

Town of Porter Board of Zoning Appeals Meeting Minutes June 24, 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, Erik Wagner, and Robert Albrecht-Mallinger. Also in attendance were Michael Barry, Attorney Willoughby, and Tammie Sufana, Recording Secretary. James Mandon was not present for the meeting. A quorum was attained.

Approval of Minutes

Mr. Kremke mentioned that on page 3 strike that public hearing closed.

Mr. Albrecht-Mallinger made a motion to approve the minutes as amended of May 20, 2026, Mr. Huyser seconded. Motion approved 5-0.

Audience Participation

Old Business and Matters Table

Preliminary Hearing

Jory Fitzgerald, 3001 Duneland Dr, requesting a Developmental Standards Variance for 10ft variance to setbacks from property lines. Ordinance requirements is 15ft setback from property lines for a covered outdoor patio/cabana. Jory mentions they have lived in Porter for 2 ½ years in small all glass house. No shed or garage does have a small gazabo over hot tub that is falling apart. The intention is to remove old gazabo and add a cabana with a wall to west and behind wall would be storage.

Mr. Barry mentions it is glass windows all the way around and anything done will need a variance. There is no coverage issues.

Mr. Kremke is confused about how much is variance for. Jory comments the request is for a 10 ft variance.

Mr. Eriksson made a motion to set to public hearing on July 15, 2026, Mr. Albrecht-Mallinger seconded. Motion approved 5-0.

Public Hearing

Mr. Albrecht-Mallinger is recusing himself from this public hearing as his ability to be objective and fair on this. Mr. Willoughby mentions that because public hearing was continued gives opportunity for anyone to speak in favor or against.

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. Atty. Sworden, 337 W 806 N, Valparaiso, IN 46385, for Mr. Schneider, gives a brief update since last meeting. He mentions clarity for the record on the lights they will be 40 watt bulbs. The only update he has is the septic being in the 10ft state guidelines. Porter County has said there hands are tied. His client

has been in contact with State Health Department for comments for revisions to design manual. They are specifically interested in homeowners like his client that are all sand because they run into this problem consistently when systems fail and you lose occupancy and go into pump retreat.

Mr. Kremke mentions Public hearing is resumed-There is no one in favor or opposition of the petition.

Mr. Kremke has two letters to read

Melinda Massette, 3016 State St, is in objection to non-compliant fence construction, and the fact that 90% of this fence has already been constructed without required building permit having been obtained. The height and elevated lighting will negatively impact the character of the neighborhood and may interfere with neighboring property owners' reasonable enjoyment of their properties through increased visual intrusion and illumination.

Heather Higgins Alderman, 3006 State St, opposes the granting of the variance. First, current columns, which exceed 4 foot limit have been built in the absence of the necessary permit. Second, having built columns, the owner is now seeking a variance, classic case of asking for forgiveness rather than asking for permission as required. Third, homeowner is seeking to add lights to the columns which will we understand cause 8ft columns to have a total height of 11 ft and currently 5 ft columns to be 8ft.

Mr. Sworden mentions a lot of the comments are the same. The height of those columns can not see in house. The visual impact is minimal frameless glass panels. They are constantly dealing with trespassing.

Mr. Barry mentions he talked to Porter County Health, their review of are stuff is not mandatory, it is a courtesy. Basically, they are not going to do anything with his permit, if he has issues, he is responsible.

Mr. Kremke mentions an issue that involves the fire department and Chief. Mr. Sworden mentions it basically involves the work van, that will be removed as soon as construction is complete. If there is a need and the vehicle needs to be relocated, he will talk to him. The lot where the other cars are parked his client owns and he lets other residents park there.

Mr. Barry reads Mr. Mandons recommendation from April the first two requirements are somewhat vague and are usually assumed to be satisfied unless glaringly deficient. The random trespassing through the property satisfies the requirement of a practical difficulty, which the fence will abate.

Public Hearing Closed 5:53 p.m.

Mr. Kremke comments there are a lot of comments on the lights. While the intent is good there has to be a better way to do it. Atty Willoughby mentions we need to get clarity on height of variance, setback variance, fence in front yard. Mr. Sworden mentions two columns in front 120 inches, 12 smaller columns 91 inches, 15ft setback variance. Columns will have 60 watt bulb in them. Atty. Willoughby mentions you said both 40 watt and 60 watt bulbs which is it and is it LED. Mr. Sworden it is not LED it will be 40 watt regular or incandescing and we can make that a stipulation. Mr. Willoughby mentions another thing to consider is discrepancy in code as it reads, you can follow the code as it reads, however Mr. Barry found original ordinance and there was a transcription error in transfer of actual ordinance. The actual ordinance adopted is not an actual right to have a fence. Mr.

Willoughby mentions that decision is specific if you grant it. Mr. Willoughby mentions there needs to be something to protect the town.

Mr. Huyser made a motion to approve variance to allow 12 91 in. columns with 24 in. light fixture, 2 120 in. column with 24 in. light fixture, side yard setback zero lot line or 15 ft, front yard setback 30 ft from house, lights no to exceed 40 watt regular, incandescent, or LED equivalent, and get a septic release from county, if approved Mr. Willoughby to present findings at next meeting, Mr. Wagner made the second. Motion passed 3-1 with roll call vote.

Brian Lewandowski, 1301 Old Porter Rd, requesting a Developmental Standards Variance to allow 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. He has preliminary approval for a septic if he gets approved for subdivision.

Public Hearing Opened 6:25 p.m.-there was no one in favor or in opposition. Mr. William Lopez, 1271 Essex Dr, is in neither favor nor opposition of petition if granting variance creating an illegal structure in town if there is a specific timeline he requests you put that in the variance. What happens if he sells the property than you have illegal structure.

Public Hearing Closed 6:26 p.m.

Mr. Lewandowski thanked Mr. Lopez for his comments he intends to build within a 12 month time frame of getting permit. The two lots will remain together as is until he applies for a permit. Mr. Willoughby mentions you may put conditions on variance. Mr. Kremke asks Mr. Barry for clarity. Mr. Barry mentions the last couple of times we have set a time limit on it. It is his own house he is looking to divide. If you deny it, he must wait a year to come back. The plan was to turn part of the barn into living space. If it is spilt, he doesn't think we want it to be three years. You could put that condition on it. Mr. Kremke asks what the urgency for the lot is spilt. Mr. Lewandowski comments there is no urgency he just likes to be proactive rather than reactive. If he doesn't get it maybe he takes the barn down and still do it. He has a full set of drawings for house if this gets approved and subdivision gets approved, he could apply for a permit within two weeks.

Mr. Albrecht-Mallinger made a motion to approve variance for an accessory structure before applying for a building permit before and beginning construction by August 1, 2027 or returning to board for extension of one year with explanation for good cause, also with written conditions findings get recorded and contingent successful approval subdivision, and for attorney to provide findings and written commitments at next meeting, Mr.

Wagner made the second.

Motion passed 4-1 with roll call vote.

Dennis & Renee Hinline, 2800 Wabash Ave, requesting a Developmental Standards Variance to allow accessory structure without a principal structure for a pole barn 32x24 for storage. Renee Hinline, 2800 Wabash Ave, bought the property behind them and have been clearing it out of trees, garbage, poison ivy they are wanting to put up a pole barn for storage.

Public Hearing opened 6:42 p.m.-There was no one in favor nor in opposition of petition.

Public Hearing Closed 6:43 p.m.

Mr. Barry comments in 1993 they requested a vacation for half of an alley and were approved. The other half of alley was not vacated to other side property. They really need to vacate the alley but that is a little time consuming and problematic, so they are requesting variance first than do the vacate. The practical difficulty is alley not vacated. There is not set backs and barn will match the house. Attorney Willoughby mentions consider conditions, if vacated combine to one legal lot, and findings get recorded.

Mr. Eriksson made a motion to approve variance as discussed can not sell unless primary structure is built, be combined into one legal lot after vacating alley, that the findings of facts or recorded and for attorney to present findings at next meeting, Mr. Albrecht-Mallinger made second.

Motion passed 5-0.

Carl & Danette McWhirter, 920 Portage Ave, requesting a Developmental Standards Variance for fencing in front yard setback. Carl McWhirter, 920 Portage Ave, has been there two years. Behind property at 920 he owns property and has previous situation with the neighbors on back property line. The neighbors using 8 ft of his property. He had his property surveyed and staked they still used it. He is looking to put a fence from front of house to easement not impeding site. Currently they have an issue with drainage pipes from neighbor flooding his yard.

Public Hearing Opened 6:54 p.m.

Danette McWhirter, 920 Portage Ave, fences make great neighbors, town should come look into there sump pump drainage, her concern is public safety and just trying to get help.

Douglas Leicht, 910 Portage Ave, he is the neighbor they are talking about. He has done nothing; they have 2 sump pumps, one for house and one for gutters. We don't get that much water. They are not going over the property line. He sees no need for the fence. They will cut the pipes back. The property in question has flooded ever since they have been there. He has had nothing to do with husband they have only dealt with wife.

Charles Barriball, 951 Portage Ave, he doesn't want to get involved in neighborhood disputes. Site lines should be maintained. He doesn't have an objection; he would like to see it to be invisible, maybe a 3ft fence.

Danette McWhirter, 920 Portage Ave, would like to show a video about water drainage, Mr. Huyser and Mr. Kremke feel water issues or neighborhood disputes are not their issue. Thomas Handzlik, 930 Portage Ave, he sold them the property, they are very good neighbors. If they say they are going to take care of it, they will.

Public Hearing Closed 7:09 p.m.

Mr. Barry mentions he will work with Leicht's to remove pipe. Fence will not block view for road. He will address water issue with Leicht's

Mr. Huyser asked how high fence. Mr. McWhirter said 4 ft with horizontal 2x4 1 ½ board with 8 in gap.

Mr. Albrecht-Mallinger mentions he does not see any practical difficulties with the property. Conditions 1 & 2 are met and #3 is not satisfied.

Mr. Albrecht-Mallinger made a motion the petition is denied, Mr. Eriksson made second.

Motion passed 4-1 with roll call vote.

Findings of Facts

Other Business

Update from Attorney

Board comments

Adjournment

Mr. Eriksson made a motion to adjourn the meeting, Mr. Albrecht-Mallinger seconded the motion. Motion approved 5-0.

Meeting adjourned 7:19 p.m.

Pursuant to IC 5-14-1.5-2.9, this meeting was livestreamed to 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

Erik Wagner

Tammie Sufana, Recording Secretary