

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – October 12, 2020

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

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

MEMBERS EXCUSED: Alexander Philipp

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 September 14, 2020 minutes as submitted. Upon roll call vote, the motion was approved 5-0.

NEW BUSINESS:

ZBA #20-04; 7781 Harvest Lane: Mais summarized the request for a variance to construct a 720 square-foot detached garage five feet from the (north) front property line where a minimum 30-foot front yard setback is required. The applicant, Michael Turner, explained the variance was necessary because of the topography, and that a four-foot drop in elevation between the street grade and a conforming location 30 feet back was problematic. Mr. Turner said that while city staff's suggestion to build in a conforming location and change the grade is possible, it would be problematic given the historic challenges this property has had with storm water drainage issues and would be concerned altering the grade that substantially might cause storm water to flow either towards the house or onto neighboring properties. Mr. Turner also stated the two-story children's play structure near the southeast corner of the rear yard is quite a substantial size and would be difficult to move. Eichstaedt inquired how tall the building would be. Mr. Turner stated he was considering increasing the wall height another foot and wondered if that might put the peak of the roof over the maximum allowable height. Mais clarified that building heights were calculated measuring from average grade to the mid-point between the roof peak and eaves. Eichstaedt inquired if Mr. Turner was also requesting a height variance. Mais responded no. Finch noted the applicant had an RV and inquired what the applicant intends to store in the proposed garage. Mr. Turner stated his pickup truck, motorcycles, and tools. Finch inquired how much garage area the applicant currently has and if a 720 square-foot detached garage was larger than most other detached garages in the neighborhood. Mais responded the property already had a 528 square-foot attached garage and that the proposed 720 square-foot garage is larger than the more typical 440 square-foot detached two-stall garages commonly seen in residential areas. Eichstaedt inquired if the applicant had considered making the attached garage deeper and building a 'tandem garage'. Mr. Turner said they had looked at the option, but rejected it because vehicles would continually have to be juggled around and would defeat his goal of creating a conveniently accessible storage/parking area. Eichstaedt noted a garage five feet from the front property line seemed out of character with the surrounding neighborhood and inquired if staff felt the proposed driveway location posed safety concerns given its proximity to the intersection. Mais responded staff had objections to the proposed garage location, but the driveway's proximity to the intersection was not one of them. Fry inquired if the applicant would be removing the fence. Mr. Turner said there would be an opening in the fence where the garage would go but the fence would otherwise be reconstructed on either side of the garage. Eichstaedt inquired if the applicant would be willing to accept a lesser variance for perhaps a smaller garage set back further south. Mr. Turner responded he would still require a certain amount of depth to accommodate his storage needs.

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 Jomaa, seconded by Eichstaedt, to deny a variance to construct a 720 square-foot detached garage five feet from the (north) front property line where a minimum 30-foot front yard setback is required for the following reasons: there are no exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the

same zoning district. Upon roll call vote: Jomaa-Yes, Wettig-No, Finch-No, Fry-No, Eichstaedt-No. Motion failed 1-4.

A motion was made by Eichstaedt, seconded by Fry, to grant a lesser variance to construct a 24-foot by 28-foot detached garage 10 feet from the (north) front property line where a minimum 30 foot front yard setback is required for the following reasons: There are exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zoning district which include the topography and having two front yard setbacks; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to store vehicles indoors; 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 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: Jomaa-Yes, Wettig-Yes, Finch-Yes, Fry-Yes, Eichstaedt-Yes. Motion passed 5-0.

ZBA #20-05; 4622 Deep Point Drive: Mais summarized the request for a variance to construct a stairway addition three and a half feet from the (north) side property line where a minimum five-foot setback is required. Kathleen Kline was present to answer questions. Eichstaedt inquired how the proposed addition would be used. Ms. Kline responded a private bedroom space for a friend who had recently lost her husband.

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

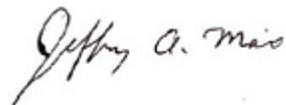
After additional discussion, a motion was made by Eichstaedt, seconded by Wettig, to grant a variance to construct a stairway addition three and a half feet from the (north) side property line where a minimum five-foot setback is required for the following reasons: There are exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zoning district which include the substandard lot area and width; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to enhance one's home; 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 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: Jomaa-Yes, Wettig-Yes, 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 Eichstaedt, to adjourn the meeting. Upon roll call vote the motion passed 5-0. The meeting was adjourned at 8:05 p.m.

Respectfully submitted,



Jeff Mais
Zoning & Codes Administrator