

**Town of Porter
Board of Zoning Appeals
Meeting Minutes
January 21, 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. Bell, Mr. Huyser, and Ms. Nelson

Absent: Mr. Stinson

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

D. Consideration of Minutes of Previous Meeting

Motion to accept the December 17, 2008 minutes as written was made by Mr. Huyser; second by Mr. Kremke. Motion passed via voice approval 3-0. Ms. Nelson did not vote because she was not on the Board at the time of the last meeting.

E. Audience Participation

Mr. Bell welcomed Ms. Nelson as the newest member of the Board of Zoning Appeals.

Michele Bollinger, 845 Quail Ridge Drive, made a few remarks to the Board of Zoning Appeals Members. She mentioned that the BZA is a tough but necessary job. She thanked the members for their service to the Town of Porter and for trying to make the Town a better place.

F. New Business

Election of Officers

Mr. Bell read into the record a letter from Kara Mitchell requesting to retain her current position as secretary.

Motion to nominate Mr. Huyser as the president was made by Mr. Kremke; second by Mr. Bell. Motion passed via voice approval.

Motion to retain Mr. Bell as vice-president and Kara Mitchell as secretary was made by Mr. Huyser; second by Ms. Nelson. Motion passed via voice approval.

G. Old Business and Matters Tabled

None

H. Preliminary Hearing

Application for variance made by Joseph and Debra Simanski for the property located at 2949 Market Street in Porter (BZA 01-09)

Joe Simanski, the applicant, presented his application to the Board. He and his wife have owned the property at Porter Beach for five years. His property is located at the very end of Bote Drive. They are also the owners of lot 46 and there is a small summer cottage located on this lot.

Their main purpose for the application is to put an addition on the house. It is currently a summer home and they would like to make it a permanent, larger home – this is the first application.

The second application – they are hoping to come out 10' from the house (in the rear). The reason they would like to do this is to restructure the current set of stairs and expand the cottage to make it more of a family home. They want to do this with the least amount of intrusion on the property lines as possible.

Because of the topography of the property, the applicant feels that there is a definite practical difficulty for them to improve their home. Presently, the house is 22 feet from the property line and with the variance granted the house would then sit 12 feet from the property line. They cannot expand in the other direction.

Mr. Kremke asked if the addition would go the entire length of the house. The house addition will run the width of the house.

Mr. Huyser asked if the addition would exceed the height requirement of 35 feet. The house addition would stay within the requirements.

Mr. Mandon informed the Board that both applications can be combined into one application.

Motion to set the application to Public Hearing at the February meeting was made by Mr. Kremke; second by Mr. Huyser. Motion passed via voice approval.

Application for variance made by Robert and Louise Albrecht-Mallinger for the property located at 3022 State Street in Porter (BZA 02-09)

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

The applicant, Robert Albrecht, presented his application. They have owned the property for some time. His wife is a midwife and he would like to have an attached garage for her safety. They also feel that it would be helping them as they are getting up in age to have a one-floor living arrangement for retirement. It will also be their permanent residence. Also, they feel it would help the parking issue that they have.

Mr. Mandon asked where the septic system was located. It is located in the rear.

The reason they are bringing this to the BZA is because it is a non conforming structure. Any change to the house must come before the BZA.

Motion to set the application to Public Hearing at the February meeting was made by Mr. Huyser; second by Mr. Kremke. Motion passed 4 – 0 via voice approval.

I. Public Hearing

None

J. Finding of Fact

Mr. Lyp presented the Finding of Fact for the State Park Little League. He asked all members to sign it before leaving.

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. Kremke; second by Mr. Huyser. The Board stood in adjournment at approximately 7:45 p.m.

Henry Huyser
Chairman

Kara Mitchell
Secretary