

**Town of Porter**  
**Board of Zoning Appeals**  
**Meeting Minutes**  
*December 20, 2006*

**A. The meeting was called to order at 7:03 p.m.**

**B. Pledge of Allegiance**

**C. Roll Call / Determination of Quorum**

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

Absent: Mr. Donley

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

**D. Consideration of Minutes of Previous Meeting**

Motion to approve the minutes of the November 15, 2006 regular meeting was made by Mr. Bell; second by Mr. Huyser. Motion approved by voice approval. Mr. Snyder added that there was a grammatical error in the first paragraph of the minutes – the error was corrected.

**E. Audience Participation**

None

**F. 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. Snyder read a letter submitted by Mr. Shelton. The petitioner asked that the matter be tabled due to lack of time to prepare for meeting. Applicant stated that he is seeking to satisfy both the Board and TAC's suggestions

Motion to table the application was made by Mr. Bell; second by Mr. Stinson. Motion passed via voice approval.

**G. Preliminary Hearing**

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

Mr. Bell recused himself from the Board due to his personal involvement in the application.

Attorney Terry Heistand represented J & L Bell, Ltd. at the meeting. The applicant is requesting a developmental standards variance that would waive the current 25 foot rear-

yard setback requirement. The current rail track needs to be extended to load and unload goods. In order for the rail track to be usable, the building must be set along the property line consistent with the two buildings already located on the property. Mr. Mandon stated that this is a “classic case of substantiated hardship.” The petitioner met with TAC. Mr. Mandon was also able to walk the property with the petitioner.

Motion to set the application to Public Hearing was made by Mr. Stinson; second by Mr. Huyser. Motion was passed via voice approval.

## **H. Public Hearing**

*Application for variance made by Tom Niepokoj for the property located at 2915 Market Street in Porter.*

Mr. Niepokoj addressed the Board and briefly explained his need for a variance to put an extension on his home. Mr. John Connor is the contractor for the proposed project.

Public Hearing was opened at 7:11 p.m.

There was no one present to speak for or against the application.

Public Hearing was closed at 7:12 p.m.

Motion to grant the variance was made by Mr. Bell; second by Mr. Stinson. Motion passed 4 – 0.

Mr. Snyder asked Mrs. Mitchell to make sure a refund of \$150.00 was sent out to Mr. Niepokoj. He was given the wrong application (by accident) and therefore initially paid too much money.

Mr. Mandon mentioned that he did meet with the secretaries at the Town Hall and gave them suggestions on how to issue an application. He thought the meeting went very well. He feels everyone is on the same page.

## **I. Finding of Fact**

None

## **J. Update from Board of Zoning Attorney**

Mr. Lyp gave a brief update on the WBEZ Tower Litigation. He made a motion at a recent court hearing to dismiss the case due to factual misstatements. He is waiting to hear back on the results of that motion.

**K. Requests from Board of Zoning Appeals Secretary**

None

**L. Adjournment**

Motion to adjourn was made by Mr. Bell; second by Mr. Huyser. Meeting was adjourned at 7:19 p.m.

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Bruce Snyder  
Chairman

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Kara Mitchell  
Secretary