

Zoning Board of Appeals

Regular Meeting Agenda

Monday, February 25, 2013
7:00 p.m., Council Chambers



City of South Haven

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes – January 28, 2013
5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

NEW BUSINESS –Variance Request

6. The Historic Association of South Haven is requesting a variance to place a freestanding identification sign on their property at 353 Hubbard Street. This type of sign is not permitted in the R-1B zoning district per zoning ordinance section 2008-1. The parcel number for the applicant property is 80-53-548-008-00.
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, January 28, 2013
7:00 p.m., Council Chambers



City of South Haven

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

2. Roll Call

Present: Lewis, Paull, Wheeler, Wittkop, Ingersoll
Absent: Henry

3. Approval of Agenda

Motion by Lewis, second by Wittkop to approve the agenda with the addition of approval of the 2013 meeting calendar. All in favor. Motion carried.

4. Approval of Minutes – October 22, 2012

Motion by Lewis, second by Wittkop to approve the October 22, 2012 Zoning Board of Appeals minutes as written.

All in favor. Motion carried.

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

None at this time.

NEW BUSINESS –Variance Request

6. Phyllis Poorman, 322 Superior Street and Timothy Brattain, 324 Superior Street, request a joint variance from zoning ordinance section 1708-3, Accessory Buildings. The applicants are seeking to replace a shared garage which was destroyed by a falling tree. Because the garage crosses the property line, the structure is nonconforming in that it does not meet the required side setback requirements. The parcel numbers for the applicant properties is 80-53-015-004-01 and 80-53-015-003-00.

Anderson introduced and gave the background on the request for a variance.

Ingersoll said Anderson answered the only question he had, which is whether the applicants proposed to build the garage on the existing footprint.

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

Jeff Poorman, 322 Superior Street. Introduced his wife, Phyllis Poorman; stated she has owned this property for about four (4) years, and also introduced the co-applicants, neighbors Timothy Brattain and his wife. Poorman explained that the tree came down and destroyed the garage; if the applicants can not put the garage where it originally was, he would not be able to get his car into the garage due to the way the house and driveway are located. Poorman stated the only thing being considered is expanding the garage to the west 2 feet, which would affect the rear neighbor only.

Anderson noted that the rear setback will not create more nonconformity. Ingersoll noted that since we are going for a variance that would not be a problem.

Timothy Brattain, 324 Superior Street. Purchased the property seven (7) years ago, showed the board a photo on digital camera.

Paull asked whether there is a party wall. Poorman said the deed does not speak to the garage being dually owned. Paull said as you go forward if we approve the continued non-conformance there could be a time in the future when a party wants to sell their property. Paull believes the deed should record the garage as dually owned.

Motion by Wittkop, second by Lewis to close the public hearing.

All in favor. Motion carried.

Lewis sees no problem; there are extenuating circumstances and the garage situation is described on the deed.

Wheeler noted that he is fine with the request.

Motion by Wittkop, second by Wheeler to grant a variance to construct the joint owned garage which has functioned as it is for 75 years.

Anderson noted that this request meets all the standards in Section 2205, which lists the standards.

A roll call vote was taken:

Ayes: Lewis, Paull, Wheeler, Wittkop, Ingersoll

Nays: None

All in favor. Motion carried.

7. Meeting calendar.

Motion by Lewis, second by Paull to approve the proposed calendar, moving the December meeting to Dec. 16, 2013.

8. Member Comments

Wittkop asked if there will be people recruited to fill the vacancies. Anderson asked the board to try to think of anyone who might be interested and let the Clerk of the City Manager know, noting that the City Manager is actively working to recruit someone. Ingersoll noted he would be term-limited in May.

9. Adjourn

Motion by Wittkop, second by Wheeler to adjourn at 7:18 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary



Agenda Item #6 City of South Haven Historic Association Variance Request

City of South Haven

Background Information:

The Historic Association of South Haven is requesting a variance to place a freestanding identification sign on their property at 353 Hubbard Street. This type of sign is not permitted in the R-1B zoning district per zoning ordinance section 2008-1. The parcel number for the applicant property is 80-53-548-008-00.

Government signs are exempt from certain sign ordinance requirements but not from the requirements of sign type. That is the reason this application has come to the ZBA.

Recommendation:

While staff has no issue with granting this variance, it is recommended that ZBA members carefully review the application and any public comments received. Any motion made will need to include specific reference to the ordinance requirements for ZBA variance decisions.

Support Material:

Completed application
Staff Findings of Fact
Nonconforming signs in residential zones (photos)

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: HISTORICAL ASSOCIATION OF SOUTH HAVEN Date: 10-24-12
Address: 355 HUBBARD ST. Phone: 269-906-1266
Address of Property in Question: SAME Present Zoning of Property: R1B
Name of Property Owner(s): SOUTH HAVEN PUBLIC SCHOOLS

Present Zoning of Neighboring Properties to the :

North R1B South R1B East R1B West R1B

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): 2008 - permitted signs in the R1B zone

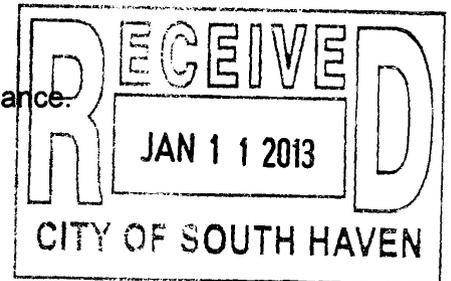
Under Article XXII, Section 2205 of the South Haven Zoning Ordinance, the Zoning Board of Appeals may not grant a variance from the regulations within the Ordinance unless certain conditions exist. No variance in the provisions of this Ordinance shall be authorized unless the Board finds, from reasonable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

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

The new sign will not adversely effect the neighborhood.

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

Agreed



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 the Historical Assn. and needs to be identified as such. It is in a residential area. The building has been there over 100 years.

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.

1

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.

The need for identification of this building is unique among the neighboring properties.

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 location of Hartman School is not of our doing & we weren't aware that signs might need a variance

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.

It would be an unnecessary burden for us as a tasteful sign would not be distracting for the neighborhood.

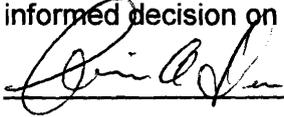
8. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.

We would like the public to know that this building is now home of the Historical Assn. of S. Haven

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

True-

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.



Property Owner

10-23-12

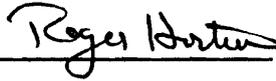
Date

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

Ed Appleyard



Roger Horton

1-11-13

~~10-23-12~~

Date

**South Haven Public Schools
554 Green Street
South Haven, Michigan 49090
Phone 269-637-0544 Fax 269-637-3025**

Mr. Ed. Appleyard,

9/17/08

I received your request to place a sign designating "Historical Association of South Haven" in the front of Hartman School at 335 Hubbard Street. As long as the signage conforms to city ordinances I do not see any reason why the sign could not be located in that area.

There is a sewer line that runs directly out the front of the school to the street. You can see a clean out drain by the flagpole area. Any digging of the post holes should be done by hand so that the pipe is not disturbed or broken.

Sincerely,

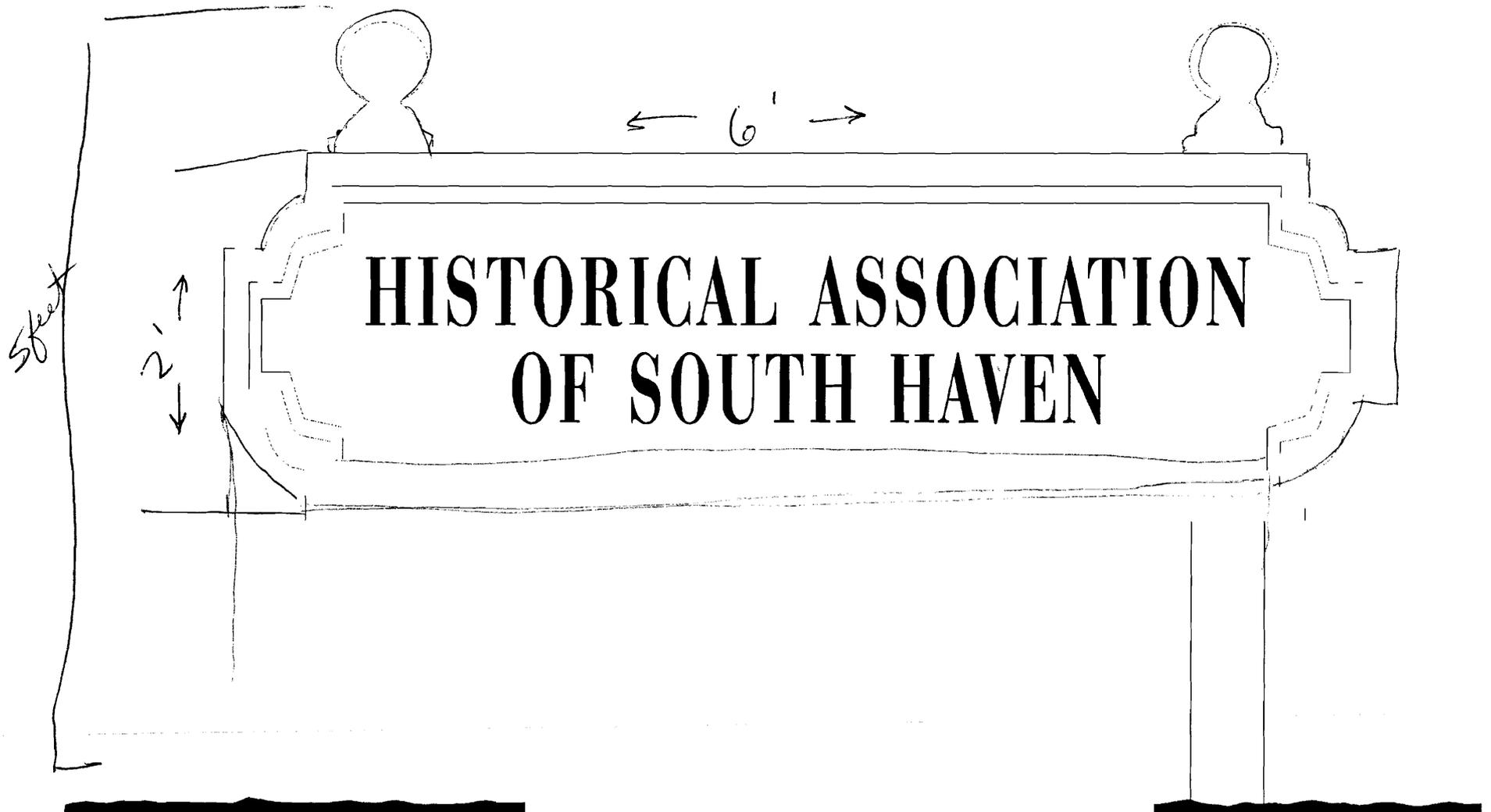
Dave Waaso

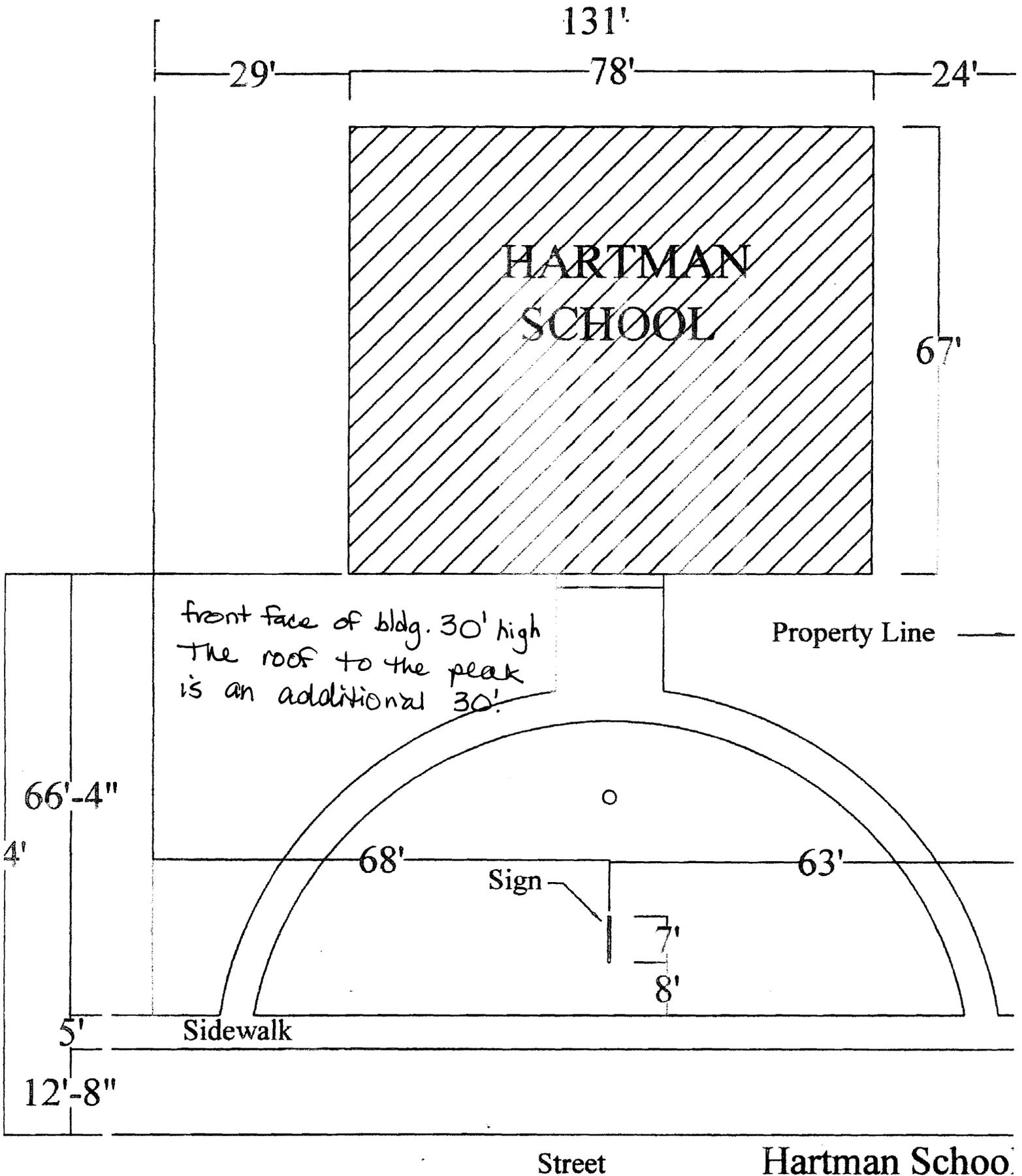
Dave Waaso

Director of Operations

Mike Kiefer
Great Lakes Boatbuilding Co.
637-6805
www.greatwoodboats.com

2' x 6' sandblasted redwood sign \$1250
installation \$350





Sign Plan

Hartman School
355 Hubbard St
South Haven, N

STAFF FINDINGS OF FACT

CITY OF SOUTH HAVEN ZONING BOARD OF APPEALS

DATE: February 25, 2013
ADDRESS: 353 Hubbard Street
ZONING DISTRICT: R-1B Residential
LOT DIMENSIONS: 135x130
LOT AREA: 17,550 square feet (.4 ac.)
LOT COVERAGE: 35% maximum allowed; no change proposed
REQUIRED SETBACKS: Signs shall be at least 8 feet from property line
EXISTING SETBACKS: NA
PROPOSED SETBACKS: 8 feet
VARIANCE REQUEST: The Historic Association of South Haven is requesting a variance to place a freestanding identification sign on their property at 353 Hubbard Street. This type of sign is not permitted in the R-1B zoning district per zoning ordinance section 2008-1. The parcel number for the applicant property is 80-53-548-008-00.

Governmental (or public) signs are exempt from the height, area and zoning permit requirements of the ordinance. They are not exempt from sign type. The proposed sign for the historic association is a monument or freestanding sign which is not permitted in the R-1B residential zone. That is the reason for the variance application.

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 building has stood without neighborhood inconvenience at this location for several years, first as a school and now as the home of the historical association. The sign requested is appropriate for the use and will not be detrimental to the surrounding area.

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

It is the intent of the R1B zoning district to preserve the character of the single-family neighborhoods. The building, first as a school and now as the historical association, has co-existed with the residences in the neighborhood for several years. There is no evidence to indicate that the placement of a monument sign will be detrimental to the neighborhood character or impair the ordinance intent.

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).

The unusual circumstances are a result of the location of a public use in a residential zone. The only signs permitted in the residential zones are wall mounted signs of limited size (2 square feet). Signs of that size are not easily seen by pass-by traffic and many residents and visitors to the area may be unaware of the association's presence.

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.

There are many government and public land uses in residential zones in the city with monument identification signs. Attached to this agenda is a pictorial inventory of those signs. Identification of public and governmental structures in the city is necessary to inform the public of their location. It is not unreasonable to request a more noticeable sign than the 2 square foot wall sign, as permitted.

Staff sees no financial motive behind this request.

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.

As stated before, there are many government and public land uses in the city with monument identification signs. Given the number of such signs currently in place, it might make sense to amend the ordinance to allow monument or freestanding signs for public or governmental land uses in residential zones. The problem with a blanket amendment is that not all non-residential uses and not all residential neighborhoods are the same. At this time, it is recommended that the ordinance be left as it now reads and each sign of this type be considered on a case by case basis.

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 historical association now exists without any signage. The desire for improved visibility is valid and is not a self-created condition.

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 likely continue the association at this location without the benefit of identifying signage. This could create difficulty for residents and visitors to the area trying to find the association and for those passing by whom perhaps did not know the association existed.

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

The applicants are asking for a sign with a sign face of 2' by 6' (12 square feet) and an overall height (with bollards) of 6 feet. This does not appear excessive for the area.

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

The variance request only involves the property currently under the control of the applicants.

Signs in Residentially Zoned Districts for Non-Residential Uses

Banner



Map # 39

Roof



Map # 16

Electronic Message Board



Map # 40

Map # 27



Electronic Message Board



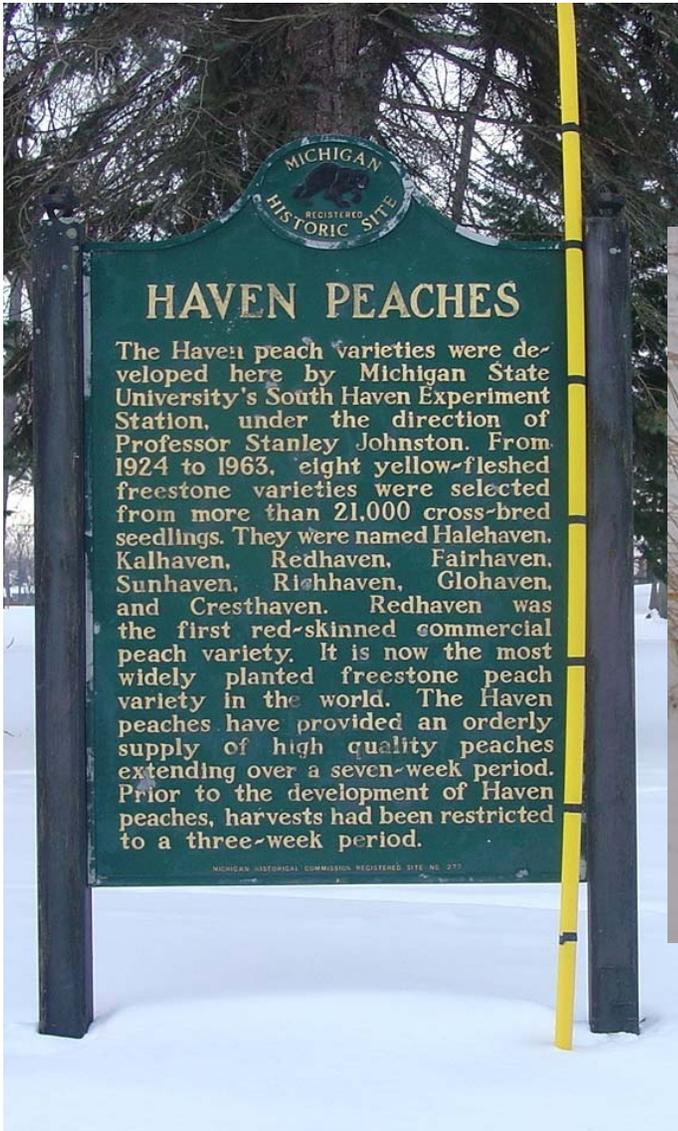
Map # 36

Hanging



Map # 30

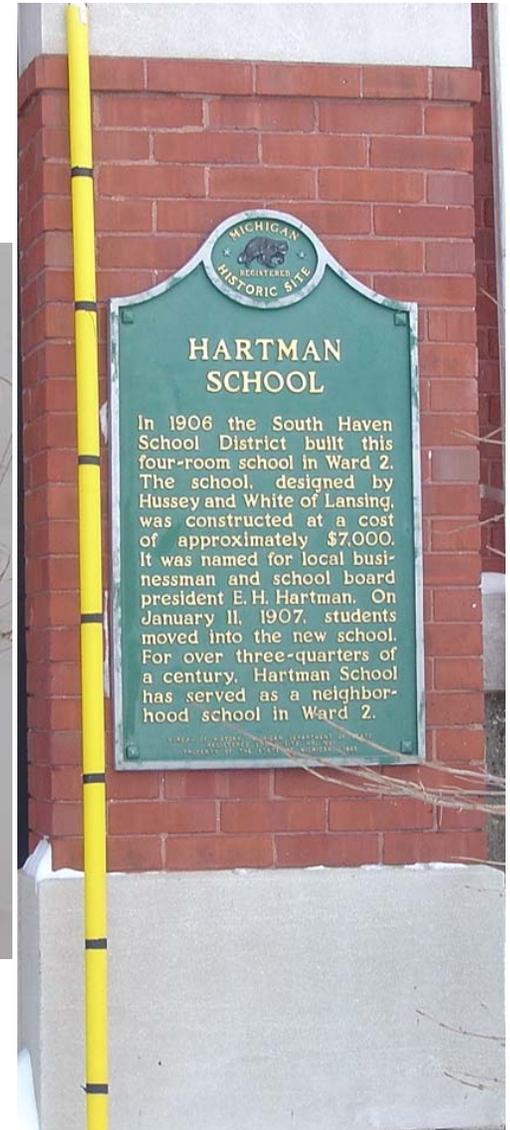
Historical



Map # 8



Map # 14



Map # 28

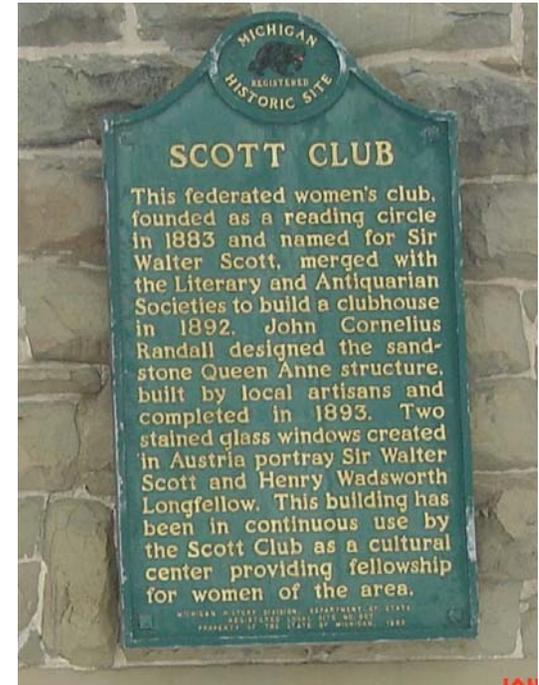
Historical



Map # 37



Map # 27

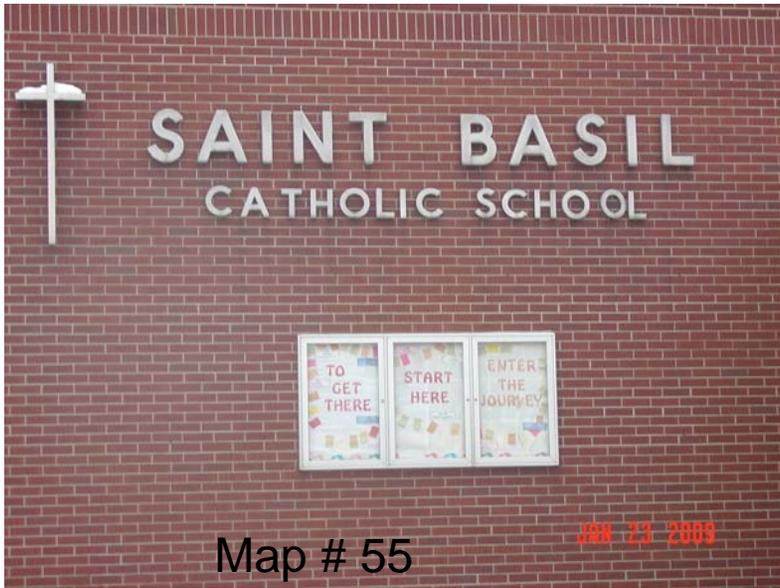


Map # 30

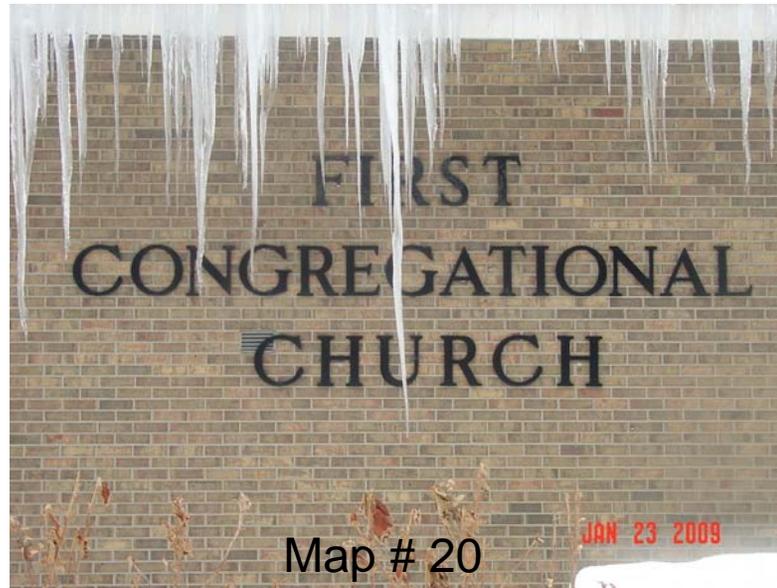


Map # 27

Letters



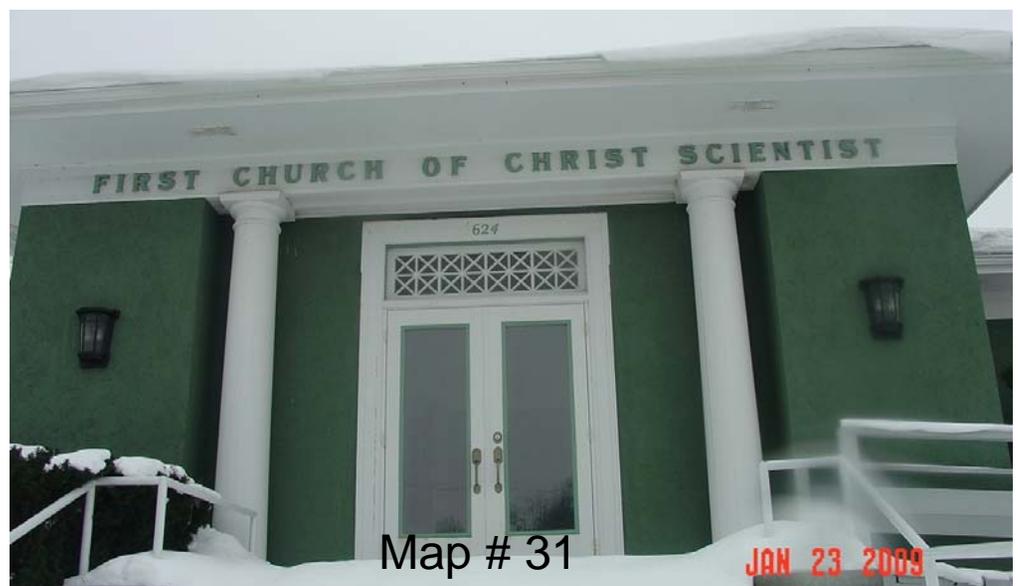
Map # 55



Map # 20



Map # 37



Map # 31

Letters



Map # 40

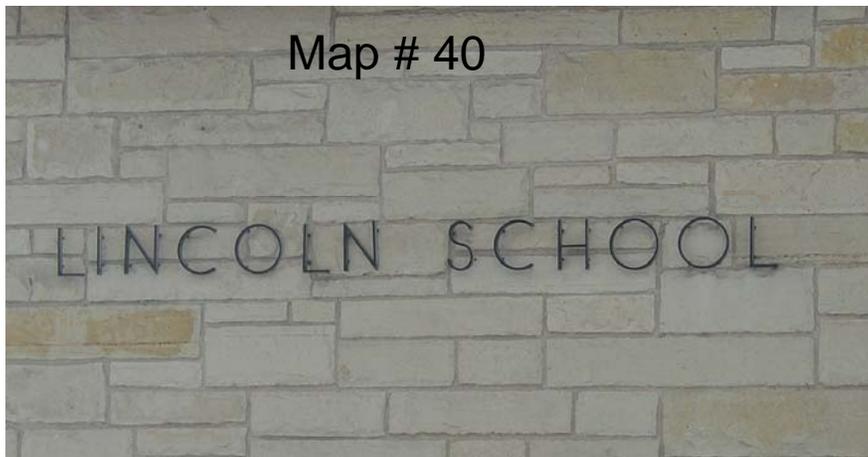


Map # 27



Map # 40

Map # 27



Map # 40



Letters



Map # 36



Monument



Map # 8

Map # 1



Map # 36



Monument



Map # 49



Map # 24



Map # 52



Map # 52



Map # 17

Monument



Water Safety



Map # 14



Map # 13

Directional / Parking

Map # 36



Map # 53



Map # 38



Map # 16



Pole



Pole



Map # 19



Map # 15



Map # 13

Pole



Map # 46



Map # 48



Map # 39



Map # 55



Map # 40

Pole



Map # 45



Map # 53



Map # 26



Map # 46



Map # 32



Map # 3

Map # 38



Pole



Map # 3

Pole



Map # 2



Map # 19



Map # 33

Pole



Map # 23



Map # 54



Map # 54



Map # 23



Map # 54



Map # 14



Map # 12



Map # 23



Map # 11



Map # 8

Wall



Wall



Map # 19

Map # 32



Map # 35



Map # 32

Map # 51

