

Town of Porter
Board of Zoning Appeals
Meeting Minutes
March 16, 2005

A. The meeting was called to order at 7:00 p.m.

B. Pledge of Allegiance

C. Roll Call

Present: Mr. Huyser, Mr. Snyder, Mr. Niepokoj, and Mr. Bell

Absent: None

Also present was Mr. Lyp, Mr. Mandon, and Mrs. Mitchell

D. Appointment of New Secretary to BZA

Motion to appoint Kara Mitchell as the new secretary was made by Mr. Bell; second by Mr. Huyser. Motion carried 4 – 0.

E. Consideration of Minutes of Previous Meeting

Motion to approve the minutes of the February 16, 2005 regular meeting was made by Mr. Niepokoj; second by Mr. Huyser. Motion carried 4 – 0.

F. Audience Participation

None

G. Old Business and Matters Tabled

None

H. Preliminary Hearing

The Jackson Corporation applied for a variance for Lot 202 in Porter Cove.

The petitioner, Dane Jackson said that the lot is “unbuildable” as is. Being that it is an odd shaped lot the petitioner would like to extend the lot rear set back from 35 feet to 19 feet.

Mr. Mandon pointed out that the lot should not have been created in the first place. He suggested that the planning commission should make sure that it does not happen in the future.

Mr. Lyp proposed the Board schedule the public hearing, but stated that the future

owner of the lot, Mr. Coronet, needs to sign an authorization with corrections before the public hearing is held.

Mr. Snyder stated that the following three things be submitted before the public hearing is held: a proper floor plan, a surveyor's plat, and a signed authorization from the property owner that he will be represented by Mr. Jackson. Mr. Mandon and Mr. Bell also expressed their concern that these things be completed before April public hearing.

Motion made by Mr. Bell that a public hearing be set for the April 20, 2005 meeting; second made by Mr. Niepokoj. Motion was carried 4 – 0.

The entire Board voted unanimously via voice vote in favor of the Public Hearing to be held on April 20, 2005.

I. Findings of Fact

None

J. Public Hearing

The petitioner, Gorgei and Son, was represented by his lawyer, Mr. Greg Babcock. The petition involves the vacant lot on Wood Street, East of 23rd Street.

Mr. Lyp stated that he had indeed received all the necessary items (notifications, etc.) for the Public Hearing.

Mr. Babcock stated that the petitioner is seeking a variance for the rear yard setback of 21 feet with the Ordinance calling for 35 feet, a variation of 14 feet. The vacant lot in Porter Ridge known as Lot 18 is a triangular shaped lot. Because of the lots unique shape, they are in need of the variance in order to build the brick/vinyl townhouse styled as a 2 story/4 unit.

Mr. Gorgei, President of Gorgei Construction addressed the Board. He stated that he chose the lot because of it uniqueness to build upscale unit. He stated the value to be somewhere around \$300,000. The townhouses will have two bedrooms and a computer room in each unit.

Mr. Babcock discussed the different property tax issues involved and stated that currently Gorgei and Sons is paying about \$1,000 in taxes for their unimproved lot. He also discussed why they are planning to place the building where they are.

They believe that the improvements they are planning are more than comparable to the existing buildings in that area. He asked that the Board grant their petition for the rear yard setback.

Mr. Snyder opened up the public hearing at 7:30. There were no public comments made by the audience and therefore the public hearing was closed.

Mr. Neipokoj suggested that the building was big but nice. Mr. Bell asked about the basement. Mr. Babcock stated that there was no basement.

Mr. Mandon stated that this was indeed a difficult lot to build on and suggested that the variance be given.

Motion made by Mr. Bell to grant the petition for the 21 foot setback; second was made by Mr. Huyser. Motion was carried 4 – 0.


Mr. Snyder numbered the petition 05-01.

K. Comments from Board of Zoning Secretary

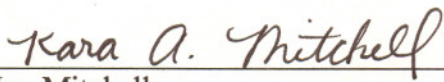
None

L. Adjournment

Motion to adjourn made by Mr. Neipokoj. Motion carried 4 – 0 via voice vote. Meeting was adjourned at 7:48 p.m.



Bruce Snyder
Chairman



Mrs. Mitchell
Secretary