

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – June 9, 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. One person was in the audience.

MEMBERS PRESENT: Tim Bunch, Randall Schau, Michael Robbe, Doug Rhodus, Jeffrey Bright, Phillip Schaeffer, and Chadwick Learned.

MEMBERS EXCUSED: Lowell Seyburn, Glenn Smith

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

APPROVAL OF THE MINUTES: Robbe moved and Bunch seconded a motion to approve the April 28, 2014 minutes as submitted. Upon voice vote, motion was approved 7-0.

NEW BUSINESS:

ZBA #13-14, 1127 Schuring Road: Mais summarized the request for a variance to construct a 13-foot by 21.5-foot sunroom 4.5 feet from a swimming pool where a minimum 10-foot building separation is required. The applicant's builder, Silas Mulder, stated requiring 10 feet of separation between a pool and a dwelling would prevent problems if a house foundation was too close to an in-ground pool. The proposed sunroom, however, would be situated on the existing deck and the pool would be 4.5 feet from pylon footings, as opposed to a full foundation. Mr. Mulder said he would also replace any footings or supports that were necessary. Mr. Mulder stated the code allowed a covered deck to be immediately adjacent to a pool and believed the proposed 4.5-foot separation was adequate for this situation. Mr. Mulder stated staff's suggestion for a lesser variance would not allow sufficient room to accommodate a table and chairs. In addition, the deck currently covered a recessed area surrounded by a retaining wall and if the sunroom was cut back three feet it would allow that area to fill up with water and flood whenever it rained. Robbe and Learned both noted the applicant could build a covered deck instead of a sunroom without a variance, or with a lesser variance could construct a smaller sunroom with a 3 foot cantilever projecting past the sunroom which would cover the recessed area if flooding was a concern. The property owner, Lynn Hartman, stated they had considered other options but believed the three season room was the only acceptable option as it would keep the insects out and provide the space they wanted. Bright inquired if the applicant would consider accepting a lesser variance. Ms. Hartman replied no

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

A motion was made by Learned, seconded by Robbe to deny the request for a variance to construct a 13-foot by 21.5-foot sunroom 4.5 feet from a swimming pool where a minimum 10-foot building separation is required for the following reasons: there are no exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the zoning district; and 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 and vicinity because there are conforming or less nonconforming alternatives available such as constructing a covered deck or a smaller sunroom . Upon roll call vote: Robbe-Yes, Rhodus-Yes, Learned-Yes, Schau-Yes, Bunch-Yes, Schaeffer-Yes, Bright-Yes. Motion passed 7-0.

OTHER BUSINESS: Officer elections were held with Bright elected as Chair, Schaeffer as Vice Chair and Smith as Secretary.

STATEMENT OF CITIZENS:

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator