

## CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – January 9, 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. Four people were in the audience.

**MEMBERS PRESENT:** Mariana Singer, Daniel Douglas Rhodus, Timothy Bunch, Betty Schimmel, Rob Linenger, and Jeffrey Bright.

**MEMBERS EXCUSED:** Lowell Seyburn, David Felicijan

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

**APPROVAL OF THE MINUTES:** Bright moved and Singer seconded a motion to approve the December 12, 2011 minutes as submitted. Upon voice vote, motion was approved 6-0.

### **NEW BUSINESS:**

**ZBA #11-14, 8818 Portage Road:** Staff summarized the request for a variance to allow operation of a veterinary hospital adjacent to property zoned R-1B, One Family Residential. The applicant, Darrell Greathouse, stated he is proposing to relocate his veterinary clinic from 10336 Portage Road to 8818 Portage Road. Mr. Greathouse stated impacts on the adjacent residences associated with the operation of veterinary clinic would be less than the previous tenant, Movie Stars Video, due to less traffic and fewer hours of operation each day. Linenger asked the applicant to explain the practical difficulty. Mr. Greathouse explained the operational characteristics of a modern veterinary clinic that caters to “companion” animals are different, resulting in fewer impacts than a veterinary clinic that operated 40-50 years ago. Linenger inquired if the applicant objected to the conditions suggested in the staff report. Mr. Greathouse stated he had no objections. Schimmel inquired if the applicant had spoken to the neighbors about the variance request. The property owner, Chuck Minor, stated he had spoken to all but one and that none stated any objections. Rhodus inquired if the conflicting land use screening fence was located on the applicant’s property. Mr. Minor said it was erected on his property.

A 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 Bright, supported by Singer to grant a variance to allow operation of a veterinary hospital adjacent to property zoned R-1B, One Family Residential conditioned upon: 1) A six-foot privacy fence along the west property line be maintained to protect adjacent residential properties; 2) No outdoor kennels or runs are provided on site; 3) The hospital/clinic be limited to the treatment of small animals (i.e. companion pets); and 4) No animal crematory facilities shall be provided on site. The motion to grant a variance is based on the exceptional circumstances or conditions applying to the property that do not generally apply to other properties in the same zoning district, which include the operational characteristics of the small-scale veterinary hospital/clinic; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to provide services for pet owners; the immediate difficulty causing the need for the variance request was not created by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood; and the variance will not materially impair the intent and purpose of the zoning ordinance. In addition, the application and related materials, staff report and all discussion and additional materials presented at this hearing shall be incorporated into the record of this hearing and

the findings of the Board, and action of the Board shall be final and effective immediately. Upon roll call vote: Schimmel–Yes, Singer–Yes, Linenger–Yes, Bunch-Yes, Rhodus-Yes, Bright-Yes. The motion carried 6-0.

**STATEMENT OF CITIZENS:**

**ADJOURNMENT:** There being no further business, the meeting was adjourned at approximately 7:30 p.m.

Respectfully submitted,

Jeff Mais  
Zoning & Codes Administrator