

**Town of Porter**  
**Board of Zoning Appeals**  
**Meeting Minutes**  
November 19, 2003

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

**B. Pledge of Allegiance**

Present: Mr. Beckman, Mr. Childress, Mr. Chemma, and Mr. Bell. Absent: Mr. Niepokoj. Quorum was established. Also present were Mr. Mandon, Mr. Hearn, and Mr. Whisler.

**C. Consideration of minutes from previous meeting.**

Motion to approve the minutes from the previous meeting as written was made by Mr. Chemma, second by Mr. Childress. Motion carried 4-0.

**D. Audience Participation**

Paulene Poparad, reporter for the *Chesterton Tribune*: When were findings of fact adopted for the Lagestee petition? [Note: they have not been adopted as yet.]

**E. Old Business**

None

**F. New Business**

**Dale Brewer, 161 Bote Drive, Porter: An appeal of Building Commissioner's decision regarding construction at 171 Bote Drive, Porter.**

Town attorney Mr. Hearn explained the BZA appeal process. Indiana State Code allows an appeal to the BZA but Porter's BZA does not have a formal procedure that deals with appeals. The BZA needs to decide [tonight] what the process will be.

Attorney Jim Wieser presented the views of his client, co-appellant Martin Dobrzynski, 181 Bote Drive, Porter. He stated the appeal was filed with the Town of Porter just today. He believes a formal public hearing is required and, once an appeal has been filed, all construction in progress must be stayed. [Note: Judge Bradford has issued a stay of construction order in this case already.] Their contention is the building permits are for remodeling and the work in progress is new construction.

Attorney Jeffrey Gunning, representing the homeowner of 171 Bote Drive, Suzanne Schoenfelt, concurred that this BZA meeting should be used as an organizational meeting to establish how the matter will be resolved; he also believes a public hearing is required. His client's contention is they are abiding by building permits legally given. Also requested permission for the roof to be completed despite the stay of construction to protect the home's interior.

Attorney Gordon Etzler, representing Dale Brewer, questioned whether the property owner has followed all the proper procedures and rules and if allowing roof construction will open the door for more than that to be constructed. He is in favor of just allowing the home interior to be protected from the elements, not allowing more construction.

At this point Mr. Beckman closed public comment on the appeal.

#### Staff Reports:

Mr. Mandon stated we should not waste time arguing the need of a public hearing; just decide to hold one so all concerned parties may present their case.

Mr. Whisler stated there are detailed plans of the construction and showed them to the BZA members. He noted that the building was a non-conforming structure already. He looked at the property from the outside and determined that it could be remodeled. First building permit clearly stated there was a \$40,000 construction limit. Once work began, parts of the home were found to be very decayed and much more work was required. A second building permit was issued as an update to the first for \$143,000 in construction. He stated the plans were within our codes for an already non-conforming structure. The non-conforming part of the structure was not made any more non-conforming. Noted the footprint change was in a different direction on the property. Also noted that the septic issue is not a Town of Porter concern; it is between the homeowner and Porter County. He believes the roof should be completed.

Board members that discussed some points of the case and when to hold a meeting.

Motion to completely stay construction and hold a public hearing on the appeal at the earliest possible date (to be determined) made by Mr. Childress.

Motion amended per Mr. Beckman's recommendation to allow for tar papering the roof. Second by Mr. Bell. Motion carried 4 – 0.

### G. Unsafe Building Hearings

1. **106 Rankin:** Mr. Hearn stated that notice had been sent to the owner that the property does not comply with Town of Porter building codes. This is the owner's chance to be present and respond to the alleged violations. Mr. Whisler then gave the reasons this building was in violation of our codes.

Albert Krause, a general contractor from Jackson Township, Porter County, was present to speak on the violations. The home belonged to his brother who passed away eight years ago and the property thus slowly deteriorated. He just received legal authority to fix the home today and will start work on it once all the former tenants' belongings are removed.

Motion to have Mr. Krause return at the January 2004 BZA meeting to report on progress made by Mr. Childress; second by Mr. Bell. Motion carried 4 – 0.

2. **344 Rankin:** Mr. Beckman asked the audience three times for someone to speak on the impending demolition of the home on this property. Hearing none, Mr. Beckman stated the Building Commissioner's order to demolish the house on this property will move forward.

### F. Other Business

Mr. Beckman announced the resignation of Mr. Childress effective December 31, 2003 due to his election to the Porter Town Council. He thanked Mr. Childress for over 9 years of service to the BZA.

### I. Adjourn

Motion by Mr. Childress to adjourn; second by Mr. Bell. Meeting adjourned at 8:18 p.m.

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John Beckman  
Chairman

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Lisa Liebert  
Secretary