

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

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

B. Pledge of Allegiance

Present were Mr. Chemma, Mr. Beckman, Mr. Bell, and Mr. Childress. Mr. Kremke was absent. Quorum was not established. Also present were Mr. Kennedy and Mr. Mandon.

C. Consideration of minutes from previous meeting.

The minutes from the December 16, 1998 meeting will be reviewed and considered at the May 19, 1999 meeting.

D. Audience Participation

Pat Volkman, who resides at 1503 Clarke Road, questioned the placement of a Legal Notice in the local newspaper that discussed the topics on the evening's agenda. There was verbal and written confirmation provided by attorney Steve Handlon about the notice published on April 8, 1999.

E. Old Business

None

F. New Business

Preliminary Discussion: Petitioners David and Debra Nolbertowicz, 1030 Wagner Road. Petitioners present to request to vary on the height of a necessary structure. The petitioners intend to construct a pole barn to house their recreational vehicle to stand between 18 and 20 feet. There was discussion about the discrepancy in the town ordinances regarding the height of accessory buildings. Mr. Mandon suggested Mr. Kennedy review the codes before deciding whether a variance is necessary.

A motion was made by Mr. Childress to schedule the matter for public hearing at the next meeting, provided Mr. Kennedy deems it necessary to require a variance. Motion seconded by Mr. Chemma. Motion carried 4-0.

Public Hearing: Shelton Fireworks, 1601 U.S. Highway 20. Steve Handlon present on behalf of petitioners Greg and Gary Shelton to request to vary from the maximum size and height of an on-premise advertising sign. Petitioners are requesting the right to have signage at a height of 44 feet for view from Interstate 94 and U.S. Route 20.

The public hearing was opened at 7:20 p.m. Audience members expressed their favor/opposition regarding the issue. Pat Volkman of 1503 Clarke Road expressed interest in the appearance of the sign. Mr. Shelton provided a description of the sign for the members and the audience. Randy Cleveland, owner of Cleveland Tire, 1037 U.S. Hwy 20, expressed his support for the allowance of the sign. Art Powell, 267 Howe Road, expressed his opposition to the request. Mr. Powell does not agree with changing the sign ordinance as it exists today. He also expressed his belief that a hardship has not occurred at this time.

The Public Hearing was closed at 7:27 p.m.

Mr. Mandon submitted a memorandum regarding this issue to the members of the board. He stated his recommendation that the board approve the petitioner's request based upon the sign description, and that the petitioner intends to rearrange the existing signage on the building. He also stated he believes a hardship has occurred, and that the placement of one sign, as opposed to the smaller scattered signage, would be aesthetically appealing.

Mr. Bell stated his opinion that the billboards present on Interstate 94 (travelling from both the east and westward directions,) as well as the additional signage covering the building are sufficient advertising for the business.

Mr. Chemma expressed concern that we may be setting a precedent with the decision. Mr. Mandon stated that is not possible, as the board only decides issues one at a time.

Mr. Beckman expressed his concern over the existing signage covering the building. He stated he favored a sign that looks like it belongs with the building, and that the existing several signs placed on and around the building should be re-considered.

Mr. Childress stated he approves of the appearance of the requested sign. He also stated that the new sign would be an improvement over the existing signage covering the building.

Mr. Chemma requested an artist's rendition of the building with the new sign, and the rearrangement of the existing signage.

Mr. Mandon recommended the board table the action until the next meeting. He suggested the board clarify its request for existing sign adjustment to the petitioner. He stated it would benefit both the town and the petitioner to know what is necessary to gain support.

A motion was presented by Mr. Bell to deny the petition. There was no second.

A motion was presented by Mr. Beckman to table the petition until the next regularly scheduled meeting. There was no second.

Steve Handlon requested the board make a motion to table the issue to the next meeting so that the petitioner can provide an artist's rendition to the board. Art Powell questioned whether a public hearing would occur again if the issue were tabled to the next month? The board indicated that if the petition were amended it would be possible for the public to speak on the issue.

A motion was presented by Mr. Chemma to table the request until the next scheduled meeting to allow an opportunity for an artist's rendition and public input. Motion seconded by Mr. Beckman. A vote was called. Mr. Chemma – Yes, Mr. Beckman – Yes, Mr. Bell – No, Mr. Childress – Yes. Motion carried 3-1.

G. Adjourn

Motion was presented by Mr. Bell to adjourn. Meeting adjourned at 8:03 p.m.

Paul Childress
Chairman

Lisa Liebert
Secretary