

Cont

**Town of Porter  
Board of Zoning Appeals  
Meeting Minutes  
May 19, 2010**

A. The meeting was called to order at 6:30 p.m.

B. Pledge of Allegiance

C. Roll Call / Determination of Quorum

Present: Ms. Nelson (late), Mr. Bell, Mr. Stinson, Mr. Kremke and Mr. Huyser

Absent: None

Also present were Mrs. Mitchell (late), Mr. Mandon, Mr. Keiser and Mr. Lyp

D. Consideration of Minutes of Previous Meeting

Motion to accept the April 21, 2010 minutes was made by Mr. Bell; second by Mr. Stinson. Motion passed 4 – 0 via voice approval.

E. Audience Participation

None

F. New Business

None

G. Old Business and Matters Tabled

None

H. Preliminary Hearings

*Application for Variance "in order to make vacant lot buildable, thus saleable, in order to construct a single family dwelling" made by Richard E. Scott and Robert E. Scott for the property located at 21 Dune Forest Trail in Porter (BZA 03-10).*

Richard E. Scott spoke to the Board and explained their need for a variance. They would like to put a single family dwelling on the property. He stated that they planned to conform to the rest of the building codes. He explained that the original neighborhood was founded in 1927 thus making it difficult to conform to modern day lot sizes.

Mr. Bell asked who owned the balance of Lot 13. Mr. Scott stated that a neighbor owns the balance of Lot 13.

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Mr. Mandon commented that because of the age of the neighborhood practical difficulties do exist. This variance would bring these lots into conformance.

Motion to set the application for Public Hearing in the June meeting was made by Mr. Bell; second by Mr. Kremke. Motion passed 4 – 0.

*Application for Variance "Lot is 11,214 and needs to be 12,000 & frontage needs to be 90 across" made by Patrick Conley for the property located at 1521 Main Street in Porter (BZA 04-10).*

Mr. Mandon asked the realtor present (from Century 21) if the property was made up of several parcels that the applicants wanted to combine. The realtor (Valerie) stated that it was only one lot. The realtor explained that it was a one lot taxed parcel. She also mentioned that the property at 1521 Main Street is vacant.

Mr. Lyp suggested that the BZA should assume that the applicants need a variance and proceed with Preliminary/Public Hearing. Should it be discovered that they do not need the variance, the item can just be taken off the agenda.

Mr. Keiser stated that the application states that the lots in question are lots 3 & 4 and he believes that there are two lots here and when combined they still do not meet the Town's requirements.

Mr. Mandon feels that the property needs to be subdivided through the Plan Commission and then given a variance by the BZA. Mr. Lyp stated that it does not matter what order this is done in. The BZA could grant the variance contingent upon the property being subdivided.

Ms. Nelson entered the room at this point.

Motion to set the application for Public Hearing in the June meeting was made by Mr. Bell; second by Mr. Stinson. Motion approved 4 – 0 – 1.

Ms. Nelson – abstain  
Mr. Kremke – yes  
Mr. Bell – yes  
Mr. Stinson – yes  
Mr. Huyser – yes

Mr. Lyp mentioned that technically Wesley Koszukik should be the applicant because he is the property owner. Patrick Conley is the potential buyer.

**I. Public Hearing**

*Application for Use Variance to build an advertising sign/billboard made by Tim McGee for the property located at 1525 West U. S. 20 in Porter (BZA 02-10).*

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Mr. Lyp determined that everything was in order for the Public Hearing.

Mr. McGee briefly gave an explanation for his need to obtain a Use Variance.

Mr. Huyser mentioned that there are five criteria to meet to grant a Use Variance.

Public Hearing began at 6:50 p.m.

Jon Granat spoke against the petition. He feels that the billboard would be detrimental to the plans for the Gateway to Porter. Also, he pointed out that he does not feel that the applicant meets all five criteria.

Mr. Mandon mentioned that he believes Condition #3 and #5 are definitely not being met.

Mr. Keiser stated that TAC did meet and determined that there was not a reason for fire, police, etc. to have discussion. The only comments made were from the Planning Director.

Mr. Bell feels that a future business could be developed in this area and they might want different signage than what the application is seeking. He feels that any signage should be reserved for future growth whether it is retail, restaurants, etc.

Mr. Lyp wanted to make it clear that preference of future business ventures should not be taken into consideration in approving.

Rick Mostack, attorney for Mr. McGee, addressed the Board with some comments. He wanted to make it clear that the sign would not be visible to Highway 94. He stated that he had a letter from NIPSCO stating that they did not intend for the property to be used for anything else. If, at some point and time, the property was to be developed, the sign would come down – the letter states this. He stated that if the Use Variance was to be granted, the petitioner would be willing to rescind the given Use Variance at the appointed time.

Mr. Mandon feels that the applicant is clearly not meeting Condition #3. He feels that to approve this application would be improper. He feels that this potential signage would be “inconsistent land use.”

Mr. Bell feels that this application has nothing to do with the Comprehensive Plan.

Motion to deny the petition based upon items #3, 4, and 5 not being met, was made by Mr. Bell; second by Mr. Stinson.

Ms. Nelson – yes  
Ms. Bell – yes  
Mr. Stinson – yes  
Mr. Kremke – yes  
Mr. Huyser – yes

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J. Finding of Fact

None

K. Update from the Board of Zoning Appeals Attorney

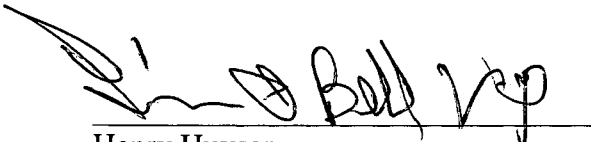
None

L. Update from the Board of Zoning Appeals Secretary

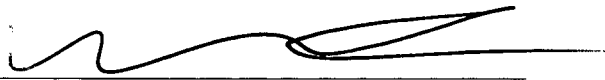
None

M. Adjournment

Motion to adjourn was made by Mr. Stinson; Motion passed via voice approval. The meeting was adjourned at 7:12 p.m.

  
Henry Huyser  
Chairman

LORAIN BELL, VP.

  
Kara Mitchell  
Secretary

MATT KEISER  
ACTING SEC.