

## CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – March 9, 2020

The City of Portage Zoning Board of Appeals meeting was called to order by Secretary Philipp at 7:00 p.m. in conference room one. One person was in the audience.

**MEMBERS PRESENT:** Alexander Philipp, Linda Fry, Dan Thornton, Lena Jomaa, Jeff Wettig, and Linda Finch.

**MEMBERS EXCUSED:** Randall Schau, Jay Eichstaedt

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

**APPROVAL OF THE MINUTES:** Finch moved and Fry seconded a motion to approve the January 13, 2020 minutes as submitted. Upon voice vote, the motion was approved 6-0.

### **NEW BUSINESS:**

**ZBA #19-12; 2530 Ashford Trail:** Mais summarized the requests for a) a determination that there has been a change in circumstances since the January 13, 2020 meeting; and b) a variance to allow a Juliana mini pig to be kept as an emotional support animal at 2530 Ashford Trail. Mais stated that subsequent to the Board's denial on January 13, 2020, the applicant provided staff a letter from a medical authority stating an emotional support animal is recommended for a member of the household to treat a specific condition. Matt Rafferty was present to answer questions. Fry inquired if the pet had already been purchased. Mr. Rafferty stated it had been and is currently at their household. Finch inquired if staff knew the pig was already there, and would the pig's presence be a code violation. Mais responded staff was unaware of the pig's presence, but even if it were known, requesting the variance would effectively stay any enforcement pending the Board's decision. Wettig inquired why the applicant did not provide documentation from a medical authority to support their request at the last meeting. Mr. Rafferty stated they didn't understand at the time that not having it would mean not getting a variance.

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

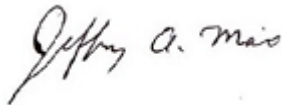
After additional discussion, a motion was made by Finch, seconded by Fry to a) make a determination that there has been a change in circumstances since the January 13, 2020 meeting; and b) grant a variance to allow a Juliana mini pig to be kept as an emotional support animal at 2530 Ashford Trail with the conditions that 1) the rear yard be enclosed with a fence not less than 48 inches high; 2) the animal be kept on a leash at all times when not indoors or in the rear yard for the following reasons: 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; the variance is not necessary for the preservation and enjoyment of a substantial property right similar to that possessed by others in the same zoning district in the vicinity because there are conforming alternatives available such as keeping a different domestic pet that is not a farm animal. 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: Wettig-Yes, Fry-Yes, Finch-Yes, Philipp-Yes, Jomaa-Yes, Thornton-Yes. Motion passed 6-0.

**OTHER BUSINESS:** The Board welcomed the new Board members: Lena Jomaa and Dan Thornton.

**STATEMENT OF CITIZENS:** None.

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 7:25 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jeff A. Mais".

Jeff Mais  
Zoning & Codes Administrator