

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – April 13, 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. Five people were in the audience.

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

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

NEW BUSINESS:

ZBA 14-05; Alex Gwiazdoski, 9008 Portage Road: Mais summarized the request for a variance for an eight-foot wide greenstrip along Portage Road where a minimum ten-foot width is required. Mr. Gwiazdowski presented the Board a copy of a site plan approved by the Planning Commission in 2005 for 9008 Portage Road that showed an eight-foot wide greenstrip along Portage Road and stated the Board should not find his request unreasonable.

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

A motion was made by Learned, seconded by Schaefer, to grant a variance for an eight-foot wide greenstrip along Portage Road where a minimum ten-foot width is required with the condition a six inch high curb be installed along the east edge of the parking lot maneuvering lane adjacent to Portage Road, for the following reasons: 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 the location of the existing building; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to operate a business and lease to tenants 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 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 roll call vote: Smith-Yes, Seyburn-Yes, Schaefer-Yes, Robbe-Yes, Bright-Yes, Learned-Yes, Schau-Yes. The motion passed 7-0.

ZBA #14-23, Steven Bibler, 1823 Redstock Avenue: Mais summarized the requests 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. Mr. Bibler stated he mostly agreed with the staff report but thought a 22-foot wide garage was the minimum necessary because they had to leave enough space to open car doors and accommodate the stairs on the west side of the dwelling. Learned inquired why staff thought a 20-foot wide garage was the minimum necessary to allow reasonable use of the property as opposed to an even smaller one stall garage. Mais stated staff's recommendation was premised on that being the minimum necessary to accommodate the applicant's request for an attached two-stall garage, which are commonly found in R-1B zones.

The public hearing was opened. A letter provided by the applicant was read into the record stating no objection to the request and signed by the occupants of: 1801 Schuring, 1723 Schuring, 1916 Schuring, 1940 Schuring, 1823 Birchton, 1817 Birchton, 1809 Birchton, 1801 Birchton, and 1725 Birchton. No one spoke for or against the request. The public hearing was closed.

Seyburn noted the subdivision standards have changed subsequent to the creation of the subject lot. Corner lots are now required to be larger and this request would likely not be necessary if dealing with a lot created under the current standards. Seyburn stated he thought the 22-foot width was the minimum necessary for a two stall garage in this instance because the stairs accessing the upper and lower levels on the west side of the dwelling have to be at least two or three feet wide. A motion was made by Seyburn, seconded by Schaefer,

to grant a variance for 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 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 drainage problems resulting from the split level design, the location of the dwelling on the lot, and the irregular shape of the corner lot; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to use a residential property having a garage; 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, Robbe-Yes, Bright-Yes, Learned-Yes, Schau-Yes. The motion passed 7-0.

ZBA #14-24, Sheila Shubnell, 9651 Portage Road: Application withdrawn.

OTHER BUSINESS: None.

STATEMENT OF CITIZENS: None.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:35 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator