

**Town of Porter**  
**Board of Zoning Appeals**  
**Meeting Minutes**  
*November 15, 2006*

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

**B. Pledge of Allegiance**

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

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

Absent: None

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

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

Motion to approve the minutes of the October 18, 2006 regular meeting was made by Mr. Huyser; second by Mr. Stinson. Motion approved by voice approval.

**E. Audience Participation**

None

**F. Old Business and Matters Tabled**

***Discussion of Application Process***

Mr. Snyder mentioned that he is concerned that there is some confusion when applicants come to the Town Hall to fill out an application for a variance. It is confusing to the secretaries as to which variance the applicant is requesting. Mr. Mandon said he would talk with the secretaries and figure out a better way to have applications filled out. Mr. Lyp feels strongly that applicants should contact either himself or Mr. Mandon as to what application they need. Mr. Mandon suggested to have applications put on the Town website. Mr. Bell stated that he feels Mr. Mandon should be very much involved with the process. Mr. Stinson thinks that all information should be on one application. Mr. Mandon disagreed with Mr. Stinson and said that there would still be confusion. Mr. Snyder left the issue in Mr. Mandon's hands. He said he would get on it next week.

**G. Preliminary Hearing**

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

*Mr. Snyder informed the Board that the applicant was hoping to waive the preliminary hearing due to weather.*

Motion to suspend the rules to allow a public hearing on the application was made by Mr. Huyser; second Mr. Stinson. Motion failed 4 – 1 (Vote must be unanimous to suspend rules).

Jon Connor addressed the Board. He was representing the Niepokoj's. He said that they were hoping to put an addition on the house that would square it off. It would be a 300-foot first-story addition. It would have the same roofline as the rest of the house.

Mr. Mandon mentioned that the Board should not come up with a policy for this case. They need to look at each case individually.

Mr. Snyder told Mr. Connor to discuss with his client whether or not they wanted to continue with the Public Hearing at the December meeting or wait until spring.

Motion to table the matter until Mr. Connor could talk with his client was made by Mr. Huyser; second by Mr. Stinson.

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

## **H. Public Hearing**

*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 Norman, the attorney for the applicants, addressed the Board. He briefly stated again why the Shelton's wanted the signage on their building. Mr. Shelton then told the Board why he would like to the signage on the building. He would like to direct traffic (especially from the West) to their place of business. The sign would clear the topography and would be seen from 1 – 2 miles away.

Mr. Bell had several questions for Mr. Shelton. He asked if the Shelton's would be willing to take down existing signage. Mr. Shelton responded that he was not sure if his brother would comply with the request. He also asked if the interstate billboards state that Exit 22B is the exit for the Fireworks Store. Mr. Shelton replied, "Yes." Lastly, he asked if the tower part of the existing building was built to put a sign on. Mr. Shelton replied, "Yes, it was."

Public Hearing was opened at 7:40 p.m.

**Town of Porter  
Board of Zoning Appeals Minutes  
November 15, 2006**

Melissa Cohen – Dearborn Street (She is against the signage because Porter is the “Gateway to the Dunes” and a fireworks sign would take away from Porter’s reputation.)

Public Hearing was closed at 7:42 p.m.

Mr. Mandon and TAC feel that the overall size of sign is larger than necessary. He feels thinks that the applicant should agree to take down existing signage and reduce the size of the intended sign.

Mr. Bell sees no justification for the sign.

Motion to deny the petition was made by Mr. Bell; second – none. Motion failed.

Motion to table the application until the December meeting so that the applicant can meet with TAC to discuss the size of the sign and come up with a compromise to remove existing signs was made by Mr. Huyser; second by Mr. Stinson. Motion passed 3 – 2.

#### **I. Finding of Fact**

None

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

Mr. Lyp informed the Board that he would have a report concerning the Executive Session held at 6:00 p.m. in a couple of days.

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

None

#### **L. Adjournment**

Motion to adjourn was made by Mr. Bell. Meeting was adjourned at 7:50 p.m.

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Bruce Snyder  
Chairman

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Kara Mitchell  
Secretary