

## CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – April 8, 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. One person was in the audience.

**MEMBERS PRESENT:** Bob Soltis, Lowell Seyburn, Timothy Bunch, Doug Rhodus, James White, Michael Robbe, Mariana Singer, Jeff Bright, and Glenn Smith.

**MEMBERS EXCUSED:**

None

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

**APPROVAL OF THE MINUTES:** Singer moved and Schimmel seconded a motion to approve the February 11, 2013 minutes as submitted. Upon voice vote, motion was approved 7-0.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**ZBA #12-23, 6685 South Westnedge Avenue:** Mr. Mais summarized the request for a Temporary Use Permit to allow an additional 36-foot by 72-foot area for plant sales in the parking lot at 6685 South Westnedge Avenue from April 9 through June 30, 2013, and from April 1 through June 30<sup>th</sup> annually thereafter. Brian Gibson was present on behalf of Home Depot to answer questions. Bright inquired what type of goods they would be selling in the parking lot. Mr. Gibson stated live plants. Bunch inquired if any structures were proposed. Mr. Mais stated the code prohibited any capital improvements for temporary uses. Mr. Gibson stated the only structure would be the fence around the sales/display area.

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 Singer to approve a Temporary Use Permit to allow an additional 36-foot by 72-foot area for plant sales in the parking lot at 6685 South Westnedge Avenue from April 9 through June 30, 2013, and from April 1 through June 30<sup>th</sup> annually thereafter, with the following conditions: 1) no other outdoor display/storage be permitted outside of the proposed Temporary use areas unless a business special event permit is obtained; 2) hours of operation coincide with regular store operations; 3) no outdoor storage of bagged goods, pallets of pavers, landscape block and rack storage; 4) the permit be subject to staff review and approval on an annual basis. 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, Robbe-Yes, Singer-Yes Smith-Yes, Rhodus-Yes, Seyburn-Yes. Motion passed 7-0.

**OTHER BUSINESS:**

Elections for officer vacancies were held. Jeffrey Bright was elected Vice Chair and Marianna Singer was elected Secretary.

**STATEMENT OF CITIZENS:**

None

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 7:22 p.m.

Respectfully submitted,

Jeff Mais  
Zoning & Codes Administrator