

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – May 11, 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. Two people were in the audience.

MEMBERS PRESENT: Glenn Smith, Phillip Schaefer, Jeffrey Bright, Chad Learned, Randall Schau, Michael Robbe, and Alexander Philipp.

MEMBERS ABSENT: Lowell Seyburn

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

APPROVAL OF THE MINUTES: Learned moved and Schaefer seconded a motion to approve the April 13, 2015 minutes as submitted. Upon voice vote, motion was approved 7-0.

NEW BUSINESS:

ZBA #14-25, The Home Depot, 6685 South Westnedge Avenue: Mais summarized the request to modify a previously approved Temporary Use Permit to allow: a) an additional 6-foot by 55-foot outdoor sales/display in front of the store from March 15 through September 15, 2015 and annually thereafter; and b) an 8-foot by 100-foot storage area for bagged goods behind the store from April 1st through June 30th, 2015 and annually thereafter. John Tsokonas, manager of the Home Depot, stated he agreed with the staff report and what he was requesting was comparable to what similar businesses were doing elsewhere in the city. Robbe noted there were bagged goods in front of the store last week. The applicant stated they have already been removed from the front.

The public hearing was opened. Gina Stoneburner, 330 Ruth Street, stated she was concerned noise might result from the proposed activity. Learned inquired if Ms. Stoneburner was currently experiencing any noise issues from Home Depot. Ms. Stoneburner stated no, but wanted assurance that the proposed changes would not create noise issues. The applicant responded the proposed changes would in no way increase noise levels from current store operations. The public hearing was closed.

Schau asked if staff could revoke the permit since it is subject to annual review by staff. Mais stated the intent was to allow staff to review the set up and operation of the Temporary Use in subsequent years so the applicant would not have to return to the Board for approval. Mais stated in the event of major noncompliance issues, staff would refer revocation of the Permit to the Board. Attorney Bear stated the Board, not staff, had authority to revoke a Temporary Use Permit. A motion was made by Smith, seconded by Schau to approve a modification to the previously approved Temporary Use Permit to allow: a) an additional 6-foot by 55-foot outdoor sales/display in front of the store from March 15 through September 15, 2015 and annually thereafter; and b) an 8-foot by 100-foot storage area for bagged goods behind the store from April 1st through June 30th, 2015 and annually thereafter with the following conditions: 1) no other outdoor display/storage be permitted outside of the proposed Temporary Use areas; 2) Hours of operation intended for the Temporary Use coincide with regular store operations (when open); 3) no outdoor storage of bagged goods be permitted in front of the store; 4) No outdoor display shall encroach into or block the fire lane or emergency exits; 5) Renewal of the permit shall be subject to review by city staff on an annual basis. Upon roll call vote: Smith-Yes, Phillip-Yes, Schaefer-Yes, Robbe-Yes, Bright-Yes, Learned-Yes, Schau-Yes. The motion passed 7-0.

OTHER BUSINESS: None.

STATEMENT OF CITIZENS: None.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:31 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator