

**Town of Porter  
Board of Zoning Appeals  
Meeting Minutes  
August 16, 2023  
Porter Town Hall**

- A. Meeting was called to order at 5:45 p.m.
- B. Pledge of Allegiance
- C. Roll Call
  - Present: Kremke, Eriksson, Huyser, Wagner
  - Absent: Albrecht-Mallinger
  - Also, Present: Ms. Sufana, Mr. Barry, Mr. Mandon, and Ms. Frost
- D. Quorum-There is enough present for a quorum.
- E. Consideration of Minutes from July 19, 2023
  - Mr. Eriksson made a motion to approve the minutes as amended of July 19, 2023, Mr. Wagner seconded. Motion approved 4-0.
- F. Audience Participation-NONE
- G. Old Business and Matters Tabled-K2 Construction withdrew application for a variance.
- H. Preliminary Hearing-NONE
- I. Public Hearing –
  - 1. Brian Marx, 445 Franklin St, requesting Developmental Standards Variance for additional fence height for corner fireplace. James Marx, representing Brian Marx, handed out two drawings of what he is asking for. Mr. Kremke asked about the revised application that was to be turned in 10 days prior to meeting. James Marx handed it out. Ms. Frost states we can open public hearing and continue until next month.  
Mr. Kremke opens Public Hearing at 5:36 p.m - Mr. Wagner made a motion to continue public hearing until next month, Mr. Eriksson made the second.  
Motion passed 4-0 with roll call vote.
  - 2. Mark 1 Construction, 1507 Ash St, requesting Developmental Standards Variance for decrease in rear yard setback by 5ft. Mark Markovich is looking to increase garage space and move living space back. Kurt Tilford, an employee of Mark 1 Construction and is standing in for Mark Markovich who is unable to attend due to prior commitment read a letter to board(see attached). The hardship was created by overlaying the 35' setback of the new ordinance (required for 90' wide lots) onto these smaller lots that were originally platted with 20' setbacks in 1928.

Mr. Kremke opened Public Hearing at 5:41 p.m.- Michale Metz, 615 Dunes Harbor Dr, potential new owner of house, is in favor of request so he is able to put his truck in the garage. Laurie Franke-Polz, 51 Detroit, has questions, which way will the increase be going forward to Ash St or rear to Waverly and is it going to have an effect on Ash St. Mr. Kremke responds it will get deeper in the rear of the property. Public Hearing closed at 5:44 p.m.

Mr. Mandon asks if set back set in the 20's does it control or does the new one. Mr. Barry comments setback was changed in 2003 to 35' from 20'.

Mr. Mandon recommendations is against the variance. Mr. Barry agrees with what Mark Markovich said in his letter.

Mr. Huyser asks about the designated alley, Mr. Barry replies it is not going to be an alley and will not be paved, it is there for drainage.

Mr. Wagner makes a motion to approve the variance, Mr. Eriksson seconded.

Vote 2-2 Roll call Kremke and Huyser voted no.

Mr. Huyser made a motion to deny variance based on third finding to resolve practical difficulties in the use of the property, you can put houses on that size lot. No one seconded. Motion fails.

Ms. Frost states there will need to be a special meeting within five days with all board members for a revote.

Mr. Eriksson made a motion for a Special meeting on Wednesday, August 23, at 5:30 p.m. and table's today's motion, Mr. Wagner made the second. Motion passed 4-0.


J. Other Business-

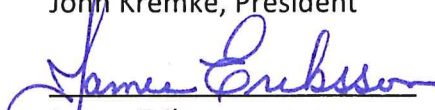
Update from Attorney-NONE

Board Comments-NONE

K. Adjournment- 6:00 pm

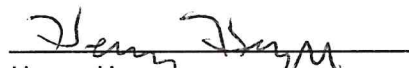
Mr. Eriksson made a motion to adjourn the meeting, Mr. Wagner seconded the motion. Motion approved 4-0.


  
John Kremke, President

  
James Eriksson

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Erik Wagner

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Robert Albrecht-Mallinger, Vice President

  
Henry Huyser

  
Tammie Sufana, Secretary