

**CHARTER TOWNSHIP OF GARFIELD
ZONING BOARD OF APPEALS MEETING
SPECIAL MEETING**

Monday, February 22, 2016 @ 7:00 p.m.
Garfield Township Hall
3848 Veterans Drive
Traverse City, MI 49684

A G E N D A

Call meeting to order
Roll call of Board Members

1. Review and approval of the Agenda and declaration of a Conflict of Interest
2. Purpose of Special Meeting
 - a. Case #2016-02- Grand Traverse Mall
 1. Remote Sign Variance-Section 630.G
 2. Freestanding Tenant Sign Variance-Section 630.G
 3. Parapet Height Variance-Section 630 M
 4. Wall Sign Above Building Roof Variance-Section 630
3. Items for next agenda
4. Public Comment
5. Adjournment

The Garfield Township Board will provide necessary reasonable auxiliary aids and services, such as signers for hearing impaired and audio tapes of printed materials being considered at the meeting to individuals with disabilities upon the provision of reasonable advance notice to the Garfield Township Board. Individuals with Disabilities requiring auxiliary aids or services should contact the Garfield Township Board by writing or calling Lanie McManus, Clerk, Ph: (231) 941-1620, or TDD #922-4412.

Exhibit List
DRAFT

Case # 2016-02
Rouse Properties-Grand Traverse Mall
Dick's Sporting Goods

- A. Garfield Township Zoning Ordinance
- B. Garfield Township Master Plan
- C. Property Record Card with building drawing
- D. Published notice including map of property and 300 ft mailing list
- E. Zoning Board of Appeals Application (submitted by Applicant)
- F. Staff Report
- G. Draft Findings of Fact

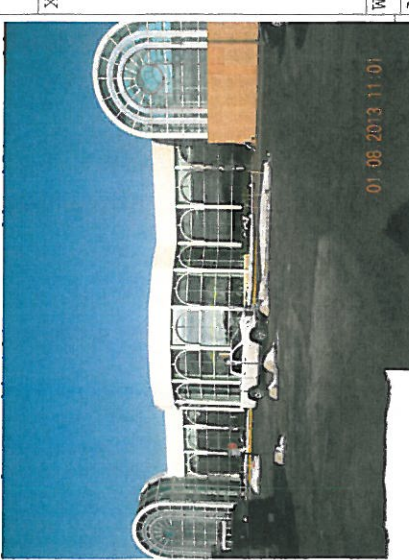
Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prct. Trans.
RAND TRAVERSE MALL LTD P	ROUSE PROPERTIES LLC	66,000,000	02/21/2012	WD	ARMS-LENGTH		BUYER	100.0

Property Address	Class: 201 COML IMPROVED	Zoning: C-P S	Building Permit(s)	Date	Number	Status
200 W SOUTH AIRPORT RD	School: TRAVERSE CITY AREA PUBLIC		Com Add/Alter/Repair	02/04/2016	PB2016-011	
wner's Name/Address	P.R.E. 0%		Com Add/Alter/Repair	01/21/2016	PB2016-006	
RAND TRAVERSE MALL LLC	MAP #: 97 THRU 100		Com Add/Alter/Repair	11/18/2015	PB2015-138	
ARVIN F POER & CO	2016 Est TCV 43,187,602 TCV/TFA: 102.7 SIGN			08/12/2015	PZ2015-198	
211 YORK RD, STE 222	X Improved	Vacant	Land Value Estimates for Land Table 21000.C-US 31			
AK BROOK IL 60523	Public		* Factors *			

Improvements	Description	Front	Depth	Rate	Depth	Rate	Adj.	Reason	Value	
X	Dirt Road	N US-31	SO MALL-LOWE-	11.50	80	SHAPE/SIZE		16,769,904		
X	Gravel Road	N US-31	SO RD ROW	8882	SqFt	0.00000	100 N US 31	SOUTH ROW	0	
X	Paved Road	42.05 Total Acres							Total Est. Land Value =	16,769,904
X	Storm Sewer	Land Improvement Cost Estimates								
X	Sidewalk	Description								
X	Water	D/W/P: 4in Ren. Conc.								
X	Sewer	D/W/P: Asphalt Paving								
X	Electric	Total Estimated Land Improvements True Cash Value =								
X	Gas	965,262								
X	Gas	Topography of Site								

ax Description	Rate	CountyMult.	Size	%Good	Cash Value
RT NE 1/4 SEC 21 T27N R11W COM 533.29' W	4.21	1.00	77804	67	219,462
50.13' N OF SE COR TH CURVE L 11.4' (R=	1.61	1.00	691388	67	745,800
00' CH S 89 DEG 59' W 11.4') TH N 10' TH					
609.08' TH N 176.62' TH E 30.82' TH					
URVE R 136.4' (R= 144' CH S 62 DEG 51' E					
31.36') TH CURVE L 93.56' (R= 100' CH S					

Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
2016	8,385,000	13,208,800	21,593,800			21,483,557
2015	4,764,900	26,329,400	31,094,300		21,419,300	21,419,300
2014	5,159,700	25,547,200	30,706,900		21,082,000	21,082,000
2013	4,538,000	24,973,400	29,511,400		20,750,000	20,750,000



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i herein deemed reliable but not guaranteed***

Desc. of Bldg/Section: <<<<<< Calculator Cost Computations >>>>>>
 Calculator Occupancy: Shopping Center, Regional Class: B Quality: Good Percent Adj: +0
 Construction Cost
 Floor Area: 420,291 High Above Ave. Ave. X Low
 Gross Bldg Area: 420,291 ** ** Calculator Cost Data ** **
 Stories Above Grd: 1 Quality: Good Adj: +0 \$/SqFt: 0.00 Cost/SqFt: 0.00 100%
 Average Sty Hght : 22 Heat#1: Zoned A.C. Warm & Cooled Air 100 Elevator Adjustment (Applied to upper floors rate) Cost/Sq.Ft.: -0.90
 Bsmnt Wall Hght Heat#2: Zoned A.C. Warm & Cooled Air 0% Adjusted Square Foot Cost for Upper Floors = 114.20
 Repr. Table : 1.75% Ave. SqFt/Story: 420291 Has Elevators: 1
 Effective Age : 15 Ave. Perimeter: 2677 Refined Square Foot Cost for Upper Floors: 98.87
 Physical %Good: 77 Perimeter: 2677 Number of Stories Multiplier: 1.000
 Unc. %Good : 100 Has Elevators: 2677 Height per Story Multiplier: 1.110
 Economic %Good: 100 *** Basement Info *** Perim. Multiplier: 0.780
 1990 Year Built Area: ***
 Remodeled Perimeter: ***
 22 Overall Bldg Type: Finished/Office (No Rates) Total Floor Area: 420,291 Base Cost New of Upper Floors = 59,425,085
 Height Heat: No Heating or Cooling * Mezzanine Info * 421,291 Sq.Ft. of Sprinklers @ 1.10, County Mult.:1.43 Cost New = 662,691
 Comments: Area #1: Office (No Rates) Reproduction/Replacement Cost = 60,087,776
 LT 1990-1991 EFF 1991 Area #2: Office (No Rates) ECF (2005 LARGE COMMERCIAL) 0.800 => TCV of Bldg: 1 = 37,014,070
 TJ MAXX '93) Type #2: Office * Sprinkler Info * Replacement Cost/Floor Area= 142.97 Est. TCV/Floor Area= 88.07

(1) Excavation/Site Prep: (39) Miscellaneous:
 (2) Foundation: Footings
 Poured Conc Brick/Stone Block
 (3) Frame:
 (4) Floor Structure:
 (5) Floor Cover:
 (6) Ceiling:
 (7) Interior:
 (8) Plumbing:
 Many Above Ave. Average Typical Few None
 Total Fixtures Urinals
 3-Piece Baths Wash Bowls
 2-Piece Baths Water Heaters
 Shower Stalls Wash Fountains
 Toilets Water Softeners
 (9) Sprinklers:
 (10) Heating and Cooling:
 X Gas Coal Hand Fired
 Oil Stoker Boiler
 (11) Electric and Lighting:
 Outlets: Fixtures:
 X Few Average X Few
 Many Unfinished Many Average
 Typical Typical Unfinished
 Flex Conduit Incandescent
 Rigid Conduit Fluorescent
 Armored Cable Mercury
 Non-Metallic Sodium Vapor
 Bus Duct Transformer
 (13) Roof Structure: Slope=0
 (14) Roof Cover:
 Thickness Bsmnt Insul.

** Information herein deemed reliable but not guaranteed**


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<<<<<
GROSS BASE RENT @ 28.35/sq. ft. x 295169 sq. ft. = 8,368,041 >>>>>
Income Capitalization Calculations
Gross Income (100% Occupancy + Miscellaneous) = 8,368,041
Vacancy & Collection Loss 13.00% = -1,087,845
Effective Gross Income = 7,280,196
Annual Operating Expenses
Non-Itemized Expenses: 2184059
Total Annual Operating Expenses = 2,184,059
Net Operating Income before Taxes or Capital Charges = 5,096,137
Capitalization Rate = 9.52% Tax Rate = 2.28% Overall Cap. Rate = 11.80%
Income Capitalized Value (Net Income / Capitalization Rate) = 43,187,602
% of Stmt on Parcel: 100 Contribution to Total Parcel Cost = 43,187,602

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Comments/Data From:
 *OR 2016 VALUE (USED MTT APPR DATA)

** Information herein deemed reliable but not guaranteed***

SKETCH/AREA TABLE ADDENDUM

Parcel No 05-021-015-00

Property Address 3200 W SOUTH AIRPORT RD

City TRAVERSE CITY County GRAND TRAVERSE State MI Zip 49684-8117

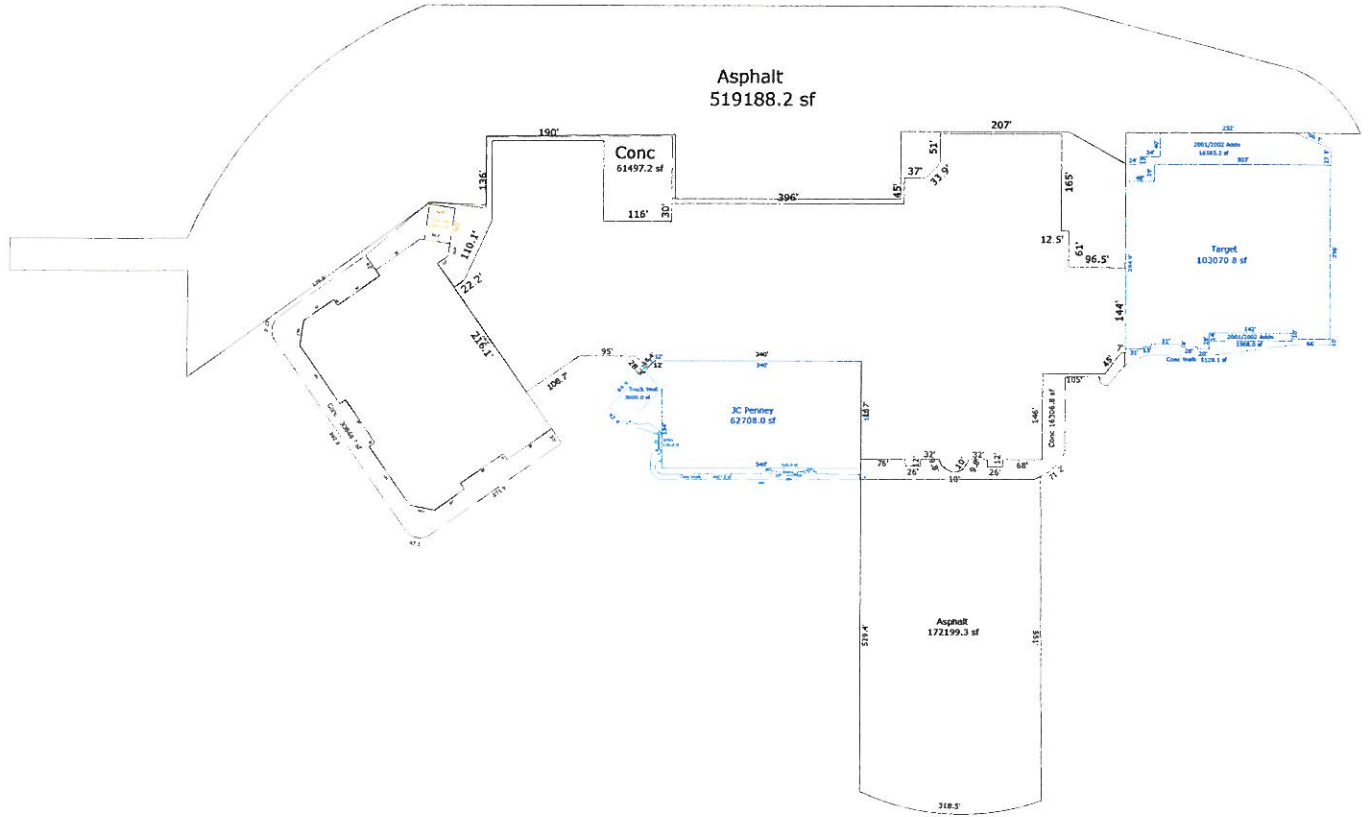
Owner GRAND TRAVERSE MALL LLC

Client 00000

Appraiser Name

SUBJECT

IMPROVEMENTS SKETCH



Scale: 1" = 20'

AREA CALCULATIONS SUMMARY

Code	Description	Factor	Net Size	Perimeter	Net Totals
GBA1	First Floor	1.00	384271.75	3657.1	
	Retail Store	1.00	62708.00	1075.9	
	Retail/Disc Store	1.00	103070.80	1366.0	
	2001/2002 Addn	1.00	16585.25	845.6	
	2001/2002 Addn	1.00	1988.00	312.0	
	Macy's	1.00	103631.33	1408.0	672255.13
P/P	Truck Well	1.00	3600.00	254.6	
	Entry	1.00	540.00	176.0	
	Entry	1.00	116.00	74.0	
	Conc Walk	1.00	4626.95	1019.0	
	Conc Walk	1.00	5128.08	779.6	14011.04
P/PConc	Conc	1.00	30844.73	1879.0	
	Conc	1.00	16306.84	1360.9	
	Conc	1.00	61497.23	4093.3	108648.80
CUST	Asphalt	1.00	172199.27	1707.6	
	Asphalt	1.00	519188.18	5575.8	691387.45
UND	Truck Well	1.00	2640.00	208.0	2640.00
Net BUILDING Area			(rounded w/ factors)		672255

Comment Table 1

Comment Table 2

Comment Table 3

AREA CALCULATIONS

SKETCH/AREA TABLE ADDENDUM

Parcel No 05-021-015-00

Property Address 3200 W SOUTH AIRPORT RD

City TRAVERSE CITY

County GRAND TRAVERSE State MI

Zip 49684-8117

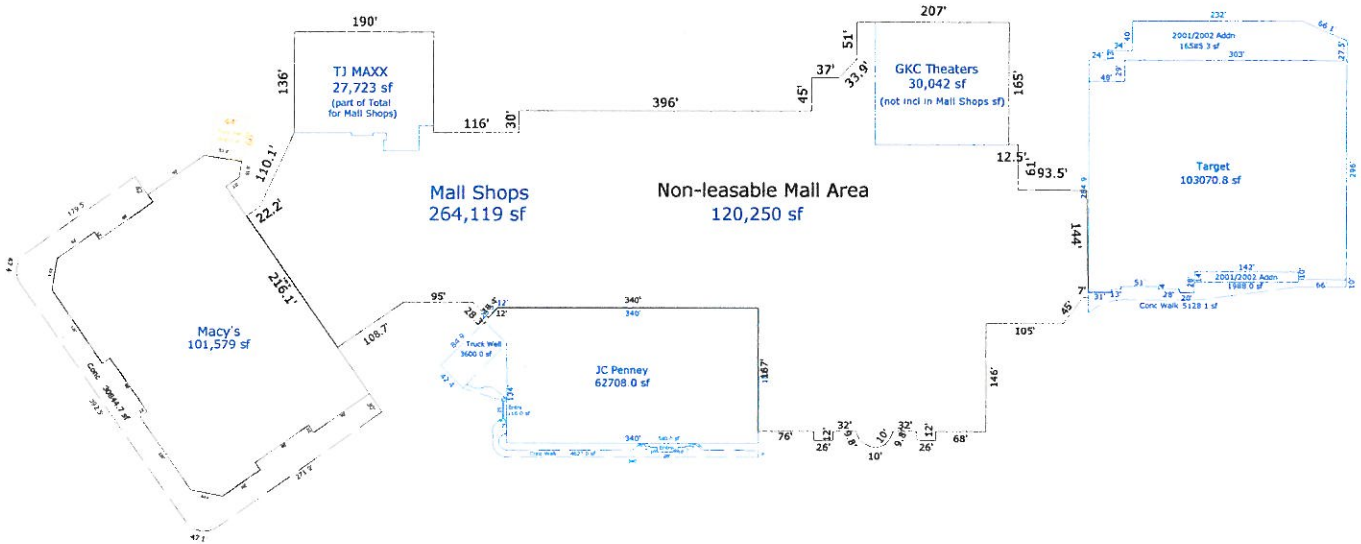
Owner GRAND TRAVERSE MALL LLC

Client 00000

Appraiser Name

SUBJECT

IMPROVEMENTS SKETCH



Scale: 1" = 20'

AREA CALCULATIONS SUMMARY

Code	Description	Factor	Net Size	Perimeter	Net Totals
GBA1	First Floor	1.00	384054.25	3654.2	
	Retail Store	1.00	62708.00	1075.9	
	Retail/Disc Store	1.00	103070.80	1366.0	
	2001/2002 Addn	1.00	16585.25	845.6	
	2001/2002 Addn	1.00	1988.00	312.0	
	Macy's	1.00	103631.33	1408.0	672037.62
P/P	Truck Well	1.00	3600.00	254.6	
	Entry	1.00	540.00	176.0	
	Entry	1.00	116.00	74.0	
	Conc Walk	1.00	4626.95	1019.0	
	Conc Walk	1.00	5128.08	779.6	14011.04
P/PConc	Conc	1.00	30844.73	1879.0	30844.73
UND	Truck Well	1.00	2640.00	208.0	2640.00
Net BUILDING Area			(rounded w/ factors)		672038

Comment Table 1

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Comment Table 2

Comment Table 3

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AREA CALCULATIONS

CHARTER TOWNSHIP OF GARFIELD

Zoning Board of Appeals

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Garfield Township Zoning Board of Appeals will hold a public hearing at a special meeting on February 22, 2016 at 7:00 p.m. The hearing will take place at the Garfield Township Hall, located at 3848 Veterans Drive, Traverse City, Michigan 49684.

The hearing is for a request made by Rouse Properties, to allow a variance from the Township Zoning Ordinance (#68) for 1) A variance from Section 630 G. of the zoning ordinance to allow installation of a 162 square foot remote box sign, 2) A variance from Section 630 G. of the zoning ordinance to allow installation of up to six tenant panels with a total maximum additional sign area of up to 100 square foot to the identifying shopping center signage, 3) A variance from Section 630 M. of the zoning ordinance to allow an additional 12 feet to the allowable 6 feet of parapet allowed above a building's roof line for wall sign placement. The total parapet height above the roofline requested is 18 feet, 4) A variance from Section 630 of the zoning ordinance to allow installation of a 350 square feet wall sign mounted a maximum of 18 feet above the building roof line. The property is located in the C-P, Planned Shopping zoning district at 3200 S. Airport Rd, parcel no. 28-05-021-015-00.

A copy of the application, zoning ordinance and zoning map may be inspected at the Township Offices between the hours of 7:30 am and 6:00 pm Monday through Thursday. All persons and Counsel will have the right to speak at the Public Hearing. Any written comments with respect to this application may be submitted to the Township Zoning Department by mail or in person during regular office hours and location as stated above or during the Public Hearing. The Township telephone number is: (231) 941-1640.

Steve Duell – Secretary
Garfield Township Zoning Board of Appeals
3848 Veterans Drive
Traverse City, MI 49684

Sara Kopriva – Zoning Administrator
Garfield Township
3848 Veterans Drive
Traverse City, MI 49684

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05-022-015-10
OFFTRAV LLC
185 NW SPANISH RIVER BOULEVARD STE
BOCA RATON FL 33431

05-309-003-00
3289 SOUTH AIRPORT LLC
1012 MANITOU TRAIL
LAKE LEELANAU MI 49653

05-021-023-00
WELLINGTON REAL ESTATE HOLDINGS
P O BOX 268
TRAVERSE CITY MI 49685

05-021-040-00
THIRLBY EDWIN G & BEVERLY A TRUST
145 ROMAN DR
TRAVERSE CITY MI 49684

05-126-002-00
SCHMUCKAL JAMES A & MARILYN
3347 W SOUTH AIRPORT RD
TRAVERSE CITY MI 49684

05-105-005-00
OLESON LAND CO LLC
PO BOX 72
TRAVERSE CITY MI 49685

05-309-001-00
JOHNSON JANET L
2979 OLD FARM LANE
TRAVERSE CITY MI 49684

05-126-004-00
MEMBERS CREDIT UNION
ATTN ACCOUNTS PAYABLE
P O BOX 795
TRAVERSE CITY MI 49685

05-105-008-00
SIMONS BRENT M & VICKI M
210 S EAST SILVER LAKE RD
TRAVERSE CITY MI 49685

05-021-011-00
FORTON MARCIA
PO BOX 5116
TRAVERSE CITY MI 49696

05-234-003-00
3337 W SOUTH AIRPORT LLC
DANCER MARK P
6271 PENINSULA DR
TRAVERSE CITY MI 49686

05-105-003-00
REA HUGH H JR & LINDA L
3128 DAY DR
TRAVERSE CITY MI 49684

05-126-006-00
ER PROPERTIES LLC
10501 S CHESTNUT RIDGE
MAPLE CITY MI 49664

05-234-004-00
B3T PROPERTIES LLC
REVETT LEE ROOP
3337 W SOUTH AIRPORT RD STE 4
TRAVERSE CITY MI 49684

05-105-006-00
YOUNG BARRY M
3176 DAY DR
TRAVERSE CITY MI 49684

05-126-008-00
B G PROPERTIES
3275 W SOUTH AIRPORT RD
TRAVERSE CITY MI 49684

05-234-005-00
GRAND TRAVERSE INVESTMENTS LLC
RANDY MARSHALL
3335 SOUTH AIRPORT RD W STE 5 A
TRAVERSE CITY MI 49684

05-129-002-10
BRIMMOR PROPERTY GROUP
PO BOX 4900 - DEPT 124
SCOTTSDALE AZ 85261

05-234-001-00
SCHMUCKAL JAMES A & SUSAN M
3347 W SOUTH AIRPORT RD STE A
TRAVERSE CITY MI 49684

05-234-006-00
SCHILLER FAMILY REV TRUST
4567 HARR DRIVE
TRAVERSE CITY MI 49684

05-105-004-00
FREELAND MICHAEL & CHRISTINA K
3144 DAY DR
TRAVERSE CITY MI 49684

05-234-002-00
3337 W SOUTH AIRPORT LLC
DANCER MARK P
6271 PENINSULA DR
TRAVERSE CITY MI 49686

05-234-007-00
NORTHERN PHYSICIANS ORG INC
PO BOX 2160
TRAVERSE CITY MI 49685

05-105-007-00
PLAMONDON RAYMOND & CATHERINE A
TRUST
3192 DAY DR
TRAVERSE CITY MI 49684

05-234-008-00
CHEMICAL BANK
ATTN FACILITIES
235 E MAIN ST
MIDLAND MI 48640

05-291-001-00
KRS INVESTMENT LLC (LC)
PO BOX 17416
TRAVERSE CITY MI 49685

05-021-021-00
WELLINGTON REAL ESTATE HOLDINGS
PO BOX 268
TRAVERSE CITY MI 49685

05-309-002-00
MCMANUS JEFFERY J & SYDNEY L
5928 CONSTITUTION ST
AVE MARIA FL 34142

05-021-035-00
GRAPES JO ANN TRUST
2220 GIBBS RD
TRAVERSE CITY MI 49686

05-105-010-00
EGGLI JOSEPH & JANET
3240 DAY DR
TRAVERSE CITY MI 49684

05-021-036-10
NATIONAL CITY BANK OF MI/IL
PO BOX 8108
ROYAL OAK MI 48068

05-021-015-30
JC PENNEY COMPANY INC 23499
PO BOX 10001
DALLAS TX 75301

05-021-015-00
GRAND TRAVERSE MALL LLC
ROUSE PROPERTIES INC
2211 YORK RD STE 222
OAK BROOK IL 60523

05-021-064-00
BENSON SCHMUCKAL PROPERTIES LLC
1516 BARLOW ST
TRAVERSE CITY MI 49684

05-129-900-00
BRIXMOR PROPERTY GROUP
GRAND TRAVERSE CROSSING CONDO ASSOC
PO BOX 4900 - DEPT 124
SCOTTSDALE AZ 85261

05-126-900-00
GRAND TRAVERSE COMMERCE CENTRE
CONDOMINIUM ASSOCIATION
3347 W SOUTH AIRPORT RD STE A
TRAVERSE CITY MI 49684

05-021-064-10
HOOGLAND KEITH LIMITED PARTNERSHIP
2500 LEHIGH AVE
GLENVIEW IL 60026

05-021-014-20
CHARTER TWP OF GARFIELD
WA TOWER 3345 DAY DR
3848 VETERANS DR
TRAVERSE CITY MI 49684

05-105-001-00
LIVING HOPE ASSEMBLY OF GOD CH
3050 W SOUTH AIRPORT RD
TRAVERSE CITY MI 49684

05-129-002-20
BRIXMOR PROPERTY GROUP
PO BOX 4900 - DEPT 124
SCOTTSDALE AZ 85261

05-022-009-00
CASCIANO DEVELOPMENT LLC
1800 GARFIELD AVE S
TRAVERSE CITY MI 49686

05-021-015-10
AIRPORT 31 LLC
(LC BUYER)
25900 WEST ELEVEN MILE RD STE 250
SOUTHFIELD MI 48034

05-021-034-00
19 PROPS LLC
TENANT
211 E WATER ST STE 201
KALAMAZOO MI 49007

05-105-009-00
MEADE JANICE A
1729 MAISONETTE DR
LANSING MI 48911

05-022-015-15
ALDI INC (MICHIGAN)
2625 N STOCKBRIDGE RD
WEBBERVILLE MI 48892

05-021-015-70
GRAND TRAVERSE MALL LLC
ROUSE PROPERTIES INC
2211 YORK RD STE 222
OAK BROOK IL 60523

05-129-999-00
BRIXMOR PROPERTY GROUP
PO BOX 4900 - DEPT 124
SCOTTSDALE AZ 85261

05-021-015-20
MAY DEPARTMENT STORES CO
MACY'S TAX DEPT
7 W SEVENTH ST
CINCINNATI OH 45202

05-021-015-60
GRAND TRAVERSE MALL LLC
ROUSE PROPERTIES INC
2211 YORK RD STE 222
OAK BROOK IL 60523

05-021-015-40
TARGET CORP
PO BOX 9456
MINNEAPOLIS MN 55440

05-021-005-00
WELLINGTON REAL ESTATE HOLDINGS
PO BOX 268
TRAVERSE CITY MI 49684

05-021-061-00
CHARTER TWP OF GARFIELD
3848 VETERANS DR
TRAVERSE CITY MI 49684

05-126-001-00
RICE TIMOTHY TRUST
526 W 14TH ST #221
TRAVERSE CITY MI 49684

05-022-009-05
WJS OF CROSSING CIRCLE LLC
16117 ARBOR TRAIL
TRAVERSE CITY MI 49686

05-105-011-00
GRAND TRAVERSE MALL LLC
ROUSE PROPERTIES LLC
2211 YORK RD STE 222
OAK BROOK IL 60523

05-105-002-00
LAU BRENDA P TRUST
3112 DAY DR
TRAVERSE CITY MI 49684

05-022-015-10
Occupant
3111 W SOUTH AIRPORT RD
TRAVERSE CITY MI 49684-8996

05-309-900-00
SOUTH AIRPORT COMMERCE BLDG ASSOC
3335 W SOUTH AIRPORT RD STE 5B
TRAVERSE CITY MI 49684

05-021-015-50
GRAND TRAVERSE MALL LLC
ROUSE PROPERTIES INC
2211 YORK RD STE 222
OAK BROOK IL 60523

05-021-040-00
Occupant
2625 N US 31 SOUTH
TRAVERSE CITY MI 49684-4524

05-309-001-00
Occupant
3285 W SOUTH AIRPORT RD UNIT 1
TRAVERSE CITY MI 49684

05-126-004-00
Occupant
3323 W SOUTH AIRPORT RD
TRAVERSE CITY MI 49684-8115

05-105-008-00
Occupant
3208 DAY DR
TRAVERSE CITY MI 49684-8905

05-021-011-00
Occupant
2700 N US 31 SOUTH
TRAVERSE CITY MI 49684-4525

05-234-003-00
Occupant
3337 W SOUTH AIRPORT RD STE 3
TRAVERSE CITY MI 49684

05-105-003-00
Occupant
3128 DAY DR
TRAVERSE CITY MI 49684-8905

05-126-006-00
Occupant
3301 W SOUTH AIRPORT RD
TRAVERSE CITY MI 49684-8115

05-234-004-00
Occupant
3337 W SOUTH AIRPORT RD STE 4
TRAVERSE CITY MI 49684

05-105-006-00
Occupant
3176 DAY DR
TRAVERSE CITY MI 49684-8905

05-126-008-00
Occupant
3275 W SOUTH AIRPORT RD
TRAVERSE CITY MI 49684-8115

05-234-005-00
Occupant
3335 W SOUTH AIRPORT RD STE 5 A
TRAVERSE CITY MI 49684

05-129-002-10
Occupant
2668 CROSSING CIR
TRAVERSE CITY MI 49684

05-234-001-00
Occupant
3337 W SOUTH AIRPORT RD STE A
TRAVERSE CITY MI 49684

05-234-006-00
Occupant
3335 W SOUTH AIRPORT RD STE 6A
TRAVERSE CITY MI 49684

05-105-004-00
Occupant
3144 DAY DR
TRAVERSE CITY MI 49684-8905

05-234-002-00
Occupant
3337 W SOUTH AIRPORT RD STE 2
TRAVERSE CITY MI 49684

05-234-007-00
Occupant
3335 W SOUTH AIRPORT RD STE 7A
TRAVERSE CITY MI 49684

05-105-007-00
Occupant
3192 DAY DR
TRAVERSE CITY MI 49684-8905

05-234-008-00
Occupant
3335 W SOUTH AIRPORT RD STE 9B
TRAVERSE CITY MI 49684

05-291-001-00
Occupant
3311 W SOUTH AIRPORT RD
TRAVERSE CITY MI 49684-8115

05-021-021-00
Occupant
2650 N US 31 SOUTH
TRAVERSE CITY MI 49684

05-309-002-00
Occupant
3289 W SOUTH AIRPORT RD UNIT 2
TRAVERSE CITY MI 49684

05-021-035-00
Occupant
2545 N US 31 SOUTH
TRAVERSE CITY MI 49684-4522

05-105-010-00
Occupant
3240 DAY DR
TRAVERSE CITY MI 49684-8905

05-309-003-00
Occupant
3289 W SOUTH AIRPORT RD UNIT 3
TRAVERSE CITY MI 49684

05-021-023-00
Occupant
2600 N US 31 SOUTH
TRAVERSE CITY MI 49684-4677

05-021-036-10
Occupant
2537 N US 31 SOUTH
TRAVERSE CITY MI 49684-0000

05-126-002-00
Occupant
3347 W SOUTH AIRPORT RD
TRAVERSE CITY MI 49684-8115

05-105-005-00
Occupant
3160 DAY DR
TRAVERSE CITY MI 49684-0000

05-021-064-00
Occupant
2408 N US 31 SOUTH
TRAVERSE CITY MI 49684-4508

05-021-064-10
Occupant
3375 W SOUTH AIRPORT RD
TRAVERSE CITY MI 49684

05-105-009-00
Occupant
3224 DAY DR
TRAVERSE CITY MI 49684-8905

05-021-015-20
Occupant
3400 W SOUTH AIRPORT RD
TRAVERSE CITY MI 49684-8902

05-129-002-20
Occupant
2670 CROSSING CIR
TRAVERSE CITY MI 49684

05-129-999-00
Occupant
CROSSING CIR-STREETS
TRAVERSE CITY MI 49684

05-021-005-00
Occupant
2936 LONNA LN
TRAVERSE CITY MI 49684

05-021-034-00
Occupant
2577 N US 31 SOUTH
TRAVERSE CITY MI 49684

05-021-015-40
Occupant
3100 W SOUTH AIRPORT RD
TRAVERSE CITY MI 49684-8999

05-022-009-05
Occupant
2504 CROSSING CIR
TRAVERSE CITY MI 49686

05-021-015-70
Occupant
W SOUTH AIRPORT RD
TRAVERSE CITY MI 49684

05-126-001-00
Occupant
3359 W SOUTH AIRPORT RD
TRAVERSE CITY MI 49684

05-021-015-60
Occupant
3160 W SOUTH AIRPORT RD
TRAVERSE CITY MI 49684

05-105-002-00
Occupant
3112 DAY DR
TRAVERSE CITY MI 49684-8905

05-021-061-00
Occupant
3125 W SOUTH AIRPORT RD
TRAVERSE CITY MI 49684-8996

05-021-015-50
Occupant
3180 W SOUTH AIRPORT RD
TRAVERSE CITY MI 49684

05-105-011-00
Occupant
DAY DR
TRAVERSE CITY MI 49684-0000

05-021-015-00
Occupant
3200 W SOUTH AIRPORT RD
TRAVERSE CITY MI 49684-8117

05-021-015-30
Occupant
3300 W SOUTH AIRPORT RD
TRAVERSE CITY MI 49684-8902

05-105-001-00
Occupant
3050 W SOUTH AIRPORT RD
TRAVERSE CITY MI 49684-8993

05-021-014-20
Occupant
3345 DAY DR
TRAVERSE CITY MI 49684-4588

05-021-015-10
Occupant
3450 W SOUTH AIRPORT RD
TRAVERSE CITY MI 49684

05-022-009-00
Occupant
2500 CROSSING CIR
TRAVERSE CITY MI 49684

05-022-015-15
Occupant
3123 W SOUTH AIRPORT RD
TRAVERSE CITY MI 49684-8996

T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684
(231)946-2000

ORDER CONFIRMATION

Salesperson: DENISE LINGERFELT

Printed at 02/03/16 15:10 by dling

Acct #: 5508

Ad #: 425550

Status: N

GARFIELD, TOWNSHIP OF
3848 VETERANS DRIVE
TRAVERSE CITY MI 49684

Start: 02/07/2016 Stop: 02/07/2016
Times Ord: 1 Times Run: ***
STDAD 3.00 X 5.59 Words: 425
Total STDAD 16.77
Class: 147 LEGALS
Rate: LEGAL Cost: 146.75
Affidavits: 1

Contact:

Phone: (231)941-1620

Fax#: (231)941-1588

Email: lritter@garfield-twp.com

Agency:

Ad Descrpt: LEGAL NOTICE CHARTER TOW

Given by: EMAIL JUDY BATTLE

Created: dling 02/03/16 15:04

Last Changed: dling 02/03/16 15:09

PUB ZONE EDT TP START INS STOP SMTWTFS
RE A 97 W 02/07/16 1 02/07/16 SMTWTFS
IN AIN 97 W 02/07/16 1 02/07/16 SMTWTFS

AUTHORIZATION

Thank you for advertising in the Record-Eagle, our related publications and online properties. If you are advertising with the Record-Eagle classifieds, your ad will begin running on the start date noted above.

Please be sure to check your ad on the first day it appears. Although we are happy to make corrections at any time, the Record-Eagle is only responsible for the first day's incorrect insertions. Also, we reserve the right to edit or reclassify your ad to better serve buyers and sellers.

No refunds or rebates will be issued if you cancel your ad prior to the stop date.

We appreciate your business.

(CONTINUED ON NEXT PAGE)

T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684
(231) 946-2000

ORDER CONFIRMATION (CONTINUED)

Salesperson: DENISE LINGERFELT

Printed at 02/03/16 15:10 by dling

Acct #: 5508

Ad #: 425550

Status: N

LEGAL NOTICE
CHARTER TOWNSHIP OF GARFIELD

Zoning Board of Appeals

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Garfield Township Zoning Board of Appeals will hold a public hearing at a special meeting on February 22, 2016 at 7:00 p.m. The hearing will take place at the Garfield Township Hall, located at 3848 Veterans Drive, Traverse City, Michigan 49684.

The hearing is for a request made by Rouse Properties, to allow a variance from the Township Zoning Ordinance (#68) for 1) A variance from Section 630 G. of the zoning ordinance to allow installation of a 162 square foot remote box sign, 2) A variance from Section 630 G. of the zoning ordinance to allow installation of up to six tenant panels with a total maximum additional sign area of up to 100 square foot to the identifying shopping center signage, 3) A variance from Section 630 M. of the zoning ordinance to allow an additional 12 feet to the allowable 6 feet of parapet allowed above a building's roof line for wall sign placement. The total parapet height above the roofline requested is 18 feet, 4) A variance from Section 630 of the zoning ordinance to allow installation of a 350 square foot wall sign mounted a maximum of 18 feet above the building roof line. The property is located in the C-P, Planned Shopping zoning district at 3200 S. Airport Rd, parcel no. 28-05-021-015-00.

A copy of the application, zoning ordinance and zoning map may be inspected at the Township Offices between the hours of 7:30 am and 6:00 pm Monday through Thursday. All persons and Counsel will have the right to speak at the Public Hearing. Any written comments with respect to this application may be submitted to the Township Zoning Department by mail or in person during regular office hours and location as stated above or during the Public Hearing. The Township telephone number is: (231) 941-1640.

Steve Duell Secretary
Garfield Township Zoning
Board of Appeals
3848 Veterans Drive
Traverse City, MI 49684

Sara Kopriva - Zoning Administrator
Garfield Township
3848 Veterans Drive
Traverse City, MI 49684

Garfield Township will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting to individuals with disabilities upon the provision of reasonable advance notice to Garfield Township. Individuals with disabilities requiring auxiliary aids or services should contact Garfield Township by writing or calling Lanie McManus, Clerk, at: (231) 941-1620, or TDD (231) 922-4412.

February 7, 2016-1T

425550



Parcel Map

This map is based on digital databases prepared by the Charter Township of Garfield. The Township does not warrant, expressly or irrlgally, or accept any responsibility for any errors, omissions, or that the information contained in the map or the digital databases is currently or positionally accurate.

Garfield Charter Township
3848 Veterans Drive
Traverse City, MI 49684
Phone: 231.941.1620
Fax: 231.941.1588
www.garfield-twp.com



NOT TO SCALE



NOT A LEGAL SURVEY

Zoning Dept 2/16/2016



Charter Township of Garfield

Grand Traverse County

3848 VETERANS DRIVE
 TRAVERSE CITY, MICHIGAN 49684
 PH: (231) 941-1620 • FAX: (231) 941-1588

ZONING BOARD OF APPEALS APPLICATION

1. Owner / Applicant information

Grand Traverse Mall, LLC
 c/o Rouse Properties, Inc.

Same as Owner

Owner:

6225 N. State Highway 161

Applicant:

Address:

Irving, TX 75038

Address:

City, State, Zip Code

214-660-5232

City, State, Zip Code

Phone Numbers

Phone Numbers

2. Property Information:

- a. Property Address: 3200 S. Airport Road
- b. Property Location: Section 21, T27N, R11W
- c. Lot # N/A Subdivision Name: N/A
- d. Parcel ID# 28-05- 021-015-00
- e. Current Zoning: C-P
- f. Current Use: Retail Shopping Mall

3. Purpose For Request:

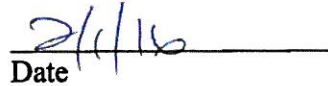
Variance <input checked="" type="checkbox"/> Appeal <input checked="" type="checkbox"/> Interpretation <input checked="" type="checkbox"/> Review <input type="checkbox"/>
Other <input type="checkbox"/> Please explain request / List section(s) related to request: _____ * See Attachments for detailed request _____ _____ _____

Affidavit:

The undersigned affirms that he/she or they is (are) the owner, or authorized agent of the owner, and that the answers and statements herein contained and the information submitted are in all respects true and correct. In addition, the undersigned represents that he/she or they is authorized and does hereby grant a right of entry to Township officials for the purpose of inspecting the premises and uses thereon for the sole purpose of gathering information regarding the request.



Owner signature
Josh Goldman
Rouse Properties, Inc.
Agent for Grand Traverse Mall, LLC



Date

Applicants signature

Date

Any party aggrieved by the decision of the Zoning Board of Appeals may appeal the decision to circuit court. An Appeal of the decision shall be filed in accordance with PA 110 of 2006, as amended.

SECTION 454 VARIANCES

A. Applicability – Dimensional Variances

The Zoning Board of Appeals may authorize a non-use variance relating to the construction, structural changes, or alterations of buildings or structures related to dimensional requirements of this ordinance, or to any other non-use related standard of this ordinance, that comply with the requirements of this section.

B. Applicability – Use Variances

The Zoning Board of Appeals shall not grant a use variance or take any action that would have the effect of granting a variance from the permitted use of land.

E. Approval Criteria

(1) Practical Difficulty

To qualify for a dimensional variance, the applicant shall be required to show “practical difficulty” by demonstrating compliance with all of the following criteria:

- (a) Special conditions or circumstances exist that are peculiar to the land, buildings, or other structures for which the variance is sought, do not apply generally to lands, buildings, or other structures in the same district, and could not reasonably be addressed through the formation of general regulation for such conditions. Special circumstances or conditions to be considered for variances shall include, but not be limited to, the circumstances as described in § 454.E.(3);
- (b) The special conditions and circumstances peculiar to the land, buildings or other structures did not result from a self-created condition or action taken by the applicant or an owner of the lands;
- (c) The special conditions and circumstances are such that strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of the land, building, or structure authorized by this Zoning Ordinance;
- (d) Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance; and
- (e) For the purpose of this section, a practical difficulty shall not exist because an applicant would incur additional costs to achieve full compliance or could receive additional income with less than full compliance with the ordinance.

(2) General Criteria

Where the applicant is able to demonstrate “practical difficulty” by satisfying all of the criteria of § 454.E.(1), a dimensional variance may be granted if it meets the following general criteria:

- (a) The requested variance shall relate only to property that is under the control of the applicant;
- (b) No nonconforming neighboring lands, buildings, or other structures, legal or illegal, in the same district, and no permitted buildings, or other structures in adjacent districts, shall be considered as grounds for the issuance of a variance;
- (c) The requested variance shall be in harmony with the general purpose and intent of this ordinance and shall not be detrimental to the public health, safety and welfare;
- (d) The requested variance shall not alter the essential character of the area or cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located; and
- (e) The requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure, and there is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.

(3) Special Conditions or Circumstances

Special conditions or circumstances to be considered for the purposes of § 454.E.(1) shall include, but not be limited to, the circumstances as described below:

(a) Physical Conditions

The proposed project site contains physical conditions such as narrowness, shallowness, shape, or topography of the property involved that do not generally apply to other property or uses in the same zoning district.

(b) Significant Vegetation or Natural Features

The proposed project site contains significant vegetation or other natural features identified as Stream Environment/Wetland by the Garfield Township Master Plan.

(c) Substandard Lot(s)

The proposed project involves the utilization of an existing legal nonconforming lot(s).

(d) Historic Resources

The proposed project site contains historical significance.

(e) Neighborhood Character

The proposed project promotes the established historic or traditional development pattern of a blockface, including setbacks, building height, and other dimensional requirements.

CHARTER TOWNSHIP OF GARFIELD
ZONING BOARD OF APPEALS APPLICATION

ATTACHMENT 1 - EXPLANATION OF REQUESTS

GENERAL INFORMATION

The applicant proposes to demolish a portion of the existing mall building formerly occupied by Carmike Cinemas and other smaller tenants and reconstruct a single new space of approximately 54,540 square feet for Dick's Sporting Goods, a single new tenant. The applicant has received approval for a site plan amendment to the existing Grand Traverse Mall site plan allowing the demolition and construction of Dick's Sporting Goods at the January 27, 2016 Garfield Township Planning Commission meeting. The approved amendment was found to demonstrate compliance with the Zoning Ordinance; however, special circumstances and conditions exist which prevent the proposed Dick's Sporting Goods store from having the visibility and signage necessary for the general public to locate the store without difficulty and confusion. An aerial image of the Grand Traverse Mall area showing the proposed Dick's Sporting Goods store location on the property is shown in Exhibit 1.

The applicant is requesting the following variances for consideration and approval by the Zoning Board of Appeals to allow Dick's Sporting Goods the visibility and signage necessary for a retail store of this size:

Request 1

A variance from Section 630 G. of the zoning ordinance to allow installation of a 162 square foot remote box sign which is not currently allowed.

Request 2

A variance from Section 630 G. of the zoning ordinance to allow installation of up to six tenant panels with a total maximum additional sign area of up to 100 square feet to the identifying shopping center signage. Tenant panels are not currently allowed.

Request 3

A variance from Section 630 M. of the zoning ordinance to allow an additional 12 feet to the allowable 6 feet of parapet allowed above a building's roof line for wall sign placement. The total parapet height above the roofline requested is 18 feet.

Request 4

A variance from Section 630 of the zoning ordinance to allow installation of a 350 square feet wall sign mounted a maximum of 18 feet above the building roof line. The allowed mounting height is 6 feet above the roofline and the allowed sign area is undefined.

Detailed explanations of the "Practical Difficulty", "General Criteria", and "Special Conditions or Circumstances" related to each request follow.

DETAILED REQUEST EXPLANATIONS

Request 1

A variance from Section 630 G. of the zoning ordinance to allow installation of a 162 square foot remote box sign which is not currently allowed.

Exhibit 2 included with this application depicts the remote box sign size and location of installation intended.

Approval Criteria

(1) Practical Difficulty

To qualify for a dimensional variance, the applicant shall be required to show “practical difficulty” by demonstrating compliance with all of the following criteria:

(a) Special conditions or circumstances exist that are peculiar to the land, buildings, or other structures for which the variance is sought, do not apply generally to lands, buildings, or other structures in the same district, and could not reasonably be addressed through the formation of general regulation for such conditions. Special circumstances or conditions to be considered for variances shall include, but not be limited to, the circumstances as described in § 454.E.(3);

The following special circumstances exist with respect to this criterion for Request 1:

- (1) The location of the existing highways, neighboring properties, required parking and storm water control elements of this established development preclude an alternative addition location for Dick’s Sporting Goods to the mall which would provide visibility from one or more of the major highways.
- (2) The Dick’s Sporting Goods store will be on the north side of the Grand Traverse Mall where no direct visual access or direct public road frontage access to the proposed Dick’s Sporting Goods store from the major highways of South Airport Road or US 31 will exist.
- (3) Only circular traffic is allowed around the mall from the three entrances located east, south, and west of the building. No main entrance to the north exists as the Kids Creek Watershed and a residential neighborhood are present in this area limiting development from this direction.
- (4) No other retail store of this size exists in this type of configuration without direct visibility or visible identifying signage from a major highway.

(b) The special conditions and circumstances peculiar to the land, buildings or other structures did not result from a self-created condition or action taken by the applicant or an owner of the lands;

The locations of the existing highway, neighboring properties, environmental features, required elements of the development, and other conditions described above which limit the visibility of the proposed Dick’s Sporting Goods store are not a self created condition or action taken by the applicant.

(c) The special conditions and circumstances are such that strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of the land, building, or structure authorized by this Zoning Ordinance;

It is a reasonable expectation that the authorized and approved retail use of Dick's Sporting Goods include direct visibility and/or signage visible from at least one of the major highways around Grand Traverse Mall. Neither occurs in this case under the strict application of the provisions of the Zoning Ordinance, Section 630 G.

Approval of this request to install a remote box sign would allow the existence of Dick's Sporting Goods to be advertised to the general public via visibility from South Airport Road. Approval of this variance request will be consistent with general regulations, conditions, and intentions of Section 630 Signs of the Zoning Ordinance. Statements regarding these regulations, conditions, and intentions taken directly from Section 630 include:

- "Regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities in Garfield Township without difficulty and confusion, to encourage the general attractiveness of the community, and to protect property values therein."
- Promote and protect the public health, safety, comfort, morals, and convenience;
- Enhance the economy and the business and industry of the Township by promoting the reasonable, orderly, and effective display of signs, and thereby encourage increased communication with the public;
- Protect public safety by prohibiting signs that are structurally unsafe or poorly maintained; that cause unsafe traffic conditions through distraction of motorists, confusion with traffic signs, or hindrance of vision; and that impede safe movement of pedestrians or safe ingress and egress from buildings or sites;
- Ensure that the constitutionally guaranteed right of free speech is protected and to allow signs as a means of communication;
- Reduce conflict among signs and light and between public and private environmental information systems; and
- Promote signs which are compatible with their surroundings, are appropriate to the type of activity to which they pertain, and are expressive of the identity of proprietors and other persons displaying signs.

The applicant contends that the approval of the requested variance will allow Dick's Sporting Goods to realize a reasonably expected land use of visible signage while still meeting the intentions and spirit of Section 630 of the Zoning Ordinance as outlined above. As mentioned above, one of the goals of sign regulation within Garfield Township is in part "to enable the public to locate goods, services, and facilities in Garfield Township without difficulty and confusion". This requested variance will work towards ensuring the public is able to reasonably locate Dick's Sporting Goods without difficulty or confusion.

The photos presented in Exhibit 4 are from existing installations which would be similar to the installation proposed and demonstrate the harmony with the spirit of the intentions

of the Zoning Ordinance. They show how the proposed signs can and will be appropriate and compatible with their surroundings, as well as be a reasonable, orderly, and effective display.

(d) Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance; and

The literal interpretation of the provisions of Section 630 G. will deprive the applicant of rights commonly enjoyed by other properties in the C-P district. There appears to be three distinct areas zoned C-P on the Garfield Township Zoning Map. These areas are known as Grand Traverse Mall, Cherryland Center, and Meijer.

At Grand Traverse Mall, the current three large anchors over 50,000 sft are Macy's, JC Penney, and Target. All three enjoy the right of direct visibility of their stores and signage from South Airport Road.

Meijer is the only large building present on its C-P zoned site. Its size appears to be well over 260,000 square feet and it enjoys direct visibility of its building wall sign as well as a free standing sign along US-31.

The Cherryland Center has several large anchors similar to Grand Traverse Mall. They are Sears, Big Lots, K-Mart, and Younkers. Sears, Big Lots, and K-Mart all enjoy the right of direct visibility of their stores and signage from South Airport Road. Younkers is a different situation and actually is nearly identical to the situation of the requested variance for Dick's Sporting Goods. The Younkers store is situated on the back side of the Cherryland Center building but has a main exterior entrance at the end of an alcove. A wall sign on the building is located above that entrance. Due to the depth of the alcove, the entrance and wall sign are not visible from either South Airport Road or Garfield Road. Younkers currently enjoys high visibility from these roads via a remote sign mounted at the entrance to the alcove. The sign consists of internally illuminated letters mounted to a steel structure supported at one end by the wall of the Game Stop space and at the other end by the wall of the Bath and Body Works space. The Younkers signage is shown in Exhibit 5.

(e) For the purpose of this section, a practical difficulty shall not exist because an applicant would incur additional costs to achieve full compliance or could receive additional income with less than full compliance with the ordinance.

A practical difficulty does not exist due to incurrence of additional costs for full compliance or additional income with less than full compliance with the ordinance. In fact, the opposite is true of the request as the applicant would incur the least capital cost under strict compliance with the ordinance.

(2) General Criteria

Where the applicant is able to demonstrate “practical difficulty” by satisfying all of the criteria of § 454.E.(1), a dimensional variance may be granted if it meets the following general criteria:

- (a) The requested variance shall relate only to property that is under the control of the applicant;**
- (b) No nonconforming neighboring lands, buildings, or other structures, legal or illegal, in the same district, and no permitted buildings, or other structures in adjacent districts, shall be considered as grounds for the issuance of a variance;**
- (c) The requested variance shall be in harmony with the general purpose and intent of this ordinance and shall not be detrimental to the public health, safety and welfare;**
- (d) The requested variance shall not alter the essential character of the area or cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located; and**
- (e) The requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure, and there is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.**

The applicant believes the general criteria set forth above are satisfied and requests approval of the requested variance. Further, the existence of similar remote signage not in strict compliance with the ordinance currently exists at Younkers and establishes a precedent of acceptance of remote signage within the C-P district. Given a limited and well defined situation described within this request, the applicant should also be allowed to realize the visibility afforded by remote signage.

Request 2

A variance from Section 630 G. of the zoning ordinance to allow installation of up to six tenant panels with a total maximum additional sign area of up to 100 square feet to the identifying shopping center signage. Tenant panels are not currently allowed.

Approval Criteria

(1) Practical Difficulty

To qualify for a dimensional variance, the applicant shall be required to show “practical difficulty” by demonstrating compliance with all of the following criteria:

- (a) Special conditions or circumstances exist that are peculiar to the land, buildings, or other structures for which the variance is sought, do not apply generally to lands, buildings, or other structures in the same district, and could not reasonably be addressed**

through the formation of general regulation for such conditions. Special circumstances or conditions to be considered for variances shall include, but not be limited to, the circumstances as described in § 454.E.(3);

The following special circumstances exist with respect to this criterion for Request 2:

- (1) The location of the existing highways, neighboring properties, required parking and storm water control elements of this established development preclude an alternative addition location for Dick's Sporting Goods to the mall which would provide visibility from one or more of the major highways.
- (2) The Dick's Sporting Goods store will be on the north side of the Grand Traverse Mall where no direct visual access or direct public road frontage access to the proposed Dick's Sporting Goods store from the major highways of South Airport Road or US 31 will exist.
- (3) Only circular traffic is allowed around the mall from the three entrances located east, south, and west of the building. No main entrance to the north exists as the Kids Creek Watershed and a residential neighborhood are present in this area limiting development from this direction.
- (4) No other retail store of this size exists in this type of configuration without direct visibility or visible identifying signage from a major highway.

(b) The special conditions and circumstances peculiar to the land, buildings or other structures did not result from a self-created condition or action taken by the applicant or an owner of the lands;

The locations of the existing highway, neighboring properties, environmental features, required elements of the development, and other conditions described above which limit the visibility of the proposed Dick's Sporting Goods store are not a self created condition or action taken by the applicant.

(c) The special conditions and circumstances are such that strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of the land, building, or structure authorized by this Zoning Ordinance;

It is a reasonable expectation that the authorized and approved retail use of Dick's Sporting Goods include direct visibility and/or signage visible from at least one of the major highways around Grand Traverse Mall. Neither occurs in this case under the strict application of the provisions of the Zoning Ordinance, Section 630 G.

Approval of this request to allow the addition of tenant panels to the identifying shopping center signage would allow the existence of Dick's Sporting Goods to be advertised to the general public via visibility from the major highways. Approval of this variance request will be consistent with general regulations, conditions, and intentions of Section 630 Signs of the Zoning Ordinance. Statements regarding these regulations, conditions, and intentions taken directly from Section 630 include:

- "Regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities in Garfield

Township without difficulty and confusion, to encourage the general attractiveness of the community, and to protect property values therein.”

- Promote and protect the public health, safety, comfort, morals, and convenience;
- Enhance the economy and the business and industry of the Township by promoting the reasonable, orderly, and effective display of signs, and thereby encourage increased communication with the public;
- Protect public safety by prohibiting signs that are structurally unsafe or poorly maintained; that cause unsafe traffic conditions through distraction of motorists, confusion with traffic signs, or hindrance of vision; and that impede safe movement of pedestrians or safe ingress and egress from buildings or sites;
- Ensure that the constitutionally guaranteed right of free speech is protected and to allow signs as a means of communication;
- Reduce conflict among signs and light and between public and private environmental information systems; and
- Promote signs which are compatible with their surroundings, are appropriate to the type of activity to which they pertain, and are expressive of the identity of proprietors and other persons displaying signs.

The applicant contends that the approval of the requested variance will allow Dick’s Sporting Goods to realize a reasonably expected land use of visible signage while still meeting the intentions and spirit of Section 630 of the Zoning Ordinance as outlined above. As mentioned above, one of the goals of sign regulation within Garfield Township is in part “to enable the public to locate goods, services, and facilities in Garfield Township without difficulty and confusion”. This requested variance will work towards ensuring the public is able to reasonably locate Dick’s Sporting Goods without difficulty or confusion.

(d) Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance; and

The literal interpretation of the provisions of Section 630 G. will deprive the applicant of rights commonly enjoyed by other properties in the C-P district. There appears to be three distinct areas zoned C-P on the Garfield Township Zoning Map. These areas are known as Grand Traverse Mall, Cherryland Center, and Meijer.

At Grand Traverse Mall, the current three large anchors over 50,000 sft are Macy’s, JC Penney, and Target. All three enjoy the right of direct visibility of their stores and signage from South Airport Road.

Meijer is the only large building present on its C-P zoned site. Its size appears to be well over 260,000 square feet and it enjoys direct visibility of its building wall sign as well as a free standing sign along US-31.

The Cherryland Center has several large anchors similar to Grand Traverse Mall. They are Sears, Big Lots, K-Mart, and Younkers. Sears, Big Lots, and K-Mart all enjoy the

right of direct visibility of their stores and signage from South Airport Road. Younkens currently enjoys high visibility from these roads via a remote sign as described in Request 1.

There are also many instances in the Township where tenant panel signs are included on a freestanding sign for a development or shopping center. This is in addition to direct visibility of the major stores from the highway. Directly across South Airport Road from Grand Traverse Mall is Grand Traverse Crossings where a large freestanding sign includes tenant panels. See Exhibit 6 for a photo of this sign.

(e) For the purpose of this section, a practical difficulty shall not exist because an applicant would incur additional costs to achieve full compliance or could receive additional income with less than full compliance with the ordinance.

A practical difficulty does not exist due to incurrence of additional costs for full compliance or additional income with less than full compliance with the ordinance. In fact, the opposite is true of the request as the applicant would incur the least capital cost under strict compliance with the ordinance.

(2) General Criteria

Where the applicant is able to demonstrate “practical difficulty” by satisfying all of the criteria of § 454.E.(1), a dimensional variance may be granted if it meets the following general criteria:

(a) The requested variance shall relate only to property that is under the control of the applicant;

(b) No nonconforming neighboring lands, buildings, or other structures, legal or illegal, in the same district, and no permitted buildings, or other structures in adjacent districts, shall be considered as grounds for the issuance of a variance;

(c) The requested variance shall be in harmony with the general purpose and intent of this ordinance and shall not be detrimental to the public health, safety and welfare;

(d) The requested variance shall not alter the essential character of the area or cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located; and

(e) The requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure, and there is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.

The applicant believes the general criteria set forth above are satisfied and requests approval of the requested variance. Given a limited and well defined situation described within this request,

the applicant should also be allowed to realize the visibility afforded by tenant panels on the identifying shopping center signage.

Request 3

A variance from Section 630 M. of the zoning ordinance to allow an additional 12 feet to the allowable 6 feet of parapet allowed above a building's roof line for wall sign placement. The total parapet height above the roofline requested is 18 feet.

Exhibit 3 included with this application depicts the proposed height of the entrance feature/parapet at the north entrance to the proposed Dick's Sporting Goods store intended.

Approval Criteria

(1) Practical Difficulty

To qualify for a dimensional variance, the applicant shall be required to show "practical difficulty" by demonstrating compliance with all of the following criteria:

(a) Special conditions or circumstances exist that are peculiar to the land, buildings, or other structures for which the variance is sought, do not apply generally to lands, buildings, or other structures in the same district, and could not reasonably be addressed through the formation of general regulation for such conditions. Special circumstances or conditions to be considered for variances shall include, but not be limited to, the circumstances as described in § 454.E.(3);

The following special circumstances exist with respect to this criterion for Request 3:

- (1) The location of the existing highways, neighboring properties, required parking and storm water control elements of this established development preclude an alternative addition location for Dick's Sporting Goods to the mall which would provide visibility from one or more of the major highways.
- (2) The Dick's Sporting Goods store will be on the north side of the Grand Traverse Mall where no direct visual access or direct public road frontage access to the proposed Dick's Sporting Goods store from the major highways of South Airport Road or US 31 will exist.
- (3) Only circular traffic is allowed around the mall from the three entrances located east, south, and west of the building. No main entrance to the north exists as the Kids Creek Watershed and a residential neighborhood are present in this area limiting development from this direction.
- (4) No other retail store of this size exists in this type of configuration without direct visibility or visible identifying signage from a major highway.

(b) The special conditions and circumstances peculiar to the land, buildings or other structures did not result from a self-created condition or action taken by the applicant or an owner of the lands;

The locations of the existing highway, neighboring properties, environmental features, required elements of the development, and other conditions described above which limit

the visibility of the proposed Dick's Sporting Goods store are not a self created condition or action taken by the applicant.

(c) The special conditions and circumstances are such that strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of the land, building, or structure authorized by this Zoning Ordinance;

It is reasonable for the authorized and approved retail use of Dick's Sporting Goods to include direct visibility and/or signage visible from at least one of the major highways around Grand Traverse Mall. Neither occurs in this case under the strict application of the provisions of the Zoning Ordinance, Sections 630 G and M.

Under the strict application of Sections 630 G and M, the height of any sign mounted to the wall of a building is limited to a maximum height of 6 feet above the roofline of a building when mounted on a parapet. The proposed variance would allow the parapet to extend more than 6 feet above the roofline and allow limited indirect visibility of the main entrance to Dick's Sporting Goods from US 31. Strict application deprives the applicant of a view of a major commercial retail from the only major thoroughfare thus depriving them of a reasonable use of the structure.

Approval of the request will be consistent with the general regulations, conditions, and intentions of Section 630 Signs of the Zoning Ordinance as previously outlined in Request 1 of this document. The existing neighborhood along Day Drive to the north of the proposed Dick's Sporting Goods location is buffered from the mall property by an extensive berm and dense mature evergreen trees. The photos presented as Exhibit 7 show these conditions. The berm and trees will continue to maintain the comfort of this neighborhood by shielding its view of the proposed Dick's Sporting Goods entrance.

(d) Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance; and

The literal interpretation of the provisions of Section 630 G. will deprive the applicant of rights commonly enjoyed by other properties in the C-P district. The current glass entrance features at the main entrance to this mall are similar in height at over 41 feet tall.

(e) For the purpose of this section, a practical difficulty shall not exist because an applicant would incur additional costs to achieve full compliance or could receive additional income with less than full compliance with the ordinance.

A practical difficulty does not exist due to incurrence of additional costs for full compliance or additional income with less than full compliance with the ordinance. In fact, the opposite is true of the request as the applicant would incur the least capital cost under strict compliance with the ordinance.

(2) General Criteria

Where the applicant is able to demonstrate “practical difficulty” by satisfying all of the criteria of § 454.E.(1), a dimensional variance may be granted if it meets the following general criteria:

- (a) The requested variance shall relate only to property that is under the control of the applicant;**
- (b) No nonconforming neighboring lands, buildings, or other structures, legal or illegal, in the same district, and no permitted buildings, or other structures in adjacent districts, shall be considered as grounds for the issuance of a variance;**
- (c) The requested variance shall be in harmony with the general purpose and intent of this ordinance and shall not be detrimental to the public health, safety and welfare;**
- (d) The requested variance shall not alter the essential character of the area or cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located; and**
- (e) The requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure, and there is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.**

The applicant believes the general criteria set forth above are satisfied and requests approval of the requested variance.

Request 4

A variance from Section 630 of the zoning ordinance to allow installation of a 350 square feet wall sign mounted a maximum of 18 feet above the building roof line. The allowed mounting height is 6 feet above the roofline and the allowed sign area is undefined.

Exhibit 3 included with this application depicts the intended sign size and location on the building parapet at the north entrance to the proposed Dick’s Sporting Goods store.

Approval Criteria

(1) Practical Difficulty

To qualify for a dimensional variance, the applicant shall be required to show “practical difficulty” by demonstrating compliance with all of the following criteria:

- (a) Special conditions or circumstances exist that are peculiar to the land, buildings, or other structures for which the variance is sought, do not apply generally to lands, buildings, or other structures in the same district, and could not reasonably be addressed through the formation of general regulation for such conditions. Special circumstances or**

conditions to be considered for variances shall include, but not be limited to, the circumstances as described in § 454.E.(3);

The following special circumstances exist with respect to this criterion for Request 4:

- (1) The location of the existing highways, neighboring properties, required parking and storm water control elements of this established development preclude an alternative addition location for Dick’s Sporting Goods to the mall which would provide visibility from one or more of the major highways.
- (2) The Dick’s Sporting Goods store will be on the north side of the Grand Traverse Mall where no direct visual access or direct public road frontage access to the proposed Dick’s Sporting Goods store from the major highways of South Airport Road or US 31 will exist.
- (3) Only circular traffic is allowed around the mall from the three entrances located east, south, and west of the building. No main entrance to the north exists as the Kids Creek Watershed and a residential neighborhood are present in this area limiting development from this direction.
- (4) No other retail store of this size exists in this type of configuration without direct visibility or visible identifying signage from a major highway.

(b) The special conditions and circumstances peculiar to the land, buildings or other structures did not result from a self-created condition or action taken by the applicant or an owner of the lands;

The locations of the existing highway, neighboring properties, environmental features, required elements of the development, and other conditions described above which limit the visibility of the proposed Dick’s Sporting Goods store are not a self created condition or action taken by the applicant.

(c) The special conditions and circumstances are such that strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of the land, building, or structure authorized by this Zoning Ordinance;

It is reasonable for the authorized and approved retail use of Dick’s Sporting Goods to include direct visibility and/or signage visible from at least one of the major highways around Grand Traverse Mall. Neither occurs in this case under the strict application of the provisions of the Zoning Ordinance, Sections 630 G and M.

Under the strict application of Sections 630 G and M, the height of any sign mounted to the wall of a building is limited to a maximum height of 6 feet above the roofline of a building when mounted on a parapet. Additionally, the sizes of signs allowed under the provisions for this zoning district are ambiguous. The proposed sign shown in Exhibit 3 is of a size and scale appropriate for the structure it is proposed to be installed on. The combination of size and height will allow some limited indirect visibility of the main entrance to Dick’s Sporting Goods from US 31. Strict application deprives the applicant of a view of a major commercial retail from the only major thoroughfare thus depriving them of a reasonable use of the structure.

It is noted that the United States Sign Council has conducted extensive research on the legibility of on-premise signs and motorist reactions to them. Table 3 published in the results of their research (<http://www.uscc.org/SignLegibilityLettersize.pdf>) regarding parallel signs indicates that for parallel signage 400 feet from the curb of a 5 lane road, the appropriate letter height is 90 inches. The distance from US-31 in this instance is over 1,600 feet, but the maximum requested letter size is 96 inches. It is also noted that signs of similar size also exist at nearby businesses. Lowe's main wall signage shown in Exhibit 8 has letters slightly larger than requested and an overall size that is similar to Dick's. The overall height of the entrance parapet is similar to the requested height for Dick's Sporting Goods.

Approval of the request will be consistent with the general regulations, conditions, and intentions of Section 630 Signs of the Zoning Ordinance. The sign size is consistent with other existing signage in the area and within industry standards. Also, as previously shown, the existing neighborhood along Day Drive is well buffered from the mall property and the proposed Dick's Sporting Goods entrance by an extensive berm and dense mature evergreen trees.

(d) Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance; and

The literal interpretation of the provisions of Section 630 G. will deprive the applicant of rights commonly enjoyed by other properties in the C-P district. There appears to be three distinct areas zoned C-P on the Garfield Township Zoning Map. These areas are known as Grand Traverse Mall, Cherryland Center, and Meijer.

At Grand Traverse Mall, the current three large anchors over 50,000 sft are Macy's, JC Penney, and Target. All three have direct visibility of their stores and signage from South Airport Road.

Meijer is the only large building present on its C-P zoned site. Its size appears to be well over 260,000 square feet and it enjoys direct visibility of its building wall sign as well as a free standing sign along US-31.

The Cherryland Center has several large anchors similar to Grand Traverse Mall. They are Sears, Big Lots, K-Mart, and Younkers and all of these tenants have direct visibility of their stores and/or signage from South Airport Road or Garfield Road.

Approval of this variance would afford the applicant some limited indirect visibility of their store and signage from the US 31 highway.

(e) For the purpose of this section, a practical difficulty shall not exist because an applicant would incur additional costs to achieve full compliance or could receive additional income with less than full compliance with the ordinance.

A practical difficulty does not exist due to incurrence of additional costs for full compliance or additional income with less than full compliance with the ordinance. In fact, the opposite is true of the request as the applicant would incur the least capital cost under strict compliance with the ordinance.

(2) General Criteria

Where the applicant is able to demonstrate “practical difficulty” by satisfying all of the criteria of § 454.E.(1), a dimensional variance may be granted if it meets the following general criteria:

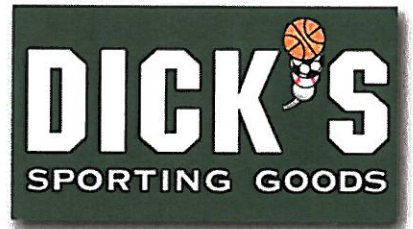
- (a) The requested variance shall relate only to property that is under the control of the applicant;**
- (b) No nonconforming neighboring lands, buildings, or other structures, legal or illegal, in the same district, and no permitted buildings, or other structures in adjacent districts, shall be considered as grounds for the issuance of a variance;**
- (c) The requested variance shall be in harmony with the general purpose and intent of this ordinance and shall not be detrimental to the public health, safety and welfare;**
- (d) The requested variance shall not alter the essential character of the area or cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located; and**
- (e) The requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure, and there is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.**

The applicant believes the general criteria set forth above are satisfied and requests approval of the requested variance.

A Z

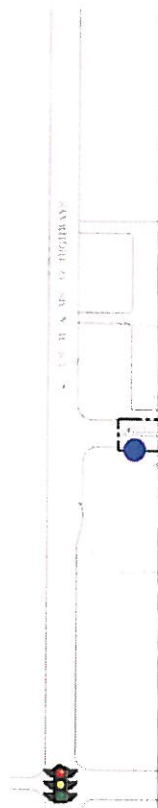


EXHIBIT 1

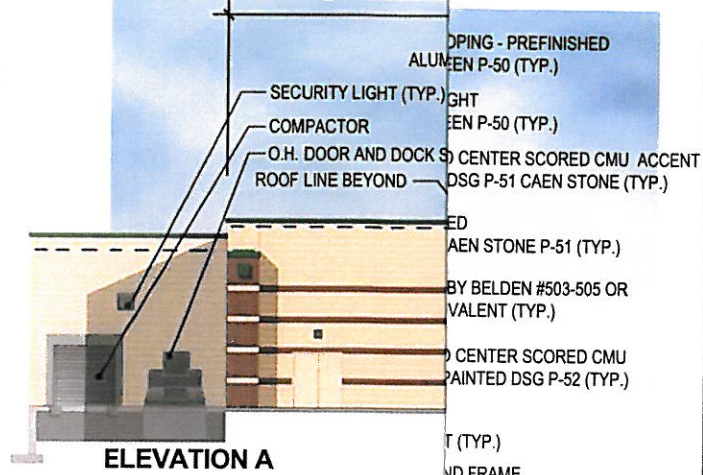


**GRAND TRAVERSE MALL
TRAVERSE CITY, MI**

EXHIBIT 2

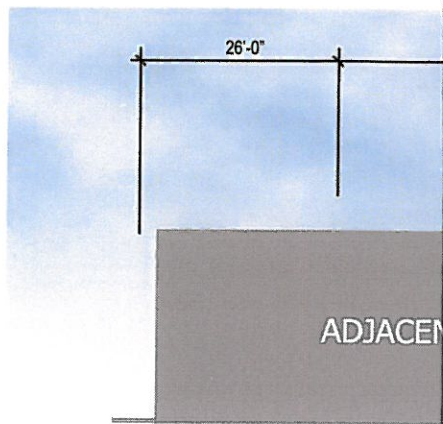


- T/ ENTRY FEATURE
ELEV. 43'-4"
- T/ MASONRY
ELEV. 42'-0"
- T/ PARAPET
ELEV. 24'-8"
- T/ MASONRY PILASTER
ELEV. 20'-0"
- ELEV. 0'-0"
FIN. FLOOR

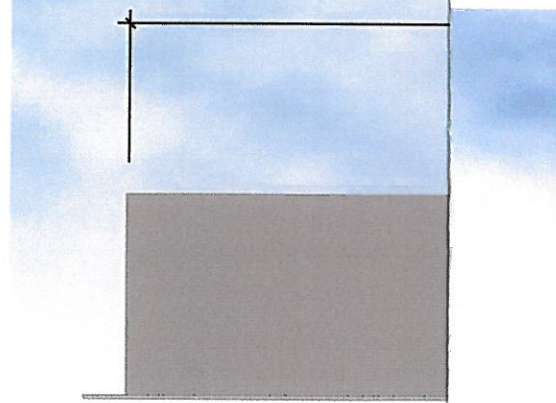


ELEVATION A

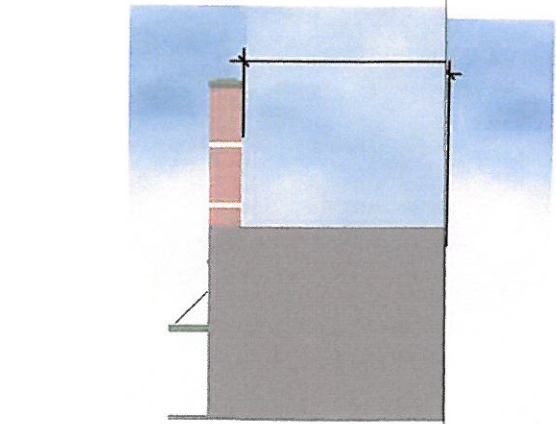
- T/ PARAPET
ELEV. 24'-8"
- T/ MASONRY @ LOADING DOCK
ELEV. 22'-8"



ELEVATION B



ELEVATION C



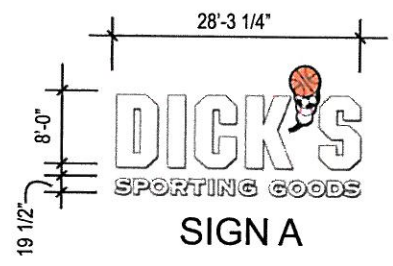
ELEVATION D

All information contained on
All final adjus



**GRAND TRAVERSE MALL
TRAVERSE CITY, MI**

EXHIBIT 3



Key Plan

REV 1	9.29.15
REV 2	_____
REV 3	_____
REV 4	_____
REV 5	_____
DKS APPROVAL	DATE _____
DKS APPROVAL	DATE _____
LL APPROVAL	DATE _____



Existing Dick's Sporting Goods remote signage – Oakland Mall; Troy, MI



Existing Dick's Sporting Goods remote signage – Empire Mall; Sioux Falls, SD

EXHIBIT 4

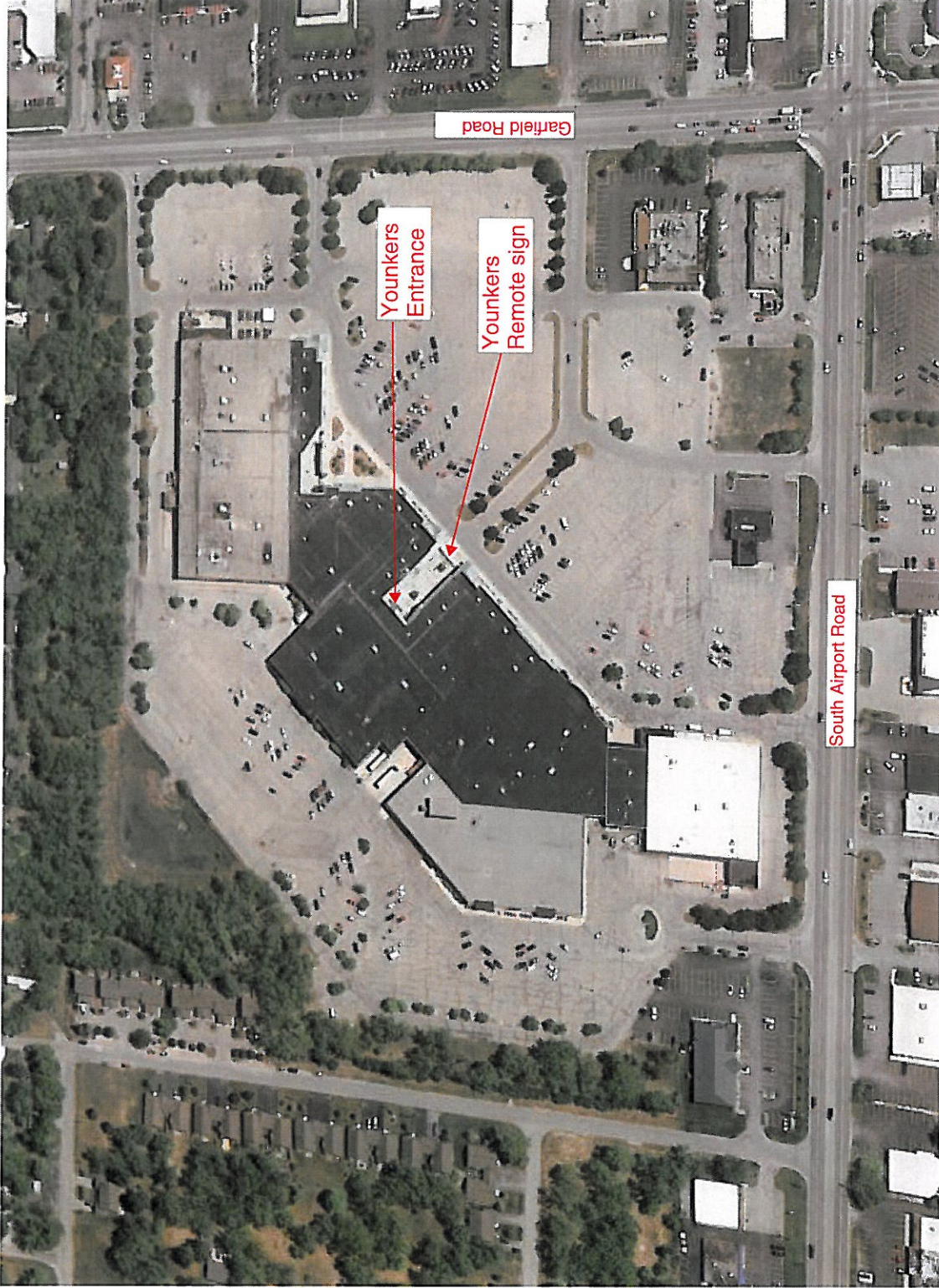


Existing Dick's Sporting Goods remote signage – Valley Mall; Harrisonburg, VA



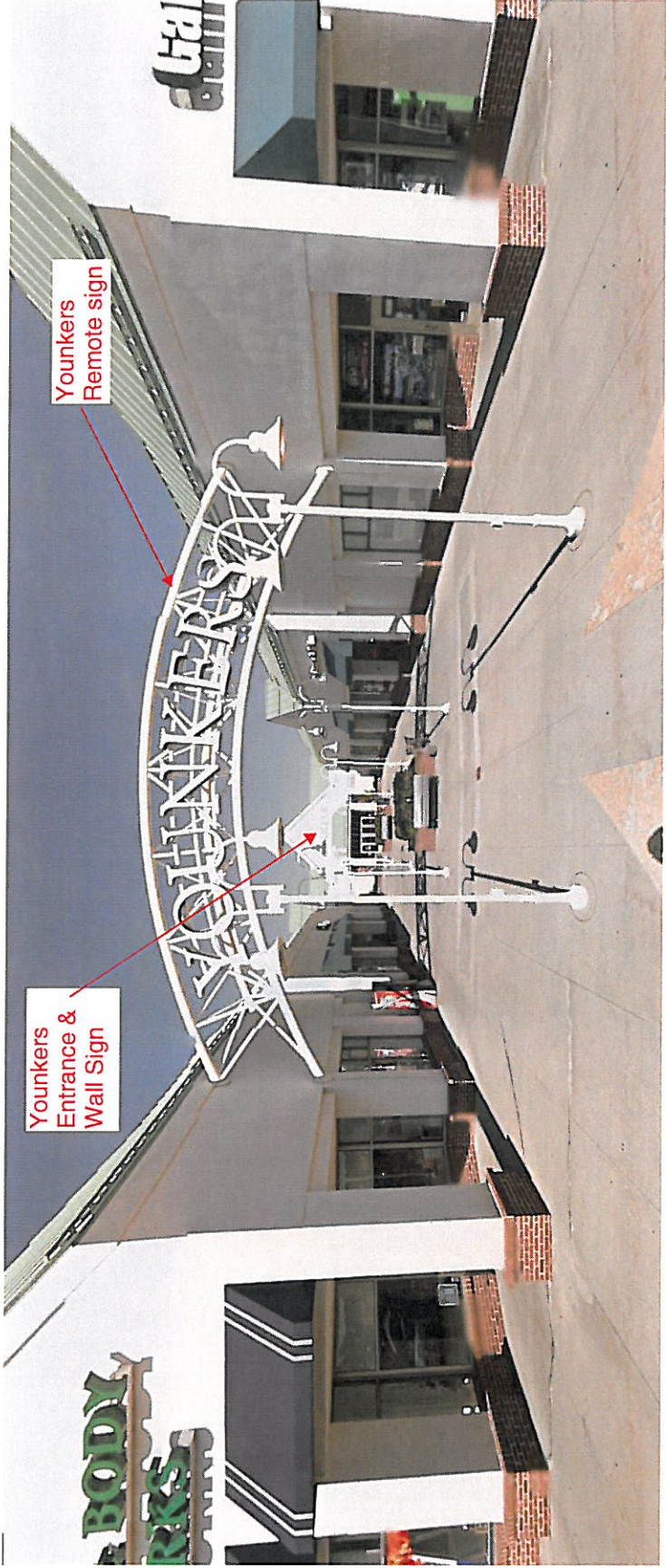
Existing Dick's Sporting Goods remote signage – The Lakes Mall; Muskegon, MI

EXHIBIT 4



Cherryland Center
Area

EXHIBIT 5



Younkers's Wall and Remote sign

EXHIBIT 5



Grand Traverse Crossing freestanding sign structure with tenant panels

EXHIBIT 6



Subject	View from end of Day Drive looking southeast towards existing theater / proposed Dick's Sporting Goods	Gosling Czubak Project No. 2015235002.02	#1
Site	Existing theater building / Proposed Dick's Sporting Goods		Date
Client	Rouse Properties – Grand Traverse Mall		01-06-2016



Subject	View from 3240 Day Drive looking southeast towards existing theater / proposed Dick's Sporting Goods	Gosling Czubak Project No. 2015235002.02	#2
Site	Existing theater building / Proposed Dick's Sporting Goods		Date
Client	Rouse Properties – Grand Traverse Mall		01-06-2016



Subject	View from 3192 Day Drive looking southeast towards existing theater / proposed Dick's Sporting Goods	Gosling Czubak Project No. 2015235002.02	#3
Site	Existing theater building / Proposed Dick's Sporting Goods		Date
Client	Rouse Properties – Grand Traverse Mall		01-06-2016



Subject	View from 3176 Day Drive looking south towards existing theater / proposed Dick's Sporting Goods	Gosling Czubak Project No. 2015235002.02	#4
Site	Existing theater building / Proposed Dick's Sporting Goods		Date
Client	Rouse Properties – Grand Traverse Mall		01-06-2016



Subject	View from Living Hope Church looking southwest towards existing theater / proposed Dick's Sporting Goods. Building visible above berm is Target.	Gosling Czubak Project No. 2015235002.02	#5
Site	Existing theater building / Proposed Dick's Sporting Goods		Date 01-06-2016
Client	Rouse Properties – Grand Traverse Mall		



Subject	View from sidewalk at existing theater building looking northwest	Gosling Czubak Project No. 2015235002.02	#6
Site	Existing theater building / Proposed Dick's Sporting Goods		Date 01-06-2016
Client	Rouse Properties – Grand Traverse Mall		



Subject	View from sidewalk at existing theater building looking north	Gosling Czubak Project No. 2015235002.02	#7
Site	Existing theater building / Proposed Dick's Sporting Goods		Date
Client	Rouse Properties – Grand Traverse Mall		01-06-2016



Subject	View from sidewalk at existing theater building looking northeast	Gosling Czubak Project No. 2015235002.02	#8
Site	Existing theater building / Proposed Dick's Sporting Goods		Date
Client	Rouse Properties – Grand Traverse Mall		01-06-2016

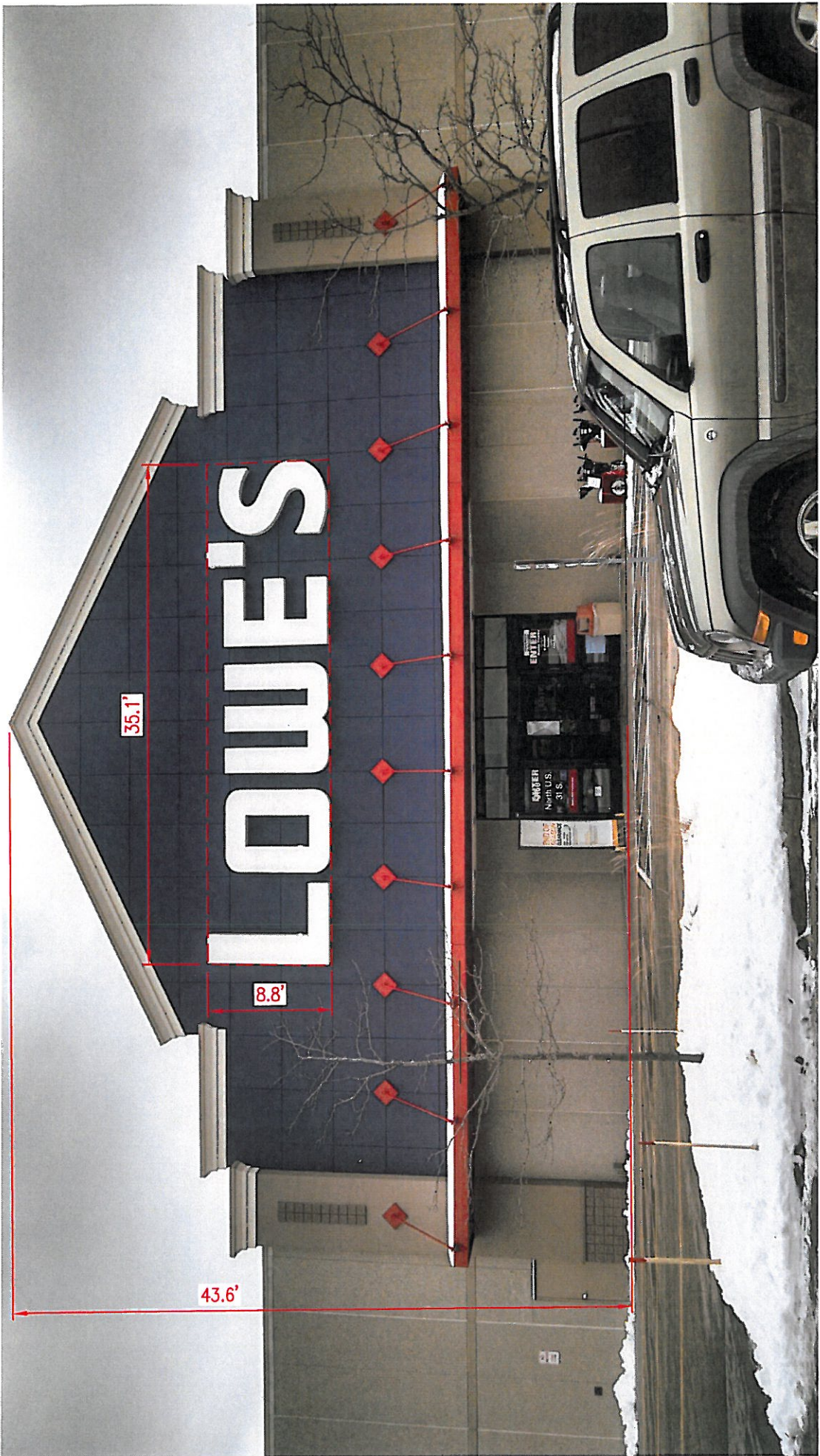


EXHIBIT 8



Charter Township of Garfield

Grand Traverse County

3848 VETERANS DRIVE
TRAVERSE CITY, MICHIGAN 49684
PH: (231) 941-1620 • FAX: (231) 941-1588

ZONING BOARD OF APPEALS STAFF REPORT

To: Zoning Board of Appeals
From: Sara Kopriva, AICP, Zoning Administrator
Date: February 10, 2016

Meeting Date: February 22, 2016
Case #: 2016-02 Sign Variances and Parapet Height
Owner: Rouse Properties (Grand Traverse Mall)
Property ID #: 28-05-021-015-00
Property Location: 3200 S Airport Td
Zoning District: C-P, Planned Shopping

Request

The applicant is requesting multiple variances from the Zoning Ordinance to allow for a remote sign, freestanding tenant sign, parapet height, and sign above building.

Parcel Overview

This request is for a new Dick's Sporting Goods store at the Grand Traverse Mall. The mall is located on S. Airport at the corner of US 31 and S. Airport. (Exhibit E) Dick's Sporting Goods is proposing to occupy the location of the former cinema and other small shops on the North side of the structure. The mall has 4 drive entrances from public roads (1 on West side, 1 on South side, and 2 on East side). There is no direct access drive from the North.

Staff Comments

The applicant has requested variances from portions of the Sign section of the Garfield Township Zoning Ordinance. The request will be processed in 4 separate requests but many of the same sections apply for the various requests. Below are the sections of the Ordinance that the requests are from:

SECTION 630 SIGNS

G. Signs Permitted in C-P Planned Shopping Center Commercial Districts:

In the C-P District signs shall be designed as an integral part of the planned shopping center development and shall be approved by the Planning Commission. Signs advertising or identifying the owner or occupant of a given building or portion thereof shall be placed on the structure of the building or business itself. Other signs along roadways, etc. shall be directional and identify the center only and not the individual occupants.

M. General Sign Standards

(b) Wall Signs

- (i) Placement. Wall signs may be placed on any primary building wall.
- (ii) Height. The height of any wall sign shall not exceed the height of the building. Wall signs may be placed on a primary building wall's parapet provided that the parapet does not exceed a height of six (6) feet above the building's roofline.
- (iii) Projection. A wall sign shall not project from the wall to which it is attached by greater than twelve (12) inches.
- (iv) Ground Clearance. Where any portion of a wall sign projects over a public or private sidewalk or walkway, the bottommost point of the sign structure shall be at least eight (8) feet above said walkway.
- (v) Changeable copy wall signs are prohibited.

The GT Mall is located in the C-P, Planned Shopping zoning district. In this district all signage is approved by the Planning Commission after review to determine if it meets the Ordinance and is compatible with the surrounding area. Even with the variance request, the applicant will be required to get approval from the Planning Commission before moving forward.

It should be noted that staff has recommended a comprehensive sign plan be submitted for this project. The applicant could ask for all of the items that are before the ZBA and would be reviewed by the Planning Commission. It is not required but would streamline the review process as there would not be multiple boards involved in the approval.

Request 1

The first request is for a "remote" or off-premise sign. This would allow for a sign for Dick's Sport Goods to be located on a wall where the store is not located. Dick's is in the back of the mall and the sign is being proposed to the West of the main entrance by the food court. There are currently no approved off-premise signs on the GT Mall.

The applicant references Meijer and Younker's signage in their request (Exhibit E, labeled Attachment 1, page 4). Meijer is zoned C-P but is located in a Planned Unit Development (PUD) which has a different sign approval process. The GT Mall was not approved as a PUD.

I researched the Younker's sign to determine if it was approved and the process. I have not been able to find a permit for the sign although some of the site plans for the development do

reference a sign at that location but it is unclear if it was on the site plan that was actually approved. Younker's does have direct access through this area, although this sign is not located on the business itself.

Request 2

The second request is for a freestanding tenant sign at the entrance across from Grand Traverse Crossings (Home Depot). The Zoning Ordinance only allows for directional and development signs without individual tenants listed. In 1992m The Cherryland Center applied for entrance signs with tenant panels and the request was denied. The current Zoning Ordinance was adopted in May 2015 but the language was similar to the previous Zoning Ordinance although sections regarding planned shopping have change throughout the years.. This request only asks for the Dick's sign but approval for this one anchor could result in requests from the other anchor stores and a request from Cherryland Center.

The applicant does state that Grand Traverse Crossings has a large tenant sign for its development (Exhibit E, labeled Attachment 1, page 8). Grand Traverse Crossings was approved as a PUD which again has a different approval process and requirements. In addition, this sign sits off of the main road and the panels are smaller. While some are visible from S. Airport, this sign functions more like a directional sign since many of the tenants cannot be read unless closer. This sign was also approved under the old Zoning Ordinance and not under the current language.

Request 3

The third request is for an increase to the parapet to allow it to be 18 feet above the building roof line. While the Zoning Ordinance does not limit parapet heights, except for compliance with overall height limitations, the Ordinance says that if a sign is going to be on a parapet, the parapet cannot be over 6 feet high. This parapet is located on the North side of the GT Mall building. Because of the height of the parapet, the backside of the parapet may be visible from S. Airport or further away on US 31 while coming down McCrae Hill. The sign is to be located on the North side and would only be visible looking South on the North side of the GT Mall.

In the C-P zoning district, the Planning Commission is required to approve all building elevations and this elevation has not been reviewed by the Planning Commission. The Planning Commission did approve a 6 foot parapet but was never presented with the larger parapet to review and approve.

At this time, it is not clear if the ZBA should be considering this request since the Planning Commission has not reviewed or provided comment on the 18 foot parapet. This will something that the ZBA will need to determine, if you believe that this should be in front of the ZBA prior to review by the Planning Commission?

Request 4

The forth request is to allow for a sign to be located above the roof line. This sign would be located on the parapet that is subject to Request 3.

The size of the sign is subject to Planning Commission approval and is not an item that the ZBA is providing a variance for. Since there is no section specifically addressing the size of the sign, only location above roofline, there is no variance request necessary for the size as stated by the applicant. This request will only be to allow a sign above the roofline on a parapet taller than allowed.

The applicant mentions Lowe's sign in the application (Exhibit E, labeled attachment 1, page 13). Lowe's signage was approved as a part of a PUD and not subject to the same requirements. In addition, Lowe's signage was approved under the old Zoning Ordinance.

Case #2016-02
Variance Request 1

The ZBA will have to decide if the applicants request is reasonable and if it can meet the standards to grant a variance.

The following remarks are intended to initiate conversation and are not intended to influence the outcome of the request. The ZBA will be required to answer the questions that are relevant to the request as part of the findings of fact. Below are findings below both for and against the request that may assist you in your discussions.

Section 454.E.(1) Practical Difficulty

To qualify for a dimensional variance, the applicant shall be required to show “practical difficult” by demonstrating compliance with all of the following criteria:

- a. **Special conditions or circumstance exist that are peculiar to the land, buildings, or other structures for which the variance is sought, do not apply generally to lands, buildings, or other structures in the same district, and could not reasonably be addressed through the formation of general regulation for such conditions. Special circumstances or conditions to be considered for variances shall include, but not be limited to, the circumstances as described in Section 454.E.(3).**

Section 454.E.(3) Special Conditions or Circumstances

Special conditions or circumstances to be considered for the purposes of Section 454.E.(1), above, shall include, but not be limited to, the circumstances as described below:

- a. **Physical Conditions**
The proposed project site contains physical conditions such as narrowness, shallowness, shape, or topography of the property involved that do not generally apply to other property or uses in the same zoning district
- b. **Significant Vegetation or Natural Features**
The proposed project site contains significant vegetation or other natural features identified as Steam Environment/Wetland by the Garfield Township Master Plan
- c. **Substandard Lot(s)**
The proposed project involved the utilization of an existing legal nonconforming lot(s)
- d. **Historic Resources**
The proposed project site contains historical significance
- e. **Neighborhood Character**
The proposed project promotes the established historic or traditional development pattern of a blockface, including setbacks, building height, and other dimensional requirements

1. The Zoning Board of Appeals finds

2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

b. The special conditions and circumstances peculiar to the land, buildings or other structures did not result from a self-created condition or action taken by the applicant or an owner of the lands

1. The Zoning Board of Appeals finds

2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

c. The special conditions and circumstances are such that strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of the land, building, or structure authorized by this Zoning Ordinance

1. The Zoning Board of Appeals finds

2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

d. Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance

1. The Zoning Board of Appeals finds

2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

- e. **For the purpose of this section, a practical difficulty shall not exist because an applicant would incur additional costs to achieve full compliance or could receive additional income with less than full compliance with the ordinance.**

1. The Zoning Board of Appeals finds

2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

Section 454.E.(2) General Criteria- Only review if all standards in section 454.E.(1),above, are met.

Where the applicant is able to demonstrate “practical difficulty” by satisfying all of the criteria of Section 454.E.(1), a dimensional variance may be granted if it meets the following general criteria:

- a. **The requested variance shall relate only to property that is under the control of the applicant**

1. The Zoning Board of Appeals finds

2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

- b. No nonconforming neighboring lands, buildings, or other structures, legal or illegal, in the same district, and no permitted buildings, or other structures in adjacent districts, shall be considered as grounds for the issuance of a variance**

- 1. The Zoning Board of Appeals finds

- 2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

- c. The requested variance shall be in harmony with the general purpose and intent of this ordinance and shall not be detrimental to the public health, safety and welfare**

- 1. The Zoning Board of Appeals finds

- 2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

- d. The requested variance shall not alter the essential character of the area or cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located**

- 1. The Zoning Board of Appeals finds

- 2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

- e. The requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure, and there is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such**

alternative location would eliminate the need for the requested variance or reduce the extent of the conditions (s) necessitating the variance

1. The Zoning Board of Appeals finds

2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

Possible Motion:

Motion to:

GRANT the request for a remote off-premise wall sign for Dick's Sporting Goods based upon the finding that all the standards for approval in Section 454 of the Zoning Ordinance have been met with the following conditions:

DENY the request for a remote off-premise wall sign for Dick's Sporting Goods based upon the finding that all the standards for approval in Section 454 of the Zoning Ordinance have been not been met.

Case #2016-02
Variance Request 2

The ZBA will have to decide if the applicants request is reasonable and if it can meet the standards to grant a variance.

The following remarks are intended to initiate conversation and are not intended to influence the outcome of the request. The ZBA will be required to answer the questions that are relevant to the request as part of the findings of fact. Below are findings below both for and against the request that may assist you in your discussions.

Section 454.E.(1) Practical Difficulty

To qualify for a dimensional variance, the applicant shall be required to show “practical difficult” by demonstrating compliance with all of the following criteria:

- a. **Special conditions or circumstance exist that are peculiar to the land, buildings, or other structures for which the variance is sought, do not apply generally to lands, buildings, or other structures in the same district, and could not reasonably be addressed through the formation of general regulation for such conditions. Special circumstances or conditions to be considered for variances shall include, but not be limited to, the circumstances as described in Section 454.E.(3).**

Section 454.E.(3) Special Conditions or Circumstances

Special conditions or circumstances to be considered for the purposes of Section 454.E.(1), above, shall include, but not be limited to, the circumstances as described below:

- a. **Physical Conditions**
The proposed project site contains physical conditions such as narrowness, shallowness, shape, or topography of the property involved that do not generally apply to other property or uses in the same zoning district
- b. **Significant Vegetation or Natural Features**
The proposed project site contains significant vegetation or other natural features identified as Steam Environment/Wetland by the Garfield Township Master Plan
- c. **Substandard Lot(s)**
The proposed project involved the utilization of an existing legal nonconforming lot(s)
- d. **Historic Resources**
The proposed project site contains historical significance
- e. **Neighborhood Character**
The proposed project promotes the established historic or traditional development pattern of a blockface, including setbacks, building height, and other dimensional requirements

1. The Zoning Board of Appeals finds

2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

b. The special conditions and circumstances peculiar to the land, buildings or other structures did not result from a self-created condition or action taken by the applicant or an owner of the lands

1. The Zoning Board of Appeals finds

2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

c. The special conditions and circumstances are such that strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of the land, building, or structure authorized by this Zoning Ordinance

1. The Zoning Board of Appeals finds

2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

d. Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance

1. The Zoning Board of Appeals finds

2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

- e. **For the purpose of this section, a practical difficulty shall not exist because an applicant would incur additional costs to achieve full compliance or could receive additional income with less than full compliance with the ordinance.**

1. The Zoning Board of Appeals finds

2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

Section 454.E.(2) General Criteria- Only review if all standards in section 454.E.(1),above, are met.

Where the applicant is able to demonstrate “practical difficulty” by satisfying all of the criteria of Section 454.E.(1), a dimensional variance may be granted if it meets the following general criteria:

- a. **The requested variance shall relate only to property that is under the control of the applicant**

1. The Zoning Board of Appeals finds

2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

- b. No nonconforming neighboring lands, buildings, or other structures, legal or illegal, in the same district, and no permitted buildings, or other structures in adjacent districts, shall be considered as grounds for the issuance of a variance**

- 1. The Zoning Board of Appeals finds
- 2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

- c. The requested variance shall be in harmony with the general purpose and intent of this ordinance and shall not be detrimental to the public health, safety and welfare**

- 1. The Zoning Board of Appeals finds
- 2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

- d. The requested variance shall not alter the essential character of the area or cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located**

- 1. The Zoning Board of Appeals finds
- 2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

- e. The requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure, and there is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such**

alternative location would eliminate the need for the requested variance or reduce the extent of the conditions (s) necessitating the variance

1. The Zoning Board of Appeals finds
2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

Possible Motion:

Motion to:

GRANT the request for a 100 sq ft freestanding tenant sign at the lighted intersection on S. Airport Rd for Grand Traverse Mall based upon the finding that all the standards for approval in Section 454 of the Zoning Ordinance have been met with the following conditions:

DENY the request for a 100 sq ft freestanding tenant sign at the lighted intersection on S. Airport Rd for Grand Traverse Mall based upon the finding that all the standards for approval in Section 454 of the Zoning Ordinance have been not been met.

Case #2016-02
Variance Request 3

The ZBA will have to decide if the applicants request is reasonable and if it can meet the standards to grant a variance.

The following remarks are intended to initiate conversation and are not intended to influence the outcome of the request. The ZBA will be required to answer the questions that are relevant to the request as part of the findings of fact. Below are findings below both for and against the request that may assist you in your discussions.

Section 454.E.(1) Practical Difficulty

To qualify for a dimensional variance, the applicant shall be required to show “practical difficult” by demonstrating compliance with all of the following criteria:

- a. Special conditions or circumstance exist that are peculiar to the land, buildings, or other structures for which the variance is sought, do not apply generally to lands, buildings, or other structures in the same district, and could not reasonably be addressed through the formation of general regulation for such conditions. Special circumstances or conditions to be considered for variances shall include, but not be limited to, the circumstances as described in Section 454.E.(3).**

Section 454.E.(3) Special Conditions or Circumstances

Special conditions or circumstances to be considered for the purposes of Section 454.E.(1), above, shall include, but not be limited to, the circumstances as described below:

- a. Physical Conditions
The proposed project site contains physical conditions such as narrowness, shallowness, shape, or topography of the property involved that do not generally apply to other property or uses in the same zoning district
- b. Significant Vegetation or Natural Features
The proposed project site contains significant vegetation or other natural features identified as Steam Environment/Wetland by the Garfield Township Master Plan
- c. Substandard Lot(s)
The proposed project involved the utilization of an existing legal nonconforming lot(s)
- d. Historic Resources
The proposed project site contains historical significance
- e. Neighborhood Character
The proposed project promotes the established historic or traditional development pattern of a blockface, including setbacks, building height, and other dimensional requirements

1. The Zoning Board of Appeals finds

2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

b. The special conditions and circumstances peculiar to the land, buildings or other structures did not result from a self-created condition or action taken by the applicant or an owner of the lands

1. The Zoning Board of Appeals finds

2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

c. The special conditions and circumstances are such that strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of the land, building, or structure authorized by this Zoning Ordinance

1. The Zoning Board of Appeals finds

2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

d. Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance

1. The Zoning Board of Appeals finds

2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

- e. **For the purpose of this section, a practical difficulty shall not exist because an applicant would incur additional costs to achieve full compliance or could receive additional income with less than full compliance with the ordinance.**

1. The Zoning Board of Appeals finds

2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

Section 454.E.(2) General Criteria- Only review if all standards in section 454.E.(1),above, are met.

Where the applicant is able to demonstrate “practical difficulty” by satisfying all of the criteria of Section 454.E.(1), a dimensional variance may be granted if it meets the following general criteria:

- a. **The requested variance shall relate only to property that is under the control of the applicant**

1. The Zoning Board of Appeals finds

2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

- b. No nonconforming neighboring lands, buildings, or other structures, legal or illegal, in the same district, and no permitted buildings, or other structures in adjacent districts, shall be considered as grounds for the issuance of a variance**

1. The Zoning Board of Appeals finds

2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

- c. The requested variance shall be in harmony with the general purpose and intent of this ordinance and shall not be detrimental to the public health, safety and welfare**

1. The Zoning Board of Appeals finds

2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

- d. The requested variance shall not alter the essential character of the area or cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located**

1. The Zoning Board of Appeals finds

2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

- e. The requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure, and there is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such**

alternative location would eliminate the need for the requested variance or reduce the extent of the conditions (s) necessitating the variance

1. The Zoning Board of Appeals finds

2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

Possible Motion:

Motion to:

GRANT the request for a 12 ft variance from section 630.M for an 18 foot parapet for Dick's Sporting Goods based upon the finding that all the standards for approval in Section 454 of the Zoning Ordinance have been met with the following conditions:

DENY the request for a 12 ft variance from section 630.M for an 18 foot parapet for Dick's Sporting Goods based upon the finding that all the standards for approval in Section 454 of the Zoning Ordinance have been not been met.

Case #2016-02
Variance Request 4

The ZBA will have to decide if the applicants request is reasonable and if it can meet the standards to grant a variance.

The following remarks are intended to initiate conversation and are not intended to influence the outcome of the request. The ZBA will be required to answer the questions that are relevant to the request as part of the findings of fact. Below are findings below both for and against the request that may assist you in your discussions.

Section 454.E.(1) Practical Difficulty

To qualify for a dimensional variance, the applicant shall be required to show “practical difficult” by demonstrating compliance with all of the following criteria:

- a. **Special conditions or circumstance exist that are peculiar to the land, buildings, or other structures for which the variance is sought, do not apply generally to lands, buildings, or other structures in the same district, and could not reasonably be addressed through the formation of general regulation for such conditions. Special circumstances or conditions to be considered for variances shall include, but not be limited to, the circumstances as described in Section 454.E.(3).**

Section 454.E.(3) Special Conditions or Circumstances

Special conditions or circumstances to be considered for the purposes of Section 454.E.(1), above, shall include, but not be limited to, the circumstances as described below:

- a. **Physical Conditions**
The proposed project site contains physical conditions such as narrowness, shallowness, shape, or topography of the property involved that do not generally apply to other property or uses in the same zoning district
- b. **Significant Vegetation or Natural Features**
The proposed project site contains significant vegetation or other natural features identified as Steam Environment/Wetland by the Garfield Township Master Plan
- c. **Substandard Lot(s)**
The proposed project involved the utilization of an existing legal nonconforming lot(s)
- d. **Historic Resources**
The proposed project site contains historical significance
- e. **Neighborhood Character**
The proposed project promotes the established historic or traditional development pattern of a blockface, including setbacks, building height, and other dimensional requirements

1. The Zoning Board of Appeals finds

2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

b. The special conditions and circumstances peculiar to the land, buildings or other structures did not result from a self-created condition or action taken by the applicant or an owner of the lands

1. The Zoning Board of Appeals finds

2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

c. The special conditions and circumstances are such that strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of the land, building, or structure authorized by this Zoning Ordinance

1. The Zoning Board of Appeals finds

2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

d. Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance

1. The Zoning Board of Appeals finds

2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

- e. **For the purpose of this section, a practical difficulty shall not exist because an applicant would incur additional costs to achieve full compliance or could receive additional income with less than full compliance with the ordinance.**

1. The Zoning Board of Appeals finds

2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

Section 454.E.(2) General Criteria- Only review if all standards in section 454.E.(1),above, are met.

Where the applicant is able to demonstrate “practical difficulty” by satisfying all of the criteria of Section 454.E.(1), a dimensional variance may be granted if it meets the following general criteria:

- a. **The requested variance shall relate only to property that is under the control of the applicant**

1. The Zoning Board of Appeals finds

2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

- b. No nonconforming neighboring lands, buildings, or other structures, legal or illegal, in the same district, and no permitted buildings, or other structures in adjacent districts, shall be considered as grounds for the issuance of a variance**

- 1. The Zoning Board of Appeals finds

- 2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

- c. The requested variance shall be in harmony with the general purpose and intent of this ordinance and shall not be detrimental to the public health, safety and welfare**

- 1. The Zoning Board of Appeals finds

- 2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

- d. The requested variance shall not alter the essential character of the area or cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located**

- 1. The Zoning Board of Appeals finds

- 2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

- e. The requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure, and there is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such**

alternative location would eliminate the need for the requested variance or reduce the extent of the conditions (s) necessitating the variance

1. The Zoning Board of Appeals finds

2. The Zoning Board of Appeals finds

After careful consideration of the facts and evidence presented to the Garfield Township Zoning Board of Appeals, we conclude that this standard **HAS / HAS NOT** been met.

Possible Motion:

Motion to:

GRANT the request for a wall sign to be located up to 18 ft above the building wall on the parapet for Dick's Sporting Goods based upon the finding that all the standards for approval in Section 454 of the Zoning Ordinance have been met with the following conditions:

DENY the request for a wall sign to be located up to 18 ft above the building wall on the parapet for Dick's Sporting Goods based upon the finding that all the standards for approval in Section 454 of the Zoning Ordinance have been not been met.