

CITY OF  
**PORTAGE**  
*A Place for Opportunities to Grow*

# ZONING BOARD OF APPEALS

**August 20, 2012  
Special Meeting**

**CITY OF PORTAGE ZONING BOARD OF APPEALS  
SPECIAL MEETING**

**Monday, August 20, 2012**

**(7:00 pm)**

**Portage City Hall  
Council Chambers**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**NEW BUSINESS:**

- \* ZBA# 12-03, Joseph Kuchenbach, 2728 East Shore Drive: is requesting a variance to construct a 12-foot by 26-foot garage addition 22 feet from the (north) property line where a minimum 27-foot setback is required.

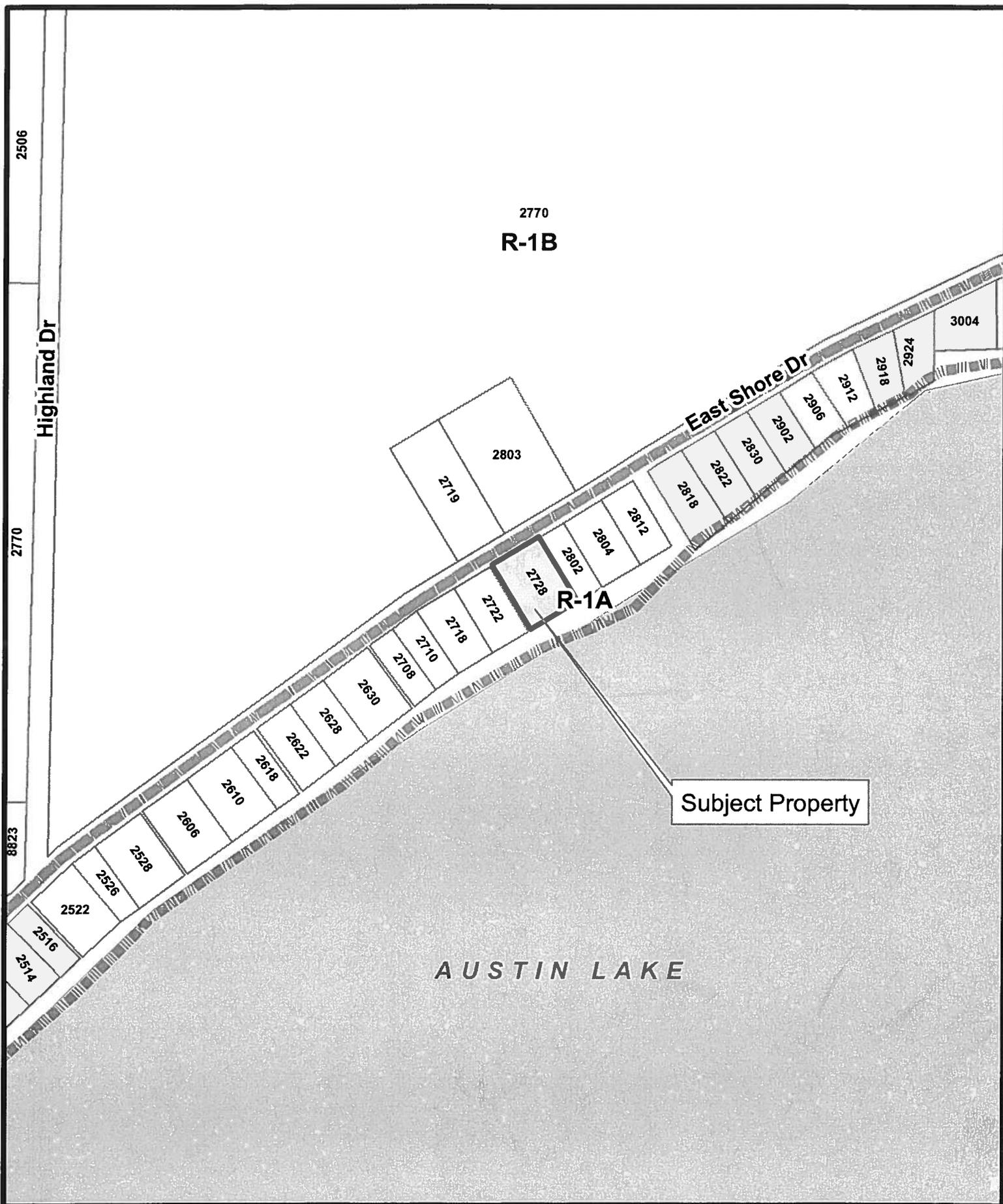
**OTHER BUSINESS:**

**STATEMENT OF CITIZENS:**

**ADJOURNMENT:**

Materials Transmitted

Star (\*) indicates printed material within the agenda packet



-  Zoning Boundary
-  Subject Properties
-  Notification

**ZBA 12-03**  
**2728 East Shore Drive**



1 inch = 200 feet

**RECEIVED**

JUL 26 2012

COMMUNITY DEVELOPMENT

Department of Community Development

**ZONING BOARD OF APPEALS APPLICATION**

FOR COMPLETION BY APPLICANT

Application Date July 24, 2012  
 Name of Applicant Joseph Kuchenbuch J.P. Kuchenbuch  
Signature  
 Applicant's Address 2728 E. Shore Dr. Phone No. 269-324-5529  
 Name of Property Owner (if different from Applicant) \_\_\_\_\_  
 Address \_\_\_\_\_ Phone No. \_\_\_\_\_

Address of the Property that is the subject of this Application:  
 Street Address 2728 EAST SHORE DR. PORTAGE, MI 49002  
 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: OWNER

Application Fee \_\_\_\_\_ (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  Parking \_\_\_\_\_ Other \_\_\_\_\_

Reason for Request (Also complete page 2 of application): Variance to build 3rd garage stall onto existing garage.

**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: <u>12-3</u>	Filing Date: <u>7/26/12</u>	Tentative Hearing Date: <u>8/20/12</u>
Previous Application Filed Regarding This Property:		

### 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.)

A Variance is needed due to the fact that there is only one option for the ability to build a third stall.

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

No. Several neighbors have built out to the same distance from East Shore that the variance would allow us to do. (See photos)

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

No. There is not enough room to construct a useable garage stall that would accommodate a car.

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.)

We are requesting a 5 foot variance which would allow the construction of a stall which would be at the minimum width to be used.

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

Several buildings on the street are already extended out to the road in a similar manner and distance. The variance would not impact adjacent property.

6. Explain how the variance would not 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.)

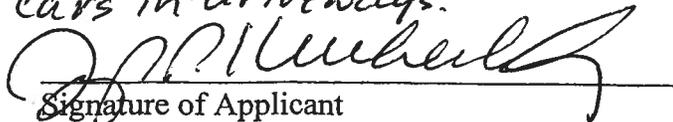
The variance would allow all of our cars to be enclosed in the garage thereby eliminating any cars being parked in the driveway. Guests would be able to use the driveway and would reduce the practice of parking along East Shore drive.

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.)

The issue was created by the initial owner of the property that constructed the home with a two vs. three car garage. The home conforms to all required set back requirements but is set too close to East Shore to allow the construction of a stall w/o a variance.

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

The addition of a garage stall would improve the value and appearance of the property. It would allow all cars to be garaged and eliminate parking on East Shore Dr. as well as cars in driveways.

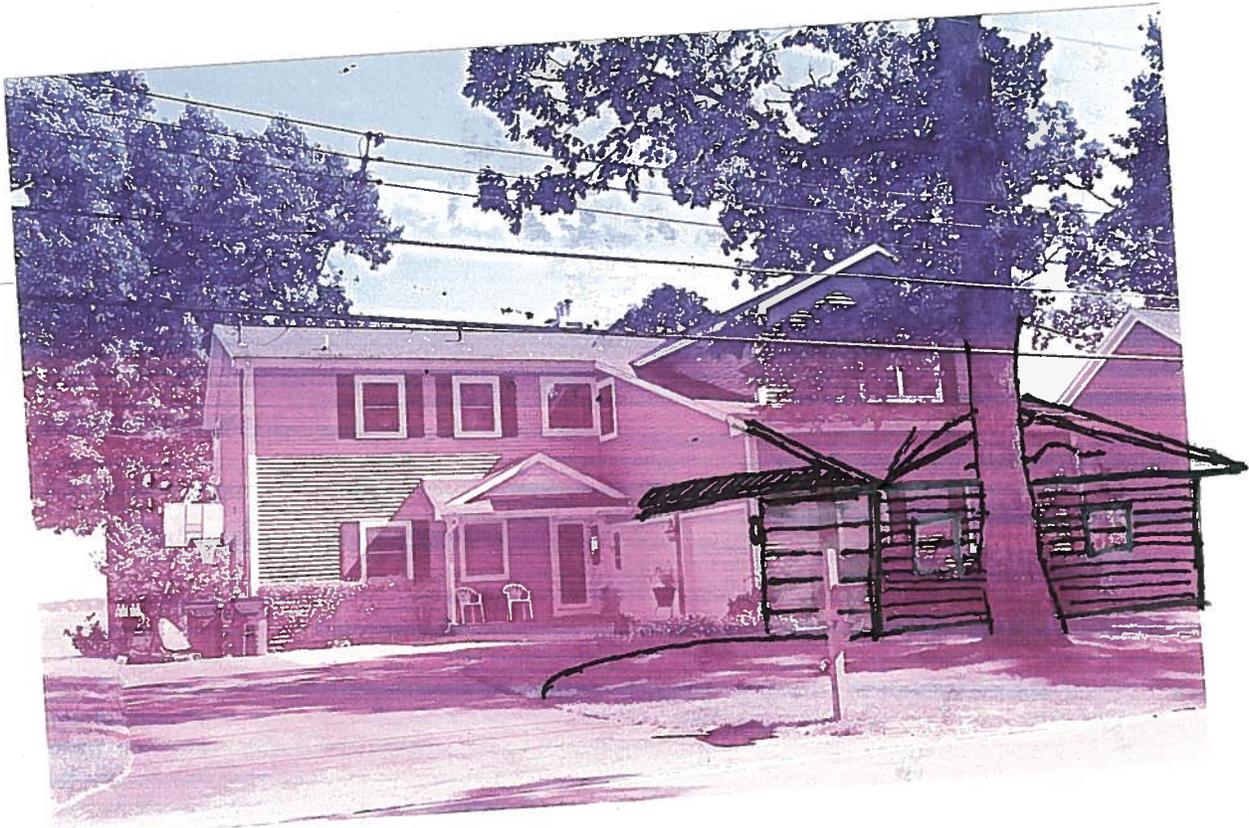
  
Signature of Applicant

7/25/2012  
Date

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JUL 26 2012

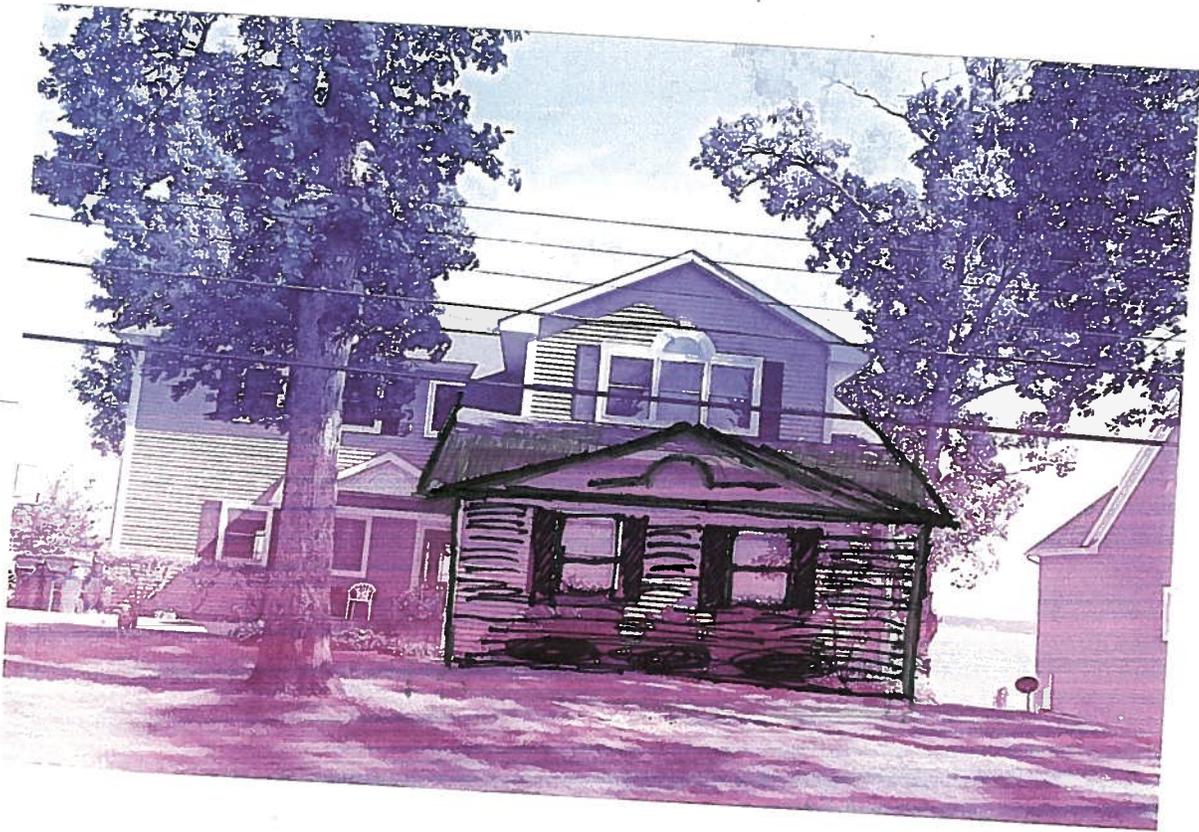
COMMUNITY DEVELOPMENT



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JUL 26 2012

COMMUNITY DEVELOPMENT





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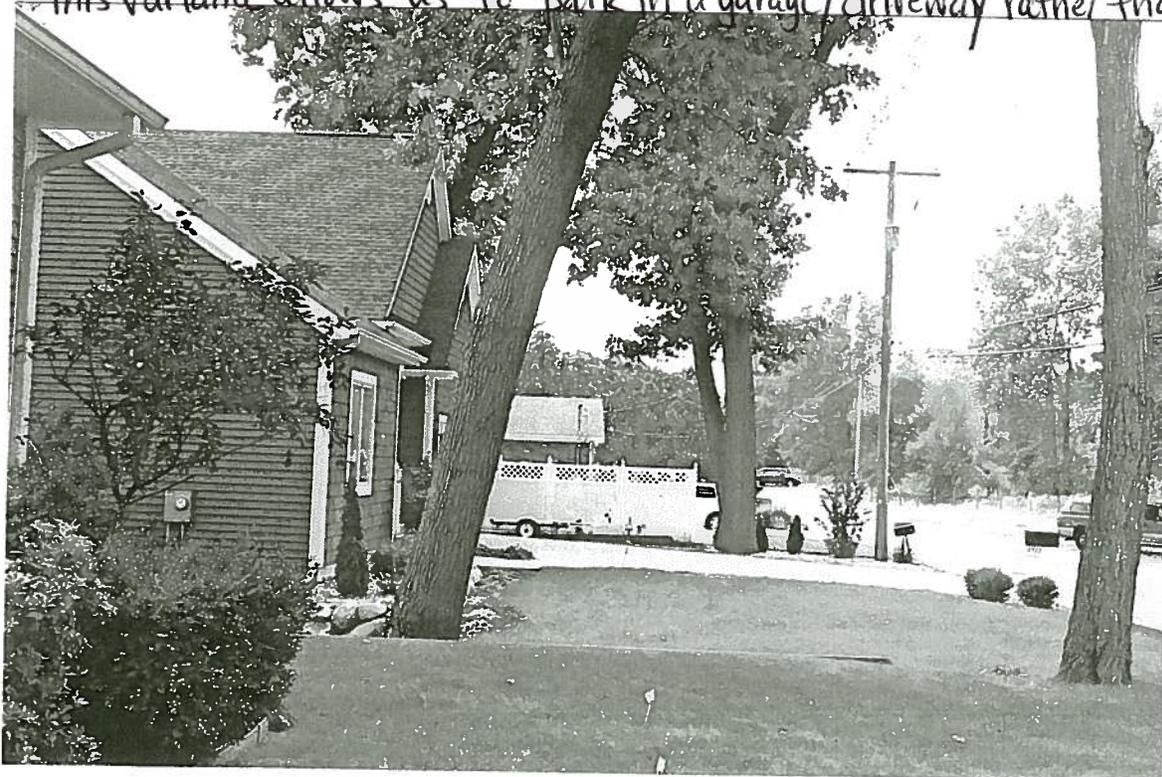
JUL 26 2012

COMMUNITY DEVELOPMENT



Above: The flags indicate where the outside garage wall will be. Our neighbors directly to the east of us are out the same distance from East Shore.

Below: Our neighbors 2 & 3 houses to the west of us are out toward E. Shore the same distance and more, respectively. As you can see, many park along the street. This variance allows us to park in a garage/driveway rather than along E. Shore.





**TO:** Zoning Board of Appeals **DATE:** August 13, 2012  
**FROM:** Vicki Georgeau, <sup>VG</sup> Director of Community Development  
**SUBJECT:** ZBA #12-03; Joseph Kuchenbuch, 2728 East Shore Drive; R-1A, One Family Residential

**CODE SECTION:** 42-350(A) Schedule of Regulations; p. CD42:84

**APPEAL:** Requesting a variance to construct a 12-foot by 26-foot garage addition 22 feet from the front (north) property line, where a minimum 27-foot front yard setback is required.

**STAFF RECOMMENDATION:**

The 10,944 square-foot lakefront property is improved with a two-story 2,744 square-foot dwelling and a 576 square-foot attached garage. The property is zoned R-1A, One-Family Residential and is surrounded by single family residences.

The dwelling currently has a two-stall, side-entry garage. The applicant proposes to construct a 12-foot by 26-foot third stall addition, which would extend to within 22 feet of the front (north) property line, where a 27-foot setback is required. A variance is therefore requested.

The applicant indicates the proposed garage addition would have a similar front setback to other properties in the neighborhood. The applicant further indicates that granting the variance would allow parking of all cars in the garage, making the driveway available for guests, eliminating the need to park along East Shore Drive. Most other dwellings in the vicinity meet the required front yard setback with the exception of 2802 and 2818 East Shore Drive. The dwelling located at 2802 East Shore Drive received a variance in 1992 (ZBA #92-18) to allow reconstruction of a nonconforming garage 21 feet from the front property line, and 2818 East Shore Drive received a variance in 1970 (ZBA #70-10) permitting construction of a garage 25 feet from the front property line.

No practical conforming alternatives are available to allow construction of a third garage stall on the subject property. An approximate four-foot wide and six-inch high raised concrete slab extends the length of the garage interior along its south side (consistent with the front porch stoop to the house), which precludes shifting the existing garage bay doors south so as to accommodate a lesser variance for a third stall. The desire to have a three stall garage in and of itself does not constitute a practical difficulty. However, if the Board finds a practical difficulty exists, the variance may be approved.

**PRACTICAL DIFFICULTY:**

Alleviate parking along East Shore Drive noted by applicant. None noted by staff. See Suggested Motion form.

**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.**