

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – November 13, 2017

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

MEMBERS PRESENT: Randall Schau, Veronica Demaio, John Byrnes, Jay Eichstaedt, Linda Finch, Alexander Philipp, Natalie Rowe, Jeff Wettig (alt), Linda Fry (alt)

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator, Bryan Beach, Assistant City Attorney.

MEMBERS EXCUSED: None

APPROVAL OF THE MINUTES: Eichstaedt moved and Rowe seconded a motion to approve the October 9, 2017 minutes as submitted. Upon voice vote, the motion was approved 7-0.

OLD BUSINESS:

ZBA #17-13; 9244 Chapel Street: Linda Fry advised she had a conflict of interest and left the chambers. Mais summarized the request 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. John Fry and Edna Fry were present to answer questions. John Fry stated an additional lot was purchased at the corner of Vanderbilt and Chapel and combined with the lot at 9244 Chapel for the purpose of building a garage for extra tool storage and vehicle repairs. He stated the extra building size and height was necessary to ensure no items would be stored outside, and the proposed covered porch area was intended to be a porch, and not used for vehicle parking. Schau inquired where Mr. Fry currently worked on cars and stored tools. Mr. Fry responded in his garage at 7430 Rockford Street. Schau asked staff if it was permissible that Mr. Fry was requesting a variance to use a garage where he did not reside. Mais responded the code does not prohibit family members from making arrangements to park or repair cars at other family members' property, but could become an enforcement issue if it were a business activity in a residential zone. Mr. Fry stated no business activities would occur. Attorney Beach stated the applicant had standing to make the request with the property owner's consent.

A public hearing was opened. Edna Fry, co-owner of 9244 Chapel Street and 7430 Rockford Street, spoke in favor of the requested variance. The public hearing was closed.

A motion was made by Eichstaedt, seconded by Rowe, to grant a variance to construct a 30-foot by 30-foot accessory building that a) exceeds the ground floor living area by 178 square feet 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 need to build a larger building for one's hobby; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to an adequate sized building; 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. Upon a roll call vote: Schau-No, Demaio-No, Byrnes-Yes, Finch-No, Philipp-No, Eichstaedt-Yes, Rowe-Yes. Motion failed 3-4. Eichstaedt inquired if the applicant would be willing to accept a lesser variance. Mr. Fry stated yes. Discussion of various alternate building dimensions ensued. Rowe stated she was not comfortable with granting a lesser variance for specific dimensions or heights without the applicant having the opportunity to speak to the builder first. Rowe moved, Eichstaedt seconded a motion to postpone the item until the December 11, 2017 meeting. Upon roll call vote: Eichstaedt-Yes, Demaio-Yes, Finch-Yes, Byrnes-Yes, Rowe-Yes, Philipp-No, Schau-No. Motion passed 5-2.

NEW BUSINESS:

None

STATEMENT OF CITIZENS:

None

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Jeff Mais

Zoning & Codes Administrator

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