

**Town of Porter
Board of Zoning Appeals
Meeting Minutes
August 17, 2016**

- A. Meeting was called to order at 7:02 p.m.
- B. Pledge of Allegiance
- C. Roll Call
 - Present: Kremke, Timm, Huyser, Waechter-Versaw, Sexton
 - Also Present: Ms Frost, Mr. Mandon, Ms. Sufana
- D. Quorum-There is enough present for a quorum.
- E. Consideration of Minutes from July 20, 2016
 - Mr. Sexton made a motion to accept the minutes from the July 20, 2016,
 - Ms. Waechter-Versaw seconded.
 - Motion approved 5-0
- F. Audience Participation-NONE
- G. Old Business and Matters Tabled-
- H. Preliminary Hearing-
- I. Public Hearing-
 - Kristi Masten, 2911 State St, Porter-Requesting a Developmental Standards Variance for an additional accessory structure.
 - Kevin Masten & Kristi Masten, 2911 State St, Porter, requesting a variance for an additional accessory structure. We purchased the home last October and the current garage is 20' x 20' quite small. The garage is intended to be set back on parcel to provide some parking area. The garage will be a flat roof garage. The maximum height will be 10 ft 2 in with a slope of 8 ½ ft. The exterior will match the house. The doors will be on State St itself. Anyone coming to the area would not know what it is until they go down State St.
 - Public hearing opened at 7:06 pm.
 - There was no one in favor of the request.
 - There was no one in audience opposed. The board received two letters from residents opposing the request that Mr. Kremke read aloud and copies will be with the minutes.
 - 1. Susan Brandstetter, Trustee for the Hugo Brandstetter Revocable Trust, 2944 Glacier Trl, We are a Dunes community and they are asking to build a garage on one of the most prominent sites in the Porter Beach area. It would be a front and center structure in the middle of our community.
 - 2. April Markul, 2904 Wabash, so much of these beautiful dunes have been destroyed. No one considers the flow of the NW wind. It's the most important factor in dunes ecology. This will affect my property. We've lost about 1 ½ feet of sand around our cottage and mold now grows on the northside. Homes need to blend into nature's beauty not overpower and destroy it.

Mr. Masten states the lot where the garage is to go is large enough to build a house on this is by far the least obstructive structure. We don't have any desire to see any large structure on that property.

Public hearing closed at 7:12 pm

Mr. Kremke states that the sand engineering needs to be addressed.

Mr. Sexton states without a restoration plan you are asking for trouble especially if the wind comes through.

Mr. Kremke is looking for a little more detail on the findings of facts for question 2, 3.

Ms. Mastin states there wasn't going to be any adverse manner. She wants the garage for functional use but she wants to see the natural area.

Mr. Timm asks what are the practical difficulties if this was not approved. Mr. Mastin comments the current garage is 20' x 20' and there is no room in garage. Ms. Mastin says that when the house was originally built it was built as a beach house where you come for a few days then go home.

Mr. Huyser asks if the black top driveway is shared by neighbors. Mr. Barry states that it is State St and is a town right of way they share with neighbors.

Mr. Mastin says if they were to add on to their garage now they would have to destroy entryway and go into impacting the dunes. They are hoping the garage will be hidden.

Ms. Versaw made a motion to approve with exterior to match existing structure and the environmental issues be handle with the building ordinance. Mr. Sexton seconded motion.

Motion approved 4-1 Mr. Timm opposed.

Ms. Frost suggests the following additions to the finding of facts.

1. Add in addition the structure will be built on low area of lot to minimize obtrusiveness and erosion.
2. The area where the structure will be built would allow a house to be built and this is less obtrusive. Additionally, there will be retaining walls to minimize erosion. The remote area where the structure is will minimize intrusiveness of structure and so it doesn't obstruct view of surrounding properties. And vegetation will be restored pursuant to existing ordinances.
3. Given the dune topography of the property adding on to existing garage would be more obtrusive to the environment and the area. Also the use and character of house has changed since it has been built. And the existing garage and driveway area is not sufficient enough to accommodate the uses.

Mr. Sexton made a motion to approve the finding of facts with the additional changes and corrections. Mr. Huyser seconded motion

Motion approved 5-0

J. Other Business-

Update from Attorney-Ms. Frost states that at the last meeting the board ask she write a letter to Seven Peaks about their failure to comply with variance requirements. When she pulled the ordinance she noticed that section 246 paragraph H is what allows the BZA to terminate a variance after a public hearing if written commitments are not followed. However, under paragraph G in same section states once a use variance is approved ceases to be authorized and is void if not established within a 12-month period of approval. With this it would be a different character of letter now than before. The board asks Mr. Barry to send Seven Peaks a letter stating his variance is no longer in place. Mr. Frosts states that the written commitments are still of record and will come up on a title if he were to sell the property.

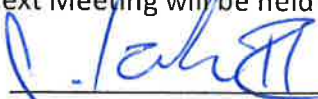
Board Comments-nothing

K. Adjournment- 7:41 pm

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

Motion approved 5-0

Next Meeting will be held on September 21, 2016

 _____ Date 9/21/16

President

 _____ Date 9/21/16

Secretary