CITY OF
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ZONING BOARD OF APPEALS

July 9, 2012

CITY OF PORTAGE ZONING BOARD OF APPEALS

Monday, July 9, 2012
(7:00 pm)
Portage City Hall
Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

* June 11, 2012

OLD BUSINESS:

NEW BUSINESS:

* ZBA# 11-24, Tim Wenzel, 3630 East Shore Drove: requesting a variance to construct a second story addition over the existing nonconforming attached garage four feet from the (west) side property line, where a minimum eight-foot side yard setback is required.

OTHER BUSINESS:

Election of officers

STATEMENT OF CITIZENS:

ADJOURNMENT:

Materials Transmitted

Star (*) indicates printed material within the agenda packet

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CITY OF PORTAGE ZONING BOARD OF APPEALS DRAFT

Minutes of Meeting – June 11, 2012

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

MEMBERS PRESENT: Glenn Smith, Doug Rhodus, Timothy Bunch, Betty Schimmel, Rob Linenger, Lowell Seyburn, Michael Robbe, Mariana Singer, and Jeffrey Bright.

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

APPROVAL OF THE MINUTES: Schimmel moved and Bunch seconded a motion to approve the May 14, 2012 minutes with one change. Upon voice vote, motion was approved 7-0.

NEW BUSINESS:

ZBA #11-23, 5825 and 5901 Willoughby Drive: Staff summarized the variance request for a five-foot side yard setback where a 12-foot setback is required to construct a 300 square-foot enclosed loading dock addition to the existing building that is seven feet from the (east) side property line. Don Hamming was present to answer questions.

A public hearing was opened. No one spoke for or against the request. The public hearing was closed.

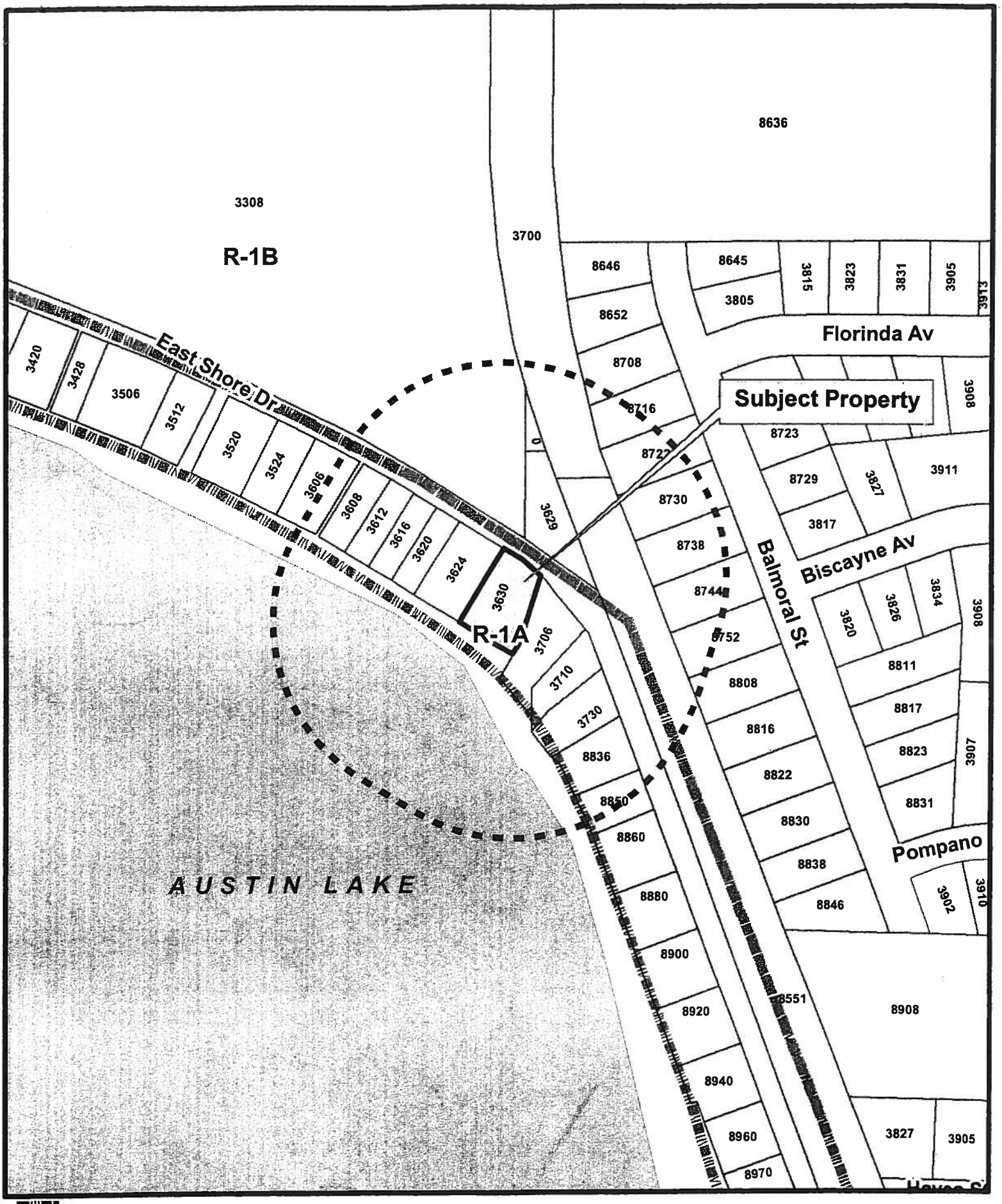
A motion was made by Seyburn, seconded by Bunch, to grant a seven foot variance to allow construction of a 300 square-foot (15-foot by 20-foot) covered loading dock five feet from the east/side property line where a 12-foot setback is required for the following reasons: there are exceptional circumstances applying to the property that do not generally apply to other properties in the same zoning district, which include the airport will not permit a loading dock on two other sides and the configuration of the internal floor plan; the variance is necessary for the preservation of a substantial property right, the right to allow the loading of materials in an industrial zone which is similar to that possessed by other properties in the same zoning district and the vicinity; the immediate practical difficulty causing the need for 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, discussions and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Bunch-Yes, Linenger-Yes, Rhodus-Yes, Schimmel-Yes, Seyburn-Yes, Singer-Yes, Bright-Yes. Motion passed 7-0.

STATEMENT OF CITIZENS:

ADJOURNMENT: There being no further business, the meeting was adjourned at approximately 7:13 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator



Zoning Boundary

Subject Properties

Notification

ZBA 11-24
3630 East Shore Drive

1 inch = 200 feet

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RECEIVED
JUN 11 2012
COMMUNITY DEVELOPMENT

Department of Community Development

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 6/8/12

Name of Applicant Timothy W Wenzel (Print) Timothy W Wenzel (Signature)

Applicant's Address 3630 E. Shore Dr Phone No. 323-7714

Name of Property Owner (if different from Applicant) _____

Address _____ Phone No. _____

Address of the Property that is the subject of this Application:

Street Address 3630 E. Shore Dr

For Platted Property: Lot _____ of _____ Plat

[If The Property Is Unplatted, the Legal Description is needed. Please attach on a separate sheet.]

Applicant's interest in Property that is the subject of this Application: _____

Application Fee $135.00 (Residential Uses) _____ (All Other Uses)

Type of Appeal (Please check one of the following **bold choices** and provide the requested information):

✓ **Variance from Zoning Ordinance:** Article _____ Section _____ Paragraph _____

Regarding: Use _____ Area _____ Yards _____

Setbacks X Parking _____ Other _____

Reason for Request (Also complete page 2 of application): Existing home is 4 feet from property line. Request continued variance for new construction

____ **Appeal of Administrative Decision:** Article _____ Section _____ Paragraph _____

Reason for Request: _____

____ **Interpretation of the Zoning Ordinance:** Article _____ Section _____ Paragraph _____

Reason for Request: _____

____ **A Temporary Permit for:** Building _____ Use _____ Other Approval _____

Article _____ Section _____ Paragraph _____

Reason for Request: _____

FOR STAFF USE

Application Number: 11-24	Filing Date: 6-11-12	Tentative Hearing Date: 7-9
Previous Application Filed Regarding This Property: Yes		

11-24

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Reason For Variance

1. Please explain how the property has characteristics such as narrowness, shallowness, irregular shape, topography, or natural features that prevent compliance with the Zoning Ordinance. (Attach additional sheets if needed.)

   Austin Lake Lot on NE side of Lake. Original structure built in 1951 set back from property line only 4 feet. New construction is 2nd story room above garage primarily.

2. Are the physical characteristics you explained above unique and not shared by neighboring properties? (Attach additional sheets if needed.)

   Property on both sides plus many others in this area appear to be non conforming to current setback requirements of city of Portage.

3. Can the property be reasonably used for the uses permitted in the zoning district without granting the variance? (Attach additional sheets is needed.)

   Property is non conforming already. New construction is above existing structure.

4. Is the variance the minimum necessary to permit reasonable use of the land and buildings, or would a lesser variance be fair and equitable to the applicant as well as logical and just to other property owners in the area? (Attach additional sheets if needed.)

   The variance is the minimum necessary.

5. Explain how the variance would <u>not</u> result in adverse affects on adjacent properties or alter the character of the area. (Attach additional sheets if needed.)

   Variance request is continuation of previous variance from 16 years ago. New construction above garage which is 4ft from property line.

6. Explain how the variance would <u>not</u> result in increased traffic congestion, noise, or other potential concerns, or in dangers from fire, flood or other hazards, that would be detrimental to the property or to the area. (Attach additional sheets if needed.)

   Variance would not affect negatively traffic congestion or noise. Adding a bonus room above garage.

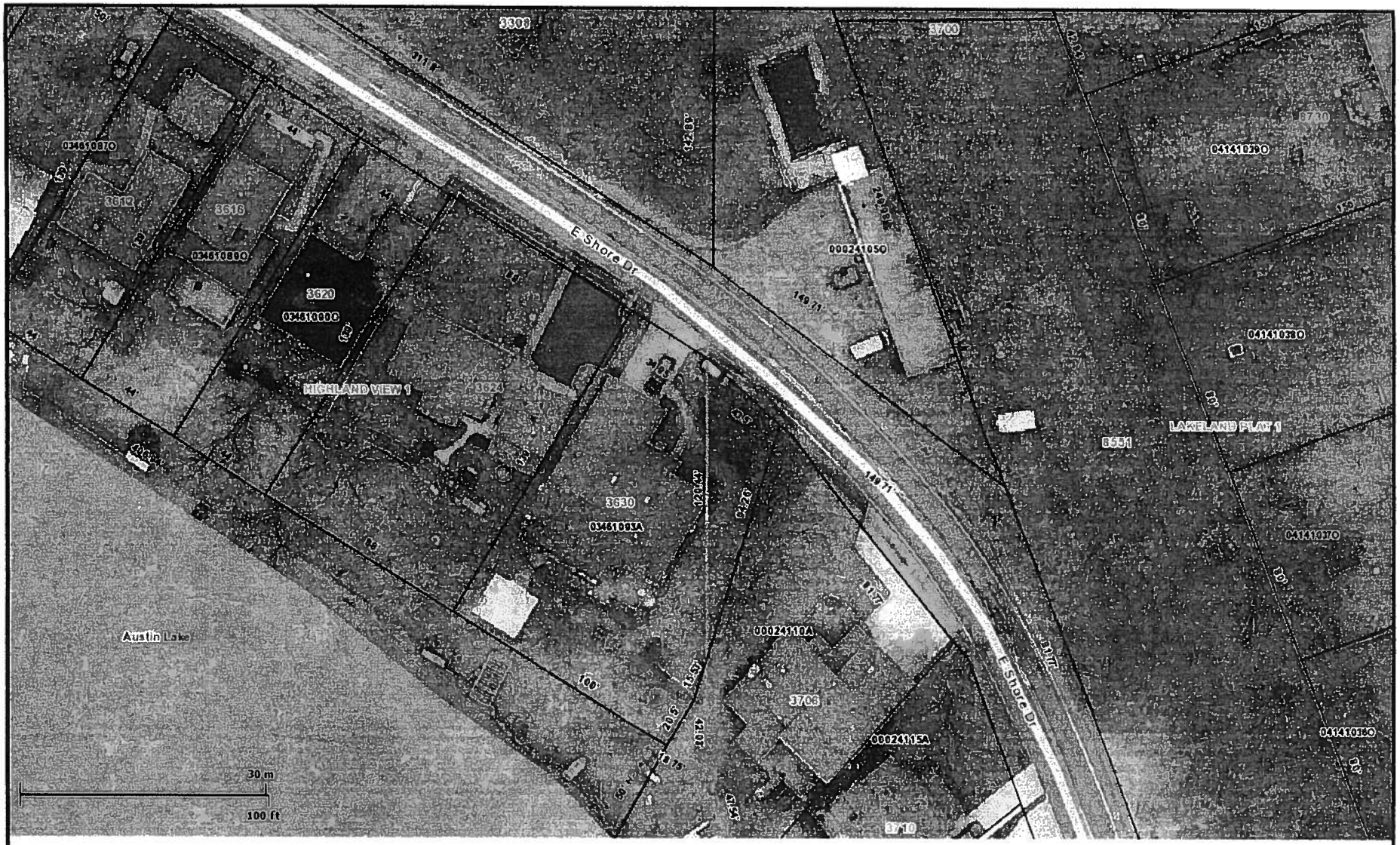
7. Is the reason for the request, the practical difficulty or the hardship created, due to an act of the applicant or due to an act by the previous property owner? (Attach additional sheets if needed.)

   Act by previous owner → original structure built 4 feet from property line.

8. Explain how the variance <u>would fulfill</u> the spirit and intent of the Zoning Ordinance. (Attach additional sheets if needed.)

Timothy W Weigel
Signature of Applicant

6/8/12
Date



3630 East Shore

PORTAGE
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web mapping by
Amalgam LLC

1:900

Map Publication:

Wed Jun 13 2012 02:06:38 PM

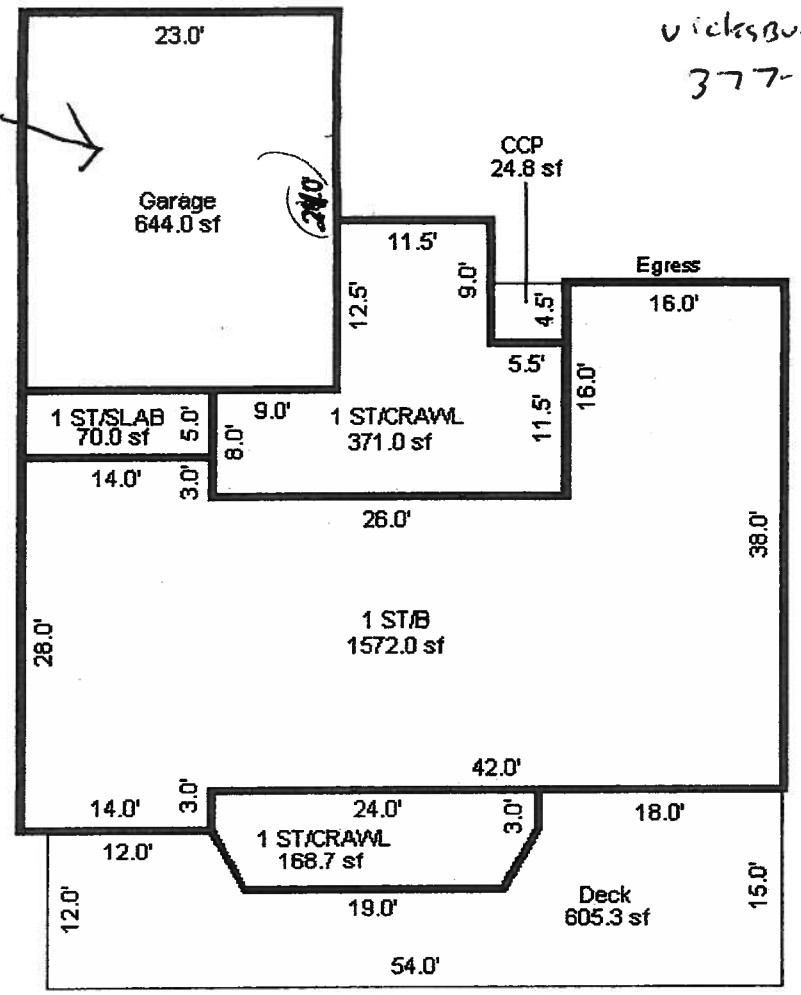
Disclaimer:

This map does not represent a survey or legal document and is provided on an "as is" basis. City of Portage expresses no warranty for the information displayed on this map document.

Wenzel Project

Pyne Custom Carpentry
8600 East W Ave
Vicksburg MI 49097
377-8463 - 6-11-12

Proposed project to Raise height on Existing Garage



ketch by Apex IV™
3461-093-A

3630 EAST SHORE DR

1

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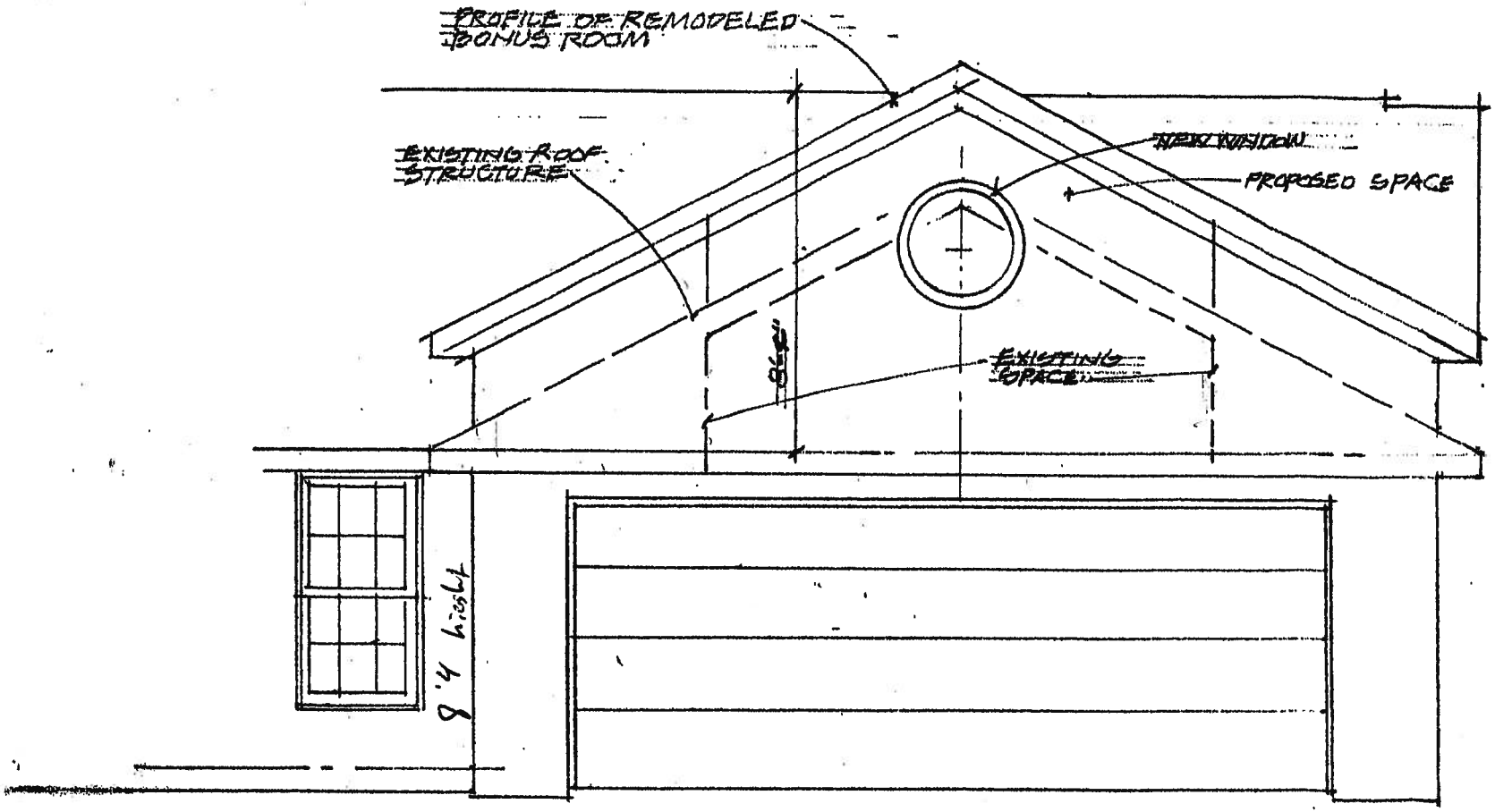
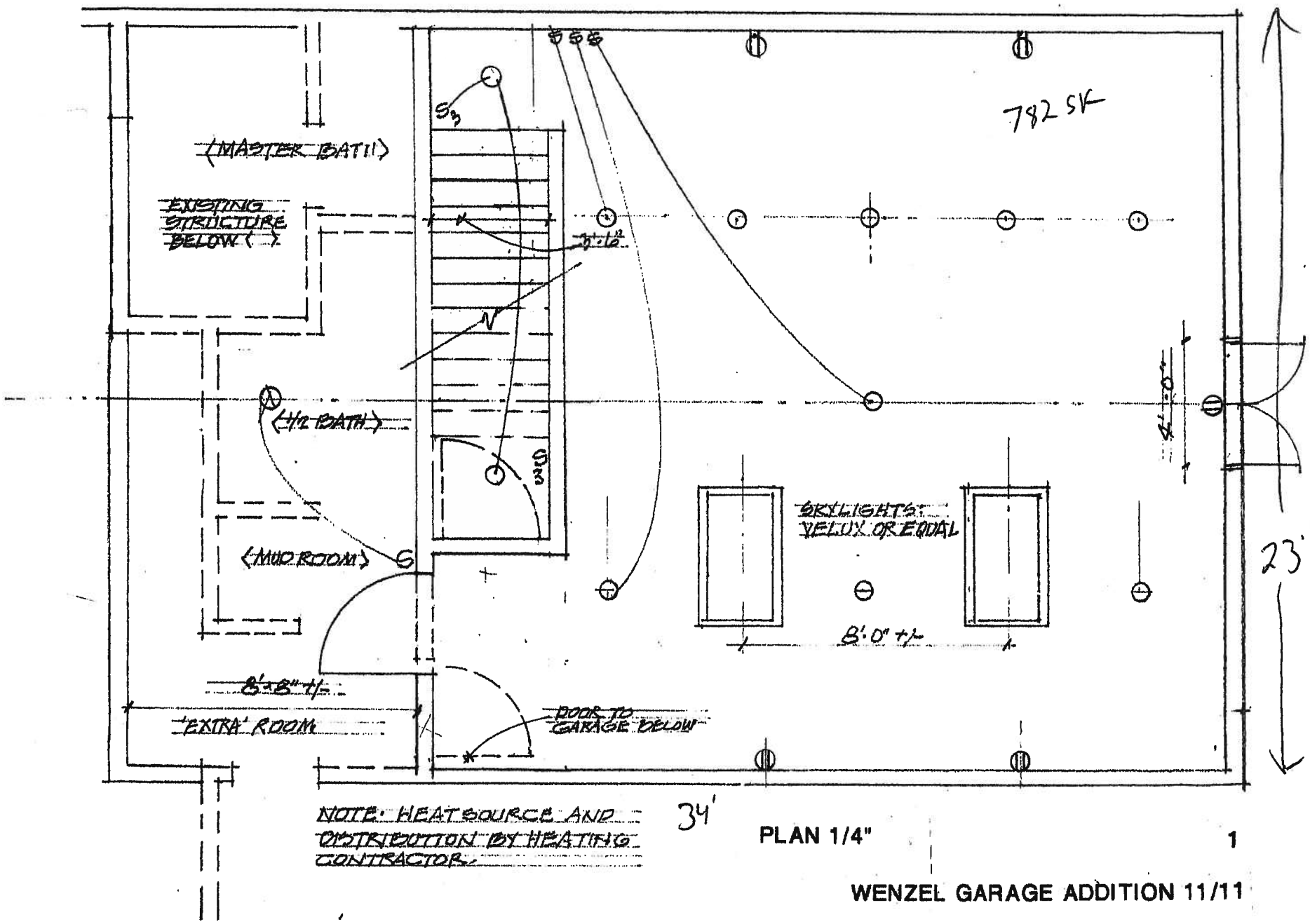
COMMUNITY DEVELOPMENT



BONUS ROOM ELEVATION STUDY 1/4"

22'4 Inside to inside

WENZEL REMODEL 2011

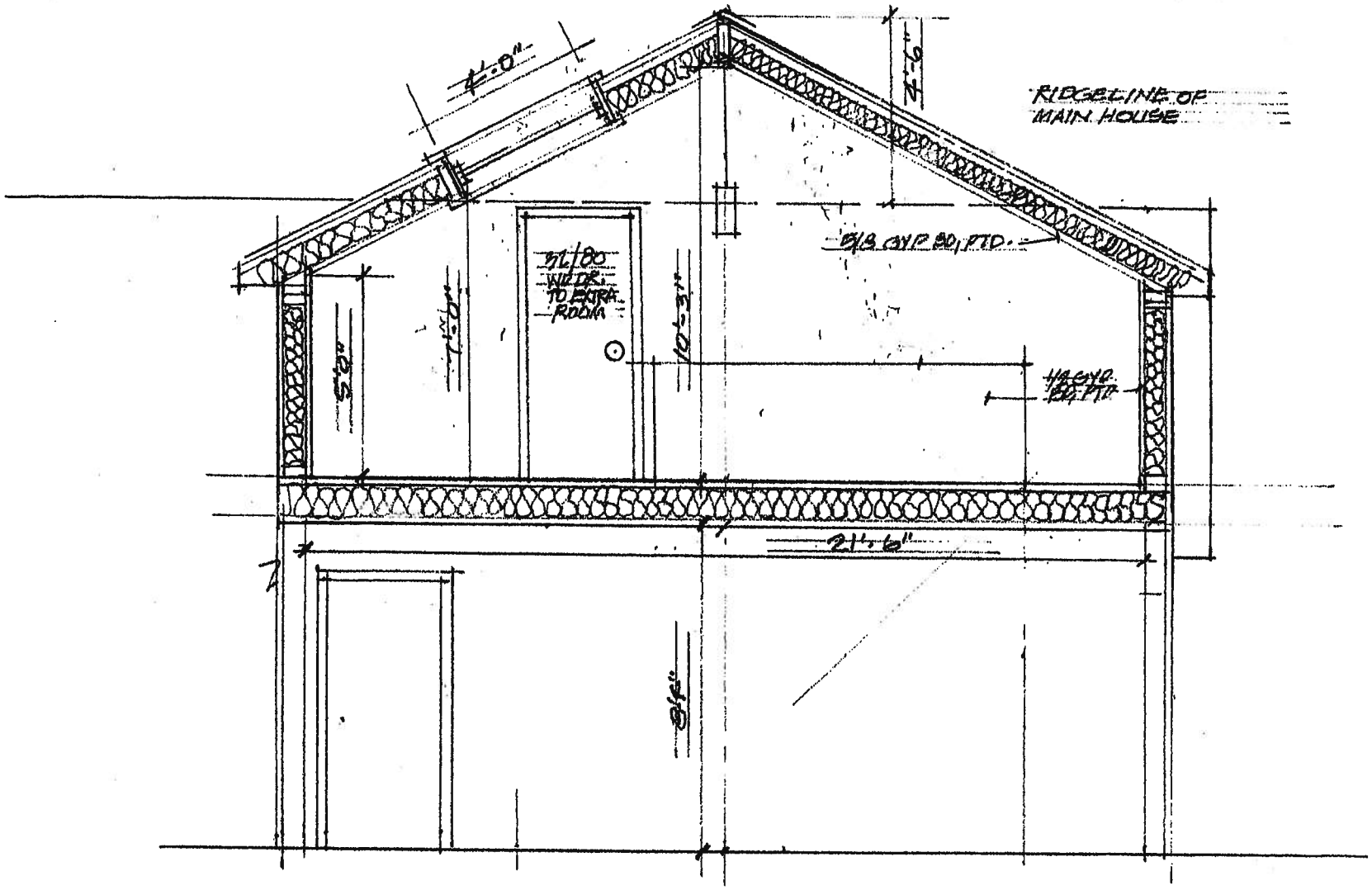


NOTE: HEAT SOURCE AND DISTRIBUTION BY HEATING CONTRACTOR.

PLAN 1/4"

1

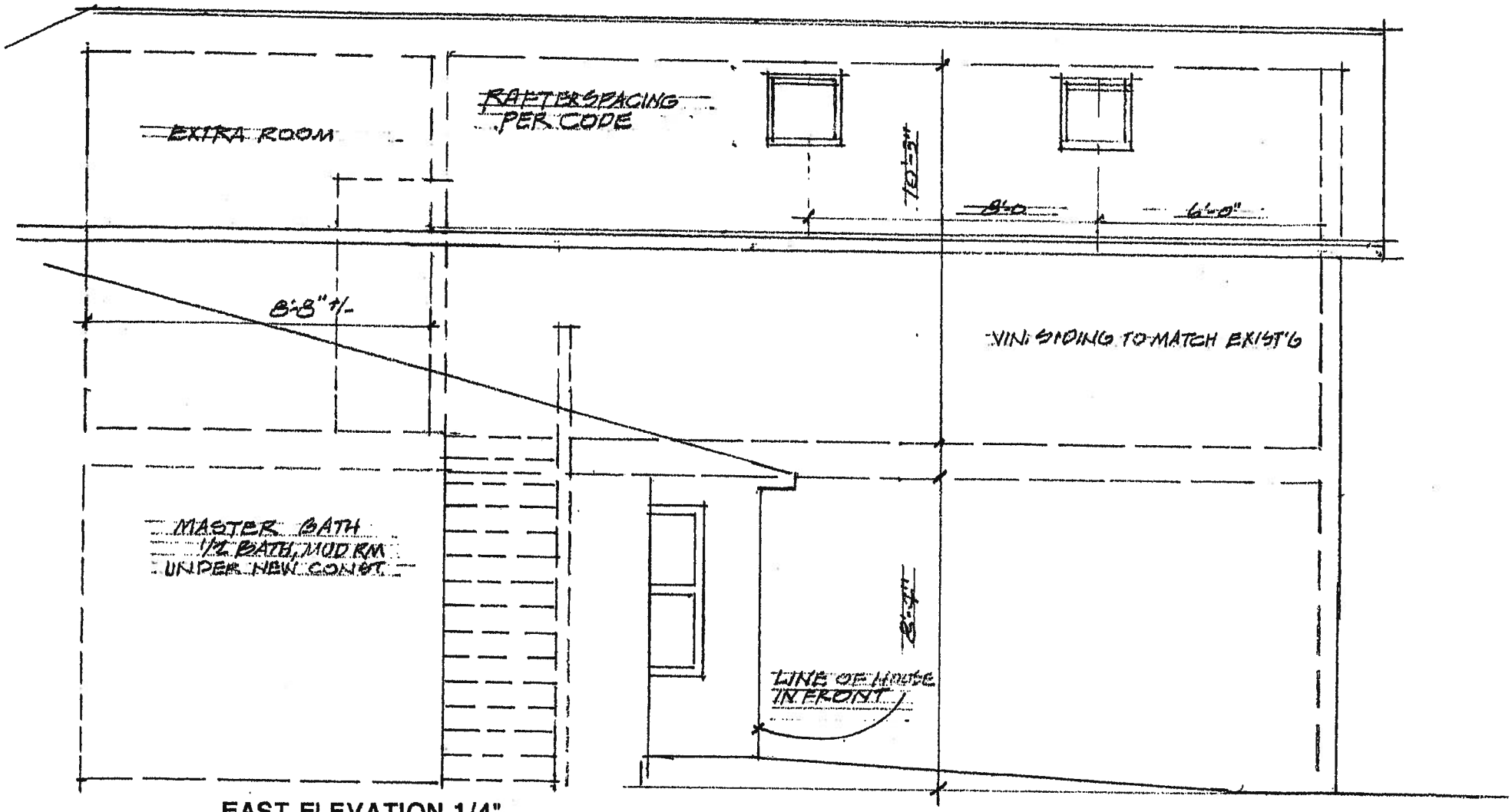
WENZEL GARAGE ADDITION 11/11



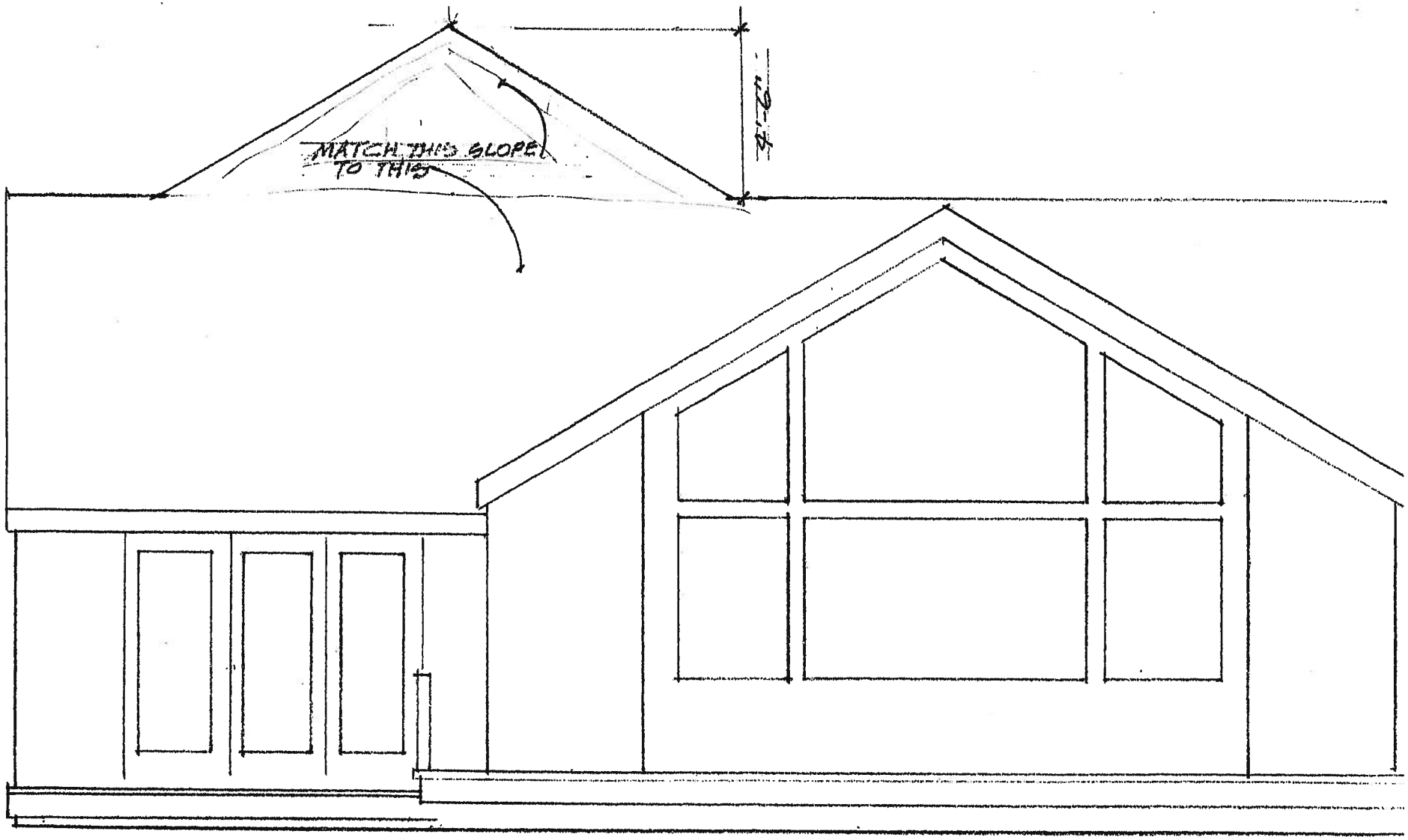
2

SECTION 1/4"

WENZEL GARAGE ADDITION 11/11



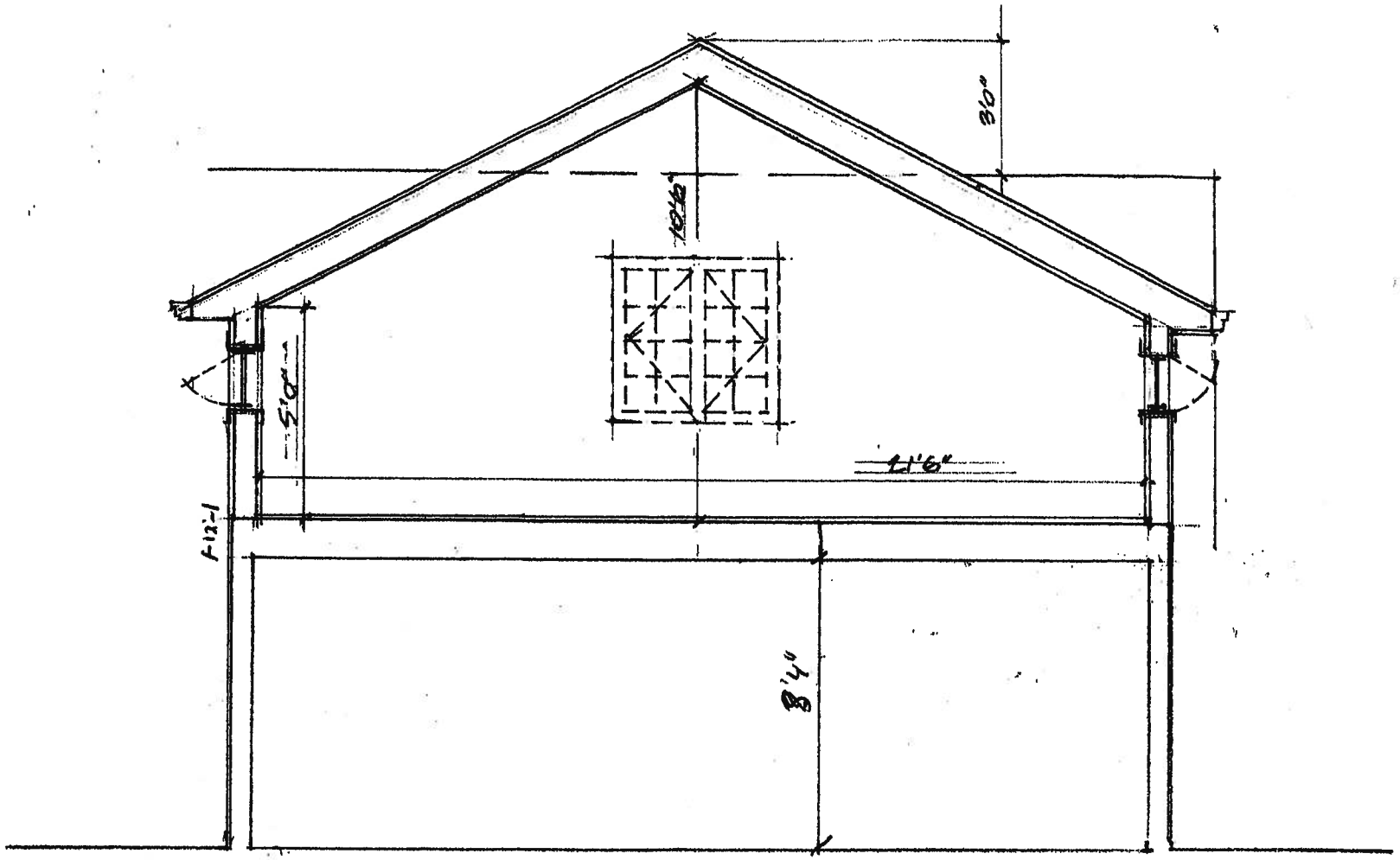
EAST ELEVATION 1/4"



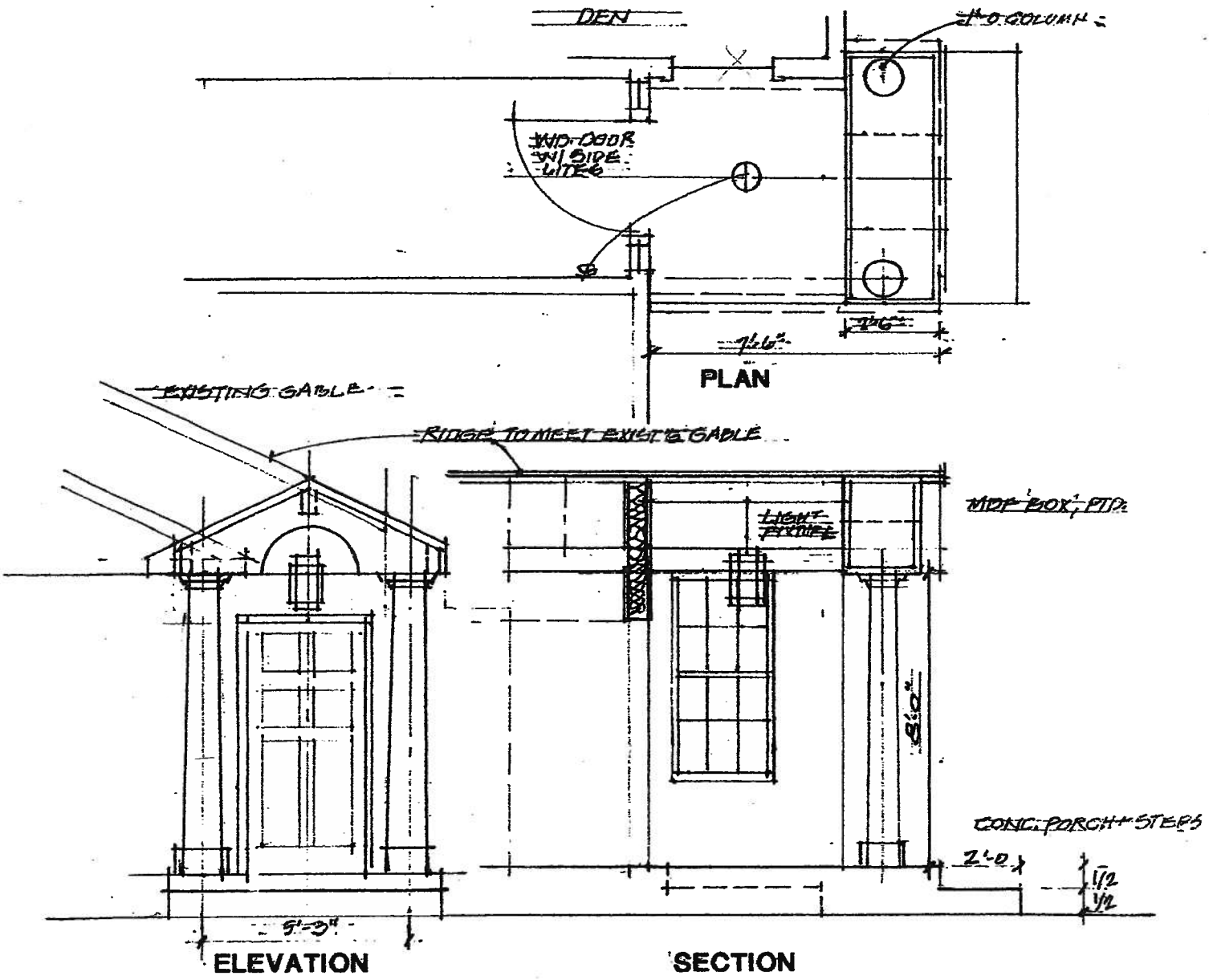
4

SOUTH ELEVATION

WENZEL GARAGE ADDITION 11/11



WENZE REMODEL 3/11/11
GARAGE SECTION



MAIN ENTRANCE REMODEL 1/4"

WENZEL REMODEL 2011

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Department of Community Development

TO: Zoning Board of Appeals **DATE:** June 29, 2012

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: ZBA #11-24; Tim Wenzel, 3630 East Shore Drive; R-1A, One Family Residential

CODE SECTION: 42-133(D)(1) Nonconforming Buildings and Structures; p. CD42:44
42-350(A) Schedule of Regulations; p. CD42:84

APPEAL: Requesting a variance to construct a second story addition over the existing nonconforming attached garage four feet from the (west) side property line, where a minimum eight-foot side yard setback is required.

STAFF RECOMMENDATION: The 12,893 square-foot property is improved with a 2,182 square-foot dwelling constructed in 1951 and a 644 square-foot attached garage. The property is zoned R-1A, One-Family Residential and is surrounded by single family residences to the northwest and southeast.

As background, the Board granted a variance in 1996 (ZBA #96-01) allowing the construction of a garage addition in line with the existing dwelling, four feet from the northwest side property line. Attached is a copy of the June 1996 meeting minutes. The applicant now proposes to construct a room addition, intended to function as additional living area, over the footprint of the existing garage, raising the overall height of the front portion of the attached garage five feet. The proposed addition would conform in all other respects with code. Because the proposed vertical expansion occurs within the required setback and increases the usable area of the building, a variance is needed to enlarge the attached garage.

The dwelling is located at the minimum rear yard setback along the lake side (there is no additional 'riparian area' for this particular plat) and the floor plan is such that two bedrooms and a bathroom are located on the east side of the dwelling, making the conforming alternative of building on the east side an improbable configuration. The neighboring property to the west has a garage that extends along the entire length of the west side of the dwelling which minimizes the impact of the proposed addition. The variance granted in 1996 was the minimum necessary to construct the attached two-car garage. Likewise, the 2012 request to increase the height of the attached garage five feet height is also the minimum necessary to accommodate the additional living space. As a result of these design and site related factors, the variance should not be detrimental to the adjacent property, and is not inconsistent with the intent and purpose of the Zoning Ordinance. For these reasons the variance can be recommended.

PRACTICAL DIFFICULTY: Existing floor plan; location of dwelling on the lot. See Suggested Motion form.

S:\2011-2012 Department Files\Board Files\ZBA\11-24; 3630 East Shore Dr\2012 06 29 VG ZBA 11-24 East Shore, 3630 (staff report).docc

3630

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Special Meeting - June 26, 1996

The City of Portage Zoning Board of Appeals special meeting of June 26, 1996, was called to order by Chairman Urban at 7:00 p.m. in Council Chambers, Portage City Hall, 7900 South Westnedge Avenue.

MEMBERS PRESENT:

Richard Yonke, Kathryn Hotchkiss, Terry Urban, Bruce Frandsen, Sally Pyne, Roxanne Seeber, Larry Lamble, Clyde Flora and Beverly Roberts.

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

None.

IN ATTENDANCE:

John Kneas, Asst. City Attorney and Tom Adams, Ordinance Administrator.

APPROVAL OF MINUTES:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

1. ZBA 96-01, Tim Wenzel, 3630 East Shore. Tim Wenzel was present to explain his request for a 4 foot variance from the required 8 foot side yard setback in order to replace an existing single car garage with a new two car garage. The applicant stated that the neighbor to the northwest supported the request and that the garage and addition to his house would be a one story addition. The public hearing was opened. No one was present to speak for or against. The request. The public hearing was closed.

   A motion was made by Lamble, seconded by Yonke to grant the request as stated above. The practical difficulty/unnecessary hardship being the existing location of the house on the lot. Upon a roll call vote the motion passed 7-0.

OTHER BUSINESS:

A motion was made by Pyne, seconded Yonke to nominate Urban as Chair and Hotchkiss as Secretary. A motion was made Hotchkiss, seconded by Frandsen to nominate Pyne as Vice Chair. Upon a voice vote the motions passed unanimously.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 7:13 p.m.

Respectfully submitted,

Tom Adams
Ordinance Administrator

Min6-26

SUGGESTED NON-USE VARIANCE MOTION FORM

Mr. Chairman:

I move, in regard to ZBA #_____, the application by _____

for a variance from _____

_____

be:

a. granted for all of the following reasons:

1a. 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_____
_____;

2a. The variance is necessary for the preservation and enjoyment of a substantial property right, the right to_____, which is similar to that possessed by other properties in the same zoning district and in the vicinity;

3a. The immediate practical difficulty causing the need for the variance request was not created by the applicant;

4a. The variance will not be detrimental to adjacent property and the surrounding neighborhood, and;

5a. The variance will not materially impair the intent and purpose of the zoning ordinance.

-or-

b. denied for one of more of the following reasons:

1b. 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;

2b. The variance is not necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district in the vicinity because there are conforming alternatives available such as_____
_____.

3b. The immediate practical difficulty causing the need for the variance request was created by the applicant;

4b. The variance would be detrimental to adjacent property and the surrounding neighborhood, and;

5b. The variance would materially impair the intent and purpose of the zoning ordinance.

c. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, **and that action of the Board be final and effective immediately.**