CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – December 13, 2010

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: Timothy Bunch, David Felicijan, Rob Linenger, Betty Schimmel, Marianne Singer, Donald Mordas, Henry Kerr, Daniel Rhodus

MEMBERS EXCUSED: Lowell Seyburn

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

APPROVAL OF THE MINUTES: Felicijan moved and Linenger seconded a motion to approve the November 8, 2010 minutes as submitted. Upon voice vote, motion was approved 7-0.

NEW BUSINESS:

ZBA# 10-08, Steve Rodgers, 10076 Woodlawn Drive: Staff summarized the requests for a) a variance to retain 210 square-feet of accessory building area; and b) a 160 square-foot variance to construct a detached shed in the rear yard, where the total combined accessory building area exceeds the ground floor living area of the dwelling by 353 square-feet. Mr. Rodgers was present to answer questions about the requests. Kerr noted conforming alternatives were available, and that additional living area could be added or some items could be moved to an off-premises storage facility. The applicant stated that would be expensive, and while he didn't have any hardship, the property did have characteristics, including the lot size and the location of the proposed shed that would minimize impacts on neighboring properties. Kerr advised the applicant the Board could not grant variances based on financial reasons.

A public hearing was opened. Letters received in support of the requests were read from: Darlene Ingersall, 10080 Woodlawn Drive; Robert & Pat Rustenholtz, 10076 Woodlawn Drive; Clarence LaCombe & Janice Webinski, 10073 Woodlawn Drive; Mark & Danielle Kinder 10077 Woodlawn Drive; Ellie & Craig Dove, 10086 Woodlawn Drive; Don & Sue Katz, 10071 Woodlawn Drive; Doug Schoetzow, 10063 Woodlawn Drive; and Mark Verberg, 10081 Woodlawn Drive. There being no further comments the public hearing was closed.

A motion was made by Linenger, supported by Felicijan, to grant a variance to retain 210 square-feet of accessory building area, as there are exceptional circumstances applying to the property that do not apply generally to other properties in the same zoning district, which include: the large lot size, the view of the attached accessory building is obscured from the street, and that no complaints had been received about the addition since it was constructed about 30 years ago; the immediate practical difficulty causing the variance was not created by the applicant; the variance will not be detrimental to adjacent property; 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 this hearing shall be incorporated in the record of this hearing and the findings of the Board, and that the action of the Board be final and effective immediately. Upon roll call vote, the motion carried 7-0 (Kerr-Yes, Felicijan–Yes, Linenger-Yes, Mordas-Yes, Schimmel-Yes, Bunch - Yes, Singer-Yes).

A motion was made by Linenger, supported by Felicijan to deny a 160 square-foot variance to construct a detached shed in the rear yard, where the total combined accessory building area exceeds the ground floor living area of the dwelling by 353 square-feet, for the following reasons: conforming alternatives are available and there are no exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district; the immediate practical difficulty causing the need for the variance was created by the applicant; and the variance would 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 this hearing shall be incorporated in the record of this hearing and the findings of the Board, and that the action of the Board be final and effective immediately. Upon roll call vote, the motion carried 7-0 (Kerr-Yes, Felicijan–Yes, Linenger-Yes, Mordas-Yes, Schimmel-Yes, Bunch - Yes, Singer-Yes).

ZBA# 10-09, Beacon Sign Company, on behalf of Auto Club Services, 499, 501, 525 Romence Road: Staff summarized the request for a variance to add a 12 square-foot tenant logo to a non-conforming freestanding sign. Sam Haddad with Beacon Sign Company was present to answer questions. Kerr requested clarification that the

applicant was only adding a panel to a portion of a sign that had previously been approved by the Board as part of ZBA 99-24 and was not proposing an increase to the existing sign structure in any way. Staff responded yes. A public hearing was opened. As no one was present to speak for or against the request, the public hearing was closed.

A motion was made by Linenger, seconded by Felicijan to approve a variance to add a 12 square-foot tenant logo to a nonconforming freestanding sign, as there are exceptional circumstances applying to the property that do not apply generally to other properties in the same zoning district which include: the significant change in elevation and proximity to the residential neighborhood to the west; the variance preserves the right to identify a new tenant similar to that possessed by other properties in the same zoning district and vicinity; the variance will not be detrimental to adjacent properties; and the variance will not materially impair the intent and purpose of the Zoning Ordinance, with the condition that future changes to the tenant panels below the electronic message display section may be reviewed administratively without further review by the Board, provided no other structural changes are accomplished. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing shall be incorporated in the record of this hearing and the findings of the Board, and that the action of the Board be final and effective immediately. Upon roll call vote, the motion carried 7-0 (Kerr-Yes, Felicijan–Yes, Linenger-Yes, Mordas-Yes, Schimmel-Yes, Bunch - Yes, Singer-Yes).

ZBA #10-10, Greg Dobson, on behalf of Cole Century (GCG, LLC) 6600 and 6601 South Westnedge Avenue: A communication from the applicant requesting the item be postponed until the January 10, 2011 meeting date was read. No one was present on behalf of the applicant or in the audience to speak on the matter. A motion to postpone the item until the January 10, 2011 meeting was made by Linenger, and seconded by Felicijan. Upon voice vote, the motion passed 7-0.

OLD BUSINESS: None
STATEMENT OF CITIZENS: None
ADJOURNMENT: There being no further business, the meeting was adjourned at approximately 7:30 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator