

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – June 8, 2020

The City of Portage Zoning Board of Appeals virtual meeting was called to order by acting Chair Eichstaedt at 7:00 p.m. online.

MEMBERS PRESENT: Alexander Philipp, Linda Fry, Randall Schau, Lena Jomaa, Jeff Wettig, Jay Eichstaedt, and Dan Thornton (due to audio and video difficulties Dan Thornton could not participate).

MEMBERS EXCUSED: Linda Finch

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

APPROVAL OF THE MINUTES: Jomaa moved and Philipp seconded a motion to approve the May 11, 2020 minutes as submitted. The motion was approved 6-0.

NEW BUSINESS:

ZBA #19-16; 10901 Portage Road: Mais summarized the request for a variance to construct a new two-story dwelling with 1,176 square feet of living area where a minimum 1,440 square feet is required. Stephanie Myers stated the practical difficulties were the small size and narrowness of the lot and the usable lot width was further reduced by the presence of her neighbor's driveway which encroached onto her property several feet. Ms. Myers noted that while the adjacent properties had smaller bungalow style homes there were other two story dwellings in the vicinity, notably a house across the street and a dwelling north of the subject property about a half block. Eichstaedt noted there is a wide variety of modular homes available, some of which would likely conform. The applicant stated nearly all of the other models looked at had the main entrance on the long side of the dwelling, whereas the proposed dwelling had the entrance on the short side and would therefore work on this narrow lot. Schau inquired what specific dimensions of dwelling was staff considering when it suggested constructing a conforming dwelling. Mais responded there was no specific dimensions, but based on the building envelope concluded there was adequate space to construct dwellings that could meet living area requirements and setbacks. Schau inquired how long the driveway encroaching on the north side of the property had been in its current location. Mais responded the driveway predated the City. The applicant stated she did not know if the neighbor at 10845 Portage Road could relocate their driveway but if they moved it to the north side of the property it might cause several other adjacent narrow lots to have to relocate their driveways too and there is now a retaining wall along this portion of Portage Road. Schau inquired of Attorney Bear in regard to the neighbor's encroaching driveway whether a prescriptive easement or adverse possession situation affecting a neighbor could be considered by the Board in granting a variance. Attorney Bear responded it could.

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 Schau, seconded by Fry, to grant a variance to construct a new two-story dwelling with 1,176 square feet of living area where a minimum 1,440 square feet is required 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 which include the small size and narrowness of the lot, and the presence of the neighbor's driveway; the variance is 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, the ability to construct a new dwelling; 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 supporting materials, staff report, and all comments, discussions 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. 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

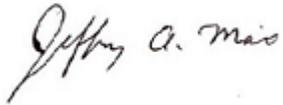
the Board be final and effective immediately. Upon roll call vote: Wettig-Yes, Schau-Yes, h-Yes, Philipp-Yes, Jomaa-Yes, Eichstaedt-Yes. Motion passed 6-0.

OTHER BUSINESS: Eichstaedt reminded the Board officer elections would take place next meeting.

STATEMENT OF CITIZENS: None.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:11 p.m.

Respectfully submitted,

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

Jeff Mais
Zoning & Codes Administrator