

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – June 22, 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. Two people were in the audience.

MEMBERS PRESENT: Robert Atkins, Timothy Bunch, David Felicijan, Henry Kerr, Rob Linenger, Donald Mordas, Betty Schimmel, Marianna Singer

MEMBERS EXCUSED: Lowell Seyburn

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

NEW BUSINESS:

ZBA# 08-29, 4726 Deep Point Drive: Staff summarized the request for a) a variance to enlarge or alter a nonconforming building into the side yard setback where eight-feet is required to retain an addition on the east side of the dwelling; and b) a variance to enlarge or alter a nonconforming building into the front setback where 27 feet is required to retain an addition on the west side of the dwelling. Scott Sampson was present to explain his request, that he has a purchase agreement for the foreclosed property, and wishes to retain the additions and would renovate the house to comply with the Building Code. Kerr and Atkins noted the east addition extends to the property line and variance requested is large. Sampson noted he prefers to keep the house as is, but is willing to remove the east four feet to line up with the original dwelling setback of five feet near the southeast corner. Mordas inquired if the applicant considered building within the setback range on the southwest area of the lot. Sampson indicated he desires to keep the house close to the original location and design. Kerr asked if the applicant would be willing to return the house to its original footprint. Sampson indicated the area would be too small for year-round living. Singer and Schimmel inquired regarding the foundation and footings. Sampson indicated the west side is on piers and is easily accessible to reconstruct/correct. The east side of the house is on a slab, but would also be fixed to meet Building Code. With regard to flooding on the lot, Sampson indicated the west side of the property presents problems with building. Felicijan indicated a concern regarding lack of hardship. The applicant noted the original house size, the configuration of the property and drainage problems on the west side of the lot, and location of original house pose a hardship.

A public hearing was opened. Dan Jackson, 4802 Deep Point Drive, spoke in opposition to the variance request to retain the addition on the east side of the house, but does not object to the variance requested on the west side of the dwelling. As no further comments were received, the public hearing was closed.

A motion was made by Felicijan, supported by Atkins, to deny a) a variance to enlarge or alter a nonconforming building into the side yard setback where eight-feet is required to retain an addition on the east side of the dwelling; and b) a variance to enlarge or alter a nonconforming building into the front setback where 27 feet is required to retain an addition on the west side of the dwelling for the following reasons: there are no exceptional or extraordinary circumstances that do not apply generally to other properties in the same zoning district; the variance would be detrimental to adjacent property and the surrounding neighborhood, and the variance would materially impair the intent of the zoning ordinance. 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. After additional discussion and upon roll call vote: Linenger-Yes, Singer-Yes, Kerr-Yes, Schimmel-Yes, Atkins-Yes, Felicijan-Yes, Bunch-Yes. Motion carried 7-0. In response to an inquiry from the applicant, Kerr encouraged Mr. Sampson to work with staff on options available to address the City Code violations.

OTHER BUSINESS: None.

STATEMENT OF CITIZENS: None.

ADJOURNMENT: There being no further business, the meeting was adjourned at approximately 7:32 p.m.

Respectfully submitted,

Vicki Georgeau, AICP
Deputy Director of Neighborhood Services