



ZONING BOARD OF APPEALS

November 9, 2015

**CITY OF PORTAGE ZONING BOARD OF APPEALS
Agenda**

Monday, November 9, 2015

(7:00 pm)

**Portage City Hall
Council Chambers**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

- * October 12, 2015 meeting

OLD BUSINESS:

NEW BUSINESS:

- * ZBA #15-06, Doug Lynes, on behalf of the Lake Center Business Association, 8136, 8324/8328, 8626, 8944, 9345, 9651, 10011, 10332 Portage Road, and 9106 Austin Drive: Requesting variances: a) to allow banners on municipal poles to be displayed year round where a maximum 60 days per year is permitted; b) to permit banners on municipal poles 13 feet from grade where a minimum 16 feet is required; c) to permit banners on private property extending over a public sidewalk; and d) a variance to erect one additional banner sign specific to the businesses at 8136, 8324/8328 Portage Road, and 9106 Austin Drive.
- * ZBA #15-07, Gary Supp, 10745 South Westnedge Avenue: Requesting a variance to replace an attached nonconforming 20-foot by 22-foot carport with an attached garage of the same dimensions, eight feet from the (north) side property line where a minimum 12 feet is required.

OTHER BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

Star (*) indicates printed material within the agenda packet

Minutes of Meeting – October 12, 2015

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. Three people were in the audience.

MEMBERS PRESENT: Glenn Smith, Jeffrey Bright, Lowell Seyburn, Michael Robbe, John Byrnes, Phillip Schaefer, Chadwick Learned, Randall Schau, and Alexander Philipp.

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

APPROVAL OF THE MINUTES: Learned moved and Schaefer seconded a motion to approve the September 14, 2015 minutes as submitted. Upon voice vote, the motion was approved 7-0.

NEW BUSINESS:

ZBA #15-5, Jay Sharma, 5905 South Westnedge Avenue and 119 Colonial Avenue: Mais summarized the requests for: a) a use variance to permit refuse dumpsters in the P-1 zoned portion of the site; and b) a dimensional variance to permit a 3-foot parking lot setback/greenstrip along South Westnedge Avenue where 10 feet is required; and c) dimensional variances to permit parking lot setback/greenstrip areas along Colonial Avenue as follows: 1) ranging from 2-9 feet in the B-3 zoned portion of the site where 10 feet is required; and ii) a 2-foot parking lot setback /greenstrip in the P-1 zoned portion of the site where 27 feet is required (as shown in sheet A2); or d) dimensional variances to permit parking lot setback/greenstrip areas along Colonial Avenue as follows: i) a 7-foot greenstrip in the B-3 zoned portion of the site where 10 feet is required; and ii) a 7-foot greenstrip in the P-1 zoned portion of the site where 27 feet is required (as shown in sheet A3). Jay Sharma and Matt Bastos were present to answer questions. Mr. Sharma recounted the history of how his business moved from the west side of South Westnedge Avenue to the east side in 2000 following a road improvement project, and has practical difficulties because the current site is smaller than his previous location. Mr. Sharma stated he moved the dumpster to its current location (in the B-3 zoned part of his property) at the city's request, but thought that it made more sense to place the dumpster at the north end of the rear parking lot out of view. Mr. Sharma stated he has high volume and quick turnaround for the party store customers and that because some customers enter the front parking lot's one-way traffic from the wrong direction, accidents are not uncommon. Mr. Sharma stated he thought one of the reasons more customers don't use the back parking lot is because the dumpster in its current location conceals it from view. Robbe and Learned both stated they had stopped at the store in the past and were unaware at that time that a back parking area existed.

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

Seyburn inquired how many parking spaces were required. Mr. Bastos replied 21. Robbe questioned if adding one-way traffic on the south side of the site might simply be shifting the current problems with the west parking lot to the south, but was convinced the connection was necessary or patrons would not know the rear parking lot exists. Robbe inquired if two-way traffic would be possible on the south side of the building. Mr. Bastos replied there wasn't enough space. Seyburn inquired if the Board were to grant a variance for request d) with the recommended staff conditions, did the applicant understand that they would need to install the new storm water drainage and landscaping improvements before the variance expired. Mr. Sharma responded he understood that. A motion was made by Schau, seconded by Learned, to grant a) a use variance to permit refuse dumpsters in the P-1 portion of the site for the following reasons; that the location or situation of the specific piece of property or of the intended use of the property is unique to that property which include split zoning of the property, reduced utility of the rear parking lot, and the dumpster will be located out of public view; 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 the dumpster being located in public view if placed in a conforming location; the use will not alter the essential character of the neighborhood or the intent of the comprehensive plan, nor be a detriment to adjacent properties; and the immediate unnecessary hardship causing the need for the variance request was not created by the applicant. Upon roll call vote: Smith-Yes, Seyburn-Yes, Robbe-Yes, Bright-Yes, Learned-Yes, Schau-Yes, Schaefer-Yes. The motion passed 7-0.

A motion was made by Schau, seconded by Smith to grant b) a dimensional variance to permit a 3-foot parking lot setback/greenstrip along South Westnedge Avenue where 10 feet is required; and d) dimensional variances to permit parking lot setback/greenstrip areas along Colonial Avenue as follows: i) a 7-foot greenstrip in the B-3 zoned portion of the site where 10 feet is required, and ii) a 7-foot greenstrip in the P-1 zoned portion of the site where 27 feet is required (as shown in Sheet A3) with the following conditions: the on-site storm water will need to be redesigned and placed underground, and that the parallel parking be relocated away from the building and adjacent to the Colonial Avenue greenstrip for accessibility purposes, for the following reasons: there are exceptional or extraordinary circumstances applying to the property that do not apply to other properties in the same zoning district which include the location of the existing building and limited parking/one-way traffic flow along the front of the building, and size/configuration of the property and location of parking; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to connect the parking areas in a reasonable manner, the immediate practical difficulty causing the need for the variance request was not created by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood, and; the variance will not materially impair the intent and purpose of the zoning ordinance. In addition, the application and supporting material, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Smith-Yes, Seyburn-Yes, Robbe-Yes, Bright-Yes, Learned-Yes, Schau-Yes, Schaefer-Yes. The motion passed 7-0.

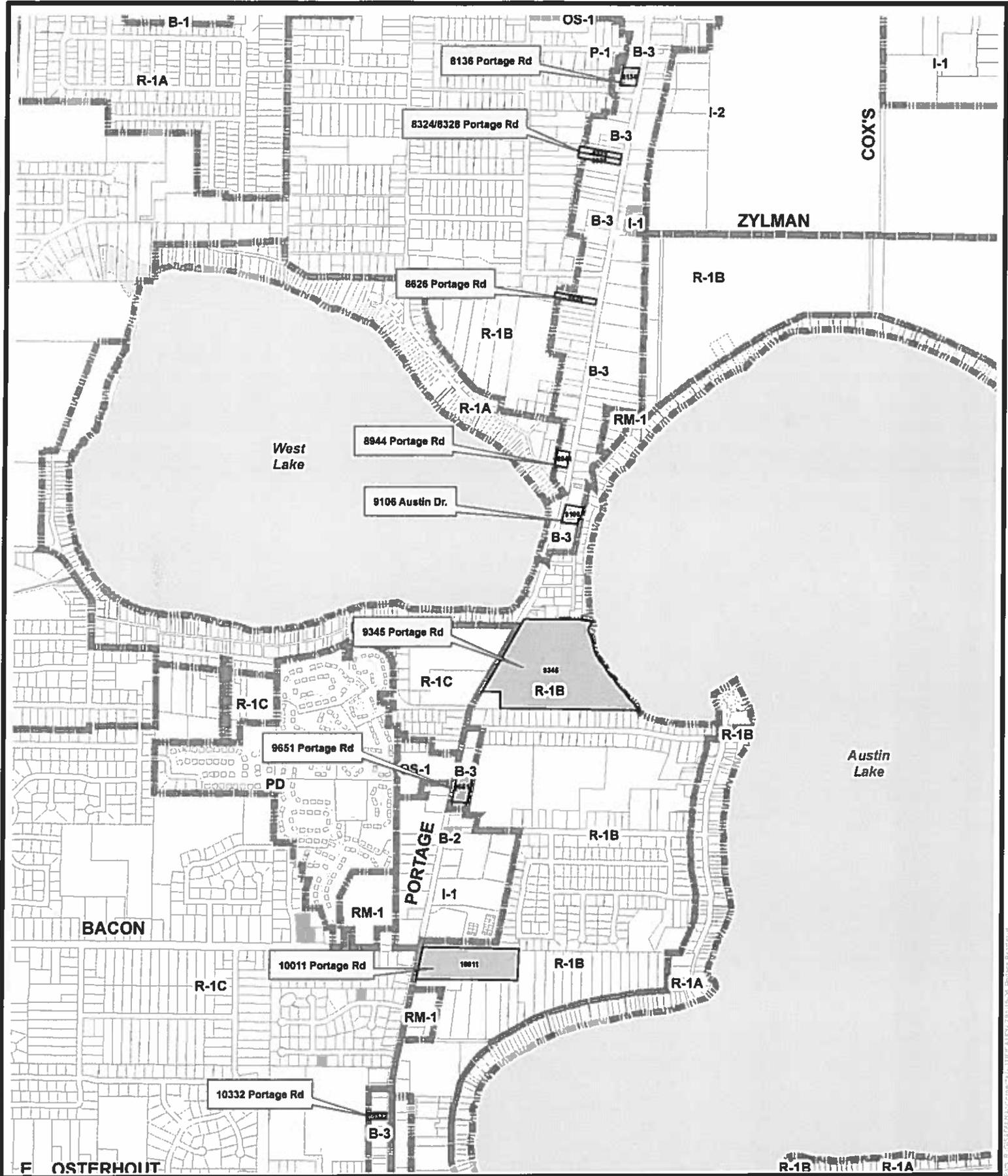
OTHER BUSINESS: None.

STATEMENT OF CITIZENS: None.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator



Legend

-  Subject Properties
-  Zoning Boundary

ZBA 15-06
8136, 8324/8328, 8626, 8944, 9345
9651, 10011 & 10332 Portage Road &
9106 Austin Drive



1 inch = 1,376 feet



Legend
Subject Properties

Aerial Photography
8136, 8324/8328, 8626, 8944, 9345
9651, 10011 & 10332 Portage Road &
9106 Austin Drive



1 inch = 1,405 feet

RECEIVED

OCT 08 2015

ZONING BOARD OF APPEALS APPLICATION

COMMUNITY DEVELOPMENT

FOR COMPLETION BY APPLICANT

Application Date 10-06-15
 Name of Applicant Lake Center Business Assn. M. [Signature]
 Applicant's Address 8827 Portage Rd. Phone No. 269-324-1449
 Name of Property Owner (if different from Applicant) See Attached
 Address See Attached Phone No. _____

Address of the Property that is the subject of this Application:
 Street Address See Attached
 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: Use of Pole for Cohesion of Community Branding
 Application Fee _____ (Residential Uses) \$1,330.00 (All Other Uses)

Type of Appeal (Please check one of the following bold choices and provide the requested information):
 Variance from Zoning Ordinance: Article 4, Zoning Section 42-543 Paragraph G & K
 Regarding: Use _____ Area _____ Yards _____
 Setbacks _____ Parking _____ Other Portage, MI Code of Ordinances

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

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

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

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

FOR STAFF USE

Application Number: <u>15-06</u>	Filing Date: <u>10/8/15</u>	Tentative Hearing Date: <u>11/9/15</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.)

The narrowness of the lake corner collidate
prevents installation of the banners within the proper
set backs

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

NO

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

NO

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

yes

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 would allow cohesion of identities throughout
the district

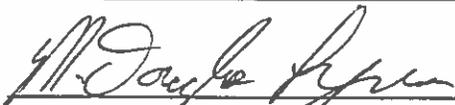
6. Explain how the variance would not result in increased traffic congestion, noise, or other potential concerns, or in dangers from fire, flood or other hazards, that would be detrimental to the property or to the area. (Attach additional sheets if needed.)

It is a fireed sign.

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.)

applicant

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


Signature of Applicant

10-6-15
Date

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OCT 16 2015
COMMUNITY DEVELOPMENT

To whom it may concern,

Lake Center Business owners association is looking to install 9 banners throughout the district which will help to bring a cohesive of identity to the district of Lake center. Because of the narrowness of the Portage Rd. corridor we are not always able to meet the setback requirements over a sidewalk for the banner ordinances in the city of portage. We are requesting a variance be allowed for this project so that a unique identity can be brought to the district. I have included a map of the poles along with a description of what we are trying to achieve. There is currently one banner which is on a consumer pole which we have not obtained permission in front of Joy Fong Restaurant. I spoke with the business owner and they are willing to allow the banner to be placed on an adjacent light pole just south of the current location.

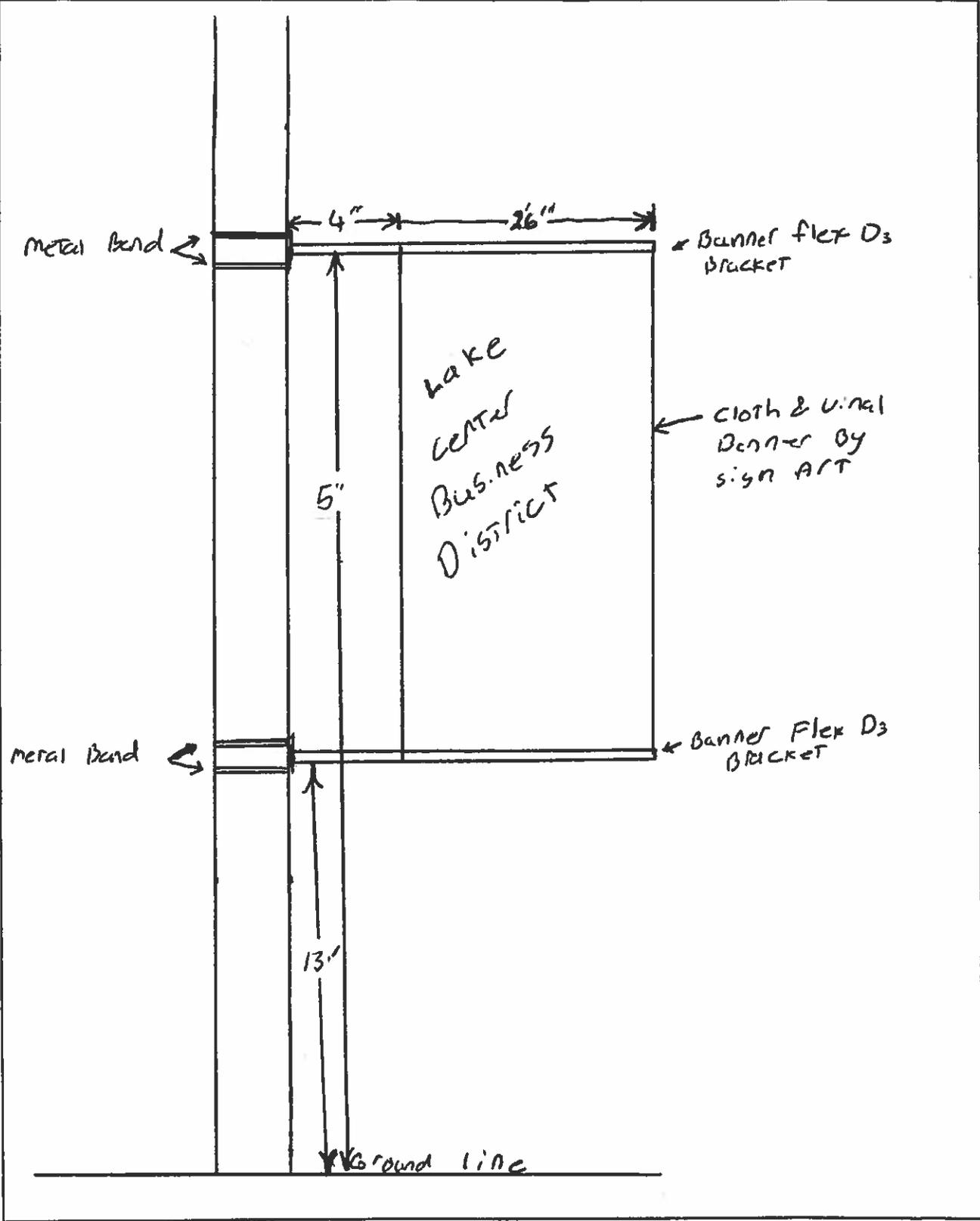
“Public event signs” are permissible on municipal poles per Section 42-543(G) and banner signs are permissible on private property per Section 42-543(K) of the Zoning Code, however, variances are needed because the proposed banners are: 1) lower than 16 feet, 2) are proposed to be displayed for longer than 60 days, 3) some banners are located on private property versus public property and overhang a sidewalk, 4) the businesses where banners are located on private property may want to reserve the right to erect a banner sign specific to their business consistent with 42-543(K) (and not ‘use up’ their one permitted banner for the Lake Center banner). The Lake Center Business Association banners are also unique in the community in that they are proposed to identify the Lake Center area that extends from East Centre Avenue south to East Osterhout Avenue. The 2014 Comprehensive Plan includes a subarea plan for the Lake Center area and the plan encourages place making and streetscape enhancements, and specifically illustrates banners similar to what is now proposed. However, while the plan recognizes the proposed banners as a place making enhancement, the current Zoning Code does not readily permit the proposed banners

Thank You for your consideration in this manner.

M. Douglas Lynes, D.C.

President LCBA 2014-present

Attachment methods must be approved by Consumers Energy. Sketch a picture or diagram of proposed attachment hardware. Inclusion of manufacture specifications and diagrams is recommended.



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SEP 15 2015

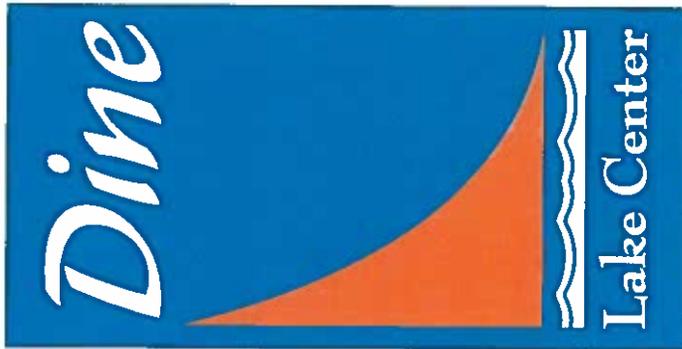
COMMUNITY DEVELOPMENT

2'-6"

2'-6"

2'-6"

2'-6"



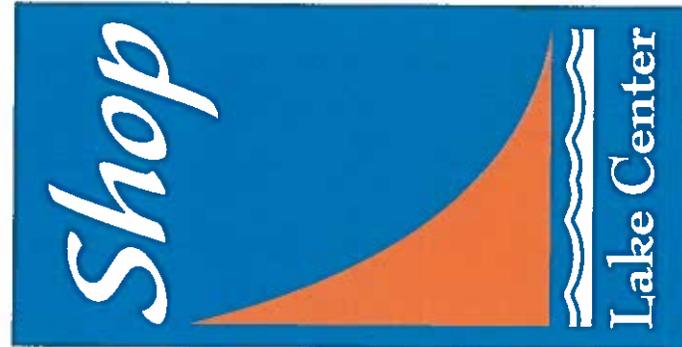
2 1/2"

2 1/2"

Qty: 2
Joy Fong Pole & H&B Pole



Qty: 3
Poles #4, #13 & #18



Qty: 2
Poles #6 & #15



Qty: 2
Poles #11 & #17

5'-0"

Signs #1 - #9 — Double-Sided Pole Banners

Double-sided pole banners to have digitally printed graphics. Top and bottom of banners to have 2 1/2" looped hems for hanging. Front and back sides of banners to be identical. A total of nine (9) banners to be furnished.

Note: Existing banner in front of Joy Fong restaurant to be removed and replaced with new banner.

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

Lake Center Business District

Lead #MW-XXXX

This is an original unpublished drawing, submitted for your use in connection with a project being planned for you by SignArt. It is not to be reproduced, copied or exhibited in any fashion without written permission of SignArt ©2015 LakeCenterBanners

NS 7-10-15 7-17-15

Approved for:

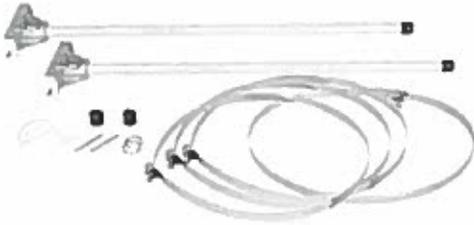
By:

Date:

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SEP 15 2015

COMMUNITY DEVELOPMENT



ITEM # 302008

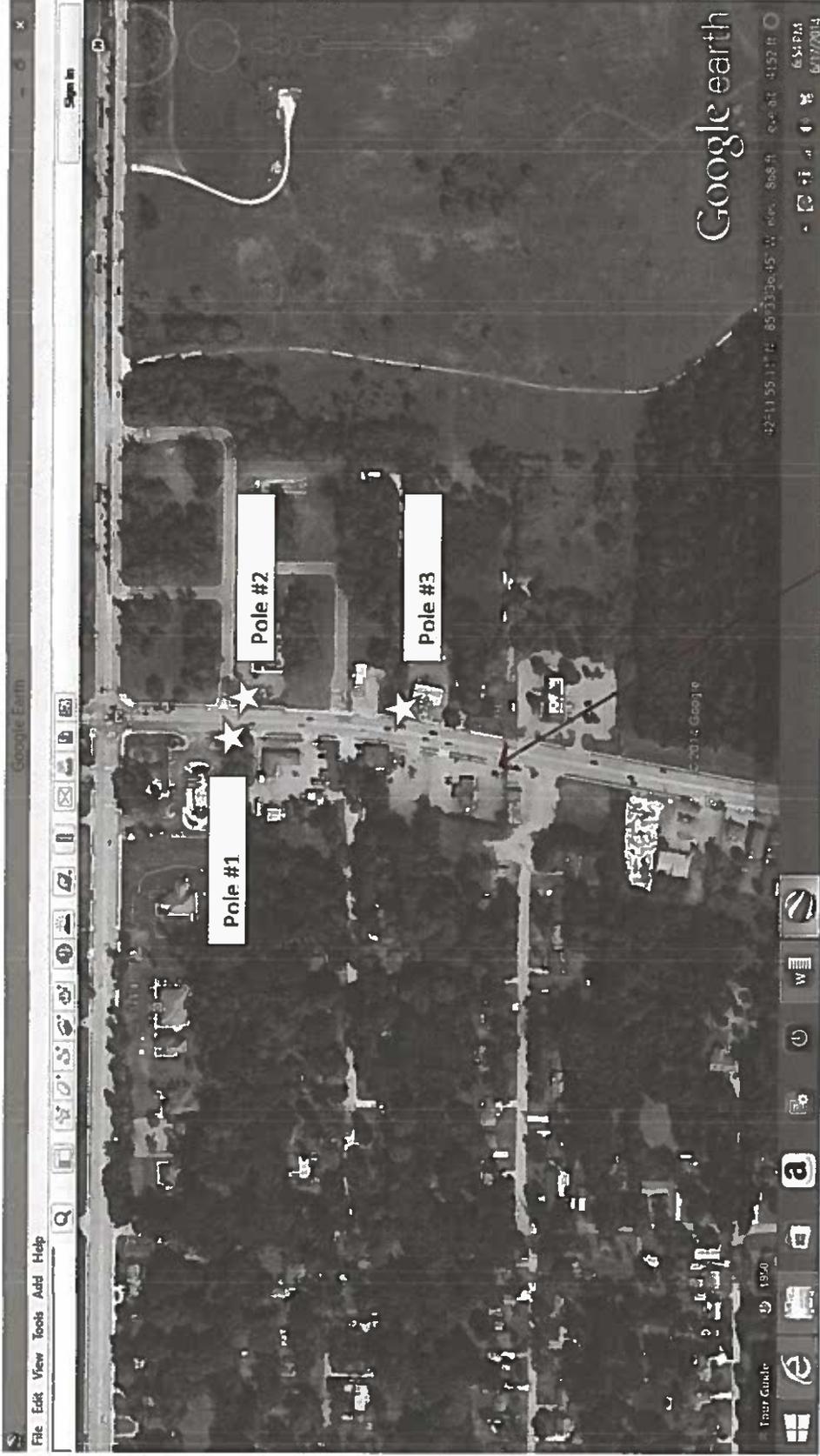
30" Versatile Banner Bracket System, Single

A bracket system designed to withstand all of the elements! Its unique base design fits square, round and multi-sided poles!

- Made of rust-free cast aluminum with fiberglass arms
- This amazing bracket system, accepts banners up to 24 square feet
- Fits square, round and multi-sided poles and has a 1" cant to keep banner taut
- Perfect for parades, festivals, holidays, city events and showing community pride

Each	1-9	10-24	25-49	50-99	100
Retail Price (USD)	\$92.00	\$87.00	\$82.00	\$78.00	\$76.00

Poles highlighted in yellow = existing/proposed



Pole #1 – Between McDonald's (8050 Portage Rd.) and Shiny Brite Car Wash (8086 Portage Rd.)

Pole #2 – In front of Portage Animal Hospital (8037 Portage Rd.)

Pole #3 – Just North of Green Earth Hydroponics (8127 Portage Rd.)

8136 Portage Road



✓ Pole #4 – In front of Right Way Rental (8324 Portage Rd.)

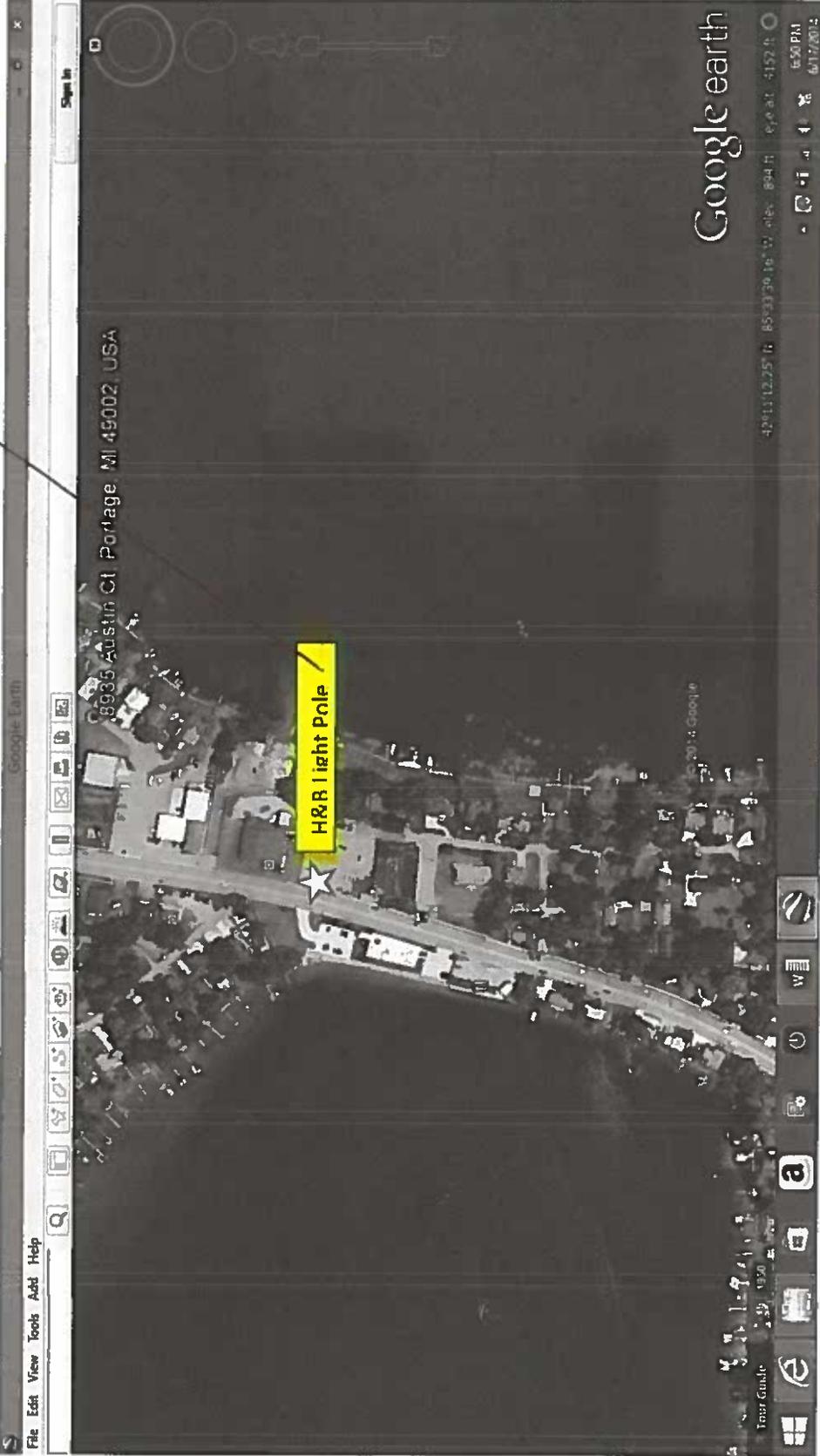
Pole #5 – North of vacant Speedway Gas Station (8379 Portage Rd.) at corner of Zylman and Portage Rd.

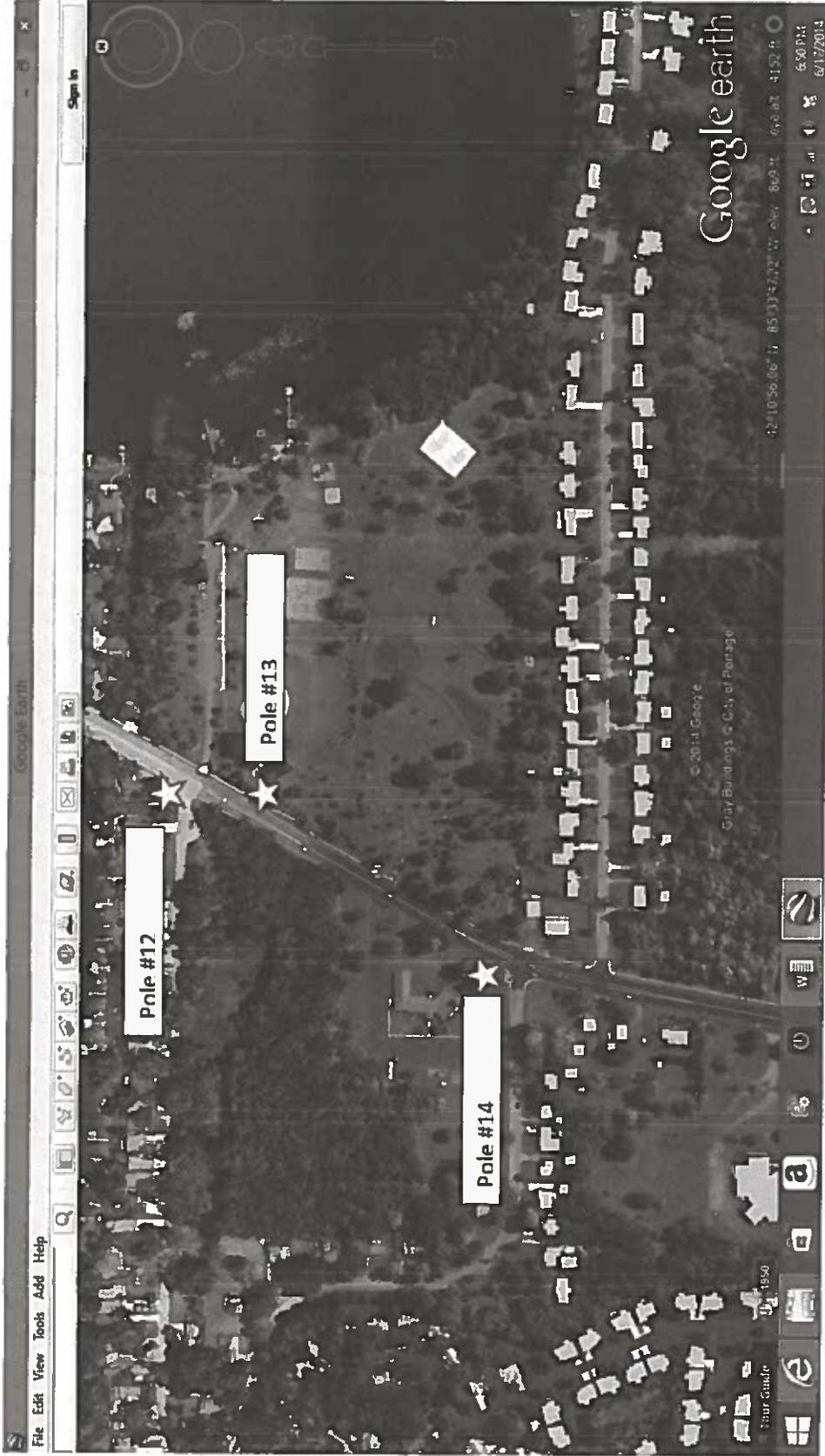
✓ Pole #6 – In front of 2-Story Grey/White House on Portage Rd. (8626 Portage Rd.)



- Pole #7 – In front of Deals Unlimited (8705 Portage Rd.)
- Pole #8 – In front of Boat City Marine (8725 Portage Rd.)
- Pole #9 – In front of Lakeview Animal Hospital (8818 Portage Rd.)
- Pole #10 – Corner of McClish and Portage Rd. (8901 Portage Rd.)
- ✓ Pole #11 – In front of Powers ReBath (8944 Portage Rd.)

9106 Austin





Pole #12 – Just North of Lakeview on West side of Portage Rd. (2019 Lakeview Drive)

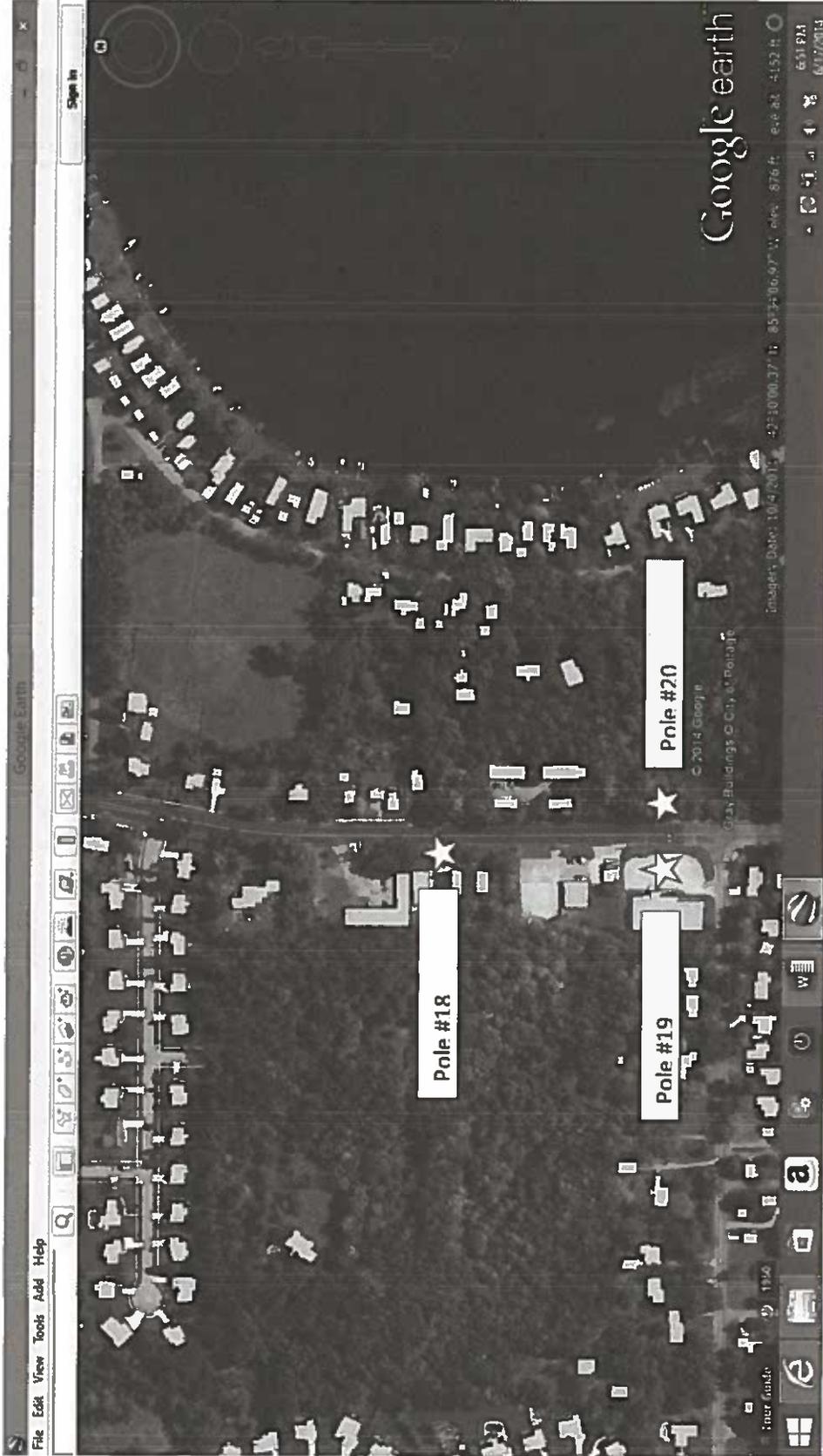
✓ Pole #13 – In front of Playground at Lakeview Park (9499 Portage Rd.)

Pole #14 – Just South of Lord of Life Lutheran Church (9420 Portage Rd.)



✓ Pole #15 – Just South of TV Service and Dogs by Design (9651 Portage Rd.)

Pole #16 – In front of Blanchard Body and Kolor (9810 Portage Rd.)



Pole #18 – In front of 12 Baskets Good Pantry (10332 Portage Rd.)

Pole #19 – In front of Great Skate by the Mailbox (10496 Portage Rd.)

Pol #20 – In front of Great Skate on the East side of the Road (10429 Portage Rd.)

TO: Zoning Board of Appeals **DATE:** October 30, 2015

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

SUBJECT: ZBA #15-06, Douglas Lynes, on behalf of the Lake Center Business Association, 8136, 8324/8328, 8626, 8944, 9345, 9651, 10011, 10332 Portage Road, and 9106 Austin Drive; B-3, General Business; R-1B, One Family Residential.

CODE SECTION: 42-543(G), Temporary banners on public property; p. CD42:127.
42-543(K), Banner Signs; p. CD42:128.

APPEAL: Requesting variances: a) to allow banners on municipal poles to be displayed year round where a maximum 60 days per year is permitted; b) to permit banners on municipal poles 13 feet from grade where a minimum 16 feet is required; c) to permit banners on private property extending over a public sidewalk; and d) a variance to erect one additional banner sign specific to the businesses at 8136, 8324/8328 Portage Road, and 9106 Austin Drive.

STAFF RECOMMENDATION:

The applicant is requesting the variances per the enclosed application, letter of explanation, sign sketches, and related materials. The Lake Center Business Association has sought ways to identify and brand the Portage Road commercial corridor between East Centre Avenue and East Osterhout Avenue. The applicant originally planned to erect up to 20 banners on Consumers Energy poles along Portage Road, but ultimately received authorization from Consumers Energy to erect banners on seven poles in front of 8324/8328, 8626, 8944, 9345, 9651, 10011, and 10332 Portage Road. After obtaining authorization from Consumers Energy, the applicant erected banners on poles at the aforementioned seven locations, and erected two additional banners located at 8136 Portage Road and 9106 Austin Drive. The banner at 9106 Austin Drive was erected on a parking lot light pole located on private property, and the banner currently on the Consumers Energy pole at 8136 Portage Road (pole is located on private property) was erected without permission from Consumers Energy. The applicant has indicated they will remove this banner from the Consumers Energy pole and propose to erect the banner in the same manner on a parking lot light pole located on the same property approximately 96 feet to the south. While prior inquiries with the City occurred in regard to the banners, the applicant and sign contractor did not receive authorization from the city and erected the nine subject banners without a permit.

The utility poles/banners in front of 8626, 8944, 9345, 9651, 10011, and 10332 Portage Road are located in the public right-of-way. Section 42-543(G) allows banners on municipal poles in the right-of-way; however, the code limits such banners to no longer than 60 days per calendar year. The code also requires a minimum 16-foot clearance from the bottom of the banner to grade below. The proposed banners will be displayed year round, and the bottom of the banners are 13 feet above the ground, and as such, variances a) and b) are requested. The existing and proposed banners at 8136 Portage Road and the zoning lot at 8324/8328 Portage Road are both on private property and extend one and

two 2 feet, respectively, over the public sidewalk, therefore variance c) is requested. Finally, it is understood the businesses at 8136, 8324/8328 Portage Road, and 9106 Austin Drive, wish to reserve the right to erect a banner sign specific to their business, and therefore seek variance d) to permit one additional banner at the aforementioned locations.

Concerning request a), the applicant notes that the Lake Center banners are unique in the community as they identify the Lake Center area that extends from East Centre Avenue south to East Osterhout Avenue. A series of banners placed at intervals along the corridor was identified in the Lake Center Subarea Plan (a component of the 2014 Comprehensive Plan) as a placemaking concept. As a result, the applicant is implementing one of several subarea plan recommendations. While the Plan recognizes the proposed banners as a place-making enhancement, the current Zoning Code does not readily permit them on a continual basis on public property. The proposed Lake Center banners will identify the district on an ongoing basis, whereas the Zoning Code limits displays on municipal poles on a temporary 60-day basis. The applicant has indicated the Lake Center Business Association will monitor and replace banners on a regular basis, which should mitigate potential negative impacts resulting from any lack of maintenance, and will therefore not be detrimental to the surrounding neighborhood, and will not impair the intent and purpose of the Zoning Code. For these reasons, variance a) can be recommended.

Concerning request b), the Zoning Code requires a minimum 16 feet of clearance under banners on municipal poles. If the banners were affixed to stand alone banner poles or street light poles, they could be erected with the minimum clearance and the variance would not be needed. However, there are no such single-use poles along this stretch of Portage Road. Therefore, the applicant opted to erect most of the banners on Consumers Energy poles in the public right-of-way. Consumers Energy specifies uniform standards for pole attachments and divides their poles into vertical zones exclusively reserved for the tiered placement of telecommunications, fiber optic and power transmission lines. Consumers Energy will not allow banners having 16 foot clearance on their poles along Portage Road, as this would place the subject banners in an area of the poles reserved for telecommunications lines. The Zoning Code minimum clearance standard is intended to ensure sufficient clearance for vehicles to safely pass under the banners. None of the proposed/existing banners, however, overhang the travelled portion of the street, thereby mitigating negative impacts the requirement is intended to address. For the reasons noted above, variance b) can be recommended.

Concerning request c), there are exceptional or extraordinary circumstances applying to the properties that do not apply generally to other properties in the same zoning district; the 66 foot right-of-way width found along the subject stretch of Portage Road is narrow considering it accommodates five traffic lanes. Because of the narrowness of the right-of-way, the public sidewalks in front of the 8324/8328 Portage Road and 8136 Portage Road were constructed in an easement on private property. Staff notes a conforming alternative is available – the banners could be re-positioned on the opposite side of the pole from their current orientation, but this arrangement would result in a non-uniform appearance among the banners. Also, 13 feet of clearance above a sidewalk does not pose a hazard to pedestrians. For the reasons noted above, variance c) can be recommended.

Finally, with regard to request d), there are exceptional or extraordinary circumstances. As noted above, the Lake Center banners are unique in that they promote placemaking consistent with the 2014 Comprehensive Plan, but the current Zoning Code does not readily accommodate these types of banners. The intent of Section 42-543(K) is to permit banner signs on private property to provide advertising for individual businesses. By agreeing to “host” the Lake Center signs on private property, the business owners are consequently left with none for their own business. Permitting one additional banner on private property specific to a business is a right possessed by other properties in the same zoning district and in the vicinity, will not be detrimental to adjacent property, and will not impair the intent and purpose of the zoning ordinance. For these reasons, variance d) can be recommended.

**PRACTICAL
DIFFICULTY:**

Unique placemaking banners, consistent with 2014 Comprehensive Plan. Narrow street right-of-way. Consumers Energy utility pole location restrictions. See suggested motion form.

T:\COMMDEV\2015-2016 Department Files\Board Files\Zoning Board\15-06; 8136 Portage\2015 10 30 VG ZBA 15-06 Portage, 8136 (staff rpt).docx

8136 Portage Road



8324/8328 Portage Road



8626 Portage Road



8944 Portage Road



9106 Austin Drive



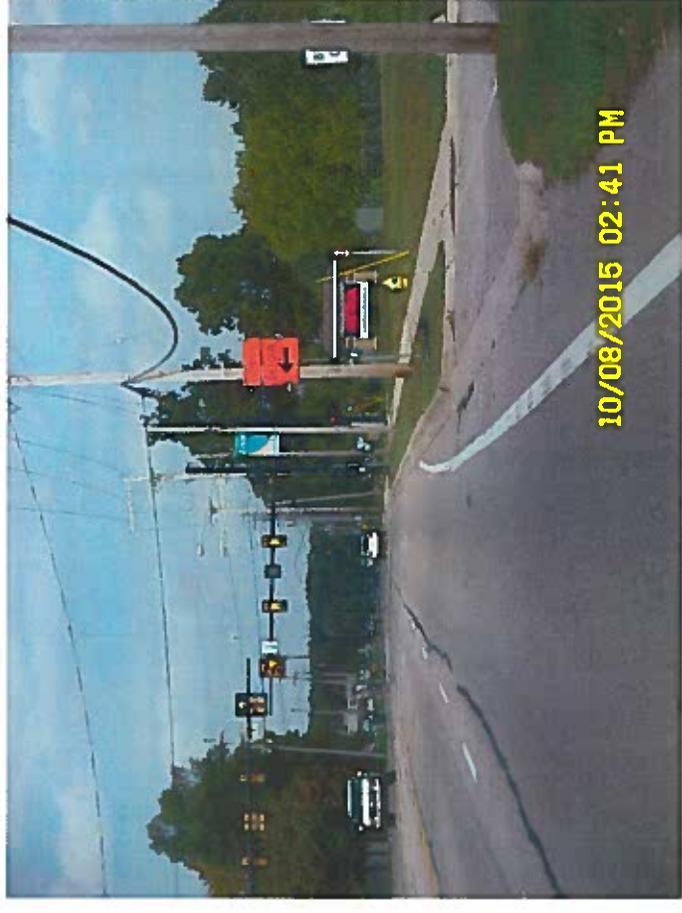
9345 Portage Road



9651 Portage Road



10011 Portage Road



10332 Portage Road



SUGGESTED NON-USE VARIANCE MOTION FORM

Mr. Chairman:

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

for a variance from _____

be:

a. granted for all of the following reasons:

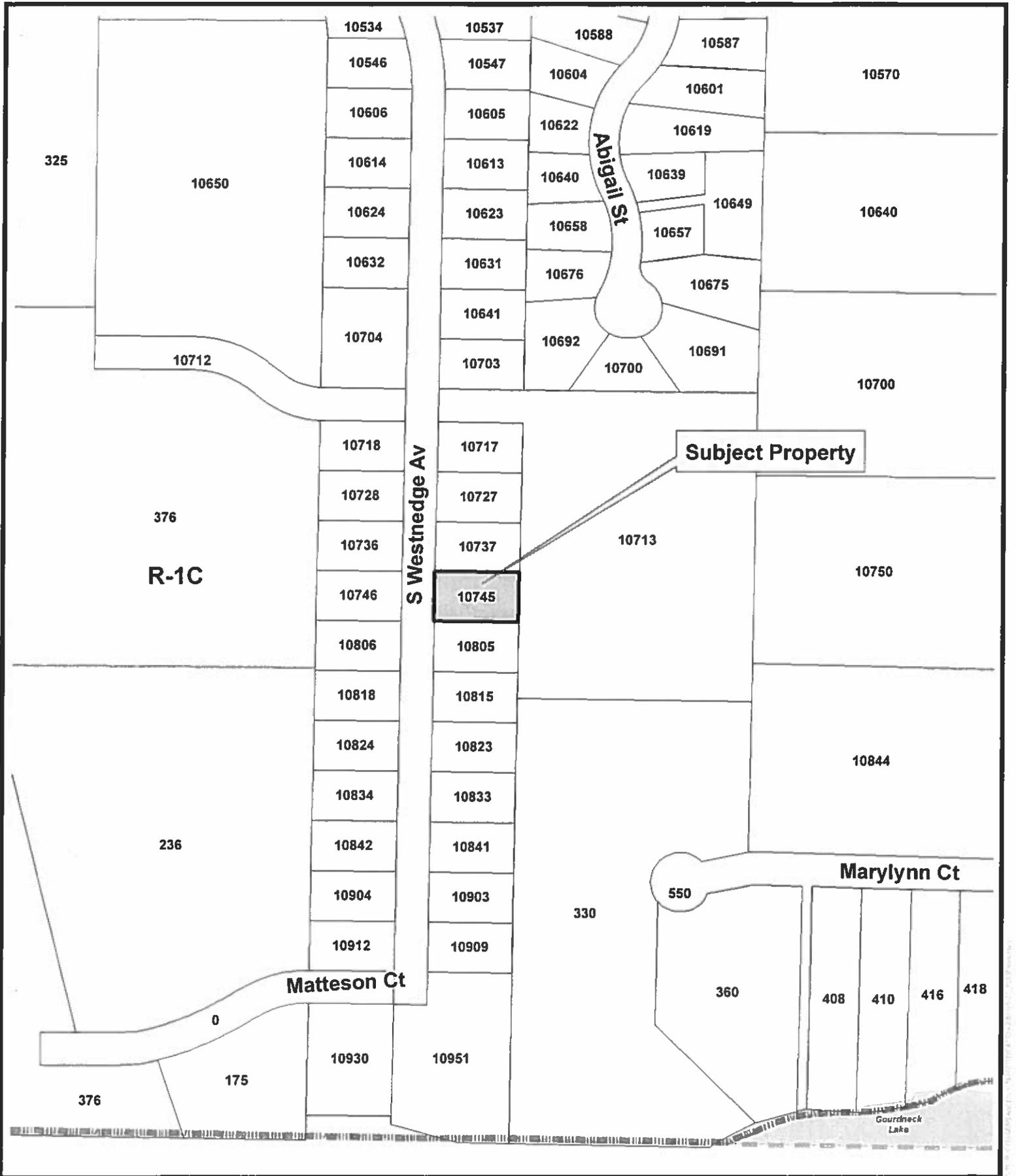
- 1a. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include _____;
- 2a. The variance is necessary for the preservation and enjoyment of a substantial property right, the right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

-Or-

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

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

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



Legend

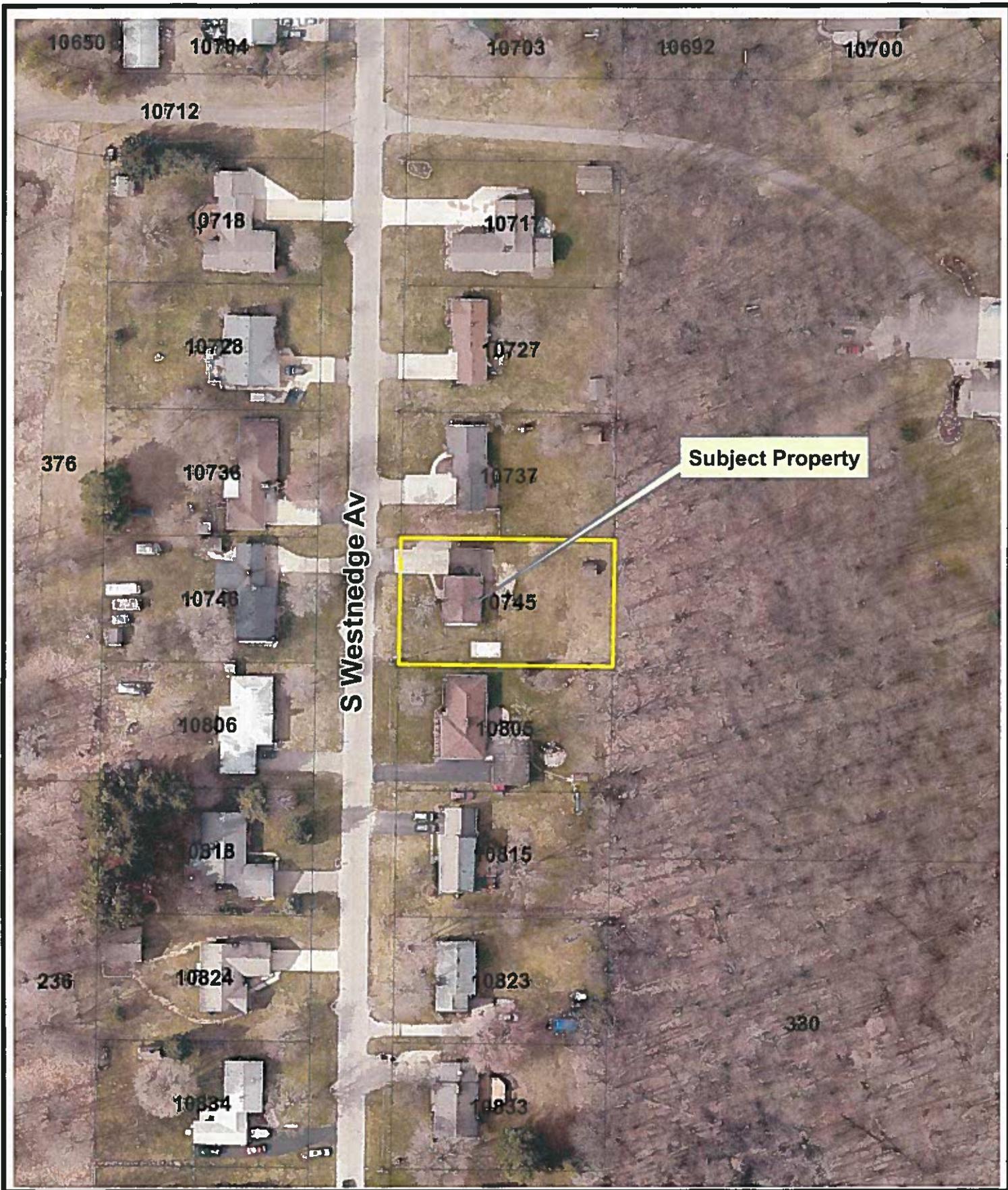
-  Zoning Boundary
-  Subject Properties

ZBA 15-07

10745 South Westnedge Avenue



1 inch = 250 feet



Legend
[Yellow Box] Subject Property

Aerial Photography

10745 South Westnedge Avenue



1 inch = 102 feet

RECEIVED
OCT 22 2015
COMMUNITY DEVELOPMENT

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 22 OCT 2015
 Name of Applicant GARY SUPP
Print
 Applicant's Address 10745 S. WESTNEDGE AVE.
 Name of Property Owner (if different from Applicant) _____
 Address _____ Phone No. _____

Gary Supp
 Signature
 Phone No. 269-303-4183

Address of the Property that is the subject of this Application:
 Street Address 10745 S. WESTNEDGE AVE.
 For Platted Property: Lot 16 of MATTESON'S ESTATES Plat _____
 [If The Property Is Unplatted, the Legal Description is needed. Please attach on a separate sheet.]

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

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

Type of Appeal (Please check one of the following bold choices and provide the requested information):
 Variance from Zoning Ordinance: Article 42 Section 350 Paragraph _____
 Regarding: Use _____ Area _____ Yards _____
 Setbacks Parking _____ Other _____

Reason for Request (Also complete page 2 of application): Requesting a 4-foot side yard setback variance to replace the existing carpet with an enclosed garage.

_____ 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>15-07</u>	Filing Date: <u>10/22/15</u>	Tentative Hearing Date: <u>11/9/15</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.)
See Attached.

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

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

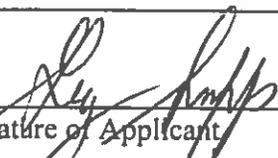
4. Is the variance the minimum necessary to permit reasonable use of the land and buildings, or would a lesser variance be fair and equitable to the applicant as well as logical and just to other property owners in the area? (Attach additional sheets if needed.)
See Attached.

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

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

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

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



Signature of Applicant

22 OCT 2015
Date

22 OCT 2015

To The Zoning Board:

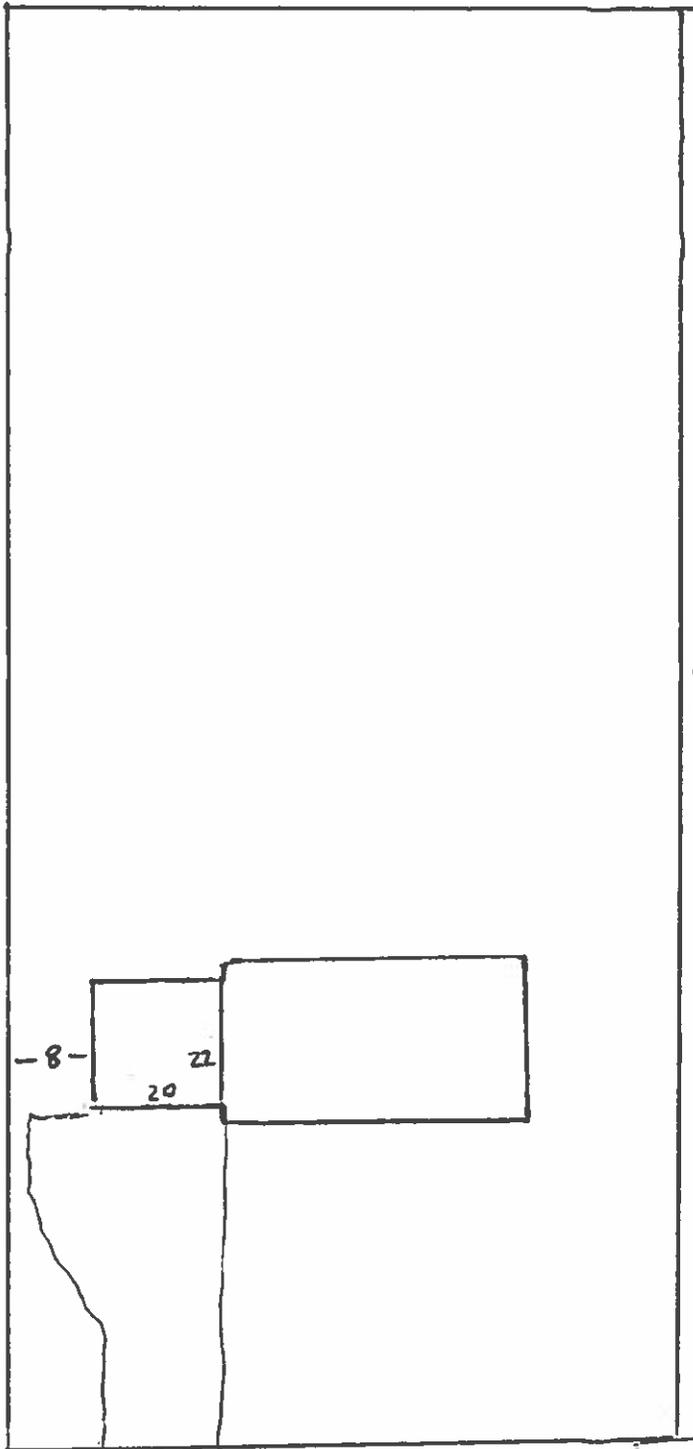
I am the owner of Lot 16 of Matteson's Estates at 10745 S. Westnedge Ave. in Portage, MI. It consists of a house and 2-car carport constructed in the 1950's. I purchased said property in 1984 and have lived there since.

I am requesting a 4-Foot side yard setback variance to replace that existing carport with an enclosed garage. The existing carport was constructed in the 1950's and meet all standards at the time prior to the current building codes. It is currently the only existing carport on S. Westnedge south of Osterhout Road. Several other houses on the street constructed before the zoning code do not meet side setbacks.

The construction of a garage to replace the existing carport will improve the visual appearance and value of my property and that of others in the area. Enclosing the carport will not alter the existing footprint nor will change the character of the surrounding neighborhood.

Additionally, a garage increases my protected storage capacity from the elements and increases security of the storage. It will also improve the ease of maintenance for the property.

Thank you for your consideration, 



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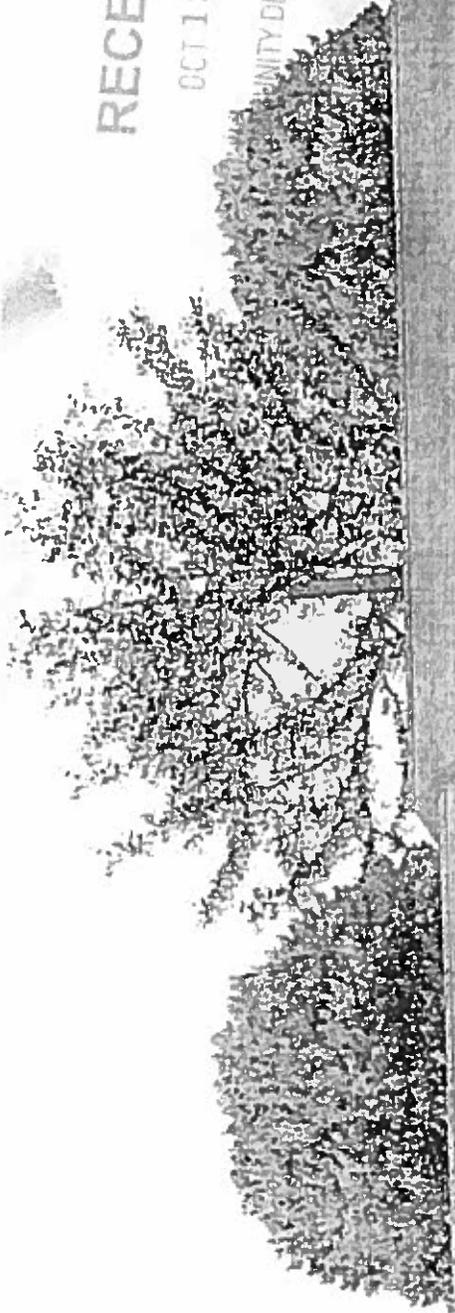
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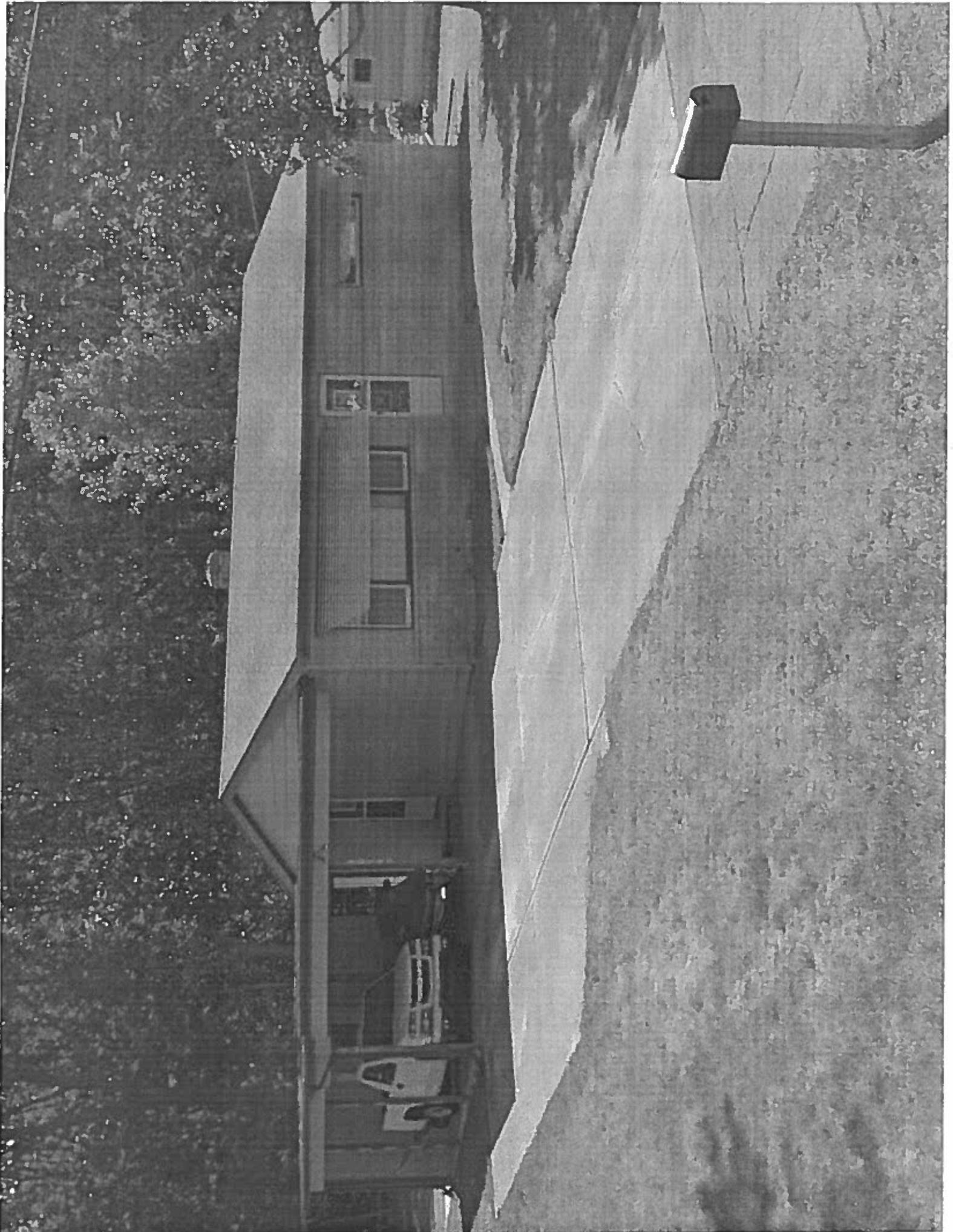
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OCT 19 2015

COMMUNITY DEVELOPMENT





TO: Zoning Board of Appeals **DATE:** October 30, 2015
FROM: Vicki Georgeau,  Director of Community Development
SUBJECT: ZBA #15-07, Gary Supp, 10745 South Westnedge Avenue; R-1C, One Family Residential.

CODE SECTION: 42-350 Schedule of Regulations; p. CD42:84.
42-133(D) Nonconforming Buildings and Structures; p. CD 44

APPEAL: Requesting a variance to replace an attached nonconforming 20-foot by 22-foot carport with an attached garage of the same dimensions, eight feet from the (north) side property line where a minimum 12 feet is required.

**STAFF RECOM-
MENDATION:**

The applicant is requesting the variance per the enclosed application, letter of explanation, plot plan, and related materials. The 17,000 square-foot lot is in a residential neighborhood, zoned R-1C, One Family Residential, and is improved with a 1,040 square-foot one-story dwelling and attached 440 square-foot carport constructed in 1957. The attached carport is legally nonconforming because it is eight feet from the (north) side property line, instead of the 12 feet required by the Zoning Code.

The applicant wishes to replace the flat-roofed 20-foot by 22-foot carport with an enclosed garage of the same dimensions with a gabled roof. When the applicant initially inquired into the construction of an enclosed garage, it was thought the carport could be enclosed utilizing the existing support structure. However, upon further review, it was determined the carport supports would not meet Building Code requirements for an attached garage and would need to be removed. For Board information, the carport structure has already been removed (with the exception of the east wall) and a variance is now needed to permit construction of a new, enclosed garage.

There are exceptional or extraordinary circumstances applying to the property that do not apply generally to other properties in the zoning district and include the following:

- The centered location of the dwelling on the lot was not self-created by the applicant and it precludes the erection of an attached two-stall garage in a conforming location on either side of the dwelling.
- The subject property is the only dwelling in the Matteson Estates subdivision that does not have an enclosed garage.
- The proposed enclosed garage will be no closer to the property line than the former carport structure.
- Construction of the proposed enclosed garage would increase the dwelling's effective storage area, while also improving security and ease of roof maintenance.
- No complaints have been received by city concerning the carport in its current location.

- Granting the variance would not alter the character of the surrounding neighborhood and would not be detrimental to adjacent property; nor materially impair the intent and purpose of the Zoning Ordinance.

For these reasons cited above, the variance can be recommended.

**PRACTICAL
DIFFICULTY:**

Location of dwelling on lot. 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.