

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – March 14, 2011

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

MEMBERS PRESENT: Timothy Bunch, David Felicijan, Rob Linenger, Betty Schimmel, Marianne Singer, Lowell Seyburn, Daniel Rhodus, Jeff Bright

MEMBERS EXCUSED: Donald Mordas

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

APPROVAL OF THE MINUTES: Felicijan moved and Bunch seconded a motion to approve the February 14, 2011 minutes as submitted. Upon voice vote, motion was approved 7-0.

NEW BUSINESS:

ZBA# 10-12, 408 Schuring Road: Staff summarized the request for a variance from the home occupation standards to allow the operation of a woodcraft home-based business in a detached accessory building. Kevin and Amy Braat, were present to explain the request for KAB CNC Creations. Mr. Braat stated they have conducted woodcrafts as a hobby for several years in the barn, and recently acquired a new piece of machinery and now wish to expand their hobby into a home occupation. Bunch inquired if the operation would produce airborne sawdust and if the new equipment would produce significantly more noise. Mr. Braat stated they have a dust collector and the new CNC router would not produce noise beyond current levels.

A public hearing was opened. A letter of support from D&D Greenhouses, 326 Schuring Road, was read. There being no further comments, the public hearing was closed.

A motion was made by Felicijan, supported by Bunch, to grant a variance from the home occupation standards to allow the operation of a woodcraft home-based business in a detached accessory building at 408 Schuring Road for the following reasons: there are exceptional circumstances applying to the property which include the residence is nonconforming in an I-1, Light Industrial zone, and there are adjacent industrial uses to the north, south and east; the variance will not be detrimental to adjacent property as the applicant has been operating woodcraft equipment for several years without any complaints from neighbors; 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. Upon roll call vote: Linenger-Yes, Schimmel-Yes, Felicijan-Yes, Singer-Yes, Bunch-Yes, Seyburn-Yes, Rhodus-Yes, the motion carried 7-0.

ZBA# 10-13, 3810 West Centre: Staff summarized the request to replace the sign panels on an existing nonconforming freestanding sign. Jerry Tillman with Sign Art was present on behalf of the applicant to answer questions. Bunch inquired if the sign was illuminated. Mr. Tillman said 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 Singer, supported by Seyburn to grant a variance to replace the sign panels on an existing nonconforming sign for the following reasons: there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply to other properties in the same zoning district, which include the limited front yard area, the existing landscaping, the location of the existing sidewalk, and the removal or relocation of the existing monument sign presents practical difficulties for the property. 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, Schimmel-Yes, Felicijan-Yes, Singer-Yes, Bunch-Yes, Seyburn-Yes, Rhodus-Yes, the motion carried 7-0.

ZBA# 10-14, 741 West Kilgore Road: Staff summarized the request for approval to operate a group child care home on the property. Donna Leverage stated she has operated a family child care business at home for over 20 years and was present to answer any questions. Felicijan inquired what the hours of operation are. Ms. Leverage stated 6:30 am to 5:30 pm. Rhodus inquired if there was adequate parking and if not what the city could do about it if the board approved the request. Ms. Leverage stated she has never had a problem with parking or traffic. Staff stated the city could ask Ms. Leverage to provide more parking, however, the property currently met the parking requirements for group day care businesses reviewed under the more commonly applied 42-182(I)(6) standards (Special Land Use in a residential zone), and based on the experiences from numerous other group child day care operations approved by the Planning Commission, did not anticipate problems with parking at this location.

A public hearing was opened. Gary Marcy read a letter from Reva Williams, 809 West Kilgore Road, in support of the request. A letter from The Hinman Company stating they supported the request, provided the approval did not add any additional burdens on the development and/or rezoning of their adjacent property. There being no further comment the public hearing was closed.

After additional discussion, a motion was made by Felicijan, and supported by Bunch to approve a group child care home at 741 West Kilgore Road, based on the findings that no prior complaints have been received, no structural alterations are proposed, the accessory group child care home is more consistent with the OS-1 district, and the expanded child care use is not anticipated to prolong the nonconforming residential use of the property. Upon roll call vote: Linenger-Yes, Schimmel-Yes, Felicijan-Yes, Singer-Yes, Bunch-Yes, Seyburn-Yes, Rhodus-Yes, the motion carried 7-0.

STATEMENT OF CITIZENS:

ADJOURNMENT: There being no further business, the meeting was adjourned at approximately 7:40 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator