

Town of Porter
Board of Zoning Appeals
Meeting Minutes
February 18, 2004

A. The meeting was called to order at 7:00 p.m.

B. Pledge of Allegiance

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

Absent: Mr. Bell.

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 December 17, 2003 meeting as written made by Mr. Beckman; second by Mr. Niepokoj. Motion carried 3 – 1 with Mr. Snyder voting present.

Motion to approve the minutes of the January 21, 2004 meeting as written made by Mr. Niepokoj; second by Mr. Liebert. Motion carried 4 – 0.

Motion to approve the minutes of the January 28, 2004 Executive session as written made by Mr. Liebert; second by Mr. Beckman. Motion carried 4 – 0.

Motion to approve the minutes of the January 28, 2004 Special meeting as written made by Mr. Niepokoj; second by Mr. Beckman. Motion carried 4 – 0.

D. Audience Participation

None

E. Preliminary Hearings

None

F. Public Hearings

None

G. Other Business

1. Mr. Ted Boothe requesting refund of the filing fee for a variance petition he is withdrawing at this time.

Motion to deny request of refunding the filing fee made by Mr. Beckman; second by Mr. Liebert. Comments: Mr. Beckman stated the fee is non-refundable. Mr. Mandon noted that our BZA Rules and Procedures state that the fee is non-refundable. Mr. Liebert questioned if the sign fee was paid also. Answer: No. Mr. Beckman questioned if he would have to repay the fee if the petition is brought before the BZA again. Answer: No.

Motion carried 4 – 0.

2. Findings of Fact for Dale Brewer petition: An appeal of Building Commissioner's decision regarding construction at 171 Bote Drive, Porter (from December 17, 2003 meeting).

BZA attorney Mr. Lyp presented the BZA with a set of Findings of Fact prepared by our staff. He informed the BZA that the [then] Board President signed a set of Findings of Fact in December 2003. Though there is nothing inherently improper with that he has included in the Findings of Fact being reviewed tonight a determination that the signing of Findings of Fact [in December of 2003] was done in a manner inconsistent with the procedures of this Board and that the Board is striking those Findings of Fact.

Mr. Gordon Etzler, audience member and attorney for Dale Brewer, wanted permission to speak concerning issues of: [a] only that people at the December meeting can act on the minutes and Findings of Fact and [b] the Board hasn't acted to determine if the Findings of Fact signed in December were in error.

Mr. Lyp read the Findings of Fact. Two corrections were made on page four to switch the two references to the Zoning Ordinance section 204 to section 205.

Motion to accept the Findings of Fact with corrections made by Mr. Liebert; second by Mr. Beckman.
Motion carried 4 – 0.

H. Adjourn

Motion to adjourn by Mr. Niepokoj; second by Mr. Liebert. Motion carried 4 – 0.
Meeting adjourned at 7:40 p.m.

Bruce Snyder
Chairman

Lisa Liebert
Secretary