

**Town of Porter
Board of Zoning Appeals
Meeting Minutes
December 16, 2009**

A. The meeting was called to order at 7:01 p.m.

B. Pledge of Allegiance

C. Roll Call / Determination of Quorum

Present: Mr. Kremke, Mr. Bell and Mr. Huyser

Absent: Mr. Stinson and 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 November 21, 2009 minutes was made by Mr. Bell; second by Mr. Kremke. Motion passed via voice approval 3 – 0.

E. Audience Participation

None

F. New Business

None

G. Old Business and Matters Tabled

None

H. Preliminary Hearing

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.

Mr. Babcock was addressed the Board as representative of Mr. and Ms. Palmer (who were not in attendance). The fence will be electronic and the owner will be giving the fire and police department the information to open the fence in case of emergency. It is going to be wrought iron. Mr. Babcock mentioned that the property has had two break ins.

Mr. Kremke looked at the property and completely understands why the owner would like to put the fence up.

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Motion to set the application for Public Hearing in January was made by Mr. Bell; second by Mr. Kremke.

Mr. Kremke – yes

Mr. Bell – yes

Mr. Huyser – yes

I. Public 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 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 addressed the Board as representative of Mr. Charles P. Welter. Mr. Ferngren provided a drawing of the deck and the elevation of the property. All access to the proposed deck will be from the sides of the deck and the interior of the house. Mr. Ferngren also showed several pictures of the property and the existing patio.

Mr. Ferngren does not believe that this project will be harmful to the general public in any way. The goal of the deck is to make an investment into the community and to enhance the views from the house. He also believes that this deck will be an enhancement to the home. The deck will actually take up less space than the existing patio. The owner feels like the property is being made safer because the seating area is being moved further away from the road. No additional fire or safety issues will be incurred.

Mr. Bell asked to see the survey of the property. Mr. Ferngren presented Mr. Bell with a survey of the property.

The Public Hearing opened at 7:18 p.m.

No one spoke for or against the application.

The Public Hearing was closed at 7:19 p.m.

Mr. Huyser asked about the height of the deck. Mr. Huyser asked about the existing bricks. Mr. Ferngren said that most of the bricks will be taken out except for those in front of the steps.

Mr. Mandon mentioned that he spoke with Mr. Ferngren about the pavers. He also mentioned that the plants that are added to the landscaping should be native to the land.

Mr. Bell asked Mr. Mandon to read the three criteria needed to grant a variance.

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Motion to deny the variance was made by Mr. Bell; motion denied – no second.

Motion to grant the variance was made by Mr. Kremke; second by Mr. Huyser.
Motion failed 2 – 1.

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

The application will be tabled until the January meeting – per Mr. Lyp.

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

Mr. Huyser acknowledged Mr. Kremke's service to the Board.

Motion to adjourn the meeting was made by Mr. Bell; second by Mr. Kremke.
The Board stood in adjournment at approximately 8:29 p.m.

Henry Huyser
Chairman

Kara Mitchell
Secretary