

Town of Porter
Board of Zoning Appeals
Meeting Minutes
July 21, 1999

A. The meeting was called to order at 7:10 p.m.

B. Pledge of Allegiance

Present were Mr. Chemma, Mr. Beckman, Mr. Bell, and Mr. Childress. Mr. Kremke was absent. Quorum was established. Also present were Mr. Mandon and Mr. Kennedy.

C. Consideration of minutes from previous meeting.

Motion to approve the minutes as written from the June 16, 1999 meeting made by Mr. Beckman. Second by Mr. Chemma. Motion carried 4-0.

D. Audience Participation

There was no audience participation.

E. Old Business

Public Hearing, James Sheeran: Attorney Mitchell Peters present to speak on behalf of the petitioner. Mr. Peters stated his belief that a use variance would not be needed under the current ordinance. Mr. Peters stated that the petitioner had contacted all of the neighbors within 300 feet of his property to seek any objection to his intentions of opening an outdoor seasonal flea market. Mr. Peters stated there were no objections to Mr. Sheeran's intentions. Mr. Childress pointed out that permitted uses under the current ordinance did not specifically name outdoor sales, and that a discrepancy in the surface on which the outdoor sales were to be conducted was what brought the issue to this point. Mr. Mandon stated the granting of a use variance was necessary.

Mr. Peters informed the board he felt his client did not fully understand the requirements for a use variance, and that Mr. Sheeran was not prepared for the meetings proceedings because proper notice had not been given via the newspapers or mailings to neighbors. Mr. Peters acknowledged being unprepared this month, and understood his client would need to file the proper notice for the issue to be discussed at the August 18, 1999 meeting. Mr. Mandon stated the intended use upon Mr. Sheeran's property was clearly different from its current use, which causes the need for a use variance.

Mr. Chemma questioned if a property must have a permanent durable dust-free surface to conduct outdoor sales. Mr. Mandon stated that was true.

The petitioner requested the matter be continued to the next month's meeting. Mr. Mandon pointed out that conditions could be placed upon the use variance, but that a detailed petition needs to be filed stating intentions more clearly. Mr. Beckman questioned if Mr. Mandon would be available to assist the petitioner with any details to be outlined in the petition. Mr. Mandon agreed. Mr. Bell pointed out the importance of carefully considering any decision regarding this issue, as it would pertain to the Comprehensive Plan currently under revision.

Mr. Mandon recommended the board table this issue until the August 18, 1999 meeting so the petitioner may file a proper and detailed petition, and give proper notice for a public hearing on this issue.

Motion to table the issue to the August 18, 1999 meeting was made by Mr. Bell. Second by Mr. Beckman. A vote was called. Mr. Chemma – Yes, Mr. Beckman – Yes, Mr. Bell – Yes, Mr. Childress – Abstain. Motion carried 3-0.

F. New Business

Preliminary Discussion: James Kopeny, Consultant present on behalf of AT&T requesting a use variance to install a monopole and antennas for cellular and paging services. Mr. Kopeny stated the current poles and antennas constructed at U.S. 20 and Rt. 49 were inadequate to co-locate for AT&T's intended uses. The property in question will be leased by AT&T from Tom Tittle. Mr. Kopeny stated the tower they wish to construct would allow two other carriers to co-locate in the future if necessary.

The board expressed concern about the request of other carriers to construct towers better suited to their uses in the future, in the event the AT&T structure was inadequate to their uses. Mr. Kopeny pointed out the carriers prefer to co-locate because it is more cost efficient, but there are times when it is not possible.

The board suggested the petitioner check the Chesterton water tower to see if it's height would be appropriate to mount the AT&T antennas, as it's location is not very far from the proposed construction site.

Mr. Childress, as well as the other board members, expressed concern that if this petition was granted, other carriers may come to the board with requests to construct their own towers because the AT&T tower was inadequate. Mr. Chemma also expressed concern about the location being the gateway to the Dunes National Park, and the aesthetics involved.

Mr. Beckman requested the petitioner obtain letters of intent from the carriers who have not located in the area to state they would be able to co-locate upon the AT&T tower so those carriers would not request to construct towers of their own. Mr. Kopeny stated he would try to obtain the letters before the next meeting.

Motion by Mr. Beckman to set Tom Tittle's request for a use variance to construct a monopole and antennas for a public hearing at the August 18, 1999 meeting. Second by Mr. Chemma. Motion carried 4-0.

Discussion of the First Draft of BZA Rules and Procedures: Mr. Mandon submitted copies of the first draft to the members of the board for their review to be discussed in greater depth at the following meeting.

G. Adjourn

Motion was presented by Mr. Chemma to adjourn. Meeting adjourned at 8:02 p.m.

Paul Childress
Chairman

Lisa Liebert
Secretary