

Town of Porter
Board of Zoning Appeals
Meeting Minutes
February 16, 2005

A. The meeting was called to order at 7:06 p.m.

B. Pledge of Allegiance

C. Roll Call

Present: Mr. Huyser, Mr. Snyder, Mr. Liebert, and Mr. Niepokoj.

Absent: Mr. Bell

Also present was Mr. Lyp and Mr. Mandon.

D. Determination of Quorum

Quorum was established.

**** Reorganization ****

1. President

Motion to appoint Mr. Snyder as President made by Mr. Huyser; second by Mr. Niepokoj.

Motion carried 4 – 0. Motion to close nominations made by Mr. Huyser; second by Mr. Niepokoj.

Motion carried 4 – 0.

2. Vice-president

Motion to appoint Mr. Bell as Vice-president made by Mr. Huyser; second by Mr. Liebert.

Motion carried 4 – 0.

3. BZA Secretary

Two people have expressed interest: Kara Mitchell and Mike Liebert.

Speaking for himself and Mr. Bell, Mr. Snyder voiced concerns over a member of the Board being distracted from Board duties while performing Secretary activities.

Mr. Lyp stated there are no legal prohibitions against a Board member being Secretary.

Matter tabled until the March BZA meeting.

D. Consideration of Minutes of Previous Meeting

Motion to approve the minutes of the October 20, 2004 regular meeting as written made by Mr. Niepokoj; second by Mr. Liebert. Motion carried 3 – 0 – 1 with Mr. Huyser abstaining.

Motion to approve the minutes of the November 17, 2004 Executive meeting as written made by Mr. Niepokoj; second by Mr. Liebert. Motion carried 3 – 0 – 1 with Mr. Huyser abstaining.

E. Audience Participation

None

F. Old Business and Matters Tabled

None

G. New Business

1. Gorgei and Sons Construction Company petition for a Developmental Standards variance on an empty lot on Wood Street (east of 23rd).

Petition presented by petitioner's attorney Greg Babcock. The petitioner is seeking a variance for the rear yard setback requirement on a 4-unit building proposed for the lot. The lot has been purchased. The building will be 2-story with 2 units on each floor. Drainage issues for the lot will be addressed with specifics available at next meeting.

Motion to schedule the petition for public hearing at the March BZA meeting made by Mr. Niepokoj; second by Mr. Huyser. Motion carried 4 – 0.

D. Findings of Fact

None

E. Other Business

1. Findings of Fact Discussion

Mr. Lyp provided members with a 'worksheet' of BZA requirements for a Developmental Standards Variance, a Use Variance, and Special Exceptions and described the procedures regarding Findings of Fact (FF). FF must be adopted, per state statute, within 5 days of a decision being made on a petition. The potential conflict is between the need for writing them correctly and getting them completed on time. They need to be done in 5 days because the petitioner must file any appeals within 30 days of the decision.

Mr. Lyp proposes we have a form that can be prepared at the meeting a decision is made on a petition and have it approved and signed that night. Other municipalities do this and it will satisfy most petitions the BZA acts on. If more detailed FF are required the petition can be tabled while they are prepared for review and approval at a subsequent meeting.

The decision and the FF can be done in either one motion or separate motions.

2. Mr. Lyp gave the Board an update on legal action currently involving the BZA.

D. Adjournment

Motion to adjourn made by Mr. Liebert; second by Mr. Huyser. Motion carried 4 – 0 via voice vote.
Meeting adjourned at 7:36 p.m.

Bruce Snyder
Chairman

Secretary