

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – July 13, 2020

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

MEMBERS PRESENT: Lena Jomaa, Jeff Wettig, Linda Finch, and Dan Thornton.

MEMBERS EXCUSED: Alexander Philipp, Linda Fry, Randall Schau, Jay Eichsteadt

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator, Randy Brown, City Attorney.

APPROVAL OF THE MINUTES: Jomaa moved and Wettig seconded a motion to approve the June 8, 2020 minutes as submitted. The motion was approved 4-0.

NEW BUSINESS:

ZBA #19-17; 4304 Branch Avenue: Mais summarized the request for a) a variance to retain a 120 square-foot accessory building, which when combined with other accessory building areas, exceeds the living area of the dwelling by 96 square feet; and b) a variance to construct a 12-foot by 18-foot accessory building, which when combined with other accessory building areas, would exceed the living area by 312 square feet. An email and related photos from Alex Gwiazdowski included in the supplemental agenda was read indicating the 'dog house' was subsequently measured by Mr. Gwiazdowski and found to be only 94 square feet as opposed to the 120 square feet earlier reported to city staff, thereby making the requests 26 square feet less than originally requested. The applicant stated the 'dog house' structure was already on premises when the property was purchased in 2014 but was moved to the rear yard. Finch inquired if a building permit is required for the dog house/gazebo structure. Mais responded yes but no permits were obtained to either construct or move it. Finch inquired if the applicant could enclose the dog house/gazebo structure and use for storage as suggested in the staff report. Mr. Gwiazdowski stated it was possible but did not want to do so as the shade and open air is needed by his dog. Finch inquired if any utilities would run to the proposed shed. Mr. Gwiazdowski responded no. Mr. Gwiazdowski added the proposed shed would be partly screened by mature trees. Finch inquired if the basement could be used for storage purposes given the past flooding problems. Mr. Gwiazdowski responded not if the pumps failed again.

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

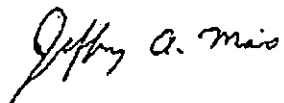
After additional discussion, motions were made by Wettig, seconded by Thornton, to grant: a) a variance to retain a 94 square-foot accessory building, which when combined with other accessory building areas, exceeds the living area of the dwelling by 70 square feet; and in a separate motion b) a variance to construct a 12-foot by 18-foot accessory building, which when combined with other accessory building areas, would exceed the living area by 286 square feet, 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 need for additional storage space and the high water table limiting use of the basement for storage purposes; 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 store lawn equipment; 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, Jomaa-Yes, Finch-Yes, Thornton-yes. Both motions passed 4-0.

OTHER BUSINESS: officer elections were postponed until August 10. Mais announced Randall Schau has provided notification he is stepping down from the Board.

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 black ink that reads "Jeff A. Mais". The signature is written in a cursive style with a large initial "J".

Jeff Mais
Zoning & Codes Administrator