



The City of Portage Board of Zoning Appeals met in regular session on April 27, 2015, at 6:30 p.m. in Room 103 at the University Center, 6260 Central Avenue, Portage, Indiana.

**CALL TO ORDER:** Vice-Chairman Dennis Fadely 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, and Jeff Veach present. Also present were Attorney Michael Handlon, Director of Community Development A. J. Monroe, and Development Review Planner Kurt Knutsen.

**APPROVAL OF MINUTES:** Aaron Massow made a motion to approve the March 23, 2015 meeting minutes. Seconded by Jeff Veach, 4 voted yes.

**REPORT OF OFFICERS AND COMMITTEES:** NONE

**NEW BUSINESS - PUBLIC HEARING:**

**V-04-15:** *Brenda J. Sumner, 5241 Central Avenue, Portage, Indiana, requesting a Variance from Chapter 90, Section 6.16 (G) An accessory structure must be located to the rear or side of the primary structure unless specifically permitted otherwise. 6.17 (A) No more than two (2) enclosed accessory structures (i.e. detached garage, pool house, shed, etc.) are permitted. (B) The cumulative square footage of all enclosed accessory structures cannot exceed 840 square feet at 5241 Central Avenue*

Brenda J. Sumner presented the petition stating that she would like to be allowed to construct two car ports in her front yard as presented in the petition. The location of the car ports would be approximately 215 feet from the street on a wooded lot. Ms. Sumner also stated that she has had open heart surgery and 8 pacemakers, and at 85 she has problems going down the steps in the winter time to get to her car in the garage to the back of her house. A car port in the large front parking area would make her life easier in the inclement weather. She would like the second car port for her renter as he has medical issue himself.

Vice-Chairman Fadely opened the public hearing.

David Shilney (5241 Central Avenue) spoke in favor of the petition stating that he does have medical issues and the use of a car port would be helpful.

Vice-Chairman Fadely closed the public hearing.

Aaron Massow discussed with the petitioner if she would agree to remove the car ports if she sold the property. Ms. Sumner would agree to that stipulation.

Aaron Massow made a motion to approve the petitioner's request for a car port contingent that when title of the property transfers the car ports would be removed. Seconded by Jeff Veach, 4 voted yes.

**V-05-15:** *Teresa Swiger, 6349 Portage Avenue, Portage, Indiana, requesting a Variance from Chapter 90, Section 3.8 Accessory structure height, Section 6.16 (I) Exterior finish, façade and roof of each enclosed accessory structure must match or closely resemble the finish, facade material and roof pitch used on the primary structure, and 6.17 (B) the cumulative square footage of all enclosed accessory structures cannot exceed 840 square feet at 6349 Portage Avenue*

Teresa Swiger presented the petition stating that she would like to construct a 30 foot by 40 foot metal pole barn building on their 1.49 acre parcel. Ms. Swiger stated that they have several vehicles and equipment that need to be stored inside, and with this building she feels the property will be more organized and not look so cluttered.

Vice-Chairman Fadely opened and closed the public hearing as no parties came forward to speak.

The board members discussed the color of the building, and the removal of the current fence.

Aaron Massow made a motion to approve the petitioner's request for a variance to construct a 30 foot by 40 foot metal pole barn building, contingent that the color of the building match the color of the house, and allow the gravel to come off of the proposed building to the existing gravel in the driveway. Seconded by Jeff Veach, 4 voted yes.

**SU-02-15:** *Dr. Anton Tompkins, c/o Attorney Scott McClure of Rhame & Elwood, 3200 Willowcreek Road, Suite A, Portage, Indiana, requesting a Special Exception from Chapter 90, Section 3.37 Medium to Large Scale Commercial (Commercial Recreation Facility, Outdoor) at Lot 2 of Robbins Run 55.99 acres*

Attorney Scott McClure presented the petition stating that this project has been before the Developmental Review committee, the Plan Commission for a recommendation of a zoning change, then the City Council making a change of zoning contingent that the Board of Zoning Appeals grants the Special Exception for the Outdoor Commercial Recreation Facility. Mr. McClure also commented that the top soil had been removed many years ago making any future development difficult or at least clean fill would have to be brought in for new development. Soccer fields and softball fields seem to be a positive use as they do not require structures other than utility buildings.

Vice-Chairman Fadely opened and closed the public hearing as no parties came forward to speak.

Mr. McClure discussed with the board members that the concept plan is indicate that a section of the property could be connected with the Squirrel Creek subdivision as indicated, however his client is not pursuing that at this time. It is just a concept for discussion.

Mr. McClure and the board members discussed the proposed use and location of field lights with McClure stating that if lights were to be used they would be placed on the western most fields which are the furthest from the residential area. The discussion then centered on a limitation of distance that the field's lights would be allowed to be placed. It was generally agreed that 300 to 400 feet from the eastern property line would be a reasonable limit.

Denise Little made a motion to approve the Special Exception (Commercial Recreation Facility, Outdoor) contingent that field lights may not be placed within 300 feet of the eastern property line of the parcel. Seconded by Jeff Veach, 4 voted yes.

**SU-03-15:** *Chris Kuliczkowski, Paintless Ding Solutions, Inc., 2960 Airport Road, Portage, Indiana, requesting a Special Exception from Chapter 90, Section 3.41 Business Park (Auto Repair Center) at 1086 North State Road 149*

Chris Kuliczkowski presented the petition stating that is requesting a special exception at this location for his business which he performs paintless dent repairs to vehicles that have been damaged by hail damage and the normal dents and dings that vehicles receive from everyday use. Mr. Kuliczkowski stated that he would use the 2 assigned parking spots for this location and the garage unit for his business. He would plan to have no more than 3 customers per day at this location.

Vice-Chairman Fadely opened the public hearing.

Robert Rau (1086 N. State Road 149) is the owner of the property and stated that he was before the Board a year ago for a request however that tenant did not workout. This is a similar request with a use that is not as intensive.

Vice-Chairman Fadely closed the public hearing as no other parties came forward to speak.

Denise Little made a motion to approve the Special Exception (Auto Repair Center). Seconded by Aaron Massow, 4 voted yes.

**SU-04-15:** *Michelle Rivera, Little Smiles Preschool LLC, 1126 S. Virginia Street, Hobart, Indiana, requesting a Special Exception from Chapter 90, Section 3.35 Small to Medium Scale Commercial (Child Care Center) at 5948 Evergreen Avenue*

Michelle Rivera presented the petition stating that she would like to operate a Child Care Center at 5948 Evergreen. This location started as a dentist office for many years and has operated as an office use ever since. Mrs. Rivera is proposing to have children in two different time periods for no more than 2.5 hours per session. There is a large parking area that would accommodate the drop off and pick up of children at the appropriate time session.

Vice-Chairman Fadely opened and closed the public hearing as no parties came forward to speak.

Denise Little made a motion to approve the Special Exception (Child Care Center). Seconded by Jeff Veach, 4 voted yes.

With no further business before the board Vice-Chairman Fadely adjourned the meeting.

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Dennis Fadely, Vice-Chairman

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A. J. Monroe, Executive Secretary