

Town of Porter
Board of Zoning Appeals
Meeting Minutes
April 16, 2005

A. The meeting was called to order at 7:00 p.m.

B. Pledge of Allegiance

C. Roll Call / Determination of Quorum

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

Absent: Mr. Niepokoj

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

D. Consideration of Minutes of Previous Meeting

Motion to approve the minutes of the March 16, 2005 regular meeting was made by Mr. Huyser; second by Mr. Bell. Motion carried 4 – 0.

Mr. Snyder mentioned that there was an error in the March 16 meeting minutes. The error was that there was a 21 foot setback not a 14 foot setback.

Motion to approve the minutes of the March 16, 2005 regular meeting *as amended* was made by Mr. Huyser; second by Mr. Bell. Motion carried 4 – 0.

F. Audience Participation

None

G. Old Business and Matters Tabled

None

H. Preliminary Hearing

The Application for Variance for Lot 32 at 242 Spring View Drive in Woodlake Springs, LLC

Mr. Chuck Lukeman, who is representing Woodlake Springs, LLC, addressed the board. He mentioned that when Woodlake Springs was laid out in the early 90's, it was in accordance with the Town of Porter's ordinances. Since that time, the Town of Porter has changed its ordinance by increasing lot size regulations. They have also changed square footage requirements, setbacks, etc. Mr. Lukeman's client wants to build a ranch on Lot 32 that is 1,325 square feet. This is 175 square feet less than what is required by the Town of Porter. Because the lot is

oddly shaped it is also impossible for the house to meet the standard given for the rear yard setback. This is the reason why they are requesting two variances. They are requesting that this matter be set for a public hearing.

Mr. Snyder asked about moving the rear yard set back 2 feet. The applicant responded that it is necessary for the dinette area in the front part of the house. Mr. Lukeman wanted to be sure the Board knew that both of the variances being requested are well within the requirements of the Town of Porter when the subdivision was originally platted.

Mr. Mandon mentioned that on page five of the zoning manual there are special extensions mentioned for overhangs, etc. He believes that the plan is a good idea.

The Board agreed to move the rear yard setback request from 35 feet to 28.26 feet. Because the change was a decrease, Mr. Lyp stated that it was perfectly legal to make such a change. Mr. Lukeman agreed to have changes made for the May 18 meeting.

• Motion made by Mr. Bell that a public hearing be set for the May 18, 2005 meeting; second made by Mr. Huyser. Motion was carried 4 – 0 via a voice vote.

H. Public Hearing

Consideration of Application for Variance for Lot 202 in Porter Cove (Applicant: Jackson Corporation)

Mr. Lyp stated that all legal information needed for this public hearing had been sent in.

Mr. Jackson addressed the board and stated that the plans had changed quite a bit because his first client had to back out because of a time factor. His current client wanted a two story instead which was better for the lot size.

Mr. Lyp stated that because the change was a decrease, the public hearing could go on as scheduled.

The Public Hearing was opened at 7:20 p.m.

There were no comments made by the public and the Public Hearing was closed at 7:21 p.m.

Mr. Vodnoy had several questions regarding the driveway. His questions were answered by the petitioner.

Mr. Bell stated that he liked the revised plan and thought that it was better to go with a two-story than the ranch style of home.

Mr. Mandon stated that the TAC met and they also liked the two-story plan as it was much more in accordance with his limits. He believes that the builder has done with the lot what he can and it will match the other houses in the subdivision very nicely.

Mr. Snyder questioned if the new plan met the ordinance requirements for size for a 2-story dwelling. It was determined that it didn't. However, before building permits could be issued the dwelling would conform.

Motion made by Mr. Bell to approve the variance at hand in conjunction with the given finding of fact; second was made by Mr. Huyser. Motion was carried 4 – 0. (See attached finding of fact)

I. Finding of Fact

None

J. Update from the Board of Zoning Attorney

Mr. Lyp stated that there were three BZA cases in court, but now there is only one case. The Brewer Appeal was dismissed. The Nelson matter is also done. The Legastee matter is the only case currently being worked on.

K. Comments from Board of Zoning Secretary


None

L. Adjournment

Motion to adjourn made by Mr. Bell. Motion carried 4 – 0 via voice vote.
Meeting was adjourned at 7:36 p.m.



Bruce Snyder
Chairman



Kara Mitchell
Secretary