

## CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – December 10, 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. Three people were in the audience.

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

**MEMBERS EXCUSED:** Lowell Seyburn

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

**APPROVAL OF THE MINUTES:** Bunch moved and Rhodus seconded a motion to approve the November 12, 2012 minutes as submitted. Upon voice vote, motion was approved 7-0.

**OLD BUSINESS:**

**NEW BUSINESS:**

**ZBA #12-16, 4317 West Milham Avenue:** Mais summarized the request for a variance to construct a 2,600 square-foot duplex unit with 10-foot side yard setbacks, where minimum 30-foot setbacks are required. Realtor, Rick Berner, stated the property had been on the market for two years and they have found a prospective buyer who wants to build a duplex, but the 30-foot side setbacks present practical difficulties leaving only a 25 foot wide building envelope, and orienting the house sideways to the street would not only look unusual but would leave no back yard for kids to play in. Bright inquired how far the proposed duplex would be from the adjacent apartments to the east and west. Staff stated 60 feet. Rhodus inquired if the vegetation on site would be retained. Rick Hamming stated he was the prospective buyer/builder and that the only tree he intended to cut was one located where the duplex would be built.

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 Smith, seconded by Singer, to grant a variance to construct a 2,600 square-foot duplex unit with 10-foot side yard setbacks, where minimum 30-foot setbacks are required. There are exceptional circumstances applying to the property which include the narrow building envelope, and the lot is adjacent to other multiple family dwellings; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to construct a duplex; the immediate practical 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 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. Upon roll call vote: Bunch-Yes, Smith-Yes, Bright-Yes, Schimmel-Yes, Singer-Yes Linenger-Yes, Rhodus-Yes. Motion passed 7-0.

**OTHER BUSINESS:**

**STATEMENT OF CITIZENS:**

**ADJOURNMENT:** There being no further business, the meeting was adjourned at approximately 8:20 p.m.

Respectfully submitted,

Jeff Mais  
Zoning & Codes Administrator