Zoning Board of Appeals

Regular Meeting Agenda

Monday, March 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** – March 2, 2015
5. **Interested Citizens in the Audience Will be Heard on Items Not on the Agenda**
6. **New Business – Civica Engineering Variance Requests**

   Tim Woodhams, representing Civica Engineering of Portage, MI, is requesting variances from two (2) sections of the zoning ordinance as part of an application to refurbish the building and site at 237 Broadway Street (formerly Save-a-Lot grocery store). One variance is requested from zoning ordinance section 1709 which details landscaping requirements. The second variance request relates to zoning ordinance section 1800, Parking. The ordinance requires 114 parking spaces and the applicant is proposing 66 vehicle parking spaces and 18 bicycle parking spaces.
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, March 2, 2015
7:00 p.m., Basement

City of South Haven

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

2. **Roll Call**

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

3. **Approval of Agenda**

   Motion by Wittkop, second by Wheeler to approve the regular meeting agenda as presented.

   All in favor. Motion carried.

4. **Approval of Minutes** – December 15, 2014

   Per an email from Bugge, "Add the word *setback* after the word *front* to the motion regarding 310 Eagle Street."

   Motion by Wittkop, second by Boyd to approve the December 15, 2014 regular meeting minutes as amended.

   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 – 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.

VandenBosch noted there are two variance requests and enumerated them as stated above.

Motion by Boyd, second by Wheeler to open the public hearing.

All in favor. Motion carried.

Andy Goldberg, Project Manager, R & L Sign Company, 6185 West KL Avenue, Kalamazoo. Noted the height of the current sign is twenty-nine feet (29') ten and one quarter inches (10.25") and stated that they are asking to keep the height the same and just update to new Arby's colors as they feel that they will not have adequate signage if it were lowered. Pointed out the other existing signs in the area; the strip mall multi-store sign which has been there a long time and the Meijer's sign across the street which is new.

Goldberg stated that he and the applicant, Arby's Restaurant Group, are not asking for more than we currently have. Pointed out that the "Open Late" portion of the sign will be removed, lowering the square footage of the sign area.

Paul Quinn, Arby's Restaurant Group. Noted this was a Hardee's location which Arby's converted and remodeled eighteen (18) to nineteen (19) years ago. Stated Arby's is just getting into the remodeling of all of their stores. The logo has changed; the existing logo on the current sign has a hat that is a little bit taller than wide; more vertical than square. The new Arby's logo is less square footage than what is there now. Twenty-nine feet (29') one and one-quarter inches (1.25") overall height and one hundred ninety-two (192) and three-quarters (.75) square feet. Quinn stated, "If we kept the same height with the new logo, we'd be reducing the square footage because the logo itself is a different proportion. It would actually be less area than what is there now."

Quinn also expressed that the variance request is germane to their site, noting, "Our sign is seventy-five feet (75') from the street and six (6) to eight (8') below the existing road, depending where you are on the road."

Quinn displayed for the board a picture of the existing sign and a sign indication what the code allows, noting that in the board's packet there is a picture of the proposed sign.

Boyd reiterated that the sign is in a hole.

Lewis asked if there were any question from the board. Hearing none, Lewis said his biggest concern is the city just implemented the overlay district two (2) years ago and unlike the property behind the applicant's site, this site falls into the overlay zone pretty heavily. "If there weren't in an overlay district and if it were our current zoning law, there'd be no problem; they deserve what everyone else has. But we have a new law on the books."

Wittkop questioned whether the signs at Meijer's are in the township or the city and noted the Meijer's signs were installed last year. Discussion ensued regarding the timing of Meijer's approvals and the date the overlay zone went into effect, but no clear answer was available.

Boyd stated that he sees Lewis' point and wonders if this variance seems like a reasonable compromise. Wittkop commented, "Sitting in a hole like they are . . ." Wheeler interjected that the potential will be everyone else getting carte blanche but it needs to be clear that variances will be decided on a case-by-case basis. Lewis agreed, "We do want to include the reasoning for an approval so it is not a carte blanche."

VandenBosch said less than two (2) years ago the Planning Commission looked at this with the thought to improve this area's appearance coming into town. Stated the need for the board to recognize that if the board grants variances for this application, the board is going against the Planning Commission and the City Council.

Wheeler said he does not want someone running into his wife or child because they are trying to find the Arby's sign. VandenBosch stated that he drove Phoenix Street today and the sign and the message board are visible from Phoenix Street; VandenBosch is not sure how visible it is from the highway.

Boyd said he thinks this is a reasonable variance and can be decided on a "one-off" case-by-case basis. Boyd also stated he drove a different route than he usually does and got off the highway to determine how difficult it is to see the sign, and it is difficult.

Paull said as Planning Commission Rep, "The whole point of the overlay district to begin with was to begin the process of cleaning up the visual impact in what is becoming a fairly heavy retail corridor, so (in the future) it isn't tall signs and lots of busyness and concrete." Paull stated that he is strongly in support of the new overlay zone's restrictions on signs. "Over the course of the next five (5) to ten (10) years you are going to see a big difference in how this corridor looks from the highway."

Paull concluded, "Now hearing what you are saying, the fact that "the site" is down in a hole, but let's be careful how we do this so we don't begin to send a message that the overlay zone isn't important. It's about what our community is going to look like."

Quinn: Stated that the board brought up some good points. "One thing we can't change is the grade of the property. I'm not really sure with the off and on ramp and street that are there that we can get (a sign) any closer to the street." Quinn noted that he understands the overlay district, that he works with many Midwest towns, and understands, but there are a lot of signs in this area that are ten feet (10') from the road. "Arby's is a one-off case and you don't want to set precedent. But to bring this before a board of appeals there needs to be a reason why the applicant should not be held to strict compliance with the ordinance." Quinn pointed out that the proposed signage will reduce the existing size of the sign and will replace the current logo with what Arby's thinks is a more attractive logo.

Lewis said in the answers to the questions in the application you spoke about the height and said little or nothing about the size of the sign. Quinn responded that this application was prepared by our sign vendor. Goldberg agreed that he did not see answers to anything about the square footage and he will be taking that up with the sign vendor. Goldberg reiterated that the applicant does want to reduce the square footage.

Goldberg commented he has been in the sign business for twelve (12) years and remarked about a sign in Paw Paw, where he is from; "Tappers Budget Car Lot is brand new in Paw

Paw and they put what I call 'a postage stamp on a fishing pole'; it looks goofy. It doesn't look very well-thought out. Arby's wants their image to look aesthetically good and I'm sure the city wants the signs in the city to look aesthetically good."

Motion by Boyd, second by Wheeler to close the public hearing.

All in favor. Motion carried.

Lewis suggested splitting this request into two variances: 1.) height and 2.) size (square footage).

Motion by Boyd to approve the height variance for an existing sign which makes this an exceptional condition.

Wittkop asked if it is appropriate to note that this is unprecedented situation. We did get an email from the store going in behind Arby's, and they too are in a hole.

Boyd asked if Wittkop was okay with adding, "and due to the following special circumstances: grade elevation being sunken and distance from the road." Wittkop was agreeable.

Second by Wheeler, noting that the approved height would then be twenty-nine feet (29') ten and one-quarter inches (10.25") tall.

A roll call vote was taken on the following motion:

Motion by Boyd to approve the height variance for an existing sign, which makes this an exceptional condition, and due to the following special circumstances: grade elevation being sunken and distance from the road, resulting in an approved height of twenty-nine feet (29') ten and one-quarter inches (10.25") tall."

Yeas: Paull, Wheeler, Wittkop, Boyd
Nays: Lewis

Motion passed.

Lewis pointed out that the board can consider the actual square footage requested and not grant all of it.

Boyd said he believes the applicants are being good citizens; they are redoing their sign, remodeling the store and actually reducing the square footage of the sign.

Lewis said the problem is the overlay district but how in the world did Meijer's get those signs in there? VandenBosch said he would have to check but maybe Meijer's had their signs approved before the overlay zone was approved.

Motion by Wittkop to grant the requested sign square footage of one hundred eighty-nine (189) square feet.

Lewis asked what makes it special. Wheeler said it is a reduction from the size of the existing sign.

Second by Boyd.

Paull said the overlay zone requires sixty (60) square feet. Discussion ensued regarding a sign sixty (60) square feet on that height of a sign post. Lewis said without the overlay zone the sign is an appropriate size.

Boyd noted maybe the overlay is a very difficult thing to put into place and keep in place and we are the appeals board. Boyd said he does not want to be the town with the weird sign.

Lewis noted it been eighteen (18) years since Arby's touched their sign.

A Roll call vote was taken.

Yeas: Wheeler, Wittkop, Boyd, Paull
Nays: Lewis

Motion passed.

Quinn commented that when we (Arby's) go to do something like this we look at proper ingress and egress and signage. "If we cannot get our ingress, egress and sign we do the variance in advance. Regarding the other business owner, you can't put a business there and then say the signage ordinance is a hardship. Ours is an existing sign and it is seventy-five feet (75') back from the road and (I) appreciate you recognizing that."

VandenBosch asked if this board has any message to take back to the Planning Commission.

Boyd said no particular message except, "We do these by one-offs".

Lewis said the strip mall sign met everything except the height.

Wheeler says he thanks God for the United States of America and the whole notion of an appeals process in general.

Paull said any new commercial establishments are going to be more likely to conform to the overlay zone to the point that in the future everything else around will be lower and smaller.

Wittkop asked if the ordinance requires the sign to be a certain footage from the street to which VandenBosch responded that there is a minimum but he is not sure what that is. Wittkop just wanted to note that some of the restaurants like Cracker Barrel have 150' tall signs that can be seen from the highway.

8. Adjourn

Motion by Paull, second by Wittkop to adjourn at 7:36 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary

Agenda Item #6
237 Broadway Variances

City of South Haven

Background Information: Tim Woodhams, representing Civica Engineering of Portage, MI, has submitted plans to reuse the building and site at 237 Broadway Street (formerly Save-a-Lot grocery store). The plan involves redeveloping the existing building with two (2) uses: a brewpub on one side and a restaurant on the other. In order to accomplish this plan, two (2) variances are needed. One variance is requested from zoning ordinance section 1709 which details landscaping requirements. The second variance request relates to zoning ordinance section 1800, Parking. The ordinance requires 114 parking spaces and the applicant is proposing 66 vehicle parking spaces and 18 bicycle parking spaces.

The parking requirements are based on usable floor area in the entire building. Whether there is one business or two proposed does not affect parking need.

The applicant also mentions in his application a need for a variance to reuse an existing nonconforming structure. That variance is not necessary since no addition to the building is planned.

Recommendation: Staff recommends that the ZBA members review the plans and applicant narrative and visit the property before making a determination on the variance. The members must find that the request complies with all standards of zoning ordinance section 2205 to approve a variance. Staff recommends approval of the requested variances.

Support Material:

Completed application
Existing Conditions
Features Removal Plan
Proposed Site Plan
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: CIVICA ENGINEERING Date: 2/27/15

Address: 1503 E. CENTRE AVE SUITE C PORTAGE 49002 Phone: 269 760 6688

Address of Property in Question: 237 BROADWAY Present Zoning of Property: B-2

Name of Property Owner(s): KECKLER BROTHERS LTD

Dimensions and area of property SEE MAP (IRREGULAR), 1.2± ACRES

Dimensions of all buildings on the property (also shown on a diagram)

SEE MAP (IRREGULAR), 17,250 ▫

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

1' SOUTH + WEST

Present Zoning of Neighboring Properties to the :

North B-2 South B-2 East CBD West B-2

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): SECTION 1913, SECTION 1709, ARTICLE XVIII

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.

   SEE ATTACHED

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

   SEE ATTACHED

Rev. 10/13

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).

SEE ATTACHED

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.

SEE ATTACHED

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.

SEE ATTACHED

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.

SEE ATTACHED

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.

SEE ATTACHED

8. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.

SEE ATTACHED

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

SEE ATTACHED

I hereby give permission for the members of the Zoning Board of Appeals and City Staff to access and inspect the property in question for the purpose of gathering information to make an informed decision on this variance request.

John Koehler
Property Owner

2-25-15
Date

THE INFORMATION CONTAINED WITHIN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND SUBMITTED TO THE ZONING BOARD OF APPEALS FOR THEIR REVIEW. I REALIZE THAT ANY INFORMATION THAT I SUPPLY THAT IS NOT CORRECT COULD VOID ANY DECISION BY THE BOARD. I ALSO ACKNOWLEDGE THAT IF THE VARIANCE IS GRANTED BY THE BOARD, THE WORK WITHIN THE REQUEST MUST BE CARRIED OUT WITHIN ONE YEAR OF THE PUBLIC HEARING OR THE VARIANCE BECOMES NULL AND VOID.

Applicant Signature
CUSTER

2/27/15
Date

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

   Continued variance for a Permitted Use as a Dimensional Nonconforming Structure under Section 1913 will not be detrimental to the adjacent property and surrounding neighborhoods. The proposed uses are permitted by right in this zoning district. These uses have been designated by the City as appropriate land use where zoning has been designated as B-2.

   Continued variance from Article VIII – Parking and Loading will not be detrimental. The proposed use as a restaurant and brewery will be consistent with the development along this most northern block of Broadway Street. Being immediately adjacent to the CBD District which is across the street and its immediate location near the downtown, marinas and bridge this area is easily accessible to pedestrian traffic during the peak tourist season. Because of its immediate location to the areas noted the development along this block of Broadway has been historically similar to the development of the CBD district. Redevelopment of the site will see the number of parking spaces remaining unchanged from the current variance for parking. In addition a designated Bicycle parking area has been provided for alternative modes of transportation to encourage potential customers within the City to utilize the City bike path networks.

   Continued variance from the parking lot setbacks and associated landscaping requirements of Section 1709 will not be detrimental to the adjacent property and surrounding neighborhood. Where possible given the existing conditions landscaping material has been added to the site.

   The existing condition will only improve with the redevelopment of this property.

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

   It is our belief that the intent of the ordinance as it relates to Permitted Uses in existing Dimensionally Nonconforming Structures is to give the City a measure of additional site plan oversight to improve the aesthetic nature of the community as properties are redeveloped with Permitted Uses. The Variance procedure ensures the City additional opportunity to enhance the community.

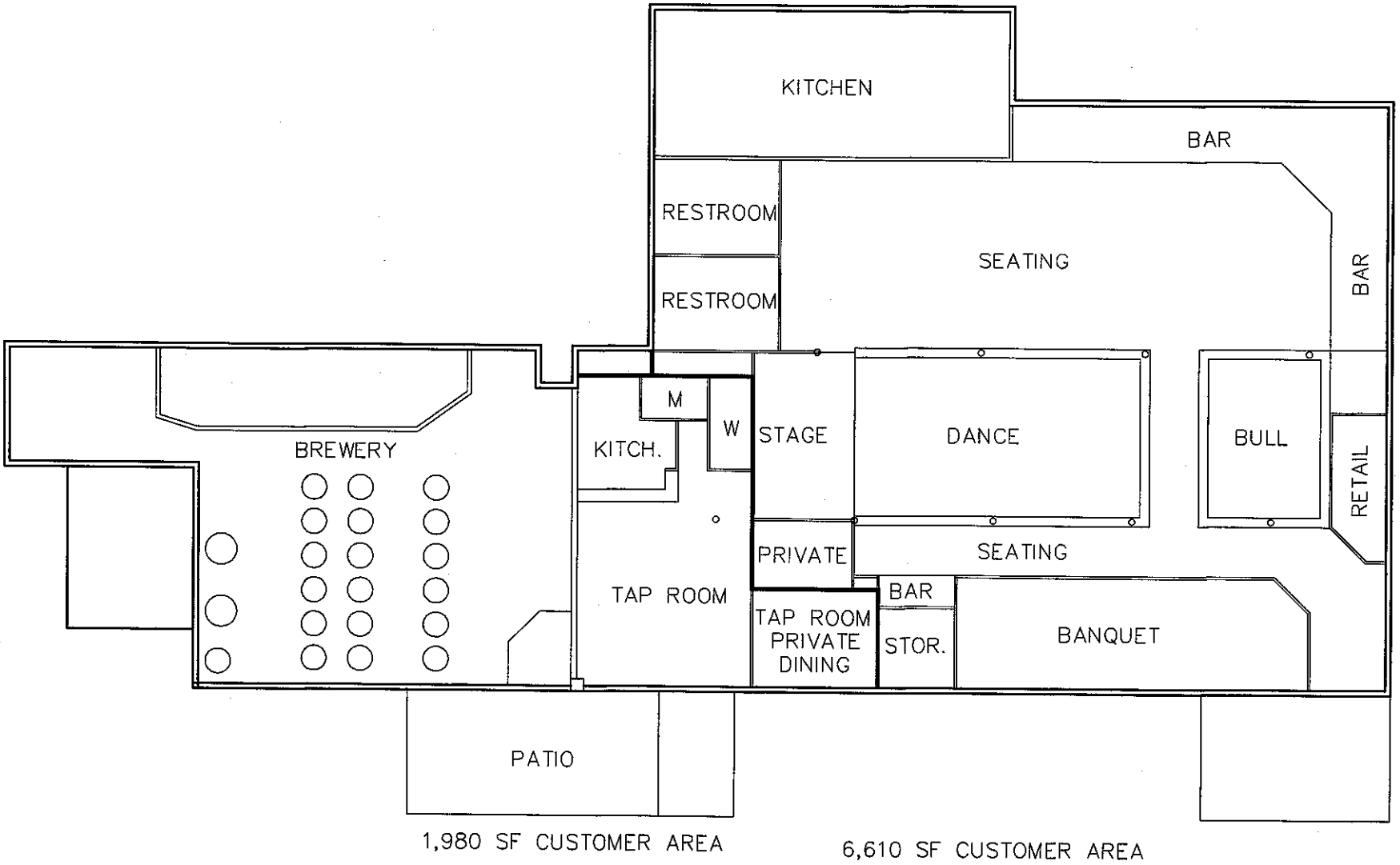
3. Exceptional or extraordinary circumstances or conditions apply to the property in question or to the intended use of the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning district. Such circumstances shall create a practical 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.

   Generally the parking and setback requirements adopted since the construction of the buildings within the B-2 zoning district create a unique set of circumstances for properties along this most northern stretch of Broadway. The buildings in this area were constructed in a different era. It appears that most all buildings along the two northern blocks of Broadway are Dimensionally Nonconforming and are operating under variance from parking and associated landscaping requirements. Generally most any permitted use within the B-2 zoning designation will create

Approval of the Permitted Use within a Dimensional Nonconforming Structure (Section 1913) and relief from parking setbacks and associated landscaping requirements (Article XVII and Section 1709) along with variance from parking space requirements (Article XVII) are the minimum amount to overcome the inherent difficulties with this property constructed prior to the adoption of the current zoning ordinance.

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

   It is understood that should the Variance be approved it applies specifically to the proposed use of the applicant at the proposed location.


KITCHEN
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SEATING
TAP ROOM
BAR
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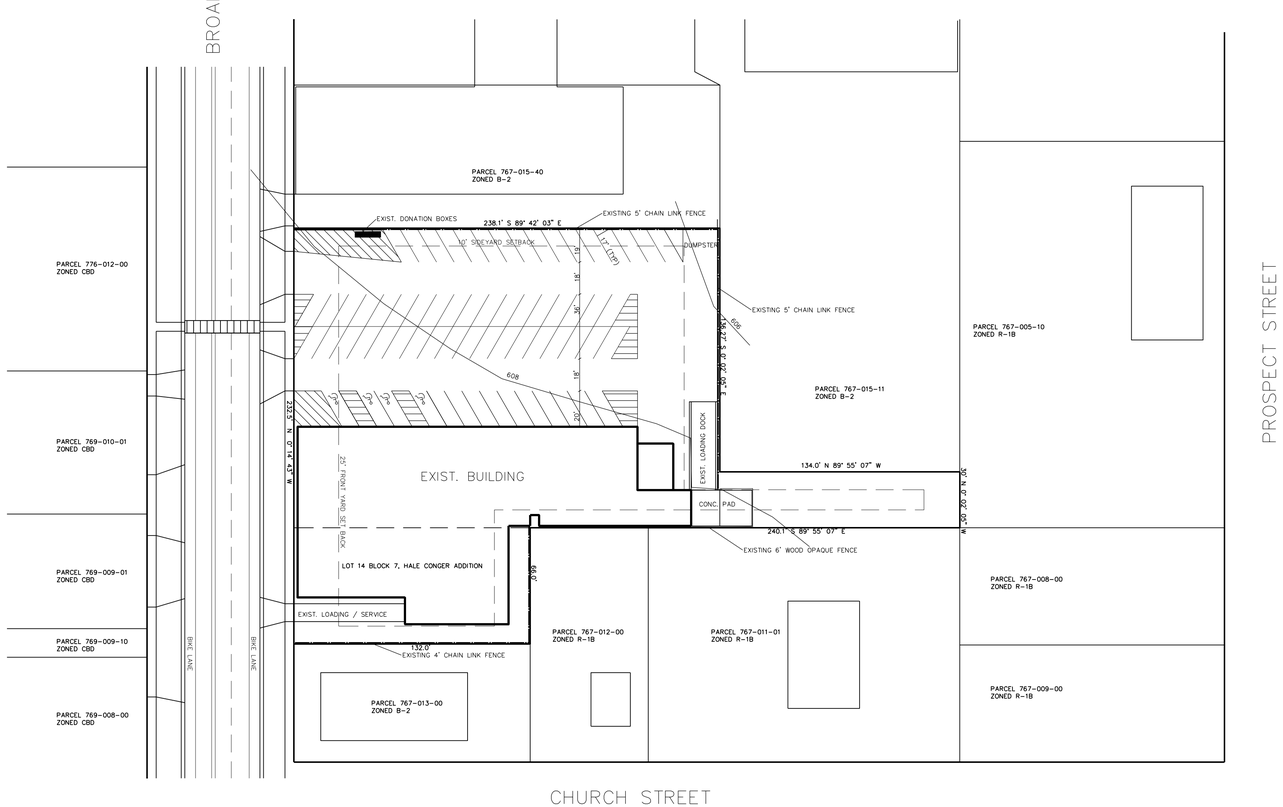
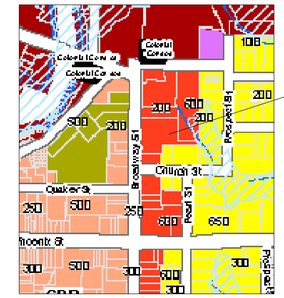
PRIVATE
DINING
STOR.
BANQUET
PATIO
1,980 SF CUSTOMER AREA
6,610 SF CUSTOMER AREA





EXISTING SITE DATA:

THE PROPERTY CURRENTLY OPERATES UNDER ZONING ORDINANCE SECTION 1913.
A PERMITED USE WITH DIMENSIONAL NONCONFORMING USE AS A RETAIL GROCERY STORE WITH VARIANCE FROM ARTICLE XVII PARKING COUNT, SETBACK AND DIMENTIONAL REQUIREMENTS. AND ASSOCIATED PARKING LANDSCAPE REQUIREMENTS IN SECTION 1709

SITE ZONING:	B-2 GENERAL BUSINESS DISTRICT
SITE USE:	RETAIL
SITE AREA:	1.20± ACRES
BUILDING AREA, SINGLE STORY:	17,250 SQ.FT.
BUILDING HEIGHT:	16'
SITE BUILDING COVERAGE:	33%
SITE BUILDING SETBACKS:	
FRONT – REQUIRED:	25'
FRONT – EXISTING:	1'
REAR – REQUIRED:	20'
REAR – EXISTING:	10'
SIDE – ZONING:	10'
SIDE – EXISTING:	1'
EXISTING PARKING PROIVIDED:	66 PARKING SPACES
PARKING SETBACKS:	
FRONT – REQUIRED:	25'
FRONT – EXISTING:	0'
REAR – REQUIRED:	20'
REAR – EXISTING:	1'
SIDE – ZONING:	10'
SIDE – EXISTING:	0'

EXISTING DRAINAGE: SHEET FLOW EAST TOWARD COUNTY DRAIN

PROPERTY DESCRIPTION:

LOT 14, BLOCK 7 OF HALE CONGER AND CO ADDITION TO THE CITY OF SOUTH HAVEN, ALSO BEGINNING AT THE SOUTWEST CORNER OF LOT 15, BLOCK 7, THENCE NORTH 0° 02' 05" EAST 166.27 FEET TO SOUTH LINE OF SAID LOT, THENCE NORTH 89° 42' 03" EAST 238.1 FEET, THENCE SOUTH 0° 02' 05" EAST 166.27 FEET TO SOUTH LINE OF SAID LOT, THENCE NORTH 89° 55' 07" WEST OF SAME 237.0 FEET TO BEGINNING. ALSO BEGINNING AT SOUTH EAST CORNER OF SAID LOT 15, THENCE NORTH 89° 55' 07" WEST ON SOUTH LINE OF SAID LOT 134.0 FEET, THENCE NORTH 0° 02' 05" WEST 30.0 FEET, THENCE SOUTH 89° 55' 07" EAST 134.02 TO EAST LINE OF SAID LOT 15. THENCE SOUTH ON SAME 30.0 FEET TO BEGINNING.

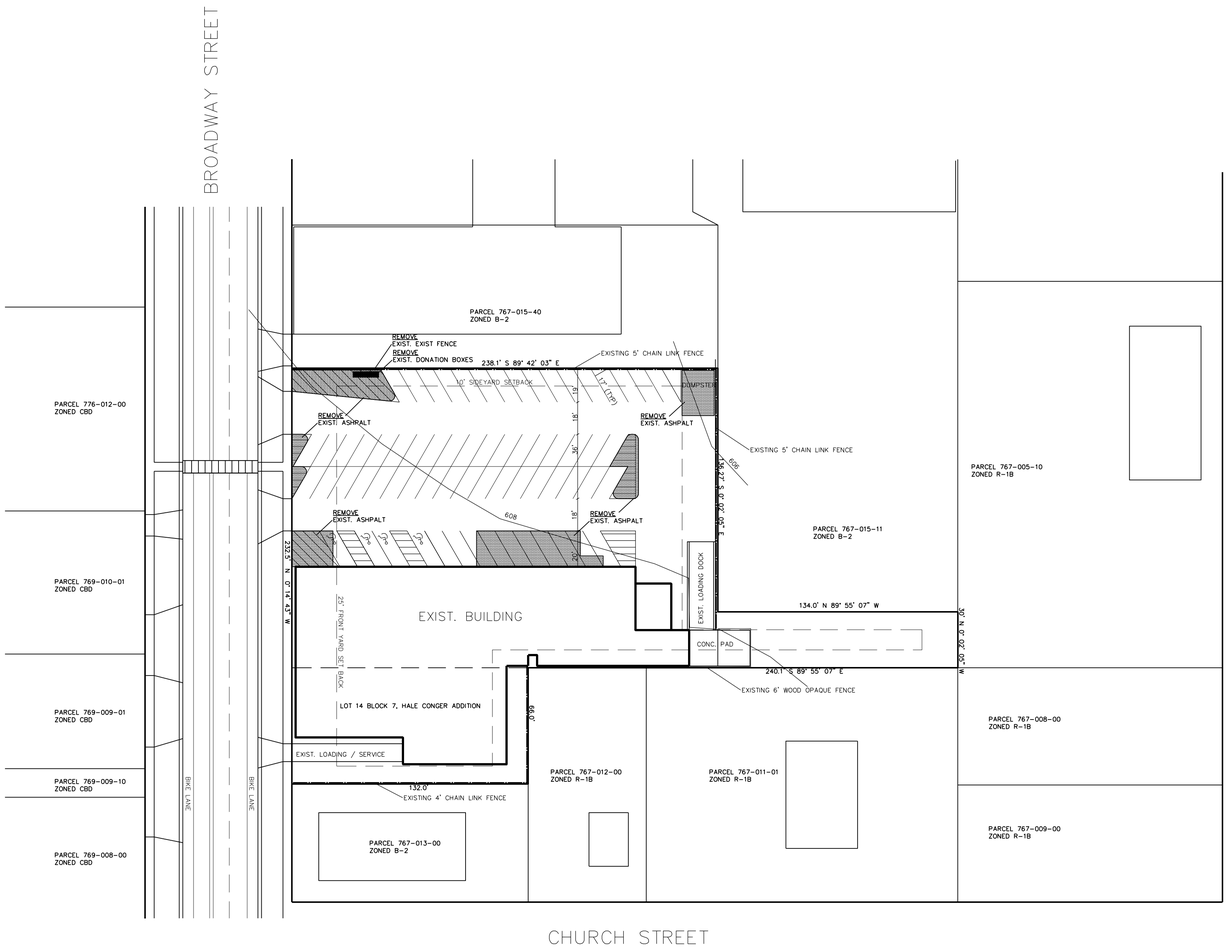
DATE:	BY:	REVISIONS:

CIVICA ENGINEERING
1305 E. Centre Street, Ste C • Portage, Michigan 49002
(269) 740-6688

EXISTING SITE PLAN

237 BROADWAY
CITY OF SOUTH HAVEN
VAN BUREN COUNTY, MICHIGAN

DESIGNED BY: TAW	DATE: 2/28/15
DRAWN BY: TAW	DATE: 2/28/15
CHECKED BY: TAW	DATE: 2/28/15
HORZ. SCALE: 1" = 40'	
VERT. SCALE: 1" = 4'	
FILE: 1018-2	
SHEET NUMBER: 1	



DATE:	BY:	REVISIONS:

CIVICA ENGINEERING
1303 E. Centre Street, Ste C • Portage, Michigan 49002
(269) 760-6688

REMOVAL PLAN

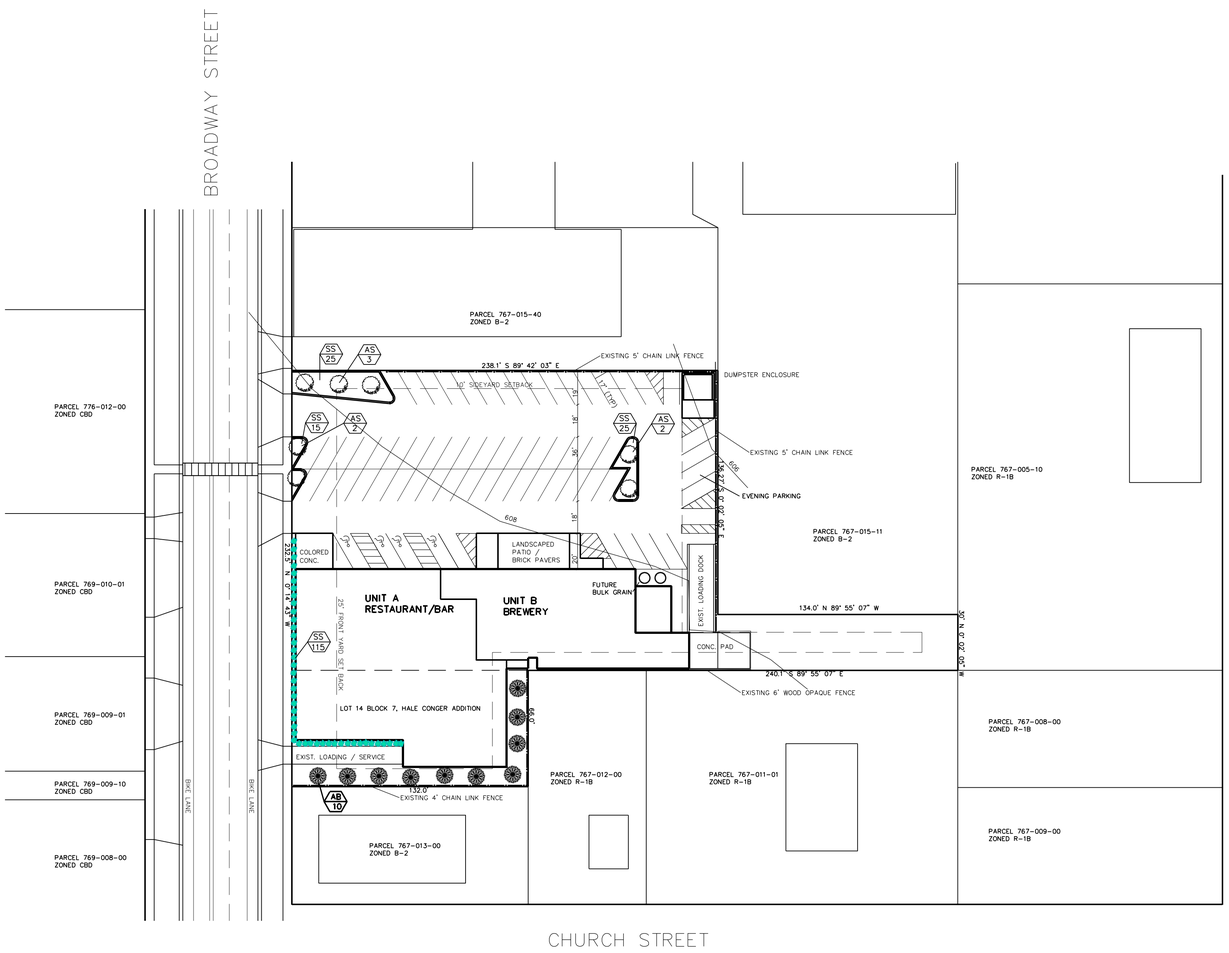
237 BROADWAY
CITY OF SOUTH HAVEN
VAN BUREN COUNTY, MICHIGAN

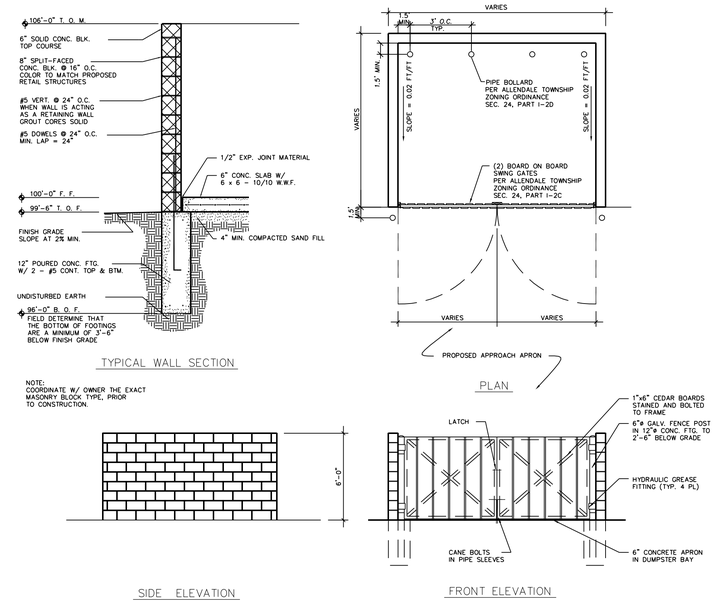
DESIGNED BY: TAW	DATE: 2/28/15
DRAWN BY: TAW	DATE: 2/28/15
CHECKED BY: TAW	DATE: 2/28/15
HORZ. SCALE: 1" = 40'	
VERT. SCALE: 1" = 4'	
FILE: 1018-2	
SHEET NUMBER: 2	

PLANT MATERIAL LIST

TREES					
SYMBOL	NO.	SIZE	SCIENTIFIC NAME	COMMON NAME	SPACING
AS	7	2" cal.	ACER SACCAHRUM	SUGAR MAPLE	N/A
AB	10	8'	ABIES BALSMEA	BALSAM FIR	N/A

GROUNDCOVER					
SYMBOL	NO.	SIZE	SCIENTIFIC NAME	COMMON NAME	SPACING
SS	180	1 GAL	SCHIZACHRIUM SCOPARIUS	LITTLE BLUE STEM	18" O.C.





DUMPSTER PAD DETAIL

PROPOSED SITE DATA:

THE PROPOSED PROPERTY WILL OPERATE UNDER ZONING ORDINANCE SECTION 1913. A PERMITED USE WITH DIMENSIONAL NONCONFORMING USE AS A RESTAURANT/BREWERY WITH VARIANCE FROM ARTICLE XVII PARKING COUNT, SETBACK AND DIMENTIONAL REQUIREMENTS. AND ASSOCIATED PARKING LANDSCAPE REQUIREMENTS IN SECTION 1709

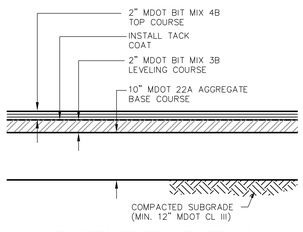
SITE ZONING:	B-2 GENERAL BUSINESS DISTRICT
SITE USE:	RESTAURANT / BREWERY
SITE AREA:	1.20± ACRES
BUILDING AREA, SINGLE STORY:	17,250 SQ.FT.
BUILDING HEIGHT:	16'
SITE BUILDING COVERAGE:	33%
SITE BUILDING SETBACKS:	
FRONT - REQUIRED:	25'
FRONT - EXISTING:	1'
REAR - REQUIRED:	20'
REAR - EXISTING:	10'
SIDE - ZONING:	10'
SIDE - EXISTING:	1'
VEHICLE PARKING PROPOSED:	66 PARKING SPACES
BICYCLE PARKING PROPOSED:	18 PARKING SPACES
TOTAL PARKING PROPOSED:	79 PARKING SPACES
PARKING REQUIRED:	1 SPACE / 75 USABLE SQUARE FEET
USABLE SQUARE FEET:	8590 SQUARE FEET 114 PARKING SPACES
PARKING SETBACKS:	
FRONT - REQUIRED:	25'
FRONT - EXISTING:	0'
REAR - REQUIRED:	20'
REAR - EXISTING:	1'
SIDE - ZONING:	10'
SIDE - EXISTING:	0'

EXISTING DRAINAGE: SHEET FLOW EAST TOWARD COUNTY DRAIN

N

100 200 300

SCALE : 1"= 40'



PAVEMENT SECTION

NOT TO SCALE
(UTILITY TRENCH)

NOTES:

1. EXISTING ASPHALT PARKING LOT TO BE SEAL COATED AND STRIPED.
2. NOTE TO CONTRACTORS: THREE WORKING DAYS BEFORE YOU DIG CALL MISS DIG AT 1-800-482-7171.
3. EXISTING SANITARY AND WATER SERVICE LOCATIONS AND SIZES UNKNOWN BY CITY OF SOUTH HAVEN PUBLIC WORKS AT THIS TIME. UTLITY SERVICE LEADS TO BE SIZED FOR FIRE PROTECTION AND WATER USAGE NEEDS ONCE EXISTING SERVICE SIZES ARE DETERMINED.
4. UTILITY CONSTRUCTION SHALL BE IN ACCORDANCE WITH: LOCAL STANDARDS
5. SIGNS TO BE CONSTRUCTED IN ACCORDANCE WITH ARTICLE XX STANDARDS AND SPECIFICATIONS. SEPERATE PERMIT TO BE APPLIED FOR FROM BUILDING SERVICES DEPARTMENT.
6. INSTALL HANDICAP PARKING, AND SIGNAGE PER ADA AND MICHIGAN BARRIER FREE STANDARDS.
7. ALL PAVEMENT MARKINGS MUST CONFORM TO THE STANDARDS SET FORTH IN THE CURRENT EDITION OF THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
8. EXISTING SITE LIGHTING TO BE REMOVED. NEW SITE LIGHTING TO BE INSTALLED WITH SHARP CUT OFF HEADS. TO BE SUBMITTED TO BUILDING SERVICES DEPARTMENT FOR APPROVAL.

PROPRIETARY NOTE:

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3 WORKING DAYS BEFORE YOU DIG CALL MISS DIG 1-800-482-7171 (TOLL FREE) It is the owner's or contractor's responsibility

DATE:	BY:	REVISIONS:

CIVICA ENGINEERING
1303 E. Centre Street, Ste C • Portage, Michigan 49002
(269) 760-6688

PROPOSED SITE PLAN

237 BROADWAY
CITY OF SOUTH HAVEN
VAN BUREN COUNTY, MICHIGAN

DESIGNED BY: TAW	DATE: 2/28/15
DRAWN BY: TAW	DATE: 2/28/15
CHECKED BY: TAW	DATE: 2/28/15
HORZ. SCALE: 1" = 40'	
VERT. SCALE: 1" = 4'	
FILE: 1018-2	
SHEET NUMBER: 3	

STAFF FINDINGS OF FACT
CITY OF SOUTH HAVEN ZONING BOARD OF APPEALS

DATE: March 23, 2015
ADDRESS: 237 Broadway
ZONING DISTRICT: B-2 General Business
LOT DIMENSIONS: Approx. 240' x 236'
LOT AREA: 1.2 acres/56,640 square feet
LOT COVERAGE: 33% current; 33% proposed; no maximum required
REQUIRED SETBACKS: There is no change proposed to existing setback dimensions.
ADJACENT ZONING: North - B-2; south and east – B-2 and R-1B; West - CBD

VARIANCE REQUEST: Tim Woodhams, representing Civica Engineering of Portage, MI, is requesting variances from two (2) sections of the zoning ordinance as part of an application to refurbish the building and site at 237 Broadway Street (formerly Save-a-Lot grocery store). One variance is requested from zoning ordinance section 1709 which details landscaping requirements. The second variance request relates to zoning ordinance section 1800, Parking. The ordinance requires 114 parking spaces and the applicant is proposing 66 vehicle parking spaces and 18 bicycle parking spaces.

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.
The subject property is located in a commercial area on the edge of the downtown. It has long been a commercial property and has not been detrimental to the surrounding area. New landscaping will aid in protecting adjacent properties. No detriment is expected.

2. Such variance will not impair the intent and purpose of this Ordinance.
It is the intent of the B-2 District to cater to the needs of a larger consumer market than is served by the Neighborhood Business District, and is generally characterized by clusters of establishments generating both vehicular and pedestrian traffic. The proposed addition will not impair the intent of the commercial zoning district.

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).
This is an established commercial site which has housed a grocery store for many years. There is no opportunity for the developer to purchase additional land for additional parking and landscaping. Any commercial reuse of the existing building will require a parking variance. The applicant is requesting approval for 66 vehicle spaces where 114 spaces are required. He is also planning to install 18 bicycle parking places.

The zoning ordinance requires one (1) parking lot tree for every 8 parking spaces, rounding up. The plan shows seven (7) trees where nine (9) trees are required. The trees shown are Sugar Maples with Little Blue Stem grasses providing ground cover around the trees. There is currently no parking lot landscaping. Staff believes the proposed parking lot landscaping is adequate considering the area available.

The rear property line abuts up to some residentially zoned land and is proposed to have only a chain link fence. Upon inspection, it was found that the property is a steep, wooded ravine. Staff finds the screening adequate.

Zoning ordinance section 17091, i-1 removes the need for front yard landscaping where the building abuts the property line. That is the case with this property.

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.
In the B-3 zoning district there are many properties which were developed as commercial uses several years ago. Many of these properties do not have the parking or landscaping requirements needed in the current zoning ordinance. To deny this variance will require that a structurally sound building be demolished and a much smaller building be constructed. This places undue hardship on applicants looking for reuse of existing structures. This does not appear to be financially motivated but is a result of existing area and structures.

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.
This does not appear to be a recurrent type of variance request in this zoning district as yet. As this area redevelops over time and businesses change, it is possible that this situation may occur again. Staff does not recommend amending the zoning ordinance to permit a decrease in parking for this particular B-2 area only. It is more prudent to consider these requests as they arise.

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 not self-created because the commercial building and parking lot existed prior to the applicant's purchase. Any commercial reuse of this property and building will require parking and landscaping variances.

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 will not be able to use the property and existing structure as a commercial use.

8. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.
It appears the amount of variance asked is the minimum for the applicant to redevelop the property.

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.