

# Zoning Board of Appeals

## Regular Meeting Agenda

Monday, February 23, 2015  
7:00 p.m., City Council Chambers



City of South Haven

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes – December 15, 2014
5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda
6. New Business – Arby's Restaurant Sign Variance

RWL Signs of Kalamazoo, MI is requesting a variance to replace a pole sign at the Arby's Restaurant located at 73123 CR 388 (aka 1250 Phoenix Street). The variance is required as the applicant desires to have the sign be 29 feet 10 ¼ inches in height where 20 feet is the maximum permitted. The sign is also proposed to be 185 square feet where 60 square feet is the maximum allowed. The height maximum and sign size maximum is stated in zoning ordinance section 2408-1.

7. Member Comments
8. Adjourn

RESPECTFULLY SUBMITTED,

Linda Anderson  
Zoning Administrator

South Haven City Hall is barrier free and the City of South Haven will provide the necessary reasonable auxiliary aids and services for persons with disabilities, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting to individuals with disabilities at the meeting upon seven (7) days notice to the South Haven City Hall.

# Zoning Board of Appeals

## Regular Meeting Minutes

Monday, December 15, 2014  
7:00 p.m., City Hall Basement



City of South Haven

**1. Call to Order by Lewis at 7:00 p. m.**

**2. Roll Call**

Present: Bugge, Paull, Wheeler, Wittkop, Lewis  
Absent: Boyd, Miller

**3. Approval of Agenda**

Motion by Wittkop, second by Bugge to approve the December 15, 2014 Regular Meeting Agenda as presented.

All in favor. Motion carried.

**4. Approval of Minutes – November 17, 2014**

Motion by Bugge, second by Wittkop to approve the November 17, 2014 Regular Meeting Minutes as revised.

Page 12, roll call vote for Kenneth Hogan request. Change the roll call vote to read as follows:

Yays: Paull, Wheeler, Wittkop, Lewis  
Nays: Bugge

All in favor. Motion carried.

**5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda**

There were none.

**6. New Business – None**

## 7. Unfinished Business – 310 Eagle Street variances

Anderson gave the background of this being last month's request which was continued for clarification. The original request was correct as advertised and did not need to be renoticed. The applicant's proposal is that the house will have a nine foot (9') setback where fifteen feet is required and three foot (3') setback for an open deck where a six foot (6') setback is required. Neighbors were generally in favor of the request at last month's public hearing.

Bugge questioned whether the required lot coverage is thirty-five percent (35%) or forty percent (40%). After discussion of what the lot coverage requirements are in the zone, Anderson stated that a variance is not required for lot coverage. Lewis thought that was the question last time which Bugge agreed with. After discussion regarding which zone the lot is in it was determined that the lot is in the R-1A zone which requires forty percent (40%) lot coverage, and further discussion on whether the garage square footage had been considered in the calculations. Anderson clarified that the lot coverage, including the garage, is forty-three and one-half percent (43.5%), which makes the proposed lot coverage three and one-half percent (3.5%) over the maximum.

To clarify, Wheeler noted that the two issues are the front setbacks to the drip edge and to the deck and the percentage of lot coverage.

Bugge asked about whether there are variances on the adjacent houses. Anderson noted that she did research that question and at the time those houses were issued building permits, zoning permits were not apparently issued as a separate document as they are now. The building inspector would have reviewed the zoning and if it was over must have let it go. In researching, Anderson found that the zoning on those properties was the same then as it is now. There was no evidence that a variance had been granted. Anderson explained that the adjacent houses were close so perhaps the averaging rule was used. Anderson did not find documentation regarding when the averaging rule went into effect.

Fries wondered whether the lot coverage requirement was the same then as now because 314 Eagle exceeds the lot coverage he is requesting.

The board decided that the three variances would be considered separately.

Bugge clarified the dimensions of the proposed setback as being twelve feet (12') to the existing foundation. Wheeler asked, "So the setback request is officially nine feet (9')?" which was agreed to by the board.

Bugge said she would not be comfortable with the new setback but would rather see it be similar (to match) the setback on the adjacent houses. Bugge, however, does not know whether those houses sit at the ten foot (10') line or would be less. Discussion ensued regarding the request and exactly what the applicant is asking for. Bugge stated that we are considering the setback to the house.

Lewis asked for comments on the house setback, noting that he is inclined to keep it all straight. Wittkop asked if we knew what the distance is from the street to the adjacent houses, to which Anderson said, "No." Bugge thinks it is about ten feet (10') and Anderson said it could be ten (10) feet if averaging were used, but no closer. Lewis asked for the

purpose of the motion, noting that the board does not need the measurement to make a motion.

Motion by Bugge, second by Wittkop, to grant a variance to the front of the house equivalent to the adjacent houses.

A Roll Call vote was taken:

Ayes: Bugge, Paull, Wheeler, Wittkop, Lewis  
Nays: None

Motion carried.

Lewis moved on to discussion of the deck request, which is to be within three feet (3') of the property line when the required setback is nine feet (9'). It was noted that the applicant had already removed the railroad ties. Anderson pointed out that since the structure is currently nonconforming, once the applicant took it down he would need a variance to rebuild.

Motion by Paull, second by Bugge to approve the variance as requested because it is not going to change the current footprint.

A Roll Call vote was taken:

Ayes: Paull, Wheeler, Wittkop, Bugge, Lewis.  
Nays: None

Motion carried.

Lewis suggested that regarding the lot coverage, that the house should not exceed the foundation as current. Anderson did a quick calculation regarding the setback and lot coverage, noting that if the applicant did that it would be thirty-one and thirty-six hundredths percent lot coverage (31.36%) for the house. Bugge pointed out that the applicant might come back with a different design. Lewis would like to see the numbers. Anderson stated that with the garage figured in the lot coverage would be two and eight-tenths percent (2.8%) less if the applicant took the one foot (1') off the front. Bugge would like to see the applicant just conform with the ordinance.

Motion by Bugge to deny the variance for lot coverage.

Lewis asked for support.

Hearing none, motion fails.

Lewis commented that he does not have too much problem with lot coverage approval; contingencies can always be added. For example, the applicant could build to the required coverage; they could also enclose that front. Lewis explained that a condition that could be put on the property is a requirement that the porch remain an open porch; he remembers doing that with other roof porches. Once someone did enclose such a porch and we made them rip it out.

Wittkop stated that it was at Maple and Erie Streets.

Wheeler questioned whether Lewis is thinking of giving some grace since part of it is open deck. Lewis said we can consider that.

Bugge asked what the design of the house they are going to build will be. Paull said we have to grant lot coverage of a certain percentage but we have no idea now what that is going to be. Wittkop said that lot is currently all house and no green space. Discussion ensued about concrete being open space but it is not green space.

Fries said he would agree with that to leave the upper deck open. Bugge said the open deck is not the issue. Fries clarified he is talking about the upper and lower covered porches.

Bugge noted that on the drawing it looks like the deck is about 3' from the roofline to the foundation. Bugge asked what the width of the floor from the wall of the building to the roofline. Fries noted that the measurement does not matter; the set back to the roofline is what matters.

Bugge asked for clarification of the scale of the drawing; it was noted that the drawing is not to scale but the noted measurements are accurate.

Paull observed that what the board has approved so far will send the applicant back to the drawing board for a new design, stating, "If we deny the request for the variance on lot coverage, he has to go back and redesign his house, and then wait to come back to us in a year. We don't want that."

Lewis asked about continuing this request until a design is submitted. Paull stated that the request should not be continued but tabled, because if the applicant complies with the current required lot coverage he will not have to come back, and he won't have to wait a year because we denied it.

Motion by Paull, second by Wittkop to table any action on the lot coverage variance request.

Paull noted to Fries that when he gets a new design he should bring it in to Anderson. If the design complies with the forty percent (40%) limit then a variance will not be needed. Bugge noted this does not mean that the applicant would automatically be granted a variance if he came back with more than 40% within the year.

All in favor. Motion carried.

## **8. Member Comments**

Bugge: Happy Holidays, Merry Christmas, Happy New Year, etc.

Wittkop: Will it snow?

Paull: None

Wheeler: None

Wittkop: None

Lewis: None

## **8. Adjourn**

Motion by Paull, second by Wheeler to adjourn at 7:35 p. m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary



## Agenda Item #6 Sign Height and Area Variance

City of South Haven

**Background Information:** The applicant (RWL Signs for Arby's Restaurant) seeks to replace an existing freestanding sign with a new sign that will exceed the height limit and area limit as required in the Corridor Zoning Overlay Ordinance. The proposed height will exceed the limit (20 feet) by 9 feet 10 ¼ inches and the area of the sign face will be 185 square feet where 60 square feet is the limit.

**Recommendation:** Staff recommends that the ZBA members review the application, staff findings of fact and the physical property before making a determination on the variance. The ZBA should also consider the intent of the Corridor Overlay Zoning Ordinance and the effect of their decision on that ordinance. The members must find that the request complies with all standards of zoning ordinance section 2205 to approve a variance.

**Support Material:**

- Application
- Variance Request Replies (to Section 2205)
- Proposed sign images
- Aerial view of property
- Property measurements
- Staff Findings of Fact

**ZONING VARIANCE REQUEST**  
**CITY OF SOUTH HAVEN**  
**BUILDING DEPARTMENT**  
539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090  
FOR INFORMATION CALL 269-637-0760

**NOTE: Incomplete applications will not be processed. A fee of \$300 will be required at the time the application is submitted.**

Name: RWL Signs Date: 1/30/15

Address: 6185 W KL Ave, Kalamazoo, MI 49001 Phone: (269) 372-3629

Address of Property in Question: Arby's # 6697, 73123 County Rd 388, South Haven, MI 49090 Present Zoning of Property: B4 (M-43/1-196 Overlay)

Name of Property Owner(s): Net Lease Funding 2005 c/o American Realty Capital Contact: Rich Lucarini (215) 449-3635

Dimensions and area of property: See attached site plan

Dimensions of all buildings on the property ( also shown on a diagram) 80'-9" x 42'-9"

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Setback measurements of all structures on the property (also shown on diagram)

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Pylon sign is 75' from curb on Phoenix Rd

Present Zoning of Neighboring Properties to the :

North B4 (M-43/1-196 Overlay) South B4 (M-43/1-196 Overlay) East B4 (M-43/1-196 Overlay) West B4 (M-43/1-196 Overlay)

Which Sections of the South Haven Zoning Ordinance are you requesting a variance from? Please indicate Section and Paragraph numbers. (City staff will help determine which variance(s) are required).

Section(s): 2400

Under Article XXII, Section 2205 of the South Haven Zoning Ordinance, the Zoning Board of Appeals may not grant a variance from the regulations within the Ordinance unless certain conditions exist. No variance in the provisions of this Ordinance shall be authorized unless the Board finds, from reasonable evidence, that all of the following standards have been met:

1. Such variance will not be detrimental to adjacent property and the surrounding neighborhood.

2. Such variance will not impair the intent and purpose of this Ordinance.

3. Exceptional or extraordinary circumstances or conditions apply to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning district. Such circumstances shall create a practical difficulty because of unique circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property. See Section 2204(2).

4. Such 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 possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

5. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

6. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, shall not be the result of actions of the property owner. In other words, the problem shall not be self-created.

7. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.



## City of South Haven Zoning Variance Request Question Replies

*The goal of filing this variance is to keep the existing 29'-10 ¼" height of our pylon sign instead of reducing it to 20' as called for in Section 2400. We are planning an updated, newer sign image to replace our older, dated sign (see attached design drawings). Being that the sign is located 75' from Phoenix Road and that we have an 8' elevation drop from that grade, we feel we need this variance secured so as to maintain visibility and increase driver safety for those trying to access our business.*

1. No. The existing sign has been in place for many years and has not been a detriment to neighboring properties or businesses. If anything, the new, fresh Arby's signage and remodel will help promote more traffic. This would have a positive residual effect on neighboring properties.
2. No. Keeping the existing height of the pylon with the new, fresh image will enhance the quality and compatibility in this zoning district. Area A's intent is to draw large retailers who need highway access to this zone. Arby's will be a complementary neighbor and business to these types of retailers. An appropriately sized pylon will help with the success of the previous statement. The same size pylon will also help promote safe and efficient movement of traffic along the M-43/I-196 Business Loop as motorists will not need to overly search for the Arby's restaurant by having a pylon sign reduced in height.
3. Yes, extraordinary circumstances apply that create a practical difficulty. Because the property is in a lower lying area than Phoenix Road, it is less visible than other neighboring properties. The restaurant is located 125' from Phoenix Road while other neighbors are closer to the road. The pylon sign itself is located 8' below grade of Phoenix Road. The restaurant and

sign are not easily visible to motorists passing the property. Reducing the existing height of the sign would accentuate said practical difficulty.

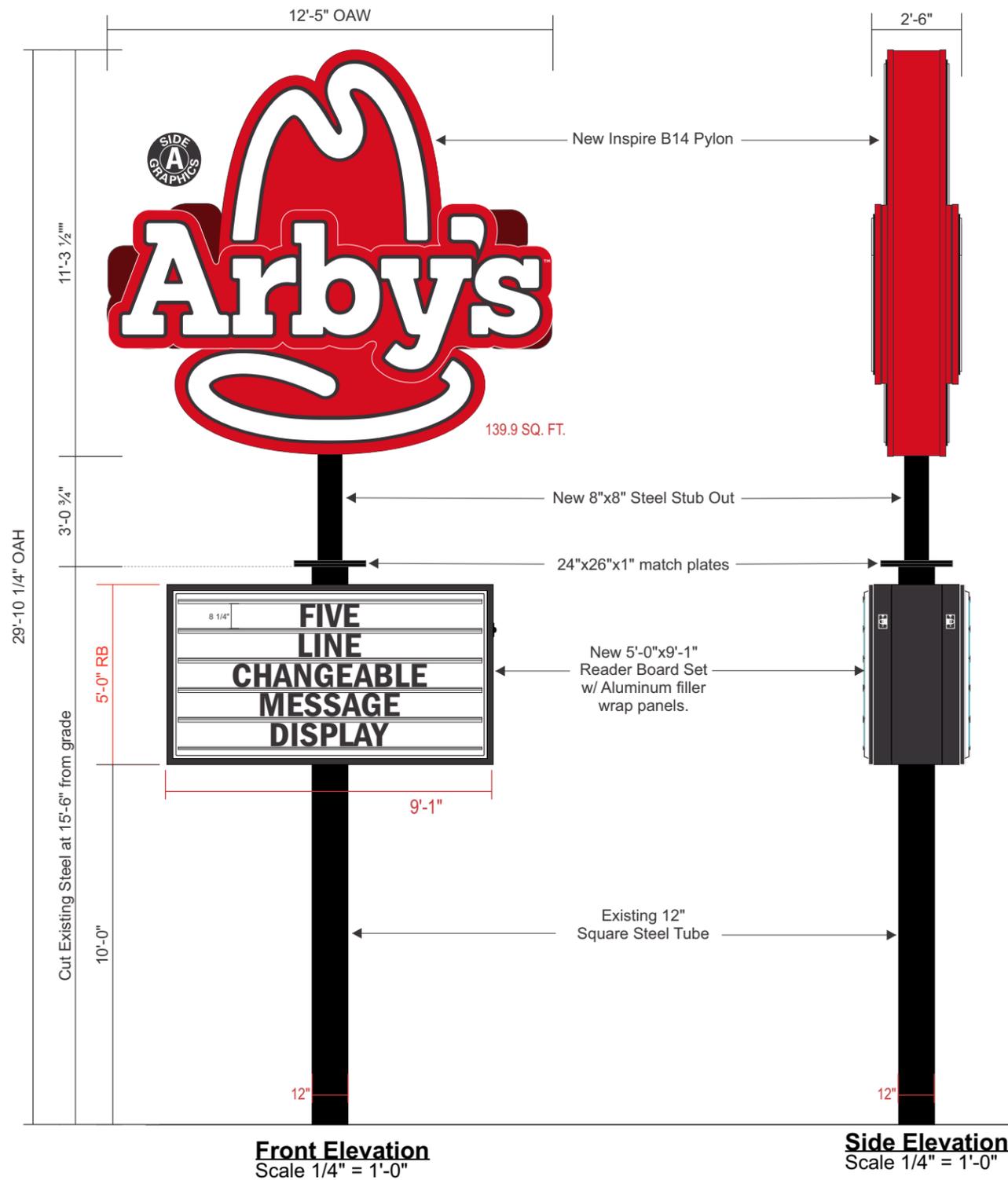
4. Yes, this variance is necessary. Several neighbors in the same zone have pylon and ground signs that are higher than the existing pylon sign on our property. Arby's would like to share the same property right that these existing neighbors possess.
5. No. This variance should be considered a special situation. Many of the neighbors and properties in this zone do not have the topographical disadvantage that this property exhibits.
6. No. All of the previously mentioned factors that contribute to this property's special situation are not a result of the property owner's actions. The intended use of said property, restaurant retail, is not changing.
7. Conformity to the 20' OAH of our pylon would be unnecessarily burdensome. Any reduction in existing height would only impair motorists' ability to locate the Arby's restaurant. Considering all of the aforementioned factors in this application and the height of neighboring properties' signs, reducing the height of our existing Arby's sign should be considered unnecessarily burdensome.
8. Yes. As stated previously, the existing height is not a detriment to neighboring properties. Arby's is not requesting increasing the overall square footage in comparison to our existing sign. Arby's is not requesting an increase in height to the existing sign. Given the previous information in this application, Arby's feels the granting of this variance would be the minimal resolution to offset the inherent inequality of this particular property.
9. This variance will only relate to the above property owned by Arby's Restaurant Group, Inc.



#6697 - 73123 County Rd 388  
South Haven, MI 49090  
*Proposed*  
January 22, 2015



February 23, 2015  
ZBA Regular Meeting Agenda



- Existing Pylon head and Reader Boards & 'Open Late' sign to be removed.
- Existing 12" Square steel supports to be cut to 15'-6" tall from grade.
- New 24"x26"x1" Match plate to be welded to existing steel & Bolted to 24"x26"x1" Match plate welded to 8" stub out from Pylon Head.
- New 5'x9'-1" Reader Board set with aluminum filler wrap panel to be installed on existing 12" Steel.
- New 'Inspire' B-14 Pylon head to be installed.
- All remaining steel to be scraped, sanded, and painted (matte black.)

**8" MODERN FONT PACKAGE**

1. MODERN LETTERS & NUMERALS
2. BLACK, 352 CHARACTERS
3. 8" CHARACTER SIZE
4. CHANGER ARM W/ REGULAR CUP
5. STORAGE CABINET



**Existing Conditions**  
NTS



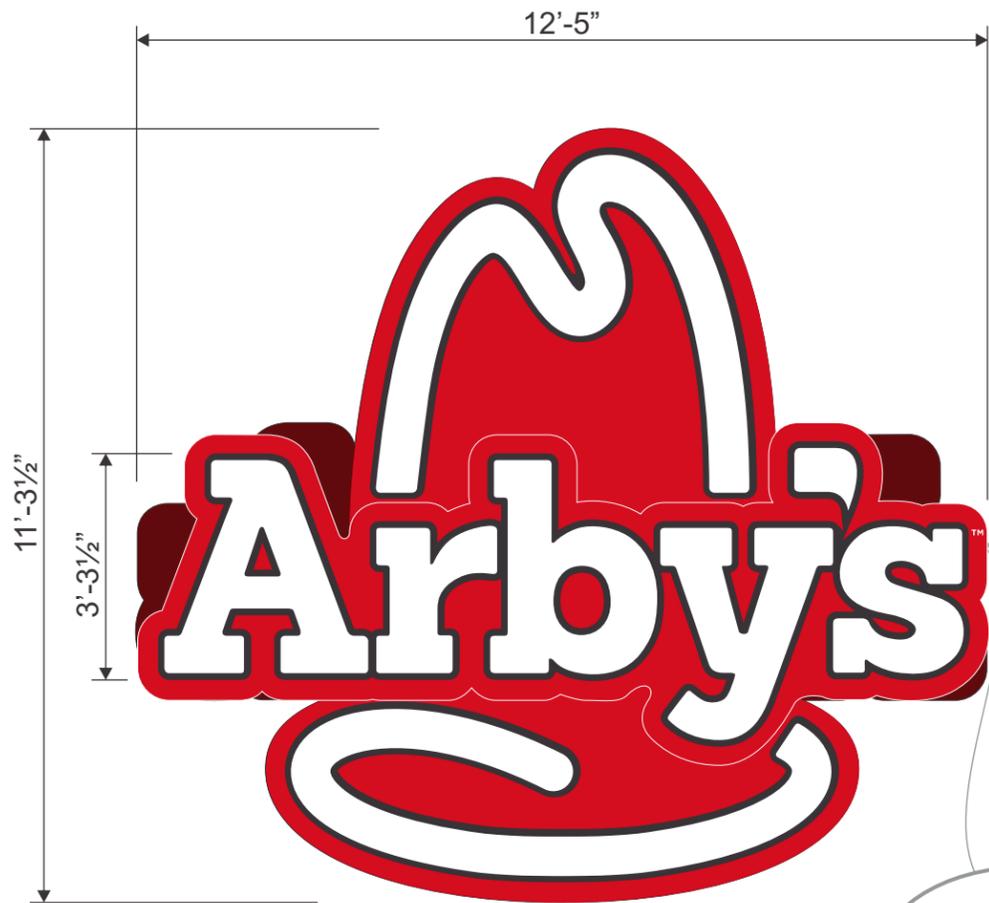
Client Review Status	Notes	Date / Description	Project Information
<input type="checkbox"/> Approved <input type="checkbox"/> Approved as Noted <input type="checkbox"/> Revise & Resubmit		01/22/15 Issue Date	Client <b>Arby's # 6697</b>
Name _____		1	73123 County Rd 388
Title _____		2	South Haven, MI 49090
		3	File <b>South Haven MI_Arbys-C 3061</b>
		4	Sales Design <b>JL</b> PM <b>SB</b>

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Corporate Identity Programs

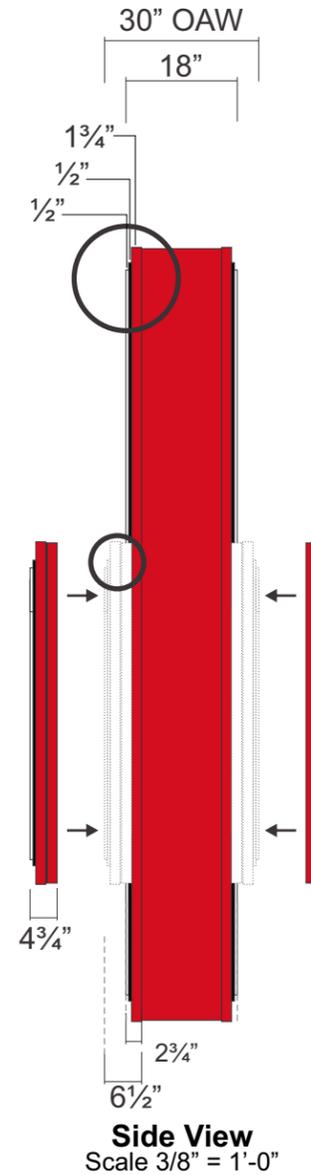
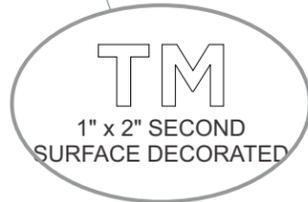
**Architectural Signage Division**  
4100 Sheraton Court, Greensboro, NC 27410  
Phone 888-294-2007 Fax 336-294-4333

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February 23, 2015  
ZBA Regular Meeting Agenda



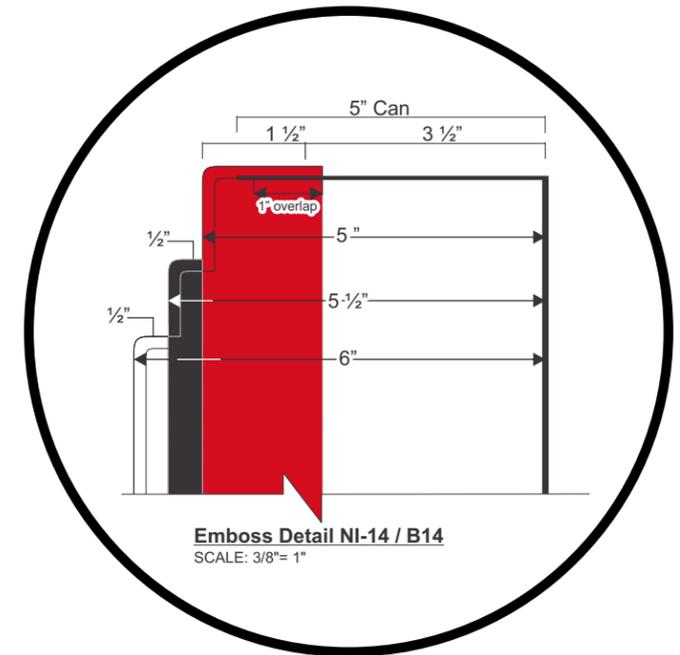
**Front Elevation - B14**  
Scale 3/8" = 1'-0"

Formed Polycarbonate  
"Cloud" Faces,  
2nd Surface Decoration,  
Aluminum D/F Cabinet,  
LED Illumination

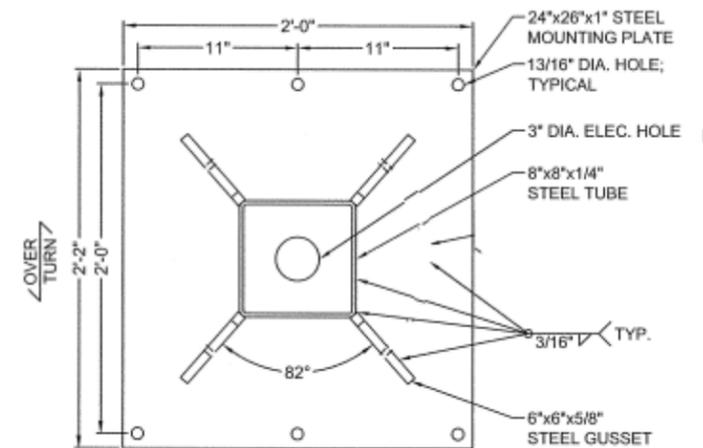


**Side View**  
Scale 3/8" = 1'-0"

Arby's Red  
Aluminum Filler  
to Wrap Overall  
Hat Shape



**Emboss Detail NI-14 / B14**  
SCALE: 3/8" = 1"



PLAN VIEW OF MOUNTING PLATE DETAIL

**Project Colors:**

- Arby's Translucent Red
- White
- Black

**Arby's Translucent Red  
Paint Specification:**  
AKZO  
SIGN 20643  
ARBY'S RED  
142701301  
\*5 COATS / NO WHITE



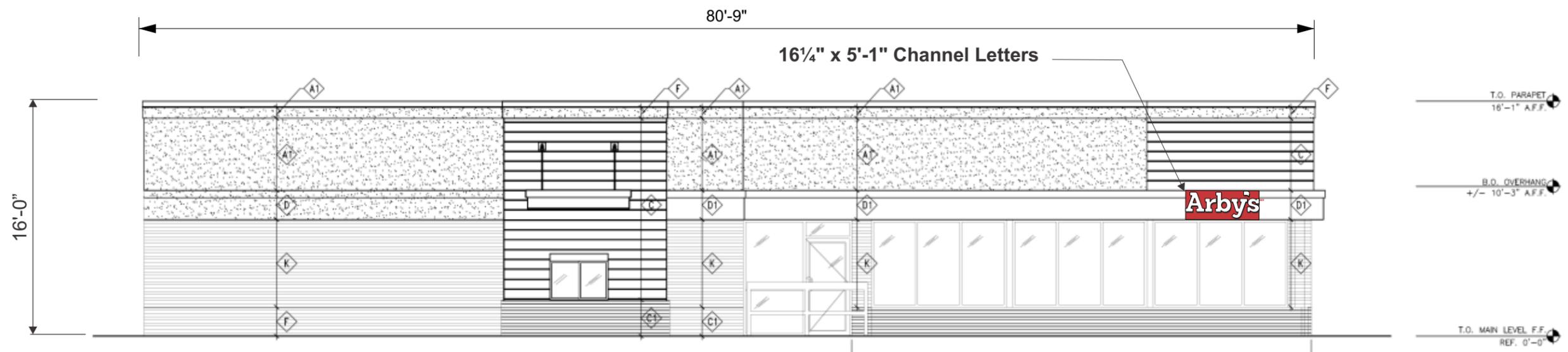
Client Review Status	Notes	Date / Description	Project Information
Allen Industries, Inc. requires that an "Approved" drawing be obtained from the client prior to any production release or production release revision.		01/22/15 Issue Date	Client <b>Arby's # 6697</b>
<input type="checkbox"/> Approved <input type="checkbox"/> Approved as Noted <input type="checkbox"/> Revise & Resubmit		1	73123 County Rd 388
Name _____		2	South Haven, MI 49090
Title _____		3	File <b>South Haven MI_Arbys-C 3061</b>
		4	Sales _____ Design <b>JL</b> PM <b>SB</b>

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February 23, 2015



**East (Left Side) Elevation**  
Scale: 1/8" = 1'-0"



Client Review Status	Notes	Date / Description	Project Information
<input type="checkbox"/> Approved <input type="checkbox"/> Approved as Noted <input type="checkbox"/> Revise & Resubmit		<b>01/22/15 Issue Date</b> 1 2 3 4	Client <b>Arby's # 6697</b> 73123 County Rd 388 South Haven, MI 49090 File <b>South Haven MI_Arbys-C 3061</b> Sales Design <b>JL</b> PM <b>SB</b>

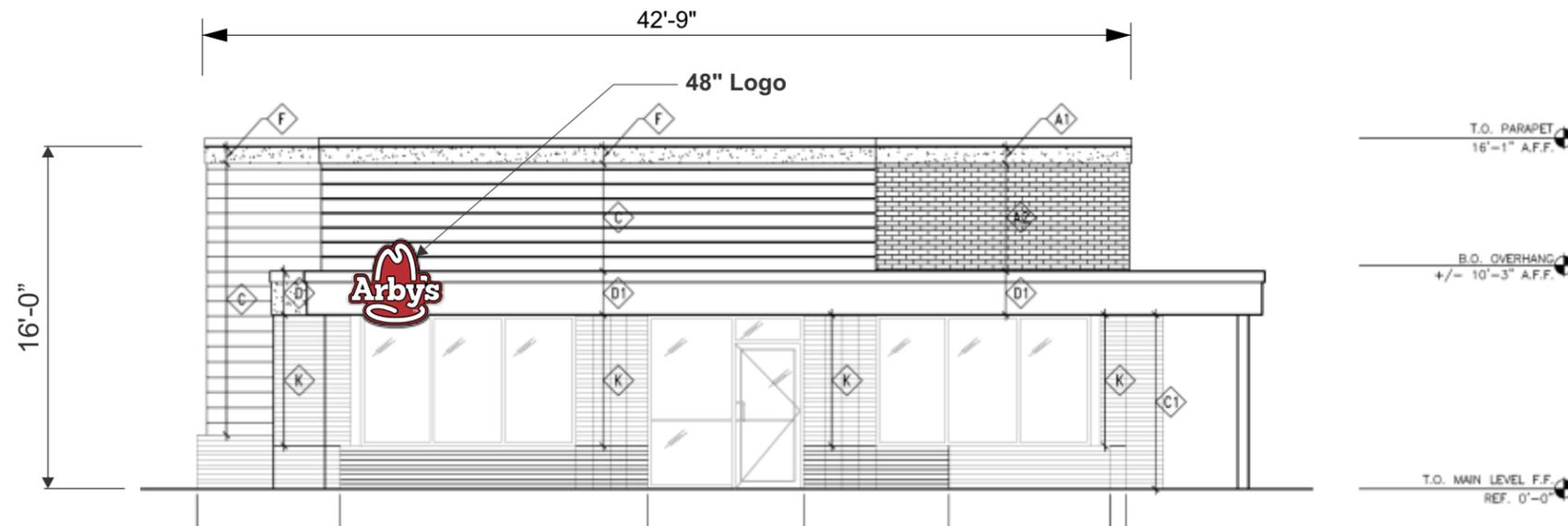
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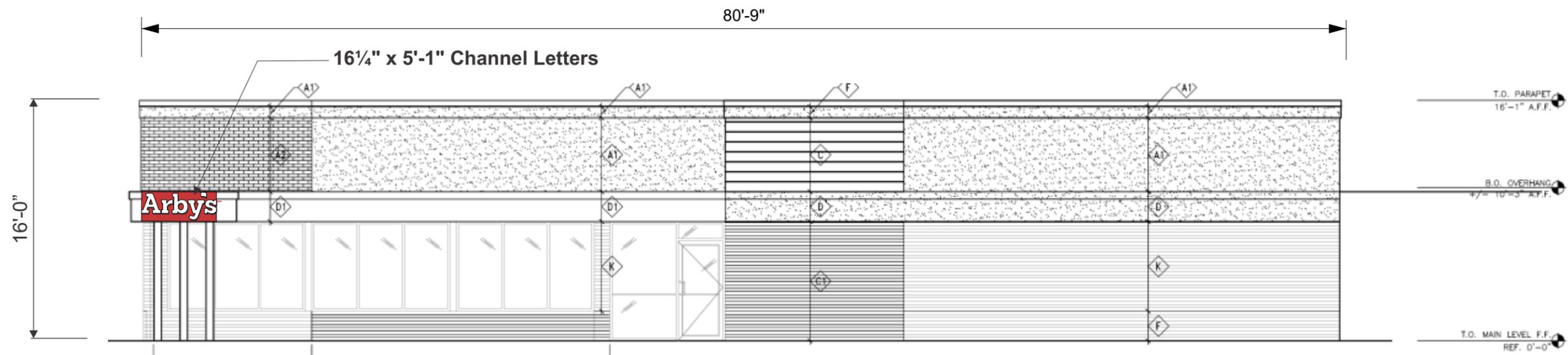
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February 23, 2015

ZBA Regular Meeting Agenda



**North (Front) Elevation**  
Scale: 1/8" = 1'-0"



**West (Right Side) Elevation**  
Scale: 1/8" = 1'-0"



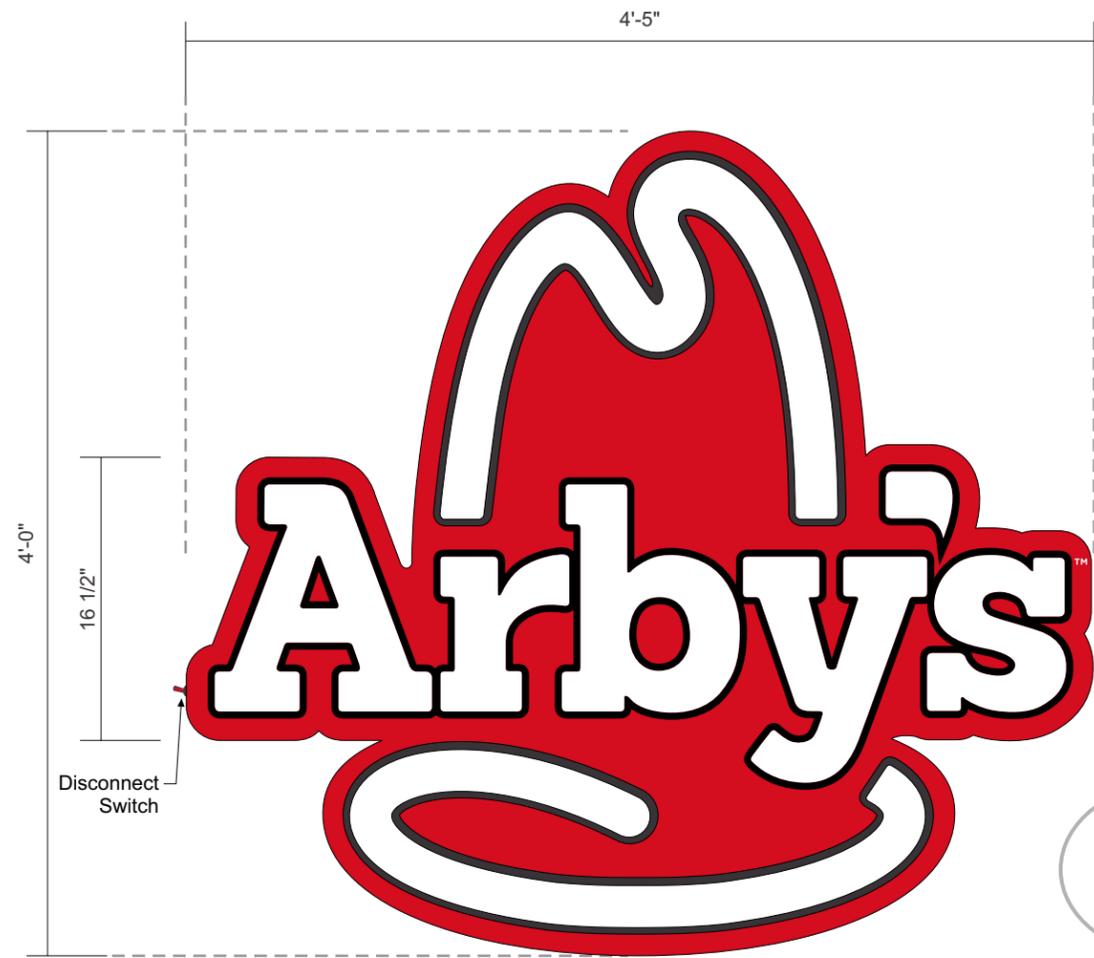
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**FRONT VIEW**  
SCALE: 3/32" = 1"

17.67 sq.ft.

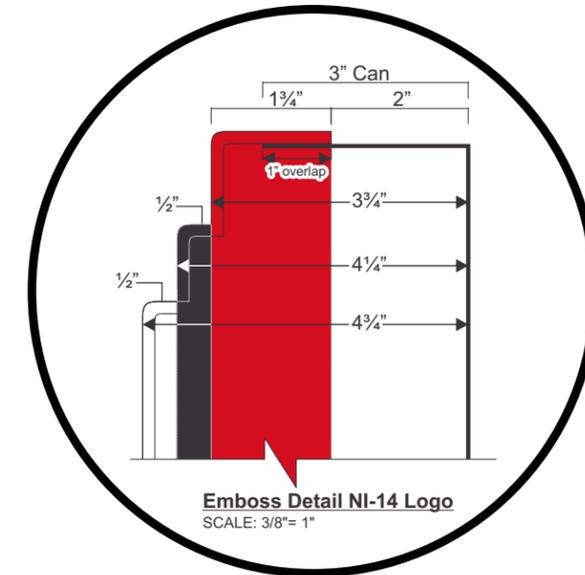
**GENERAL SPECIFICATIONS:**

WALL SIGN TO BE 4 3/4" D, 3" FABRICATED ALUMINUM CONSTRUCTION, FACE TO BE FORMED 3/16" CLEAR POLYCARBONATE WITH EMBOSSED GRAPHICS. FACE TO BE SECOND SURFACE DECORATED TRANSLUCENT IN PROJECT COLORS. ILLUMINATION PROVIDED BY WHITE LEDS WITH REMOTE POWER SUPPLIES AND EXTERNAL DISCONNECT SWITCH. MOUNT WITH MECHANICAL FASTENERS AS REQUIRED PER WALL CONDITIONS (EIFS REQUIRES THE USE OF SPACERS).

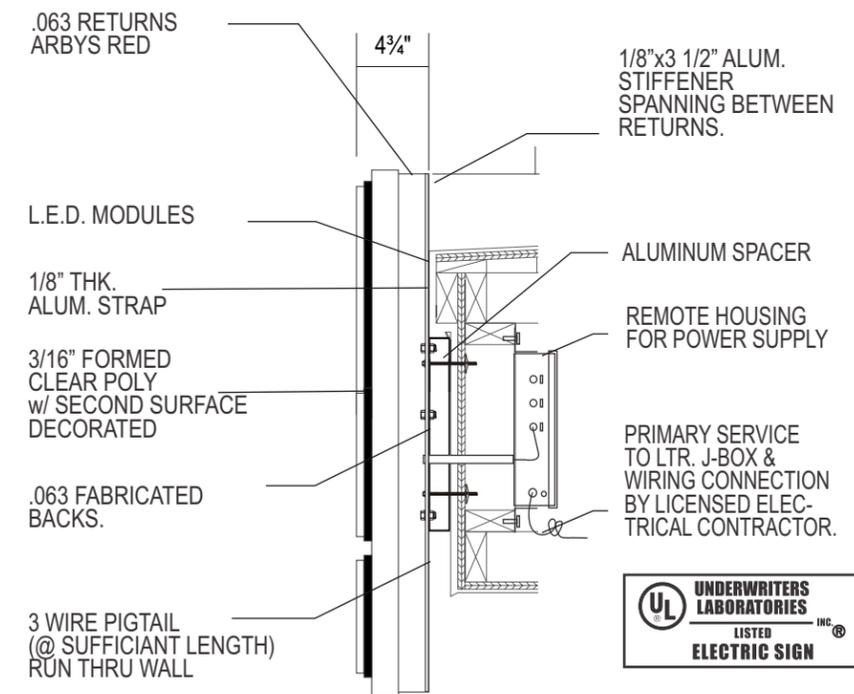
**Project Colors:**

- Arby's Translucent Red
- White
- Black

**Arby's Translucent Red Paint Specification:**  
AKZO  
SIGN 20643  
ARBY'S RED  
142701301  
\*5 COATS / NO WHITE



**Emboss Detail NI-14 Logo**  
SCALE: 3/8" = 1"



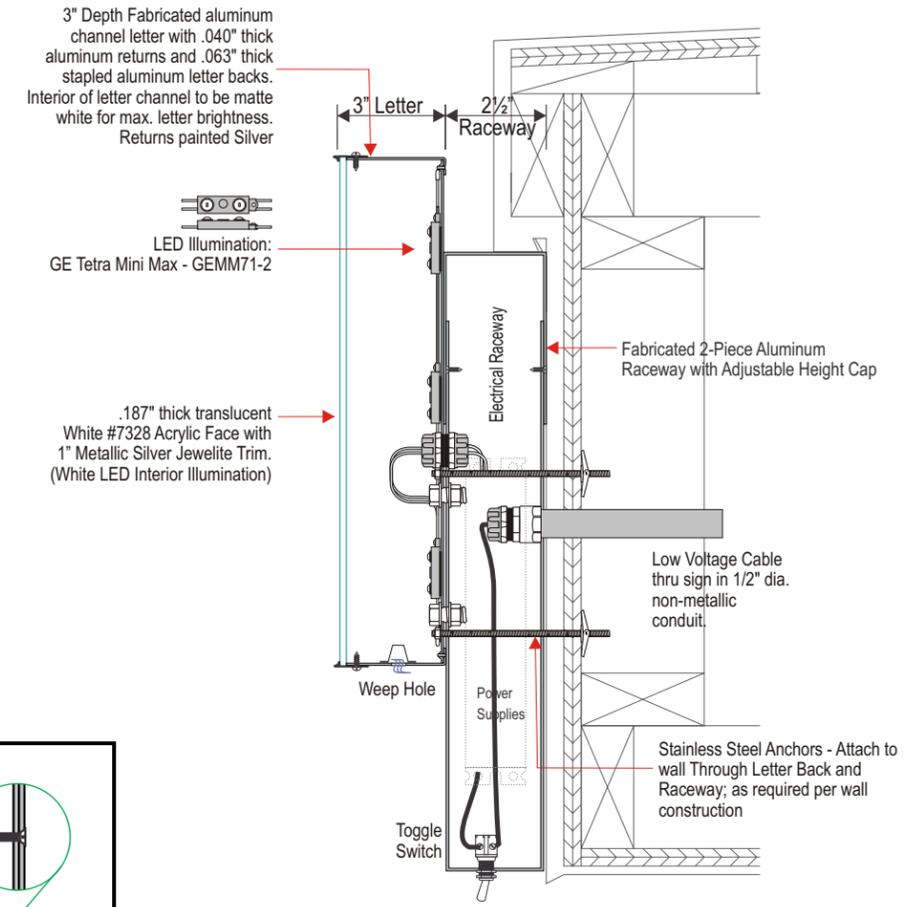
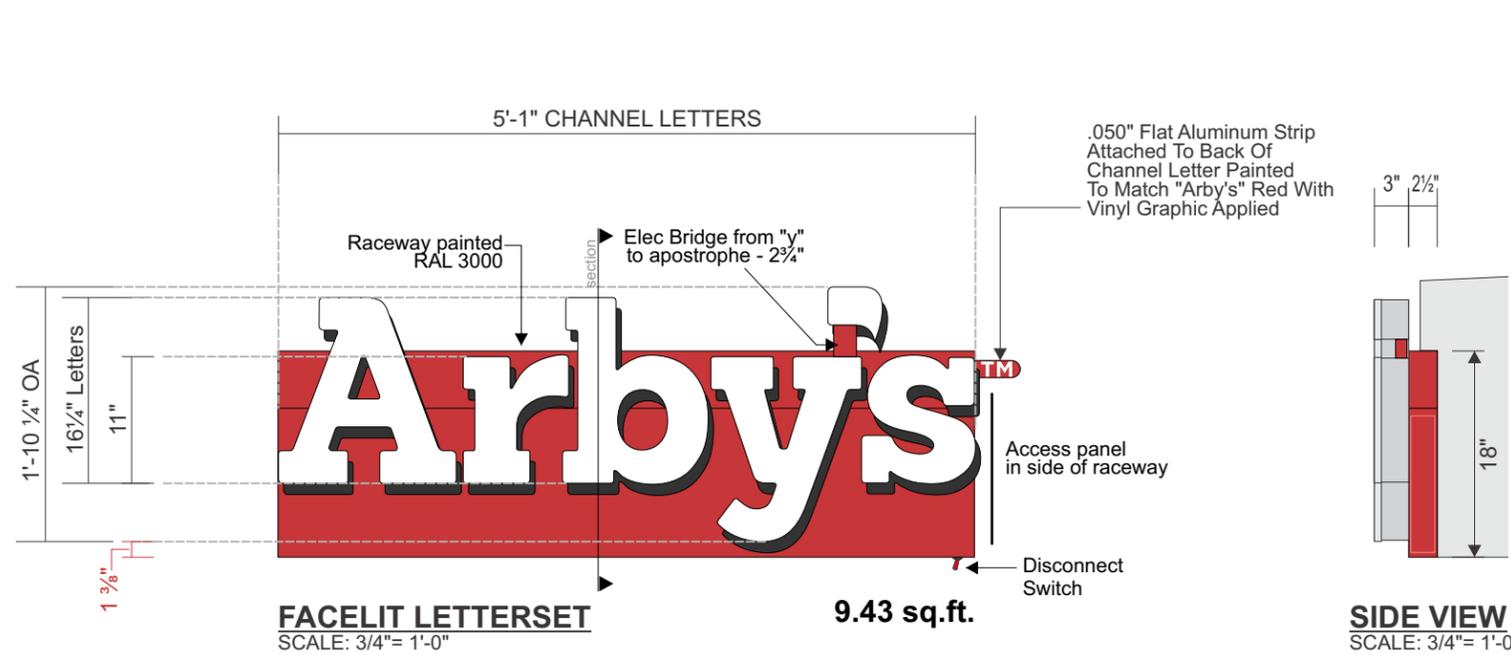
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<input type="checkbox"/> <b>Approved</b> <input type="checkbox"/> <b>Approved as Noted</b> <input type="checkbox"/> <b>Revise &amp; Resubmit</b>		1	73123 County Rd 388
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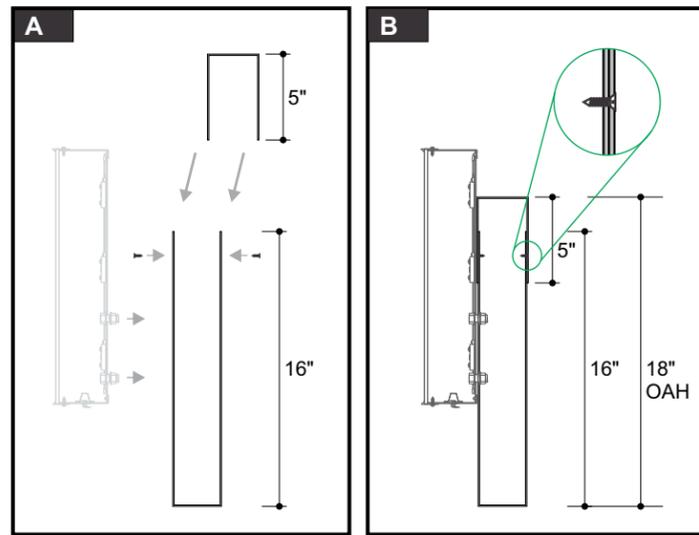


### GENERAL SPECIFICATIONS:

- LETTERSET**
- LETTERSET TO BE .040" RETURNS STAPLED TO .063" BACKS.
  - FACES TO BE 3/16" THICK, #7328 WHITE ACRYLIC WITH 1" METALLIC SILVER JEWELITE TRIM.
  - RETURNS TO BE PROGRAM SILVER.
  - ILLUMINATION PROVIDED BY GE WHITE LED (GEWHMMS8).
  - LETTERSET TO MOUNT TO 2 1/2" DEEP FABRICATED 2-PIECE BACKER PANEL / RACEWAY PAINTED (RAL 3000) TO MATCH SIGNBAND. UPPER (5"H) PORTION OF RACEWAY TO CAP OVER LOWER (16"H) PROVIDING ADJUSTABILITY IN INSTALLED HEIGHT FROM 16"H TO 20"H. ACCESS PANEL ON SIDE FOR MAINTENANCE.
  - RACEWAY TO BE ATTACHED TOGETHER AT PROPER HEIGHT PRIOR TO INSTALLATION.
  - MOUNTED TO EXISTING FACADE WITH APPLICABLE FASTENERS.

**Project Colors:**

- Arby's RAL 3000
- White
- Arby's Program Silver



**2 PART RACEWAY:**  
 Upper portion to cap over lower and be mechanically fixed into place at install site to ensure that completed raceway completely fills fascia below "eyebrow". Raceway height is adjustable from 16"H to 20"H.  
 \*Letterset is pre mounted to raceway prior to shipping.

FILE NUMBER: E18202

ELECTRIC SIGN

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

GROUNDING ELECTRICAL CONNECTIONS

**Letter Construction Detail - Scale 3/16" = 1"**

03/14/2014 ID:  
 RO #:  
 Product: GGBC P3  
 Make:  
 ColorCode:  
 Akzo Code: ral3000  
 Color Map:  
 Rev Date: 03/14/2014  
 Liters Reqd: 1.00  
 Liters Done: 1.00

80	476.1 g
110	76.2 g
239	111.3 g
455	122.3 g
231	248.3 g

AKZO Paint Code for RAL-3000



Client Review Status	Notes	Date / Description	Project Information
<input type="checkbox"/> Approved <input type="checkbox"/> Approved as Noted <input type="checkbox"/> Revise & Resubmit		01/22/15 Issue Date	Client <b>Arby's # 6697</b>
Name _____		1	73123 County Rd 388
Title _____		2	South Haven, MI 49090
		3	File <b>South Haven MI_Arbys-C 3061</b>
		4	Sales _____ Design <b>JL</b> PM <b>SB</b>

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**Allen Industries**  
 Corporate Identity Programs  
 Architectural Signage Division  
 4100 Sheraton Court, Greensboro, NC 27410  
 Phone 888-294-2007 Fax 336-294-4333  
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 February 23, 2015  
 ZBA Regular Meeting Agenda

Note - Existing cabinet corner radius TBD.



**ELEVATION - D/F DIRECTIONAL SIGN**  
SCALE: 3/4"=1'-0" 3.854 SQ. FT.

**SIDE VIEW**  
SCALE: 3/4"=1'-0"



**EXISTING CONDITIONS**  
NTS



**GENERAL SPECIFICATIONS:**

**FACE:** .177 CLEAR ACRYLIC, PANFORMED.  
BACKGROUND TARBY'S TRANSLUCENT RED,  
WITH WHITE HAT, & COPY.  
ALL SECOND SURFACE.

<b>Project Colors:</b>		<b>Arby's Translucent Red Paint Specification:</b> AKZO SIGN 20643 ARBY'S RED 142701301 *5 COATS / NO WHITE
	Arby's Translucent Red	
	White	



Face A



Face B

**FACE REPLACEMENT MESSAGES**

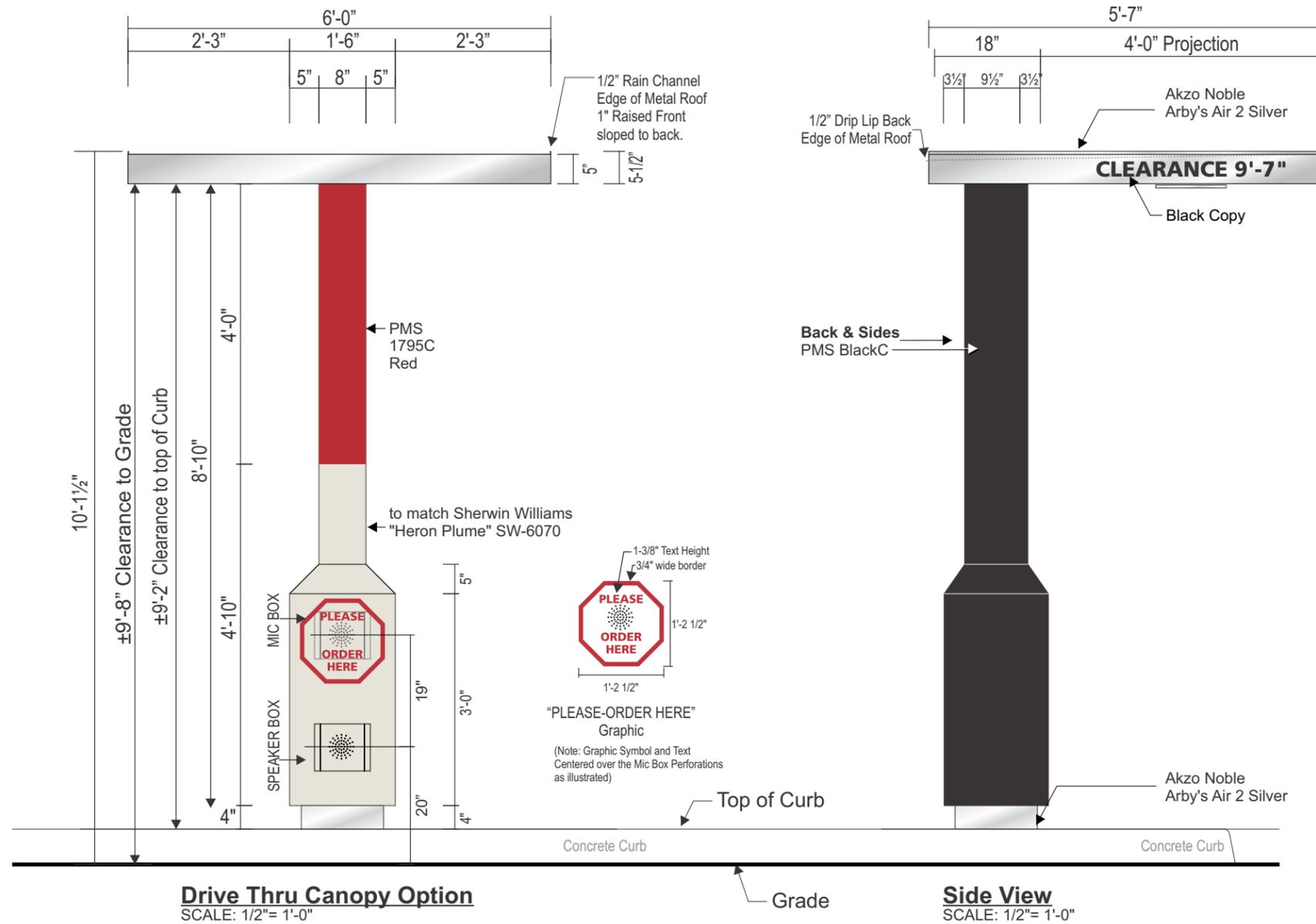
SCALE: 3/4"=1'-0"



Client Review Status	Notes	Date / Description	Project Information
Allen Industries, Inc. requires that an "Approved" drawing be obtained from the client prior to any production release or production release revision. <input type="checkbox"/> Approved <input type="checkbox"/> Approved as Noted <input type="checkbox"/> Revise & Resubmit		01/22/15 Issue Date	Client <b>Arby's # 6697</b>
Name _____		1	73123 County Rd 388
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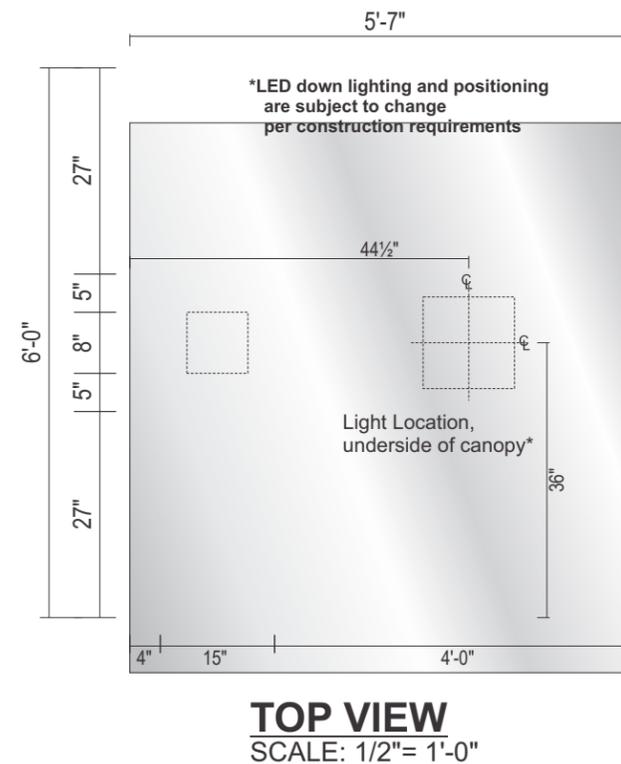


### Project Colors:

- Arby's Program Red - Opaque  
3M Cardinal Red 3630/7725-53
- PMS BlackC  
3M Black 7725-12
- Akzo Noble  
Arby's Air 2 Silver
- to match Sherwin Williams  
"Heron Plume" SW-6070

12/04/2014	ID:
RO #:	
Product: GGBC P3	
Make:	
ColorCode: 3M230-53	
Akzo Code: arbys red	
Color Map: 501D4	
Rev Date: 03/13/2013	
Liters Reqd: 0.30	
Liters Done: 0.30	
80	140.0 g
120	13.4 g
348	29.3 g
726	47.4 g
231	74.3 g

**AKZO Paint Code for Arby's Opaque Red**



Client Review Status	Notes	Date / Description	Project Information
<input type="checkbox"/> Approved <input type="checkbox"/> Approved as Noted <input type="checkbox"/> Revise & Resubmit		01/22/15 Issue Date	Client <b>Arby's # 6697</b>
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FILE NUMBER: E18202

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PHOENIX ST

PRIVATE DR

PHOENIX ST

PHOENIX ST

73RD ST

S 1796 HWY EXIT 20 OFF RAMP

73RD ST

S 1796 HWY EXIT 20 ON RAMP

73RD ST

### 2011 ORTHO AERIAL MAPS

Showing Parcel Lines and Labels



2011 Digital Orthophotographs

The original photographs displayed here were taken in the spring of 2011. The 'best resolution' of these images is 0.5 feet per pixel.

Digital ortho photography consists of images processed by computer to remove the distortions caused by tilt of the aircraft and topographic relief in the landscape. These images are properly scaled and located in the state plane coordinate system (NAD83) thus giving them similar characteristics of a map.




-  2011 Digital Orthophotograph
-  Municipal Name
-  Municipal Border
-  Railroads
-  Public Roads
-  Property Lines
-  Subdivision Lines
-  Condominiums Lines

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Van Buren County Community Information Center



Parcel 80-53-620-053-00

Close This Window

Van Buren County Property Information

If you have Questions or find Incorrect Information Send an Email.

**Jurisdiction:** South Haven City  
**Plate Number:** B853

**Owner Name:** NET LEASE FUNDING 2005 LP  
**Parcel Address:** 1250 PHOENIX ST  
SOUTH HAVEN, MI 49090  
**Mailing Address:** 1155 PERIMETER CENTER WEST 11 FLOOR  
ATLANTA, GA 30338

Property Information

**School District:** 80010  
**Current Property Class:** 201  
**Current Assessment:** \$170,500  
**Previous Assessment:** \$170,500  
**Taxable Value:** \$170,500  
**Homestead %:** 0%  
**Calculated Acreage:** 0.9

Legal Description

B853 11-1-17 845-419 859-470 1435-970 COM AT N1/4 PT OF SEC, TH S88D2'20"W ON N SEC L 399.92' (ALSO REC'D AS S88D6'17"W 400'), TH S0D22' 20"E 124.54' (ALSO REC D AS S0D22'E 125' TO BEG, TH CON S0D22'20"E (ALSO REC'D AS S0D22'E) 200', TH N88D6'17"E 294.78' TO WLY L OF 73RD ST, TH NLY ALG SD WLY L TO A PT N88D6'17"E OF BEG, TH S88D6' 17"W 99.45' TO BEG. SUBJECT TO EASEMENT. UNPLATTED FORMER TWP. NO. 70-B1, 80-17-011-013-10.

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# STAFF FINDINGS OF FACT

## CITY OF SOUTH HAVEN ZONING BOARD OF APPEALS

**DATE:** February 23, 2015  
**ADDRESS:** 73123 CR 388  
**ZONING DISTRICT:** B-4 Highway Commercial w/Overlay Zoning  
**LOT DIMENSIONS:** 96' on Phoenix; sides 201' (w) and 277' (e); 293 rear (s)  
**LOT AREA:** 39,204 square feet (.9 acres)  
**LOT COVERAGE:** N/A in the B-4 zone  
**REQUIRED SETBACK FOR SIGN:** 2 feet from property line

**PROPOSED SETBACK:** 12 feet from front (Phoenix) and side (73<sup>rd</sup> St) property lines. Distance from Phoenix Street curb will be 75 feet.

**VARIANCE REQUEST:** The applicant seeks to replace the existing freestanding sign with a new sign that will exceed the height limit and area limit as required in the Overlay Zoning Ordinance. The proposed height will exceed the limit (20 feet) by 9 feet 10 ¼ inches and the area of the sign face will be 185 square feet where 60 square feet is the limit.

### DIMENSIONAL VARIANCE STANDARDS

City of South Haven Zoning Ordinance Section 2205:

1. Such variance will not be detrimental to adjacent property and the surrounding neighborhood.

**This is a commercial location with many signs which exceed the height and size requirements. It is, however, the intent of the Overlay Zoning District to phase out these tall signs and replace them with signs at an appropriate height for motoring traffic considering the existing speed limit.**

2. Such variance will not impair the intent and purpose of this Ordinance.

**This property is in the B-4 Highway Business Zone but is also included in the Corridor Overlay Zone. The purpose of the overlay zone is “to enhance the quality and compatibility of development, to establish consistent design guidelines, to encourage the most appropriate use of lands, to promote the safe and efficient movement of traffic and preserve property values along the M-43/I-196 Business Loop through the City”. As stated above, it is the intention of the city to, over time, eliminate the tall and oversized signs with signs that are more aesthetically pleasing at this entrance to the city. Allowing this applicant to continue the practice of oversized signs is counter to the intent of both the ordinance and the city.**

3. Exceptional or extraordinary circumstances or conditions apply to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning district. Such circumstances shall create a practical difficulty because of unique circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property. See Section 2204(2).

**Staff does not find exceptional or extraordinary conditions as far as lot size or configuration within this neighborhood. The applicant states in his narrative that**

**there is a problem with the topography of the site but does not present evidence to support that claim.**

4. Such 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 possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

**The applicant states in his application that his need for the variance is based on other businesses in the neighborhood having taller signs. As stated above, it is the intent of the city that all of these large signs will be eventually replaced with smaller signs.**

5. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

**There has already been a new general regulation adopted to address the signs in this area (3.8.2013). The ZBA needs to consider whether to uphold that regulation.**

6. The condition or situation of the specific piece of property or of the intended use of said property, for which the variance is sought, shall not be the result of actions of the property owner. In other words, the problem shall not be self-created.

**The problem is self-created in that the applicant is choosing to replace the existing sign thereby bringing the new ordinance regulations into play.**

7. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

**Without the requested variance, the applicant would still be able to renovate the building and have a sign. The ZBA will need to determine whether the applicant's desire for a larger sign outweighs the regulations and places an unnecessary burden on the owner.**

8. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship. **Staff does not find an inequality with this property or unnecessary hardship in compliance with the existing regulations.**

9. That the variance will relate only to property under the control of the applicant.

**The variance request only involves the property owned by the applicant.**