

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – August 10, 2020

The City of Portage Zoning Board of Appeals virtual meeting was called to order by acting Chair Eichstaedt at 7:00 p.m. Three people in the audience were in attendance in person.

MEMBERS PRESENT: Lena Jomaa, Jeff Wettig, Linda Finch, Alexander Philipp, Jay Eichstaedt, Linda Fry.

MEMBERS EXCUSED: Dan Thornton

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator, Seth Koches, Assistant City Attorney.

APPROVAL OF THE MINUTES: Finch moved and Wettig seconded a motion to approve the July 13, 2020 minutes as submitted. The motion was approved 6-0.

NEW BUSINESS:

ZBA #20-01; 1524 Paul Court: Mais summarized the request a variance to construct a covered elevated deck where a 16 square-foot portion would extend to within one and a half feet from the (west) side property line where a minimum five-foot side yard is required. John Fiore, and architect Arnie Bunkley were present to answer questions. Mr. Bunkley stated the requested variance resulted in a reduction in the degree of nonconformity, as less of the replacement deck would fall within the required setback. Mr. Fiore stated he has spoken to the neighbors and was aware that the neighbors to the west were opposed to the request and had submitted photographs to the Board that he felt were misleading as they were taken from the neighbor's east side window which they admit they keep shuttered and not from the neighbor's deck, which is set at a higher elevation and extends closer to the lake than their proposed covered deck. Mr. Fiore stated the proposed covered deck would not obstruct the neighbor's view of the lake.

A public hearing was opened. A letter of opposition and photographs from Tammy Tarver, 1530 Forest Drive, was read and entered into the record. Letters from Tom and Theresa Wheatley, 1510 Forest Drive and Anne Kemerling, 1524 Forest Drive, were also read into the record. Mr. Fiore stated the people writing letters view of the lake would not be affected by the proposed covered deck. Eichstaedt noted there was much discussion about the covered deck and the neighbors' view of the lake, but clarified that the applicant did not need a variance to construct the covered portion of the deck, and only requires a variance for a 16 square-foot uncovered portion of the deck intended to replace the west side entrance access to the deck that is already in existence, and would result in a reduction in degree of nonconformity. There being no additional comments, the public hearing was closed.

After additional discussion, a motion was made by Finch, seconded by Fry to grant a variance to construct a covered elevated deck where a 16 square-foot portion of would extend to within one and a half feet from the (west) side property line where a minimum five-foot side yard 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 narrow lakefront lot and location of existing dwelling; 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 improve one's property; 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, Fry-yes, Eichstaedt-Yes. Motion passed 5-0 (note: at this

point a power outage removed Philipp's audio and he was unable to continue to vote or participate in the meeting).

ZBA #20-02; 1209 East Milham Avenue: Mais summarized the request for a variance to construct a sign at the (south) front property line where a 10-foot setback is required. Brad Barnham explained the variance is necessary because of several sight obstructions, such as a pedestrian bridge, planter boxes, and utility poles. He stated the proposed zero-foot setback would improve sign visibility greatly and help customers with wayfinding. Fry inquired what would happen to the existing sign if the variance is approved. Mr. Barnham replied it would be removed.

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

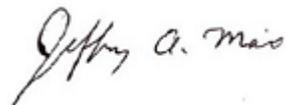
After additional discussion, a motion was made by Finch, seconded by Wettig, to grant a variance to construct a sign at the (south) front property line where a 10-foot setback is required for the following reasons: there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district which include the orientation of the existing sign and the presence of vision obstructions; 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 identify a business; 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, Fry-yes, Eichstaedt-Yes. Motion passed 5-0.

OTHER BUSINESS: officer elections were held and the following officers were elected: Finch – Chair, Eichstaedt – Vice Chair, Fry - Secretary.

STATEMENT OF CITIZENS: None.

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

Respectfully submitted,



Jeff Mais
Zoning & Codes Administrator