

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – December 14, 2015

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

MEMBERS PRESENT: John Byrnes, Phillip Schaefer, Glenn Smith, Chadwick Learned, Lowell Seyburn, Randall Schau, and Alexander Philipp.

MEMBERS EXCUSED: Michael Robbe, Jeffrey Bright.

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 November 9, 2015 minutes as submitted. Upon voice vote, the motion was approved 7-0.

NEW BUSINESS:

ZBA #15-8, Bruce Sperling, 425 Brittany Drive: Mais summarized the variance request to retain an existing 120 square-foot detached accessory building, that when combined with the area of the existing attached garage and recent garage addition, exceeds the ground floor area of the dwelling by 120 square feet. Mr. Sperling was present to answer questions. Learned noted the applicant had provided no practical difficulty in the application and asked if the applicant had anything to add at this time. Mr. Sperling stated no.

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 deny a variance to retain an existing 120 square-foot detached accessory building, that when combined with the area of the existing attached garage and recent garage addition, exceeds the ground floor area of the dwelling by 120 square feet for the following reasons: 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; 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 increasing the ground floor living area; the immediate practical difficulty causing the need for the variance request was created by the applicant; and the variance would materially impair the intent and purpose of the zoning ordinance. In addition, the application and supporting material, 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. Upon roll call vote: Philipp-Yes, Byrnes-Yes, Seyburn-Yes, Smith-Yes, Learned-Yes, Schau-Yes, Schaefer-Yes. The motion passed 7-0.

ZBA #15-07, Pfizer Inc., 7171 Portage Road: Mais summarized the requests for: a) a variance to construct a 97,500 square-foot industrial warehouse addition 50 feet from the front (north) property line where a minimum 100-foot front setback is required; and b) a variance to locate a loading area in a required front yard. Tome Kaste, Project Manager, explained the new warehouse addition is needed to accommodate increased production. The applicant explained the warehouse must be located at the north end of building 41 to accommodate the logistical flow, as raw materials enter from south and end up as finished products ready to ship at the north end of building. Mr. Kasten stated constructing a separate warehouse building in a conforming location was not an option as federal regulations prohibit finished products from leaving the building until they are shipped directly to market, and no other practical conforming locations for a warehouse addition were available. Mr. Kasten added the proposed addition would have landscaping in front of both the building addition and the loading dock areas and the addition would be very unlikely to impact any neighbors negatively as the nearest building would be about 400 feet away on the north side of Romence Road East. Learned noted no manufacturing activities were proposed in the addition but wondered if that could change in the future. Mr. Kasten stated Pfizer had no such plans. Learned inquired of staff if it could happen with a future owner. Mais responded the possibility exists. Byrnes noted the addition would be removing parking spaces along the north side of the facility and wondered if more parking would be added elsewhere. Mr. Kasten stated yes.

A 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 Smith, to grant: a) a variance to construct a 97,500 square-foot industrial warehouse addition 50 feet from the front (north) property line where a minimum 100-foot front setback is required; and b) a variance to locate a loading area in a required front yard, with the condition that 8-foot tall evergreens obscuring the view of the loading area be placed every 20 lineal feet beginning at a point parallel to the northeast corner of the proposed addition and extending 220 feet east along Romence Road East (except the driveway) for the following reasons: there are exceptional circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include federal regulatory requirements and the location of previously constructed buildings; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to continue to manufacture and ship pharmaceutical products; the immediate practical difficulty causing the need for the variance 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 material, 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. Upon roll call vote: Philipp-Yes, Byrnes-Yes, Seyburn-Yes, Smith-Yes, Learned-Yes, Schau-Yes, Schaefer-Yes. The motion passed 7-0.

OTHER BUSINESS: Seyburn stated he would not be available to attend the January meeting.

STATEMENT OF CITIZENS: None.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:34 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator