

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – November 14, 2016

The City of Portage Zoning Board of Appeals meeting was called to order by Chairman Bright at 7:00 p.m. in the Council Chambers. Seven people were in the audience.

MEMBERS PRESENT: John Byrnes, Chadwick Learned, Alexander Philipp, Lowell Seyburn, Jay Eichstaedt, Randall Schau, Jeffrey Bright.

MEMBERS EXCUSED: Michael Robbe, and Phil Schaeffer

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

APPROVAL OF THE MINUTES: Seyburn moved and Learned seconded a motion to approve the October 10, 2016 minutes as submitted. Upon voice vote, the motion was approved 7-0.

NEW BUSINESS:

ZBA #16-10, Sign Art on behalf of Woodbridge Community Partnership LLC., 3750 & 3950 West Centre Avenue: Mais summarized the request for a variance to erect a 129 square-foot freestanding sign where a maximum 75 square foot sign is permitted. Steve Vandersloot of Sign Art and Elizabeth Reich of 633 Group were present on behalf of the applicant. Mr. Vandersloot stated the practical difficulties were that the Woodbridge Shopping Center had a significant setback from West Centre Avenue and that significant vegetation and landscaping impacted visibility along Moorsbridge Road and West Centre Avenue. Learned noted the proposed sign had an EMD and inquired if animated signs were permitted. Mais stated no. Learned inquired if the applicant was entitled to more signage on Moorsbridge than the current 20 square foot sign. Mais responded yes. Schau noted there were blank panels on the freestanding sign and inquired which tenants were currently unidentified. Ms. Reich stated the blank panels were to identify potential future tenants.

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

Schau stated he did not support the request because the current sign has worked for years, the applicant could increase the existing sign's visibility by making it taller, and did not think the lack of visibility on Moorsbridge should be considered a practical difficulty for the sign on West Centre. A motion was made by Learned, seconded by Eichstaedt, to grant a variance for a 129 square-foot freestanding sign on West Centre Avenue, with the condition that only one sign be permitted on Moorsbridge Road, not to exceed 20 square feet for the following reasons: there are exceptional circumstances applying to the property that do not apply generally to other properties in the same zoning district which include the topography and mature vegetation; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to advertise with adequate 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 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, discussion and materials presented at the hearing be incorporated into the record of this hearing and that action of the Board be final and effective immediately. Upon roll call vote: Byrnes-Yes, Philipp-Yes, Schau-No, Seyburn-Yes, Learned-Yes, Bright-Yes, Eichstaedt-Yes. The motion passed 6-1.

ZBA #16-11, James Dally, 4295 Bishop Road: Mais summarized the requests to: a) erect an accessory sign in a different zone than the principal use; and b) erect a 75 square-foot freestanding sign where a maximum 48 square-foot sign is permitted. Mr. Dally stated their biggest challenge was how far the sign would be from Sprinkle Road and they wanted to be able to identify the day care center for customers coming from Pfizer and Stryker. Mais noted the previous daycare operated at the subject location for years with no freestanding sign. Eichstaedt stated the trees on the property to the west impaired sign visibility from Sprinkle Road and thought that alone constituted a practical difficulty. Bright and Eichstaedt inquired if the applicant would be willing to accept a lesser variance. Mr. Dally stated yes. Eichstaedt inquired if the 15 square-foot changeable

copy board was part of the 75 square feet. Mais stated 15 square feet is permitted by right in addition to whatever else they were entitled to.

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

Bright stated he found the mature trees on the property to the west to be a practical difficulty. Eichstaedt stated a 62 square foot sign would split the difference between the applicant's request and what was permitted. A motion was made by Seyburn, seconded by Learned, to grant a variance to: a) erect an accessory sign in a different zone than the principal use 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 split zoning of the lot; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to advertise with adequate 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 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, discussion and materials presented at the hearing be incorporated into the record of this hearing and that action of the Board be final and effective immediately. Upon roll call vote: Byrnes-No, Philipp-Yes, Schau-Yes, Seyburn-Yes, Learned-Yes, Bright-Yes, Eichstaedt-Yes. The motion passed 6-1.

A motion was made by Eichstaedt, seconded by Bright, to grant a variance for a 62 square-foot sign where a maximum 48 square-foot sign is permitted 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 presence of mature trees to the west; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to advertise with adequate 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 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, discussion and materials presented at the hearing be incorporated into the record of this hearing and that action of the Board be final and effective immediately. Upon roll call vote: Byrnes-No, Philipp-No, Schau-No, Seyburn-Yes, Learned-Yes, Bright-Yes, Eichstaedt-Yes. The motion passed 4-3.

ZBA #16-12, Dave Schnelker and John Stephen, 1908 West Milham Avenue: Mais summarized the request to permit a second freestanding sign where one sign is permitted on the zoning lot. Dave Schnelker, stated he was under the impression there was no problem with a second sign when the city approved a lot line adjustment in 2009. There was now a buyer, John Stephen, who wanted to purchase 1908 West Milham Avenue to develop a medical clinic and would back out of the sale if the buyer did not get their own freestanding sign. Mr. Schnelker said the sign was needed because the future building would be situated behind the Singer Eye Clinic at 1906 West Milham Avenue and that the sign would be very similar to that found on numerous other properties in the immediate vicinity. Eichstaedt inquired if the city had any written documentation pertaining to the issue of the zoning lot having a second sign when the city reviewed the lot line adjustment. Mais stated no. Eichstaedt inquired how large would the second freestanding sign be. Dr. Stephen responded 32 square feet. Learned inquired if the applicant would be willing to consider using directional signs. Mr. Schnelker said no.

A public hearing was opened. No one spoke for or against the request. Letters in support of the requested variance from Marianna Singer, 1906 West Milham, West Milham Avenue and Dave Schnelker, 1908 West Milham Avenue were read into the record. The public hearing was closed.

Learned stated he would be in favor of the variance if it was known for certain that the conforming alternative of adding a sign panel to the Singer Eye Care sign was not an option. Schau stated he was confident that Ms. Singer would sign a letter to that effect if it meant the difference between the property sale going through.

Seyburn suggested the applicant for a lot line adjustment/land division be made aware of potential sign restrictions at the time of application. Byrnes stated he thought having a second freestanding sign as opposed to two panels on one sign was preferable from a wayfinding standpoint where a second building is located behind a building in front. A motion was made by Seyburn, seconded by Schau to permit a second 32 square-foot freestanding sign where one sign is permitted on the zoning lot 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 limited site visibility along this portion of West Milham and two separate signs are needed in this case to identify the second building; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to advertise with adequate 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 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, discussion and materials presented at the hearing be incorporated into the record of this hearing and that action of the Board be final and effective immediately. Upon roll call vote: Byrnes-Yes, Philipp-Yes, Schau-Yes, Seyburn-Yes, Learned-Yes, Bright-Yes, Eichstaedt-Yes. The motion passed 7-0

OTHER BUSINESS: Schau inquired if it would be possible for non-officer Board members to change seating locations on the dais. Mais responded he would look into it. Learned stated there was a chance he may be moving out of town in the near future and as a result may need to resign from the Board.

STATEMENT OF CITIZENS:

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator