

Town of Porter
Board of Zoning Appeals
Meeting Minutes
December 17, 2008

A. The meeting was called to order at 7:01 p.m.

B. Pledge of Allegiance

C. Roll Call / Determination of Quorum

Present: Mr. Stinson, Mr. Kremke, Mr. Bell, Mr. Huyser, Mr. Snyder

Absent: none

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

D. Consideration of Minutes of Previous Meeting

Motion to accept the November 19, 2008 minutes as written was made by Mr. Kremke; second by Mr. Bell. Motion passed via voice approval 5-0.

E. Audience Participation

None

F. New Business

None

G. Old Business and Matters Tabled

None

H. Preliminary Hearing

None

I. Public Hearing

Application for variance made by Michael J. Henkel for the property located near the corner of Beam Street and Mineral Springs Road (2nd lot west) in Porter.

Mr. Henkel reviewed the variances he is seeking: building height and building size

Public Hearing opened at 7:04

**Town of Porter
Board of Zoning Appeals Minutes
December 17, 2008**

Jennifer Klug, of Lincoln Street, spoke in favor of the petition.

Public Hearing closed at 7:06

Mr. Bell asked Mr. Henkel about the set back. Mr. Henkel said he will conform to the town code.

Mr. Huyser asked about the set back on the neighbor's pole barn. Mr. Henkel was unsure of the set back, but was sure that it was conforming to Town code.

Mr. Bell asked about the square footage of the building. He feels that a negative precedence will be set if this petition is granted.

Mr. Snyder asked council of Mr. Mandon and Mr. Lyp concerning the third state statute. "Practical difficulty" is defined differently by each person. Mr. Lyp feels that in this case, a gentleman is wanting to clean up his property to store different recreational buildings. He feels that it comes down to each person's personal opinion of whether or not this is a "practical difficulty."

Mr. Bell asked Mr. Mandon and Mr. Lyp to define the statute. Mr. Lyp feels that it is up to the discretion of the Board to determine whether to accept or deny the petition.

Motion to deny the petition was made by Mr. Bell; second by Mr. Huyser.
Motion failed 3 – 2.

Stinson – no
Kremke – no
Bell – yes
Huyser – no
Snyder – yes

Motion to approve the petition was made by Mr. Stinson; second by Mr. Kremke.
Motion passed 3 – 2.

Stinson – yes
Kremke – yes
Bell – no
Huyser – yes
Snyder – no

Town of Porter
Board of Zoning Appeals Minutes
December 17, 2008

Application for variance made by the State Park Little League, Inc. for the property located north of Woodlawn Avenue, west of League Home, and south of the Chesterton Sewage Treatment Plant in Porter.

Attorney Heistand reviewed the Little League's application for variance.

Audra Peterson, 200 Roosevelt Street, president of State Park Little League was present to brief the Board on the Little League Challenger Division. Their Little League would like to bring the first "Miracle Field" which is a specialized turf like field, to Indiana. She also went over a large scale drawing of the proposed expansion. There will be a sign on the property

Donations of \$20,000 have been made to this project. This amount is not including the cost of labor, etc. Two of the "challengers" were also present to share their support for this project.

A Valparaiso resident who resides at 680 700 North, Valparaiso, Indiana believes that this is a great opportunity for the Town and for the special ed students. The attendance of this League has almost tripled since its conception. He believes that the fields that are being proposed will greatly benefit the community.

Mrs. Peterson also made it very clear that this field will service all handicap children.

Mr. Snyder told Mrs. Peterson that she would probably need to get a sign variance in the future. He also asked if the parking lot would be paved and Mrs. Peterson said that it would be paved as soon as the League is fiscally possible to do so.

Public Hearing was opened at 8:36.

Brenda Brueckheimer, 501 Lincoln Street, spoke in favor of the application. Kenneth Timm, 310 Woodlawn, spoke in favor of the application.

Public Hearing closed at 8:39.

Mr. Bell mentioned that because the Town of Porter owns the 14-foot right of way a sign might not be an issue.

Motion to approve the application with the stipulation that the petitioner will submit a landscape plan to the Town's TAC committee for approval prior to commencement of work was made by Mr. Stinson; second Mr. Kremke. Motion passed 4 – 0. Mr. Bell voted to abstain.

J. Finding of Fact

**Town of Porter
Board of Zoning Appeals Minutes
December 17, 2008**

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. Mr. Bell; second by Mr. Kremke. The Board stood in adjournment at approximately 7:42 p.m.

Bruce Snyder
Chairman

Kara Mitchell
Secretary

**Town of Porter
Board of Zoning Appeals Minutes
December 17, 2008**