



ZONING BOARD OF APPEALS

July 8, 2013

CITY OF PORTAGE ZONING BOARD OF APPEALS

Monday, July 8, 2013

(7:00 pm)

Portage City Hall

Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

* June 10, 2013

OLD BUSINESS:

NEW BUSINESS:

- * 1. ZBA #12-27, Fred Schubkegel, 1115 Forest Drive: Requesting variances from a) rear yard requirement for coop/pen; and b) maximum six-foot height and 80 square feet requirement for coop/pen.
- * 2. ZBA #12-30, Ray Schneider, 10719 Portage Road: Requesting variances to construct a 32-foot by 30-foot (960 square feet) detached accessory building that would result in the accessory building area exceeding: a) 20 percent of the required rear yard area by eight square feet; and b) the ground floor living area of the dwelling by 330 square feet.
- * 3. ZBA #12-31, Peter Everts, 1103 & 1023 Forest Drive: Requesting a variance to construct a 24-foot by 30-foot (720 square feet) detached accessory building that would result in the combined accessory building area exceeding the ground floor living area of the dwelling by 164 square feet.

OTHER BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

Star (*) indicates printed material within the agenda packet

CITY OF PORTAGE ZONING BOARD OF APPEALS

DRAFT

Minutes of Meeting – June 10, 2013

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

MEMBERS PRESENT: Lowell Seyburn, Doug Rhodus, James White, Jeff Bright, Michael Robbe, and Mariana Singer.

MEMBERS EXCUSED:

Bob Soltis, Tim Bunch, Glenn Smith

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

APPROVAL OF THE MINUTES: Bright moved and Robbe seconded a motion to approve the May 13, 2013 minutes as submitted. Upon voice vote, motion was approved 6-0.

OLD BUSINESS:

None

NEW BUSINESS:

ZBA #12-24, 7152 Starbrook Street: Mr. Mais summarized the request for a front yard setback variance to construct a garage addition 22 feet from the (east) front property line, where a minimum 30-foot setback is required. Gene Heilman explained that his parents aged in place at this location and experienced considerable difficulties living there due to it not being barrier free. Mr. Heilman proposed constructing a new stairwell which could be fitted with an electric wheelchair lift that would require moving the garage forward five feet closer to the front property line. Bright inquired if the applicant had spoken to his neighbors about the request. Mr. Heilman stated yes and that he had even altered his plans to accommodate their wishes. Rhodus inquired if anyone was currently living there. Mr. Heilman stated no. Robbe inquired why the stairway couldn't be shifted back instead of forward. Mr. Heilman said moving it back would mean cutting into the fireplace foundation and every builder he talked to advised against this due to the difference in soil compaction between the existing chimney foundation and new construction. White commented that shifting it backwards could also create unintended problems with the garage foundation/footings.

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 Singer, seconded by Bright to grant a variance to construct a garage addition 22 feet from the (east) front property line, where a minimum 30-foot setback is required. There are exceptional circumstances applying to the property that do not apply generally to other properties in the zoning district which include the location of the nonconforming dwelling on the lot and the existing dwelling design; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to have barrier-free housing; the immediate practical difficulty 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: Robbe-No, Singer-Yes White-Yes, Rhodus-Yes, Seyburn-Yes, Bright-Yes. Motion passed 5-1.

ZBA #12-28, 4431, 4301 West Centre Avenue: Mais summarized the request for a variance to allow replacement of a nonconforming sign panel at 4301 West Centre Avenue. Andy Goldberg was present on behalf of the applicant to answer questions.

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, seconded by White to grant a variance to allow replacement of a nonconforming sign panel at 4301 West Centre Avenue, conditioned upon no additional freestanding signs be permitted at 4301 West Centre Avenue, and that future sign panel changes be permitted without Board review and approval, provided the sign is not structurally altered in any way and that a sign permit is obtained. There are exceptional circumstances applying to the property that do not apply generally to other properties in the zoning district which include the limited visibility of the bank property at 4431 West Centre Avenue, and the variance will enhance site safety and aesthetics; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to identify a business near the main access drive; 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: Robbe-Yes, Singer-Yes White-Yes, Rhodus-Yes, Seyburn-Yes, Bright-Yes. Motion passed 6-0.

OTHER BUSINESS:

Officer elections were held: Lowell Seyburn – Chair, Jeff Bright – Vice Chair, Mariana Singer - Secretary

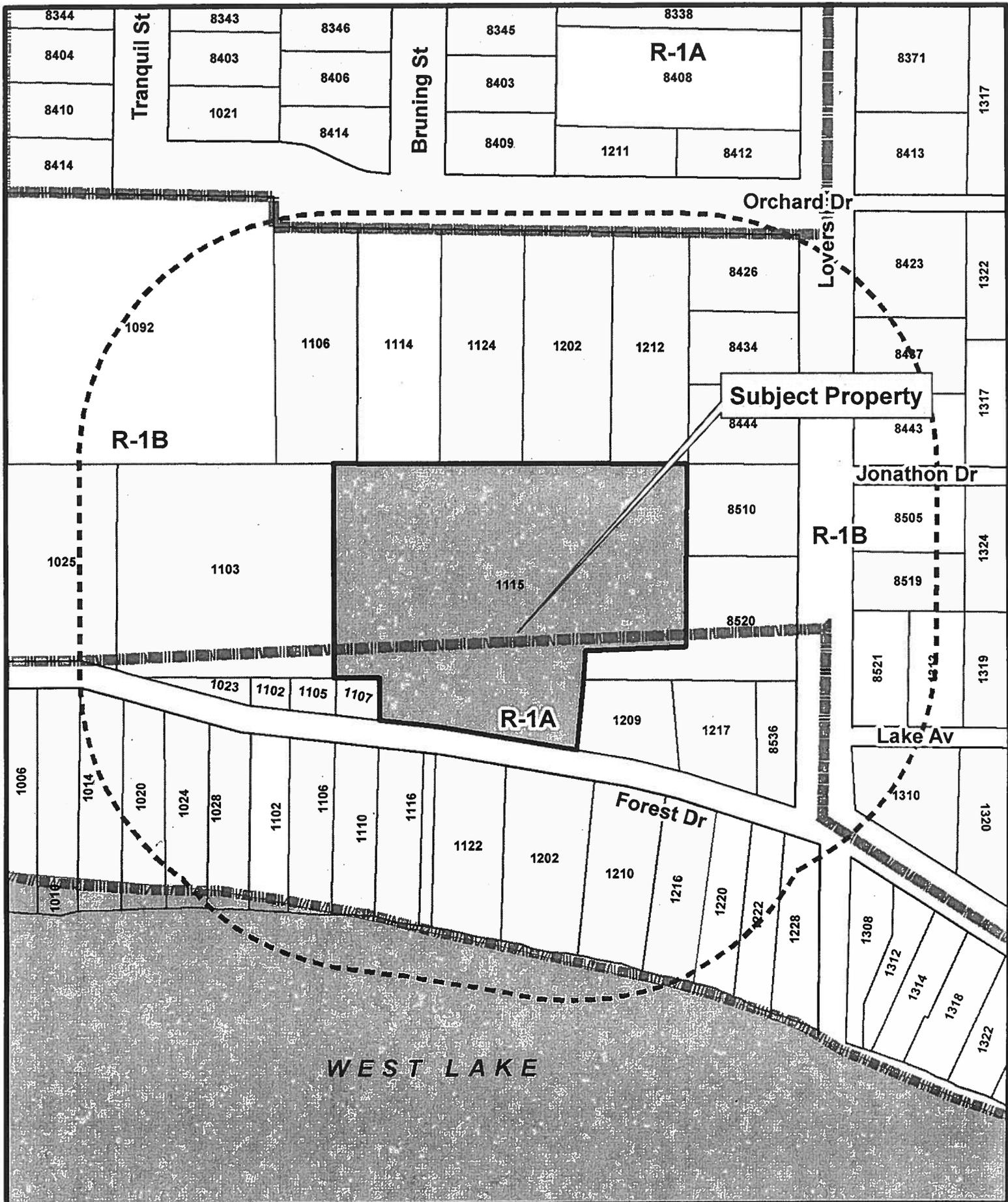
STATEMENT OF CITIZENS:

None

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:31 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator



-  Zoning Boundary
-  Subject Properties
-  Notification Area

ZBA 12-27
1115 Forest Drive



1 inch = 150 feet

RECEIVED
MAY 29 2013
COMMUNITY DEVELOPMENT

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date May 3, 2013
 Name of Applicant Fred Schubkegel FS
Print Signature
 Applicant's Address 1115 Forest Dr, Portage Phone No. 269-329-2535
 Name of Property Owner (if different from Applicant) same as Applicant
 Address SAME Phone No. same

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

Street Address 1115 Forest Drive
 For Platted Property: Lot _____ of _____ Plat _____

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

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

Application Fee \$135⁰⁰ (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 42 Section 121 Paragraph D
 Regarding: Use X Area _____ Yards _____
 Setbacks _____ Parking _____ Other _____

Reason for Request (Also complete page 2 of application): request to keep chickens in pre-existing barn rather than build new coop.

Appeal of Administrative Decision: Article _____ Section 42-121.D 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>12-27</u>	Filing Date: <u>5/3/2013</u>	Tentative Hearing Date: <u>7/8/13</u>
Previous Application Filed Regarding This Property: <u>N/A</u>		

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.)

Property has pre-existing barn that has been on property since 1940s and used for keeping of farm animals.

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

Yes.

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. Requiring construction of coop closer to neighbor's property rather than allowing use of pre-existing barn is not reasonable nor a desirable zoning result.

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.)

Requested variance is the minimum.

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.) - See attached Statement

Allowing use of pre-existing barn avoids need for unsightly coop nearer to neighbors, and with allowing variance has lower negative impact than denying variance

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.)

Allowing variance has same or less negative impact as disallowing. See attached

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.)

No.

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

See attached Statement.

Signature of Applicant

Date

Statement in Support of Variance Request
Fred Schubkegel – 1115 Forest Drive

We request that the Zoning Board of Appeals grant a variance from the requirement in Ordinance 42-121.D (chicken permit) that requires the keeping of chickens in a coop in the backyard. We request that we be allowed to keep our chickens in accordance with all requirements of the chicken ordinance (no more than 6 chickens, no roosters, appropriate vermin control, etc.), except that we can keep the chickens in the existing barn and the completely enclosed outdoor pen that we have now, rather than in a coop in the back. We would also agree to keep the chicken area screened from the street with the white lattice and plantings that we have now if you would like (see attached picture).

We think this is better for the City because it permits and requires us to keep the chickens in a more controlled situation than a coop and has a much lower negative visual impact than a coop in the backyard. The barn will be there regardless of the chickens. Requiring us to add another structure is undesirable to the neighbors, to property values, to us, etc.

As you consider this proposal, please note that our neighbors across the street are on West Lake with their houses built to face the lake and their "back" yards (garages, etc.) facing our property (see attached sketch). Therefore, our keeping the chickens in the existing barn does not have the same impact on the neighbors that it might otherwise have if the barn were facing the neighbors' front yard.

In addition, keeping the chickens in the barn where they are now keeps them the farthest from all other neighboring houses. Requiring us to move the chickens to the back would actually put them very close to the home of our neighbor closest to the barn side of our property (and closer to the houses of all other adjoining properties).

We also note that we could keep a horse on our property/barn under current zoning and it is our position that we are probably exempt from the City's chicken permit ordinance because of the pre-existing use of the barn/property for the keeping of farm animals. (The owner we bought from had goat(s) and poultry. Previous owners kept retired race-horses). Allowing us to keep our chickens in the pre-existing barn is consistent with permitted uses for our property and consistent with past practice at the property.

Finally, please note that if you grant our variance request, there is no danger that you are setting a precedent that might need to be considered in future requests by others (unless they have a pre-existing barn that abuts the neighbors' back yards on property zoned for a horse, in which event you should grant their variance request).

Thank you for considering our request. Please send out necessary public notices and put us on the meeting schedule. We are happy to answer questions or submit any additional information that you might need.

Fred Schubkegel
1115 Forest Drive

SUPPLEMENTAL SUBMITTAL
TO
ZONING BOARD OF APPEALS APPLICATION
FOR VARIANCE FROM CHICKEN ORDINANCE
SUBMITTED BY
FRED SCHUBKEGEL
1115 FOREST DRIVE

We are providing this Supplemental Submittal to clarify our Application requesting variance from Zoning Ordinance 42-121-D (Keeping of chickens as an accessory use) (the "Ordinance"). Our original Application generally requests "that we be allowed to keep our chickens in accordance with all requirements of the chicken ordinance (no more than 6 chickens, no roosters, appropriate vermin control, etc.), except that we can keep the chickens in the existing barn and the completely enclosed outdoor pen that we have now, rather than in a coop in back."

Variances requested. To clarify, Applicant requests the following specific resolutions granting variances from the Ordinance:

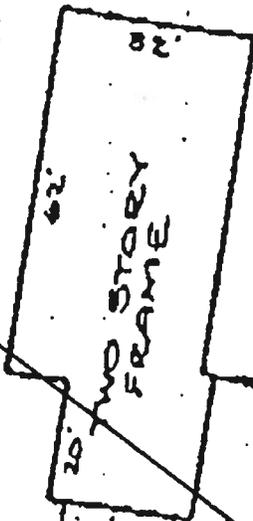
- **Variance from 42-121-D-3a:** Applicant is permitted to keep chickens in the front yard secured within the existing barn and attached pen, and is thus granted a variance from the requirement of Section 42-121-D-3a of the Ordinance that chickens be kept "in the rear yard secured within a coop and attached pen".
- **Variance from 42-121-D-3b(2):** Applicant is permitted to keep chickens in a portion of the existing barn (2.5 stories in height) and attached pen (8 feet in height), with total combined area of approximately 112 square feet (56 square feet inside and 56 square feet outside), and is thus granted a variance from the requirement of Section 42-121-D-3b(2) of the Ordinance that "the coop and pen shall be a maximum of six feet in height and shall not exceed a total of 80 square feet."

Variances not requested. In addition, City staff questioned whether our Application also includes a request for a variance from the setback requirement of 42-121-D-3b(1) ("The coop and pen shall be setback a minimum of ten feet from all property lines of adjacent property"). The answer is "no". As shown in the attached survey drawing, the closest distance between our pen and neighboring property line (such neighboring property being a small unbuildable garage lot) is over 15 feet, which is more than the 10 feet required by the Ordinance.

Please let me know if you have further questions, require further information or would like further clarification.


Fred Schubkegel

Outdoor pen



CONC



5'

DR

±130'

20'

12'

Over 15 feet from corner of pen to adjacent property line

209.10' FOREST

#255

766 PG. 235 DOES NOT APPEAR PARCEL.

SCALE: 1" = 60'

PARCEL DESCRIPTION

Land located in the City of Portage, County of Kalamazoo, State of Michigan, and is described as follows:

PARCEL 1

Lots 20 and 21 of the recorded plat of the "Assessor's Plat of Reids Plat" as recorded in Liber 14 of Plats on Page 21, Office of the Register of Deeds, Kalamazoo County, Michigan.

PARCEL 2

Also, Beginning at the Northeast corner of Lot 19 of the recorded plat of the "Assessor's Plat of Reids Plat"; thence West along the North line of Lots 19 and 18 of said Plat 99.90 feet to the Northwest corner of said Lot 18; thence North parallel to the North and South quarter line of Section 22, T. 3 S., R. 11 W., 255 feet more or less to the East and West quarter line of said Section; thence East thereon to the Northeast corner of the West half of the Southeast fractional quarter of said Section; thence South along the East line of the West half of the Southeast fractional quarter of said Section 216.76 feet; thence West 287.30 feet; thence South 28.81 feet to the North line of said Plat; thence West along the North line of Lots 21 and 20, 200.14 feet to the Place of Beginning. Excepting therefrom the Northerly 108.38 feet of the Easterly 150 feet of said Parcel No. 2.

ALSO, LESS AND EXCEPT

the East 167.0 feet except the North 108.38 feet thereof of the following described parcel:

Beginning at the Northeast corner of Lot 19 of the recorded plat of the "Assessor's Plat of Reids Plat" as recorded in Liber 14 of Plats, on page 21, Kalamazoo County Records; thence West along the North line of Lots 19 and 18 of said Plat 99.90 feet to the Northwest corner of said Lot 18; thence North parallel with the North and South quarter line of Section 22, T. 3 S., R. 11 W. about 255 feet to the East and West quarter line of said Section; thence East thereon to the Northeast corner of the West half of the Southeast fractional quarter of said Section; thence South along the East line of said West half of the Southeast fractional quarter 216.76 feet; thence West 287.30 feet; thence South 28.81 feet to the North line of said Plat; thence West along the North line of Lots 21 and 20 of said plat 200.14 feet to the Place of Beginning.

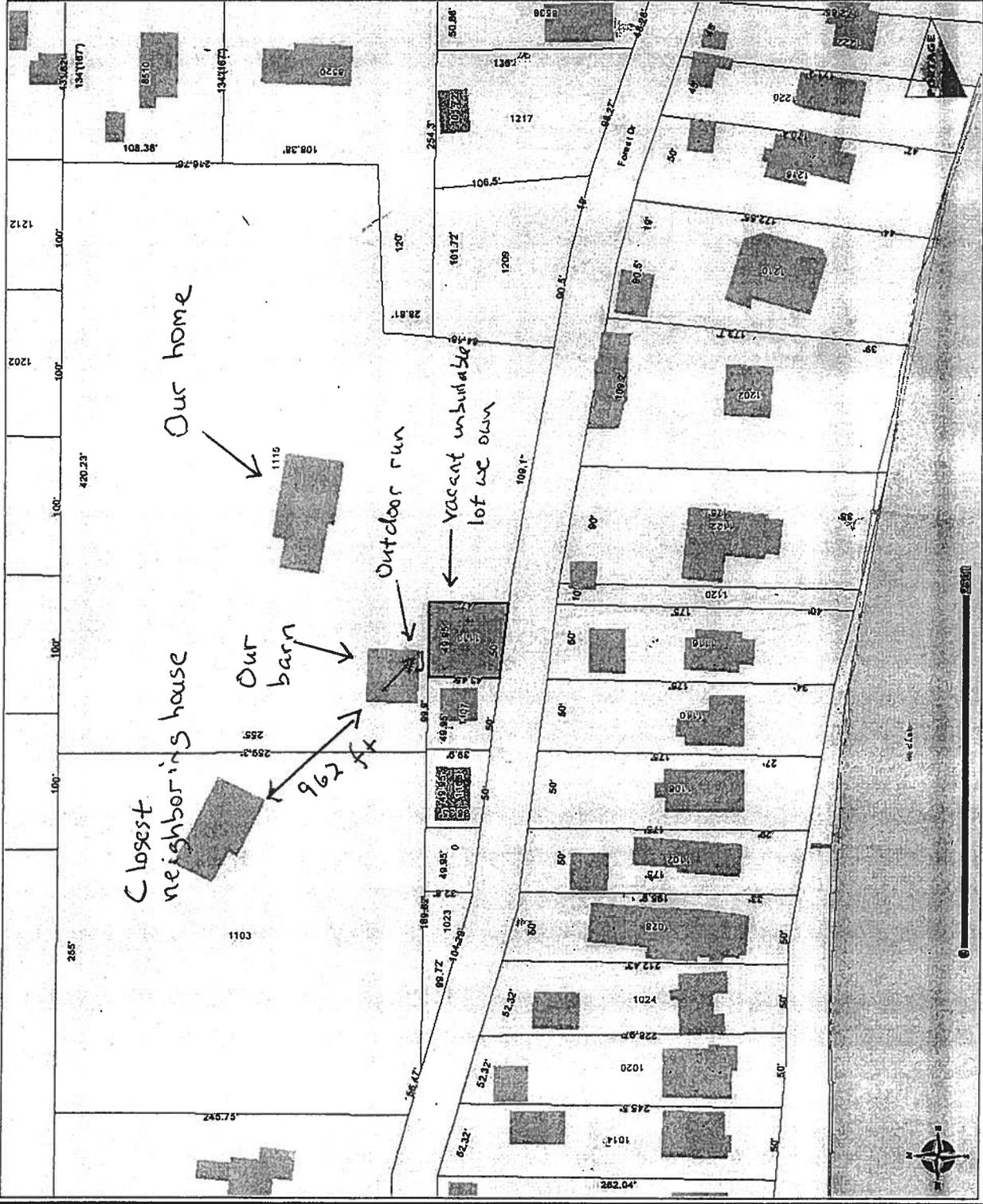
SURVEYOR'S CERTIFICATE TO FIRST FEDERAL OF MICHIGAN:

I hereby certify: that the parcel described hereon has been inspected and the improvements shown located under my supervision; that the dimensions shown are approximate only and should not be used to prepare descriptions or establish property lines.

Randy B. Ligman
Randy B. Ligman
P.O. No. 28413

1113 Forest Dr

- Selected Features**
- City Limits
 - Points of Interest
 - Airport
 - Cemetary
 - Court
 - Fire Station
 - Golf Course
 - Library
 - Municipal Facility
 - Park
 - Police
 - Post Office
 - School
 - Surface Water
 - Rivers
 - Lakes
 - Structures
 - Parcels
 - Lake Names
 - Parcel Dimensions
 - Parcel Addresses
 - Street Names



DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. Please contact City of Portage Assessors office (329-4433) for current property assessment information.

SOURCES: City of Portage; Portage Public Schools; Plansight LLC-May 2007 for Parcel Data; Aerial Imagery as noted in overlay; School boundaries are approximate and should be confirmed with the Portage Public



Subject Property

Forest Dr

WEST LAKE

**Aerial Photo
1115 Forest Drive**



1 inch = 80 feet

TO: Zoning Board of Appeals **DATE:** June 28, 2013
FROM: Vicki Georgeau, ^{jk} Director of Community Development
SUBJECT: ZBA #12-27; Fred Schubkegel, 1115 Forest Drive; R-1A and R-1B, One Family Residential.

CODE SECTION: 42-121(D); Keeping of Chickens as an Accessory Use, p. CD42:30-30.1

APPEAL: Requesting variances from: a) rear yard requirement for coop/pen; and b) maximum six-foot height and 80 square feet requirement for coop/pen.

STAFF RECOMMENDATION:

The applicant requests the above variances per the enclosed application, site sketch and letter of explanation. The 3.0 acre parcel is improved with an approximate 3,200 square foot, two-story single family residence and attached 576 square foot garage constructed in 1989 and an approximate 1,300 square detached barn that is believed to have been constructed in the 1940s. The property is zoned R-1A, one family residential (southern portion) and R-1B, one family residential (northern portion) and is surrounded by single family residential zoning and home sites. The applicant is requesting to keep up to six hen chickens within and adjacent to the existing detached garage (in the front yard of the site) and within a coop/pen that is eight-feet in height and a total of 112 square feet (where a maximum six-foot height and 80 square feet is permitted). As information for the Board, the applicant has been maintaining chickens at this location for the past several years and a complaint was received in regard to noise from a rooster, which was subsequently removed.

The applicant's property includes an approximate 150-foot long driveway from Forest Drive that leads to the two-story home and attached garage, which are situated in the middle portion of the 3.0 acre parcel. Along the west side of the driveway, approximately 60-feet from Forest Drive, is the detached barn where the chickens are currently housed. The chicken coop and a portion of the pen are located inside the detached barn, while an outdoor fenced pen (approximately 56 square feet) is situated along the south side of the barn. Trees and natural vegetation exist between Forest Drive and the outdoor fenced pen, and the applicant has installed a white lattice fence around the outdoor fence pen to provide additional screening.

According to the applicant, allowing the chicken coop/pen as proposed will permit use of the detached barn as originally intended: Previous owners used the barn to house farm animals including goats, horses and poultry. The applicant also states that utilizing the existing barn creates a more controlled situation for the keeping of chickens with a lower visual impact than requiring construction of new structure within the rear yard of the site. Finally, the applicant discusses the surrounding development pattern including the orientation of the lake lots located

along the south side of Forest Drive with the front of the houses oriented toward West Lake and the “back” yards and garages oriented toward Forest Drive.

Given the location of the detached barn, previous use and design of the barn to house farm animals, existing site conditions and surrounding residential development pattern, the variances are recommended for approval. While strict compliance with ordinance standards is possible, existing site conditions and surrounding properties create unique circumstances and practical difficulties. As proposed, the majority of the coop/pen will be situated inside the existing detached barn and the portion of the pen located outside will be screened from adjacent properties and Forest Drive. Approval of variances is recommended conditioned upon the applicant making formal application for a chicken permit as required pursuant to Section 42-121(D).

**PRACTICAL
DIFFICULTY:**

Existing site conditions (location of barn, design to house farm animals); existing screening between outdoor pen and Forest Drive; surrounding development pattern (distance and visibility from adjacent residences, orientation of lake lot homes on south side of Forest Drive). 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.**

ZONING BOARD OF APPEALS APPLICATION

RECEIVED

JUN 07 2013

FOR COMPLETION BY APPLICANT

Application Date 4-19-2013

Name of Applicant Ray Schneider COMMUNITY DEVELOPMENT
Print [Signature]
Signature

Applicant's Address 10719 Portage Road Phone No. 269-720-8131

Name of Property Owner (if different from Applicant) Laura Schneider

Address 10719 Portage Rd Phone No. 269-760-5260

Address of the Property that is the subject of this Application:
 Street Address 10719 Portage Road 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: _____

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 42 Section ~~121~~ 121 Paragraph B.1.(b)(3)
 Regarding: Use _____ Area _____ Yards _____
 Setbacks _____ Parking _____ Other _____

Reason for Request (Also complete page 2 of application): _____

____ **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>12-30</u>	Filing Date: <u>6/6/13</u>	Tentative Hearing Date: <u>7/8/13</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.)

See Attachment

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

See Attachment

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

See Attachment

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.)

See Attachment

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.)

See Attachment

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.)

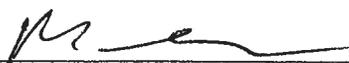
See Attachment

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.)

See Attachment

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

See Attachment


Signature of Applicant

6-6-13
Date

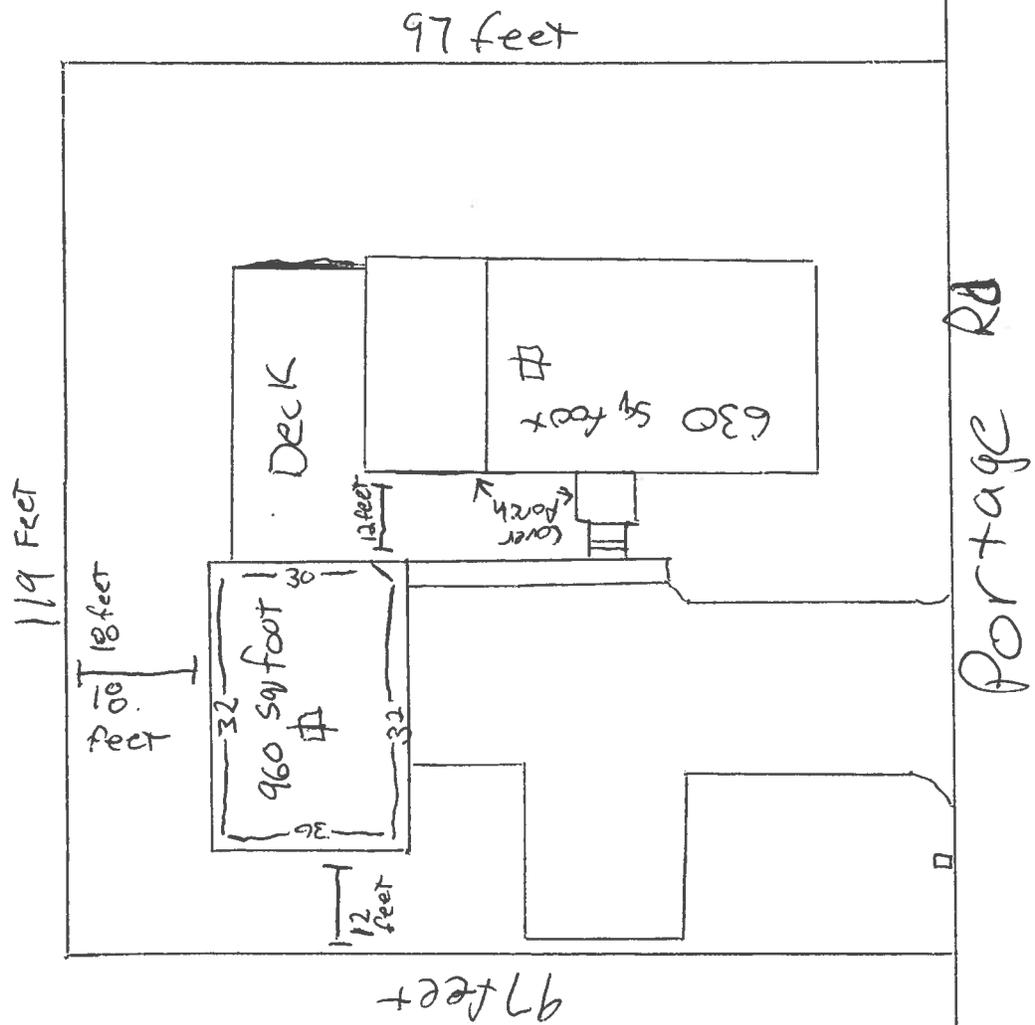
June 7, 2013

To: City of Portage Zoning Board

We are asking for a variance to build a 32x30 garage at 10719 Portage Road. Our garage has to be torn down before August 1st, 2013 or our insurance company will no longer insure our home, which was built in 1915 and the size of our home is substandard to today's city requirements which is why we have to ask for a variance to build a new garage. In our plans to build the new garage we meet all of the standards other than the size which falls back to the substandard size of our home. Within 200 feet of our home there are three houses that have garages the same size we are asking for or larger. Building this new garage would allow us to store our two cars, boat, Harley Davidson, bicycles, grill, two picnic tables, lawn mower, leaf blower, snow blower, all tools, jet skis, patio furniture and anything else that would keep us from having to store our things outside which in-turn prevents a eye soar for the neighbors. With this new garage we would be fulfilling t he spirit and intent of the zoning ordinance and it would bring our complete home up to the standards of the surrounding homes in our neighborhood.

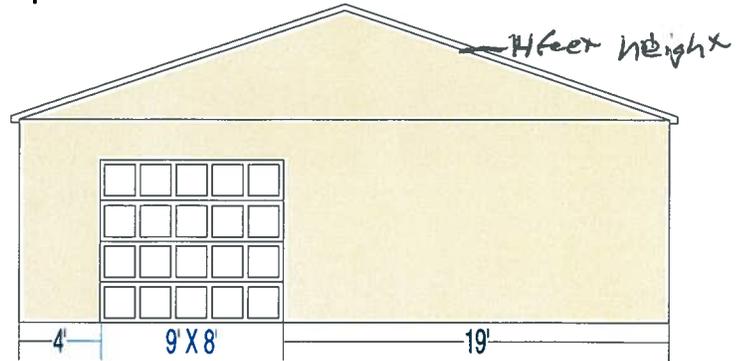
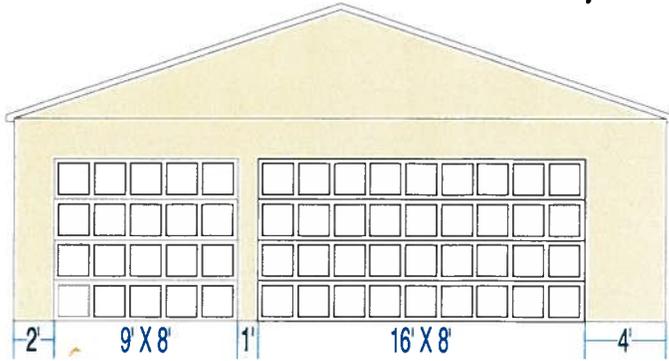
Sincerely,

Ray and Laura Schneider



*** Here are the wall configurations for your design.

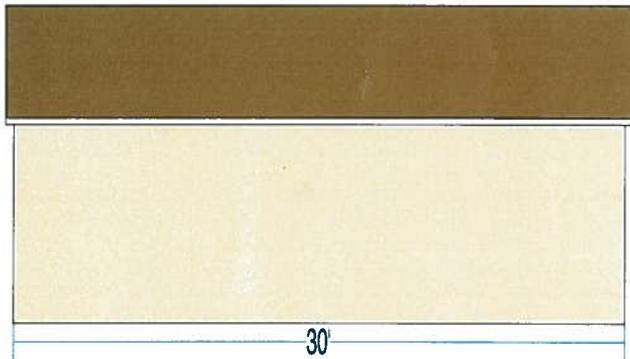
Illustration May Not Depict All Options Selected



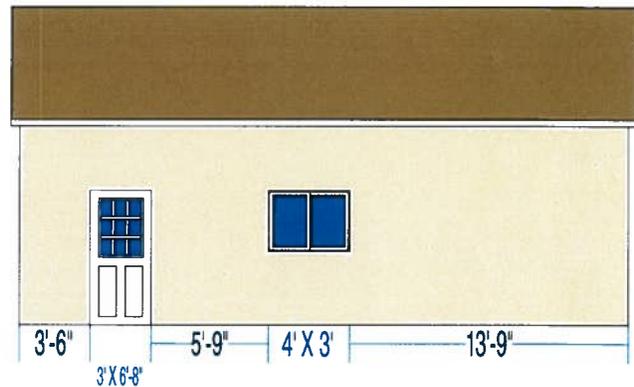
Gable Front View

- (1) - 9X8 WHITE INSUL RAISED PNLZSETTORSN M4SV
- (1) - WHITE PREM R/P MDP38 16X8 EZSET TORS

- (1) - 9X8 WHITE INSUL RAISED PNLZSETTORSN M4SV



Eave Front View



Eave Back View

- (1) - C-4 9-LITE TRAD 2-PNL PH 36X80 LH SB
- (1) - 48X36 VINYL SLIDER CLEAR GLASS

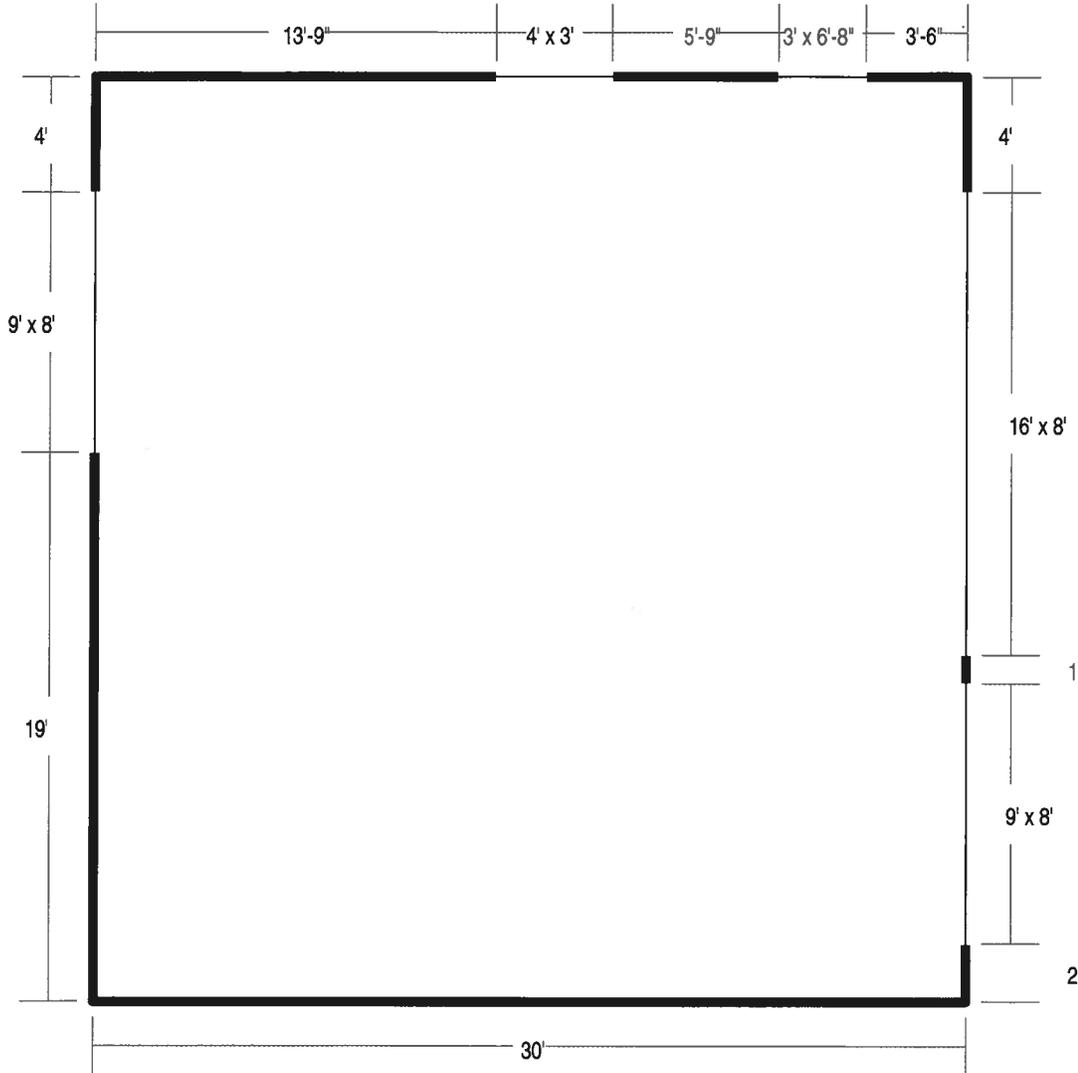
Building Size: 32 feet wide X 30 feet long X 10 feet high

Approximate Peak Height: 15 feet 8 inches (188 inches)

Menards provided material estimates are intended as a general construction aid and have been calculated using typical construction methods. Because of the wide variable in codes and site restrictions, all final plans and material lists must be verified with your local zoning office, architect and/or builder for building design and code compliance. Menards is a supplier of construction materials and does not assume liability for design, engineering or the completeness of any material lists provided. Underground electrical, phone and gas lines should be located and marked before your building plans are finalized. Remember to use safety equipment including dust masks and sight and hearing protection during construction to ensure a positive building experience.

*** Garage Floor Plan.

Illustration May Not Depict All Options Selected



Building Size: 32 feet wide X 30 feet long X 10 feet high

Note: Wall construction is 2x4 @ 16" on center

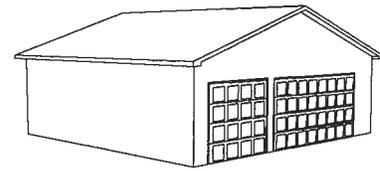
Items Selected:

Gable roof w/ 4/12 pitch, standard trusses 2' O.C.
 Truss Design Location Zip Code: 49002
 2x4 Wall Framing Material
 32' Wide X 30' Deep X 10' High
 Vinyl Dbl 4" Lap Siding
 - S. Stone
 1/2" OSB Wall Sheathing
 Nova Wrap
 12" gable/12" eave overhangs
 1/2" OSB Roof Sheathing
 Biltmore, Earthtone Cedar Shingles
 4' Shingleover Ridge Vent
 White Vinyl Soffit & Fascia
 White Premium Roof Edge
 White Vinyl Overhead Door Jamb

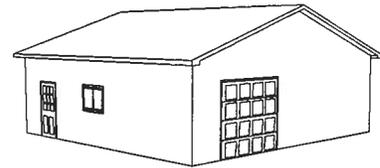
Options Selected:

The options you have selected are:
 15 LB Roof Felt
 1 - 16x8 Overhead Door - Premium RP MDP38 EZ Set
 2 - 9x8 Overhead Door - Insulated RP White
 1 - 36x80 Service Door - C4 9 Lite 2-Panel LS

Front View



Back View



Today's estimated base price: \$5,037.92

The base price includes: 0" Eave/0" Gable Overhangs, Framing Materials,
 7/16 OSB Roof Sheathing, 20 yr. Fiberglass Classic - Onyx
 Black Shingles, Pine Fascia, Galvanized Regular Roof Edge,
 8" Textured Vertical Hardboard Siding, No Service Doors,
 No Overhead Doors, No Windows, or Any Other Options.

Today's estimated price: \$9,119.70

If purchased today, you save: \$344.97

Monthly BIG Card payment: \$288.71

***** Take this sheet to the Building Materials counter to purchase your materials. *****

All information on this form, other than price, has been provided by guest and Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully. MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE, THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST. BECAUSE OF THE WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS.





TO: Zoning Board of Appeals **DATE:** June 28, 2013
FROM: Vicki Georgeau, Director of Community Development
SUBJECT: ZBA #12-30; Ray Schneider, 10719 Portage Road; R-1A, One Family Residential
CODE SECTION: 42-121(B)(1)(b)(1) and (3); Accessory buildings, p. CD42:28

APPEAL: Requesting variances to construct a 32-foot by 30-foot (960 square feet) detached accessory building that would result in the accessory building area exceeding: a) 20 percent of the required rear yard area by eight square feet; and b) the ground floor living area of the dwelling by 330 square feet.

STAFF RECOMMENDATION:

The applicant requests the above variances per the enclosed application, plot plan, building sketches and letter of explanation. The property is zoned R-1A, One Family Residential and is adjacent to residences to the north, west (across Portage Road), and south, and an undeveloped buildable lot owned by the applicant to the east. The 11,781 square foot lot (0.27 acres) is improved with a nonconforming 1,102 square-foot two-story dwelling, 592 square-foot detached garage (both constructed in 1915), and 225 square-foot pergola. The dwelling has two covered porches which total 192 square feet in area. The dwelling is nonconforming because it has 630 square feet of living area on the ground floor where a minimum 720 square feet is required, and a total 1,102 square feet of living area where 1,440 square feet is required.

The garage is dilapidated and the applicant will remove it along with the pergola and erect a new 30-foot by 32-foot detached accessory building no greater than 14 feet in height in approximately the same location. The area of the proposed accessory building would exceed 20 percent of the required rear yard area by eight square feet, and the ground floor area of the dwelling by 330 square feet.

While the dwelling is nonconforming with regard to size, conforming alternatives are available, such as constructing a smaller accessory building and/or increasing the amount of living area on the ground floor of the dwelling. The applicant could, for example, convert the side and rear enclosed porches to year-round living area and construct an accessory building up to 822 square feet in area.

The Zoning Code does permit accessory buildings to exceed the ground floor area of the dwelling on larger parcels (2 acres or more) after review and approval by the Planning Commission. However, in this case, the property is 0.27 acres in size and there may be an adverse impact on the residence to the north due to the building size increase. A 960 square-foot accessory building is not the minimum necessary to permit reasonable use of the property. For these reasons, approval is the variance is not recommended.

PRACTICAL DIFFICULTY: 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:

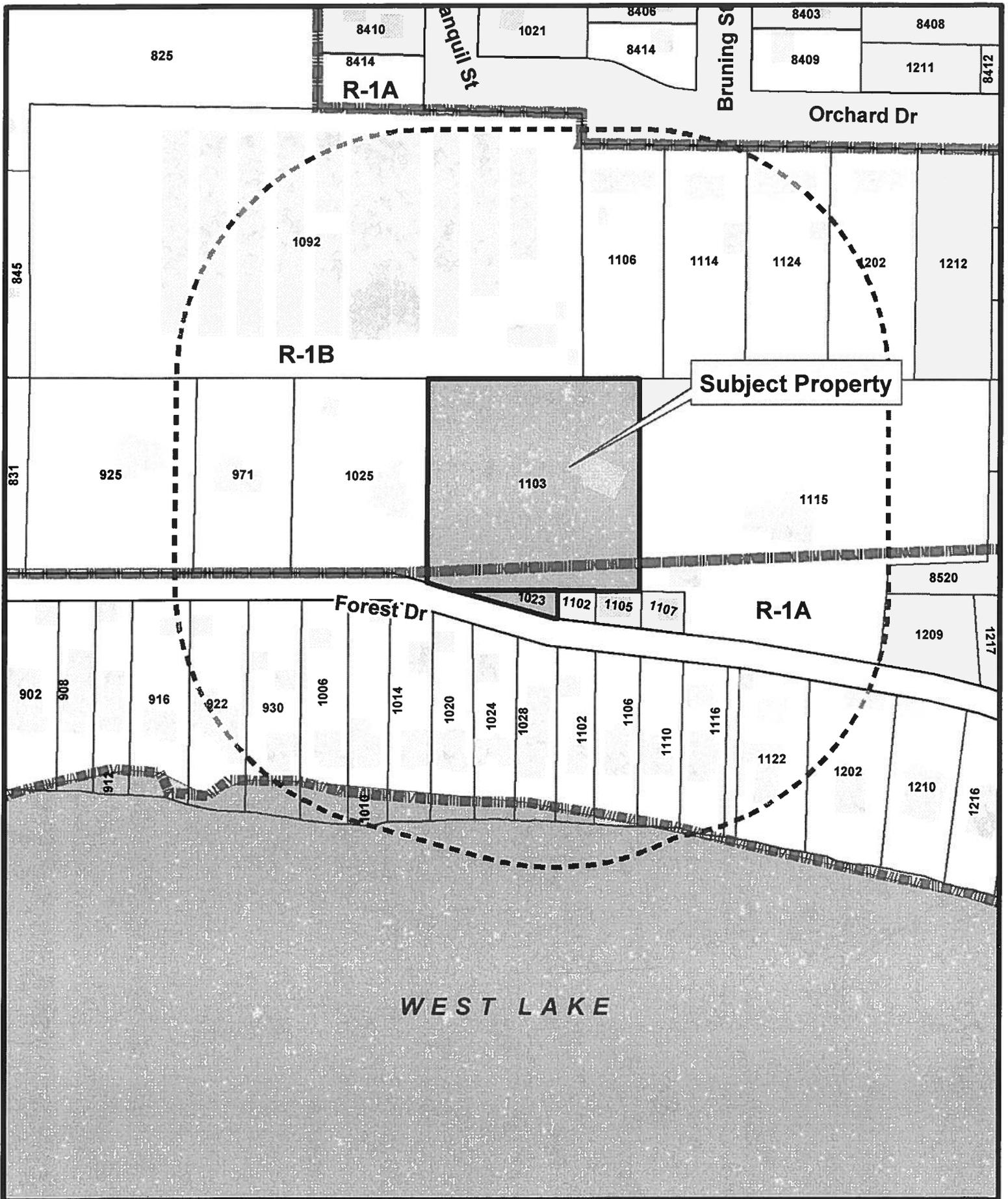
- 1a. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include _____;
- 2a. The variance is necessary for the preservation and enjoyment of a substantial property right, the right 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.**



-  Zoning Boundary
-  Subject Properties
-  Notification Area

ZBA 12-31
1103 & 1023 Forest Drive



1 inch = 150 feet



Due April 15th 12-10000 42
meet. May 13th
Department of Community Development

RECEIVED
JUN 12 2013
COMMUNITY DEVELOPMENT

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date June 11 ~~April 11th~~ 2013
Name of Applicant Peter Evans Print
Applicant's Address 1103 Forest Dr.
Name of Property Owner (if different from Applicant) _____
Address _____ Phone No. _____

[Signature] Signature
Phone No. 269 217-6044

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

Street Address 1103 Forest 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 42 Section 121 Paragraph _____
Regarding: Use _____ Area Yards _____
Setbacks _____ Parking _____ Other _____

Reason for Request (Also complete page 2 of application): _____

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>12-31</u>	Filing Date: <u>6/12</u>	Tentative Hearing Date: <u>7/8/13</u>
Previous Application Filed Regarding This Property: <u>NO</u>		

- 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.**

Property has no characteristics that would prevent compliance with Zoning Ordinance.

- 2. Are the physical characteristics you explained above unique and not shared by neighboring properties?**

No they are not unique or shared by neighboring properties.

- 3. Can the property be reasonably used for the uses permitted in the zoning district with granting the variance?**

Yes, but the size of the outbuilding determined by the Zoning Ordinance code (558 sq ft) does not allow for the desired building size of 24' x 30' (720 sq ft), due to the total square feet of the home on the property.

- 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 applicant as well as logical and just to other property owners in the area?**

The size of the outbuilding that is desired is of a reasonable size increase from the ordinance. Other property owners would not be greatly affected due to the outbuilding being located on a densely wooded lot.

- 5. Explain how the variance would not result in adverse affects on adjacent properties or alter the character of the area.**

Due to the lot being densely wooded the surrounding properties would not be hindered. In addition, the outbuilding will be sided with the same color vinyl siding and have a shingled roof, matching the existing home.

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JUN 12 2013
COMMUNITY DEVELOPMENT

- 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.**

The outbuilding would be used for personal storage of lawn equipment, Boating supplies, vehicles and outdoor tools. Therefore it would not create any increase in traffic, noise or other hazards to the area.

- 7. Is the reason for the request, the practical difficulty or the hardship created, due to an act of the applicant or due to the act by the previous property owner?**

No.

- 8. Explain how the variance would fulfill the spirit and intent of the Zoning Ordinance.**

The variance would fulfill the spirit of the Zoning Ordinance by; the requested increase square foot of the outbuilding is within reason and is also practical for the property owner. In addition, due to the lot size the increased size of the outbuilding will not affect the overall property appearance or impose any neighboring properties view of the landscape.

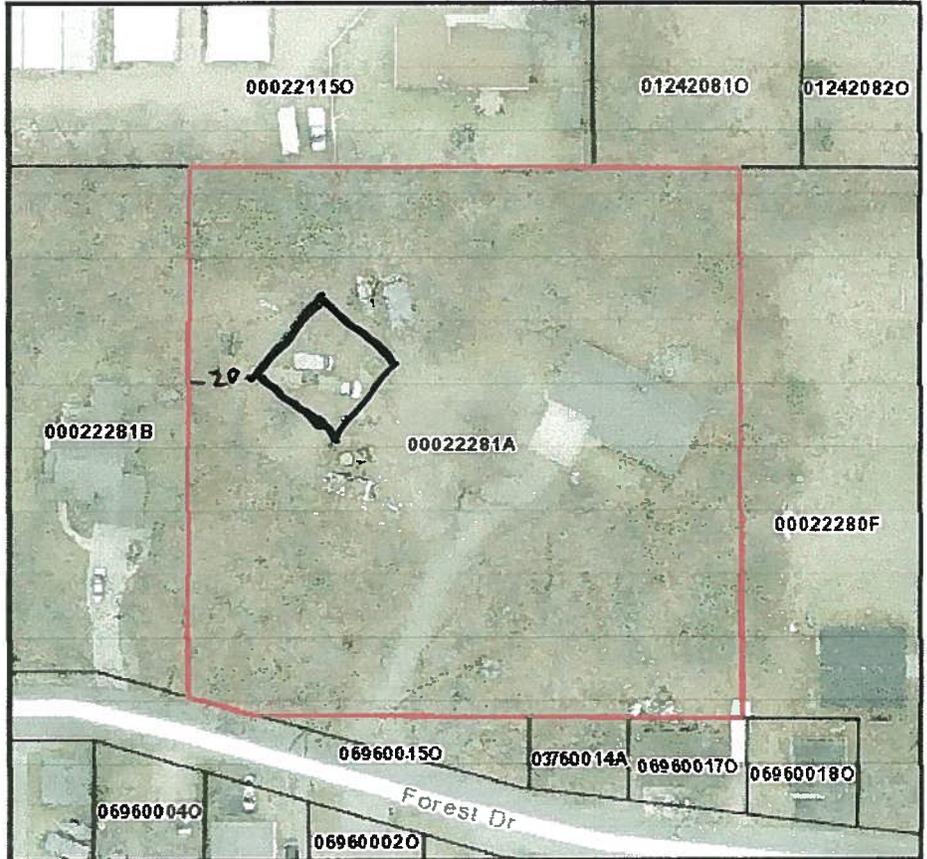


Property Address

1103 FOREST DR
 PORTAGE, MI 49002

Owner Address

EVERTS, PETER J
 1103 FOREST DR
 PORTAGE, MI 49002



General Information for Current Tax Year

Parcel Number: 00022281A
Property Class Name: Residential Improved
ECF Neighborhood: 4SF04
School District: Portage
State Equalized Value: \$90800
Taxable Value: \$58000
Exemption Percent: 100%

Land Information

Acreage: 1.17
Year Built: 1998
Total Floor Area: 1121 sq. ft
Lot Area (GIS): 65403 sq. ft

Legal Information

SECTION 22-3-11 COM C 1/4 POST SEC 22, TH E 486 FT TO P.O.B., TH S 245.75 FT TO N LI OF FOREST DR, TH S 72 DEG E 56.47 FT, TH E TO THE NE COR OF LOT 17 REIDS PLAT, TH N 255 FT, TH W TO P.O.B.

Disclaimer

These maps are intended to be used for generalized citywide planning and there are no warranties that accompany this product. City of Portage recommends that users of this product confirm the data used in production of this map by visual inspection of the geographic area. In no event shall City of Portage be liable to the user or any third party for errors, omissions or positional accuracy of this product, regardless of the form of claim or action, whether in contract or tort, including negligence, in the amount that exceeds the sum paid by the user for the product. City of Portage reserves all rights of authorship granted under U.S. and International copyright laws and agreements.

TO: Zoning Board of Appeals **DATE:** June 28, 2013

FROM: Vicki Georgeau,  Director of Community Development

SUBJECT: ZBA #12-31; Peter Everts, 1103/1023 Forest Drive; R-1B, One Family Residential/R-1A, One Family Residential

CODE SECTION: 42-121(B)(1)(b)(3); Accessory buildings, p. CD42:28

APPEAL: Requesting a variance to construct a 24-foot by 30-foot (720 square feet) detached accessory building that would result in the combined accessory building area exceeding the ground floor living area of the dwelling by 164 square feet.

STAFF RECOMMENDATION:

The applicant requests the above variance per the enclosed application, plot plan, building sketch and letter of explanation. The property consists of two parcels addressed as 1103 and 1023 Forest Drive that are highlighted on the enclosed vicinity map and aerial photograph. The majority of the property is zoned R-1B, One Family Residential with exception of the very southern portion which is zoned R-1A, One Family Residential. The 1.2 acre property is improved with a 1,121 square-foot dwelling a 563 square-foot attached garage and 320 square-foot covered porch. The adjacent property is also zoned for one family residential and occupied by residential uses with the exception of the property to the north, which is occupied by a greenhouse operation.

The applicant proposes to construct a 24-foot by 30-foot detached accessory building 20 feet from the west property line. The area of the proposed building, when combined with the attached garage would exceed the dwelling's ground floor living area by 164 square feet. As additional information, the applicant has noted that the proposed building will be located within a heavily wooded area of the parcel and would be designed to match the dwelling. Further, the proposed building setback (20-feet proposed where a three-foot minimum setback is required), orientation of the building (the corner of the building is placed nearest to the adjacent property) and size of the parcel would mitigate potential negative impacts associated with the proposed building.

Conforming alternatives are available, such as constructing a smaller accessory building and/or increasing the amount of living area on the ground floor of the dwelling. However, the relatively larger size of the parcel, proposed location and orientation of the building would minimize impacts on adjacent neighbors. If the Board finds a practical difficulty exists, it is recommended the variance be approved conditioned upon retention of the existing trees and vegetation along the west property line.

PRACTICAL DIFFICULTY:

Size of parcel and location of building within wooded area of parcel noted by applicant. 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.**