

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – September 20, 2010

The City of Portage Zoning Board of Appeals meeting was called to order by Vice Chair Rob Linenger at 7:00 p.m. in the Council Chambers. Approximately 2 people were in the audience.

MEMBERS PRESENT: Timothy Bunch, Rob Linenger, Betty Schimmel, Lowell Seyburn, Donald Mordas, Henry Kerr, David Felicijan, Daniel Rhodus

MEMBERS EXCUSED: Marianne Singer

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator, Charles Bear, Assistant City Attorney

APPROVAL OF THE MINUTES: Linenger moved and Schimmel seconded a motion to approve the August 9, 2010 minutes as submitted. Upon voice vote, motion was approved 7-0.

NEW BUSINESS:

ZBA# 10-05; 1716 Charles Street: Staff summarized the request for a 51 square-foot variance from the maximum permitted 25% building lot cover to construct an 80 square-foot shed. Lorri and Terry Hutchins, were present to answer any questions. Kerr stated he was having difficulty finding a hardship and inquired if the applicant could explain why they needed a variance. Ms. Hutchins stated there was no garage or other storage area for lawn mowers, gas cans, or other yard equipment and that the small shed would look much nicer than storing those items outdoors. Kerr inquired if the applicant had considered available storage space before acquiring the property. Terry Hutchins stated he understood storage was limited, but admittedly was unaware of the lot coverage requirement.

A public hearing was opened. No one was present to speak for or against the request. There being no further comments the public hearing was closed.

A motion was made by Linenger, supported by Felicijan, to grant a 51 square-foot variance from the maximum permitted 25% building lot cover to construct an 80 square-foot shed. 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 legally nonconforming lot size, the legally nonconforming dwelling size and lack of storage; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to store lawn equipment, which is similar to that possessed by other properties in the same zoning district; 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 due to other properties in the neighborhood having similar sheds; 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, 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 further discussion and upon roll call vote: Linenger-Yes, Schimmel-Yes, Bunch-Yes, Seyburn-Yes, Kerr-Yes, Felicijan- Yes, Mordas-Yes) motion carried 7-0.

STATEMENT OF CITIZENS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at approximately 7:12 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator