

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – April 12, 2021

The City of Portage Zoning Board of Appeals virtual meeting was called to order by Chair Finch at 7:00 p.m.

MEMBERS PRESENT: Linda Finch, Linda Fry, Lena Jomaa, Alexander Philipp, Lynn Haddow

MEMBERS EXCUSED: Jay Eichstaedt

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator; Catherine Kaufman, City Attorney.

APPROVAL OF THE MINUTES: Fry moved and Jomaa seconded a motion to approve the March 8, 2021 minutes as submitted. Upon roll call vote, the motion was approved 5-0.

NEW BUSINESS:

ZBA #20-13; 4811 Deep Point Drive: Mais summarized the requests for a) a variance to allow a land division to create a substandard 70-foot by 58-foot lot; b) a use variance to allow construction of a 990 square-foot accessory building on a parcel with no principal (residential) use, that is c) located 21 feet from the front (south) property line where a minimum 30-foot front setback is required. David Osborn stated his neighbor was the only property in the area that did not have a garage, and since everyone else in the vicinity had a garage across the street from their lake home, he has agreed to sell the west half of 4811 Deep Point Drive to his neighbor at 4808 Deep Point Drive. Mr. Osborn stated the property was too small to build a house on but was big enough for a garage. Fry inquired if the parcels could be combined on opposite sides of the street Mais stated the Assessors office probably would not do that but believed it is possible to record a restriction in the deed with a provision that the newly created parcel and 4808 Deep Point can not be conveyed separately. Attorney Kaufman stated it could be done and the Board could place that condition. Haddow inquired if the neighbor at 4808 Deep Point Drive agreed with that condition. Mr. Osborn replied he thought so.

A public hearing was opened. The owner of 4808 Deep Point Drive called in and stated she did not object to the condition not to convey the properties separately. The public hearing was closed.

After additional discussion, a motion was made by Finch, seconded by Haddow, to grant: a) a variance to allow a land division to create a substandard 70-foot by 58-foot lot; b) a use variance to allow construction of a 990 square-foot accessory building on a parcel with no principal (residential) use, that is c) located 21 feet from the front (south) property line where a minimum 30-foot front setback is required, conditioned upon the accessory building only be used for storage of personal items, and that the newly created parcel cannot be sold or conveyed separately from 4808 Deep Point Drive, for the following reasons: the other houses on Deep Point Drive all have garages across the street from their homes; the land cannot reasonably be used in a manner consistent with uses allowed in the zoning district due to the shallowness and size of the lot; 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 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, Jomaa-Yes, Fry-Yes, Philipp-Yes, Haddow-Yes. Motion passed 5-0.

ZBA #20-15; 3623 Woodhams Avenue: Haddow stated she had a potential conflict of interest and would abstain from participating or voting on this item. Mais summarized the requests for variances to: a) a construct a 12-foot by 26-foot three-season porch 36 feet from the (north) rear property line where a minimum 40-foot setback is required; and b) a variance to increase the height/roof pitch of a nonconforming detached garage to add additional storage space in the attic. Matt Hybels stated they bought the property in August 2020, and are in the process of renovating the house which is currently in very poor repair, and is requesting the variances in connection with general improvements they are making to this older home.

Philipp inquired if the applicant was agreeable to staff's recommendation for a lesser variance allowing a 10-foot by 26-foot three-season porch. Mr. Hybels responded he was open to the idea. Philipp inquired when the garage was constructed. Mais stated sometime during the 1960's. Finch inquired what is currently behind the house. Mr. Hybels stated a deck which will be removed to make room for the three-season porch. Fry inquired if the applicant intended to use this as their primary residence. Mr. Hybels said not for several years.

A public hearing was opened. Dan Bitzer, 3611 Woodhams called in and inquired if the Board had read his letter objecting to the garage request. Mais responded the letter was included in the agenda packet. Mr. Bitzer stated there were a row of arborvitae screening the applicant's property, however the screening is not completely solid and light can get through the vegetation in gaps. The public hearing was closed.

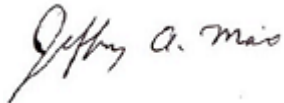
After additional discussion, a motion was made by Philipp, seconded by Jomaa, to grant variances to: a) construct a 10-foot by 26-foot three-season porch 38 feet from the (north) rear property line where a minimum 40-foot setback is required; and b) a variance to increase the height/roof pitch of a nonconforming detached garage to add additional storage space in the attic for the following reasons: there are exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zoning district, which include the location of the nonconforming structure on the lot, elevation differences from adjacent properties, limited storage space and the presence of mature screening vegetation; the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district, the right to improve one's property; 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 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, Jomaa-Yes, Philipp-Yes, Fry-Yes. Motion passed 4-0.

OTHER BUSINESS: None.

STATEMENT OF CITIZENS: None.

ADJOURNMENT: The meeting was adjourned at 8:12 p.m.

Respectfully submitted,



Jeff Mais
Zoning & Codes Administrator