

**Town of Porter
Board of Zoning Appeals
Meeting Minutes
March 17, 2010**

A. The meeting was called to order at 6:00 p.m.

B. Pledge of Allegiance

C. Roll Call / Determination of Quorum

Present: Mr. Kremke (late), Mr. Bell, Mr. Stinson, and Mr. Huyser

Absent: Ms. Nelson

Also present were Mrs. Mitchell, Mr. Mandon, Mr. Keiser and Mr. Lyp

D. Consideration of Minutes of Previous Meeting

Motion to accept the January 20, 2010 minutes as amended was made by Mr. Bell; second by Mr. Stinson. Motion passed via voice approval 3 – 0.

E. Audience Participation

None

F. New Business

Application for variance to install a “fence along south lot line starting at the southwest corner extending approximately 80’ east” made by Raymond Cahnman for the property located at 311 Duneland Drive in Porter (BZA 01-10)

Mr. Cahnman addressed the Board with his petition. Mr. Cahnman gave his story about how he feels his neighbor built on his personal property. He also presented a series of pictures of his property line to the Board. He read an e-mail from his neighbor, Mr. Gasovich who stated that he didn’t believe he had built on Mr. Cahnman’s property. Mr. Cahnman stated that Mr. Gasovich encroached four feet on his property. He would like to build a fence so that he can “reclaim” his property.

Mr. Mandon asked about the structures that are built on Mr. Cahnman’s property. He asked Mr. Cahnman if he would have to remove these structures to install the fence. Mr. Cahnman answered that he “sure should.”

Mr. Lyp asked if Mr. Gasovich recognizes that he has built on Mr. Cahnman’s property. Mr. Cahnman’s answer was “not yet.” Mr. Lyp advised the Board that because there is a lot line being disputed there is not much the Board can do.

Mr. Cahnman stated that he is intending to get permission for a fence and then the lot line will be determined between him and his neighbor.

Mr. Mandon asked Mr. Cahnman if he reported his neighbor to the Town three years ago when the building occurred. Mr. Cahnman said that he did not report Mr. Gasovich to the Town.

Mr. Keiser suggested that because Mr. Gasovich is having his own survey done, maybe Mr. Cahnman should wait until the survey is finished and then compare his survey and see who is right or wrong.

Mr. Mandon does not feel that the three criteria for granting a variance can be met if the property line is in dispute.

Motion to table the application until Mr. Cahnman can settle the property line was made and rescinded by Mr. Bell.

Mr. Lyp advised the Board to go ahead and set the application for Public Hearing with hopes that the applicant will settle the dispute before then. If he does not do so, he has been informed of the outcome of the vote.

Motion to set the application for Public Hearing in April was made by Mr. Bell; second by Mr. Stinson. Motion passed 4 – 0.

Mr. Kremke – yes

Mr. Bell – yes

Mr. Stinson – yes

Mr. Huyser – yes

G. Old Business and Matters Tabled

Application for variance to allow for the construction of a security gate on the petitioner's private driveway in the front yard which is not permitted by the Ordinance – Article I, Section 6 (g) (5) (a) made by Christopher and Amy Sue Palmer for the property located at 555 North Wagner Road in Porter.

Greg Babcock represented his client Amy Sue Palmer (who was in attendance). Mr. Babcock handed out a letter written by the Fire Chief, Lewis Craig. He mentioned that a generator has been installed for the house and will also be used for the fence should power be lost.

Mr. Kremke mentioned that he did not see why this variance shouldn't be granted seeing that the petitioner had met all of the requests of the Board.

Motion to approve the application subject to the conditions and keypad was made by Mr. Kremke; second by Mr. Stinson. Motion passed 3 – 1.

Mr. Kremke – yes

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

H. Preliminary Hearing

None

I. Public Hearing

None

J. Finding of Fact

None

K. Update from the Board of Zoning Appeals Attorney


None


L. Update from the Board of Zoning Appeals Secretary

None

M. Adjournment

The Board stood in adjournment at approximately 7:15 p.m.


Henry Huyser
Chairman


Kara Mitchell
Secretary