



ZONING BOARD OF APPEALS

April 13, 2015

CITY OF PORTAGE ZONING BOARD OF APPEALS

Agenda

Monday, April 13, 2015

(7:00 pm)

Portage City Hall
Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

- * March 9, 2015 meeting

OLD BUSINESS:

NEW BUSINESS:

- * 1. ZBA #14-05 Alex Gwiazdowski, 9008 Portage Road: Requesting a variance for an eight-foot wide greenstrip along Portage Road where a minimum ten-foot width is required.
- * 2. ZBA #14-23 Steven Bibler, 1823 Redstock Avenue: Requesting variances to construct a 22-foot by 24-foot attached garage that is: a) eight feet from the west (front) property line along Starbrook Street, and b) 25 feet from the north (front) property line along Redstock Avenue where minimum 30-foot setbacks are required.
- * 3. ZBA #14-24 Sheila Shubnell, 9651 Portage Road: Application withdrawn for a Temporary Use Permit for an outdoor farmer's market from June 8 through September 21, 2015, and annually thereafter.

OTHER BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

Star (*) indicates printed material within the agenda packet

Minutes of Meeting – March 9, 2015

The City of Portage Zoning Board of Appeals meeting was called to order by Jeffrey Bright at 7:00 p.m. in the Council Chambers. Nine people were in the audience.

MEMBERS PRESENT: Glenn Smith, Phillip Schaefer, Jeffrey Bright, Lowell Seyburn, Chad Learned, Randall Schau, and Alexander Philipp

MEMBERS EXCUSED: A motion was made by Schau, seconded by Schaefer, to excuse Michael Robbe. Upon voice vote motion passed 7-0.

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

APPROVAL OF THE MINUTES: Schau moved and Schaefer seconded a motion to approve the January 12, 2015 minutes as submitted. Upon voice vote, motion was approved 7-0.

OLD BUSINESS:**NEW BUSINESS:**

ZBA 14-21: Justin Escher, 1412 Meadowbrook Lane: Mais summarized the request for a use variance to allow an accessory building to remain with no principal use on a lot if lot 55 is split from lot 54. The applicant, Mr. Justin Escher, stated he has been trying to sell lots 54 and 55 together since last May but has not been successful. Mr. Escher stated he recently found a buyer willing to purchase lot 55, but it is only occupied by an accessory building. The buyers indicated they plan to build a retirement home on the property within the next 8-10 years and would like to retain the accessory building during this time period. Regardless of whether or not the variance is granted, the buyers stated they will move forward with purchasing the property. Mr. Escher stated the variance should be granted based on reduced expense for buyer and seller not having to demolish the structure, avoid wasting materials, and would be in the best interests of the neighborhood to preserve the structure intact instead of leaving the drive and foundation floor until the buyers construct their home. Mr. Mais stated a letter of opposition was received from Ray Sortman, 5110 Morningside Drive. The applicant stated they were only seeking a variance for an 8 -10 year period and that the buyers are willing to enter into an agreement to demolish the building if they do not construct a house within a certain timeframe. Seyburn inquired if there was already a signed sales agreement. Mr. Escher stated no. Schau inquired if the driveway and garage foundation would have to be removed if the sale goes through and a variance is not granted. Mais stated the structure needs to be removed but anything less than nine inches above grade is not considered a structure and does not have to be removed. Schau inquired if a temporary variance with an expiration could be approved by the Board. Attorney Bear stated no.

A public hearing was opened. Linda Campbell, 1405 Meadowbrook spoke in favor of the request. Harold Vandersalm, 1324 Meadowbrook, stated he originally sold lot 55 to Mr. Escher and felt the garage is an improvement to the neighborhood. The prospective buyer stated it seemed senseless to tear the garage down when they would be building in a few years. The public hearing was closed.

Smith stated he did not question anyone's good intentions in this case but thought there were too many unknowns about the future to approve the request. Seyburn inquired if Mr. Vandersalm could buy back lot 55 and then permit a lease agreement allowing the buyers to use the garage. Mais stated Mr. Vandersalm could buy back and recombine lot 55 and later split it off for sale again, but the use of the structure needed to be accessory to Mr. Vandersalm's dwelling. Learned suggested the applicant could build a house that met the minimum zoning requirements and in ten years when they were ready to retire either add on or rebuild as they saw fit. Bright stated he was sympathetic to the applicant's situation but that the Board could not grant a variance for a self-created hardship. A motion was made by Schau, seconded by Schaefer, to deny a use variance to allow an accessory building to remain with no principal use on a lot for the following reasons; the condition of the specific piece of property or the intended use of the property is not unique to that property and the zoning district in which it is located. The use variance may alter the essential character of the neighborhood and may be a detriment; the variance will materially impair the intent and purpose of this

article or the district which the property is located; the immediate unnecessary hardship causing the need for the variance request was created by the applicant. In addition, the application and supporting materials, staff report, and all comments and discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Smith-Yes, Seyburn-Yes, Schaefer-Yes, Philipp-No, Bright-Yes, Learned-Yes, Schau-Yes. The motion passed 6-1.

ZBA #14-22. Jason Sibley on behalf of Stryker Corporation and 1901 Romence LLC. 1901 Romence Road Parkway: Mais summarized the request to 1) allow the installation of a new seven square-foot internal directional sign and 2) increase the sign area of an existing directional sign to seven square feet where a maximum four square feet is permitted. Mr. Sibley stated he agreed with the staff report and was available to answer any questions. Learned stated he would be abstaining on this item due to a potential conflict of interest.

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

A motion was made by Seyburn, seconded by Schau, to grant a variance to 1) allow the installation of a new seven square-foot internal directional sign and 2) increase the sign area of an existing directional sign to seven square feet where a maximum four square feet is permitted for the following reasons: there are exceptional circumstances applying to the property that do not apply generally to other properties in the same zoning district, which include the size and nature of the campus, the sign is not readable from adjacent property or the public right-of-way and is needed for directional purposes; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to control traffic on site; the immediate practical difficulty causing the need for the variance request was not created by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood; and the variance will not materially impair the intent and purpose of the Zoning Ordinance. In addition, the application and supporting materials, staff report, and all comments and discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Smith-Yes, Seyburn-Yes, Schaefer-Yes, Philipp-Yes, Bright-Yes, Learned-Abstain, Schau-Yes. The motion passed 6-0.

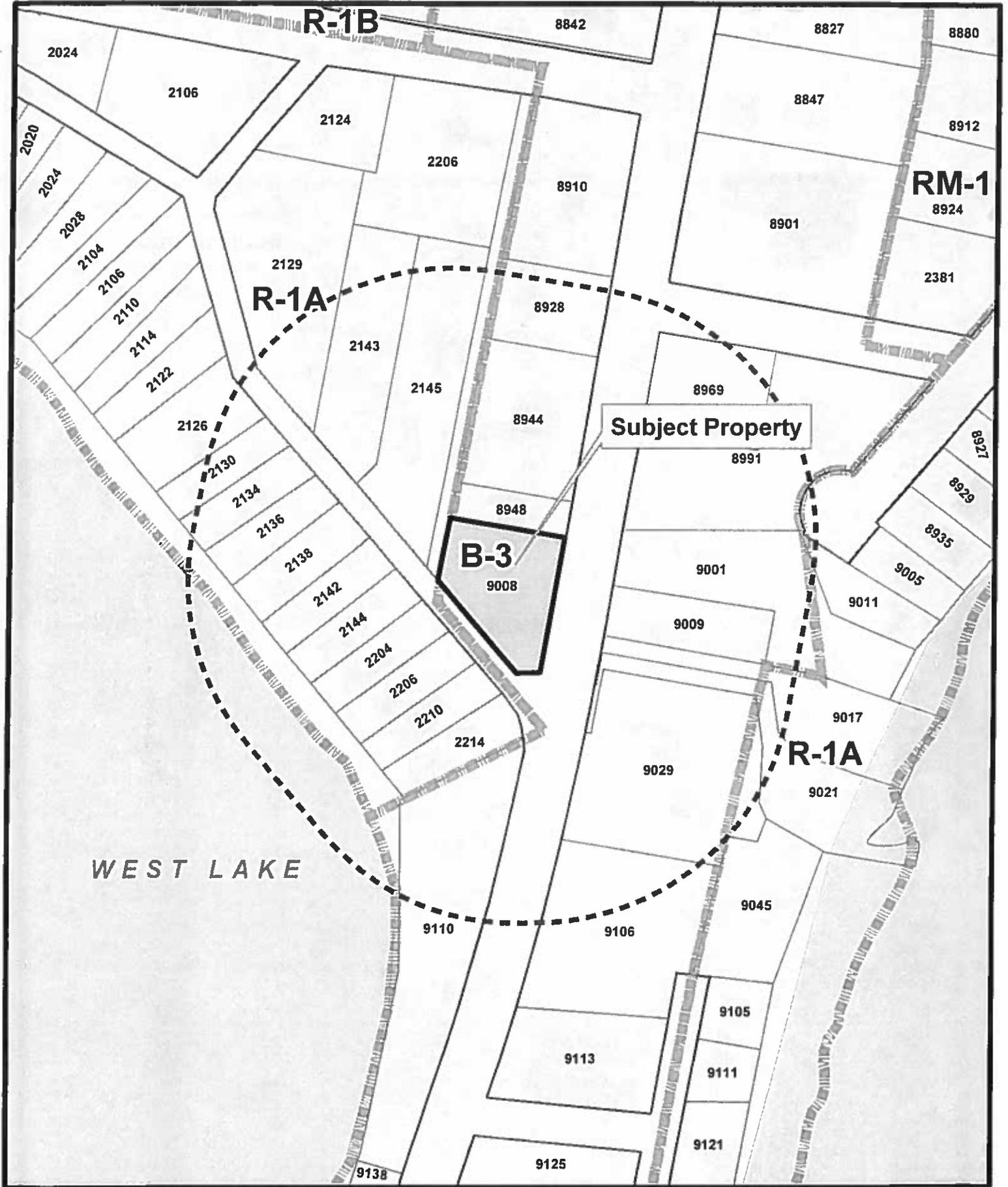
OTHER BUSINESS: The Board accepted the resignation of Timothy Bunch.

STATEMENT OF CITIZENS: None.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator



-  Zoning Boundary
-  Subject Properties
-  Notification Area

ZBA 14-05
9008 Portage Road





**Aerial Photography
9008 Portage Road**



1 inch = 50 feet

RECEIVED
 MAR 13 2015
 COMMUNITY DEVELOPMENT

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 3/13/15
 Name of Applicant Alex Gwiazdowski Alex Gwiazdowski
Print Signature
 Applicant's Address 1675 S. Shore Dr. Phone No. 269-492-4618
 Name of Property Owner (if different from Applicant) South Portage Road LLC
 Address 1675 S. Shore Dr Phone No. 269-492-4618

Address of the Property that is the subject of this Application:

Street Address 9008 Portage Rd
 For Platted Property: Lot _____ of _____ Plat _____

[If The Property Is Unplatted, the Legal Description is needed. Please attach on a separate sheet.]

Applicant's interest in Property that is the subject of this Application: Managing member

Application Fee _____ (Residential Uses) 330.00 (All Other Uses)

Type of Appeal (Please check one of the following **bold** choices and provide the requested information):

 Variance from Zoning Ordinance: Article _____ Section _____ Paragraph _____
 Regarding: Use _____ Area _____ Yards _____
 Setbacks _____ Parking _____ Other _____

Reason for Request (Also complete page 2 of application): _____

 Appeal of Administrative Decision: Article _____ Section _____ Paragraph _____

Reason for Request: _____

 Interpretation of the Zoning Ordinance: Article _____ Section _____ Paragraph _____

Reason for Request: _____

 A Temporary Permit for: Building _____ Use _____ Other Approval _____

Article _____ Section _____ Paragraph _____

Reason for Request: Need 2' variance on Portage Rd frontage to move parking away from Portage Rd to the front of the existing building.

FOR STAFF USE

Application Number:	Filing Date:	Tentative Hearing Date:
Previous Application Filed Regarding This Property:		

Reason For Variance

1. Please explain how the property has characteristics such as narrowness, shallowness, irregular shape, topography, or natural features that prevent compliance with the Zoning Ordinance. (Attach additional sheets if needed.)
The property is a triangular shape with 2 road frontages, a non conforming property to the north and a residential property to the west.
2. Are the physical characteristics you explained above unique and not shared by neighboring properties? (Attach additional sheets if needed.)
Yes the property has 2 road frontages, a non conforming property to the north and a residential property to the west.
3. Can the property be reasonably used for the uses permitted in the zoning district without granting the variance? (Attach additional sheets if needed.)
Yes by designing angled parking along Portage Rd with a one way drive on the north side of the building exiting out the west side of the building.
4. Is the variance the minimum necessary to permit reasonable use of the land and buildings, or would a lesser variance be fair and equitable to the applicant as well as logical and just to other property owners in the area? (Attach additional sheets if needed.)
Yes the minimum necessary to relocate parking away from Portage Rd.
5. Explain how the variance would not result in adverse affects on adjacent properties or alter the character of the area. (Attach additional sheets if needed.)
The 2 variance requested along Portage Rd. only serves this property and has no effect on adjacent properties.
6. Explain how the variance would not result in increased traffic congestion, noise, or other potential concerns, or in dangers from fire, flood or other hazards, that would be detrimental to the property or to the area. (Attach additional sheets if needed.)
By granting a 2 variance along Portage Rd the cars entering Portage Rd off Ames Dr. will have a un obstructed view.
7. Is the reason for the request, the practical difficulty or the hardship created, due to an act of the applicant or due to an act by the previous property owner? (Attach additional sheets if needed.)
NO
8. Explain how the variance would fulfill the spirit and intent of the Zoning Ordinance. (Attach additional sheets if needed.)
Granting this variance will make the Ames Dr entrance to Portage Rd safer by relocating the parking against the building.

Ay Gdovse
Signature of Applicant

3/13/15
Date

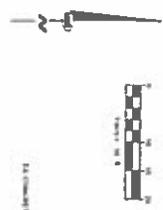
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www.portage.mi.gov

MAR 13 2015

COMMUNITY DEVELOPMENT



- LEGEND**
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 - 2. 1/4" = 1' SCALE
 - 3. 1/8" = 1' SCALE
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 - 251. 1/36185028229

TO: Zoning Board of Appeals **DATE:** April 3, 2015
FROM: Vicki Georgeau,  Director of Community Development
SUBJECT: ZBA #14-05, Alex Gwiazdowski, 9008 Portage Road, B-3, General Business
CODE SECTION: 42-572(A), Parking Lot and Building Landscaping, p. CD42:133

APPEAL: Requesting a variance for an eight-foot wide greenstrip along Portage Road where a minimum ten-foot width is required.

STAFF RECOMMENDATION: The applicant is requesting the above referenced variance per the enclosed application, site sketch, letter of explanation and related materials. The 0.48 acre corner lot is improved with a 1,344 square-foot commercial building constructed in 1957, and remodeled in 1971. Currently, the site is undergoing redevelopment including remodel of the building, installation of an off-street parking lot and other associated site improvements. A sidewalk is also planned to be installed along the Portage Road frontage by the City of Portage in FY2015-16 as part of a Capital Improvement Program Project to enhance pedestrian mobility/safety in the Lake Center Business Area. Additionally, and in an effort to facilitate redevelopment of this once blighted property, a brownfield redevelopment plan was approved by both the City of Portage and Kalamazoo County that included tax increment financing to help offset the developers costs associated with additional environmental due diligence, clean-up, and remediation costs. At this time, the developer plans to create two tenant suites to accommodate office and/or retail uses. Specific tenants have not been identified.

The property is zoned B-3, general business. The properties to the south and west and is zoned R-1A, one family residential and are occupied by single-family residential uses. There is, however, a 16-foot wide alley that was never constructed that separates the subject property from the adjacent single family dwelling to the west (refer to the attached aerial photograph). The property to the north is also zoned B-3, general business and occupied by a nonconforming multi-family residential building. On the east side of Portage Road, the properties are zoned B-3 and occupied by commercial uses.

The front of the building is located 53 feet from the (east) front property line. The applicant proposes to construct a sidewalk adjacent to the building (5-foot minimum width required by code), a row of 90 degree parking spaces adjacent to the sidewalk (18-foot minimum depth required), and a maneuvering lane (22 foot minimum width required) leaving eight feet to the front (east) property line for the greenstrip, where a 10-foot minimum width is required.

Prior to the current redevelopment efforts, the row of parking spaces that existed adjacent to Portage Road will be relocated adjacent to the building. Relocation of these parking spaces will improve safety for motorists turning onto Portage Road from Ames Drive by eliminating the site visibility problems that previously existed when vehicles parked adjacent to Portage Road near the south end of the parking lot.

A conforming alternative does exist and involves construction of angled parking and a one-way drive around the building. Unlike a two-way maneuvering lane that is required to be at least 22 feet in width, a one-way maneuvering lane can be a minimum of 12 feet in width depending on the angle of the parking spaces. The applicant has considered a one-way maneuvering pattern around the building but indicated a desire to preserve the option to construct a building addition at the north end to accommodate the needs of a potential tenant.

There are exceptional circumstances or conditions applying to the property that do not generally apply to other properties in the same zoning district, which include the location of the existing building; the immediate practical difficulty causing the need for the variance request was not caused by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood; and the variance will not materially impair the intent and purpose of the zoning ordinance. The variance, which will improve public safety, can be recommended subject to installation of a six inch high curb along the east edge of the parking lot maneuvering lane adjacent to Portage Road. This curb is necessary to provide protection between vehicles maneuvering in the parking lot and pedestrians on the sidewalk. Also, the curb will protect landscape material located in the narrow three foot greenstrip area.

**PRACTICAL
DIFFICULTY:**

Location of existing building. See suggested motion form

T:\COMMDEV\2014-2015 Department Files\Board Files\Zoning Board\14-05_9008 Portage\2015 04 03 VG ZBA 14-05 Portage_9008 (staff rpt) doc

SUGGESTED NON-USE VARIANCE MOTION FORM

Mr. Chairman:

I move, in regard to ZBA # _____, the application by _____

for a variance from _____

be:

a. granted for all of the following reasons:

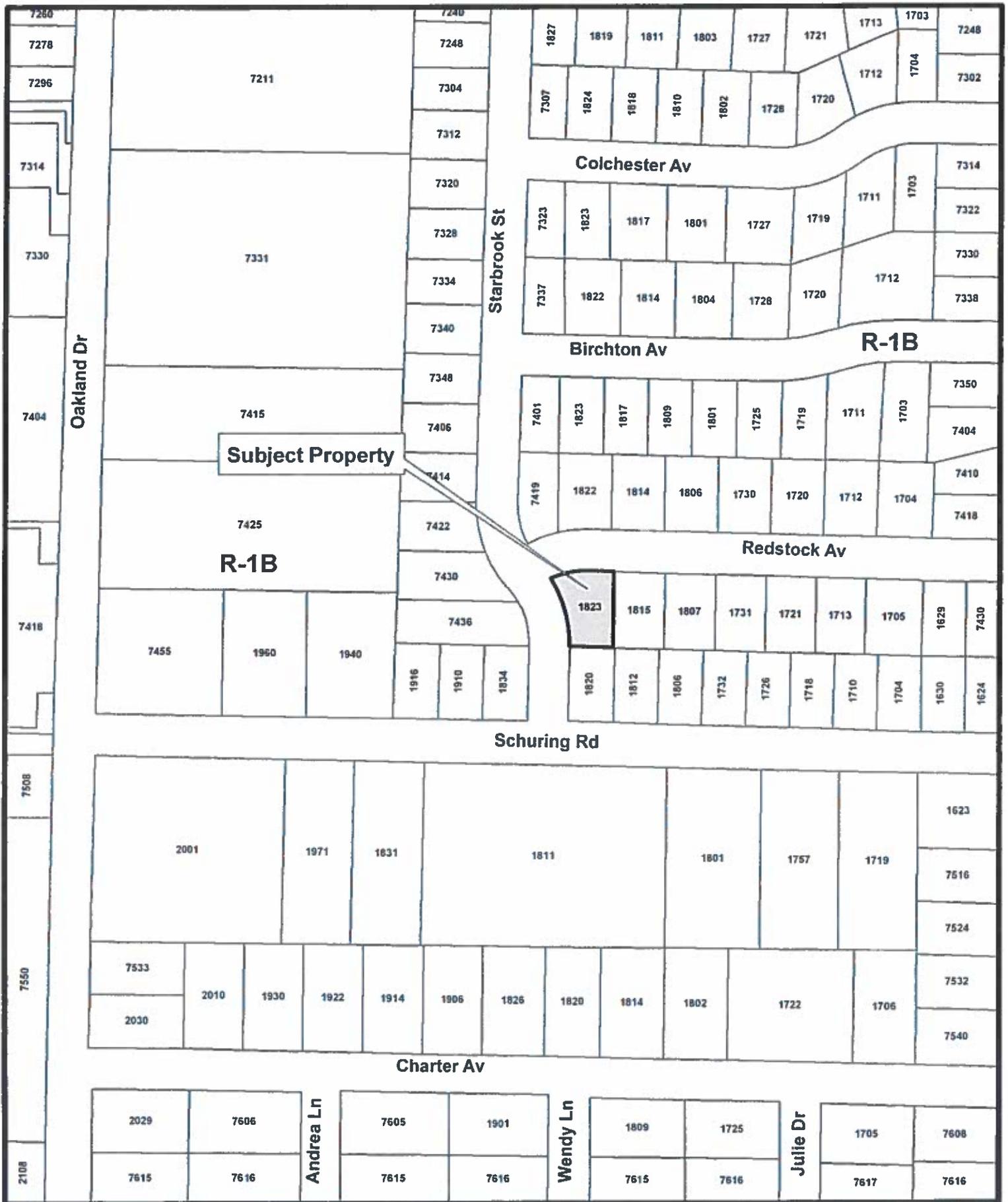
- 1a. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include _____;
- 2a. The variance is necessary for the preservation and enjoyment of a substantial property right, the right to _____, which is similar to that possessed by other properties in the same zoning district and in the vicinity;
- 3a. The immediate practical difficulty causing the need for the variance request was not created by the applicant;
- 4a. The variance will not be detrimental to adjacent property and the surrounding neighborhood, and;
- 5a. The variance will not materially impair the intent and purpose of the zoning ordinance.

-or-

b. denied for one of more of the following reasons:

- 1b. There are no exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district;
- 2b. The variance is not necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district in the vicinity because there are conforming alternatives available such as _____;
- 3b. The immediate practical difficulty causing the need for the variance request was created by the applicant;
- 4b. The variance would be detrimental to adjacent property and the surrounding neighborhood, and;
- 5b. The variance would materially impair the intent and purpose of the zoning ordinance.

c. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, **and that action of the Board be final and effective immediately.**



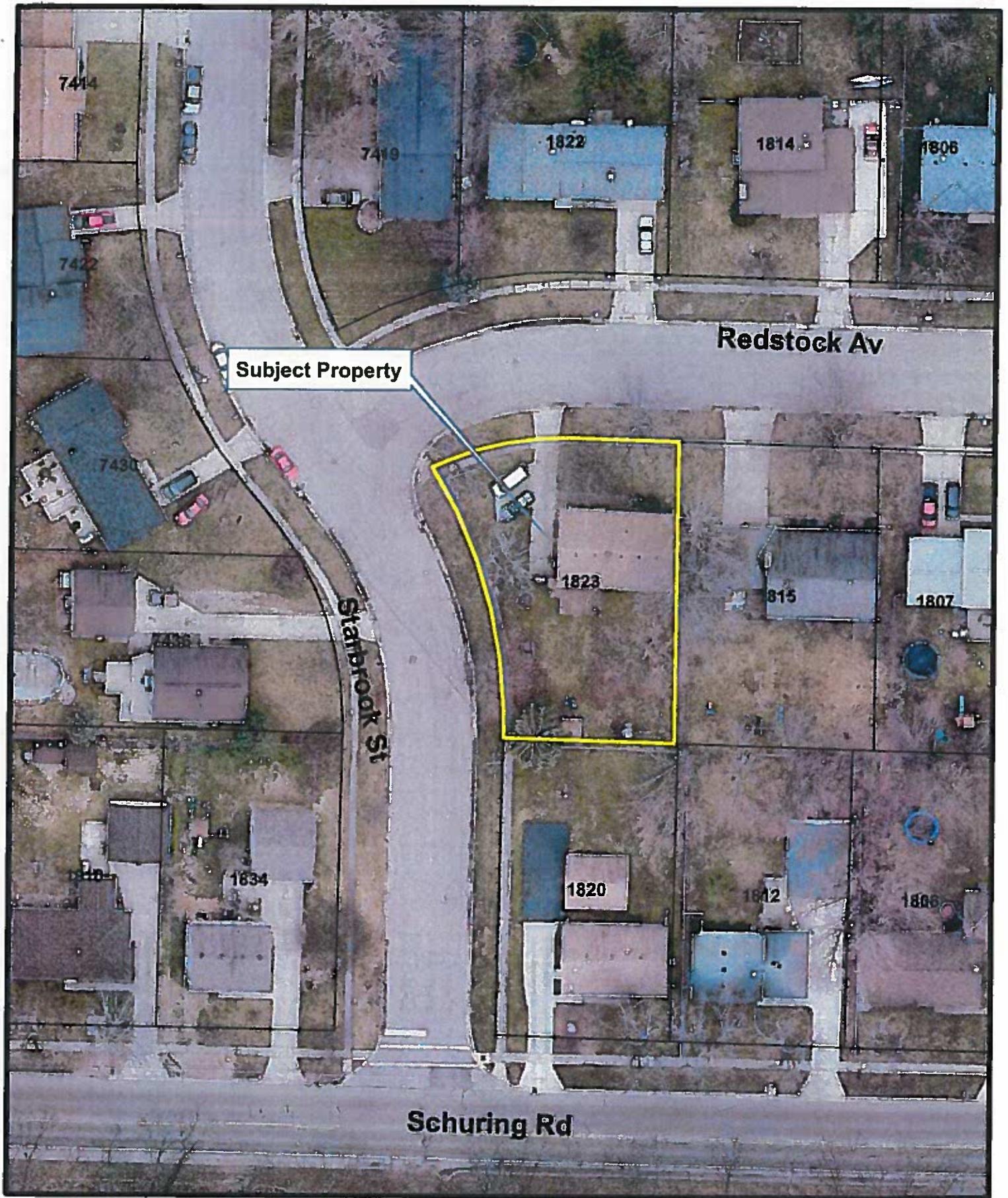
ZBA 14-23

1823 Redstock Avenue



1 inch = 200 feet

 Zoning Boundary
 Subject Property



Subject Property

Redstock Av

Starbrook St

Schuring Rd

Aerial Photography
1823 Redstock Avenue



1 inch = 50 feet

RECEIVED
MAR 06 2015
COMMUNITY DEVELOPMENT

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 3-6-15

Name of Applicant STEVEN BIBLER Steven Bibler
Print Signature

Applicant's Address 1823 REDSTOCK AVE. PORTAGE, MI 49024 Phone No. (269) 321-0126

Name of Property Owner (if different from Applicant) _____

Address _____ Phone No. _____

Address of the Property that is the subject of this Application:

Street Address _____

For Platted Property: Lot _____ of _____ Plat _____

[If The Property Is Unplatted, the Legal Description is needed. Please attach on a separate sheet.]

Applicant's interest in Property that is the subject of this Application: _____

Application Fee _____ (Residential Uses) _____ (All Other Uses)

Type of Appeal (Please check one of the following bold choices and provide the requested information):

Variance from Zoning Ordinance: Article 42 Section 350 Paragraph _____

Regarding: Use _____ Area _____ Yards _____

Setbacks Parking _____ Other _____

Reason for Request (Also complete page 2 of application): _____

Appeal of Administrative Decision: Article _____ Section _____ Paragraph _____

Reason for Request: _____

Interpretation of the Zoning Ordinance: Article _____ Section _____ Paragraph _____

Reason for Request: _____

A Temporary Permit for: Building _____ Use _____ Other Approval _____

Article _____ Section _____ Paragraph _____

Reason for Request: FILING FOR VARIANCE TO CONSTRUCT 22' X 24" (ATTACHED)
GARAGE ADDITION 8' / 25' FROM THE FRONT PROPERTY LINE.

FOR STAFF USE

Application Number: <u>14-23</u>	Filing Date: <u>3/6/15</u>	Tentative Hearing Date: <u>4/13/15</u>
Previous Application Filed Regarding This Property:		

Reason For Variance

1. Please explain how the property has characteristics such as narrowness, shallowness, irregular shape, topography, or natural features that prevent compliance with the Zoning Ordinance. (Attach additional sheets if needed.)

SEE ATTACHED

2. Are the physical characteristics you explained above unique and not shared by neighboring properties? (Attach additional sheets if needed.)

SEE ATTACHED

3. Can the property be reasonably used for the uses permitted in the zoning district without granting the variance? (Attach additional sheets if needed.)

SEE ATTACHED

4. Is the variance the minimum necessary to permit reasonable use of the land and buildings, or would a lesser variance be fair and equitable to the applicant as well as logical and just to other property owners in the area? (Attach additional sheets if needed.)

SEE ATTACHED

5. Explain how the variance would not result in adverse affects on adjacent properties or alter the character of the area. (Attach additional sheets if needed.)

SEE ATTACHED

6. Explain how the variance would not result in increased traffic congestion, noise, or other potential concerns, or in dangers from fire, flood or other hazards, that would be detrimental to the property or to the area. (Attach additional sheets if needed.)

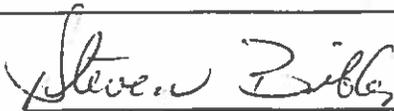
SEE ATTACHED

7. Is the reason for the request, the practical difficulty or the hardship created, due to an act of the applicant or due to an act by the previous property owner? (Attach additional sheets if needed.)

SEE ATTACHED

8. Explain how the variance would fulfill the spirit and intent of the Zoning Ordinance. (Attach additional sheets if needed.)

SEE ATTACHED



Signature of Applicant

3-6-15

Date

MAR 06 2015

COMMUNITY DEVELOPMENT

March 1, 2015

RE: 1823 Redstock Avenue, Portage, MI 49024-4117, phone (269)321-0126 - Bibler Application

1. *Please explain how the property has characteristics such as narrowness, shallowness, irregular shape, topography, or natural features that prevent compliance with the Zoning Ordinance.*

This is a corner property on Redstock Avenue and Starbrook Avenue and the house was built in 1961, before the current zoning ordinance. The current setback requirements are 30' feet from the property lines but our house is located at 26' to the sidewalk which aligns with the property line along Starbrook, to the west side of the house. The curve of the street takes away a big area from the property which makes it very narrow and difficult to access with a vehicle. As you can see in the photos, we have a deck to the upper level, and under the deck, there are stairs leading to the lower level.

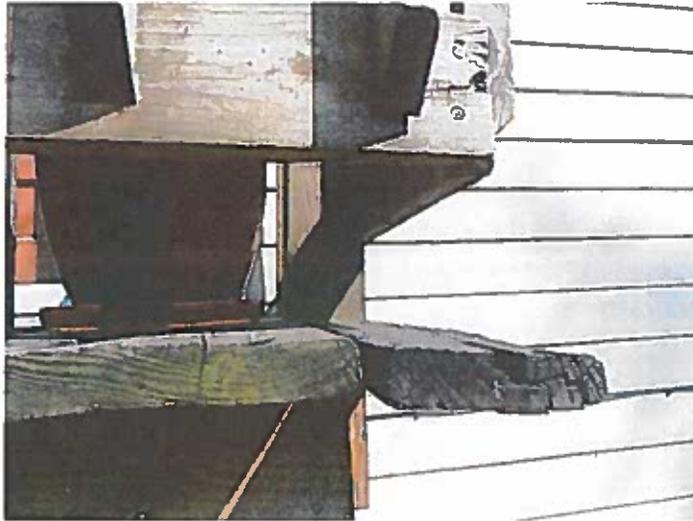


2. *Are the physical characteristics you explained above unique and not shared by neighboring properties?*

Our house is a bi-level, like several others in our neighborhood. There is the main entrance to the house which faces Redstock Avenue, and two additional entrances to the west side, facing Starbrook Avenue. The access to the upper level is by old wooden steps and decking which are deteriorating and unsafe. The lower level entryway is via 4 concrete steps. Both entrance doors are not covered, so they are not protected from the weather, therefore, there are signs of water damage to the house. Another hardship is that we have two access doors from the street, which poses a safety issue. One other unique characteristic is that there is no access to the backyard from the house, rather you must enter via the back gate.



Note the broken spindle just beneath the numbers, as you first enter the stairway.



Notice the warped piece of wood at the end of the deck above.



The current handrail is deteriorating.

Even though there is a drain hole near the lower level entry way, it does not keep out overflow water drainage due to heavy rain/snowmelt from entering the house. As you can see from these pictures below, the wood around the bottom of the door frame shows signs of wood rot, indicating water damage. This will only continue and worsen if we cannot properly protect that side of the house from the elements. We believe a garage can solve this problem and will prevent further costly damage. Plus, it will allow us to conveniently and safely enter the house from rain and snow because we would be covered.



3. *Can the property be reasonably used for the uses permitted in the zoning district without granting the variance?*

No. The problem is we do not have a garage. While we are aware of the conforming alternative of getting a detached garage, that option will not work in our situation. A detached garage would create more problems, including, but not limited to: 1) it would force us to put in a second driveway on Starbrook in order to access it, 2) we would still be uncovered when moving from the vehicles to the house, 3) the distance from the detached garage to the house would be greater and 4) it would take up most of the backyard, where our school aged boys and our dog play. As we have mentioned before, we cannot access the house in a safe manner using the west side entrances, unless we change the design and that's why we are applying for a variance, so that we can remove the hazards. There is already a slab of concrete there. We are asking to cover it. The concrete in the driveway is also broken and damaged in several locations, due to tree roots and there are numerous tripping hazards that need to be replaced for our safety and for anyone coming to our home, whether it's friends and family or delivery workers. The deep cracks are not only unsightly, but could cause someone to trip or fall if they are not paying attention, which could become a liability issue and impact our homeowners insurance. In its current condition, the concrete slab needs to be removed and replaced entirely.



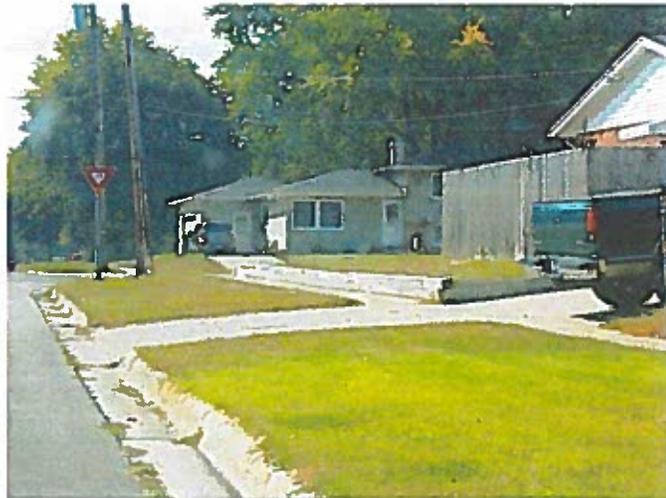


4. *Is the variance the minimum necessary to permit reasonable use of the land and buildings, or would a lesser variance be fair and equitable to the applicant as well as logical and just to other property owners in the area?*

We have measured the distance and we would prefer to have a 24x24 garage. Due to the size of our vehicles, a 22x24 is the minimum we can install, which would allow us to be able to open the doors of our vehicles once inside. We currently have a full size minivan and a midsize car, however, we are in the market to trade in our car for a full size truck, that's why a 24x24 garage would be more useful. The larger garage is also necessary because our house is a bi-level and there is no basement. The garage would provide much needed storage, as well as protection for our vehicles. Currently, everything that's normally put in a garage is in our lower level, like bicycles, coolers, workbench with tools, seat cushions for our patio furniture and numerous other household items that are blocking our washer and dryer at the moment. A garage would give us space to move those possessions and we could function more comfortably in our lower level, rather than have to navigate around a maze of boxes and totes. We are presenting a design to the house that will not only address the safety issues and accommodate safer access to the house, but it will also add curb appeal to the neighborhood, while giving us storage for things we need, which in turn will give us more room in our lower level.

5. *Explain how the variance would not result in adverse effects on adjacent properties or alter the character of the area.*

We are not interfering with anyone else's property. There are several other corner lots in our neighborhood with garages that do not comply with the setbacks. Below, we present pictures and addresses of other neighbors with corner lots that are also exemption to the current zoning ordinances. We are not changing the character of the neighborhood, but rather we are enhancing the curb appeal while at the same time, making the house safer.



You can see the back of the truck is right on the sidewalk with just a few feet to Rockford Street.



This corner lot is 7418 Rockford Street, also less than the 30' setback requirements.



This is 7350 Rockford Street at the corner of Birchton Avenue. Again, there is not 30' to the sidewalk in this example. These above examples block the sidewalk. Our proposal would not block or hinder the sidewalk.

6. *Explain how the variance would not result in increased traffic congestion, noise or other potential concerns, or in dangers from fire, flood or other hazards that would be detrimental to the property or to the area.*

We believe that adding a garage to our property does not create any hazards that would be detrimental to the area. Removing the deteriorating deck and upper level exit and replacing them by installing a garage eliminates dangers that already exist, while giving us protection from the weather as we enter and exit our vehicles, making it more convenient when carrying packages in and out of the house as well.

7. *Is the reason for the request, the practical difficulty or the hardship created, due to an act of the applicant or due to an act by the previous property owner?*

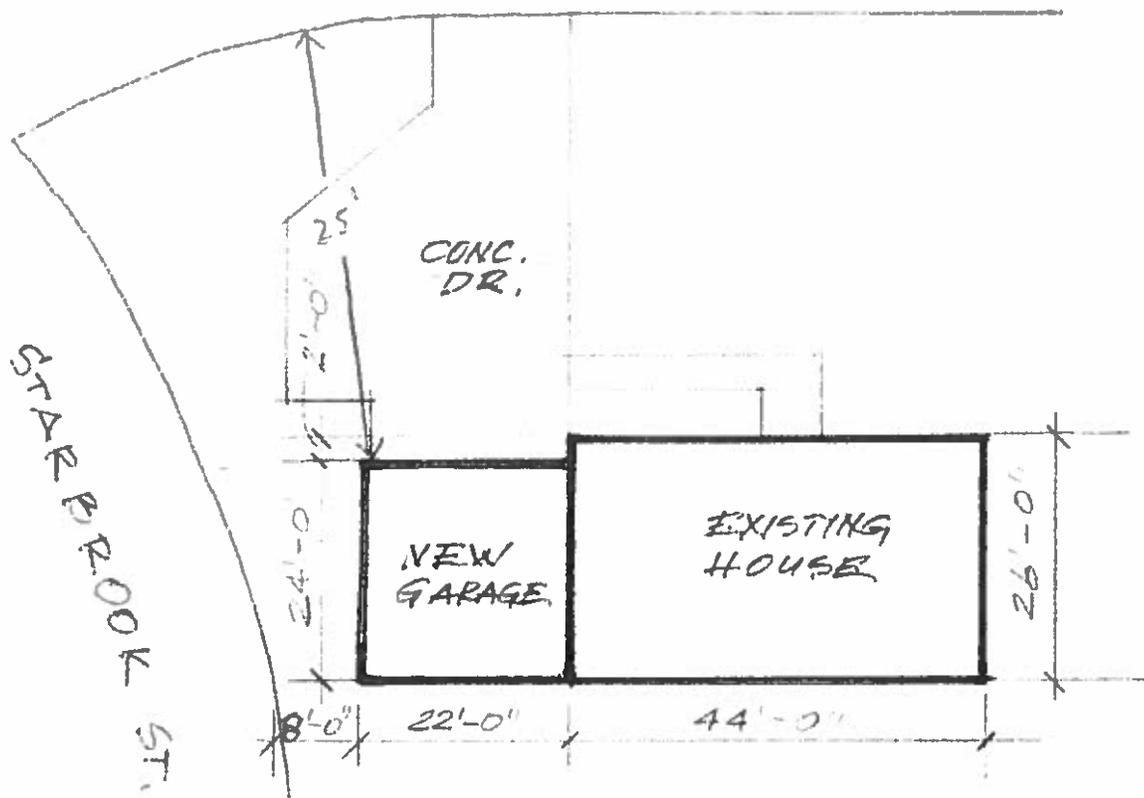
The hardship was created by a previous property owner. We want to fix it.

8. *Explain how the variance would fulfill the spirit and intent of zoning ordinance.*

We are preventing existing hazards, like water seepage into the lower level and wood rot around door frames and broken boards on the current stairs and deck, from causing further damage to the house and preventing injuries to our family. Most of the homes in our neighborhood have garages. A garage is a necessity, especially in our brutal winters and it would increase the value of our home and make it more attractive to buyers in the future, if we ever decide to sell it. We are not requesting something that is out of the ordinary for our neighborhood. In fact, we are the only house without a garage or covered parking. There is a concrete driveway and slab for parking in place, but we would like to cover it and do it stylishly to fit the look of the house. A garage is the smart solution for protecting our vehicles and property while making our home safer. We are working with a professional, licensed contractor and a residential designer so our garage will not only provide much needed storage for our vehicles, but it will also look attractive and improve curb appeal. Our new garage will complement the existing architecture and enhance the look of the house and landscaping.

BIBLER RESIDENCE
1823 REDSTOCK AVENUE
PORTAGE, MI 49024

REDSTOCK AVENUE



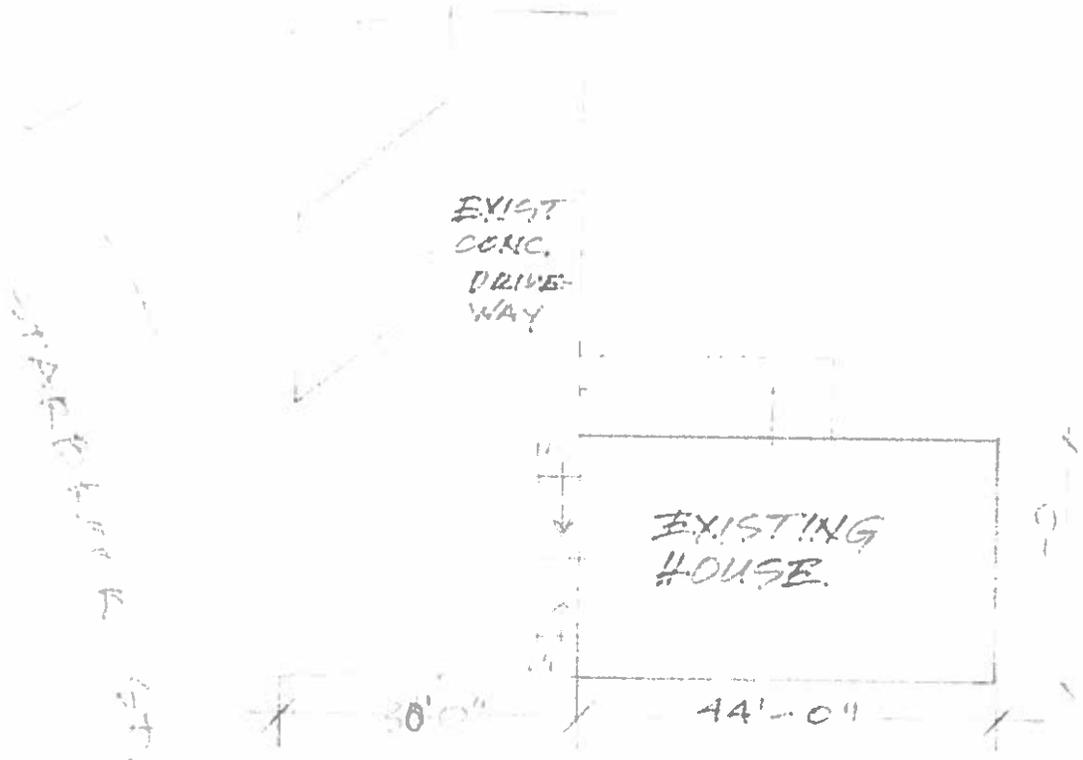
STARBUCK ST.

PROPOSED
SITE PLAN
1" = 20'-0"



BIBLER RESIDENCE
1823 REDSTOCK AVENUE
PORTAGE, MI 49024

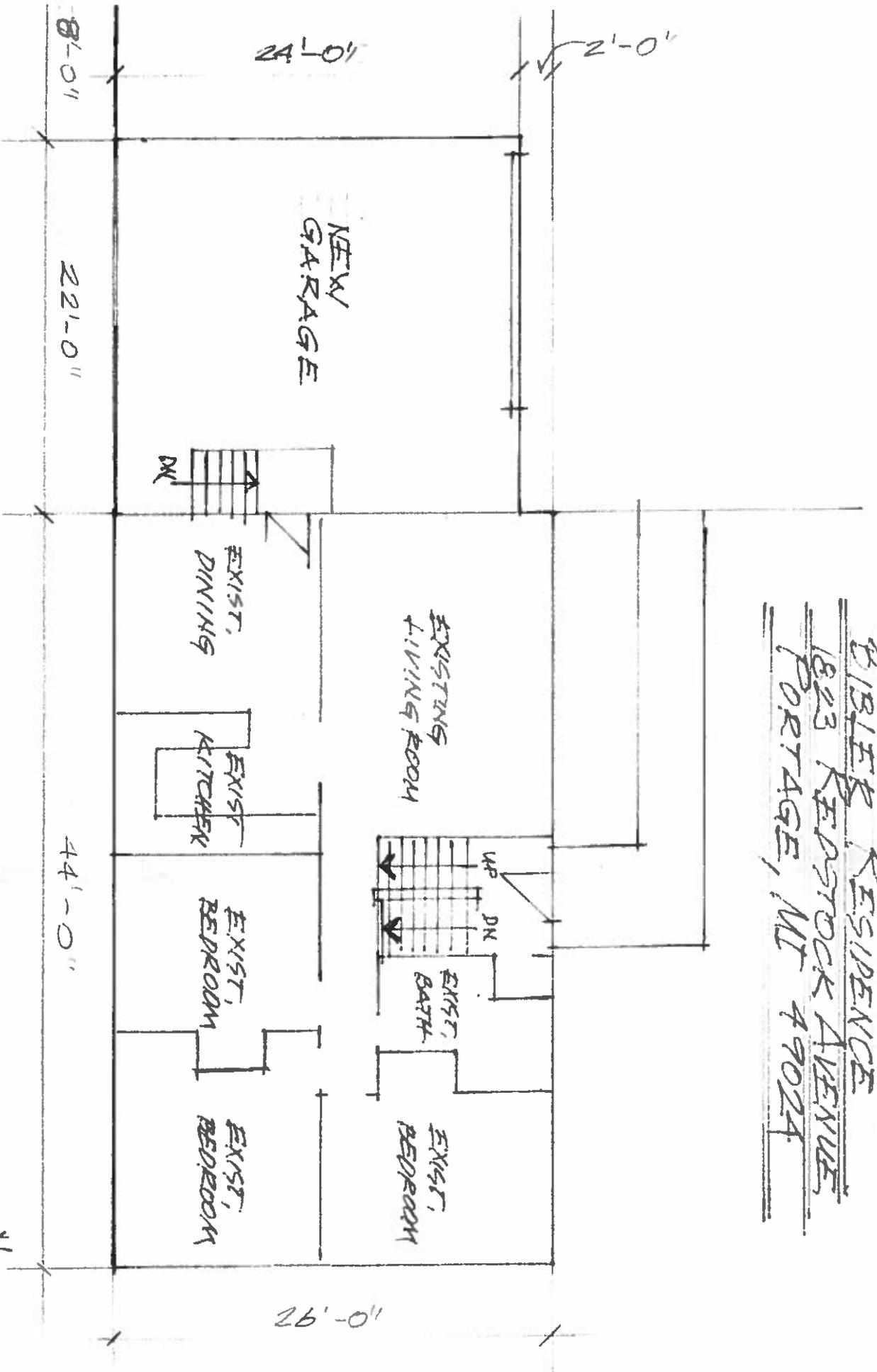
REDSTOCK AVENUE



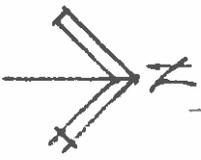
EXISTING
SITE PLAN
1" = 20'-0"



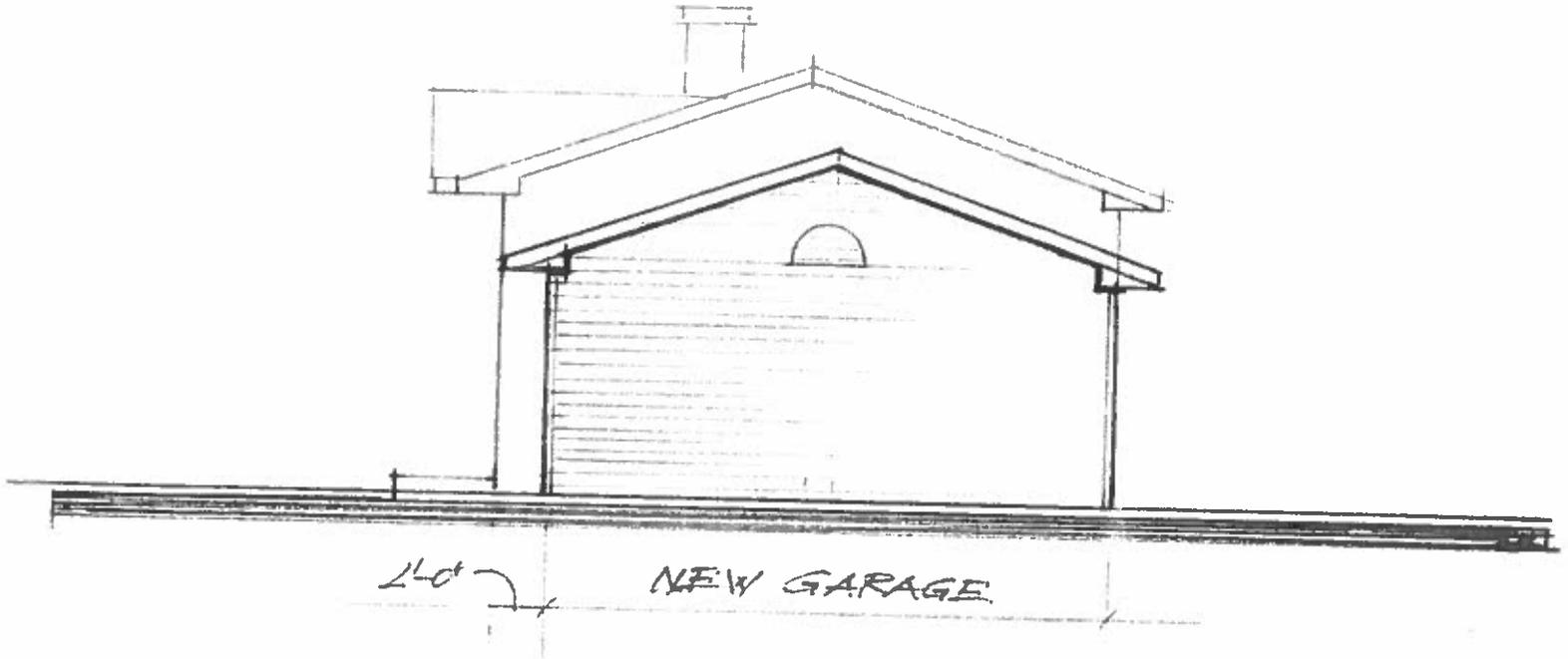
BIBLER RESIDENCE
1823 REDSTOCK AVENUE,
PORTAGE, MT 49024



PROPOSED
FLOOR PLAN
1" = 11'-0"



BIBLER RESIDENCE
1823 REDSTOCK AVENUE
PORTAGE, MI 49024



PROPOSED
WEST ELEVATION
1" = 11'-0"
1/8"

Steve & Melissa Bibler, of 1823 Redstock Avenue, Portage, MI 49024-4117, request the City of Portage for a variance to build a garage on their property. They have discussed their plans for a new garage with me/us. I/We do not have any objections to their new garage.

Name Paul Carman
Address 1175 Redstock

Phone 313-91260

Name Clayton G. Grew
Address 1807 Redstock

Phone 324-0908

Name Kelly Snow
Address 142 Redstock
Portage, MI
Phone 264-352-0136

Name CARNEE DOURLAC
Address 156 REDSTOCK AVE
Phone 327-9544

Name Mike Cully
Address 7419 Starbuck

Phone 359-1541

Name Larry Provan
Address 7414 Starbuck
Portage, MI
Phone 248-352-7356

Name Ruth Wagner
Address 1820 Schuring
Portage, MI
Phone 327-1601

Name Barbara Jagielski
Address 1812 Schuring
Portage, MI
Phone 323-2736

Name John T. Lee
Address 1111 Russell Ave
Portage, MI
Phone 269-900-7416

Name Richard McFEE
Address 7401 Starbrook
Portage, MI
Phone 269-743-1450

Name Dennis Wilber
Address 7430 Starbrook St.
Portage MI
Phone 269-376-2191

Name JEFF HOKKAMA
Address 7340 STARBUCK
PORTAGE MI
Phone 269-324-7232

Name Missy Cunningham
Address 7400 Starbrook St
Portage MI
Phone 269-743-0063

Name Vincent Prige
Address 1712 Redstock Ave
Portage, MI
Phone 269 321-1846

Name SCOTT WATKINS
Address 1834 SCHUBING RD
PORTAGE MI
Phone 269-270-4596

Name FRANK WILCENSKI
Address 7418 Rockford
Portage MI
Phone 269 321-6269

TO: Zoning Board of Appeals **DATE:** April 3, 2015
FROM: Vicki Georgeau, ^{kg} Director of Community Development
SUBJECT: ZBA #14-23, Steven Bibler, 1823 Redstock Avenue, R-1B, One Family Residential
CODE SECTION: 42-350, Schedule of Regulations, p. CD42:84.

APPEAL: Requesting variances to construct a 22-foot by 24-foot attached garage that is: a) eight feet from the west (front) property line along Starbrook Street, and b) 25 feet from the north (front) property line along Redstock Avenue where minimum 30-foot setbacks are required.

STAFF RECOMMENDATION: The applicant is requesting the above referenced variance per the enclosed application, plot plan, letter of explanation and related materials. The 10,454 square-foot irregularly shaped (103 foot lot width along the north property line narrowing to 70 foot lot width along the south property line) corner lot is improved with a nonconforming 2,059 square-foot bi-level dwelling (with a footprint of 1,144 square feet) constructed in 1961. The dwelling is nonconforming because it is setback 26 feet from the north (front) property line and nine feet from the east (side) property line. The property is zoned R-1B, one family residential, and is surrounded by other single family residences.

The applicant proposes to construct a 22-foot wide by 24-foot deep attached garage that would extend to within eight feet of the west (front) property line and 25 feet from the north (front) property lines, where minimum 30-foot setbacks are required.

The subject property is one of the few within the subdivision that is not improved with a garage. It is noted the applicant could construct a detached garage up to 320 square feet in the rear yard without a variance. However, the applicant indicates an attached garage is preferred to address a drainage problem to the lower level entrance, as well as for increased convenience and utility. The applicant notes other corner lots within the subdivision have garages less than 30 feet from the front property line. Staff concurs there are examples of garages with lesser setbacks, as much of the subdivision (plats of Yorkshire numbers 1 through 5) was developed prior to 1965. Additionally, many of the 70-foot wide lots throughout the Yorkshire plats are considered substandard with regard to width and the Zoning Code permits 15-foot front setbacks for substandard corner lots abutting the long side of the street.

There are exceptional circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district. The subject

property is not considered substandard with regard to width, however its irregular shape – having 103 feet of frontage along Redstock Avenue narrowing to 70 feet of lot width along the south property line – presents a unique condition relating to the construction of an attached garage on the west side of the house. At its nearest point along the west Starbrook Street property line, the proposed garage would extend to within eight feet, and at its farthest point 24 feet, resulting in a 16-foot average front setback; not inconsistent with the 15-foot front setbacks commonly found on the substandard corner lots throughout the neighborhood. Furthermore, the bi-level house design presents practical difficulties as the house has limited storage space, with the exception of a small 80 square-foot shed in the rear yard. The variance would not have an adverse impact on adjacent properties, nor create a hazardous situation as access to the proposed garage would be from Redstock Avenue. Finally the variance would not materially impair the intent and purpose of the Zoning Ordinance. For the reasons noted above, approval of a reduced variance to permit a 20-foot by 24-foot garage, with access from Redstock Avenue is recommended. A reduced variance is the minimum necessary to accommodate the applicant's request.

**PRACTICAL
DIFFICULTY:**

Irregular shaped corner lot. Lack of storage space. See suggested motion form

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SUGGESTED NON-USE VARIANCE MOTION FORM

Mr. Chairman:

I move, in regard to ZBA # _____, the application by _____
for a variance from _____

be:

a. granted for all of the following reasons:

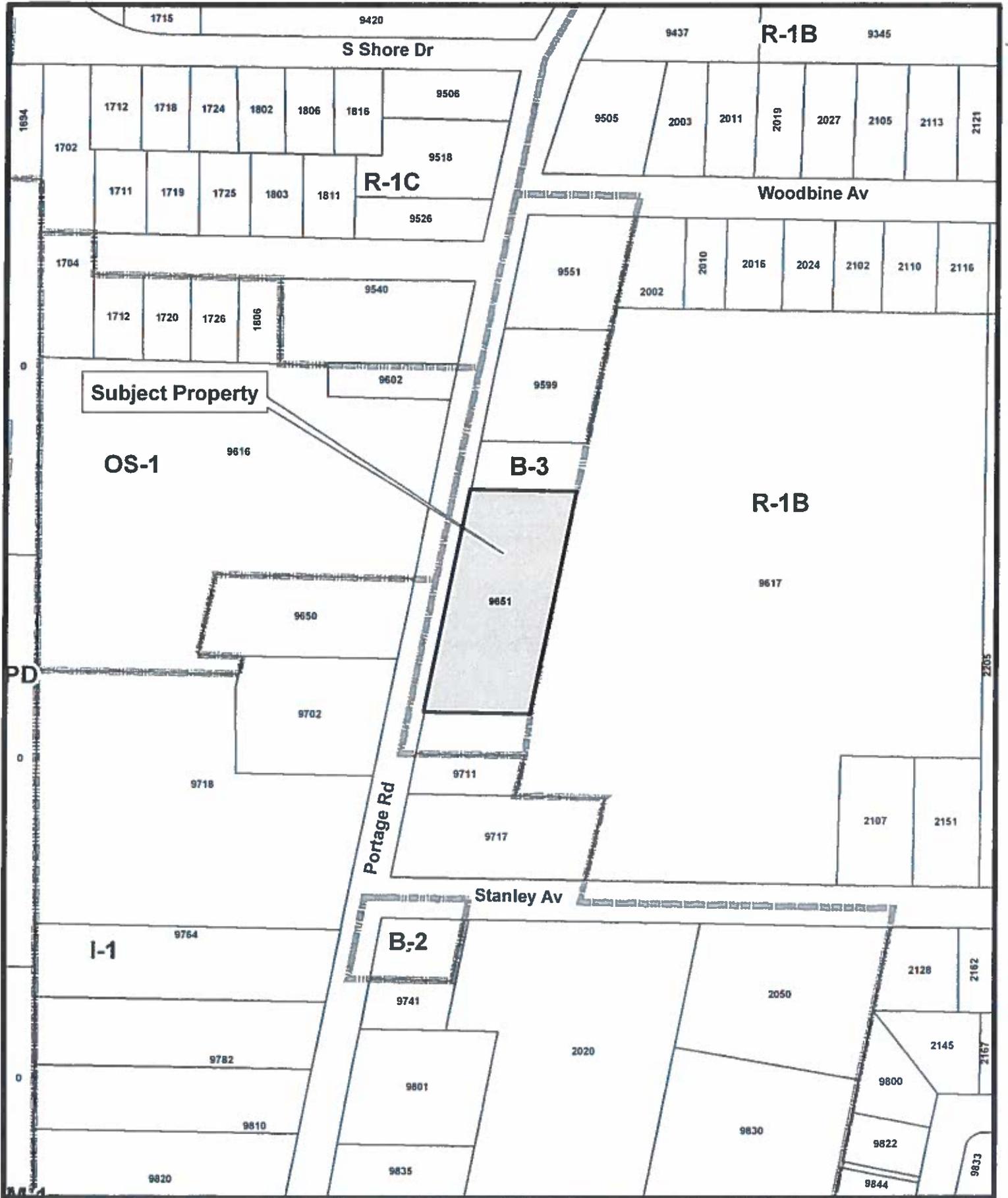
- 1a. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include _____;
- 2a. The variance is necessary for the preservation and enjoyment of a substantial property right, the right to _____, which is similar to that possessed by other properties in the same zoning district and in the vicinity;
- 3a. The immediate practical difficulty causing the need for the variance request was not created by the applicant;
- 4a. The variance will not be detrimental to adjacent property and the surrounding neighborhood, and;
- 5a. The variance will not materially impair the intent and purpose of the zoning ordinance.

-Or-

b. denied for one of more of the following reasons:

- 1b. There are no exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district;
- 2b. The variance is not necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district in the vicinity because there are conforming alternatives available such as _____
- 3b. The immediate practical difficulty causing the need for the variance request was created by the applicant;
- 4b. The variance would be detrimental to adjacent property and the surrounding neighborhood, and;
- 5b. The variance would materially impair the intent and purpose of the zoning ordinance.

c. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately.



 Zoning Boundary
 Subject Property

ZBA 14-24

9651 Portage Road



1 inch = 200 feet

Jeff Mais

From: Sheila Shubnell <sjshubnell@gmail.com>
Sent: Monday, March 30, 2015 8:47 AM
To: Jeff Mais
Subject: Re: FW: zoning Board info for Temporary Use Permit

Hello Jeff,

I would like to withdrawal my application for a farmers market at 9651 Portage Rd. for 2015.

Sheila

On Wed, Jan 21, 2015 at 3:09 PM, Jeff Mais <maisj@portagemi.gov> wrote:

Sheila,

Attached are my suggestions for things to include with your Zoning Board of Appeals application. If you want to shoot for the March 9, 2015 meeting you should try to get your application in by Feb 9. If you have any questions at all about the application or the process please don't hesitate to ask me.

Jeff Mais

Zoning & Codes Administrator

City of Portage

7900 South Westnedge Avenue

Portage, MI 49002

269-329-4476 – phone

269-329-4476 - fax

