

CITY OF PORTAGE ZONING BOARD OF APPEALS

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