

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – October 26, 2020

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

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

MEMBERS EXCUSED: Dan Thornton

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

APPROVAL OF THE MINUTES: Fry moved and Jomaa seconded a motion to approve the October 12, 2020 minutes as submitted. Upon roll call vote, the motion was approved 7-0.

NEW BUSINESS:

ZBA #20-06; 9533 Oakview Drive: Mais summarized the request for a variance to construct a 96 square-foot shed 18 feet from the (south) front property line where a minimum 30-foot front yard setback is required. The applicant, Michael Rohr, explained he wanted to utilize the existing concrete slab and did not want to pour more concrete so they could retain as much green space as possible and so that he would not have to relocate the irrigation system running throughout the back yard. Mr. Rohr indicated the shed would have the same color and roof as the house and would be partly concealed behind a six-foot fence. Mr. Rohr stated the shed will be used to store a riding mower, snow blower and other lawn equipment. Eichstaedt inquired if the applicant knew what purpose the concrete slab originally served where he wanted to locate the shed. The applicant did not know. Eichstaedt inquired if a permit was needed to pour a concrete slab. Mais replied no. Eichstaedt noted it should be possible without too much difficulty to cap the sprinkler system in the spring if needed to relocate a portion of the irrigation system. Jomaa inquired if there was a gate between the rear yard and the driveway. The applicant responded the gate is near the southwest corner of the garage. Eichstaedt requested clarification concerning the alternate location for the shed shown on the applicant's drawing. Mais replied the second location was included by the applicant as an alternative for a lesser variance if the Board did not wish to grant the requested variance. Eichstaedt inquired if the alternate location needed a variance. Mais responded a two-foot front setback variance would still be needed. Eichstaedt noted a two foot variance was a much smaller variance and would still allow easy access to the shed.

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 Fry, to grant a lesser variance to construct a 96 square-foot shed 28 feet from the (south) 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 curved street and irregular shape of the lot; the variance is necessary for the preservation and enjoyment of a substantial property right, the right 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 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, Philipp-Yes, Haddow-Yes. Motion passed 7-0.

ZBA #20-07; 9440 East Shore Drive: Mais summarized the request for variances to: a) retain a dwelling located four feet from the (south) side property line where a minimum five-foot side yard is required; and b) to increase the building height of a nonconforming dwelling by 66 inches where a portion of the dwelling is four feet from the (south) side property line where a minimum five-foot side yard setback is required. Joel

Krawczyk explained they discovered the nonconforming setback when they recently had the property surveyed as part of the due diligence for the building permit, and the original builder had evidently altered the location of the dwelling on the lot from where their approved plans indicated. Haddow inquired if the applicant had already investigated the feasibility of raising the dwelling and the foundation requirements with both their contractor and the city. Mr. Krawczyk responded yes.

A public hearing was opened. A letter of support from Laura Tupper, 9516 East Shore Drive was read. No one spoke for or against the request. The public hearing was closed.

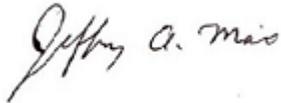
After additional discussion, a motion was made by Wettig, seconded by Jomaa, to grant variances to: a) retain a dwelling located four feet from the (south) side property line where a minimum five-foot side yard is required; and b) to increase the building height of a nonconforming dwelling by 66 inches where a portion of the dwelling is four feet from the (south) side property line where a minimum five-foot side 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 narrow lakefront lot and original location of the dwelling; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to improve and modify 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 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, Philipp-Yes, Haddow-Yes. Motion passed 7-0.

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 7-0. The meeting was adjourned at 8:00 p.m.

Respectfully submitted,



Jeff Mais
Zoning & Codes Administrator