

The City of Portage Board of Zoning Appeals met in regular session on March 23, 2015, at 6:30 p.m. in Room 103 at the University Center, 6260 Central Avenue, Portage, Indiana.

CALL TO ORDER: Chairman Adam Higgins called the meeting to order and asked all present to join in the Pledge of Allegiance.

ROLL CALL: The roll was called and found Dennis Fadely, Aaron Massow, Denise Little, Jeff Veach, and Adam Higgins present. Also present were Attorney Michael Handlon, and Development Review Planner Kurt Knutsen.

APPROVAL OF MINUTES: Dennis Fadely made a motion to approve the February 23, 2015 meeting minutes. Seconded by Jeff Veach. 5 voted yes.

REPORT OF OFFICERS AND COMMITTEES: NONE

Chairman Higgins moved old business to be heard first on the agenda

OLD BUSINESS:

V-01-15: *David Wright, 6968 Fox Tail Avenue, Portage, Indiana, requesting a Variance from Chapter 90, Section 6.32 (C) Except as provided for in the Downtown Fence & Wall Standards section, fences and walls shall not be located in any front yard at 6968 Fox Tail Avenue*

David Wright and his wife came forward to speak stating that they are presenting a letter signed by the neighbors giving support to the placement of the proposed fence on the Prairie Run side of the house. The petitioner placed two stakes and a tape to mark the location of the proposed fence for the members to review as requested at last month's meeting. Development Review Planner Kurt Knutsen discuss with the members that he reviewed the site with Dennis Fadely to determine the approximate position of the building line on the property on the east and west sides of the property by the use of a measuring wheel. A stake was placed on the west side of the property to mark the approximate location of the building line as referenced by the existing sidewalk on that side of the property. On the east side of the lot no permanent marker was place but the position was discussed with Mr. Fadely. Chairman Higgins strongly caution the members from considering placing the fence beyond the building line as he is concerned with any sight issues presented by the requested fence location and any unfavorable effects with area traffic vision and safety. Mr. Massow made comments on the proposed placement of the fence and the current placement of the construction dumpster to the point that the placement of the fence as proposed would not hamper the vision drivers in the neighborhood. The members discussed this issue examining pictures supplied by the petitioner.

Aaron Massow made a motion, the fence placement on the southwest corner of the lot is not to exceed the building line along the front of the property, with the fence on the east side of the house being placed as drawn in the petition with the fence coming off the northwest corner of the garage, in line with the back wall of the garage, protruding out 44 feet then running north parallel to the building line. Seconded by Jeff Veach, 3 voted yes, no (Fadely, Higgins).

NEW BUSINESS - PUBLIC HEARING:

V-01-15: *Brendan S. O'Hara, Portage Land Investors, LLC, c/o DVG Inc., 11065 Broadway, Suite D, Crown Point, Indiana, requesting a Variance from Chapter 90, Section 3.8 Maximum Lot Coverage, Section 3.8 Minimum Front, Side, and Rear Yard Setbacks; Section 6.23 Parking Standards, (A) Each parking space must be at least 10 feet wide and 20 feet long; Section 6.27 Parking Lot Standards, (D) Parking Lot Landscape Standards; Section 6.29 Waste Receptacle Standards, (A) All receptacles shall be confined to portions of the site least visible to the public view; Section 6.40 Landscape Standards, (A) Lot Planting Area, and (B) Foundation Planting Area as defined in (2); Section 6.3 Drive-Thru Standards, (A) General Drive-Thru Design, (2) Community Focus, and (B) Drive-Thru Aisle Specifics, (3) Each drive-thru aisle shall queue at least 4 standard vehicles between the menu board and the entry point into the drive-thru aisle at 6010 U.S. Highway 6*

Brendan O'Hara of Portage Land Investors introduced himself along with Jeff Ban of DVG, Incorporated as presenters of the petition. Mr. O'Hara stated that he has been working with the planning staff for several months to develop a site for Panera Bread. Panera has been looking at the area for some time and has determined that this site at 6010 U.S. Highway 6 is a great location to pursue with this store having a full bakery and employee 45 to 60 full and part time employees. Mr. O'Hara also stated that working with the site design and the development standards of the City of Portage the resulting variances are thoughtful and have some logic to their requests as they pertain to the overall site plan.

Jeff Ban of DVG Incorporated came forward to discuss the variances requested with the board members. Mr. Ban stated that there are eight overall variances being requested however they are somewhat related to the overall site plan as designed. The site works for the Portage market and it is the last lot in the Meijer Subdivision and is a corner lot. As a corner lot it brings its own set of challenges which require us to ask for set back variances to align the property with the already existing sites.

Mr. O'Hara discussed with the members the placement of the trash enclosure and the reasons for variance request as the location served as the best utility for the operation of the site. Also discussed was the entry point into the lot on the northeast corner. It was felt that delivery and trash trucks could better service the lot with this proposed entrance. The petitioner was willing to work with the staff to improve the functioning of the entrance at site plan review for the plan commission

Chairman Higgins opened the public hearing.

Jim Fitzer (6260 Central Avenue) spoke in favor of the petition stating that it is great to have a quality restaurant seek to develop in the City.

Lou Gagliardi (6260 Central Avenue) spoke in favor of the petition as the new Director of Portage Economic Development Corporation.

Chairman Higgins closed the public hearing.

Denise little commented stating that the explanation of the delivery entrance and the placement of the trash enclosure seem to work for the site plan. Mrs. Little went on to say that given the variances for the lot coverage and foundation plantings she would like to see a nice landscaping plan presented to the plan commission at the time of site plan approval by that board.

Dennis Fadely made a motion to approve the petitioner's request of the variances as presented. Seconded by Denise Little, 5 voted yes.

With no further business before the board Chairman Higgins adjourned the meeting.

Adam Higgins, Chairman

A. J. Monroe, Executive Secretary