

CITY OF PORTAGE ZONING BOARD OF APPEALS

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