

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – September 14, 2020

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

MEMBERS PRESENT: Lena Jomaa, Jeff Wettig, Linda Finch, Alexander Philipp, Jay Eichstaedt, Linda Fry, Dan Thornton. (audio difficulties prevented Thornton and Jomaa from participating)

MEMBERS EXCUSED:

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator, Catherine Kaufman, City Attorney.

APPROVAL OF THE MINUTES: Wettig moved and Fry seconded a motion to approve the August 10, 2020 minutes as submitted. Upon roll call vote, the motion was approved 5-0.

NEW BUSINESS:

ZBA #20-03; 10124 Harris Drive: Mais summarized the request for a variance to construct a 440 square-foot detached garage 8.5 feet from the (east) front property line where a minimum 27-foot front yard setback is required. The applicant, Brian Somers, explained the variance was necessary because the current nonconforming detached garage experiences water problems whenever it rains, is in disrepair, and replacing the garage with a new one with a slightly higher foundation in the same location and size is consistent with other properties on the street. Mr. Somers showed the Board photographs of several other properties in the vicinity that had detached garages near the street. Eichstaedt noted a discrepancy where the applicant's drawing shows a 440 square-foot garage, but the applicant indicates they are replacing the existing 400 square foot detached garage with another of the same dimensions. Mais stated staff measured the existing structure and confirmed it is 20 feet four inches wide. The applicant's builder, Scott Deloof, stated the drawing they submitted was in error as it showed a 22-foot by 22-foot foundation when in fact they intend to build on the existing foundation and do not intend to alter the footprint. Finch inquired how much they would be raising the foundation to deal with the flooding issues. Mr. Deloof responded six to eight inches. Eichstaedt inquired if the applicant was also requesting variances for either the proposed garage's size or height. Mais responded no.

A public hearing was opened. A petition of support was read into the record signed by the owners of 10208 Harris Dr., 10114 Harris Dr., 10110 Harris Dr., 10142 Harris Dr., 10148 Harris Dr., 10120 Harris, Dr. and 10130 East Shore Dr. There being no additional comments, the public hearing was closed.

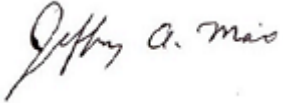
A motion was made by Eichstaedt, seconded by Fry to grant a variance to construct a detached garage with one of the same dimensions as the existing garage 8.5 feet from the (east) front property line where a minimum 27-foot front yard setback is required for the following reasons: there are exceptional 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 narrow lakefront lot and surrounding development pattern; 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 have a garage free of flooding problems; 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, Philipp, Finch-Yes, Fry-yes, Eichstaedt-Yes. Motion passed 5-0.

OTHER BUSINESS: None.

STATEMENT OF CITIZENS: None.

ADJOURNMENT: A motion was made by Fry, seconded by Philipp, to adjourn the meeting. Upon roll call vote the motion passed 5-0. The meeting was adjourned at 7:25 p.m.

Respectfully submitted,

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

Jeff Mais
Zoning & Codes Administrator