

Town of Porter
Board of Zoning Appeals
Meeting Minutes
October 18, 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. Donley, Mr. Huyser, and Mr. Stinson and Mr. Snyder

Absent: None

Also present was Mrs. Spanier, Mr. Mandon, Mr. Kahlil, and Mr. Lyp

D. Consideration of Minutes of Previous Meeting

Motion to approve the minutes of the September 20, 2006 regular meeting was made by Mr. Bell; second by Mr. Huyser. Motion approved by voice approval.

Mr. Bell pointed out a correction on page 2 of the minutes. Mr. Mike Harris addressed the board, not Mr. Mike Welsh (as stated in the minutes). The correction was made.

E. Audience Participation

Mr. Tom Leasure who owns property on Krieger Street addressed the Board concerning a drainage issue on the three-lot subdivision he owns. Mr. Mandon addressed the issue and told Mr. Leasure that he would contact the Public Works director with his concerns.

F. Old Business and Matters Tabled

None

G. Preliminary 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. Gary Shelton addressed the board and added to the application a picture of a similar sign that he would like to put up. He said it would be for the advertisement of business. They will be awning style signs and be located directly on the existing building.

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Mr. Bell asked Mr. Shelton how tall the sign would be. Mr. Shelton said the sign would be 70 feet high. Mr. Bell also asked if Shelton used billboards on I-94. Mr. Shelton said that they indeed did have several billboards advertising their business on I-94.

Mr. Mandon asked that if the main reason he wants the signs is for visibility, could he remove other signage on the building. Mr. Shelton responded that he wasn't interested in doing that.

Mr. Huyser pointed out that according to the Zoning book, Mr. Shelton would need an additional variance because the signs are close to 1,000 square feet. The petition given to the applicant was a developmental standard variance and not a use variance. The revision of the application should include "height and area" as well as advertisement.

Motion to set the application for Public Hearing (contingent upon changes being made to the application) was made by Mr. Bell; second Mr. Huyser. Motion carried via voice approval.

H. Public Hearing

Application for variance made by Woodlake Springs, LLC for lot 35 located in Woodlake Springs at the Spa in Porter.

Mr. Bob Welsh addressed the Board with his application for a variance in square feet and rear yard setback. The lot on the application is a pie shaped lot. The rear yard setback would be 25 feet and the square footage of the proposed house would be 1898 square feet. He gave a plat picture of the lot along with a picture of the house to be built to the Board members. Mr. Welsh feels that the neighbors would rather see a house built than see the empty lot. He said that even after the variances, the home would fit in the neighborhood nicely.

Mr. Snyder asked if the bonus room would be built out during the construction. Mr. Welsh answered "yes." He also asked if the neighboring homes were built prior to the zoning ordinance changes. He wanted to know how the frontages aligned. Mr. Snyder is concerned with the ascetics. Mr. Bell also had questions about the side yards.

Mr. Mandon asked about the existing structures.

Public Hearing opened at 7:30 p.m.

Mr. Lyp verified that the petitioner had satisfied all requirements needed for the Public Hearing.

Bob Shelli – 213 Lake Vista Drive. (Drainage issue is his main

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concern)
Pamela Curdes – next to lot (Also concerned about drainage issue)
Lynette Willis – 276 Spring Wood Court (Wants lot surveyed before it is built on)
Laura York – Lot 36 (Concerned about drainage and wanted to make sure the presented plans would be stuck to)
Carl Scott – 215 Lake Vista Drive (Concerned about drainage issue)
Annette Brook – 217 Lake Vista (Concerned about drainage issue)

Mr. Snyder asked if this is an issue for the Stormwater Board. Mr. Mandon thought that it could be addressed prior to issuing the building permit.

Mr. Welsh addressed the questions raised during the Public Hearing. He stated that surveys must be done prior to the lending. He will always have a survey on file with the lender. The drainage issue will be addressed prior to the construction. He promised that the home would be built without drainage issues. It is a spec house and the price range of the home would be between \$195-200,000.

Public Hearing closed at 7:45 p.m.

There was further discussion on the application by the Board members. Mr. Bell stressed that the developer and contractor need to get together and figure out the drainage issue.

Motion to approve the application was made by Mr. Stinson; second by Mr. Bell. Motion approved 5 – 0.

I. Finding of Fact

Approval of the findings of fact for the Radio Broadcast Facility (WBEZ) – Aqua-Land Communications, Inc. tower matter.

Mr. Lyp stated that he needed extra time for the findings of fact.

Mr. Stinson, Mr. Huyser, and Mr. Donley did not receive the findings of fact by e-mail. Mr. Snyder asked that Mrs. Mitchell make sure a better “paper trail” is given to the Board members.

There were wrong dates on the findings of fact – the corrections were made.

Motion to accept the findings of fact was made by Mr. Huyser; second by Mr. Stinson. Motion passed 3 – 1.

J. Update from Board of Zoning Appeals Attorney

None

K. Requests from Board of Zoning Appeals Secretary

None

L. Adjournment

Motion to adjourn was made by Mr. Donley. Meeting was adjourned at 8:02 p.m.

Bruce Snyder
Chairman

Kara Mitchell
Secretary