

# Minutes of the Porter Plan Commission

August 21, 2002

## A. The meeting was called to order at 7:30 p.m.

## B. Pledge of allegiance

Present: Mr. Bell, Mr. Liebert, Mr. Whisler, and Mr. Eriksson. Absent; Mr. Grasher and Mr. Chemma. Quorum was established. Also present were Mr. Mandon and Mr. Hearn.

## C. Consideration of minutes from previous meeting.

Motion to approve the minutes from the previous meeting as written by Mr. Eriksson; second by Mr. Liebert. Motion carried 4-0.

## D. Audience Participation

None

## E. Preliminary Hearing

**Wagner Hills Subdivision:** John Kremke, Duneland Group, present to speak on behalf of petitioner Cheryl Bonin. Subdivision is a 41-lot, 16.4-acre development on the east side of Wagner Road between U.S. Route 20 and U.S. Route 12. Currently zoned R-1. Mr. Kremke has participated in TAC meetings with Town officials to discuss details and questions raised in the past. The proposed 41-lots are in accordance with the current zoning ordinance.

Mr. Mandon indicated there are off-site drainage concerns and suggested returning to TAC meeting to discuss. Mr. Bell questioned the layout of lots #32, 37 and 14 and which side would be considered frontage on each of them.

Motion by Mr. Whisler to set the request for public hearing at the September 2002 meeting; second by Liebert. Motion carried 4-0.

## F. Public Hearing

**Special Use Request:** Mary K. Kaczka, 410 E. Oak Hill Road is requesting a special use variance to stable horses on the 3-acre parcel, currently zoned R-1. Robert Golding, attorney, presented request with petitioner. Mr. Golding asked Ms. Kaczka a series of questions regarding her petition and intent with the property.

The Public Hearing was opened at 8:00 p.m. The following is a listing of comments submitted in person or by letter to the Commission:

Proponents: George and Linda Rhed (letter): stated no concerns with the request

Opponents:

1. Ray Carnes, 738 E. Oak Hill Road: expressed concern about maintenance and the proposed number of horses on the property (3 proposed).
2. Judy Nesper, 676 E. Oak Hill Road: expressed concern of the potential devaluation of her property if Ms. Kaczka's isn't maintained properly (i.e. smell)
3. Sigrid Anderson (letter): expressed concern of the potential devaluation of her property and the smell.

4. Thomas W. Tittle (letter): expressed concern of the potential devaluation of property.

The Public Hearing was closed at 8:10 p.m. Mr. Eriksson questioned if Ms. Kaczka is residing on the property at this time. Ms. Kaczka stated she is not at this time, but will be residing on the property if she is granted permission to stable her horses on the parcel. If the request is not granted she indicated she planned to sell the property. Mr. Eriksson stated he was concerned with the stabling of horses in a residential area.

Mr. Liebert questioned if Mr. and Mrs. Rhed reside on the neighboring property. Ms. Kaczka indicated they did.

Mr. Bell questioned if Ms. Kaczka is the owner of the property in question. Ms. Kaczka stated she is and that she had been investigating ownership of the property of one year prior to the actual purchase which was contingent upon receipt of a letter from the Town Planner indicating the stabling of horses on the property was acceptable.

Mr. Golding and Ms. Kaczka took an opportunity to rebut comments of concern.

Mr. Mandon provided his staff report stating the current ordinance takes great emphasis to distinguish horses from other livestock, and therefore allowing them to become a permitted use. He also stated he recommended if the board would grant the request that several conditions be placed (i.e. the number of horses, only animals owned by property owner allowed, fencing requirements, maintenance to reduce odor, setback for housing and pasture, etc.)

Mr. Bell stated that although the appearance of horses along county roads is appealing to some, Porter is not rural, and is concerned an approval would set a precedent for the town. Mr. Mandon stated that would not be possible as the Commission evaluates requests on a case-by-case basis.

Mr. Whisler mentioned that a request to stable horses on a 10 acre parcel had been denied in recent years, and that it was important for the commission to consider the neighboring properties already in existence.

Motion by Mr. Liebert to forward the request for special use variance to the Town Council with a negative recommendation; second by Mr. Eriksson. A voice vote was taken: Mr. Liebert – yes, Mr. Whisler – yes, Mr. Eriksson – yes, Mr. Bell – yes. Motion carried 4-0.

## **E. Sketch Plan**

Duneland Terrace: John Kremke present to speak on behalf of developers Don Haines and John Mastile who are proposing a multi-family complex on Marquardt Road, east of Waverly Road and north of I-94. The complex would require the rezoning of the parcel. The Commission expressed several concerns over allowing more multi-family in the area and agreed to revisit the issue at the September 2002 meeting when all members would be present.

## **F. Other Business**

**Discussion of Draft Zoning Map:** Don Swoverland, Century 21 Realtor present to speak on behalf of Jim Andershock, Owner of Andershocks Fruitland on the corner of U.S. Route 20 and Tremont Road, expressed concerns regarding the zoning of the property as R-1. Mr. Liebert reminded the Commission and the property owner that the public hearing on the Draft Zoning Map was closed and that any concerns regarding the rezoning of property be submitted in writing to the Town Council prior to their next meeting for consideration. No further action was taken on the issue.

## **G. Adjourn**

Motion to adjourn by Mr. Whisler, second by Mr. Eriksson. Meeting adjourned at 9:30 p.m.

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Eugene Chemma  
President

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Lisa M. Liebert  
Secretary