

Town of Porter
Board of Zoning Appeals
Meeting Minutes
May 17, 2006

A. The meeting was called to order at 7:01 p.m.

B. Pledge of Allegiance

C. Roll Call / Determination of Quorum

Present: Mr. Snyder, Mr. Donley, Mr. Huyser, and Mr. Stinson, and Mr. Bell

Absent: None

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

D. Consideration of Minutes of Previous Meeting

Motion to approve the minutes of the April 19, 2006 regular meeting was made by Mr. Stinson; second by Mr. Bell. Motion carried via voice approval 5 – 0.

E. Audience Participation

None

F. Old Business and Matters Tabled

None

G. Preliminary Hearing

None

H. Public Hearing

Application for variance made by Harvest Homes (R. Scott Jones) for property located in Marquette Pointe Subdivision (lots 11, 18, 26, 27, and 28).

Mr. Scott Jones represented Harvest Homes. He stated that the lots are not conducive to building homes. Lots 11 and 18 are on a curve and Lots 26, 27 and 28 are on corners. So all of the lots present problems in laying out homes comparable in size and setback to the existing homes. Mr. Jones passed out a sheet of paper listing all of the various variances that he is requesting. This list of variances is located in the file at the Town Hall. He also stated that they would like to build homes that are favorable to the existing homes.

Public Hearing was opened at 7:21 p.m.

Dave Smalley of 950 Bayside Way, spoke in opposition of the variances.
Jessica Gage of 915 Bayside Way, spoke in favor of the variances.

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D. Jones of 565 Pinecrest, spoke in opposition of the variances.

Public Hearing was closed at 7:45 p.m.

Mr. Snyder asked if the houses would have basement. Mr. Jones answered “yes.” Mr. Mandon was unaware of any previous variances given to the Marquette Pointe subdivision. Mr. Childress stated that he remembered at least one variance that was given by the Porter Plan Commission.

Mr. Mandon read three different requirements that are needed for a variance. He looked through all home plans and did not see why the petitioner wants to propose square foot hardship when he has also shown that he can conform. He thinks that the key is that the lots are large enough for bigger homes. He does not believe that this is an issue for TAC.

Mr. Mandon suggested tabling the matter. Mr. Huyser stated that he would like to look at the lots individually. Mr. Donley is sympathetic to the builder.

Motion to table the application pending withdrawal of square footage variance and sight or existing permit review until the June meeting was made by Mr. Bell; second by Mr. Donley. Motion carried via voice approval 5 – 0.

Mr. Snyder stated that he wants the lots to conform to the existing homes.

Application for use variance made by Shawn Zane for the property located at the far east end of Ackerman Drive – approximately 500 feet east of Waverly Road.

Mr. Zane restated everything he said at the April 19th meeting.

Public Hearing was opened at 8:15 p.m.

Al Raffin of 451 Waverly spoke in opposition of the variance.

Mr. Manley of 65 Ackerman also spoke in opposition of the variance.

Public Hearing closed at 8:20 p.m.

Mr. Zane stated that he had gotten approval from most of his neighbors for the building he would like to build.

Motion to deny the application for use variance because it would not result in practical difficulty was made by Mr. Bell; second by Mr. Stinson. Motion carried via voice approval 5 – 0.

I. Finding of Facts

None

J. Update from Board of Zoning Appeals Attorney

Mr. Lyp informed the board that the Cohen/Dines case had been scheduled for August.

K. Requests from Board of Zoning Appeals Secretary

None

L. Adjournment

Motion to adjourn was made by Mr. Bell; second by Mr. Stinson.

The meeting was adjourned at 8:25 p.m.

Bruce Snyder
Chairman

Kara Mitchell
Secretary