

## CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – February 9, 2009

The City of Portage Zoning Board of Appeals meeting was called to order by Chair Henry Kerr at 7:00 p.m. in the Council Chambers. Approximately 6 people were in the audience.

**MEMBERS PRESENT:** Robert Atkins, David Felicijan, Clyde Flora, Henry Kerr, H. Lincoln Lewis, Rob Linenger, Betty Schimmel, Lowell Seyburn, Wayne Stoffer.

**IN ATTENDANCE:** Vicki Georgeau, Deputy Director of Neighborhood Services, Charlie Bear, Assistant City Attorney

**PROCLAMATION:** A proclamation recognizing the service of Clyde Flora on the Board was read into the record.

**APPROVAL OF THE MINUTES:** Flora moved, and Linenger seconded a motion to approve the January 12, 2009 minutes. Upon voice vote, motion was approved 7-0.

### **NEW BUSINESS:**

**ZBA# 08-16, Thomas Parish, on behalf of the Lord of Life Lutheran Church, 9420 Portage Road:** Staff summarized the request for a Temporary Use Permit to hold an annual community Arts and Craft Show with up to 50 vendors at 9420 Portage Road on May 30, 2009, and annually thereafter. Mr. Parish provided details on the event and requested flexibility regarding “No Smoking” signs. Kerr inquired if the Police and Fire Departments reviewed the proposal. Staff indicated the Fire Marshall did and “No Smoking” signs are recommended for tents that exceed the typical 12’ x 12’ pop-up vendor canopies. Linenger inquired if no parking along South Shore Drive would be accomplished with signs similar to large neighborhood garage sales. Staff indicated yes. Stoffer and Seyburn inquired regarding the layout of the event and location of off-street parking. The applicant noted the sketch plan shows the general layout, there are 93 paved parking spaces and a field west of the church for overflow parking. In addition, vendors would be required to park off site so parking is available to customers.

A public hearing was opened. A letter of support from Myron and Helena Kollen, 1612 Bradenton Place was read into the record. As no other public comments were received, the public hearing was closed.

A motion was made by Felicijan, supported by Flora to approve a Temporary Use Permit to hold an annual community Arts and Craft Show with up to 50 vendors at 9420 Portage Road on May 30, 2009, and annually thereafter on a single Saturday in May, with the following conditions: 1) no capital improvements of a structural nature shall be erected, and all vendor areas and tents must be setback a minimum of 30 feet from the property lines; 2) a pedestrian safety barrier must be located directly east of all vendor areas and tents along the Portage Road frontage; 3) all tents must be flame resistant, no vendors may use open flames, and “No Smoking” signs must be posted on all tents; 4) no parking along South Shore Drive is permitted the day of the event; 5) subsequent annual events may be reviewed and approved administratively by the Department of Community Development provided no substantive complaints are received. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at the hearing are to be incorporated in the record and the action of the Board shall be final and effective immediately. Upon roll call vote: Linenger-Yes, Flora-Yes, Kerr-Yes, Stoffer-Yes, Schimmel-Yes, Atkins-Yes, Felicijan-Yes. Motion carried 7-0.

**ZBA #08-17, Richard Enos, 10615 Cora Drive:** Staff summarized the request for a seven foot variance from the required 10-foot side yard setback to retain an existing 352 square foot attached garage addition. Mr. Enos stated he no longer believes he needs a variance, and will attempt to reconstruct the garage addition to meet the Zoning Code and Building Code. In response to Stoffer, staff indicated that conforming alternatives include a smaller garage addition and/or a detached accessory building in the rear yard. Seyburn inquired if the entire slab would have to be removed to reconstruct the garage addition. Staff indicated only if removal was necessary to construct proper footings under the slab, and that the Building Inspector and other staff can work with the applicants on the details of reconstructing a conforming garage addition. Felicijan and Flora inquired if request should be postponed or denied. Staff and the City Attorney indicated that since the applicant has not prepared detailed plans as to how a conforming garage addition would be built, postponement may be a better option.

A motion was made by Linenger, supported by Flora to postpone action on the requested variance until the June 8<sup>th</sup> Board meeting. Upon roll call vote: Linenger-Yes, Flora-Yes, Kerr-Yes, Stoffer-Yes, Schimmel-Yes, Atkins-Yes, Felicijan-Yes. Motion carried 7-0.

**OTHER BUSINESS:** None.

**STATEMENT OF CITIZENS:** James Pearson, 3004 East Shore Drive, recognized Clyde Flora for his many years of services on the Zoning Board of Appeals.

**ADJOURNMENT:** There being no further business, the meeting was adjourned at approximately 7:45 p.m.

Respectfully submitted,

Vicki Georgeau, AICP  
Deputy Director of Neighborhood Services