

Town of Porter Board of Zoning Appeals Meeting Minutes May 20, 2026

Meeting was called to order at 5:30 p.m. by John Kremke, President.

The Pledge of Allegiance was recited.

In attendance were John Kremke, Henry Huyser, Jim Eriksson, and Robert Albrecht-Mallinger. Also in attendance were Michael Barry, James Mandon, Attorney Willoughby, and Tammie Sufana, Recording Secretary. Erik Wagner was not present for the meeting. A quorum was attained.

Approval of Minutes

Mr. Eriksson made a motion to approve the minutes as amended of April 15, 2026, Mr. Huyser seconded. Motion approved 4-0.

Audience Participation

Old Business and Matters Table

Preliminary Hearing

Dennis & Renee Hineline, 2800 Wabash Ave, requesting a Developmental Standards Variance to allow an accessory structure without a principal structure for a pole barn 32x24. Dennis Hineline, 2800 Wabash Ave mentions he wants to build a pole barn 32x24 and we need a variance to do that. Mr. Barry states back in 1993 they vacated the east side of alley to their property. Typically, when a vacation is done it's supposed to be done that half goes to one side half goes to other and was never done. They purchased the property on west side of alley. The right thing to do is to get that vacated but that seems to be an issue at this point. The practical difficulty is it is vacated wrong. They will work on the vacation part later.

Mr. Eriksson made a motion to set for public hearing at next meeting on June 17, 2026, Mr. Huyser seconded. Motion carried 4-0 with roll call vote.

Carl & Danette McWhirter, 920 Portage Ave, requesting a Developmental Standards Variance for fencing in front yard setback. Danette McWhirter, 920 Portage Ave, is having trouble with her neighbor and they want to put a fence in front yard setback. Basically, extend fence on side of house with driveway. Mr. Eriksson asks what kind of fence, Mrs. McWhirter comments wooden fence and 4 ft high. Mr. Barry comments he met with neighbor, and he is disputing where survey pins are. And they are where both surveys say they should be. Purpose is to keep neighbors in there yard. Mr. Huyser asks how far are out are you putting the fence. Mr. Barry comments out to the corner pin.

Mr. Huyser made a motion to set to public hearing at next meeting on June 17th, Mr. Albrecht-Mallinger seconded. Motion passed 4-0 with roll call vote.

Mr. Albrecht-Mallinger mentions that Mr. Schneider is his neighbor and he is going to recuse himself from next part of meeting. Attorney Willoughby mentions to Mr. Kremke as a result of that we have only three members. Mr. Kremke states that to carry the vote we need to have all members vote the same way. Attorney Willoughby mentions to Mr. Schneider that he has the option to continue with meeting or wait until next meeting. Mr. Schneider chose to continue.

Public Hearing

Joshua Schneider, 64 Cool Creek Ct, Carmel, IN requesting a developmental standards variance at 3030 State St, Porter, IN for a fence in front yard and for fence being 4ft tall and for a fence within 15' of property line. Attorney Sworden, on behalf of petitioner, 337 W 806 N, Valparaiso, IN 46385, provided a power point for preview. (see attached) He gave a brief overview of plan. The current conditions he owns all of lots 5-10. There is no formalized access easement. Town asked for the house to be located as far west into lots 5-8 which were changed. Fence permit 9087 issued 12/4/25 for drawings related to as-built conditions & information before BZA. The elevation of fence does not further impact visibility. The variances requested fence height exceeds 4', fence within 15' of East property line, fence in front yard due to corner lot. Mr. Sworden states Article XXVII of Town Code allows fences and walls in front, side and rear yard in any district "shall" be allowed provision. Mr. Barry interrupts the permit will be a point of contention. There is some inconsistencies in way ordinance applies. He shows different pictures of house being completed, rear fence completed, columns installed, and snow fence installed as temporary security fence to keep people off property. He also shows different houses with fences. And explains the layout of the fence and what it will look like. Mr. Barry asks Mr. Schneider how much he has invested overall? Josh Schneider, 64 Cool Creek Ct, Carmel, IN 46033, 98% of everything is reclaimed, concrete \$2500 and \$10,000 in labor. Mr. Barry comments last June, you sent him a picture of putting panels up in back yard, he said it was fine just get a permit. You came in and got a permit in December for the back panels. In January he went to look at a trailer complaint and noticed work that was done and emailed you asking for more information. He would not have issued a permit for something you couldn't do. No permit has been issued for front yard fence, and he cannot issue a permit without getting a sign off from Porter County. Mr. Schneider, if this was a problem why wasn't it noticed sooner, not three months into it. He was not trying to be malicious he thought he was doing the right thing. Mr. Barry mentions he isn't down there all the time; he only found out when people were calling about the trailer.

Mr. Kremke mentions stating Public Hearing Opened 6:17 p.m.- there was no one in audience in favor of petition.

William Lopez, 1271 Essex Dr, Town Council President and resident for over 20 years, mentions his pictures are inaccurate and don't show everything. And in permit process doesn't not show electrical and there are wires coming out of the columns. If there are lights on them it would have an impact on neighbors. He has had residents come to him with controversy over fence.

Mr. Kremke mentions he has two letters that were turned into town hall for the record.

April Grisham, as a Porter resident and a frequent visitor to our beautiful shoreline, would like to express my support for allowing this project to be completed. Completing the fence will improve both the appearance and security of the property while supporting the rights of homeowners who have made a meaningful investment in our community.

Louise Albrecht-Mallinger, 3022 State St, is oppose the granting of the variance. In section 265 of Town of Porter building code, it states fences and walls may be no more than four feet tall along property lines and must receive a permit before any construction commences. I am opposed for several reasons. Columns have been built in the absence of the necessary permit or variance while posing building code violations. Structures exceed the 4-ft height limit. Columns are already constructed, 2 8ft, and several 5 ft. Planned to be installed on top of these columns is domed caps and lights that will add an additional 37 inches. Lights proposed are not a feature of comparable fences and walls in the neighborhood. I do not believe these structures warrant a variance approval. I support the construction of a fence to promote safety and awareness of the property line. A fence similar to what has already been built at the property, on the north and east side of the existing structure, would help visitors understand the property boundary and deter trespassers. This can be accomplished with columns that are 4ft or less without light fixtures that support glass walls along the property boundary, as well as a 4ft gate that leads to the house entrance.

Mr. Sworden mentions the 3032 address is for recused Mr. Albrecht-Mallinger's wife. There needs to be do care and consideration as to whether the input he recused himself from is making its way through that letter. The safety issue if board the is going to consider not approving, remember there is no code for a variance. There is a safety issue behind property there is a huge grade. As far as the county issue is concerned, they should address it at the county. If there was an issue with the septic tank it would have happened already. Also, Mr. Schneider brought in additional sand for that design. The lights are on the drawing with dimensions.

Attorney Willoughby mentions is that an issue or is it not. Will any of that fence be in the utility easement. Mr. Barry comments no it is not.

Mr. Eriksson asks if the glass is Lexan glass? Mr. Schneider states no it is ½ in tempered six times strong than regular glass.

Mr. Huyser mentions when we deal with a variance you need something that is a unique situation, it doesn't look like a house so of course people are going to trespass.

Mr. Sworden mentions the fence itself it is just the columns we are talking. Panels are 39 in tall + 6 in base just under 4ft.

Mr. Eriksson comments on that one sentence bothering him. Attorney Willoughby comments the attorney brought up a point you get to weigh. You have the requirements for the variance, you are entitled to read it they you want to read it.

Mr. Mandon mentions back on April 13 he sent in his recommendation being the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. The random trespassing through the property satisfies the requirement of practical difficulty, which the fence will abate. Attorney Willoughby wants

to clarify what the court would consider. These factors significate economic or injury to ordinance, self-created, or feasible alternatives.

Mr. Kremke comments regarding septic system we have procedural issues we have to follow. It is a state design issue not local. The is no resolution and no guidance. Mr. Sworden mentions you can impose conditions on variance, and the liability would be on him. Attorney Willoughby agrees with the jurisdictional area, he does not agree Mr. Barry cannot issue without proper issue permit if there isn't clearance from county.

Mr. Schneider mentions, if need be, he will move the fence and not block the road.

Mr. Kremke is it possible to grant variance but not issue permit. Attorney Willoughby comments yes it will deal with it at BZA level.

Mr. Sworden mentions Porter County may require he move it. When he gets things like this means it still good to go. Attorney Willoughby states it the last paragraph, if retro they would not issue clearance, that is the issue that needs to be cleared up. Mr. Kremke states either way they are not moving forward until septic sign off.

Mr. Barry states the policy started about a year or two ago because of some issues we have had. It is not a written policy just an agreement. It puts him in a goofy spot and he doesn't know what to do.

Mr. Huyser made a motion to grant variance pending septic issue gets resolved. There was no second, motion fails.

Mr. Eriksson made a motion to continue Public Hearing until next month, Mr. Huyser seconded motion. Motion passed 3-0 with roll call vote.

Mr. Kremke states Mr. Albrecht-Mallinger has returned to the meeting.

Brian Lewandowski, 1301 Old Porter Rd, requesting a Developmental Standards Variance to allow an accessory structure before primary structure. He plans on splitting the lot he has now that consists of a house and detached barn. He states that down state changed some laws regarding septic to allow this to happen. He cannot subdivide yet because you cannot have an accessory structure without a primary structure. Mr. Kremke mentions that Mr. Lewandowski notified us he was unable to be at meeting and would like to continue it next month. All notifications are good and he will not need to renotify.

Mr. Albrecht-Mallinger made a motion to continue public hearing until June 17, 2026, Mr. Eriksson seconded. Motion passed 4-0.

Findings of Facts

Other Business

Update from Attorney

Board comments

Adjournment

Mr. Huyser made a motion to adjourn the meeting, Mr. Eriksson seconded

the motion. Motion approved 4-0.
Meeting adjourned 6:54 p.m.

Pursuant to IC 5-14-1.5-2.9, this meeting was livestreamed to [youtube.com/@porterindiana](https://www.youtube.com/@porterindiana). A recording of the livestream will remain publicly available for a minimum of ninety (90) days following the date of the meeting. Meeting agendas, minutes, and any memoranda, may be viewed at townofporter.in.gov

John Kremke, President
Robert Albrecht-Mallinger, Vice President
James Eriksson
Henry Huyser
Erik Wagner

Tammie Sufana, Recording Secretary