

**Town of Porter**  
**Board of Zoning Appeals**  
**Meeting Minutes**  
June 16, 2004

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

**B. Pledge of Allegiance**

Present: Mr. Beckman, Mr. Bell, Mr. Snyder, Mr. Liebert, and Mr. Niepokoj.

Quorum was established. Also present were Mr. Mandon and Mr. Lyp.

**C. Consideration of minutes from previous meetings.**

Motion to approve the minutes of the May 19, 2004 meeting as written made by Mr. Liebert;  
second by Mr. Bell. Motion carried 5 – 0.

**D. Audience Participation**

Mr. Paul Childress: Did the BZA issue approved Findings of Fact on the Lagestee petition? Answer: Unsure. The Board will investigate and determine if they need to be done.

Mr. Paul Childress: Who is responsible for sending recommendations to the Town Council? Answer: The BZA Secretary. Mr. Mandon stated there should be a packet for the Secretary to use in such instances. He will develop a procedural packet for the Board to approve.

**E. Preliminary Hearings**

None

**F. Public Hearings**

None

**G. Old Business**

1. Paul G. Nelson – petition for variance at 1371 Old Porter Road to locate a billboard on a portion of the property for advertisement purposes.

Mr. David Babcock, attorney for petitioner, gave the Board copies of the platted survey required for the petition. It showed a distance of 296 feet between the proposed sign location and the back of the nearest residence. He stated the Porter County Drainage Board (which has jurisdiction over Peterson Ditch) found in favor of allowing the billboard providing the location of the billboard and the driveway easement are moved. He also gave the Board an information package addressing lighting and explained how it would impact the area.

Question by Mr. Snyder: There are two sides to the sign so does that mean there will be eight lights? Answer: Yes, eight lights would be needed [in the worst case scenario].

Question by Mr. Liebert: Would the movement of the sign further west required by the Porter County Drainage Board move the sign too close to the existing signs in violation of INDOT spacing requirements? Answer: No, it would not be too close to

the Lamar sign. It might be too close to the Peterich sign but that could be removed.

Mr. Lyp stated that procedurally the Board should continue this hearing until after the Town Council acts on the Plan Commission's recommendation regarding rezoning [which may or may not make this petition irrelevant].

Motion to table this hearing until the Town Council acts on the Plan Commission's recommendation regarding rezoning made by Mr. Bell; second by Mr. Niepokoj. Motion carried 5 – 0.

## **H. New Business**

Mr. Lyp gave the Board members an update on the status of the current litigation re: Dale Brewer petition concerning construction at 171 Bote in Porter Beach. The court will soon be conducting a hearing to address the legal standing of the person(s) that filed the lawsuit.

Question by Mr. Snyder to Mr. Lyp regarding house for sale at 208 Franklin – a multi-family residence in an R-1 zone. The lender wants to know if it's in zoning compliance. The Town will not provide them with a compliance letter. The problem is determining whether the house is a legal or illegal non-conforming use structure. We found no evidence to prove it is a legal non-conforming use. (Note this does not mean it is an illegal non-conforming use; that has not been proved either.)

## **I. Adjourn**

Motion to adjourn by Mr. Bell; second by Mr. Beckman. Motion carried 5 – 0.

Meeting adjourned at 7:31 p.m.

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Bruce Snyder  
Chairman

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Lisa Liebert  
Secretary