

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – March 13, 2017

The City of Portage Zoning Board of Appeals meeting was called to order by acting Chair Seyburn at 7:00 p.m. in the Council Chambers. Three people were in the audience.

MEMBERS PRESENT: John Byrnes, Lowell Seyburn, Alexander Philipp, Jay Eichstaedt, , Randall Schau, Scott Chu, Veronica Demaio, Natalie Rowe.

MEMBERS EXCUSED:

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

APPROVAL OF THE MINUTES: Eichstaedt moved and Schau seconded a motion to approve the December 12, 2016 minutes as submitted. Upon voice vote, the motion was approved 7-0.

NEW BUSINESS:

ZBA #16-16, Adams Outdoor Advertising, 8767 Shaver Road: Mais summarized the request for: a) a variance to retain a nonconforming nonaccessory sign that does not meet the 1,000 feet sign separation distance requirement; and b) replace the existing 242 square-foot sign with a 378 square-foot sign with electronic message display, where a maximum 300 square-foot sign is permitted. Andrea Augustine stated the variance was being requested because they wanted to erect a sign that had a standard billboard aspect ratio and also wanted a larger sign to help compensate for the almost 100 feet the sign is set back from Shaver Road. Byrnes inquired if there was a minimum separation distance a sign had to be from propane tanks. Mais stated no requirement existed under the Zoning Code. Schau inquired if the subject sign could be moved further south on the same property and meet the 1000 feet separation distance. Mais responded no. Byrnes inquired how large the nonaccessory sign was at 8722 Portage Industrial Drive and was it ever on the same parcel as the business it originally identified. Mais responded the sign was 136 square feet, and is located on a parcel that was divided when Portage Industrial Drive was built. The sign originally identified Tile Mart, which was located on the opposite side of Portage Industrial Drive and the sign was permitted as a nonaccessory sign in an industrial zone.

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

Eichstaedt inquired if additional cost was involved to make a sign that did not have a standard billboard aspect ratio. Ms. Augustine stated yes, but that cost was only one consideration, and the request was also intended to increase the sign's visibility. Schau inquired if it was possible to add a border around a sign image to help maintain the desired aspect ratio. The applicant stated it probably was possible, but was not a designer and did not know what was involved in doing so. A motion was made by Schau, seconded by Eichstaedt, to grant a) a variance to retain a nonconforming nonaccessory sign that does not meet the 1,000 feet sign separation distance requirement 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 sign received a permit and has been there for 18 years with no complaints; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to have a nonaccessory sign; 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, Rowe-Yes, Eichstaedt-Yes, Demaio-Yes. The motion passed 7-0.

A motion was made by Schau, seconded by Philipp to deny b) a variance to replace the existing 242 square-foot sign with a 378 square-foot sign with electronic message display, where a maximum 300 square-foot sign is permitted for the following reasons: there are no exceptional circumstances applying to the property

that do not apply generally to other properties in the same zoning district; the variance is not necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district in the vicinity because there are conforming alternatives such as erecting a 300 square-foot sign; the immediate practical difficulty causing the need for the variance request was created by the applicant in that they already had a 242 square-foot sign and could erect a conforming 300 square-foot sign; the variance would 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, Rowe-Yes, Eichstaedt-No, Chu-Yes. The motion passed 5-2

OTHER BUSINESS: Election of interim officers was held: Chair – Lowell Seyburn; Vice Chair – Randall Schau; Secretary – John Byrnes. Seyburn stated he would probably not be able to attend the April and May meetings.

New Board members, Scott Chu, Veronica Demaio, and Natalie Rowe were welcomed to the Zoning Board of Appeals.

STATEMENT OF CITIZENS:

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator