

**Town of Porter
Board of Zoning Appeals
Meeting Minutes
August 19, 2009**

A. The meeting was called to order at 7:00 p.m.

B. Pledge of Allegiance

C. Roll Call / Determination of Quorum

Present: Mr. Kremke, Mr. Stinson, Mr. Bell, Ms. Nelson, and Mr. Huyser

Absent: None

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

D. Consideration of Minutes of Previous Meeting

Motion to accept the July 15, 2009 minutes as written was made by Mr. Kremke;
second by Mr. Bell. Motion passed via voice approval 5 – 0.

E. Audience Participation

None

F. New Business

None

G. Old Business and Matters Tabled

None

H. Preliminary Hearing

Application for variance “to replace the fence along my east boundary at the same 6’ height as the old one. The fence would extend from Lot 19 (my south most lot) in a northerly direction along my east boundary to a point opposite the northern projection of the wood fence of my east neighbor, Mr. Frank Firestone.” made by Mr. Raymond S. Cahnman for the property located at 3030 Dearborn Street in Porter (BZA 11-09)

Motion to continue the application until the September meeting was made by Ms. Nelson; second Mr. Stinson. Motion passed 5 – 0.

Mr. Kremke – yes

Mr. Bell – yes

Mr. Stinson – yes

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Ms Nelson – yes
Mr. Huyser – yes

Mr. Welsh arrived 10 minutes late. After the Public Hearing, Mr. Welsh was allowed to present his application for variance.

Bob Welsh was present to represent Raymond S. Cahnman. He explained the background behind his clients request to replace the fence. Mr. Welsh spoke with Porter's Building Commissioner and he feels that the fence is no longer able to be repaired. A variance is needed because Porter's code has changed since the fence was installed. Mr. Welsh stated that the fence will be installed along the property line (or close to it).

Mr. Bell asked if the fence was being moved. Mr. Welsh said "if" the fence was moved it would be a "smidgen."

Ms. Nelson asked if the fence would interrupt the parking on Dearborn Street. Mr. Welsh said that it would not. It will actually help protect the property from the parking on Dearborn.

Mr. Mandon asked that the platt be amended to show where exactly the current fence is located and where the new fence will be located.

Mr. Keiser asked about the "parking association" at Porter Beach. He was unaware of this. Mr. Mandon does not know of any permits given for parking by the Town of Porter.

Mr. Lyp questioned whether the variance being requested was correct. Mr. Welsh will notify the public of where the new fence will be located on the property.

Motion to set the application for Public Hearing in the September meeting was made by Mr. Bell; second by Ms. Nelson.

Mr. Kremke – yes
Mr. Bell – yes
Mr. Stinson – yes
Ms Nelson – yes
Mr. Huyser – yes

I. Public Hearing

Application for variance "requesting building permit for 25' x 10' room addition on non-conforming lot" made by Paul and Kira Geiss for the property located at 2935 Market Street in Porter (BZA 10-09).

Paul and Kira Geiss were both present at the meeting.

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Mr. Geiss said that he spoke with the Health Department on July 23. A representative for the Health Department stamped Mr. Geiss' plans giving him the "green light" on the septic.

Mr. Bell asked a couple of questions regarding the addition.

Public Hearing was opened at 7:12 p.m.

No one spoke for or against the application.

Public Hearing was closed at 7:13 p.m.

Ms. Nelson asked how many entrances and bedrooms there were to the house. Mr. Geiss answered that there were 3 entrances and 3 bathrooms. He also mentioned that the rooms were extremely small.

Motion to approve the variance "*requesting building permit for 25' x 10' room addition on non-conforming lot*" was made by Mr. Bell; second by Mr. Stinson. Motion passed 4 – 0.

Mr. Kremke – yes
Mr. Bell – yes
Mr. Stinson – yes
Ms. Nelson – no
Mr. Huyser – yes

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

Motion to adjourn was made by Mr. Stinson; second by Mr. Bell. The Board stood in adjournment at approximately 7:43 p.m.

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Henry Huyser
Chairman

Kara Mitchell
Secretary