

Town of Porter
Board of Zoning Appeals
Meeting Minutes
June 15, 2005

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

B. Pledge of Allegiance

C. Roll Call / Determination of Quorum

Present: Mr. Huyser, Mr. Snyder, Mr. Bell, Mr. Niepokoj and Dr. Vodnoy

Absent: None

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

D. Points of Order

None

E. Consideration of Minutes of Previous Meeting

Mr. Snyder pointed out an error in the May 18 meeting minutes. The error is located on page 4. The word “demonstrate” should be “remonstrate.”

Motion to approve the minutes of the May 18, 2005 regular meeting *as amended* was made by Mr. Huyser; second by Mr. Bell. Motion carried 5 – 0 via a voice vote.

F. Audience Participation

None

G. Old Business and Matters Tabled

None

H. Preliminary Hearing

None

I. BZA Hearing

On the matter of Building Permit #3260 – Melissa Cohen and Daniel Sawocha to appeal building permit for 2908 Dearborn Street in Porte.

Hearing was opened by the BZA President, Mr. Snyder, with “ground” rules by which the hearing would be conducted.

Mr. Gunning, attorney for Melissa Cohen and Daniel Sawocha, voiced concerns over the appropriateness of the hearing stating that his client did not have time to adequately prepare. Attorney Lyp, attorney for the Town of Porter, stated that all things were in order and that the hearing could proceed. Mr. Gunning and Ms. Cohen proceeded through the reasons as to why they felt their petition to appeal the building permit was valid. John Hannon, President of Great Lakes Engineering, also voiced his concerns relating to building on that sight.

After a brief recess, Mr. Leeth, attorney for Allen & Co. Inc., (the builders on the property at 2908 Dearborn Street), rebutted the issues raised by the petitioners.

Mr. Bill Lewis, Town of Porter Building Commissioner, gave a brief overview on how building permits are issued. He then gave specifics concerning this permit and the difficulties involved. One of the problems being that Porter Beach had been platted in 1894 with no building lines.

Mr. Jim Mandon, Town of Porter Planner, was asked by Chairman Snyder to apply the zoning code ordinances to this matter.

It was the consensus of the Board that the hearing continue with questions from Board members, Snyder, Vodnoy and Bell. Chairman Snyder asked Mr. Gunning if there was anything else he would like to add to the record. Mr. Gunning had Ms. Cohen summarize 6 letters that were received from Porter Beach Residents. The Board also again heard from Mr. Hannon. Mr. Gunning asked Chairman Snyder if the audience who wished to comment would be allowed to speak. Mr. Snyder said he would not allow the audience to speak. Chairman Snyder then asked Attorney Lyp for his opinion concerning the possibility of four motions that could be made. Lorain Bell moved that the petition to appeal the building permit should be denied with an amendment to the building permit that the water line on the property would be 10 feet from the septic site.

Motion to deny the petition appealing the building permit and upholding said permit with an amendment that the water line be moved 10 feet from the septic site was made by Lorain Bell; second made by Henry Huyser. Motion was carried 5 – 0.

Special Note: Because of lengthy discussions that went on during this meeting, please refer to the official tape for more details.

J. Update from the Board of Zoning Attorney

None

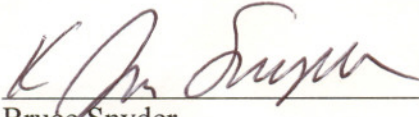
K. Comments from Board of Zoning Secretary

None

L. Adjournment

Motion to adjourn made by Mr. Bell; second by Mr. Huyser. Motion was carried 5 – 0 via voice vote.

Meeting was adjourned at approximately 11:20 p.m.



Bruce Snyder
Chairman



Kara Mitchell
Secretary