

Board of Zoning Appeals
Public Hearings
Monday, October 11, 2010
7:00 P.M.

Chairman Scott Gluth called the Public Hearing to order at 7:00 P.M.

The following members were present: Chairman Scott Gluth, Mayor Fred Conley, Bill Eberle, Gary Quisno and Jim Smith.

Also in attendance was: Rob Pauley, Village Administrator/Zoning Administrator, Deb DiMasso, Administrative Assistant.

A sign-in sheet was provided for those who wished to give public comment (see attached).

Chairman Scott Gluth administered the oath to all present that wished to give testimony or make a statement.

Hearing #1: The purpose of the hearing is to obtain public comment on a Variance Request to Section 153.043 General Yard Requirements, (D) Yard Exceptions, (2) Garage & Accessory Buildings to allow a variance of 6 ½' from the front of the principle structure, in lieu of the required 10' from the rear of the principle structure, requested by Gary Cagel, 604 E. Water Street, property owner.

Administrator Pauley stated he had not received any written or electronic correspondence in regards to the variance request by Gary Cagel.

Thomas Hill, 187 Behlman Road, submitted in writing to Chairman Gluth his response to Mr. Cagle's variance request. He indicated that he felt the variance request is for 30'. Mr. Hill explained that he and his wife are not against building the garage there, but he is not in favor of having it built that far forward into the yard. Mr. Hill stated he would not be opposed to a variance which would move the garage even with back edge of the house. Mr. Hill stated there is a garage located at 486 E. Water Street which appears to have been built in line with the rear of the house. He also was concerned if the garage would be built as proposed, there would be more room behind the building for junk to be stored. Mr. Hill stated that he wasn't so much concerned with Mr. Cagle storing junk behind the garage, but is more concerned if the property would ever change hands that there is potential for that to happen. Mr. Hill stated that he felt it would look better if the garage was built further back.

Mr. Gary Cagle said he would love to build the garage in the area where Mr. Hill suggested. Mr. Cagle explained there are maple trees, a pin oak and a pine tree in the back and he does not want to have to destroy live trees, which is why he requested the variance.

Mrs. Florence Brown (181 Behlman Rd.) stated she is of the same opinion as Mr. Hill, and feels the garage would be better in the back of the lot.

Ms. Hazel Kohbarger (co-owner of 604 E. Water Street) stated the reason she doesn't want it in the backyard is because they have a shed that floods every time it rains because Mr. Hill's property is so high and they are low and there would be water in the garage just like their shed.

There being no further comment with regard to Hearing #1, Chairman Gluth closed Hearing #1.

Hearing #2: The purpose of the hearing is to obtain public comment on a Variance Request to Section 153.462 Parking Space Requirements, requested by Oak Green, LLC, (dba Community Markets), 229, 245 & 279 W. Water Street, property owner.

Administrator Pauley stated he had not received any written or electronic correspondence, in regards to the variance request by Oak Green, LLC (dba Community Markets).

Mark Mulligan, Ottawa County Prosecutor, stated he is representing the Portage Fire District. The Fire Department is interested in purchasing the property (235 Main Street) to the north of the current location of the Fire Department, which is owned by the Bassett Family Trust. There is a problem with the Fire Department buying the Bassett Family Trust property due to a parking easement over the property. The easement is in favor of the Community Market (grocery store). He stated there are representatives from the Community Market and also Mike Bassett who is representing the Bassett Family Trust here. The Bassett family would like to sell the property to the Portage Fire District. Mr. Mulligan explained that years ago, when Community Market was being built it did not have adequate parking, and in order to make up some of the parking, two parking spots were reserved on the Bassett family property. The Portage Fire District is asking that the parking easement on the Bassett family property for the parking requirement at the Community Market be relieved. Mr. Mulligan explained that if the variance would be granted, so that the Community Market would not have to rely on the Bassett Family Trust property (north of the Fire Department), for the two parking spaces, then that would allow Community Market to say they could eliminate the parking easement from the Bassett Family Trust property. Currently there is an easement over the entire Bassett Family Trust property for travel and parking. Mr. Mulligan feels that the easement destroys much of the value of the Bassett

Family Trust property for the Portage Fire District. The Portage Fire District desires the property, at this time for parking. There are approximately 33 volunteer members, with typically 15 or so responding to a call. There are currently five spaces behind the fire station which leaves the other fire responders to park in the "no parking" zones along Water Street. Mr. Mulligan also explained that fire trucks are getting bigger and bigger, and more sophisticated, and the fire station may not be sufficient to enclose future acquisitions of equipment. It might be necessary to expand the fire station into the five or six spaces that are in the back. Mr. Mulligan asked that the variance be granted so the Community Market doesn't have to look to the Bassett Family Trust property for two parking spaces. This would allow Community Market to be comfortable in eliminating the easement for the Bassett property. Then the Bassett property could be purchased by Portage Fire District. Mr. Mulligan stated the Portage Fire District Chief, Portage Fire District Board Members, representatives from Community Markets and Mike Bassett are here if the Board has any questions.

Jim Smith stated what you really want the Board to do, is to grant this variance so that the three or four spaces are removed from previously granted original variance for Community Markets.

Mike Needler Sr. representing Oak Green, LLC, addressed the Board stating that he wasn't aware of the easement for the two parking spaces at the Bassett Family Trust property and he believes they have never been used. He stated that in the spirit to help the Fire Department, he does not have an objection to this variance. However, it is necessary to have the variance because the Community Market would have less than the required number of parking spaces. Mr. Needler Sr. stated we come before the Board to be respectful of the rules and we want to cooperate.

Mike Needler Jr. representative Oak Green, LLC, stated he agrees with everything that has been said and wishes to cooperate with the Portage Fire Department.

There being no further public comment a motion was made by Jim Smith and seconded by Fred Conley that the hearing be closed. On roll call vote, all were in favor of said motion. Motion carried. Hearing adjourned at 7:19 P.M.



Scott Gluth
Chairman