

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

**A. The meeting was called to order at 7:05 p.m.**

**B. Pledge of Allegiance**

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

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

Absent: None

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

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

Motion to approve the minutes of the August 16, 2006 regular meeting was made by Mr. Bell; second by Mr. Donley. Motion approved by voice approval.

Motion to approve the minutes of the September 5, 2006 special meeting was made by Mr. Donley; second by Mr. Huyser. Motion approved by voice approval.

**E. Audience Participation**

None

**F. Old Business and Matters Tabled**

*Application for use variance for Radio Broadcast Facility made by the WBEZ Alliance, Inc., on behalf of Aqua-Land Communications, Inc.*

Mr. Bell recused himself once again because of his personal involvement in the matter.

Mr. Snyder asked Mr. Kahlil if the two questions left unanswered at the September 5 meeting had been answered. Mr. Kahlil answered in the affirmative. Mr. Riley had proven that the proposed tower is indeed safe. Mr. Kahlil believes that the sight in Michigan City can be rebuilt. Mr. Riley said that because of FAA regulations, the tower could only be increased 28 feet, which would decrease the amount of audience they were hoping to gain.

Mr. Riley gave a portfolio to all Board members including answers to questions raised at the September 5 meeting and findings of fact.

Mr. Snyder asked Mr. Mandon questions about the use of the proposed sight (i.e. wetlands, zoning, etc.). Mr. Kahlil and Mr. Mandon both agreed that they do not have the same recollection of the TAC meeting that Mr. Riley does. Mr. Mandon feels that the

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tower would have an industrial use, not public, which is not in accordance with the Porter Comprehensive Plan.

Mr. Donley asked Mr. Mandon how expensive it would be to develop the wetlands. He also wanted to know what type of business could be built on the property. Mr. Mandon answered that it would be very expensive to develop and that tourist related business would be prime because of National Park. Mr. Huyser asked if the property could be developed without mitigation. Mr. Mandon believed that it could. Mr. Stinson asked Mr. Mandon if the tower would help or hurt adjacent properties. Mr. Mandon feels that the tower would not help existing properties.

Motion to approve the petition adopting the finding of facts and condition of approval was made by Mr. Donley; second by Mr. Huyser. Motion denied 3 – 1.

Point of order was made by Attorney Heistedt. He wanted to see the board vote by ballot instead of by voice. Mr. Snyder asked for a motion for the Board to vote by ballot. The motion failed because no one made the motion.

Mr. Snyder gave a lengthy discussion on why he believes the tower should not be allowed at the proposed sight.

Motion to reject the application was made by Mr. Stinson; second Mr. Huyser. Motion approved 3 – 1.

**G. Preliminary Hearing**

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

Mr. Mike Welsh addressed the Board stating why he needed the variance for Lot 35.

Motion to set the application to Public Hearing was made by Mr. Bell; second Mr. Donley. Motion approved by voice approval.

**H. Public Hearing**

None

**I. Finding of Fact**

None

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

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

None

**L. Adjournment**

The Board stood in adjournment at 8:10 p.m.

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Bruce Snyder  
Chairman

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Kara Mitchell  
Secretary