

## CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – February 14, 2011

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, Henry Kerr, Rob Linenger, Betty Schimmel, Marianne Singer, Daniel Rhodus

**MEMBERS EXCUSED:** Donald Mordas

**MEMBERS ABSENT:** Lowell Seyburn

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

**APPROVAL OF THE MINUTES:** Linenger moved and Singer seconded a motion to approve the January 10, 2011 minutes as submitted. Upon voice vote, motion was approved 7-0.

### **NEW BUSINESS:**

**ZBA# 10-11, 8350, 8536 Shaver Road:** Staff summarized the request for a variance to modify a nonconforming non-accessory sign situated on 8350 Shaver Road, where Wal-Mart is located. Clark Peterson, on behalf of Golf Performance Academy located at 8536 Shaver Road, and Rich Raschke of A-1 Signs, were present to explain the requested sign change for the new tenant on site. In addition, Mr. Raschke noted that Wal-Mart has granted an easement for the sign to be located on the property at 8350 Shaver Road in perpetuity.

A public hearing was opened. As no written or verbal comments were received, the public hearing was closed.

Rhodus requested clarification as to the ownership of the property at 8536 Shaver Road. Staff and the City Attorney indicated that BNA Enterprises LLC has the same address as the property address, and the parties involved are Betty and Norm Collins, who have provided authorization to Golf Performance Academy to apply for the sign variance.

A motion was made by Linenger, supported by Singer, to approve a variance to modify a nonconforming non-accessory sign located on 8350 Shaver Road for the following reasons: the practical difficulty is the pre-existing off-premise sign and there are exceptional circumstances applying to the property as the property has no public street frontage, the variance is necessary for the preservation and enjoyment of a substantial property right, the right to identify a business, the variance will not be detrimental to adjacent property; 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, Kerr-Yes, Schimmel-Yes, Felicijan-Yes, Singer-Yes, Bunch-yes, Rhodus-yes) motion carried 7-0.

**Election of Officers:** A motion was made by Felicijan, supported by Singer to nominate Linenger for Chair. Upon roll call vote, the motion carried 6-0 (Kerr abstained). A motion was made by Linenger, supported by Singer, to nominate Felicijan as Vice-Chair, and Schimmel as Secretary. Upon roll call vote, the motion carried 6-0 (Kerr abstained).

**STATEMENT OF CITIZENS:** Linenger read a proclamation for Henry Kerr, acknowledging his many years of service on the Zoning Board of Appeals. Kerr thanked the Board, noted he has learned a lot and hopes he has helped the city grow in an orderly fashion and improve signage, especially on South Westnedge Avenue.

**ADJOURNMENT:** There being no further business, the meeting was adjourned at approximately 7:20 p.m.

Respectfully submitted,

Vicki Georgeau, AICP  
Deputy Director of Neighborhood Services