

**Town of Porter**  
**Board of Zoning Appeals**  
**Meeting Minutes**  
January 21, 2004

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

**B. Pledge of Allegiance**

Present: Mr. Beckman, Mr. Snyder, Mr. Liebert, Mr. Niepokoj, and Mr. Bell.  
Quorum was established. Also present were Mr. Mandon and Mr. Lyp.

**C. Election of Officers**

Mr. Bell nominated Mr. Snyder as Chairman; second by Mr. Liebert.  
Motion to close nominations made by Mr. Bell; second by Mr. Liebert. Motion carried 5 – 0.  
Mr. Snyder is elected Chairman.

Mr. Bell nominated Mr. Beckman as Vice-chairman; second by Mr. Niepokoj.  
Motion to close nominations made by Mr. Bell; second by Mr. Liebert. Motion carried 5 – 0.  
Mr. Beckman is elected Vice-chairman.

**D. Consideration of minutes from previous meeting.**

Motion to approve the minutes of the November 19, 2003 meeting as written made by Mr. Beckman;  
second by Mr. Liebert. Motion carried 4 – 1 with Mr. Snyder voting present.

Mr. Liebert suggested tabling the minutes of the December 17, 2003 meeting due to (a) the Board members just received them and (b) they are seven pages long. Motion to table the December 17, 2003 meeting minutes until the next meeting made by Mr. Niepokoj; second by Mr. Beckman. Motion carried 4 – 1 with Mr. Snyder voting present.

**E. Audience Participation**

None

**F. Preliminary Hearings**

None

**G. Public Hearings**

None

**H. Other Business**

**Dale Brewer requesting the BZA to reverse it's decision to deny appeal of the Building Commissioner's**

## **administrative decision regarding construction at 171 Bote.**

BZA attorney Mr. Lyp informed the Board that a court proceeding is pending in the above matter and that he would like to schedule an executive session to discuss the case and available options with BZA members.

Mr. Bell asked if the Board could hear additional comments tonight [prior to an executive session].

Additional comments:

- a. Mr. Lyp is not aware of any petition being filed requesting the BZA to take up this matter again.
- b. Can we hear this petition if it is filed?
- c. Our own procedures bar the Board from re-hearing a petition for one year that has been previously rejected by the Board.
- d. The court case can be affected by Board decisions.
- e. Nothing should be heard or decided upon tonight.

Motion to table this matter until the BZA can meet in executive session made by Mr. Bell; second by Mr. Liebert. Comment by Mr. Liebert: (a) Mr. Lyp should listen to the December 17, 2003 tape of the BZA meeting and (b) informed the Board he has already done so. Motion carried 5 – 0.

Mr. Lyp informed the Board of time constraints required for the Town to answer the court in the pending case; the executive session should thus be held as soon as possible.

Motion to meet in executive session on Wednesday, January 28, 2004 at 6:30 p.m. made by Mr. Beckman; second by Mr. Bell. Comment: What does petitioner have to do? Answer: Nothing. Motion carried 5 – 0.

### **Other:**

Comment by Mr. Bell: Findings of fact need to be left to Mr. Mandon and the attorney to prepare. This Board should not sign them if not made by our people; they should not be signed if made by outside counsel.

Mr. Mandon requested if any members need anything? Mr. Liebert needs a copy of the Rules and Procedures.

## **I. Adjourn**

Motion to adjourn by Mr. Bell; second by Mr. Niepokoj. Motion carried 5 – 0. Meeting adjourned at 7:30 p.m.

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Bruce Snyder  
Chairman

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Lisa Liebert  
Secretary