



ZONING BOARD OF APPEALS

December 14, 2015

CITY OF PORTAGE ZONING BOARD OF APPEALS
Agenda

Monday, December 14, 2015

(7:00 pm)

**Portage City Hall
Council Chambers**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

- * November 9, 2015 meeting

OLD BUSINESS:

NEW BUSINESS:

- * ZBA #15-08, Bruce Sperling, 425 Brittany Drive: Requesting a variance to retain an existing 120 square-foot detached accessory building, that when combined with the area of the existing attached garage and recent garage addition, exceeds the ground floor living area of the dwelling by 120 square feet.

- * ZBA #15-09, Pfizer Inc., 7171 Portage Road: Requesting a) a variance to construct a 97,500 square-foot industrial warehouse addition 50 feet from the front (north) property line where a minimum 100-foot front setback is required; and b) a variance to locate a loading area within a required front yard.

OTHER BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

Star (*) indicates printed material within the agenda packet

Minutes of Meeting – November 9, 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: Jeffrey Bright, Michael Robbe, John Byrnes, Phillip Schaefer, Chadwick Learned, Randall Schau, and Alexander Philipp.

MEMBERS EXCUSED: Lowell Seyburn, Glenn Smith.

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

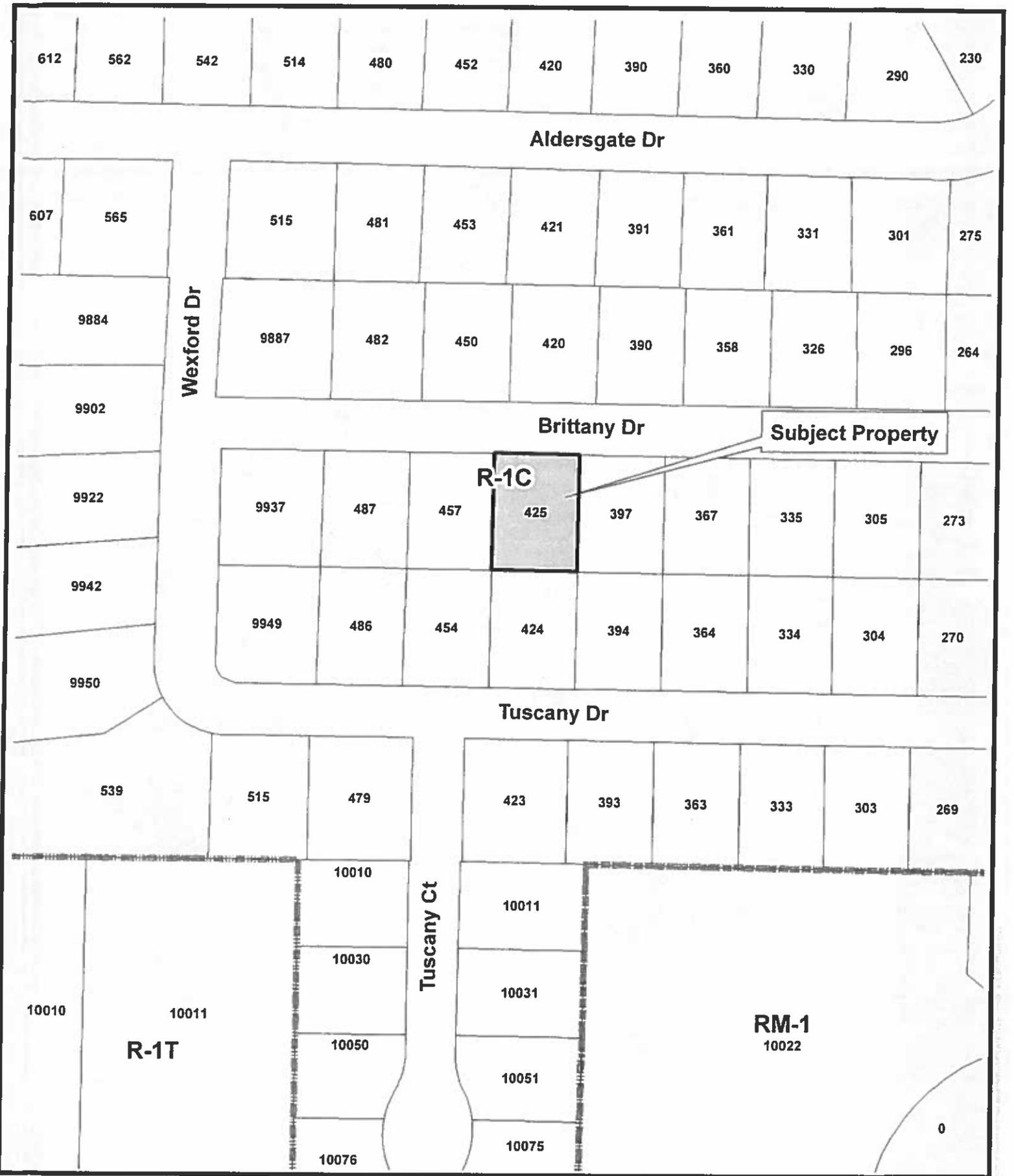
APPROVAL OF THE MINUTES: Learned moved and Schaefer seconded a motion to approve the September 14, 2015 minutes as submitted. Upon voice vote, the motion was approved 7-0.

NEW BUSINESS:

ZBA #15-6, Doug Lynes, on behalf of the Lake Center Business Association, 8136, 8324/8328, 8626, 8944, 9345, 9651, 10011, 10332 Portage Road and 9601 Austin Drive: Mais summarized the variance requests: a) to allow banners on municipal poles to be displayed year round where a maximum 60 days is permitted; b) to permit banners on municipal poles 13 feet from grade where a maximum 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. Doug Lynes was present to answer questions. Bright inquired if the intent of the proposed signs was to help establish identity for the business corridor along Portage Road. Mr. Lynes stated yes. Learned noted these sorts of banners are seen in many other communities and in some instances the banners appeared to be in disrepair. Mais stated if the Board approved the variances city staff could address maintenance issues as a code enforcement matter. Mr. Lynes stated the banners would be regularly monitored and maintained.

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

Schau inquired who had reviewed and approved the Comprehensive Plan and Lake Center subarea plan where the banners were first identified as a placemaking tool. Mais stated the Planning Commission and City Council. Learned stated he thought a text amendment should have been considered during that review to address these sorts of placemaking banners. Schau inquired if there had been previous variance requests for the duration that banners could be displayed on municipal poles. Mais stated this was the first such request. Learned requested clarification of how long a time period the proposed banners would be displayed. Mr. Lynes replied year round. Learned inquired if the banners on municipal poles could be changed out in the future to identify individual businesses. Attorney Bear stated there had been a recent Supreme Court decision that held municipalities cannot regulate sign content, but may still regulate the manner and location in which signs are displayed and the length of time. Bright inquired what controls the city would have over the proposed banners after a variance was granted. Mais stated the city could address the maintenance of the signs but understood that variances went with the land and the applicant would retain the right to maintain the signs in perpetuity. Schaefer stated he supported the idea behind the banners but did not think a variance was the way to go about it, and thought the city should instead investigate amending the code. Byrnes inquired if the variance request was for specific poles as utility poles are sometimes removed. Mais replied yes. Learned inquired if the applicant would be willing to accept a time limit of five years to display the banners on municipal poles. Mr. Lynes replied he could but would request a ten year period. Learned moved and Robbe seconded, a motion to grant variances b) to permit banners on municipal poles 13 feet from grade where a maximum 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 for the following reasons there are exceptional circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include the narrow right-of-way and the limitations imposed by Consumers Energy; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to identify the business district with banners; 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,



ZBA 15-08

425 Brittany Drive



1 inch = 144 feet



Department of Community Development

NOV 9 2015

COMMUNITY DEVELOPMENT

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 10-30-2015
Name of Applicant Bruce Sperling
Applicant's Address 425 Brittany Dr.
Name of Property Owner (if different from Applicant) Jacqueline Sperling
Address 425-Brittany dr.

Address of the Property that is the subject of this Application:
Street Address 425 Brittany dr.
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: IT is our Residence

Application Fee \$135.- (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 42 Section 121 Paragraph
Regarding: Use Area Yards
Setbacks Parking Other X

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:

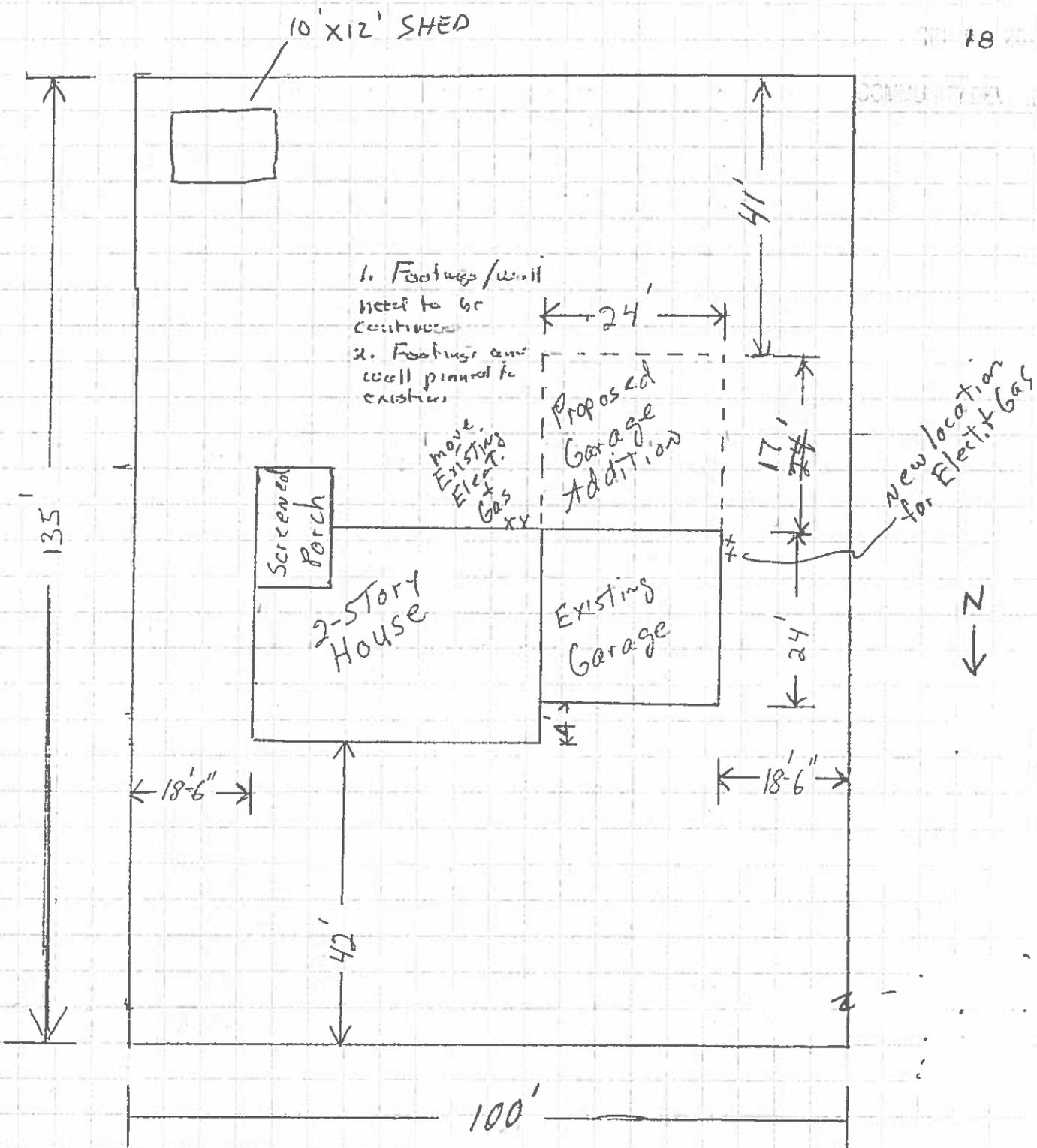
FOR STAFF USE

Table with 3 columns: Application Number (15-06), Filing Date (11/9/15), Tentative Hearing Date (12/14/15). Row 2: Previous Application Filed Regarding This Property:

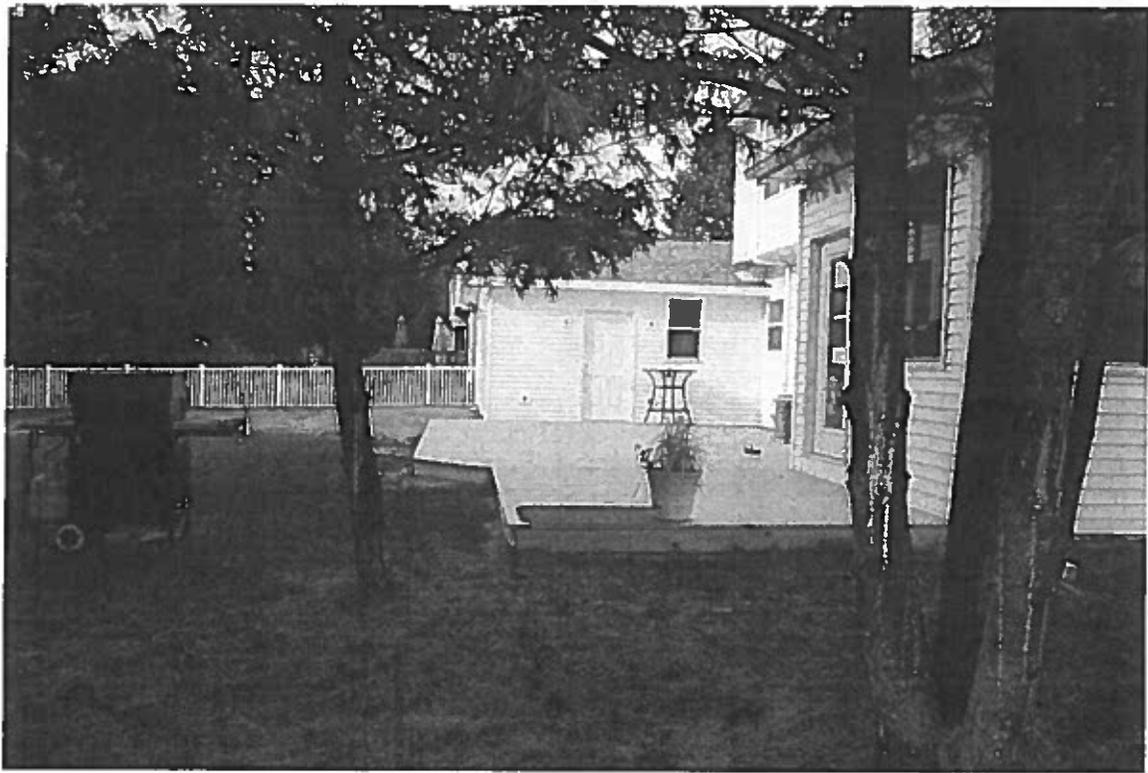
RECEIVED

NOV 18 2008

COMMUNITY DEPT



$\frac{1}{4}'' = 5'$



Residential Building Permit

Property Address 425 BRITTANY DR
 Parcel Number 02604-086-O
 Tenant Name SPERLING, JACQUELINE M
 Subdivision Name
 Property Zoning R-1C
 Application Valuation 13,945.00

Permit No: PRES15-0044
 Project No: J15-0389
 Date Applied 09/21/2015
 Date Issued 09/21/2015

Owner
 SPERLING, JACQUELINE M
 425 BRITTANY DR
 PORTAGE MI 49024

Contractor
 Sperling Construction
 425 BRITANY DR
 PORTAGE MI 49024
 (630) 669 7472

Contractor Requirements

CONTRACTORS LICENSE 09/30/2015
 WORKER COMP. CARRIER
 FED I.D. 46-2847944
 MESC
 OR REASON FOR EXEMPTION

Structure Information

Construction Type 5B
 Occupancy Type
 Other Struct Info Full Baths: 0 Half Baths: 0 Bedrooms: 0 Total SF: 408
 Floors: 0 Occupancy Load: 0

Work Description: Garage addition 630-669-7472

| Invoice Item Description | Amount Total | Amount Paid | Amount Due |
|----------------------------------|--------------|-------------|------------|
| 2. Res Permit Fee (2,001-25,000) | 96.81 | 96.81 | 0.00 |

Required Inspections

| | | | |
|----|---------------------------|----|--------------------------|
| 03 | Footings and Foundations | 04 | Framing |
| 07 | Final - Building | 09 | Service - Electrical |
| 10 | Rough - Electrical | 11 | Underground - Electrical |
| 12 | Final - Electrical | 13 | Final - Grade/Drainage |
| 14 | Final Site - Improvements | | |

Special Notes and Comments

1. NO FORM EXECUTED BY THIS DEPARTMENT IMPLIES OR PROVIDES EXEMPTION FROM ANY CODE OR ORDINANCE REQUIREMENT.
2. APPLICANT IS RESPONSIBLE FOR BEING SUFFICIENTLY FAMILIAR WITH, AND HAVE A WORKING KNOWLEDGE OF MATERIALS, CODES AND ORDINANCES OF THE CITY OF PORTAGE TO ENSURE COMPLIANCE WITH SAME.
3. IT IS THE APPLICANTS RESPONSIBILITY TO CALL FOR NECESSARY INSPECTIONS.
4. EXPIRATION: PERMIT SHALL EXPIRE AND BECOME NULL AND VOID IF THE BUILDING OR WORK AUTHORIZED IS NOT COMMENCED WITHIN 180 DAYS FROM THE DATE OF ISSUANCE, OR IF THE BUILDING OR WORK AUTHORIZED IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS.
5. WORK TO COMPLY WITH STATE OF MICHIGAN PUBLIC ACT 174 OF 2013 FOR PROTECTION OF UNDERGROUND FACILITIES AND UTILITIES. CONTACT MISS DIG (TOLL FREE) AT 1-800-482-7171 THREE BUSINESS DAYS PRIOR TO UNDERGROUND WORK.
6. FOLLOW-UP INSPECTIONS NECESSITATED BY NONCOMPLIANCE OF CODES MAY BE SUBJECT TO RE-INSPECTION FEES.

TO: Zoning Board of Appeals **DATE:** December 4, 2015
FROM: Vicki Georgeau, ^{VG} Director of Community Development
SUBJECT: ZBA #15-08, Bruce Sperling, 425 Brittany Drive; R-1C, One Family Residential.
CODE SECTION: 42-121(B)(1) Accessory Buildings; p. CD42:28.

APPEAL: Requesting a variance to retain an existing 120 square-foot detached accessory building, that when combined with the area of the existing attached garage and recent garage addition, exceeds the ground floor living area of the dwelling by 120 square feet.

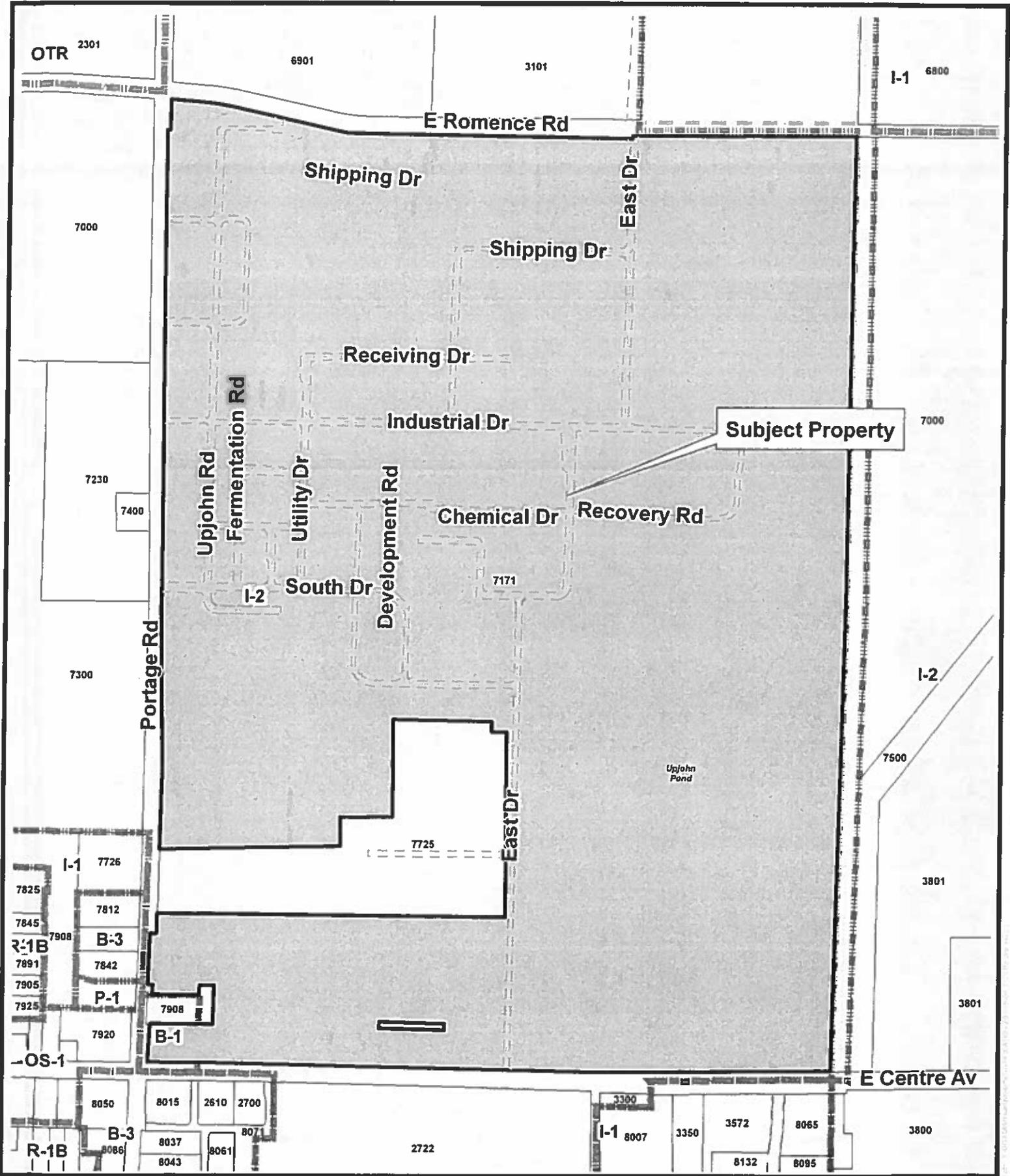
STAFF RECOMMENDATION:

The applicant is requesting the variance per the enclosed application and plot plan. The 13,500 square-foot lot is zoned R-1C, one-family residential, and is improved with a 2,056 square-foot two-story dwelling (with a ground floor living area of 984 square feet), a 984 square-foot attached garage and a 120 square-foot detached accessory building located in the rear yard. The dwelling and the original 576 square-foot attached garage were constructed in 2002, and a 408 square-foot garage addition was constructed in the fall of 2015. The 120 square foot shed was constructed in 2003.

In September 2015, the applicant submitted building plans to construct a 24-foot by 24-foot (576 square feet) garage addition. At that time, the applicant was advised the combined area of the existing garage, detached accessory building and proposed addition exceeded the ground floor area of the dwelling by 288 square feet. Consequently, the applicant reduced the size of the garage addition to 408 square feet (17 ft. x 24-ft.) and indicated he would remove the shed. The building permit was subsequently issued conditioned upon removal of the shed and construction of the garage addition has been completed. The applicant now wishes to retain the 120 square-foot shed and a variance is therefore requested.

The applicant has demonstrated no practical difficulties. There are no exceptional or extraordinary circumstances applying to the property that do not apply generally to other properties in the zoning district and surrounding area. A conforming alternative is available and involves increasing the living area on the ground floor, such as converting the first floor overhang and covered porch to living space. Accordingly, approval of the variance would impair the intent and purpose of the Zoning Code and for these reasons the variance cannot be recommended.

PRACTICAL DIFFICULTY: None noted. See suggested motion form.



Subject Property

Legend

-  ZBA15-09
-  Zoning Boundary

ZBA 15-09

7171 Portage Road



1 inch = 700 feet



Department of Community Development

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 11/17/2015
 Name of Applicant WIZZY Fine Robert J. Kelly
Print Signature
 Applicant's Address 7171 Portage Road Phone No. (269) 823-9327
 Name of Property Owner (if different from Applicant) _____
 Address _____ Phone No. _____
 Address of the Property that is the subject of this Application
 Street Address 7171 Portage Rd.
 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 Use) 130.10 (All Other Uses)

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

Variance from Zoning Ordinance: Article 4 Section 42-352 Paragraph 7C13
 Regarding: Use 42-522 10.8 E
 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: _____

FOR STAFF USE

| | | |
|---|--------------------|----------------------------|
| Application Number: _____ | Filing Date: _____ | Denial/Hearing Date: _____ |
| Previous Application Filed Regarding This Property: _____ | | |

produced in Portage. The existing finished goods manufacturing facility, Building 41, has an attached incoming raw materials warehouse on the south side of the building and an attached finished product and “work in progress” (WIP) warehouse on the north side of the building; with each area having set standards for cleanliness. New projects adding to the sterile manufacturing operations will require a significant footprint. This will involve internal expansion of finished goods manufacturing that will occupy much of the existing north warehouse; therefore, to meet long term volume growth, Pfizer needs to add internal controlled room (clean) warehousing. As a result, Pfizer has engaged a consultant (Miebach) to assist in designing logistics and warehouse operations for the future. The studies involve maximizing storage to floor space, logistics flow, etc. Based on these studies the optimal location to accommodate finished goods shipping warehouse needs is immediately north of the existing, attached finished goods shipping warehouse to accommodate room for 9,600 pallet storage spaces. In addition to the pallet racking space, the warehouse needs to contain new truck docks, refrigerated space, and an office area.

Specifically, Pfizer is requesting a variance from Section 42-350, Para A&B, setback and Section 42-522, loading Para E from the Portage Code.

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.

There are several reasons for the variance request:

- *The unique nature and size of the facility, floor plan, logistics flow, and wide variability in operations (bulk pharmaceutical production, finished product manufacturing, laboratory operations, and support) create practical difficulties in expanding the facility for the future use without this exception.*
- *Production volumes will require that 6 truck docks be provided for adequate space to ship products on a daily basis. The needed space for 6 truck docks is 80 feet. If the building is shortened (south to north) by 50 feet, maintaining 6 truck docks is not possible as the southern two docks will be obstructed by Building 392 infrastructure and there would not be a safe margin to maneuver trailers in and out of the loading area.*
- *To ensure product purity and quality, in process materials (materials not in final package form) cannot be moved outside of Building 41, requiring warehouse be directly connected to the existing building near injectable manufacturing operations (North and West corner of Building 41). The footprint required for this space is 300' X 325' which would require the footprint to encroach on the required 100' setback by 50' (building wall to be 50' from the property line). To achieve the needed storage space, keeping the footprint as small as possible, the facility is being designed with “very narrow aisle” (VNA) design which requires specialized fork trucks but maximizes storage space per square foot. A paved fire line would extend 26 feet past the building as required by Portage Fire Department. The east-west length of the building is fixed by three items, 1) on the west end, the existing north shipping dock needs to remain open for operation while the new facility is being constructed; 2) on the east, there is a manufacturing operation which requires shipping a liquid waste product which needs trailer access and space for a required fire lane; and 3) providing 6 new docks with turn around access.*

Other locations were considered for the warehouse location, including the open area to the east of Building 41 but were deemed impractical for effective and compliant material flow, product flow through other classified areas, and long travel distances for “in process” products.

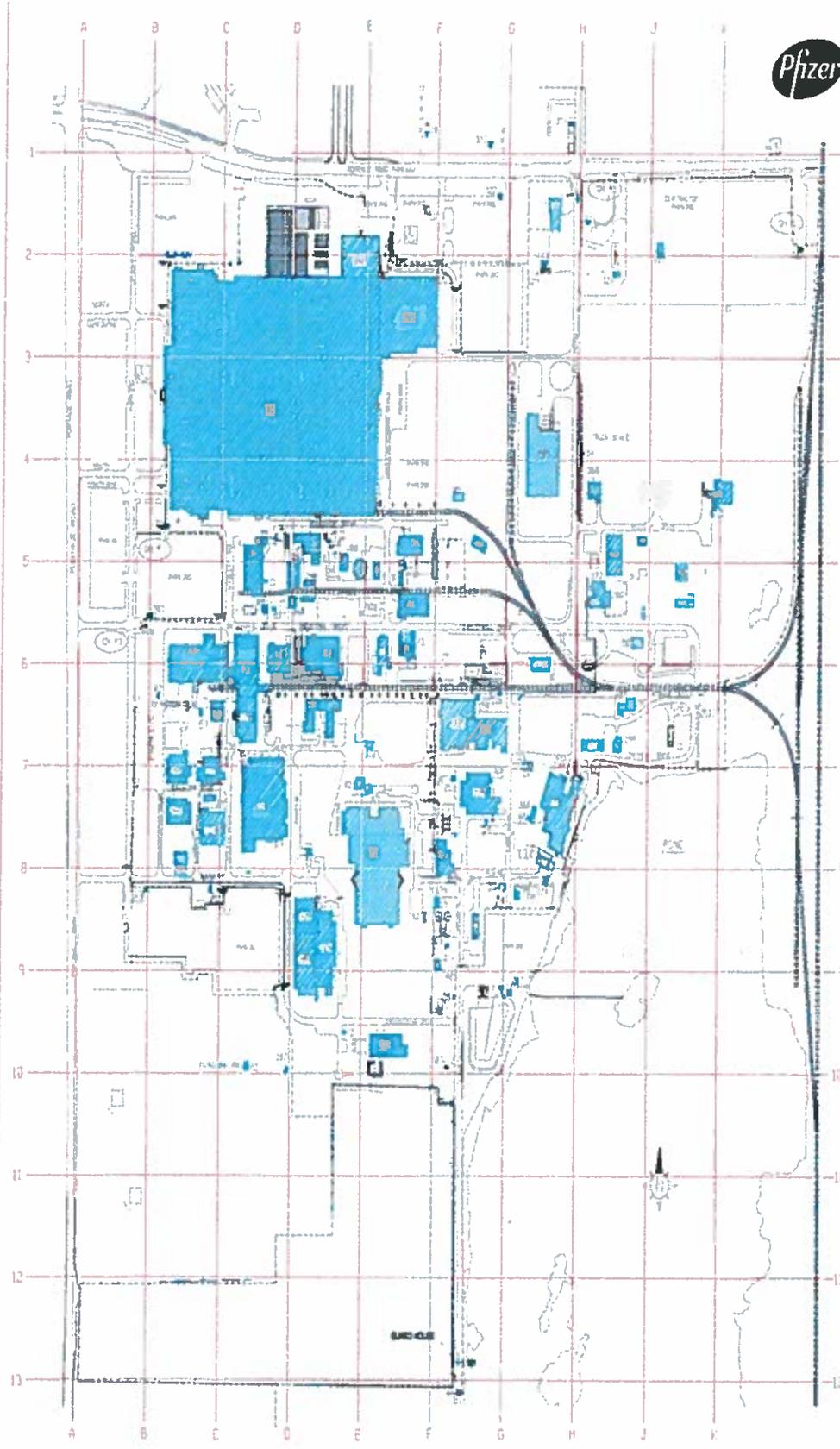
- 7. Is the reason for the request, the practical difficulty or the hardship created, due to an act of the applicant or due to an act by the previous property owner?**

The main manufacturing facility at 7171 Portage was built in the 1951 by the previous owner. Also prior to Pfizer, needing expanded laboratory operations, the previous owner constructed Building 259 in 1983 and Building 392 in 1995. Pfizer purchased this property with the acquisition of Pharmacia in 2004. The unique nature and size of the facility, floor plan, logistics flow, and wide variability in operations (bulk pharmaceutical production, finished product manufacturing, laboratory operations, and support) create practical difficulties in expanding the facility for the future use without this exception. At the time the original facility and subsequent expansions were constructed, the need for this expansion could not have been envisioned.

- 8. Explain how the variance would fulfill the spirit and intent of the Zoning Ordinance?**

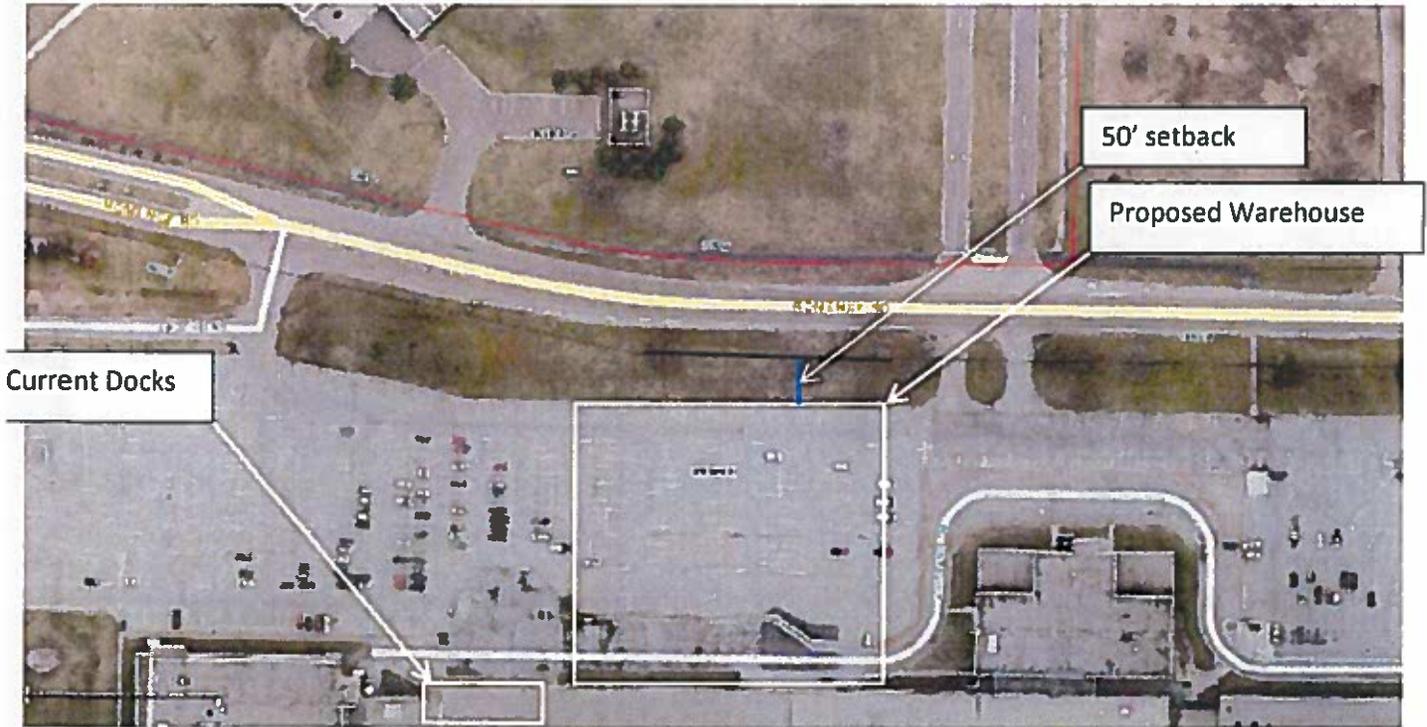
The spirit of the zoning ordinance is to "provide orderly development and uniformity with regard to the development pattern" for the City of Portage. The architecture and design of this building will be consistent with the existing buildings on the Portage Pfizer property and as there is no immediate neighbor on the north property line, the appearance of that property will not be impacted. Additionally, as stated in question #5, the north property line of the property will include attractive and softening landscaping along Romence Road in a way to provide an attractive visual appearance to the building from the road.

Campus with New Warehouse



| B.S.# | DESCRIPTION | LOCATION |
|-------|-------------------------|----------|
| 1 | GENERATION PROJECT | 15 |
| 2 | RECEPTION BUILDING | 20 |
| 3 | QUALITY BUILDING | 25 |
| 4 | PHARMACEUTICAL RESEARCH | 30 |
| 5 | STORAGE FACILITY | 35 |
| 6 | STORAGE FACILITY | 40 |
| 7 | STORAGE FACILITY | 45 |
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| 197 | STORAGE FACILITY | 995 |
| 198 | STORAGE FACILITY | 1000 |

Aerial of Warehouse in Relation to 6901 Portage Property





B041 WAREHOUSE ADDITION
VIEW LOOKING SOUTH/WEST AT LOADING DOCK ENTRY

TO: Zoning Board of Appeals **DATE:** December 4, 2015
FROM: Vicki Georgeau, ^{VA} Director of Community Development
SUBJECT: ZBA #15-09, Pfizer, Inc., 7171 Portage Road; I-2, Heavy Industry
CODE SECTION: 42-350 Schedule of Regulations; p. CD42:84.
42-522(E) Loading Facilities; p. CD42:117.

APPEAL: Requesting: a) a variance to construct a 97,500 square-foot industrial warehouse addition 50 feet from the front (north) property line where a minimum 100-foot front setback is required; and b) a variance to locate a loading area in a required front yard.

**STAFF RECOM-
MENDATION:**

The applicant is requesting the variance per the enclosed introduction, application, site sketches, and related materials in order to construct a 97,500 square-foot warehouse addition on the north side of Building 41. The 436 acre property is zoned I-2, heavy industry and accommodates a large manufacturing campus with numerous buildings, facilities, and supporting infrastructure. Building 41, constructed in 1950, is a large brick building (1.48 million square feet in area with an average height of 40 feet) located at the northwest portion of the property. East of Building 41 is an internal drive, Manufacturing and Shipping Drive, and a railroad spur. Across the street on the north side of Romence Road East is a large office building at 6901 Portage Road under separate ownership, vacant property zoned I-2, heavy industry at 3101 Romence Road East owned by Pfizer (Pharmacia & Upjohn), and the Kalamazoo/Battle Creek International Airport. To the west across Portage Road is vacant property zoned I-2, heavy industry also owned by Pfizer.

The manufacturing campus, subject building, and the overall internal logistics are designed to allow the intake of raw materials from the south end where product is initially processed and then moved northward through the facility as pharmaceuticals are further processed into market ready products, which ultimately arrive at the north end of the facility and are stored and loaded for shipping. The proposed 300-foot by 325-foot building addition (approximately 40 feet in height) will extend to within 50 feet of the front property line (adjacent to Romence Road East), where a minimum 100-foot front setback is required. Loading bays also will be located at the northeast corner of the proposed addition in an area that falls within the required front yard.

Concerning request a), the applicant has provided a detailed explanation why the warehouse addition is proposed to be located at the north end of the manufacturing facility. The applicant indicates other conforming, on-site locations have been considered but due to the operational characteristics of the proposed facility and regulatory requirements intended to prevent contamination, relocation of the proposed warehouse is not feasible. The applicant also considered reducing the size of the warehouse such that a front yard

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.