

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – September 11, 2017

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

MEMBERS PRESENT: John Byrnes, Alexander Philipp, Jay Eichstaedt, Natalie Rowe, Linda Finch

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

MEMBERS EXCUSED: Randall Schau, Veronica Demaio

MEMBER RESIGNATION: Per the supplemental letter, Lowell Seyburn tendered his resignation from the Zoning Board of Appeals. Brenda Carlton tendered her resignation from the Zoning Board of Appeals by letter.

APPROVAL OF THE MINUTES: Eichstaedt moved and Rowe seconded a motion to approve the August 14, 2017 minutes and the August 28, 2017 special meeting minutes as submitted. Upon voice vote, the motion was approved 5-0.

OLD BUSINESS:

ZBA #17-05; 337 Gingham Avenue: Upon request from the applicant, the application was withdrawn. Eichstaedt moved and Rowe seconded a motion to approve the applicants request to withdraw the application. Motion approved 5-0.

NEW BUSINESS:

ZBA #17-09; 10024 Harris Drive: Staff summarized the request for a variance to construct a staircase five feet from the (north) side property line where a minimum eight foot side yard setback is required. The applicant and property owner were present. Ms. Rowe stated she had a conflict of interest and left the Chambers. Chair Byrnes informed the applicant that due to the limited board members present, unanimous approval would be needed in order for the variance to be granted. Chair Byrnes informed the applicant that if they so wished, they could request the hearing be postponed to the next scheduled meeting (October 9, 2017). The applicant indicated their desire to continue with the variance request. The applicant presented their reasoning for the need of a staircase located along the north side of the property, where previously landscaped steps were approved. Finch inquired how the original design was laid out and how it was changed. Mr. Scott (TC Scott Construction) responded that a staircase would be preferred instead of piling dirt up along the home. Mr. Scott also cited that with a staircase, the use of handrails and non-slick decking would make egress safer for the residents.

The public hearing was opened. Carolyn Everts of 7605 Muirfield Drive detailed her experience with a previous variance request and wished to convey the importance of waiting for a full board. The public hearing was then closed.

Discussion followed. A motion was made by Finch, seconded by Byrnes, to grant a variance to construct a staircase five feet from the (north) side property line where a minimum of eight foot side yard setback is required for the following reasons: there are exceptional circumstances applying to the property that do not apply generally to other properties in same zoning district, the variance is necessary for the preservation and enjoyment of a substantial property right, the right to safely exit the home, which is similar to that possessed

by other properties in the same zoning district and in the vicinity; 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. 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. Upon roll call vote: Finch - Yes, Philipp - Yes, Eichstaedt - Yes, Byrnes - Yes. Motion passed 4-0.

ZBA #17-10; 10650 South Westnedge Avenue: Requesting a variance from the public street frontage requirement to obtain a building permit. Ms. Rowe stated she had a conflict of interest and left the Chambers. The applicant was present, and requested the item be postponed to the next scheduled meeting. Eichstaedt moved, Finch seconded a motion to postpone the item until the next regularly scheduled meeting. Motion passed 4-0.

ZBA #17-13; 9244 Chapel Street: Requesting variances to construct a 30-foot by 30-foot accessory building that: a) exceeds the ground floor living area by 178 square feet; and b) is 18.3 feet high where a maximum 14-foot height is permitted. The applicant was present and requested the item be postponed to the next regular scheduled meeting. Eichstaedt moved, Rowe seconded a motion to postpone until the next scheduled meeting. Motion passed 5-0.

ZBA #17-14; 1311 East Centre Avenue: Staff summarized the requested variances to allow the residential dwelling unit portion of the Work/Live Accommodations to: 1) exceed one-third of the total floor area of the commercial use; and 2) to be situated not entirely within the rear yard of the commercial use. The applicant was present and supported the information reported by city staff and had no further comment.

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

The applicant stated fire, state and city inspections have been completed and that any further items will be handled by City Administration. A motion was made by Rowe, seconded by Finch to grant a variance to allow the residential dwelling unit portion of the Work/Live Accommodations to: 1) exceed one-third of the total floor area of the commercial use; and 2) be situated not entirely within the rear yard of the commercial use for the following reasons: there are exceptional circumstances applying to the property that do not apply generally to other properties in same zoning district, which include the original construction of the building, residential floor layout and a corner lot with two front yards; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to a Work/Live which is similar to that possessed by other properties in the same zoning district and in the vicinity; 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. 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. Upon roll call vote: Finch-Yes, Rowe-Yes, Philipp-Yes, Eichstaedt-Yes, Byrnes-Yes. Motion passed 5-0.

OTHER BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:53 p.m.

Respectfully submitted,

Kyle Mucha
Zoning & Codes Administrator