

**Town of Porter
Board of Zoning Appeals
Meeting Minutes
April 15, 2009**

A. The meeting was called to order at 7:00 p.m.

B. Pledge of Allegiance

C. Roll Call / Determination of Quorum

Present: Ms. Nelson, Mr. Stinson, Mr. Bell and Mr. Huyser

Absent: Mr. Kremke

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

D. Consideration of Minutes of Previous Meeting

Mr. Stinson and Ms. Nelson mentioned some minor corrections that needed to be made. The corrections were made and a motion to accept the March 18, 2009 minutes as written was made by Mr. Bell; second by Mr. Stinson. Motion passed via voice approval.

E. Audience Participation

Joe Simanski, 2949 Market Street, addressed the Board concerning the variance that was granted in the February meeting. Upon discussion with Art Elwood it was found that the variance granted was incorrect. Mr. Elwood suggested that he come before the Board again to get a modification on the variance. The Board gave a variance for 12 feet, but the applicant needs 9 feet instead.

Mr. Lyp explained that the issue that could come up is the “lack of notification.” He feels that the same petition could be used and the modification made. Then, a Public Hearing could be set for May. Motion to set the amended petition for Public Hearing in May was made by Mr. Bell; second by Ms. Nelson. Motion passed 4 – 0.

Ms. Nelson – yes

Mr. Bell – yes

Mr. Stinson – yes

Mr. Huyser – yes

F. New Business

None

G. Old Business and Matters Tabled

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Application for variance to increase existing signage area and height made by Cardinal Outdoor LLC for the property located at the intersection of Mineral Springs Road and Interstate 94 in Porter (BZA 03-09).

Jason Addington represented Cardinal Court. He presented to the Board drawings with measurements, etc. He also presented information on the lighting of the sign.

The petition says that the applicant desires a 85 foot sign, but that has been amended to 64 feet. Mr. Lyp suggested that Cardinal Outdoor make sure the Town Hall has the exact specs desired on file and also that the notices reflect the desired variances.

Motion to set the amended application (received by Friday, April 17, 2009) for Public Hearing was made by Mr. Bell; second by Mr. Stinson. Motion passed 4 – 0.

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

Mr. Mandon suggested that TAC review the petition before the Public Hearing. The Board was in agreement with this.

H. Preliminary Hearing

None

I. Public Hearing

Application for variance made by Kelly Kellstrom fro the property located at 1240 Beam Street in Porter (BZA 05-09)

Ms. Kellstrom approached the Board to hand in all of her information. Mr. Lyp agreed that the applicant had all of her need information to proceed with the Public Hearing.

Mr. Bell is concerned about the lack of a firewall between the boutique and dog grooming facility. TAC feels that child care facilities are “special cases.” TAC talked about a number of issues concerning this application. These issues are up to Porter’s administrative staff, not the BZA. Mr. Mandon informed the Board that they should strictly look at the “mixed use” of the property and how it would affect the code and other surrounding properties.

Public Hearing was opened at 7:37.

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Amy Jalovsky, part owner of Maddie and Max, is in favor of the petition.

Public Hearing was closed at 7:39.

Ms. Kellstrom presented an Affidavit to prove that the owner of the property had given permission for the use variance application to be made.

Mr. Lyp and Mr. Mandon gave some of their thoughts on the application. Mr. Mandon feels that the property is definitely unusual in that the arrangement of the buildings

Motion to approve the petition was made by Mr. Stinson; second by Ms. Nelson. Motion approved 3 – 1.

Ms. Nelson – yes
Mr. Bell – no
Mr. Stinson – yes
Mr. Huyser – yes

Application for variance made by Felice DeMass for the property located at 3011 State Street in Porter (BZA 06 – 09).

Patrick Poland represented Felice DeMass.

Mr. Stinson asked about the plus or minus on the application. The builder stated that the variance would be 17 ft. 11 inches.

Public Hearing was opened at 7:50.

Jamie Hogan, 100 Duneland Drive, supports the application.
Paulene Poparad, Chesterton Tribune, asked about an error on the application.

Public Hearing was closed at 7:55.

Ms. Nelson wanted to clarify the eave would not encroach over the 17 feet 11 inches. Mr. Poland said that the eave would not do this.

Motion to grant the petition was made by Ms. Nelson; second by Mr. Bell. Motion passed 4 – 0.

Ms. Nelson – yes
Mr. Bell – yes
Mr. Stinson – 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; second by Mr. Bell. The Board stood in adjournment at approximately 8:00 p.m.

Henry Huyser
Chairman

Kara Mitchell
Secretary