

Town of Porter
Board of Zoning Appeals
Meeting Minutes
March 18, 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, Ms. Nelson, Mr. Stinson, Mr. Bell and Mr. Huyser

Absent: Mr. Mandon

Also present were Mrs. Mitchell and Mr. Lyp

D. Consideration of Minutes of Previous Meeting

Motion to accept the January 21, 2009 minutes as written was made by Mr. Kremke; second by Mr. Bell. Motion passed via voice approval 4 – 0. Mr. Stinson voted “present” because he was not in attendance at the January meeting.

E. Audience Participation

None

F. New Business

Mr. Lyp informed the Board that Kelly Kelstrom was given the wrong application to fill out. Mr. Lyp suggested that the preliminary and public hearing be scheduled for April since the mess up was caused by the Town Hall. This is so as not to delay her any further.

Motion to set the Kelstrom application for preliminary and public hearing at the April 15 meeting was made by Mr. Stinson; second by Mr. Bell.

Mr. Kremke – yes

Ms. Nelson – yes

Mr. Bell – yes

Mr. Stinson – yes

Mr. Huyser – yes

Also, on January 16, 2009, a building permit was granted for construction of a new home. The orientation of the house changed after the commencement of the home construction began. The lot is a 100 feet in width and it is impossible to change the position of the home now. Mr. Lyp suggested that they apply for a variance in the rear yard setback from feet to 18 feet. Also, he suggest that the Town allow the owner to commence his building of the home at his own risk.

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Mr. Bell asked about the rear yard set back. The home owner showed his building plans to the Board and explained the situation.

Mr. Lyp said that once the proper paper work has been filed with the Town Hall he will suggest to the building commissioner that the building stop be lifted.

The Board agreed with Mr. Lyp's suggestions. No formal action was taken because it was not necessary.

G. Old Business and Matters Tabled

None

H. Preliminary Hearing

Application for variance to increase existing signage area made by Cardinal Outdoor LLC for the property located at the intersection of Mineral Springs Road and Interstate 94 in Porter (BZA 03-09).

Application for variance of existing sign structure height made by Cardinal Outdoor LLC for the property located at the intersection of Mineral Springs Road and Interstate 94 in Porter (BZA 04-09).

Cardinal Outdoor is seeking two variances for one sign structure. Mr. Bell would like to know the elevation of I-94 at the sight of the sign. The gentleman did not know this information. Mr. Bell feels that this information needs to be disclosed before it is set to public hearing. Everyone agrees that more information is needed. The dimensions of the sign is 48 feet by 18 feet with a 2-foot apron.

Motion to table the application until the April meeting was made by Mr. Bell; second by Mr. Stinson. Motion passed 5 – 0.

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

I. Public 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 was present to describe the variance he is requesting. Every change they make is to improve the property. Because of the topography of the property, there is no other way they can make these changes without requesting a variance.

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Public Hearing was opened at 7:42.

No one spoke for or against the application.

Public Hearing was closed at 7:43.

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

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

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

Mr. Albrecht explained the reasons for their interest in the variances. He thinks the changes will be pleasing to the eye.

Public Hearing opened at 7:49.

Sam Setting (not sure of spelling), 3022 State Street, had a question about the pitch of the porch.

Public Hearing closed at 7:53.

Ms. Nelson, wondered about the pitch of the porch. Mr. Albrecht's builder answered her questions.

Motion to grant the variance was made by Mr. Kremke; second by Mr. Stinson.
Motion passed 5 – 0.

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

J. Finding of Fact

None

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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 8:10 p.m.

Henry Huyser
Chairman

Kara Mitchell
Secretary