

**Town of Porter  
Board of Zoning Appeals  
Meeting Minutes  
August 16, 2017**

- A. Meeting was called to order at 6:30 p.m.
- B. Pledge of Allegiance
- C. Roll Call  
Present: Kremke, Huyser, Timm, Sexton, Madigan  
Also, Present: Ms. Sufana, Ms. Frost, Mr. Barry, Mr. Mandon
- D. Quorum-There is enough present for a quorum.
- E. Consideration of Minutes from July 19, 2017  
Mr. Sexton made a motion to accept the minutes as written from the July 19, 2017 meeting, Mr. Timm seconded.  
Motion approved 5-0
- F. Audience Participation-NONE
- G. Old Business and Matters Tabled-NONE
- H. Preliminary Hearing
- I. Public Hearing- Douglas Leicht, 910 Portage Ave, owns property at 110-112 Wagner Rd wants to appeal the fence permit that was issued to his neighbors. Douglas Leicht comments the fence comes within 17 inches of his air conditioner pad doesn't allow any room to take out garbage. The fence is also 40 inches from back corner of house. Mr. Barry, Building Commissioner Town of Porter, has given a certification of all the documents given to board on this. Permit 6316 was issued to the Weavers in May for a fence and town code states a survey had to be done for fences. The fence is allowed to be on the property line. The Weaver's offered to put a gate so Mr. Leicht could get around the air conditioner. The building permit was issued in accordance with the code.

Public hearing opened 6:38 pm

Brian Weaver, 20 Franklin, they did take into consideration of Mr. Leicht's concerns. They backed the fence away another 6 inches from the marks. They did their due diligence.

Public hearing closed 6:39 pm

Mr. Mandon states as long as fence follows height and location he doesn't see how we can reverse permit. public hearing for next month. It would be like a court and you will hear both sides. Mr. Leicht you will have to set up two public hearings one for fence and one for the shed.

Mr. Sexton made a motion to affirm that building permit as issued, Mr. Timm seconded. Roll call vote. Motion passed 5-0

### Finding of Facts

The fence was permitted in compliance with Town ordinances which allows fence to be located on the property line, so permit was properly issued.

Mr. Leicht has made no allegation that the fence goes over the property line.

Mr. Timm made a motion to approve the finding of facts as written, Mr. Sexton seconded.

Motion passed 5-0

### Public hearing for appealing shed removal.

Doug Leicht, 910 Portage Ave, was ordered to remove the shed at 110-112 Wagner Rd.

Mr. Leicht said when he put the shed up it was a verbal agreement between neighbor's years ago.

Mr. Barry hands the board a certified copy of what papers board was given. The shed encroaches on the neighbor's property. Mr. Barry cannot find a building permit for the shed and that is why is asking for it to be removed.

Mr. Mandon states that you cannot grandfather something that is beyond your property line.

### Public hearing opened 6:50

Brian Weaver, 20 Franklin, the shed is in more of an area of a parking lot. Taking down the shed will effective Mr. Leicht's tenants. This has caused hardship for him and his family. We are asking for him to take down the shed immediately.

Public hearing closed 6:53 pm

Mr. Mandon states code says it not grandfathering it is conforming or non-conforming. So in this situation the shed is an illegal non-conforming being there was no permit for it.

Mr. Timm said if there is no permit than the shed should go. You have to have a permit to building anything and this is why. If you had an agreement with the neighbor than you knew it was not on your property.

Ms. Frost states Mr. Mandon is correct the town cannot issue a permit that goes on neighbor's property line. When the structure is already there it is not the Town's issue to enforce it is a civil issue. It is the Town's jurisdiction to determine if the structure was properly constructed by obtaining a building permit. In the case there was no permit issued.

Mr. Barry doesn't have any evidence that a permit was issued and he also checked with county.

Mr. Timm made a motion to affirm the order for demolition of the shed, Mrs. Madigan seconded.

Roll call vote. Motion passed 5-0

Finding of facts

There is no evidence that a building permit was issued for the shed, so the order was properly issued.

Mr. Sexton made a motion to approve the findings, Mr. Timm seconded.

Motion passed 5-0

J. Other Business-

Update from Attorney-nothing

Board Comments-nothing

K. Adjournment- 7:01 pm

Mr. Sexton made a motion to adjourn the meeting. Mr. Timm seconded the motion

Motion approved 4-0

Next Meeting will be held on September 20, 2017



John Kremke, President

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Henry Huyser, Vice President



Ken Timm

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Laura Madigan



William Sexton



Tammie Sufana, Secretary