

**Town of Porter
Board of Zoning Appeals
Meeting Minutes
August 20, 2025
Porter Town Hall**

Meeting was called to order at 5:30 p.m.

Pledge of Allegiance

Roll Call

Present: Kremke, Albrecht-Mallinger, Eriksson, Huyser, and Wagner

Also, Present: Mrs. Sufana, Mr. Mandon, and Mr. Barry

Quorum-There is enough present for a quorum.

Consideration of Minutes from July 16, 2025

Mr. Eriksson made a motion to approve the minutes as written of July 16, 2025, Mr. Huyser seconded. Motion approved 5-0.

Audience Participation-NONE

Old Business and Matters Table-NONE

Preliminary Hearing-NONE

Public Hearing –Donovan Hilbrich, 75 E Hjelm Rd, requesting a Use Variance for Duplex in existing structure. The home is set up as a duplex from the time he purchased it but not zoned as such. If he would have known, he would not be able to use it as such he might not have purchased it.

Public Hearing opened at 5:32 pm- In favor- Robert Hilbrich, 694 Old Suman Rd, he is in favor it is all ready set up as two units. It will be a massive financial burden for his to switch over. It ha always been two units, with one driveway on each side. He has been working hard to fix it up, the work will continue once there are some tenants in there.

Jennifer Klug, 200 Franklin St Apt, she is neithr in favor or against has some questions. What year was this made into a duplex. Also, Town of Porter BZA did not have meetings for 9 years. Residents were given permission to do something without going to BZA. She thinks we need to find out when it was turned into a duplex. People should not be punished for the Town not doing something.

In Oppostion-Judith Chemma, 1655 Fleming, not opposed to aspect of investment, they are opposed to the aspect of duplex. We have homes in the area that have kitchens in the basement. There is a mess there already with homes across the street.

It's a residential area she wants to keep that way. If he wants to sell it as a daughter with her mother that is fine.

Lisa Cupp, 1500 Fleming, she agrees with the Chemmas, she does not want it rezoned to a R3 not only that the property next door is for sale and who is to say they will not want to do that also. Rent it as a family home with a mother-in-law home.

Patrick Poland, 15 Hjelm, he is the new owner of 15 Hjelm Rd, he believes house was sold as related living that is not a duplex. So looking at it that way he does see how it falls into the zoning we have there. He will be building two more single family homes not duplex.

Public Hearing closed 5:44 p.m

Mr. Mandon comments it is difficult to offer a recommendation without knowing more about the property. If you take the position that the structural alteration was not approved, then according to State Law, the Commission may recommend approval of a use variance Only if it is determined that approval will not be injurious to the public health and safety, the use and value of the area adjacent to property will not be affected in a substantially adverse manner, the need for variance arises from some conditions peculiar to the property involved, would constitute an unnecessary hardship, and approval does not interfere substantially with the Comprehensive Plan. He recommends that denial of this request.

Kremke comments there were some questions, one was when it became a two family structure. Barry mentions we are not sure we have no record of it. It was not a duplex It was advertised as related living. The utilities for fully separated there is two of everything. To make it a duplex he would have to put up a fire wall. To convert it back it would cost more as you would have two sets of utility bills. Huyser asked how long the utilities have been split. Barry states he is not sure. Hilbrich mentions he didn't come prepared with pictures of the meters, he has two separate bill receipts. He also states it was to separate homes combined into one. He believed he was going through the proper channels to do it the right way. Wagner asked if it would be easier to get a zoning change? Barry mentions that it would be harder. He also states we don't have files from when the town building was changed over, so there is no way to say how it got changed over. Mallinger clarifies related living and duplex with a difference, duplex we have a code for related living we don't have anything for. Mandon mentions related living is more limited to family members; how do you continually check. Barry mentioned it is basically two separate houses put together.

Public Hearing Reopened 6:00- Judith Chemma the residents in that area have an interest to maintain what they have. Laura Madigan, 523 N 1st St, Town Council, she has talked to some of the neighbors. Whats the difference is there is still two separate homes. The difference is short term rentals compared to all family rentals. Hilbrich doesn't feel what he is doing would affect futher building plans what he is talking about is lawfully using a single structure. Wagner asked if we are allowed to put restrictions on the request.

Public Hearing closed again 6:08 p.m

Huyser made a motion to deny the requested use variance, Albrecht-Mallinger made second. Motion passed 4-1 with roll call vote. Wagner was against denial.

Findings of Facts-

Mr. Willoughby mentions the findings were centered on whether he was approved. He Makes a suggestion petitioner did not meet requirements it is not a hardship.

Albrecht-Mallinger made a motion to approve the findings as amended by the attorney, Mr. Huyser seconded. Motion passed 4-1 with roll call vote. Wagner was against.

Other Business-

Update from Attorney

Board comments

Adjournment

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

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 ninety (90) days following the date of the meeting. Meeting agendas, minutes, and any memoranda, may be viewed at townofporter.in.gov

Robert Albrecht-Mallinger, Vice President

James Eriksson

Henry Huyser

Erik Wagner

Tammie Sufana, Recording Secretary

