

**Town of Porter**  
**Board of Zoning Appeals**  
**Meeting Minutes**  
**May 19, 1999**

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

B. Pledge of Allegiance

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

C. Consideration of minutes from previous meeting.

Motion to approve the minutes as written from the December 16, 1998 meeting made by Mr. Chemma. Second by Mr. Beckman. Motion carried 3-0.

Motion to approve the minutes as amended from the April 21, 1999 meeting was made by Mr. Beckman. Second by Mr. Chemma. Motion carried 3-0

D. Audience Participation

Bill and Jody Bennett present to request additional permitted use for a hotel/restaurant on northeast corner of Route 20 (Joan Road and Route 20.) The property is currently zoned C-1 and is requesting re-zoning to C-3. It was suggested by Mr. Mandon the owner may need a use variance for the property and that the petition for a use variance be filed so that a public hearing may be held on the issue. Mr. Kennedy suggested any further action be conditioned upon review of the documentation by the town planner, and that a public hearing will be held per his recommendation after review of the petition.

Mr. Beckman questioned the future plans for the site, and if the immediate neighbors were aware of Mr. Bennett's intentions. It was advised that any concerns would be addressed in a public hearing.

Motion to schedule the matter for public hearing at the next meeting, conditioned upon review of the documentation by the town planner, and his recommendation to move forward made by Mr. Beckman. Second by Mr. Chemma. Mr. Beckman—Yes, Mr. Chemma—Yes, Mr. Childress—Yes. Motion carried 3-0

E. Old Business

1. **Public Hearing:** David and Debra Nolibertowicz, 1030 Wagner Road. Petitioner requesting a variance on the height of a necessary structure. The petitioner was not present at the meeting.
2. **Continuance of Consideration:** Shelton Fireworks, 1601 U.S. Highway 20. Requesting to vary from the maximum size and height of an on-premise sign. The petitioner was not present at the meeting. Mr. Beckman wanted clarification of the petitioner's intent at this meeting. Mr. Mandon informed the board this was not a formal public hearing, although the petitioner had an opportunity to make adjustments to his proposal, and the public would have an opportunity to react to it.

Mr. Beckman questioned whether it was appropriate to dismiss this issue at this time. Mr. Mandon indicated it was better to table the issue for another 30 days for the petitioner to respond and make adjustments to his proposal.

A motion was made by Mr. Beckman to table the matter for 30 more days with the intention to deny the petition if there is no new information at that time. Second by Mr. Chemma. Mr. Beckman-Yes, Mr. Chemma-Yes, Mr. Childress-Yes. Motion carried 3-0.

Tom Bernth (1530 Commodore Lane) was present to request the BZA deny the petition to avoid having other businesses in the area file for similar requests for height variances.

Paulene Poparad (resident of Burns Harbor) was present to express her disagreement with the petitioner's request and its potential effect upon nearby businesses in Burns Harbor. She also requested the board review the daily activities in the area surrounding and including Shelton Fireworks, as she believes the activities in question are in violation of zoning guidelines. Mr. Childress and Mr. Chemma clarified the zoning for the area (I-1) and what has been requested of the petitioner. Mr. Beckman also pointed out acceptable changes to the building to make it aesthetically pleasing (removal of smaller signage,) in which Ms. Poparad agreed would be less objectionable. Mr. Mandon commented upon land use for properties. He indicated that all activities must fall within zoning guidelines.

## E. New Business

1. **Discussion of BZA Rules and Procedures**: Mr. Childress has requested Mr. Mandon review and creates a proposal for BZA Rules and Procedures to help clarify statute.
2. Discussion of payment for BZA secretary when meetings are not held, but notification is still required. Motion was made by Mr. Beckman to approve a \$6.00 per hour fee for the months when the BZA does not meet and notification will be given to each member as well as the newspaper. Second by Mr. Chemma. Motion carried 3-0.

## F. Adjourn

Motion was presented by Mr. Chemma to adjourn. Second by Mr. Beckman. Meeting adjourned at 7:40 p.m.

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Paul Childress  
Chairman

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Lisa Liebert  
Secretary