #14-21, Justin Escher, 1412 Meadowbrook Lane, R-1C, One Family Residential

CODE SECTION: 42-121(A)(3), Accessory Uses, p. CD42:28.
42-181(G), Principal Permitted Uses R-1A–R-1E, One Family Residential, p. CD42:64.3

APPEAL: Requesting a use variance to allow an accessory building to remain with no principal use on a lot.

STAFF RECOMMENDATION: The applicant is requesting the above referenced variance per the enclosed application and letter of explanation. The 210-foot wide by 150-foot deep lot is improved with a 1,664 square-foot two-story dwelling, 486 square-foot attached garage, and a 462 square-foot detached garage. The property is zoned R-1C, one family residential, and is surrounded by other single family residences.

The subject property was previously two buildable lots of record (lots 54 and 55 of Timber-Brook No. 1, except the west 10' of lot 54). The two lots were combined into one zoning lot by the applicant in 2010 to allow construction of the 462 square-foot detached garage on lot 55. The applicant proposes to separate lots 54 and 55 and sell lot 55 with the detached accessory building. According to the applicant, the buyer is proposing to construct a retirement home on lot 55 but not for another 8-10 years. Since lot 55 will have a detached accessory building without a principal use, a variance is therefore requested.

Accessory buildings are required to be on the same zoning lot as principal uses to protect neighborhoods by limiting the number and size of such buildings and the nature of their use. There have been many instances where code enforcement efforts have been necessary involving the use of accessory buildings where there is no principal use. The most common concerns have included non-residential uses and/or storage uses within a residential neighborhood. While the circumstances of the applicant are acknowledged, the immediate unnecessary hardship causing the need for the variance request was created by the applicant. Additionally, the building, structure or land can be reasonably used in a manner consistent with the uses allowed in the zoning district. For these reasons, approval of the variance is not recommended.

**UNNECESSARY
HARDSHIP:** None noted by staff.

T:\COMMDEV\2014-2015 Department Files\Board Files\Zoning Board\14-21, 1412 Meadowbrook Ln\2015 02 17 VG ZBA 14-21 Meadowbrook, 1412 (staff rpt) doc

SUGGESTED 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. That the condition, location, or situation of the specific piece of property or of the intended use of the property is unique to that property and the zoning district in which it is located, which include _____

- 2a. That the building, structure or land cannot be reasonably used in a manner consistent with the uses allowed in the zoning district in which it is located, due to _____

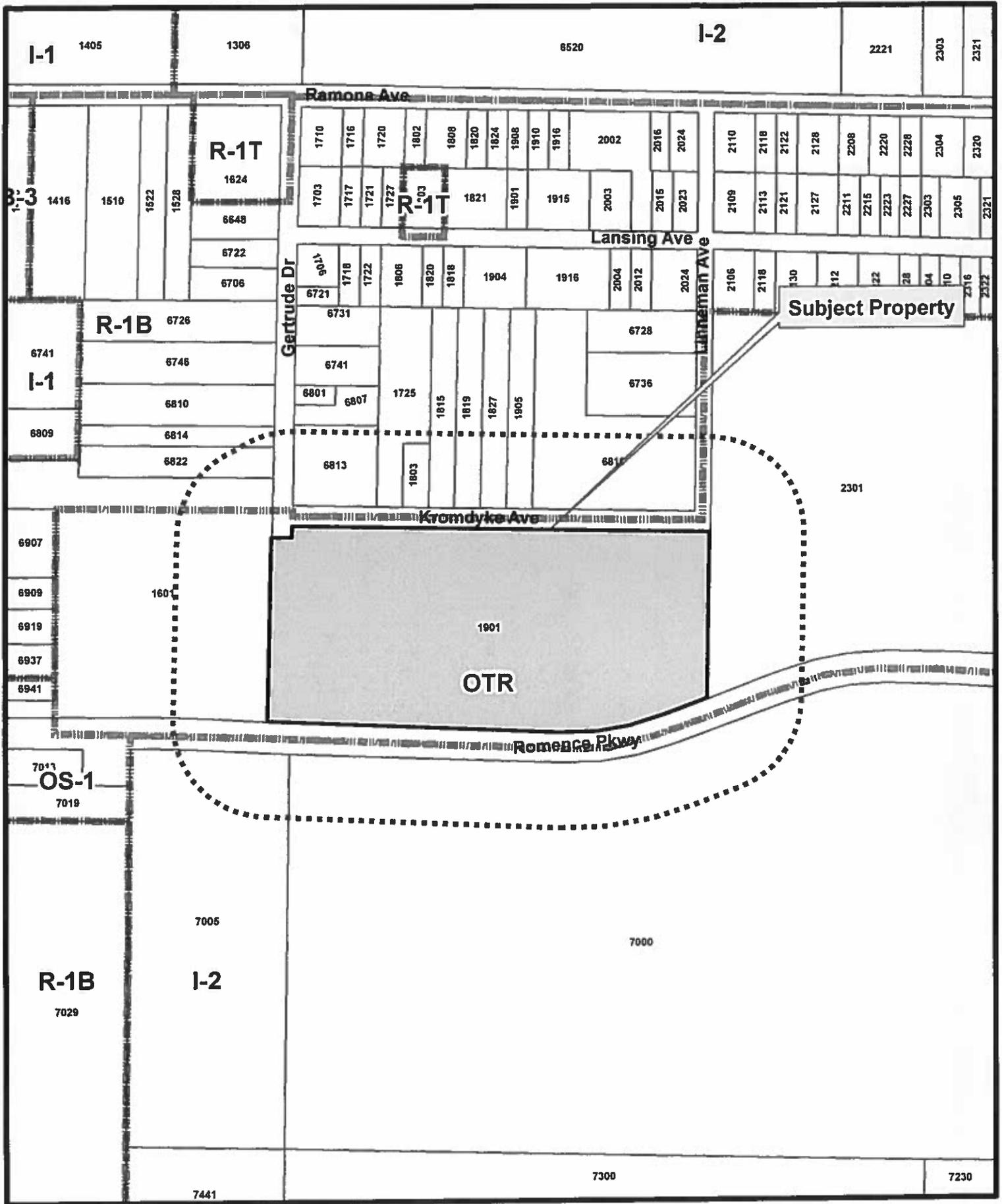
- 3a. That the use variance will not alter the essential character of the neighborhood or the intent of the comprehensive plan, nor be a detriment to adjacent properties.
- 4a. The variance will not materially impair the intent and purpose of this article or the district in which the property is located.
- 5a. That the immediate unnecessary hardship causing the need for the variance request was not created by the applicant.

-Or-

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

- 1a. The condition, location, or situation of the specific piece of property or of the intended use of the property is not unique to that property and the zoning district in which it is located.
- 2a. The building, structure or land can be reasonably used in a manner consistent with the uses allowed in the zoning district in which it is located.
- 3a. The use variance may alter the essential character of the neighborhood or the intent of the comprehensive plan, and may be a detriment to adjacent properties.
- 4a. The variance will materially impair the intent and purpose of this article or the district in which the property is located.
- 5a. The immediate unnecessary hardship causing the need for the variance request was created by the applicant.

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



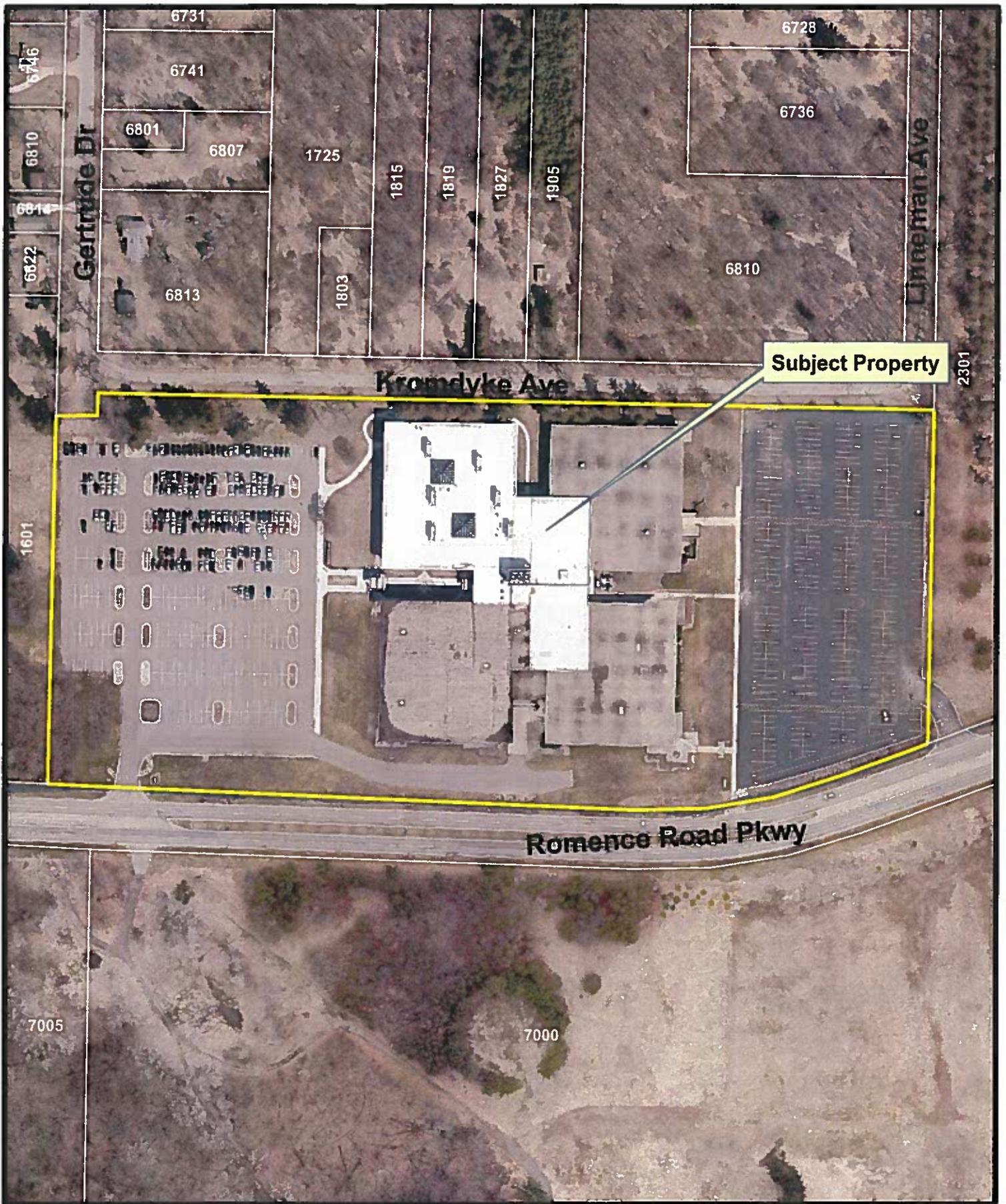
-  Subject Property
-  300' Notification Area
-  Zoning Boundary

ZBA 14-22

1901 Romence Road Parkway



1 inch = 400 feet



 Subject Property

Aerial Photography

1901 Romence Road Parkway



1 inch = 201 feet



 Subject Property

Aerial Photography 1901 Romence Road Parkway



1 inch = 200 feet

RECEIVED
FEB 12 2015
COMMUNITY DEVELOPMENT

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 2/9/15
 Name of Applicant Jason Sibley Jason Sibley
Signature
 Applicant's Address 14977 S. 24th St. Vicksburg MI 49097 Phone No. 269-720-7722
 Name of Property Owner (if different from Applicant) 1901 Romence LLC
 Address 2500 South Highland Ave, Lombard IL 60148 Phone No. _____
 Address of the Property that is the subject of this Application:
 Street Address 1901 Romence Rd, Portage MI 49002
 For Platted Property: Lot _____ of _____ Plat _____

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

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

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

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

Variance from Zoning Ordinance: Article 03-01 Section 42-543 Paragraph A-2
 Regarding: Use _____ Area X Yards _____
 Setbacks _____ Parking _____ Other _____

Reason for Request (Also complete page 2 of application): Install a new employee entrance sign at the Southwest Quad + add verbage to the north E.E. sign resulting in 6.87 Sq. Ft.

Appeal of Administrative Decision: Article _____ Section _____ Paragraph _____

Reason for Request: _____

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

Reason for Request: _____

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

Article _____ Section _____ Paragraph _____

Reason for Request: _____

FOR STAFF USE

Application Number: <u>14-22</u>	Filing Date: <u>2/12/15</u>	Tentative Hearing Date: <u>3/9</u>
Previous Application Filed Regarding This Property: <u>ZBA 11-07</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 in question is a 34.02 acre campus w/frontage of over 1300 feet along Romence Road. The campus has two entrance/exit points to accomodate the multi-use facility
2. Are the physical characteristics you explained above unique and not shared by neighboring properties? (Attach additional sheets if needed.)
The closest comparison to this parcel and use would be the other Stryker locations (4100 E. Milham, 6300 South Sprinkle Rd., and 8300 East Centre Avenue) and Pfizer.
3. Can the property be reasonably used for the uses permitted in the zoning district without granting the variance? (Attach additional sheets if needed.)
yes
4. Is the variance the minimum necessary to permit reasonable use of the land and buildings, or would a lesser variance be fair and equitable to the applicant as well as logical and just to other property owners in the area? (Attach additional sheets if needed.)
NO
5. Explain how the variance would not result in adverse affects on adjacent properties or alter the character of the area. (Attach additional sheets if needed.)
The sign for the north employee entrance would not change in size just the word "North" would be added. The South sign would be identicle to the north except would have "South" on it.
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.)
It is simply just having the words "North" or "South" on the signs that is making them non compliant.
7. Is the reason for the request, the practical difficulty or the hardship created, due to an act of the applicant or due to an act by the previous property owner? (Attach additional sheets if needed.)
~~NO~~ NO
8. Explain how the variance would fulfill the spirit and intent of the Zoning Ordinance. (Attach additional sheets if needed.)
The multi-use facility is a large campus that shares similar characteristics only shared by those of similar size and scope. Due to the multi-use add multi-entrance, a variance is necessary to properly direct employees.

Jason S. H. /
Signature of Applicant

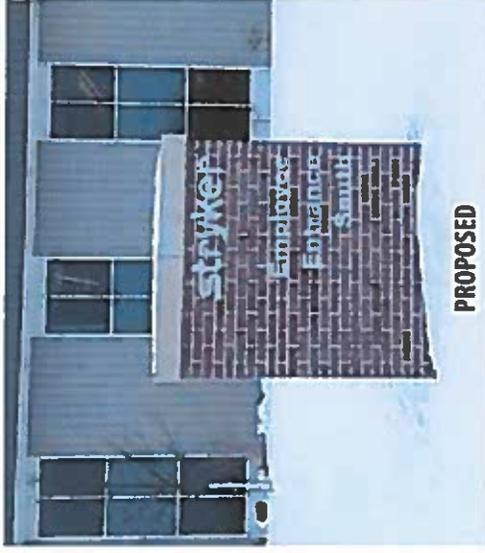
2/9/15
Date

Stryker
1903 Romence Road
Portage, MI

This sign faces the parking lot,
 there is a matching sign at
 the north entrance.

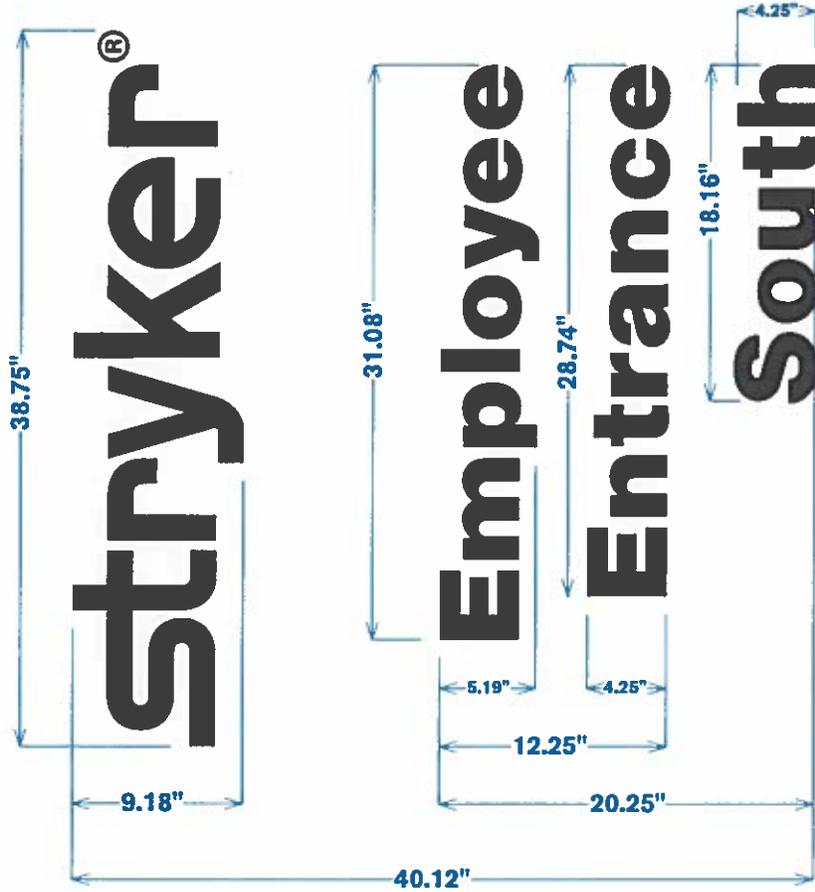


EXISTING



PROPOSED

RECEIVED
 FEB 12 2015
 COMMUNITY DEVELOPMENT



One set of 1/2" thick aluminum letters, stud mounted (no pads), letters painted Metallic Silver, **signcenter**
 www.signcenter.net | 711 portage · kalamazoo MI 49001
 derek@signcenter.net | www.signcenter.net | o: 269.381.6869 | f: 269.381.2639

Jason Sibley

From: Gary Tamminga <gary@franklinpartners.net>
Sent: Wednesday, February 11, 2015 3:26 PM
To: Jason Sibley
Subject: Internal signage for Stryker at 1901 Romence

To whom it may concern,

Jason Sibley has the authority to enter a variance request for the internal complex signage Stryker is requesting at 1901 Romence Parkway. This additional lettering will consist of a "NORTH" on the north employee entrance sign and a "SOUTH" on the south employee entrance sign for the NW and SW quads respectively.

Thank you,

Gary Tamminga
Franklin Partners
C-616-826-2201
gary@franklinpartners.net

TO: Zoning Board of Appeals **DATE:** February 27, 2015
FROM: Vicki Georgeau, ^{VA} Director of Community Development
SUBJECT: ZBA #14-22, Jason Sibley, on behalf of Stryker Corporation and 1901 Romence LLC, 1901 Romence Road Parkway, OTR, Office, Technology, and Research

CODE SECTION: 42-543(A)(1) Directional Signs; p. CD42:126

APPEAL: Requesting a variance to 1) allow the installation of a new seven square-foot internal directional sign and 2) increase the sign area of an existing directional sign to seven square feet where maximum four square-foot directional signs are permitted.

STAFF RECOMMENDATION:

The applicant is requesting the above referenced variance per the enclosed application and sign sketches. The 34 acre property at 1901 Romence Road Parkway is improved with a 407,200 square-foot office building and off-street parking lots. The property is zoned OTR, office, technology and research. To the north the property is adjacent to several vacant properties zoned R-1B, one family residential, and a single family residence (6813 Gertrude). To the east and west are undeveloped properties zoned OTR, office technology and research, and to the south is undeveloped industrial property.

As background, the Board granted a variance (ZBA #11-07) allowing two 14 square-foot "Stryker" directional signs in front of the main building entrance. The masonry bases for each sign were installed; however, signage was attached only to the north base.

At the time of the 2011 variance request, the Stryker Corporation occupied only the northwest quadrant of the building. An existing internal directional sign was erected near the employee north entrance (refer to the attached photograph). The applicant proposes to modify this existing sign by adding the word "north," which will increase the sign size to seven square feet. As a result, a variance is therefore requested.

The Stryker Corporation now occupies the southwest quadrant. As part of the remodel process, an entrance was added to the west wall of the building and a sidewalk constructed to the off-street parking lot area (refer to the attached photograph). Consistent with the north employee entrance, Stryker desires to erect a seven square foot directional sign at the south employee entrance. As shown in the attached photograph, the masonry sign base has been installed but the signage has not been attached. Since the total square footage of the sign area exceeds the maximum allowed, a variance is therefore requested.

The size of the subject property, location of the existing site improvements and location/orientation of the proposed signs makes the request unique to 1901 Romence Road Parkway. The subject signs will be several hundred feet from the eastbound lane of Romence Road Parkway. Additionally, view of the signs from the nearest residence (6813 Gertrude) is obscured by existing mature vegetation. The signs are internal to the site and not intended to be viewed from a public right-of-way. Because the signs will not be visible to adjacent properties, the variance will not be detrimental to the surrounding neighborhood and will not materially impair the intent and purpose of the Zoning Code. It should also be noted Stryker only erected one, 14 square foot sign in 2011 although approved for two. For the reasons noted above, approval of the variance can be recommended.

**PRACTICAL
DIFFICULTY:**

Signs not readable from adjacent property or public right-of-way. Scale and nature of industrial office campus. See Suggested Motion form.

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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.



Secure Start Inspections, Inc.

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Portage, MI 49024
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www.ssinspect.com

February 9, 2015

Due to a conflict in my personal schedule, I will no longer be able to attend the monthly ZBA meetings for Portage. I have enjoyed the experience I've had over the years in serving on this board, and regret that I have to resign at this time.

Respectfully,

A handwritten signature in black ink, appearing to read "Timothy Bunch".

Timothy Bunch
President/Inspector



**CERTIFIED
INSPECTOR**

ACI #210256