

Town of Porter
Board of Zoning Appeals
Meeting Minutes
May21, 2003

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

B. Pledge of Allegiance

Present: Mr. Beckman, Mr. Niepokoj, Mr. Chemma, and Mr. Childress. Absent, Mr. Bell. Quorum was established. Also present were Mr. Mandon and Mr. Zaremba.

C. Consideration of minutes from previous meeting.

Motion to approve the minutes from the previous meeting as written was made by Mr. Childress, second by Mr. Niepokoj. Motion carried 4-0.

D. Audience Participation

None

E. Public Hearing

Request for Use Variance, 420 Wagner Road: Petitioners David Scott and Cheryl Lagastee present for the request. Petitioners are requesting to store a semi-truck in a residential zone.

Board members did not receive information regarding request from Clerk's office prior to the meeting. Mr. Zaremba questioned the need for eliminating the Preliminary Hearing process. Mr. Beckman indicated he had spoken with the petitioners prior to the meeting and informed them the board would be able to continue through to the Public Hearing at his direction. Mr. Mandon indicated the board could suspend the rules to discuss moving immediately to a Public Hearing, and that the Board Chairman did not have the authority to expedite petitions through the process, that it had to be the unanimous decision of the Board members.

Motion to suspend the rules by Mr. Childress; second by Mr. Niepokoj. The board continued with a lengthy discussion about the procedures to be followed when petitioners make requests of the board. A voice vote was called: Niepokoj – Yes, Chemma – No, Childress – Yes, Beckman – Yes. Motion to suspend the rules failed.

Mr. and Mrs. Lagastee indicated their displeasure about the process and stated that they withdrew their petition.

F. Preliminary Hearing

Developmental Standards Variance, 3005 State Street: Petitioner Darrell Boothe present to request a Public Hearing to build a deck within the required side yard. Petitioner explained his request to the Board.

Motion by Mr. Childress to set request for Public Hearing at the June 18, 2003 meeting; second by Mr. Niepokoj. Motion carried 4-0.

G. Other Business

Action on Sederberg home, Rankin Street: A letter dated 4/22/03 was read into the record requesting the owners of the home appear before the board on this date to discuss the case. Owners failed to appear or contact the town. It was indicated the town could demolish or repair the home at the owner's expense per Town Attorney Ed Hearn. No public hearing was held at this time. Mr. Mandon suggested the Board review the decisions of the Building Commissioner.

Motion by Mr. Childress to set the issue for Public Hearing at the June 2003 meeting; second by Mr. Chemma. Discussion about the need to hold a Hearing ensued. It was decided the Board did not need to hold a public hearing. Motion withdrawn by Mr. Childress; second withdrawn by Mr. Chemma.

At this point Mr. and Mrs. Lagastee indicated they were hasty in withdrawing their petitioner and requested to continue with a Public Hearing at the June 2003 meeting. Mr. Mandon indicated the requirements to be satisfied for the board to grant a Use Variance.

Motion to set the request for Public Hearing at the June 2003 meeting by Mr. Chemma; second by Mr. Childress. Motion carried 4-0

H. Adjourn

Motion by Mr. Chemma to adjourn; second by Mr. Childress. Meeting adjourned at 8:00 p.m.

John Beckman
Chairman

Lisa Liebert
Secretary