

**Town of Porter  
Board of Zoning Appeals  
Meeting Minutes  
October 21, 2009**

A. The meeting was called to order at 6:36 p.m.

B. Pledge of Allegiance

C. Roll Call / Determination of Quorum

Present: Mr. Kremke, Mr. Stinson, Ms. Nelson, Mr. Bell 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 September 16, 2009 minutes as corrected was made by Mr. Stinson; second by Mr. Kremke. Motion passed via voice approval 5 – 0.

E. Audience Participation

None

F. New Business

None

G. Old Business and Matters Tabled

*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).*

Mr. Bell requested that the Board review the new survey that was completed on the Cahnman property.

Mr. Welsh stated that the difference between the fence location on the new survey and the fence location on the old survey is about 2 inches. The blacktop on Dearborne Street would come very close to the boundary line. Mr. Welsh also stated that the 8 ft. extension to the fence would make it “equal” with Mr. Firestone’s existing fence.

**Town of Porter  
Board of Zoning Appeals Minutes  
October 21, 2009**

Mr. Huyser reminded the Board that he wants the members to concentrate on the fact that Mr. Cahnman is requesting a 6 ft. fence when the code only allows a 3 ft. fence.

Mr. Keiser informed the Board that after looking over the codes with Mr. Elwood they realized that the zoning code allows for fences in the building code, but the building code does not allow for fences.

Mr. Bell asked “if this petition was brought before the Board after the Porter Beach Overlay was adopted, would the fence be allowed?” Mr. Mandon stated that it would not be permitted. Under the new overlay proposal, the fence must be 15 ft. from any property line.

Mr. Cahnman wanted the Board to know that without the fence the sand would blow onto Dearborn Street. He feels that if the asphalt is to remain clear, a fence is needed.

Mr. Mandon feels that the Porter Beach Overlay is not an ordinance and it should not have any weight on the decision of the Board.

Mr. Welsh was given the opportunity to “make his case” one more time. He stated that all he is asking to do is to replicate what already exists. He feels that answers to the three criteria have been given.

Mr. Keiser stated that he talked with the Street Department and they should not be depositing any debris on Dearborn Street any longer. Mr. Keiser also questioned an easement that was granted to the previous owner. Mr. Welsh stated that the easement is tagged to a high water mark – when the water level raises the easement moves.

Ms. Nelson mentioned that the legal description from a June 26, 1979 survey states that the easement is tagged to a “fixed point.”

Motion to grant the petition with the condition that the fence be built on the southeast corner of the house moving along the property line was made by Mr. Kremke; second by Mr. Bell. The motion passed 4 – 1.

Mr. Kremke – yes

Mr. Stinson – no

Ms. Nelson – yes

Mr. Bell – yes

Mr. Huyser – yes

#### H. Preliminary Hearing

*Application for variance “to allow the construction of a 7’ x 25.6’ deck to be added to the west side of the house which will be less than 30’ from the setback*

**Town of Porter  
Board of Zoning Appeals Minutes  
October 21, 2009**

*lines” made by Charles P. Welter c/o William Ferngren, Esq. for the property located at 2915 Dudley Drive in Porter (BZA 15-09).*

Bill Ferngren was present to represent Mr. Welter. Mr. Welter wants to add a deck to the west side of his home. Mr. Ferngren mentioned that Mr. Elwood told them that a variance would be needed. The deck would be used mainly for enjoyment. The deck will be built over the existing patio.

Motion to set the application for Public Hearing in November was made by Mr. Bell; second by Ms. Nelson. Motion passed 5 – 0.

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

**I. Public Hearing**

*Application for variance “from front yard setbacks” made by Miguel A. Santos for the property located at 829 A. Johnson Street in Porter (BZA 12-09).*

Mr. Santos mentioned that the shed will be used to store a patio set, barbeque, etc. The shed will be 10’ x 18’ and the concrete pad will be 20’ x 30.’

Public Hearing started at 7:30 p.m.

No one spoke for or against the petition.

Public Hearing closed at 7:31 p.m.

Mr. Bell asked why the grass was disturbed on the property. Mr. Santos mentioned that he mistakenly obtained a building permit not knowing that a variance was needed. He began construction of the shed and was informed by Mr. Elwood that he would need a variance.

Mr. Kremke asked why the concrete pad was going to be 20’ x 30’ when the shed is only going to be 10’ x 18’. Mr. Santos mentioned that he intends to use the extra concrete to set up his patio set.

Mr. Lyp feels that the petitioner should give a layout of what is going to be built and where it will be built on the property.

Mr. Santos asked if he could run home and get a layout of the intended location of the shed and other information.

Motion to table the petition was made by Mr. Kremke; second by Mr. Bell. Motion passed 3 – 2 via voice approval.

**Town of Porter  
Board of Zoning Appeals Minutes  
October 21, 2009**

*Application for variance “to add monument sign in addition to pole sign and wall sign” made by Q. T. Sign, Inc (Nancy Raeside) for the property located at 1800 West U. S. Highway 20 and County Road – between Babcock Road and Worthington in Porter (BZA 13-09).*

Bill Chase was present to represent Q. T. Sign, Inc. A variance is needed for the sign because of its location.

Public Hearing started at 7:45 p.m.

No one spoke for or against the petition.

Public Hearing closed at 7:46 p.m.

The Board asked general questions regarding the location of the sign and the entrance to the hotel. There was the general consensus among members of the Board that a sign was needed for safety reasons.

Motion to approve the application was made by Mr. Kremke; second by Mr. Stinson. Motion passed 4 – 1.

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

*Application for variance for “non conforming lot-side yard variance for deck” made by Cynthia J. Maddox for the property located at 228 Rankin Street in Porter (BZA 14-09).*

Ms. Maddox gave a brief description of the variance she is requesting.

Public Hearing opened at 8:00 p.m.

Angela Samila 224 Rankin Street spoke against the variance.

Public Hearing closed at 8:02 p.m.

Mr. Kremke asked how big the deck will be. Ms. Maddox stated that the deck will be 10 ft. x 8 ft. Mr. Stinson questions why such a large deck and stairs are needed.

Motion to deny the petition made by Mr. Stinson; second by Mr. Kremke. Motion passed 5 – 0.

**Town of Porter  
Board of Zoning Appeals Minutes  
October 21, 2009**

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

\*\*\*APPLICATION REOPENED\*\*\* *Application for variance “from front yard setbacks” made by Miguel A. Santos for the property located at 829 A. Johnson Street in Porter (BZA 12-09).*

Mr. Santos presented to the Board a drawing of where his shed would be located and also what his shed would look like.

Mr. Mandon suggested that the petitioner put an addition on his garage instead of building a separate structure.

Motion to deny the petition was made by Mr. Bell; second by Mr. Stinson.  
Motion passed 5 – 0.

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

Geiss Issue – Mr. Elwood wanted to inspect the property to make sure that it was not a multi-family structure. At first there were problems, but Mr. Lyp stated that he believed an agreement had been reached.

Motion to adjourn the meeting was made by Mr. Stinson. The Board stood in adjournment at approximately 8:26 p.m.

**Town of Porter  
Board of Zoning Appeals Minutes  
October 21, 2009**

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Henry Huyser  
Chairman

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Kara Mitchell  
Secretary

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