

**Town of Porter  
Board of Zoning Appeals  
Meeting Minutes  
February 15, 2023  
Porter Town Hall**

- A. Meeting was called to order at 5:30 p.m.
- B. Pledge of Allegiance
- C. Roll Call  
Present: Kremke, Eriksson, Albrecht-Mallinger, Huyser  
Absent: Mr. Wagner  
Also, Present: Ms. Sufana, Mr. Mandon, Mr. Barry and Ms. Frost
- D. Quorum-There is enough present for a quorum.
- E. Appointment of Officers/Secretary- continued from last meeting  
Mr. Albrecht-Mallinger made a motion to appoint Mr. Kremke as President, Mr. Huyser seconded. Motion passed 4-0.  
Mr. Huyser made a motion to appoint Mr. Albrecht-Mallinger as Vice President, Mr. Eriksson seconded. Motion passed 4-0.  
Mr. Huyser made a motion to appoint Ms. Sufana as Secretary, Mr. Albrecht-Mallinger seconded. Motion passed 4-0.
- F. Consideration of Minutes from January 18, 2023  
Mr. Eriksson made a motion to approve the minutes of January 18, 2023 as written, Mr. Huyser seconded. Motion approved 4-0.
- G. Audience Participation-NONE
- H. Old Business and Matters Tabled-1000 Hokanson-Unsafe Building-Mr. Barry states he forwarded an application to Rebuilding Duneland and they denied the application. He would like to rescind his order and issue a new order to seal the building. He has a meeting with another agency that might be able to help. He is trying to do something positive with this. Mr. Kremke thanked Mr. Barry for working so hard on trying to find a solution.
- I. Preliminary Hearing-None
- J. TABLED Public Hearing –Jessie & Michael Campaniello, 750 Marquette Rd, large deck on east side of the home continuing to the south (main front door) on the property. Mr. Barry goes over his report with his recommendations. He also stated that with the list that was submitted by Susko’s some of the items are not code violations. His recommendation is that all action items approved by the BZA must be completed prior

to the variance taking effect, if the variance is approved. If the agreed upon deadlines are not met then daily fines will be assessed as permitted by code and the deck will be ordered removed. Additionally, if all action items are completed by the deadlines, a new building permit must be obtained for the larger deck prior to any further construction.

Mr. Mandon goes over his report. He states that all three conditions have been met. The property has numerous code violations present. The requested variance should not be approved unless all violations are remedied.

Mr. Huyser states that stipulations on granting a variance should not be code violations. Mr. Albrecht-Mallinger comments variance has to stand on its own two feet. The Findings would have to be written to be very clearly.

Mr. Kremke states he is in agreement with both gentleman the variance needs to stand on its own. The timeline needs to be accelerated.

Mr. Barry comments when they applied for permit there was never a drawing and they never said where the deck was going. He thought they were going in the back, he screwed it up and owns up to it.

Mr. Albrecht-Mallinger made a motion to approve the variance subject to Mr. Barry's recommendations with updated dates moving materials to March 15, moving rubbish to April 15, removing lean to's April 15, and an updated building permit, Mr. Eriksson seconded.

Motion passed 3-1 with roll call vote Huyser voted no.

Mr. Albrecht-Mallinger made a motion to amend the findings of facts to include for (2) that the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the planned deck setbacks from the edges of the deck the from property lines exceed the 30' required setback and the (3) the strict application of the terms of the zoning ordinance will result in practical difficulties because the rear yard is approximately ten(10) feet and is removed from the main portion of the principal structure by an addition, making it unsuitable for a deck location and the west wall adjacent to the side yard is attached to a bedroom and bathroom, making it unsuitable for a deck access, Mr. Eriksson seconded.

Motion passed 3-1 with roll call vote Huyser voted no.

#### K. Other Business-

Building Standards Order-101 Johnson Beach Rd & 3029 State St- Mr. Barry states he issued original order to repair in May 2020 for 101 Johnson Beach Rd. He has issued an order on January 4, 2023 to remove the unsafe building within 60 days for both 101 Johnson Beach Rd and 3029 State St.

Russell Millbranth, 2601 Chicago St unit B, Valparaiso, representing Chris Dahlin who has POA for Carl Dahlin. Mr. Millbranth states he has to dissolve the corporation first before property can be sold. Mr. Dahlin owns 80% of shares if development moves forward with Chuck Williams. Daniel Blakenburg is Mr. Williams attorney. Mr. Millbranth will be putting a legal notice in paper before end of second week of March for a meeting to

dissolve corporation and once corporation is dissolved then the sale should move forward within 30 days. The closing should be by end of April 2023.

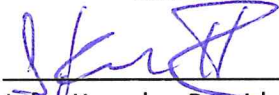
Mr. Albrecht-Mallinger made a motion to modify order for 101 Johnson Beach Rd with a target date of June 1, 2023, Mr. Huyser seconded.  
Motion passed 4-0.

Mr. Huyser made a motion to modify order for 3029 State St with a target date of June 1, 2023, Mr. Albrecht-Mallinger seconded.  
Motion passed 4-0.

Update from Attorney-NONE  
Board Comments-NONE

L. Adjournment- 6:39 pm

Mr. Albrecht-Mallinger made a motion to adjourn the meeting, Mr. Eriksson seconded the motion. Motion approved 4-0.

  
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John Kremke, President

  
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James Eriksson

  
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Erik Wagner

  
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Robert Albrecht-Mallinger, Vice President

  
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Henry Huyser

  
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Tammie Sufana, Secretary