

Town of Porter
Board of Zoning Appeals
Meeting Minutes
February 21, 2007

A. The meeting was called to order at 7:02 p.m.

B. Pledge of Allegiance

C. Roll Call / Determination of Quorum

Present: Mr. Stinson, Mr. Huyser, and Mr. Snyder

Absent: Mr. Bell and Mr. Kremke

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

D. Consideration of Minutes of Previous Meeting

Due to lack of quorum, the consideration of minutes was tabled. The minutes were not approved.

E. Audience Participation

Jason Price of 791 Marquette Road addressed the Board stating that he needs to update his Lake County business permit and didn't know how to go about doing so. Mr. Lyp stated that the BZA has the ability to delegate the issue to the town's building commissioner.

Motion to give control of issues like the above to the town building commissioner was made by Mr. Stinson; second by Mr. Husyer.

F. New Business

None

G. Old Business and Matters Tabled

Application for use variance made by Greg Shelton for the property located at the junction of I-94 and U.S. Highway 20 in Porter.

Mr. Phil Pluister, who represents Shelton Fireworks, addressed the Board. Mr. Pluister indicated that he hoped the matter could be tabled pending a meeting with TAC. Mr. Mandon stated that he was under the impression that Attorney Norman would attend the February 07, 2007 TAC meeting with a counter proposal. A proposal was never submitted so the meeting was canceled. Mr. Mandon said he left a message at his office the day before the scheduled TAC meeting. Mr. Mandon does not feel that there has been a lot of movement on the part of the petitioner.

Mr. Shelton, who was also present at the meeting, stated that he was under the impression that the Board would like all signs removed on the front and ½ of the signs on the back of

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the building. He asked two questions: How many signs would the Town allow? How is the square footage of the signs to be measured?

Mr. Mandon suggested for Shelton to get together with the building commissioner and meet code so no variance would be needed.

Mr. Lyp stated that Shelton has a non-conforming structure. They are asking for more signage. The Town can trade (take down and put up) with them. He feels that the further away from the public hearing the matter gets the stickier it becomes. Also, because there are only 3 members present, the vote would have to be up or down.

Motion to deny the petition based on the fact that economic difficulty was not proven was made by Mr. Huyser; second by Mr. Stinson. Motion passed 3-0.

Mr. Shelton asked how to bring the matter up again. Mr. Snyder suggested meeting with TAC first before coming back.

H. Preliminary Hearing

None

I. Public Hearing

Application for variance made by J & L Bell, Ltd., LLC for the property located at 1300 Woodlawn Avenue in Porter.

Attorney Heistand gave a brief presentation on J & L Bell's application.

The Public Hearing was opened at 7:35 p.m.

Mr. Paul Childress – 1175 Dune Meadows Drive (100% in favor of variance)

The Public Hearing was closed at 7:36 p.m.

Mr. Mandon feels that the variance would have no negative impact on the public.

Motion to approve and incorporate the proposed finding of fact presented by the petitioner was made by Mr. Stinson; second Mr. Huyser. Motion passed 3-0.

J. Finding of Fact

None

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K. Update from Board of Zoning Attorney

The WBEZ matter is under the advisement of the court.

L. Requests from Board of Zoning Appeals Secretary

None

M. Adjournment

Meeting was adjourned at 7:38 p.m.

Bruce Snyder
Chairman

Kara Mitchell
Secretary