Town of Porter
Board of Zoning Appeals
Meeting Minutes
October 20, 2010

A. The meeting was called to order at 6:30 p.m.

B.   Pledge of Allegiance

C. Roll Call / Determination of Quorum

Present: Mr. Kremke, Mr. Bell, Mr. Stinson, and Mr. Huyser
Absent: Ms. Nelson
Also present were: Mr. Lyp, Mr. Keiser, Mrs. Mitchell, and Mr. Mandon

D. Consideration of Minutes of Previous Meeting

Motion to accept the September 15, 2010 minutes was made by Mr. Kremke; second by
Mr. Stinson. Motion passed 4 – 0 via voice approval.

E. Audience Participation

None

F. Preliminary Hearing

None

G. Public Hearings

*Application for variance "to construct a new 26 x 44 garage" made by Brian Marx for
the property located at 445 Franklin Street in Porter (BZA 8-10).*

Greg Babcock spoke to the BZA as representative of his client, Brian Marx.

Brian Marx, 445 Franklin Street, also addressed the BZA with the reasons why he is
requesting variances to build the garage. He believes his situation is unique because of
his downtown location and the size of his lot.

Mr. Babcock mentioned that the existing utility shed will be removed before construction
of the proposed new garage.

Public Hearing was opened at 6:45 p.m.

No one spoke for or against the petition.

Public Hearing was closed at 6:46 p.m.

Mr. Mandon asked how storm water will be retained. The petitioner said he plans to put gutters on his garage and that the water will flow into his yard.

Mr. Kremke asked about the height variance.

Mr. Mandon asked the petitioner if he intends to match the exterior of the accessory building with the exterior of the principle structure.

Motion to grant all four variances requested with the following conditions: the garage must be 3 ft. from adjacent structure or 1 ft. 6 in. from the lot line, the exterior of the accessory building will match the principle structure, the gutters will flow into the petitioner's yard and not the alley, and the current shed will be removed was made by Mr. Bell; second by Mr. Kremke. Motion passed 4 – 0.

> Mr. Kremke – yes
> Mr. Bell – yes
> Mr. Stinson – yes
> Mr. Huyser – yes

Application for variance "to have a car port in my front yard" made by Walter Muncie for the property located at 249 Howe Road in Porter (BZA 06-10).

Mr. Muncie addressed the Board with his reasoning as to why he needs the car port.

Public Hearing opened at 7:02 p.m.

Mike Smolios, 240 Howe Road, spoke in favor of the petition.

Public Hearing closed at 7:05 p.m.

Mr. Kremke asked Mr. Muncie why he couldn't put his car in the existing garage.

Mr. Mandon gave some further insight into what the code states.

Motion to deny the variance was made by Mr. Bell; second by Mr. Huyser. Motion granted 3 – 1.

> Mr. Kremke – yes
> Mr. Bell – yes
> Mr. Stinson – no
> Mr. Huyser – yes

Application for variance to "vary from the accessory building code in front yard" made by Michael Pouch for the property located at 500 Francis Street in Porter (BZA 07-10).

Sherri Carlson was present to address the BZA.

Public Hearing was opened at 7:23 p.m.

No one spoke for or against the petition.

Public Hearing was closed at 7:24 p.m.

The BZA members had some discussion regarding the petition. The Board feels that the shed should be put into the back according to the survey.

Motion to continue the petition until the November meeting was made by Mr. Bell; second by Mr. Kremke. Motion passed 4 – 0.

> Mr. Kremke – yes
> Mr. Bell – yes
> Mr. Stinson – yes
> Mr. Huyser – yes

H. Old Business

   None

I.   Finding of Fact

   None

I. Update from the Board of Zoning Appeals Attorney

   None

J. Update from the Board of Zoning Appeals Secretary

   None

K. Adjournment

Motion to adjourn was made by Mr. Bell; second by Mr. Kremke. Motion passed via voice approval.

The meeting was adjourned at 7:39 p.m.

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Henry Huyser
Chairman

_____
Kara Mitchell
Secretary