



ZONING BOARD OF APPEALS

November 10, 2014

CITY OF PORTAGE ZONING BOARD OF APPEALS

Monday, November 10, 2014

(7:00 pm)

Portage City Hall

Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

- * October 13, 2014 meeting

OLD BUSINESS:

- * 1. ZBA #14-1 Adela Strautkalns, 6800 and 6820 Lovers Lane: Requesting: a) a variance to expand a nonconforming single family residential use at 6820 Lovers Lane by constructing a 192 square-foot building addition (12 feet by 16 feet long) along the southwest corner of the house; and b) a variance from the conflicting land use screening requirements between Lovers Lane Storage & U-Haul business (6800 Lovers Lane) and the nonconforming single family residence (6820 Lovers Lane).
- * 2. ZBA #14-4 David Schram, 710 East Osterhout Avenue: Requesting a variance to construct an 18.5-foot high accessory building where a maximum 14-foot height is permitted.
- * 3. ZBA #14-9 Janine Chicoine, 3620 East Shore Drive: Requesting variances to construct a 24-foot by 24-foot attached garage: a) 20 feet from the front property line where a minimum 27-foot front setback is required; and b) three feet from the side property line where a minimum five-foot side setback is required; c) exceed the maximum permitted building lot coverage by 201 square feet; and d) construct a second story addition three feet from the side property lines where a minimum five-foot side yard setback is required.

NEW BUSINESS:

- * 4. ZBA #14-12 Doris Perry, 4232 Stratford Drive: Requesting variance to permit an attached garage three feet from the (west) side property line and 38 feet from the (south) rear property line where minimum eight-foot side yard and 40-foot rear yard setbacks are required.
- * 5. ZBA #14-13 Austin Brancheau, 4129 Long Lake Drive: Requesting a variance to permit a 64 square-foot accessory building six inches from the (south) side property line where a minimum 10 foot side yard setback is required.

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 – October 13, 2014

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

MEMBERS PRESENT: Michael Robbe, Doug Rhodus, Glenn Smith, Phillip Schaefer, Jeffrey Bright, Lowell Seyburn, and Randall Schau

MEMBERS EXCUSED: A motion was made by Robbe, seconded by Schaeffer to excuse Chadwick Learned and Timothy Bunch. Upon voice vote motion passed 7-0.

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

APPROVAL OF THE MINUTES: Robbe moved and Smith seconded a motion to approve the September 8, 2014 minutes as submitted. Upon voice vote, motion was approved 7-0.

NEW BUSINESS:

ZBA #14-01, 6800 and 6820 Lovers Lane: Mais summarized the request for a) a variance to expand a nonconforming single family residential use at 6820 Lovers Lane by constructing a 192 square-foot building addition (12 feet by 16 feet long) along the southwest corner of the house; and b) a variance from the conflicting land use screening requirements between Lovers Lane Storage & U-Haul business (6800 Lovers Lane) and the nonconforming single family residence (6820 Lovers Lane). Adela Strautkalns was present to answer questions. Seyburn inquired who lived at 6820 Lovers Lane. Ms. Strautkalns stated she and her son. Seyburn inquired if her son was involved in the business. Ms. Strautkalns replied no. Bright noted the applicant could simply use a storage unit next door if she needed storage space. Ms. Strautkalns stated she did not want to lose business income. Schau inquired what the proposed storage space would be used for. Ms. Strautkalns replied storing household items. Seyburn noted business activities were taking place at both 6800 and 6820 Lovers Lane and inquired if the two properties could be considered one zoning lot. Mais stated the home office was being treated as an Active Home Occupation and the use issue would be handled by the Planning Commission and that it was the applicant who indicated the proposed storage room was intended for personal and not business use. Schau and Smith noted the applicant had not presented a practical difficulty. Robbe noted an additional garage stall or detached accessory building could be built without a variance and inquired if staff could consider the storage room as part of a garage addition. Mais stated the garage and storage areas were separate rooms with no connection. Robbe suggested if the rooms were connected the Board could grant an interpretation that the storage area was part of a garage addition and would not require a variance. Mais stated the applicant had not proposed a connection and the item was already noticed as a variance request, not an interpretation.

A public hearing was opened. No one spoke for or against the request. The public hearing was closed.

Schau stated he did not see how it would be furthering the public good to not allow an attached storage room with a connection to the garage when a detached storage room in the same general area is allowable. A motion was made by Seyburn, seconded by Robbe to deny a variance to expand a nonconforming single family residential use at 6820 Lovers Lane by constructing a 192 square-foot building addition (12 feet by 16 feet long) along the southwest corner of the house, as the applicant has not demonstrated a practical difficulty. 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. Lastly, this denial does not preclude the applicant from proposing a connection between the garage and storage room and may seek an interpretation at the November 10, 2014 meeting that such an addition is considered a garage addition not requiring a variance. Upon roll call vote: Smith-Yes, Schaeffer-Yes, Seyburn-Yes, Bright-Yes, Schau-Yes, Robbe-Yes, Rhodus-Yes. The motion passed 7-0.

A motion was made by Seyburn, seconded by Schau to postpone final action on ZBA#14-01 to give the applicant an opportunity to prepare an interpretation request for the storage room, provide new public

notice, and have both ZBA application items heard at the November 10, 2014 meeting. Upon roll call vote: Smith-Yes, Schaeffer-Yes, Seyburn-Yes, Bright-Yes, Schau-Yes, Robbe-Yes, Rhodus-Yes. The motion passed 7-0.

ZBA #14-07, Gaspare Matranga, 2804 East Shore Drive: Mais summarized the variance request to construct a 21-foot by 24-foot garage addition which would extend to within 19 feet of the front property line where a minimum 27-foot front setback is required. Mr. Matranga stated his existing driveway has a steep slope which was very unsafe, especially during winter months and that he needed more storage space. Mr. Matranga noted a neighbor received a variance for a garage addition about a year ago, and that there are a number of houses along East Shore Drive that were closer to the street than what he proposed. Bright agreed that the applicant did have a steep driveway. Schau noted if the applicant needed more storage space they could build 13 feet closer to the street without a variance. Robbe noted the applicant could construct a 33-foot by 24-foot side entry garage, but would be limited to two stalls.

A public hearing was opened. No one spoke for or against the requests. The public hearing was closed.

A motion was made by Schau, seconded by Robbe, to deny the variance request to construct a 21-foot by 24-foot garage addition which would extend to within 19 feet of the front property line where a minimum 27-foot front setback is required, as 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 construct a side entry garage addition in a conforming location. 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: Smith-Yes, Schaeffer-Yes, Seyburn-Yes, Bright-No, Schau-Yes, Robbe-Yes, Rhodus-Yes. The motion passed 6-1.

ZBA #14-08, Joseph Richardson, 2618 East Shore Drive: Mais summarized the requests for: a) a variance to replace existing deck stairs and landings located three feet from the east property line and two feet from the west property line where a minimum five-foot side yard setback is required; and b) a variance to permit an existing dwelling and attached garage that exceed the maximum permitted lot coverage by 128 square feet. Mr. Richardson was present to answer questions. Schau requested clarification on the deck setback variance. Mais stated the variance was needed for the stairways and landings and not the deck itself.

A public hearing was opened. A letter of support from Joyce and Charlie Wiles, 2628 East Shore Drive was read. No one spoke for or against the requests. The public hearing was closed.

A motion was made by Seyburn, seconded by Schau to grant: a) a variance to replace existing deck stairs and landings located three feet from the east property line and two feet from the west property line where a minimum five-foot side yard setback is required; and b) a variance to permit an existing dwelling and attached garage that exceed the maximum permitted lot coverage by 128 square feet. There are exceptional circumstances which include the narrow lot width, the change in elevation from front to rear yard that requires stairs for access, the immediate practical difficulty was not caused by the applicant as the house was built 37 years ago and to require the applicant at this point to remove part of the dwelling would create a hardship, the variance will not be detrimental to the surrounding neighborhood, and will not impair the intent and purpose of the Zoning Ordinance. Upon roll call vote: Smith-Yes, Schaeffer-Yes, Seyburn-Yes, Bright-Yes, Schau-Yes, Robbe-Yes, Rhodus-Yes. The motion passed 7-0.

ZBA #14-09, Janine Chicoine, 3620 East Shore Drive: The applicant requested the item be postponed until the November 10, 2014 meeting. A motion was made by Robbe, seconded by Schaeffer to postpone the item until the November 10, 2014 meeting. Upon voice vote motion passed 7-0.

ZBA #14-10; Thomas Rogers, 775 and 801 East Centre Avenue: Mais summarized the requested variances from a) the conflicting land use screening requirements along the east property line adjacent to 809 East Centre Avenue and b) a variance to defer installation of the conflicting land use screening along the west property line adjacent to 743 East Centre Avenue where abutting a residentially zoned property until a future office use is developed on the western portion of the zoning lot. Mr. Rogers explained the site plan was approved for 801 East Centre and that the only improvement proposed on 775 East Centre Avenue was a portion of the future shared access driveway. Mr. Rogers stated neither neighbor to the west or east at this time wanted additional screening. Schau inquired if the property at 801 East Centre was occupied. The applicant responded no. Smith inquired why the neighbors to the west did not want additional screening. Mr. Rogers stated they thought additional screening would interfere with the visibility of oncoming traffic on East Centre Avenue. Bright stated he thought the zoning change and the transitional character of the area was a practical difficulty in this case.

A public hearing was opened. No one spoke for or against the request. The public hearing was closed.

A motion was made by Smith, seconded by Robbe to grant variances from a) the conflicting land use screening requirements along the east property line adjacent to 809 East Centre Avenue and b) a variance to defer installation of the conflicting land use screening along the west property line adjacent to 743 East Centre Avenue where abutting a residentially zoned property until a future office use is developed on the western portion of the zoning lot. There are exceptional circumstances which include the narrow lot width; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to use the property in a manner consistent with the current zoning which is similar to that possessed by other properties in the same zoning district in the vicinity, the immediate practical difficulty was not caused by the applicant; the variance will not be detrimental to the surrounding neighborhood, and will not impair the intent and purpose of the Zoning Ordinance. . Upon roll call vote: Smith-Yes, Schaeffer-Yes, Seyburn-Yes, Bright-Yes, Schau-Yes, Robbe-Yes, Rhodus-Yes. The motion passed 7-0.

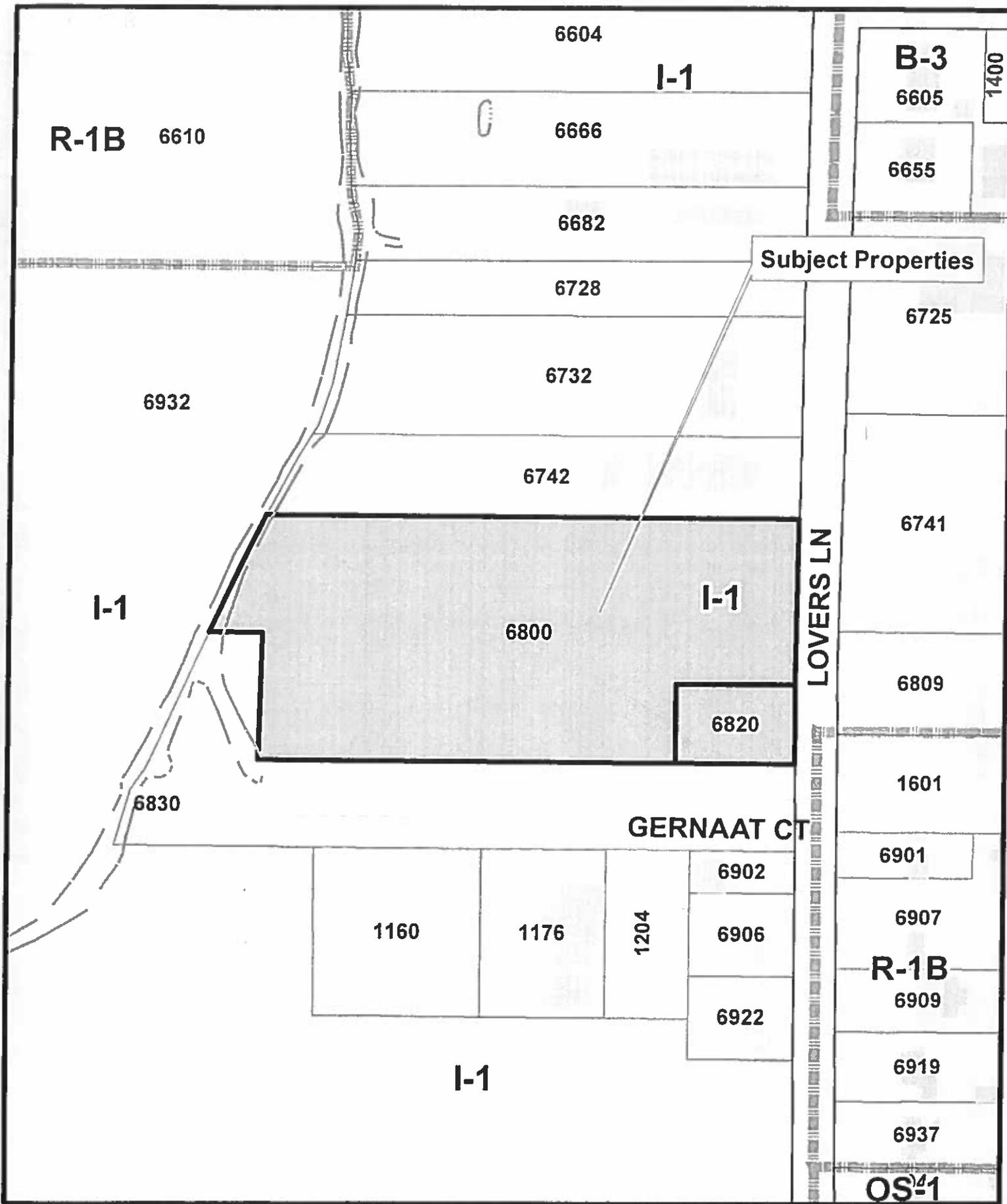
OTHER BUSINESS: None.

STATEMENT OF CITIZENS: None.

ADJOURNMENT: There being no further business, the meeting was adjourned at 9:02 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator

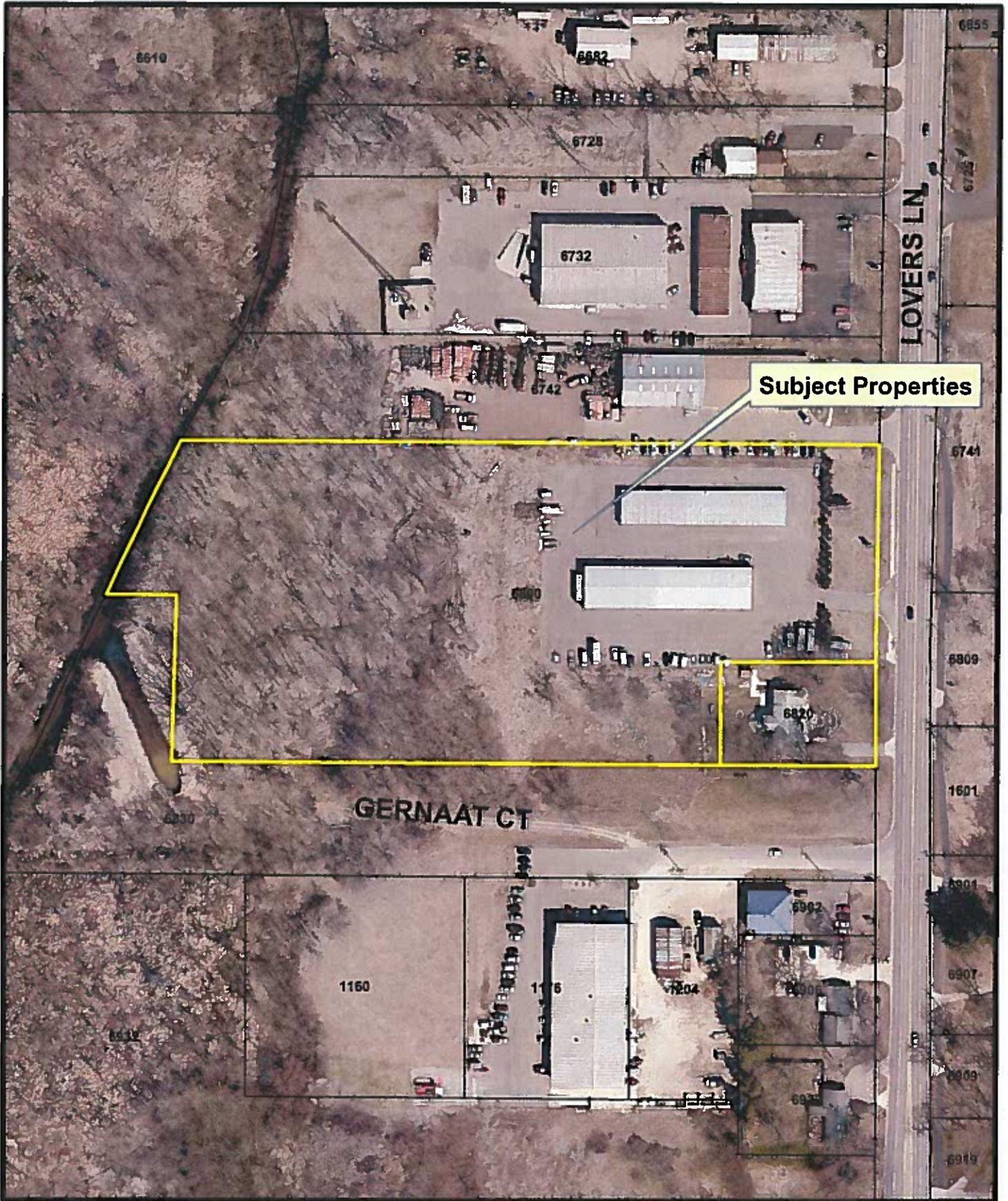


ZBA 14-01
6820 Lovers Lane

 Zoning Boundary
 Subject Properties



1 inch = 200 feet





Department of Community Development

RECEIVED

OCT 20 2014

ZONING BOARD OF APPEALS APPLICATION

COMMUNITY DEVELOPMENT

FOR COMPLETION BY APPLICANT

Application Date Adela
Name of Applicant Adela Strautkalns
Applicant's Address 6820 LOVERS LANE
Name of Property Owner (if different from Applicant) SAME
Address Phone No.

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

Street Address
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: owner

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 Section 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:

X Interpretation of the Zoning Ordinance: Article 42 Section 622 Paragraph C

Reason for Request:

A Temporary Permit for: Building Use Other Approval

Article Section Paragraph

Reason for Request: Seeking interpretation that propose storage room garage addition not needing a variance.

FOR STAFF USE

Table with 3 columns: Application Number, Filing Date, Tentative Hearing Date (11/10/14) and a row for 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.)

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

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

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.)

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.)

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.)

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.)

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

Adrian Stankus
Signature of Applicant

10-20-14
Date



ZONING BOARD OF APPEALS APPLICATION

RECEIVED SEP 8 5 2014 COMMUNITY DEVELOPMENT

FOR COMPLETION BY APPLICANT

Application Date 09-05-14
Name of Applicant Adela Strautkalis
Applicant's Address 6820 LOVERS LANE
Name of Property Owner (if different from Applicant)
Address
Phone No.

Address of the Property that is the subject of this Application:
Street Address 6800 LOVERS LANE 6820 LOVERS LANE
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: owner of residence at 6820 Lovers Lane and Self Storage / U-Haul business at 6800 Lovers Lane
Application Fee (Residential Uses) (All Other Uses)

Type of Appeal (Please check one of the following bold choices and provide the requested information):
[X] Variance from Zoning Ordinance: Article 42 Section 133 Paragraph C
Regarding: Use Area Yards
Setbacks Parking Other

Reason for Request (Also complete page 2 of application): Nonconforming uses - construct 192 sf addition to southwest side of existing residence

[X] Appeal of Administrative Decision: Article 42 Section 533 Paragraph C
Reason for Request: Conflicting land use screening - between 6820 and 6800 Lovers Lane

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

Table with 3 columns: Application Number, Filing Date, Tentative Hearing Date. Row 2: 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.)

N/A

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

N/A

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. With the screening provided the operation of the business is optimized. This two properties are adjacent and have one owner.

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.)

There will be a fence screening the back view of the house. This will not have any impact on other properties in the area. Same for the addition (no impact on other properties)

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.)

There is no reason for what this variance will have an adverse effect on adjacent properties. The storage units property is adjacent to the house (6820 Lower Lane) and they both will benefit.

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.)

This variance will not create noise or traffic congestion since the rental of storage units and UHAU rentals do not fall in this category. (addition the same)

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. This request is to create a better operation for the storage units and UHAU rentals.

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

This variance will allow this house to be "active home occupant" which is for the benefit the residents of the city of Portage by allowing people to operate a business from home.

Adella Struthals
Signature of Applicant

09-05-14
Date

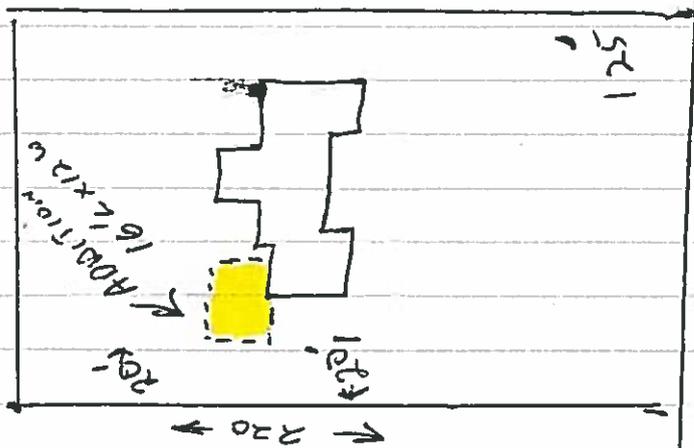
RECEIVED

JUL 14 2014

COMMUNITY DEVELOPMENT

N
S
3
3

CL HALL
STORAGE



Proposed
ADDITION 5' x 5'
20' from property line

LAND
ADDITION

UP
LAND

LOWERS LANE

GARAGE CT

100'

125'

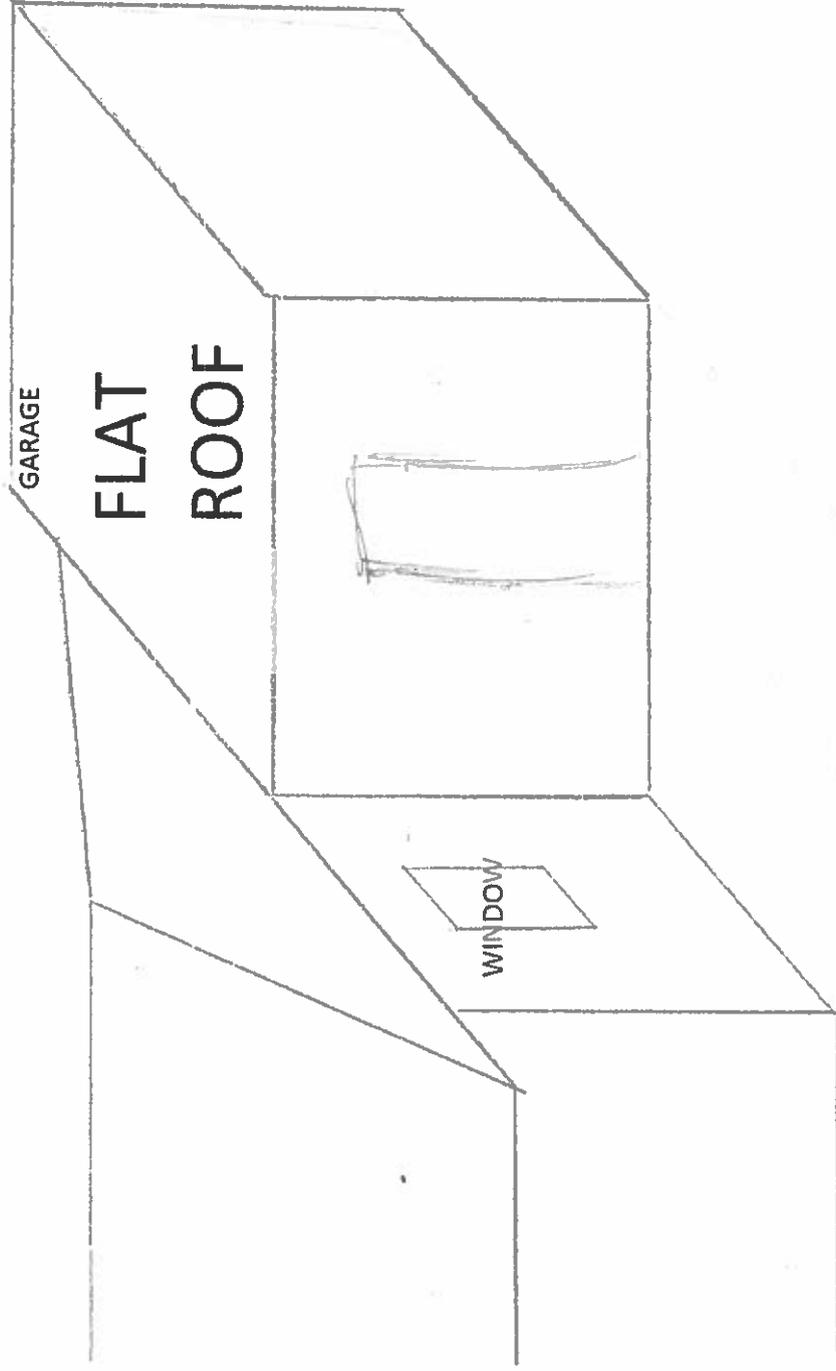
220'

50'

ADDITION
16' x 12'6"

10'

6820 LOVERS LANE, PORTAGE MI



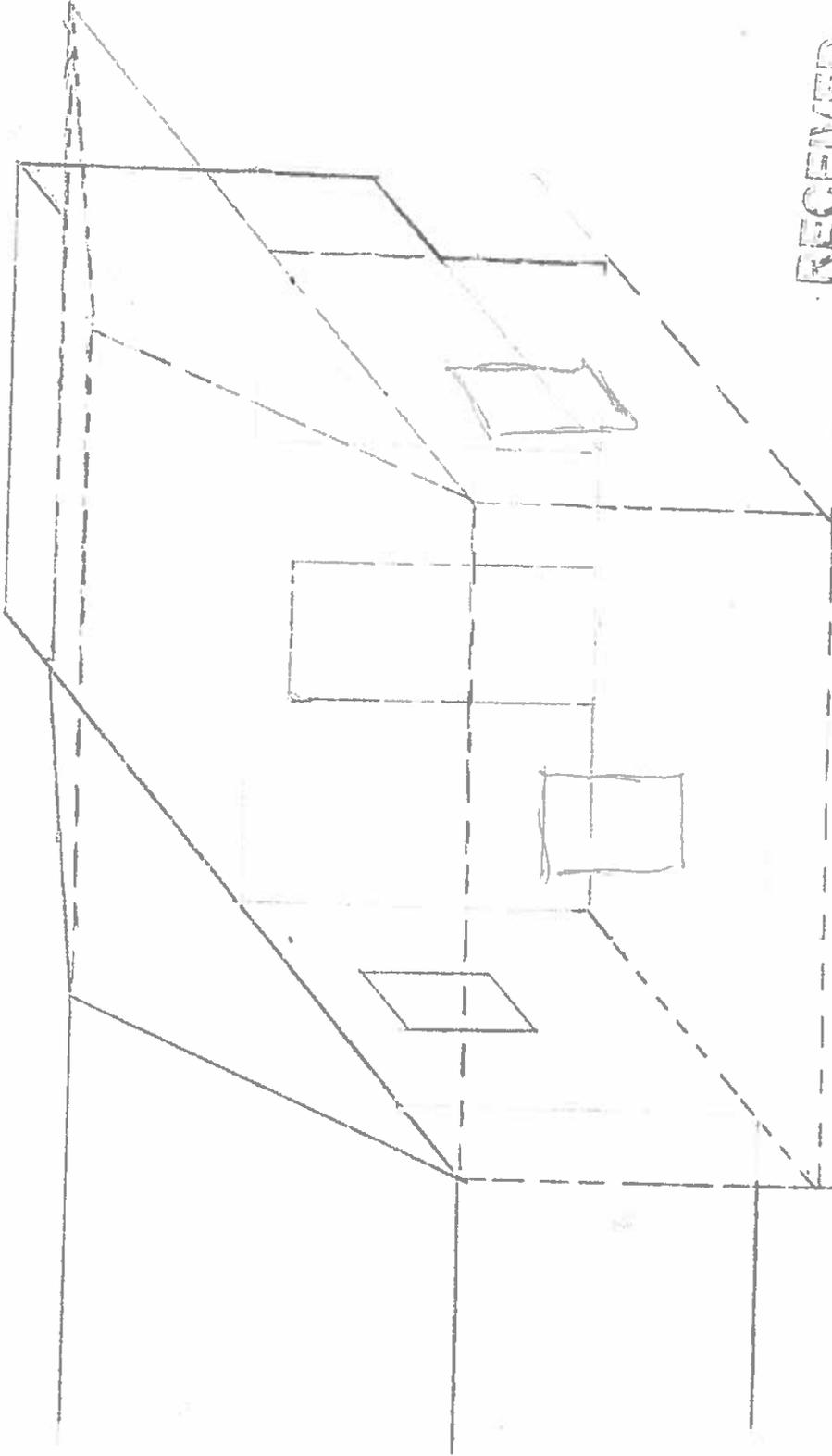
RECEIVED

OCT 20 2014

COMMUNITY DEVELOPMENT

View of the southwest corner were the addition is proposed

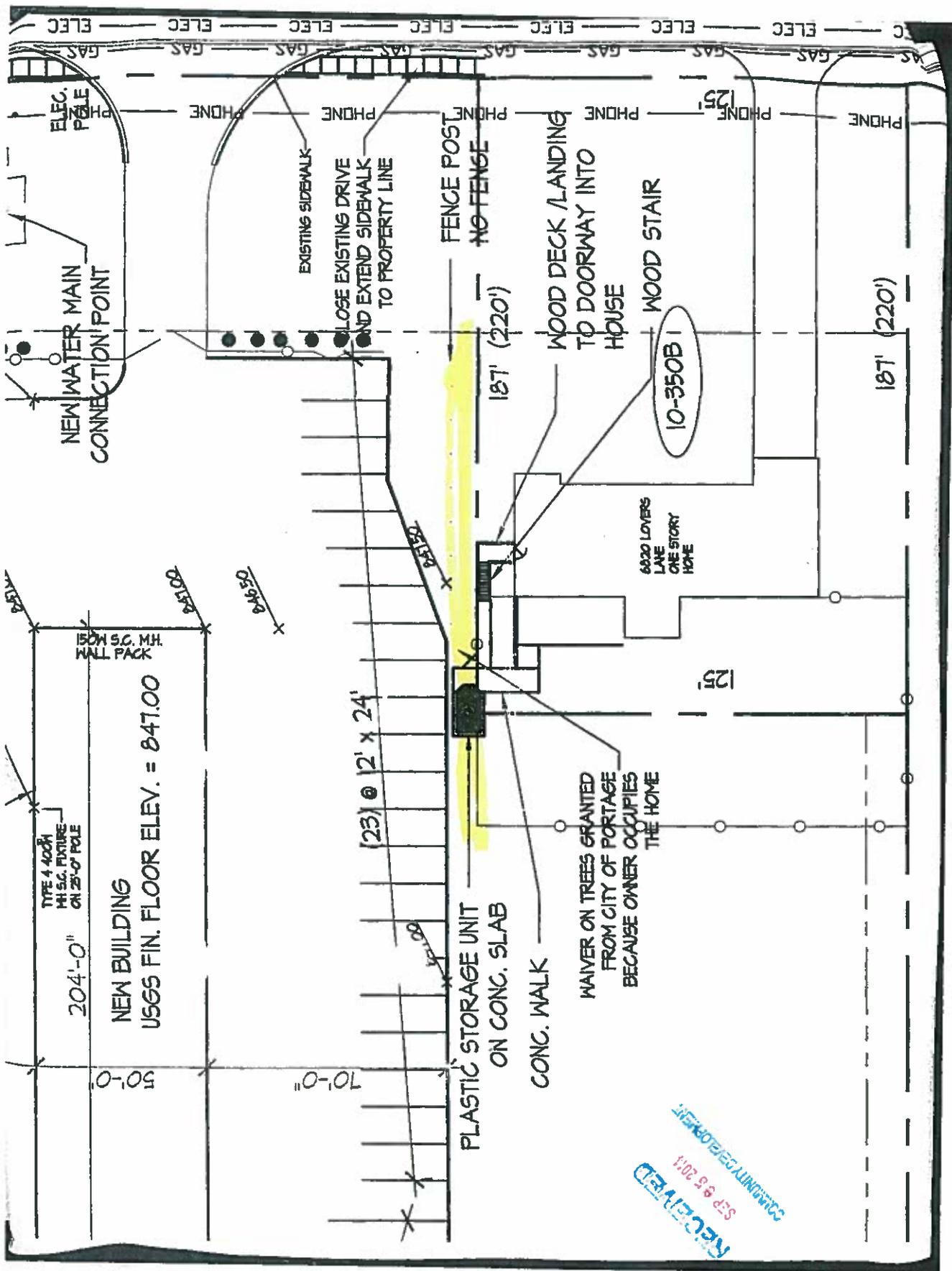
SOUTHWEST CORNER 6820 LOVERS LANE "FINAL VIEW"



RECEIVED

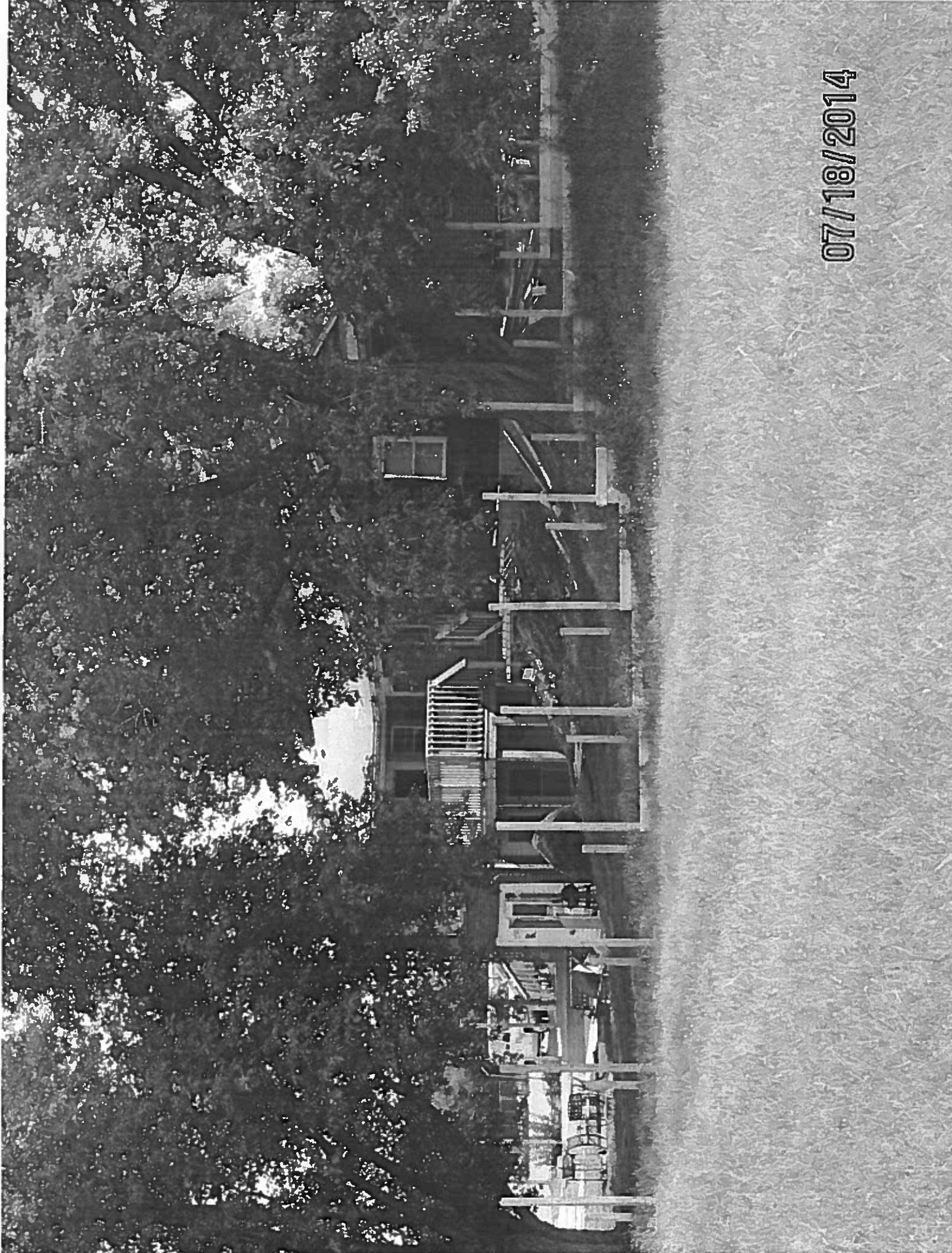
OCT 20 2014

COMMUNITY DEVELOPMENT

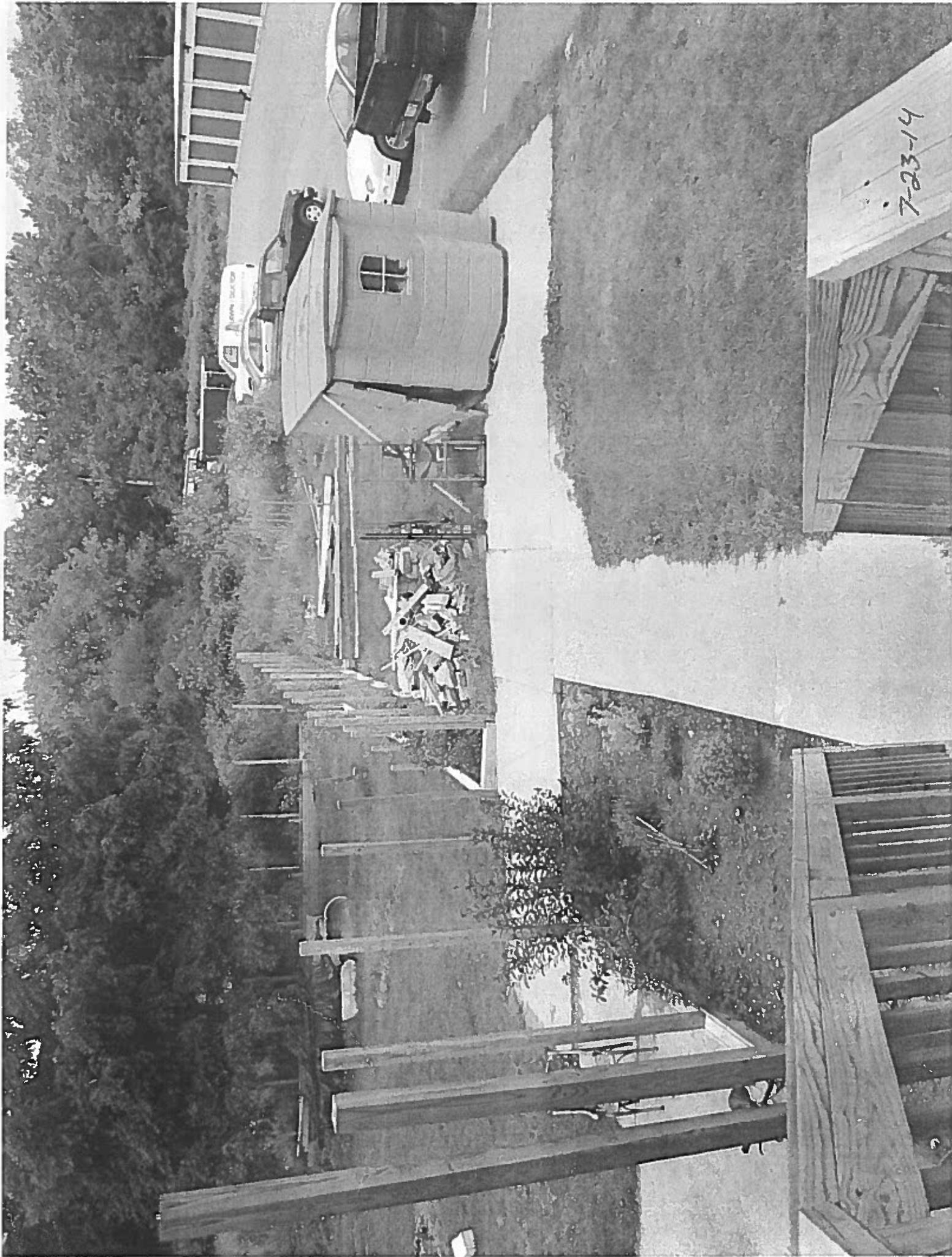


RECEIVED
 SEP 25 2014
 COMMUNITY DEVELOPMENT
 DEPARTMENT





07/18/2014

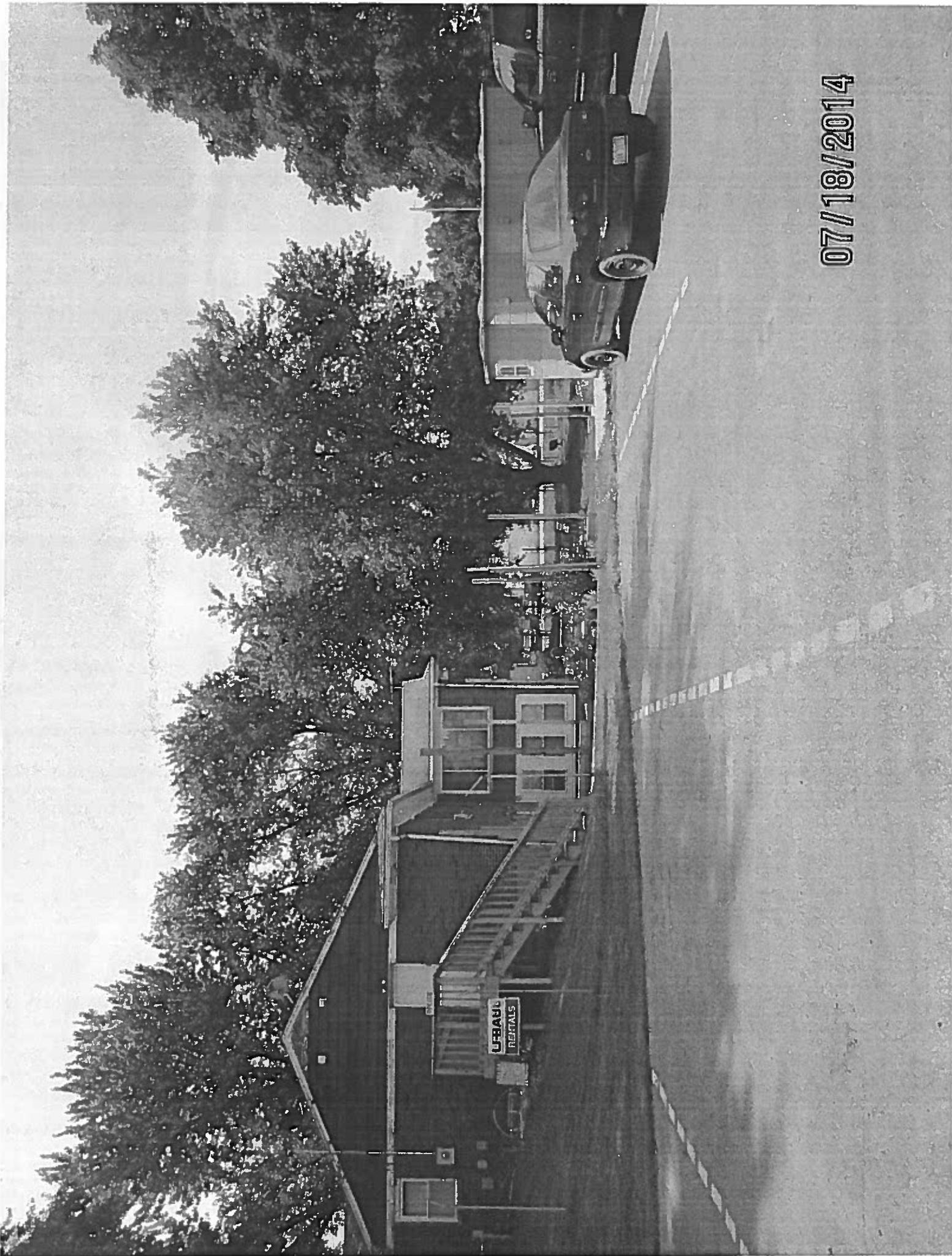


7-23-14

7-23-14



HAUL



07/18/2014

TO: Zoning Board of Appeals **DATE:** October 31, 2014
FROM: Vicki Georgeau, ¹⁶Director of Community Development
SUBJECT: ZBA #14-1; Adela Strautkalns, 6820 and 6800 Lovers Lane, I-1, Light Industrial District
CODE SECTION: 42-622(C); Interpretations, p. CD42:140.2
42-573(C); Conflicting land use screening, p. CD42:134

APPEAL: Requesting: a) an interpretation that a non-heated 192 square-foot storage room addition with a connecting entrance attached to the back of the garage at 6820 Lovers Lane is considered a garage addition; and b) a variance from the conflicting land use screening requirements between the Lovers Lane Storage & U-Haul business (6800 Lovers Lane) and the nonconforming single family residence (6820 Lovers Lane).

STAFF RECOMMENDATION:

The applicant requests the above requests per the enclosed applications, site plans and related materials. The property located at 6820 Lovers Lane is 0.63 acres in size and improved with a 2,102 square foot single family dwelling with a walkout basement and 514 square foot attached garage constructed in 1962. The residential use of the house is nonconforming as the property is zoned I-1, Light Industrial. The property located at 6800 Lovers Lane is 6.33 acres in size, zoned I-1 and is occupied by two self-storage buildings and associated site improvements constructed in 2002 and 2008, respectively. As information for the Board, the applicant owns both properties and resides in the nonconforming dwelling. Additionally, the applicant now maintains an office for the self-storage/U-Haul business in a former bedroom located at the northwest corner of the dwelling. As additional information, after the 2008 expansion project, a door and stairs providing exterior access to this office area for employees and customers were installed without review, approval and issuance of permits by the city. For Board information, staff is working with the applicant regarding permit issuance and inspections involving the improvements. The applicant will also request an Active Home Occupation Permit from the Planning Commission to operate a small office for the storage facility/U-Haul business from the adjacent residence.

With regard to request a) the applicant has revised their original plans to include an entry way connecting the storage area to the attached garage and now seeks an interpretation that the non-heated 192 square-foot addition with a connecting entrance attached to the back of the garage at 6820 Lovers Lane is considered part of a garage addition (and does not require a variance). It is noted a detached storage building or additional garage stall could be constructed without a

ZBA #14-1
6820 and 6800 Lovers Lane

variance. The proposed addition is unheated space that is connected directly to the garage and is similar enough in character and function to be considered part of the garage. Consequently, staff can recommend a favorable interpretation.

In regard to the conflicting land use screening variance request, in September 2003 the Board approved a variance along the west property line and approved a double row of evergreen trees or a six-foot opaque fence beginning at the northwest corner of the residential property and extending 86 feet east to a point parallel to the northeast corner of the dwelling. The applicant was not required to install screening from the northeast corner of the building to the east property line. With the first phase of the storage facility (8,000 square foot building), the applicant installed a six-foot tall screening fence as required. Following construction of the second phase (10,200 square foot building) in 2008/2009, the screening fence was removed without staff knowledge. Since the applicant owns both 6800 and 6820 Lovers Lane and is operating an office for the Lovers Lane Storage & U-Haul business from the dwelling, the applicant requests a variance from the screening requirement between the two properties.

Although not entirely consistent with ordinance requirements but meeting the intent, the applicant has indicated a six-foot tall screening fence will be installed on the 6820 Lovers Lane parcel from the northwest corner of the residence to the western property line to screen the rear yard area. The applicant has indicated that a portion of the fence between the northwest corner of the dwelling and walkway/gate to the storage facility will be lattice to accommodate climbing plants. Given the elevation difference between the ground level along the north property line from the northwest corner of the dwelling to the Lovers Lane right-of-way and the location of the primary living area in the dwelling, a six-foot high screening fence would not be effective (refer to the attached photograph). The intent of the conflicting land use screening requirements is to buffer residences from more intensive, non-residential land uses. The fact that the applicant lives in the adjacent nonconforming dwelling and desires to maintain a small office to operate the storage facility and U-Haul businesses creates unique circumstances and practical difficulties for the applicant with regard to the installation of a physical/visual barrier. For the reasons noted above, approval of the variance can be recommended.

**PRACTICAL
DIFFICULTY:**

Concerning variance b) elevation difference between the location of the screening fence and primary living area of the dwelling; live/work arrangement. See Suggested Motion form.

S:\2014-2015 Department Files\Board Files\Zoning Board\14-1, 6820 Lovers Lane\2014 10 03 VG ZBA 14-1, 6820 and 6800 Lovers Lane (staff rpt) doc

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:

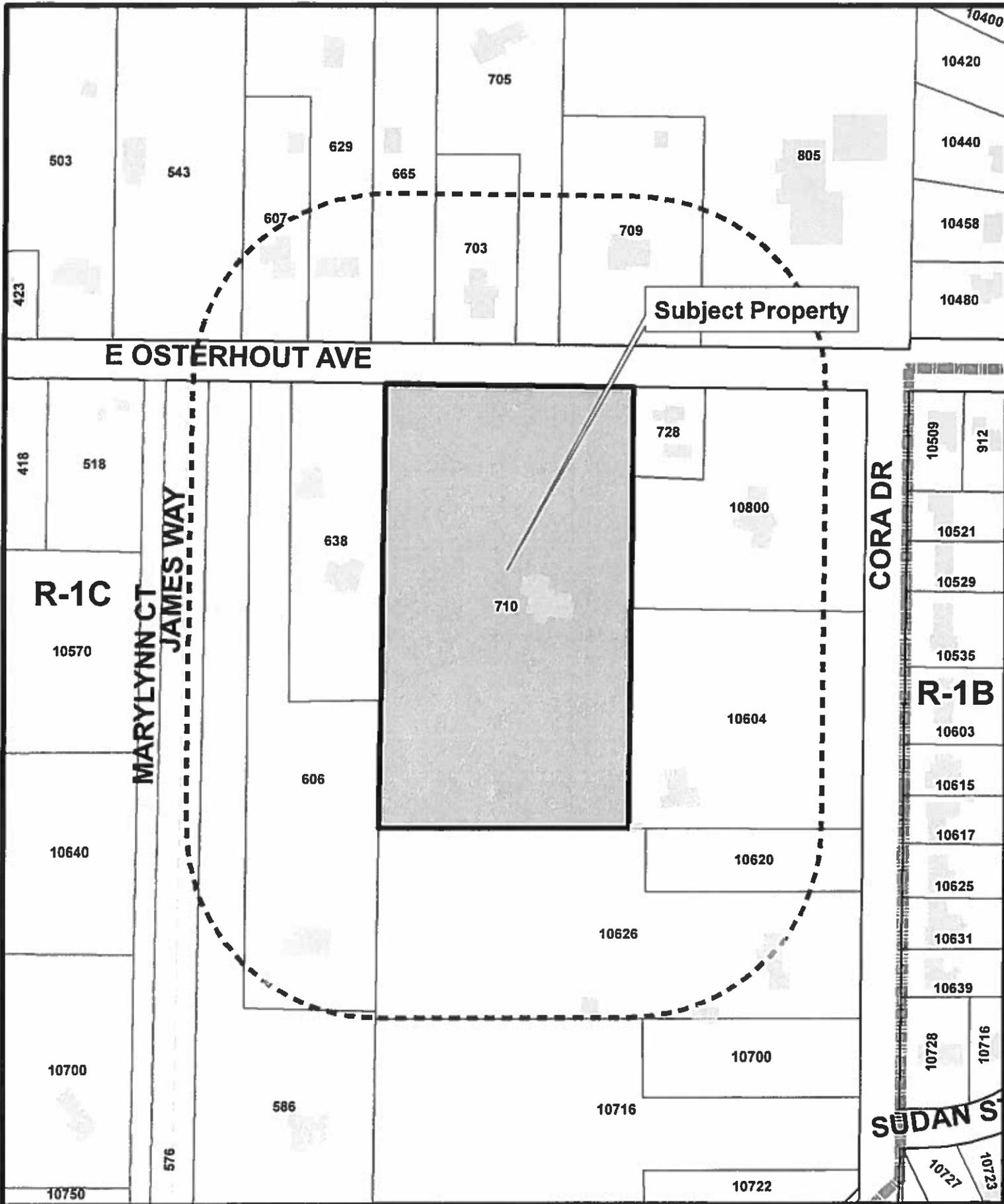
- 1a. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include _____;
- 2a. The variance is necessary for the preservation and enjoyment of a substantial property right, the right 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 14-04
710 East Osterhout Avenue


 1 inch = 200 feet



 Subject Properties

Aerial Photography 710 East Osterhout Avenue



1 inch = 101 feet

13-10000028



Department of Community Development

RECEIVED

AUG 11 2014

ZONING BOARD OF APPEALS APPLICATION COMMUNITY DEVELOPMENT

FOR COMPLETION BY APPLICANT

Application Date 8/11/14
Name of Applicant David Schram
Applicant's Address 710 E Osterhout Ave
Name of Property Owner (if different from Applicant)
Address
Phone No. 269-327-9848
cell No 269-365-3351

Address of the Property that is the subject of this Application:
Street Address 710 E Osterhout Ave
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):

X Variance from Zoning Ordinance: Article Section 42-12 Paragraph B-1(a)
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

Table with 3 columns: Application Number (14-04), Filing Date (8/11/14), Tentative Hearing Date (9/8/14). Row 2: 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 attached

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

see attached

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 attached

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 attached

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

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.)

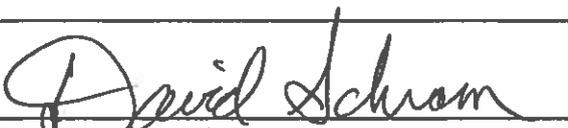
see attached

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.)

see attached

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

see attached


Signature of Applicant


Date

RECEIVED

OCT 15 2014

COMMUNITY DEVELOPMENT

David Schram
710 E Osterhout
Portage, MI 49002

RE: PERSONAL STORAGE BUILDING VARIANCE

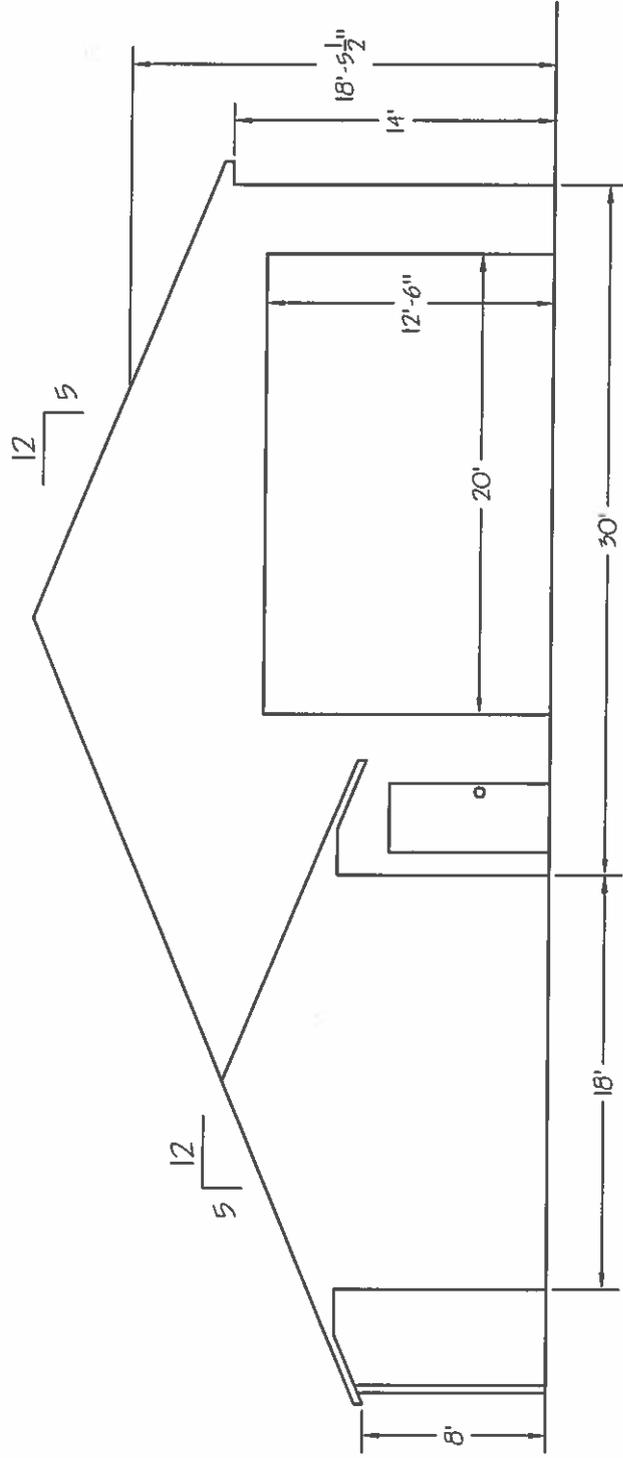
I am requesting a variance to build a detached accessory building (barn) exceeding the maximum height allowed by ordinance for personal storage on my property near my home at 710 E Osterhout. Principally, this barn will be used for camper storage, though I intend to build it large enough to accommodate my pickup truck and snow plow, garden tractor, outdoor tools, etc. as well. The main overhead door needs to be at least twelve and a half feet high and twenty feet wide in order to comfortably and safely maneuver my camper in and out. When the track and structure needed to support and operate the door are taken into account, the building is nearly at the maximum height allowed by the city code, without accounting for the roof. I feel the most aesthetic and functional roof pitch for my barn would be 6/12 - to match the architecture and style of my home and to effectively shed leaves, debris and snow.

Since the Zoning Board of Appeals meeting on September 8 when my first proposal was tabled for re-design, I have reduced the height of the building by lowering the proposed pitch from 6/12 to 5/12 and removing the clerestory. These compromises resulted in a reduction in height of the building from the originally proposed 20 feet, to 18 feet, 5.5 inches.

The physical characteristics of the barn are not unique to the area. The neighbor directly to the west has a similar building of similar height and in a similar location relative to his home. Additionally, several properties on the north side of Osterhout have accessory barns as well. As stated before, there is no other realistic way to protect a camper of the size I am buying from the elements, falling tree debris, etc. on my heavily wooded property. The variance I am requesting is based on the desire to keep my barn as architecturally similar to my house as possible and prevent excessive leaf and snow accumulation while providing the storage space I require. It is in the interest of the property owners in the area for all new construction to be attractive, well built, and long lasting. I believe by using similar geometry and quality roofing and siding materials, I will achieve this result.

The closest neighbor's home is about 170 feet away from the proposed building (distances to adjacent properties are shown on the attached schematic site plan) and it will be screened from view by all neighbors and from the street by a mature stand of trees. I believe the construction of a barn will in no way increase traffic, noise or have any other detrimental effect on the surrounding properties.

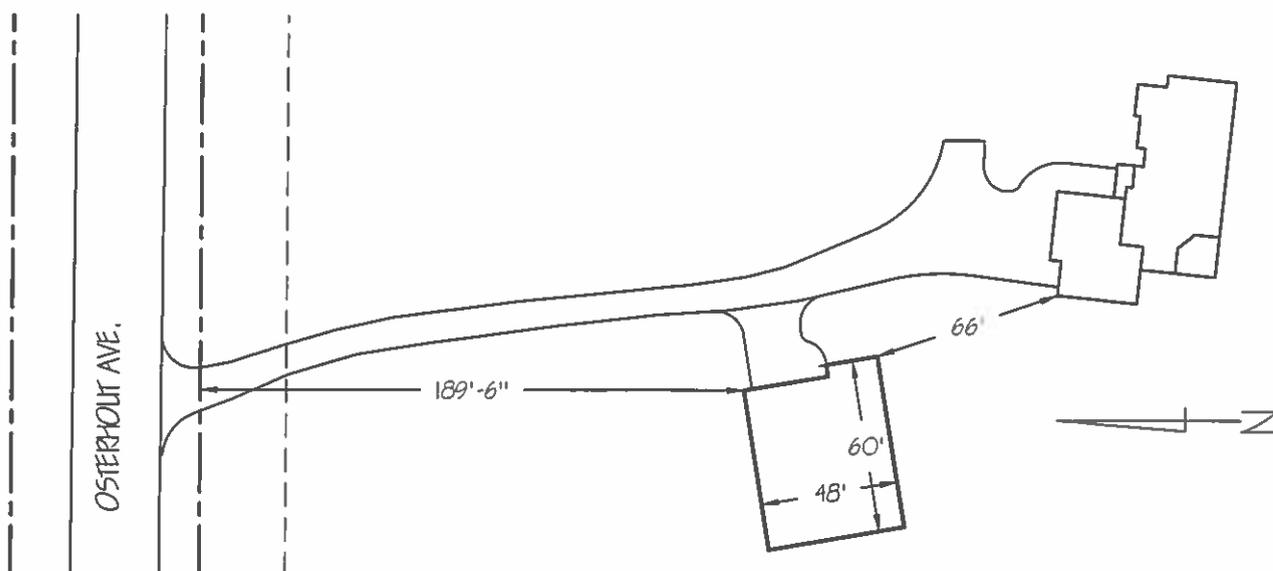
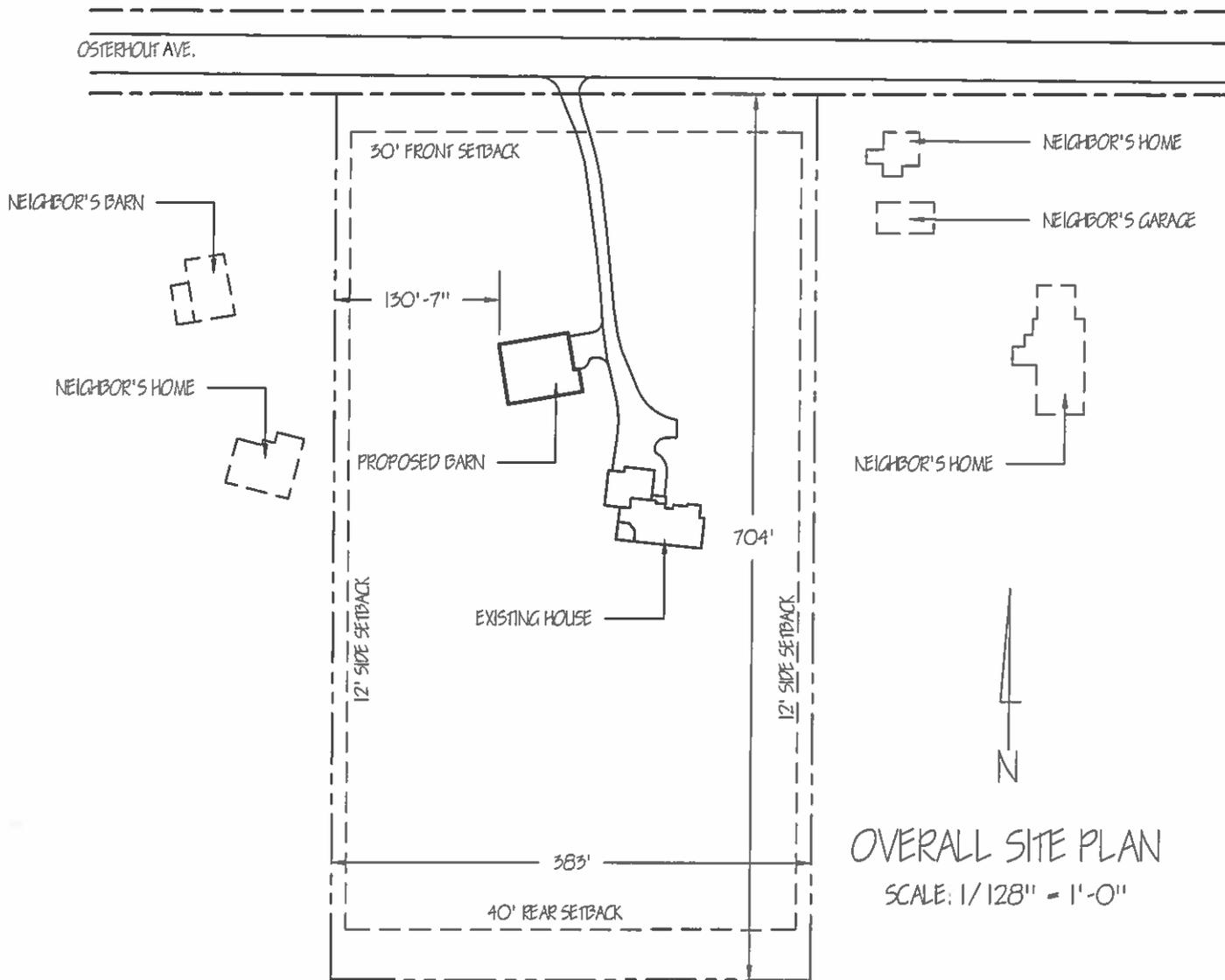
I believe this structure will obey the spirit of the zoning ordinance, despite the variance since the purpose of the particular rule in question is meant to protect surrounding homeowners from the construction of excessively large or unattractive structures close to their homes. I am planning on building a very nice looking barn that matches the look of my home at a significant distance from surrounding properties. This distance combined with the forest that screens my home and the proposed barn location from view effectively prevent the negative effects this rule is intended to prevent.



NEW BARN FOR DAVE SCHRAM - FRONT ELEVATION

710 E OSTERHOUT
 PORTAGE, MI 49002

SCALE: 1/8" = 1'-0"



NEW BARN FOR DAVE SCHRAM - SCHEMATIC BARN LOCATION

710 E OSTERHOUT
PORTAGE, MI 49002

SCALE: 1/64" = 1'-0"

Dave Schram has explained to me why he wants to build a barn on his property and has made clear to me the intended uses and proposed location of the structure. I have also seen conceptual sketches of the structure and approve of the design intent they reflect. It is my belief this structure will in no way negatively impact the value of my home or property, and I have no interest in contesting his request for a variance regarding the height of the structure.

- (1) Mark Frederick, 638 E Osterhout (W)
- (2) Robert Shane, 728 E Osterhout (E)
- (3) Tim Carlisle, 10800 Cora Dr. (E)
- (4) Gary Lewis, 10604 Cora Dr. (E)
- (5) Bill & Theresa Newberry, 607 E Osterhout (NW)
- (6) Clifford Wheeler, 629 E Osterhout (N)
- (7) Mark Gerard, 703 E Osterhout (N)
- (8) Harold & Laura Betz, 705 E Osterhout (N)
- (9) Donald Osterhout, 709 E Osterhout (N)

RECEIVED

AUG 13 2014

COMMUNITY DEVELOPMENT

Signature

Date

(1) Mark Frederick 8-11-14

(2) Robert M. Shane 8-11-14

(3) Tim Carlisle 8-12-14

(4) Gary Lewis 8-11-14

(5) Bill Newberry 8-12-14

(6) Vacant - For Sale

(7) M D Shane 8-11-14

(8) Harold C. Betz 8-11-14

(9) Donald Osterhout 8-11-14



Department of Community Development

TO: Zoning Board of Appeals **DATE:** October 31, 2014
FROM: Vicki Georgeau, ^{VG} Director of Community Development
SUBJECT: ZBA #14-4; David Schram, 710 East Osterhout Avenue, R-1C, One Family Residential
CODE SECTION: 42-121(B)(1)(a); Accessory Buildings, p. CD42:28

APPEAL: Requesting a variance to construct an 18.5-foot high accessory building where a maximum 14-foot height is permitted.

STAFF RECOMMENDATION:

The applicant requests the above variance per the enclosed application, letter of explanation, building sketch and related materials. The property is 6.1 acres in area, zoned R-1C, One Family Residential and is improved with a 2,640 square-foot two-story dwelling and 976 square-foot attached garage. The property is surrounded by other R-1C zoned single family residences.

The applicant's request for a 20-foot high accessory building was postponed at the September 8, 2014 meeting to allow the applicant an opportunity to reconsider design options. The applicant has subsequently revised the plans and now proposes an accessory building of the same dimensions (48 feet by 56 feet) but having a shallower 5/12 roof pitch and removal of the clerestory, resulting in a building height of 18 feet six inches. The applicant indicates the variance is the minimum necessary to accommodate the camper he intends to purchase and prevent tree debris from accumulating on the roof for this heavily wooded lot.

The intent of limiting accessory building height is to maintain the single family residential character of Portage neighborhoods. Excessive building heights can negatively impact the appearance of residential neighborhoods, especially when lot sizes are small and dwellings are in close proximity to one another, such as in an R-1A zoning district. However, in this situation the property is large (6.1 acres), heavily wooded, and the nearest residential dwelling is located approximately 170 feet away. These factors serve to mitigate negative impacts and the Board may grant the variance if it finds a practical difficulty. As requested, the minutes for an accessory building height variance granted three years ago on Oakland Drive (ZBA #11-05) are attached. Finally, as information for the Board, if the variance were to be granted, the applicant would next be required to get approval from the Planning Commission for an accessory building that exceeds the ground floor living area on a parcel over two acres in area.

PRACTICAL DIFFICULTY:

Size of parcel; presence of mature trees; distance from adjacent residences; See Suggested Motion form.

CITY OF PORTAGE ZONING BOARD OF APPEALS

 **DRAFT**

Minutes of Meeting – November 14, 2011

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. Seven people were in the audience.

MEMBERS PRESENT: Mariana Singer, Lowell Seyburn, Daniel Rhodus, Betty Schimmel, Rob Linenger, David Felicijan, and Jeff Bright.

MEMBERS EXCUSED: Timothy Bunch

MEMBERS ABSENT: Donald Mordas

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

APPROVAL OF THE MINUTES: Felicijan moved and Seyburn seconded a motion to approve the October 10, 2011 minutes with one correction. Upon voice vote, motion was approved 7-0.

NEW BUSINESS:

ZBA #11-8, 723 Lakeview Drive. Staff summarized the request for 12-foot variance from the 40-foot minimum rear (north) yard setback, to construct a new 3,427 square-foot two-story dwelling. Bill Kozar and Alexander Hanchar were present to answer questions. Bright inquired if the applicant had spoken to any of his neighbors about the request. Mr. Hanchar stated he had and that none had any objection to the request.

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 Felicijan, supported by Singer, to grant a 12-foot variance from the 40-foot minimum rear yard setback to construct a new 3,427 square-foot two-story dwelling. There are exceptional or extraordinary circumstances or conditions applying to the property that do not generally apply to other properties in the zoning district which include a 10-foot private walkway between the rear property line and water's edge, 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 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, Seyburn–Yes, Rhodus–Yes, Bright–Yes, Felicijan–Yes. The motion carried 7-0.

ZBA #11-05, 7324 Oakland Drive. Staff summarized the request for a 3.5 foot variance from the 14-foot maximum building height requirement to construct a 17.5-foot high detached accessory building. Charlie Glas and Michael Chen were present to answer questions. Linenger asked the applicant to explain the practical difficulty. Mr. Glas stated the size of the lot and the proposed 30 foot north side setback. Seyburn noted the practical difficulty appeared to be necessary for the 10-foot door height required to accommodate a boat. Felicijan inquired why the applicant didn't locate the building further south or east. Mr. Glas stated moving it further east would put it closer

to neighboring residences and moving it south would create a more intrusive driveway. Mr. Chen stated he could not construct the accessory building at all and could simply store the boat outside but felt that would be an eyesore. Mr. Chen stated one other reason the building was proposed in this location was for security reasons, and with a 30-foot setback and the proposed vegetation the accessory building would hardly be visible to neighbors.

A public hearing was opened. Letters of opposition from John & Jayne Vander Veen, 7278 Oakland Drive, and Alan Wuosmaa & Nora Berrah, 7260 Oakland Drive were read. The public hearing was closed.

A motion was made by Felicijan, seconded by Seyburn to grant a 3.5 foot variance from the 14-foot maximum building height requirement to construct a 17.5-foot high detached accessory building, conditioned upon installation of a minimum of eight 16-foot to 20-foot tall spruce trees on the north side of the accessory building. There are exceptional circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district which include the size and layout of the lot; 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 comments, discussion and materials presented at this hearing be incorporated into the record of this hearing and the findings of the Board, and that action of the Board shall be final and effective immediately. Singer stated she had a conflict of interest and would abstain from voting. Upon roll call vote: Seyburn-Yes, Rhodus-No, Schimmel-No, Felicijan-Yes, Linenger-Yes, Singer-Abstained, Bright-Yes, the motion carried 4-2-1.

ZBA #11-10, 801 East Centre Avenue Staff summarized the request for a 10-foot front yard setback variance to construct a wheelchair ramp to within seven feet of the front property line, where a 17-foot front setback is required. Thomas Rogers stated he purchased the house and found a tenant who was willing to lease but needed a wheelchair ramp. Mr. Rogers said the ramp would project nine feet in front of the house and would extend about as close to the front property line as the neighbors' front steps.

A public hearing was opened. No one spoke for or against the request. The public hearing was closed.

A motion was made by Felicijan, seconded by Schimmel to grant a 10-foot front yard setback variance to construct a wheelchair ramp to within seven feet of the front property line, where a 17-foot front setback is required. There are exceptional circumstances applying to the property that do not apply generally to other properties in the same zoning district, which include the age of the dwelling and existing front setback; 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 related materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated into the record of this hearing and the findings of the Board, and that action of the Board shall be final and effective immediately. Upon roll call vote: Seyburn-Yes, Rhodus-Yes, Schimmel-Yes, Felicijan-Yes, Linenger-Yes, Singer-Yes, Bright-Yes, the motion carried 7-0.

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:

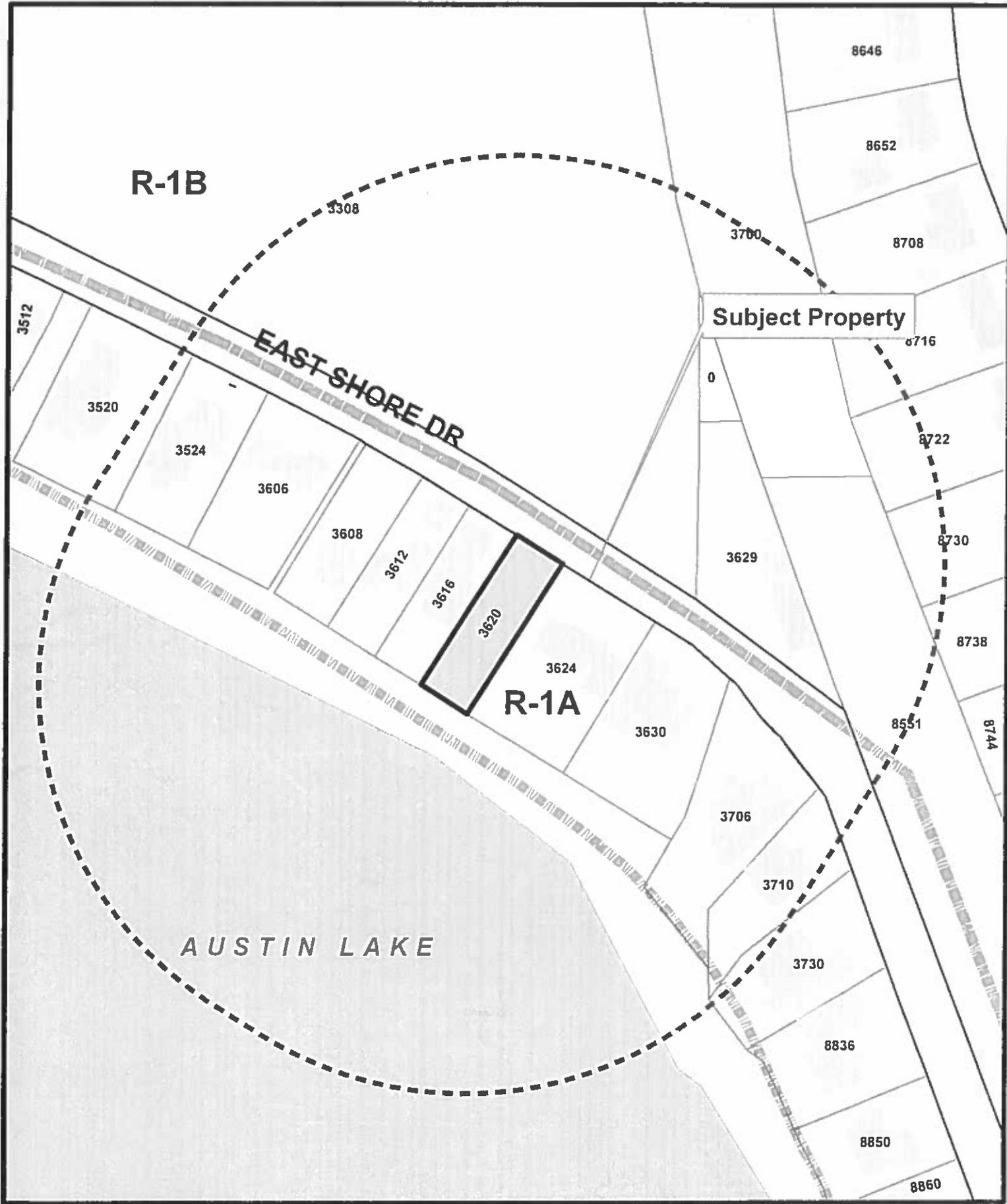
- 1a. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include _____;
- 2a. The variance is necessary for the preservation and enjoyment of a substantial property right, the right 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 14-09
3620 East Shore Drive



1 inch = 100 feet



 Subject Properties

Aerial Photography

3620 East Shore Drive



1 inch = 60 feet

Vicinity Map
3620 East Shore Drive
(looking northeast)





Department of Community Development

RECEIVED

SEP 08 2014

ZONING BOARD OF APPEALS APPLICATION

COMMUNITY DEVELOPMENT

FOR COMPLETION BY APPLICANT

Application Date 9-8-14
 Name of Applicant Janine Chicaine Janene Chicaine
Print Signature
 Applicant's Address 3620 E Shore DR Phone No. 269-569 0199
 Name of Property Owner (if different from Applicant) Janine Chicaine Tim Perkins
 Address 9425 Columbia Hwy Eaten Rapids mi Phone No. 269-569-0199
48827
 Address of the Property that is the subject of this Application:
 Street Address 3620 E Shore DR Portage mi 49002
 For Platted Property: Lot 90 of Highlandview Parcel# 03461-090-0 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: OWNER

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 _____ Section _____ Paragraph _____
 Regarding: Use Residential Area _____ Yards _____
 Setbacks _____ Parking _____ Other _____

Reason for Request (Also complete page 2 of application): Remodel and Add Garage

____ **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>14-09</u>	Filing Date: _____	Tentative Hearing Date: <u>10/13/14</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.)

Grandfathered NON conforming LOT

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 JUST WANT TO MAKE HOUSE BETTER FOR THE NEIGHBORHOOD AND LIVESBLE

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.)

NO IT WILL IMPROVE OVER ALL VALUE OF NEIGHBORING HOMES

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.)

WILL IMPROVE OVER ALL VALUE TO NEIGHBORHOOD

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.)

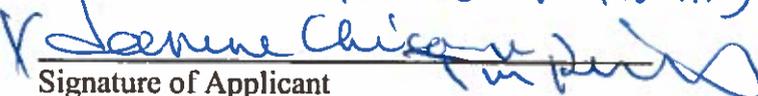
NO TRAFFIC, NOISE OR DANGERS WOULD INCREASE IF ANYTHING WOULD IMPROVE DANGERS BY UPDATING PROPERTY

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.)

HARDSHIP CREATED DUE TO PREVIOUS OWNER NOT TAKING CARE OF PROPERTY

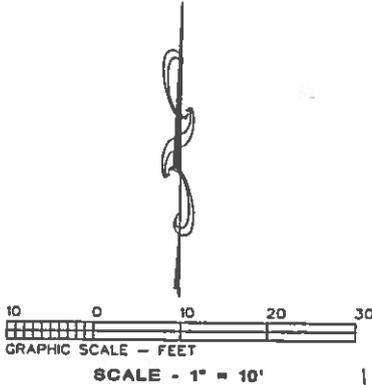
8. Explain how the variance would fulfill the spirit and intent of the Zoning Ordinance. (Attach additional sheets if needed.)

WE JUST WANT TO REMODEL AND MAKE THIS A LIVESBLE & MORE UPDATED HOME TO LIVE IN AND UPDATE ALL ELECTRICAL + PLUMBING SO IT IS NOT A FIRE HAZARD

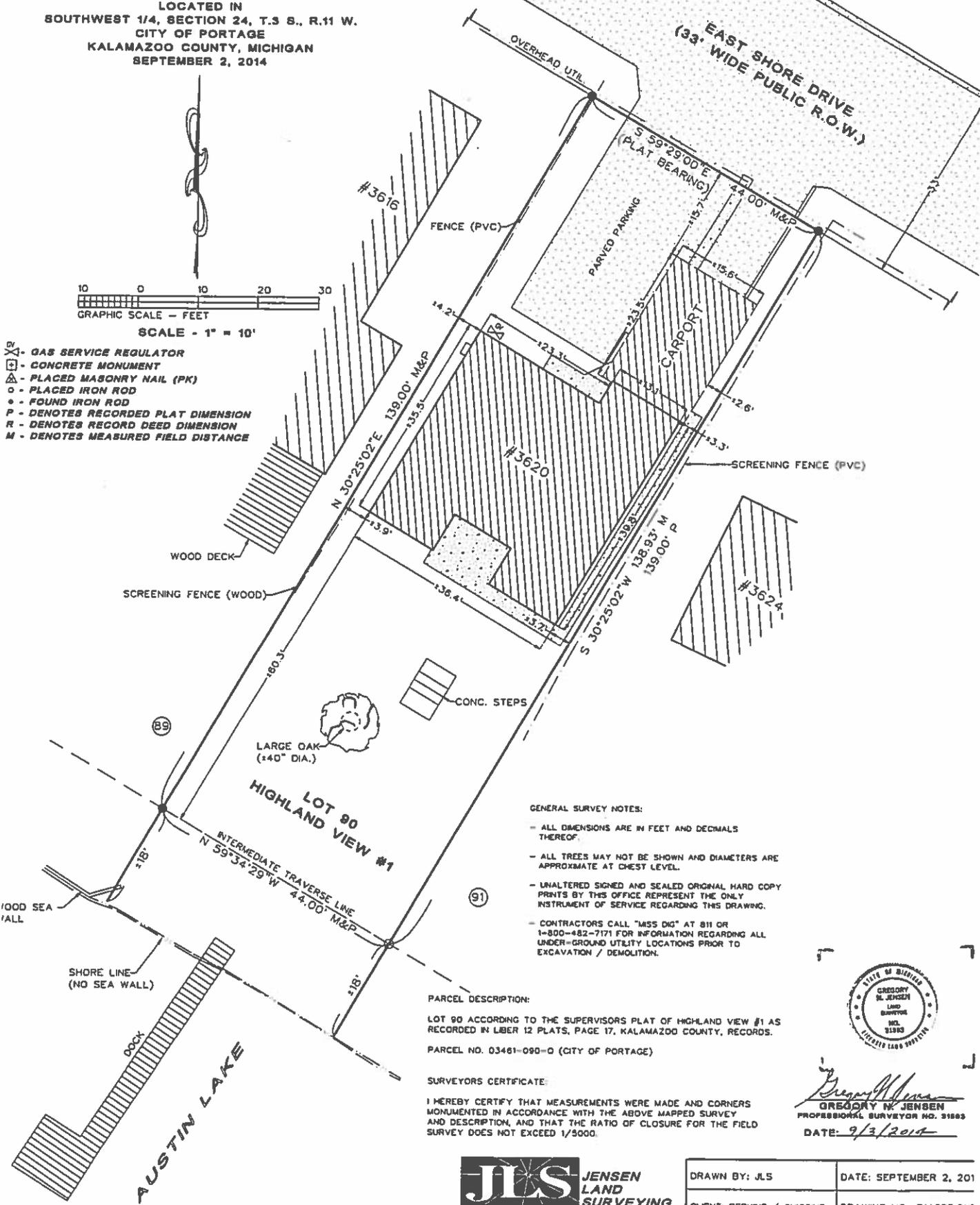

Signature of Applicant

9-8-14
Date

MAP OF SURVEY
FOR
TIMOTHY PERKINS & JANINE CHICOINE
 LOCATED IN
 SOUTHWEST 1/4, SECTION 24, T.3 S., R.11 W.
 CITY OF PORTAGE
 KALAMAZOO COUNTY, MICHIGAN
 SEPTEMBER 2, 2014



- BY
- ⊗ - GAS SERVICE REGULATOR
 - - CONCRETE MONUMENT
 - △ - PLACED MASONRY NAIL (PK)
 - - PLACED IRON ROD
 - - FOUND IRON ROD
 - P - DENOTES RECORDED PLAT DIMENSION
 - R - DENOTES RECORD DEED DIMENSION
 - M - DENOTES MEASURED FIELD DISTANCE



- GENERAL SURVEY NOTES:**
- ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
 - ALL TREES MAY NOT BE SHOWN AND DIAMETERS ARE APPROXIMATE AT CHEST LEVEL.
 - UNALTERED SIGNED AND SEALED ORIGINAL HARD COPY PRINTS BY THIS OFFICE REPRESENT THE ONLY INSTRUMENT OF SERVICE REGARDING THIS DRAWING.
 - CONTRACTORS CALL "MISS DIG" AT 811 OR 1-800-482-7171 FOR INFORMATION REGARDING ALL UNDER-GROUND UTILITY LOCATIONS PRIOR TO EXCAVATION / DEMOLITION.

PARCEL DESCRIPTION:
 LOT 90 ACCORDING TO THE SUPERVISORS PLAT OF HIGHLAND VIEW #1 AS RECORDED IN LBER 12 PLATS, PAGE 17, KALAMAZOO COUNTY, RECORDS.
 PARCEL NO. 03461-090-0 (CITY OF PORTAGE)

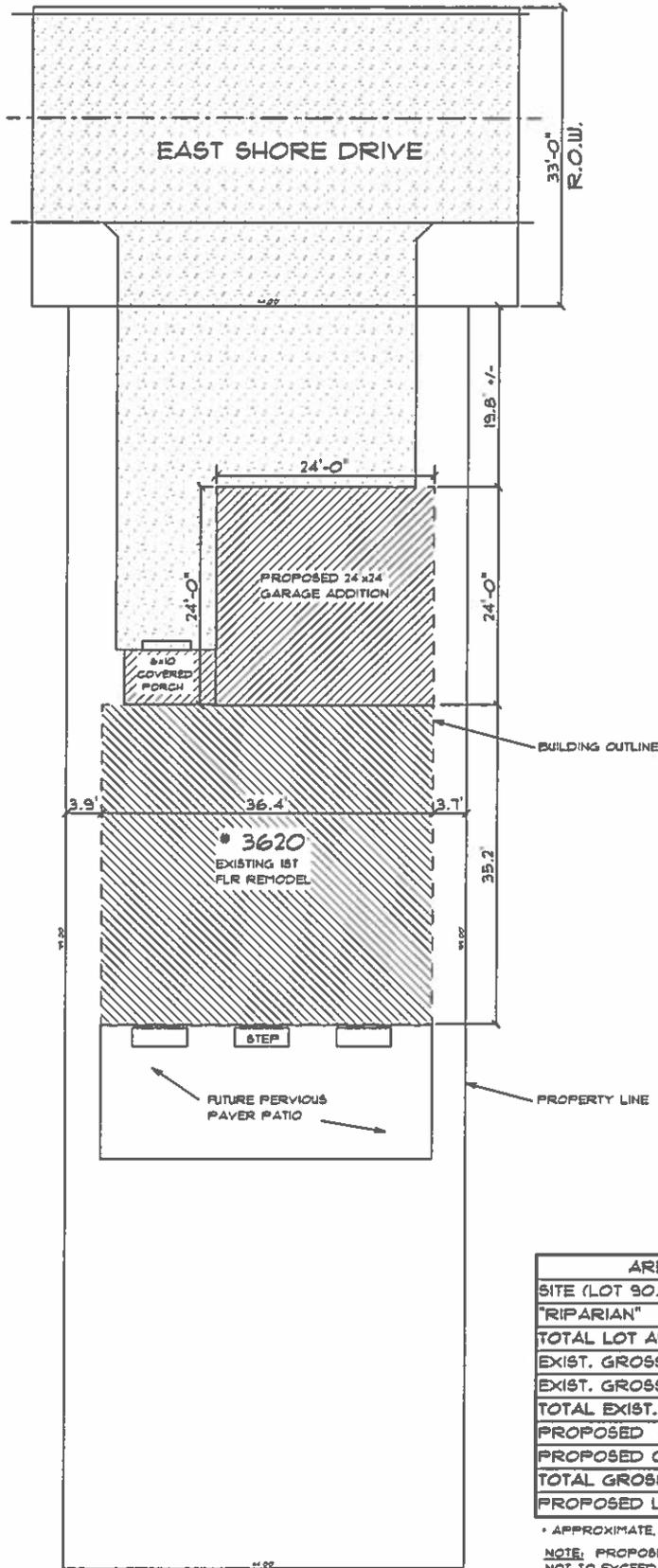
SURVEYORS CERTIFICATE:
 I HEREBY CERTIFY THAT MEASUREMENTS WERE MADE AND CORNERS MONUMENTED IN ACCORDANCE WITH THE ABOVE MAPPED SURVEY AND DESCRIPTION, AND THAT THE RATIO OF CLOSURE FOR THE FIELD SURVEY DOES NOT EXCEED 1/5000.



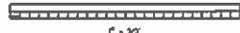
Gregory M. Jensen
GREGORY M. JENSEN
 PROFESSIONAL SURVEYOR NO. 31893
 DATE: 9/3/2014

JLS JENSEN LAND SURVEYING
 7264 E. "AB" AVENUE • RICHLAND, MI 49083
 (269)820-9910 • FAX (269)820-8731

DRAWN BY: JLS	DATE: SEPTEMBER 2, 2014
CLIENT: PERKINS / CHCOINE	DRAWING NO.: B14993.GX
JOB NO.: B14993	SHEET: 1 OF 1



RECEIVED
OCT 22 2014
COMMUNITY DEVELOPMENT

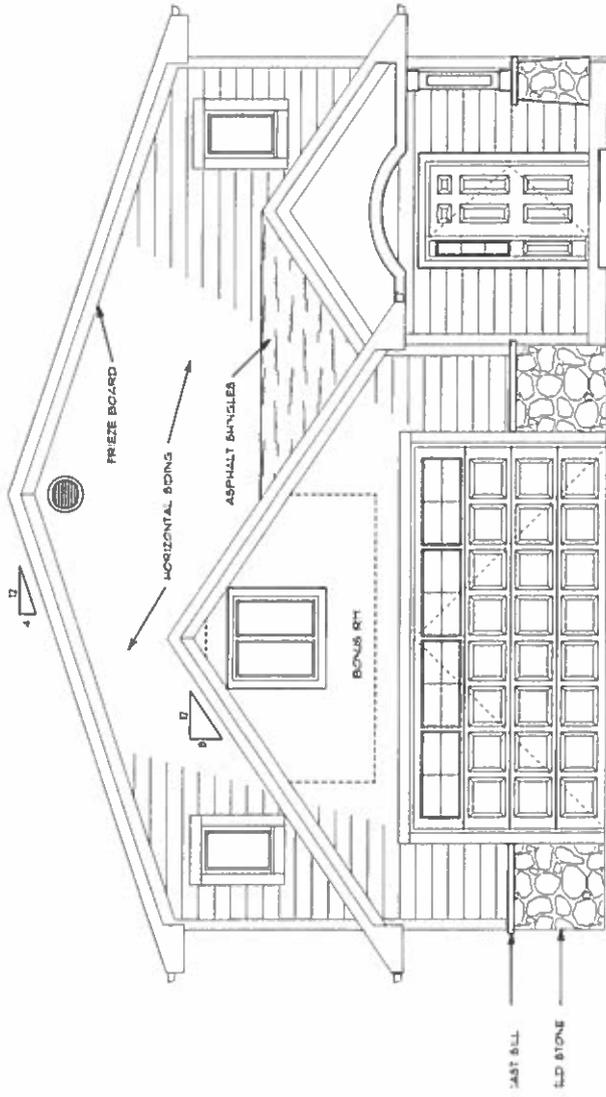


AREA DATA	SIZE	AREA (s.f.)
SITE (LOT 90)	44'x139'	6116
"RIPARIAN"	18'x44'	792
TOTAL LOT AREA	44'x151'	6908
EXIST. GROSS BLDG.	35.5'x36.4'	1292
EXIST. GROSS CARPORT	15.6'x23.5'	367
TOTAL EXIST. STRUCTURES		1659
PROPOSED GARAGE ADD.	24'x24'	576
PROPOSED COVERED PORCH	6'x10'	60
TOTAL GROSS PROP. BUILDING		1928
PROPOSED LOT COVERAGE (TPB/TLA)		27.9%

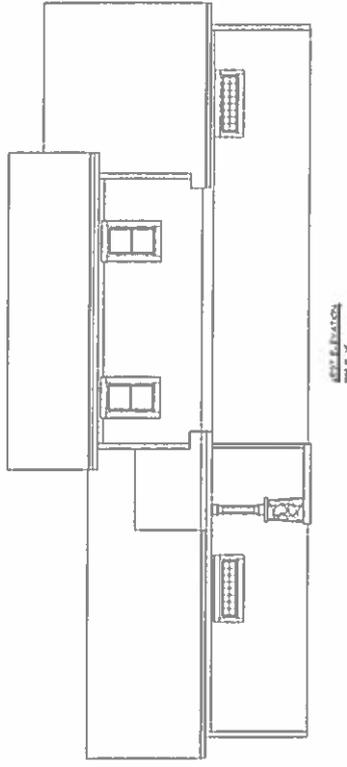
* APPROXIMATE, BASED ON SURVEY + DESIGN GUIDE
NOTE: PROPOSED EAVE OVER-HANG DIMENSION NOT TO EXCEED EXISTING EAVE OVER-HANG DIMENSION.

CHICOINE - PERKINS	3620 EAST SHORE DRIVE CITY OF PORTAGE	DRAWING NUMBER 1 OF 1
DATE: 1" = 20'	REVISED: October 22 2014	SCALE: 1" = 20'
PLOT PLAN		

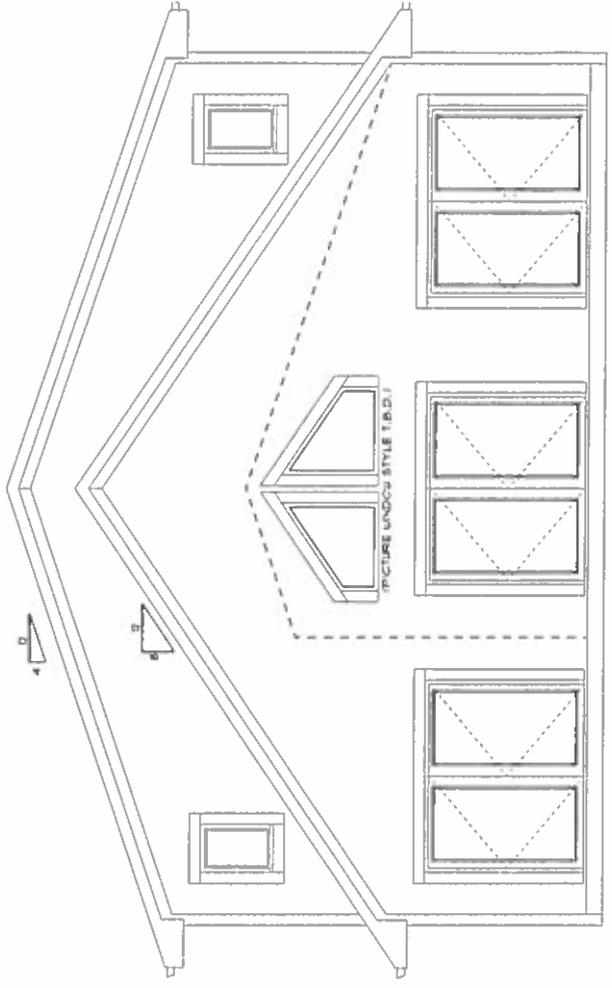
NOTE: THIS IS NOT A LEGAL SURVEY. SITE BOUNDARY DATA PROVIDED BY OTHERS. SITE AND BUILDING IMPROVEMENTS ARE BASED ON A DESIGN GUIDE.



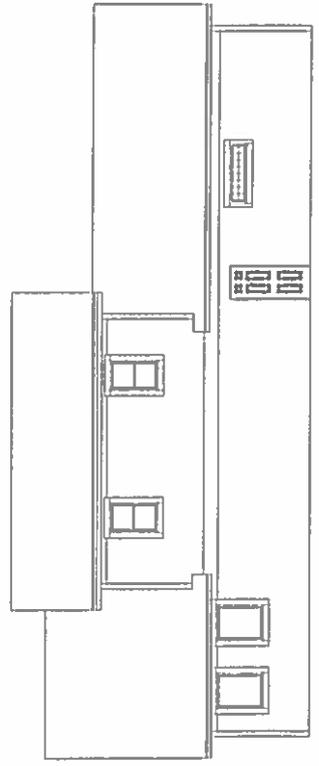
NORTH ELEVATION
SCALE 1/4" = 1'-0"



EAST ELEVATION
SCALE 1/4" = 1'-0"



SOUTH ELEVATION
SCALE 1/4" = 1'-0"



WEST ELEVATION
SCALE 1/4" = 1'-0"

TO: Zoning Board of Appeals **DATE:** October 31, 2014
FROM: Vicki Georgeau, Director of Community Development
SUBJECT: ZBA #14-09, Janine Chicoine, 3620 East Shore Drive, R-1A, One Family Residential
CODE SECTION: 42-350, Schedule of Regulations, p. CD42:84.
42-133(D)(1), Nonconforming Buildings and Structures, p. CD42:44

APPEAL: Requesting variances to construct a 24-foot by 24-foot attached garage: a) 20 feet from the front property line where a minimum 27-foot front setback is required; and b) three feet from the side property line where a minimum five-foot side yard setback is required; c) exceed the maximum permitted building lot coverage by 201 square feet; and d) construct a second story addition three feet from the side property lines where a minimum five-foot side yard setback is required.

STAFF RECOMMENDATION:

The applicant is requesting the above referenced variances per the enclosed application, survey, and building sketches. The substandard 44-foot wide lakefront lot is 6,908 square feet in area (including riparian area) and is improved with a nonconforming 1,292 square-foot dwelling (including covered porch areas) and nonconforming 367 square-foot attached carport constructed in 1952. The property is zoned R-1A, one family residential, and is adjacent to other single family residences to the east and west. The dwelling is nonconforming because it is located 3.3 feet from the east and 3.9 feet from the west side property lines. The carport is nonconforming because it is located 2.6 feet from the side property line and 15.7 feet from the front property line.

The proposed 24-foot by 24-foot attached garage would extend in line with the house to within 20 feet of the front property line where a minimum 27-foot front setback is required, and five-foot side yard setbacks are required. The existing 1,292 square-foot dwelling and proposed 576 square-foot attached garage and 60 square-foot covered porch will result in building lot coverage that exceeds the maximum permitted by 201 square feet. The proposed second story addition would be constructed in line with the existing dwelling and while it would not alter the footprint it will (vertically) increase the size of the dwelling within required side yards. The second story addition will also have 12 inch wide eaves that extend into the three-foot side setback. Variances are therefore requested.

With regard to request a), the nonconforming dwelling's location on the lot precludes construction of a garage addition in a conforming location with respect to the front setback. The existing carport is located 15.7 feet from the front property line. The applicant proposes to remove the carport and a four-foot bump-out where the carport attaches to the dwelling and construct a 24-foot deep garage that would be set back 19.8 feet from the front property line. The applicant owns a large pickup truck and indicates the depth is the minimum necessary to accommodate the vehicle and permit reasonable movement around it. There are exceptional circumstances applying to the property which include the location of the existing dwelling, and the narrowness of the lot. The variance would result in a reduction in the degree of nonconformity and

would not be detrimental to the adjacent property and surrounding neighborhood. For these reasons the variance can be recommended.

With regard to b), staff acknowledges the limitations imposed by a narrow lot width but notes an alternative is available that would meet minimum side yard setbacks. A 22-foot wide garage could be constructed that is offset two feet from the dwelling. Because the requested variance is not the minimum necessary to permit reasonable use of the property and conforming alternatives are available, the variance is not recommended.

Concerning request c), with the proposed 60 square-foot covered front porch and 576 square-foot attached garage, the maximum permitted lot coverage is exceeded by 201 square feet. As noted above, a smaller offset 22-foot by 24-foot garage is a viable option for a two stall garage. Similarly, the covered front porch could be eliminated or a three-foot cantilevered porch roof is permitted as an architectural projection without the need for a variance. With these modifications a lesser 93 square-foot building lot cover variance, which is the minimum needed, can be recommended.

With regard to d), conforming alternatives are not readily available without demolition and reconstruction of the dwelling. There are exceptional circumstances which include the location of the current building and narrowness of the lot. For these reasons the variance can be recommended. It is recommended the Board consider the following condition of variance approval: if the applicant cannot reuse the existing building foundation and/or structural walls due to design and/or building code requirements, it is recommended the building foundation and/or structural walls be constructed in a conforming location.

**PRACTICAL
DIFFICULTY:**

Reduction in degree of nonconformity with regard to attached garage. Narrow lot, and location of existing dwelling.

T:\COMMDEV\2014-2015 Department Files\Board Files\Zoning Board\14-09; 3620 E Shore\2014 10 03 VG ZBA 14-09 E Shore, 3620 (staff rpt) doc

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:

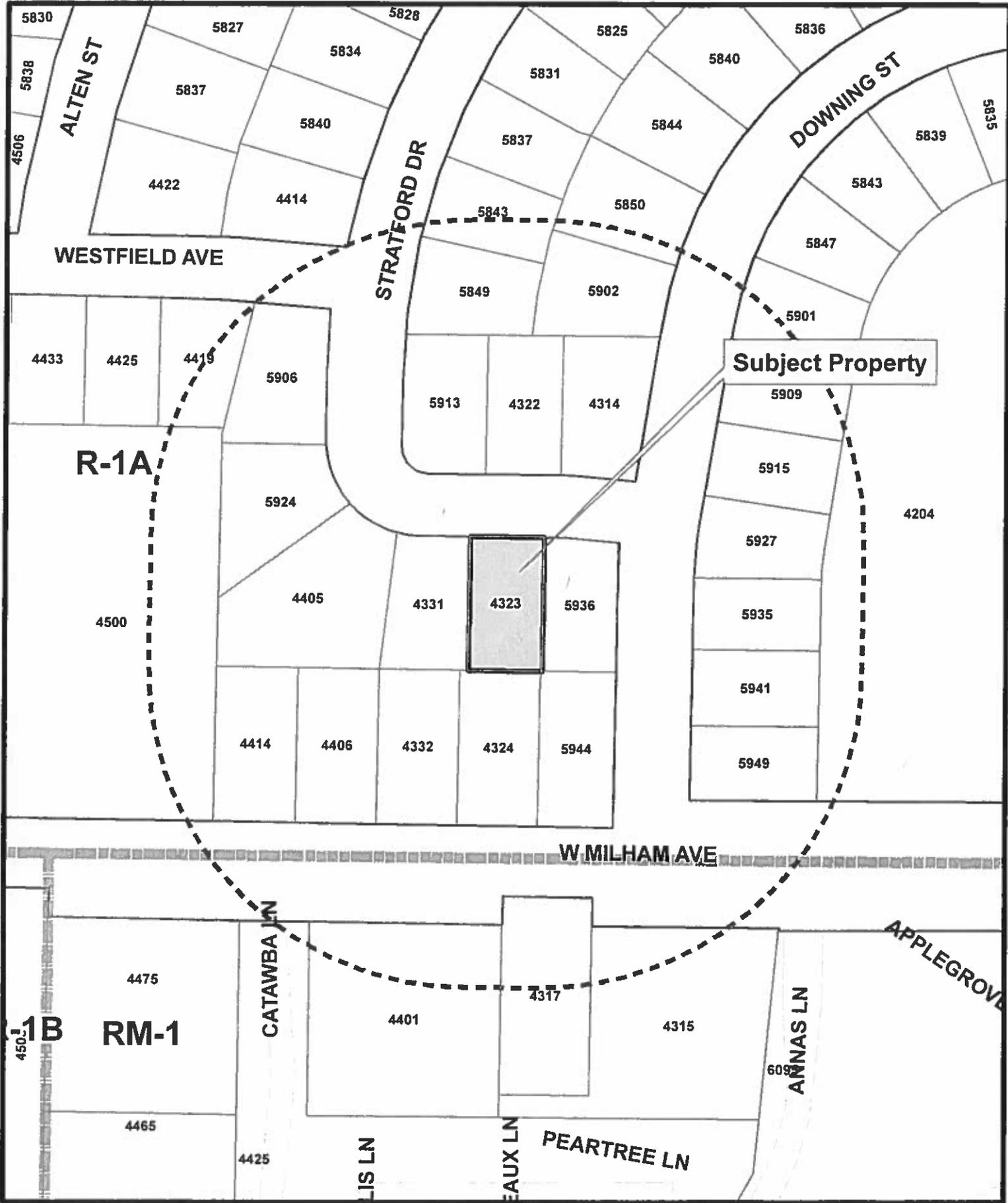
- 1a. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include _____;
- 2a. The variance is necessary for the preservation and enjoyment of a substantial property right, the right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

ZBA 14-12
4323 Stratford Drive





Department of Community Development

RECEIVED

OCT 02 2014

ZONING BOARD OF APPEALS APPLICATION

COMMUNITY DEVELOPMENT

FOR COMPLETION BY APPLICANT

Application Date Oct 1, 2014
Name of Applicant Doris Perry
Applicant's Address 4323 Startford
Name of Property Owner (if different from Applicant)
Address
Phone No. 269-379-7141

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

Street Address 4323 Startford

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: Home owner request variance to keep addition that attaches garage to the house

Application Fee enclosed (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 Section Paragraph
Regarding: Use Area Yards
Setbacks Parking Other

Reason for Request (Also complete page 2 of application): Garage less than 10 feet from the house

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: Garage now has to meet main building set backs.

FOR STAFF USE

Table with 3 columns: Application Number (14-12), Filing Date, Tentative Hearing Date (11/10/14), and 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 Attached

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

See Attached

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 Attached

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 Attached

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

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 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.)

See Attached

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

See Attached

Doris Perry
Signature of Applicant

Oct 1/14
Date

Reason for Variance

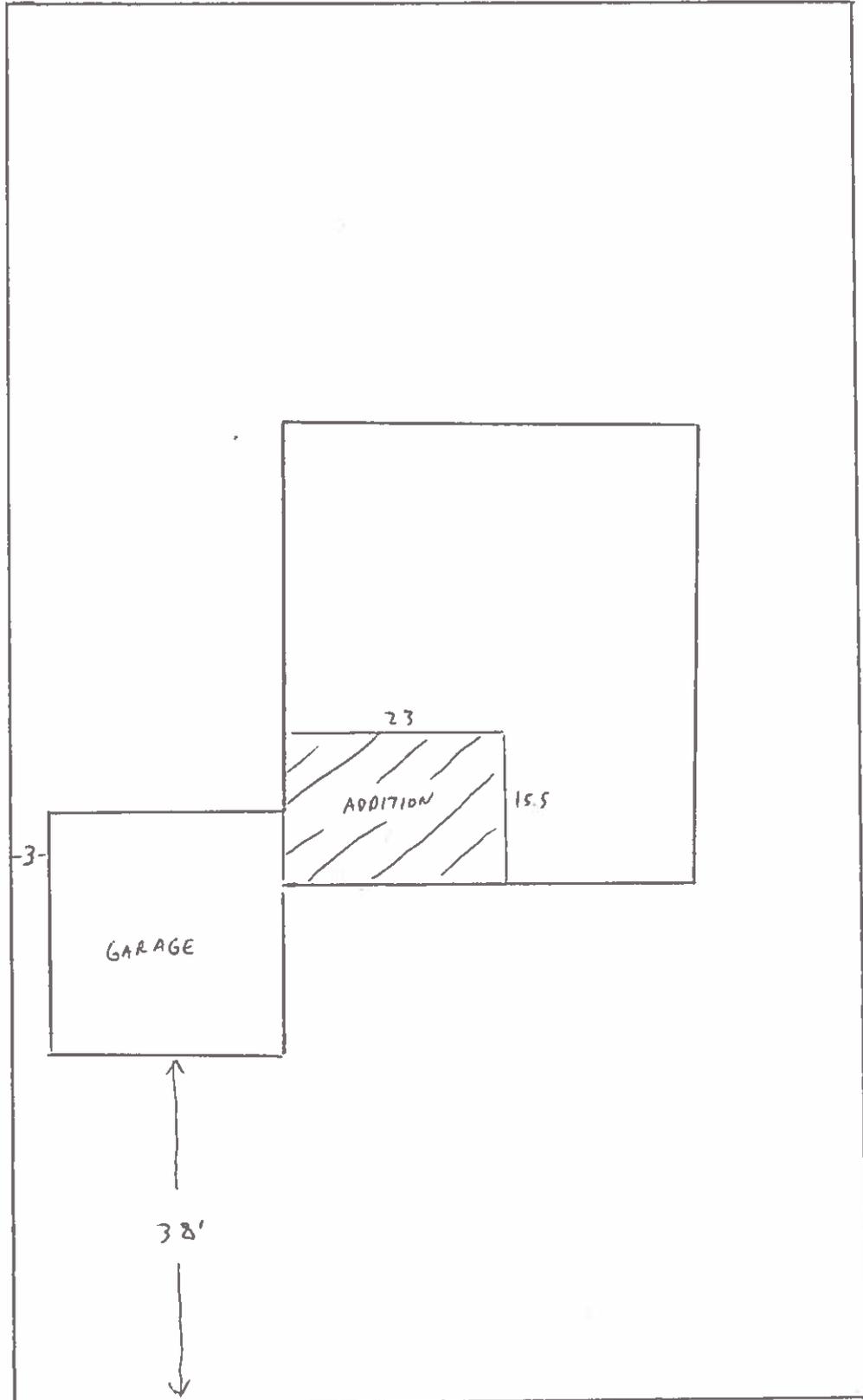
1. After fire damage to the home at 4323 Stratford in 2003, State Farm Insurance hired Army Construction to repair the property. Army Construction enclosed a previously existing back porch to create a back room, paid for by Mrs. Perry. There is no record of Army Construction receiving permits for this extra work which is located within ten feet of the garage. Mrs. Perry is requesting a variance for this room that is within ten feet of the garage.
2. The back room cannot be seen by neighbors and thereby has no reason to be viewed as unique or out-of-the-ordinary by those living in the area. The Perry home is typical of all other homes in the surrounding area.
3. Mrs. Perry has eleven children and several grandchildren that live in, or frequently visit the home, making this space essential.
4. This is a logical and just request for a variance that has no effect on the neighbors and yet is significant in regards to the quality of life for the Perry family
5. The Perry home looks like any other home in the area. The back room has no adverse effects on any adjacent properties.
6. Nothing concerning the location of the back room creates a greater hazard detrimental to the property.
7. No
8. Mrs. Perry has spent her life taking care of children in a safe and productive environment. This back room has been crucial to the comfort and care of the Perry family. Mrs. Perry lives on a minimal income and has no financial means for property improvements. Mrs. Perry humbly request that the back room remains a part of her home.

Doris Perry

Oct 1/14

STRATFORD

70



D.P.

SKETCH/AREA TABLE ADDENDUM

Parcel No 08760-011-O

File No 08760-011-O

Property Address 4323 STRATFORD DR

City PORTAGE

County KALAMAZOO

State MI

Zip 49024

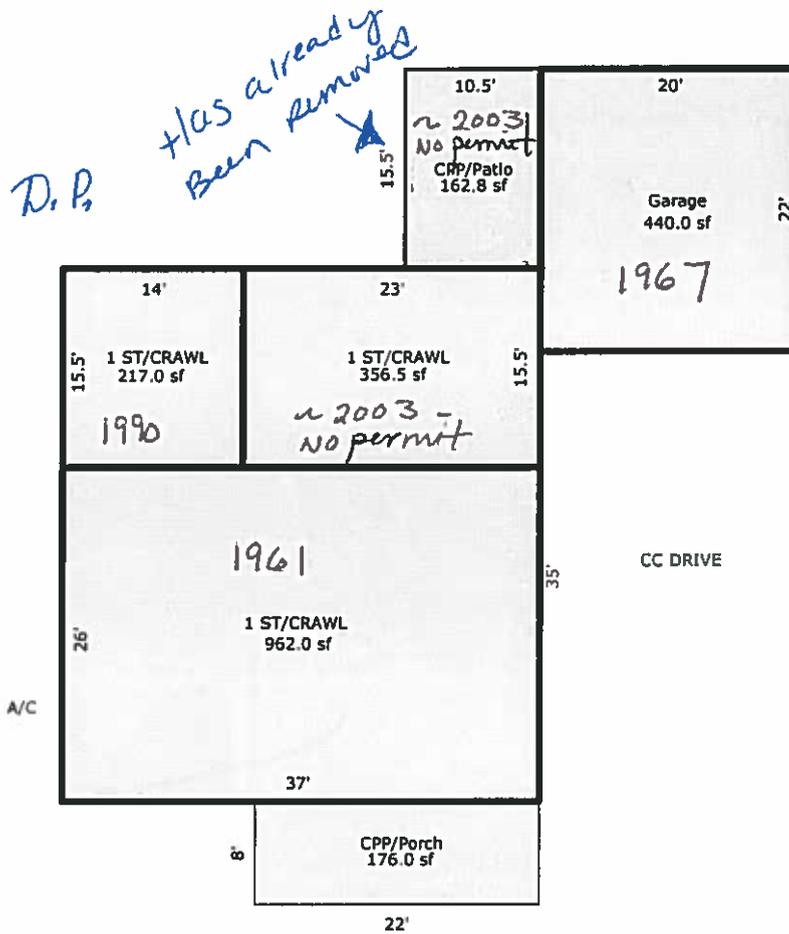
Owner PERRY, DORIS

Client

Appraiser Name

SUBJECT

IMPROVEMENTS SKETCH



Scale: 1" = 12'

AREA CALCULATIONS SUMMARY

Code	Description	Factor	Net Size	Perimeter	Net Totals
1SC	1 ST/CRAWL	1.00	962.00	126.0	
	1 ST/CRAWL	1.00	217.00	59.0	
	1 ST/CRAWL	1.00	356.50	77.0	
G/GAR	Garage	1.00	440.00	84.0	1535.50
P/PPP	CPP/Porch	1.00	176.00	60.0	440.00
P/PAT	CPP/Patio	1.00	162.75	52.0	176.00
					162.75

AREA CALCULATIONS

Net LIVABLE Area (rounded w/ factors) 1536

TO: Zoning Board of Appeals **DATE:** October 31, 2014

FROM: Vicki Georgeau, ^{Na} Director of Community Development

SUBJECT: ZBA #14-12, Doris Perry, 4323 Stratford Drive, R-1A, One Family Residential

CODE SECTION: 42-350, Schedule of Regulations, p. CD42:84.

APPEAL: Requesting a variance to permit an attached garage three feet from the (west) side property line and 38 feet from the (south) rear property line where minimum eight-foot side yard and 40-foot rear yard setbacks are required.

STAFF RECOMMENDATION: The applicant is requesting the above referenced variance per the enclosed application and site sketch. The 70-foot by 120-foot lot is improved with a 1,535 square-foot single family dwelling and a 440 square-foot attached garage. The property is zoned R-1A, one family residential, and is located in a residential neighborhood.

The dwelling was constructed in 1961 and initially had 962 square feet of living area. A 440 square-foot detached garage was later constructed in 1967 in the rear yard (detached accessory buildings located in the rear yard must be setback a minimum three feet from the side or rear property lines). In 1990 a permit was issued for a 182 square-foot addition on the rear southeast corner of the dwelling. Following a fire in 2003, a 23-foot by 15.5-foot house addition and a 10.5-foot by 15.5-foot storage room addition were constructed without building permits, attaching the garage to the dwelling. The storage room addition was recently removed, however, the applicant wishes to retain the house addition. The garage is located three feet from the (west) side property line and 38 feet from the (south) rear property line. Because the (formerly detached) garage was attached to the dwelling via the house addition, the R-1A principal building setbacks now apply to the garage and a variance is required to permit the garage to remain attached.

The applicant states she has eleven children and several grandchildren that live in or frequently visit the home and the need for the additional living area is essential. Additionally, the side/rear property line setback distance remains the same thus creating no more impact on the adjacent property owner and surrounding neighborhood than it has for the past 46 years. While the reported overcrowding concern is noted, the addition does not have proper footings and there are other unknown building code issues that would need to be addressed if the addition is permitted to remain. In addition, there are conforming alternatives to provide additional living space, such as constructing an addition that meets required setbacks and separation distances, or reducing the size of the addition and detaching it from the garage so it meets the Zoning Code requirements. If the Board finds a practical difficulty, it is recommended a variance be conditioned upon obtaining a building permit for the addition and completing all necessary building code corrections by no later than May 10, 2015.

PRACTICAL DIFFICULTY: Lack of living area noted by applicant. None noted by staff.

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:

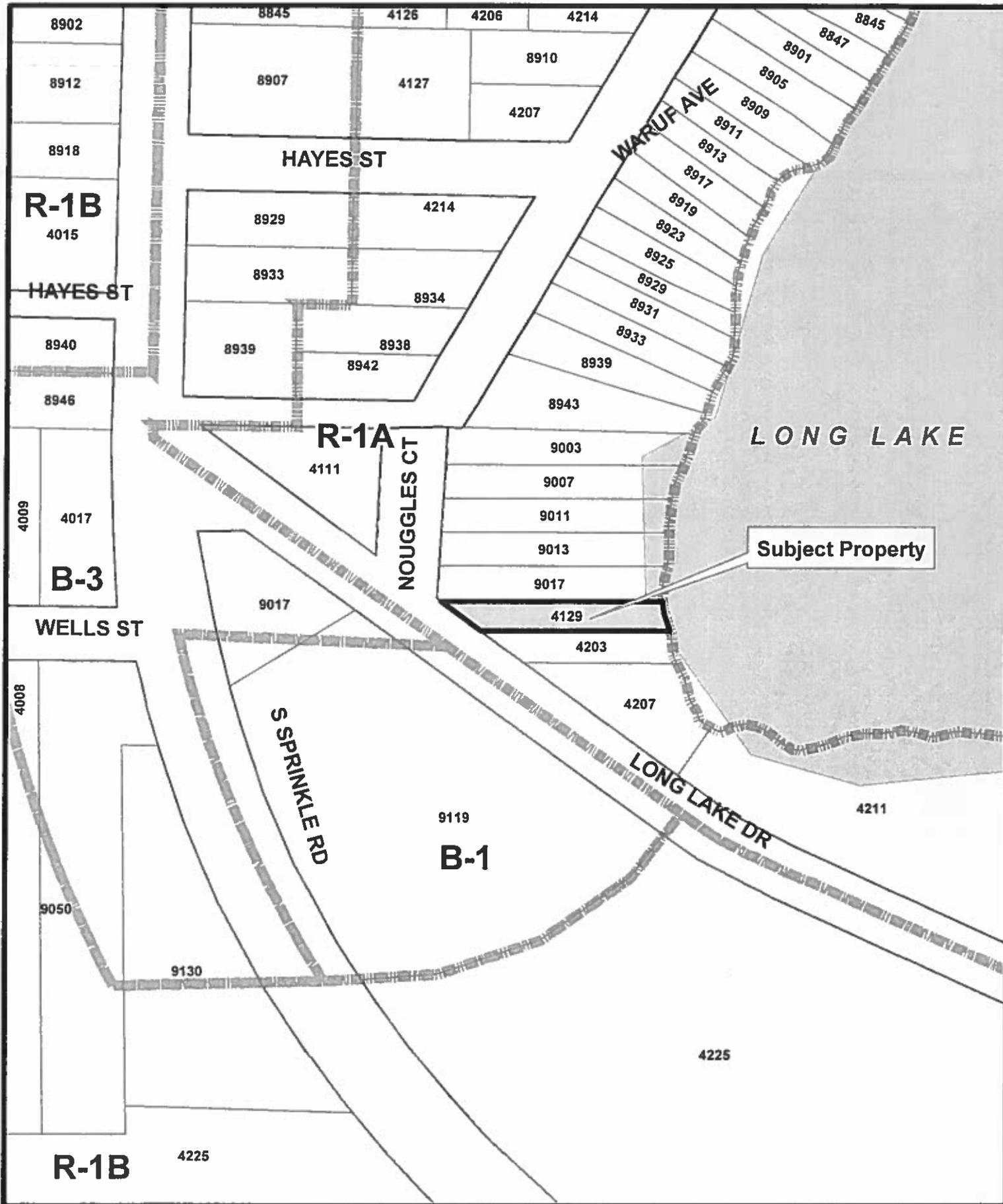
- 1a. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include _____;
- 2a. The variance is necessary for the preservation and enjoyment of a substantial property right, the right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

ZBA 14-13

4129 Long Lake Drive



1 inch = 150 feet



Department of Community Development

RECEIVED

OCT 16 2014

ZONING BOARD OF APPEALS APPLICATION

COMMUNITY DEVELOPMENT

FOR COMPLETION BY APPLICANT

Application Date 10/16/14
Name of Applicant Austin Brancheau
Applicant's Address 4129 Long Lake Drive
Name of Property Owner
Address
Phone No.

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

Street Address 4129 Long Lake Drive
For Platted Property: Lot 15 of Summer Home Park 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):

X Variance from Zoning Ordinance: Article Section Paragraph
Regarding: Use Area Yards
Setbacks X Parking Other

Reason for Request (Also complete page 2 of application): Variance regarding the 10' setback guideline.

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

Table with 3 columns: Application Number (14-13), Filing Date (10-16-14), Tentative Hearing Date (11-10-14). Row 2: 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.)

The narrowness of the lot ≈ 40 Ft will not accommodate on accessory building with 10ft setbacks

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

These physical characteristics are shared by neighboring properties. However, the neighboring properties have garages.

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

Not without blocking someone's lakeview.

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.)

The variance requested is the minimum necessary.

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.)

The current location of the accessory building does not obstruct lakeviews. (see photos)

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.)

N/A

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.)

Act of previous owner. Feud between Scott Brooks and Diane Copp

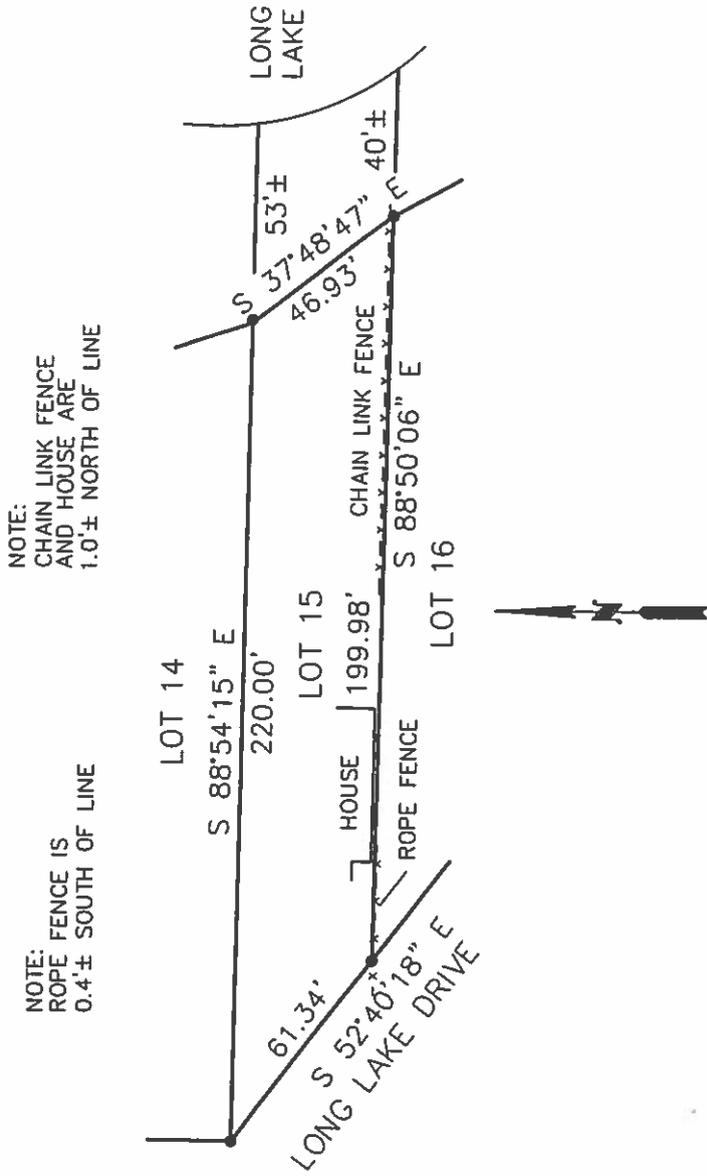
8. Explain how the variance would fulfill the spirit and intent of the Zoning Ordinance. (Attach additional sheets if needed.)

Granting the variance would preserve lakeviews and keep my personal items (lawn mower, chairs, weed wacker, snow blower) from sitting on kept in my hand.


Signature of Applicant

9-22-14
Date

SURVEYOR'S CERTIFICATE



LEGAL DESCRIPTION:
 LAND SITUATED IN THE CITY OF PORTAGE, COUNTY OF KALAMAZOO, STATE OF MICHIGAN DESCRIBED AS FOLLOWS:
 LOT(S) 15, SUMMER HOME PARK, ACCORDING TO THE RECORDED PLAT THEREOF, AS RECORDED IN LIBER 8 OF PLATS, PAGE 56, KALAMAZOO COUNTY RECORDS.

PROPERTY ADDRESS: 4129 LONG LAKE DRIVE

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE ABOVE PLATTED AND/OR DESCRIBED ON THIS DATE, AND THAT THE RATIO OF CLOSURE IN THE UNADJUSTED FIELD OBSERVATIONS WAS 1-10000 FEET ±, AND THAT ALL REQUIREMENTS OF SECTION 3 OF P.A. 132, 1970 HAVE BEEN COMPLIED WITH.

BY: Mark S. Evans PS DATE: 9-19-14
 MARK S. EVANS, PS MI# 45497

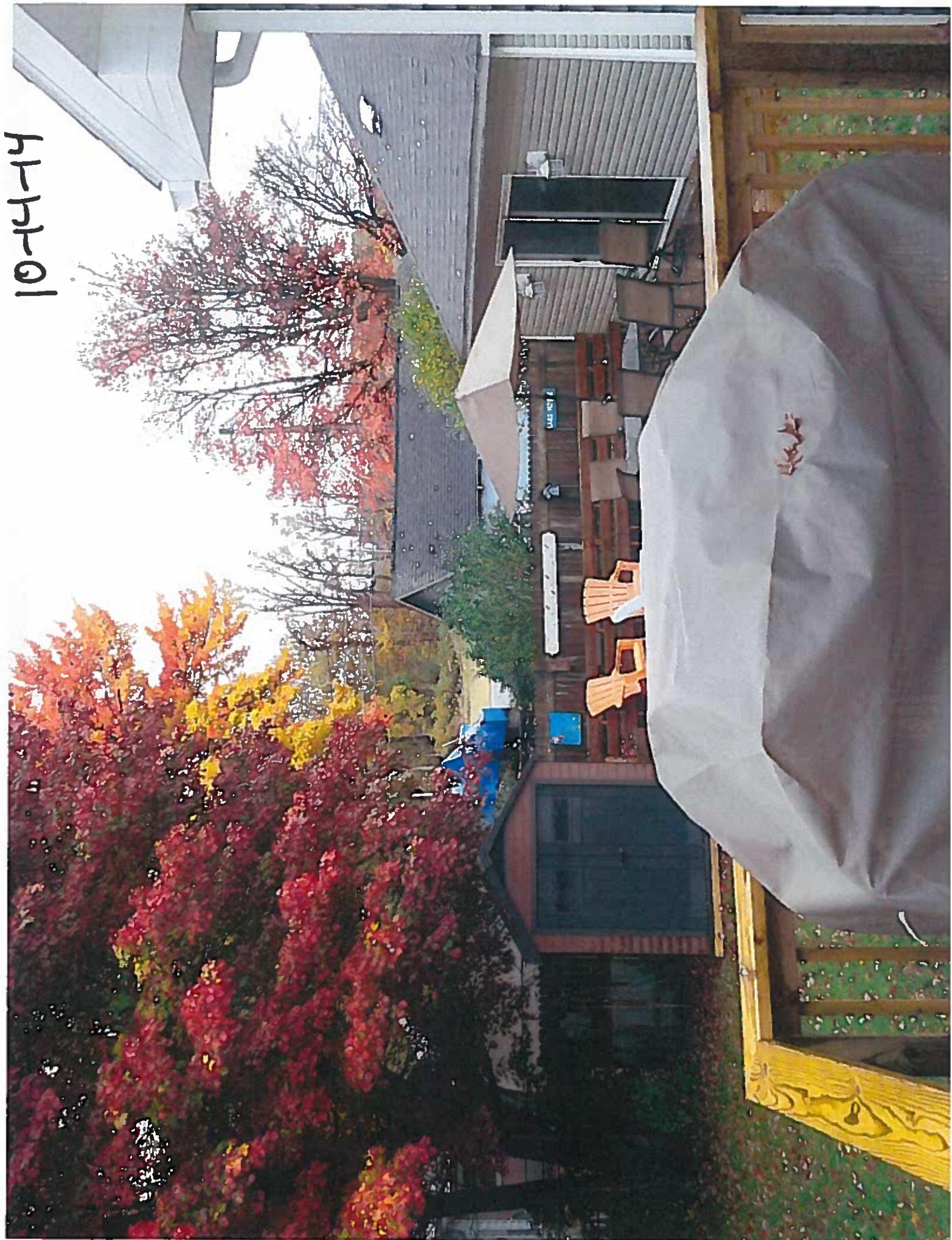
LEGEND:
 ○ - SET 1/2" IRONS R - "RECORDED AS"
 ● - CORNER FOUND Δ - LATHE



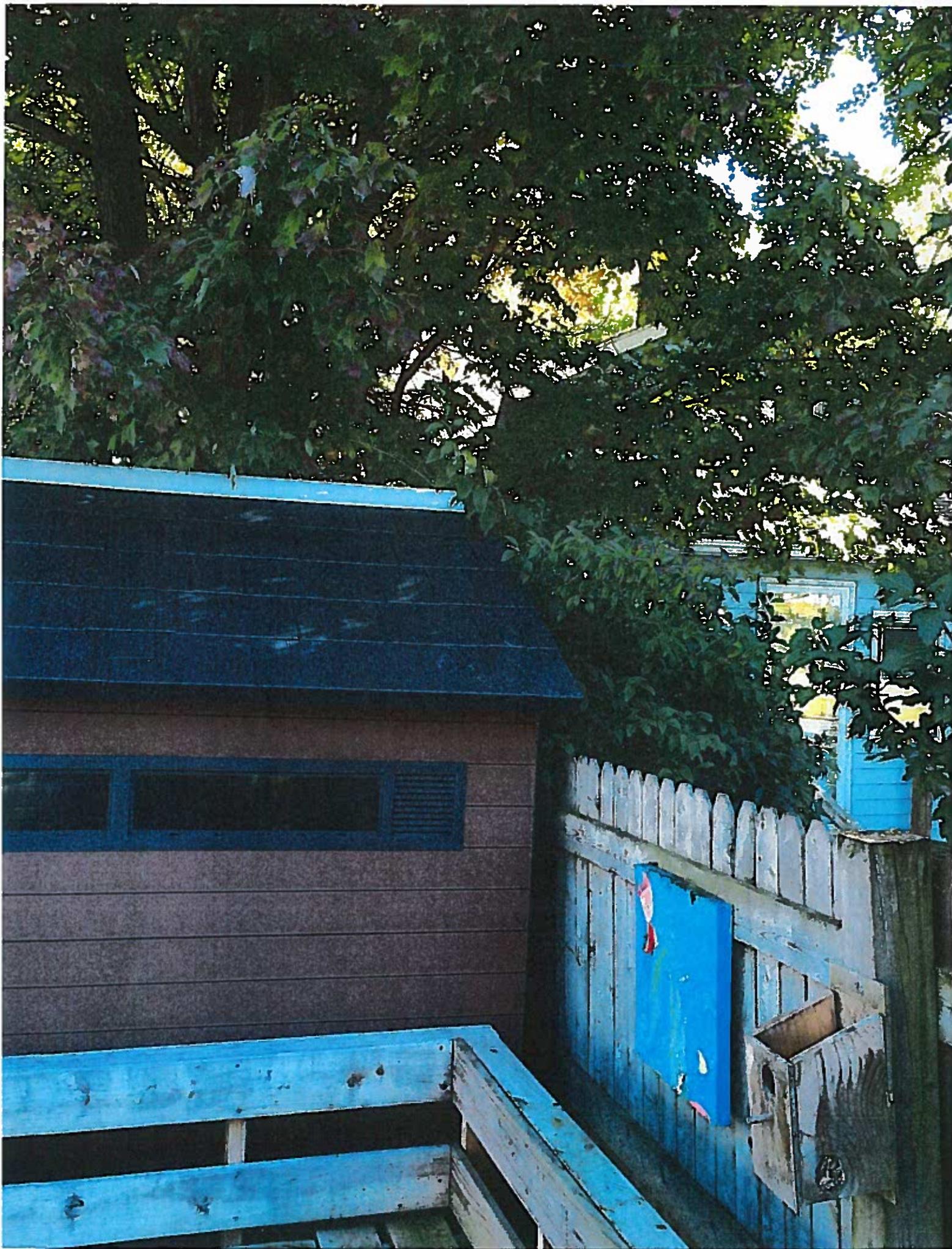


Current
shed.
location





10-14-14







10-14-14



Department of Community Development

TO: Zoning Board of Appeals **DATE:** October 31, 2014
FROM: Vicki Georgeau, ^{VJ} Director of Community Development
SUBJECT: ZBA #14-13, Austin Brancheau, 4129 Long Lake Drive, R-1A, One Family Residential

CODE SECTION: 42-121(B)(2)(C), Accessory Buildings, Lakefront Lots, p. CD42:29.

APPEAL: Requesting a variance to permit a 64 square-foot accessory building six inches from the (south) side property line where a minimum 10 foot side yard setback is required.

STAFF RECOMMENDATION:

The applicant is requesting the above referenced variance per the enclosed application, photos, and site sketch. The 36-foot wide by 210-foot deep lakefront lot is improved with a nonconforming 896 square-foot single family dwelling constructed in 1930. The property is zoned R-1A, one family residential, is adjacent to single family residences to the north and south, and across the street to the southwest are commercially zoned properties.

As background for the Board, the city was recently made aware that a 64 square-foot shed had been placed in the rear yard without a permit. The subject shed is located in the rear lakeside yard approximately six inches from the south side property line adjacent to a six-foot privacy fence, where a minimum ten-foot setback is required. The applicant wishes to keep the shed in its current location and a variance is therefore requested.

The applicant indicates the narrowness of the lot will not accommodate an accessory building with a ten-foot side yard setback without negatively impacting views of the lake. Placement of the shed in a conforming front yard location is not an option as the dwelling is constructed close to the front property line. Placement of the shed in a conforming location near the center of the rear yard is possible, but would effectively obstruct the applicant's view of the lake from the dwelling and deck. The minimum ten-foot side yard setbacks required on lakefront properties are intended to limit the impacts of accessory buildings on neighboring properties' view of the lake. In this instance the adjacent dwelling to the south (4203 Long Lake Drive) is located closer to the lake than the subject shed and additionally a six-foot privacy fence screens the view of the shed from the adjacent property. The shed could be moved two and a half feet north of its current location to a point three feet from the south side property line. A three foot setback is consistent with the minimum accessory building setback for non-lakeside, rear yard locations. This alternative location would preserve the view of the lake for the applicant, permit maintenance to all sides of the shed, and would not impact neighboring properties view of the lake. Therefore, a lesser seven foot variance from the required ten foot setback can be recommended.

PRACTICAL DIFFICULTY:

Narrowness of lot. Lack of a conforming front yard location.

T:\COMMDEV\2014-2015 Department Files\Board Files\Zoning Board\14-12, 4323 Stratford\2014 10 31 VG ZBA 14-12 Stratford, 4323 (staff rpt) doc

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.