

**Town of Porter
Board of Zoning Appeals
Meeting Minutes
September 21, 2011**

A. The meeting was called to order at 6:32 p.m.

B. Pledge of Allegiance

C. Roll Call / Determination of Quorum

Present: Mr. Bell, Ms. Nelson, Mr. Timm and Mr. Huyser

Absent: Mr. Stinson

Also present were: Ms. Frost, Mr. Keiser, Mrs. Mitchell, and Mr. Mandon

D. Consideration of Minutes of Previous Meeting

Motion to accept the August 17, 2011 minutes was made by Mr. Bell; second by Ms. Nelson. Motion passed 3 – 0 via voice approval. Mr. Huyser did not vote because he was not present at the August 17, 2011 meeting.

E. Audience Participation

None

F. Old Business and Matters Tabled

None

G. Preliminary Hearing

Application for variances for non-conforming frontage of 50 ft. vs. 90 ft. and non-conforming minimum lot size made by James and Jill Pawlicki for the property located at 650 Johnson Street in Porter (BZA 06-11).

The applicants addressed the Board to explain their application for variances.

Mr. Mandon addressed the Board and gave his explanation as to why a variance was not needed.

Motion to withdraw the application and refund the application fee to the applicant was made by Mr. Bell; second by Ms. Nelson. Motion passed 4 – 0.

Mr. Bell – yes

Mr. Timm – yes

Ms. Nelson – yes

Mr. Huyser – yes

**Town of Porter
Board of Zoning Appeals Minutes
September 21, 2011**

Application for variance for front yard fence made by Douglass Leicht for the property located at 110 Wagner Road in Porter (BZA 07-11).

Mike Sofiak, 140 South Mineral Springs Road, addressed the Board in representation of the applicant Douglass Leicht.

The fence is a replacement of an existing fence. To Mr. Sofiak's knowledge, it is a 7 ½ foot fence.

The Board members informed Mr. Sofiak that he is also going to need a variance for his fence height.

Motion to amend the below motion to include a variance for height was made by Mr. Bell; second Mr. Timm. Motion passed via voice approval 4 – 0.

Mr. Bell – yes
Mr. Timm – yes
Ms. Nelson – yes
Mr. Huyser – yes

Motion to set the application for Public Hearing provided that all concerns of the Board be addressed was made by Mr. Bell; second Ms. Nelson. Motion passed via voice approval 4 – 0.

Mr. Bell – yes
Mr. Timm – yes
Ms. Nelson – yes
Mr. Huyser – yes

H. Public Hearing

Application for developmental variance permitting the installation of a windmill having a height of 120 ft. on the property of the applicants on which they operate the Pinkerton Oil Co., 75 East U. S. Highway 20, in Porter, made by Robert and Maria Poparad (BZA 05-11).

Mr. Welsh addressed the Board with explanation of his client's application. In the event that the tower should come down, Mr. Welsh asked that the Board rely on the good reputation of the applicant.

Regarding shadow flicker, this type of windmill does not produce shadow flicker because the blades move too fast. Regarding noise, there will not be more than 60 decibels. There will not be any advertising on the windmill.

Mr. Welsh believes that his windmill is an economic benefit to the applicant and an environmental benefit to the Town of Porter.

**Town of Porter
Board of Zoning Appeals Minutes
September 21, 2011**

Public Hearing opened at 7:26 p.m.

Bob Kenney, 140 East Oak Hill Road, is against the variance.

Karen Pisowicz, 85 Ed McDashowicz Drive, is for the variance.

Karen Kenney, 140 East Oak Hill Road, is against the variance.

Ms. Nelson asked to see the lot survey. Mr. Welsh presented a survey to the Board.

Public Hearing was closed at 7:36 p.m.

Mr. Mandon gave some more insight into decibel and noise levels. He was surprised that the manufacturer did not have more information about the noise levels.

Motion to approve the ordinance for installation of a windmill not to exceed 120 feet with rotor diameter not to exceed 31 feet in the location as presented subject to the petitioner entering into a covenant to be recorded that the decibel level shall not exceed 60 decibels was made by Ms. Nelson, second by Mr. Bell. Motion passed 3 – 1.

Mr. Bell – yes
Mr. Timm – yes
Mr. Nelson – yes
Mr. Huyser – no

Mr. Bell asked Mr. Mandon to take a look at the issue of windmills and get back with the Board with suggestions for future codes.

I. Finding of Fact

None

I. Update from the Board of Zoning Appeals Attorney

None

J. Update from the Board of Zoning Appeals Secretary

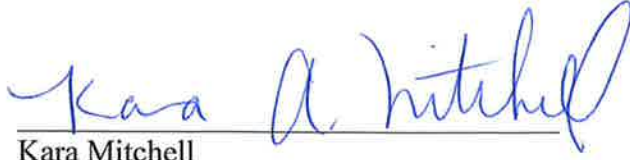
None

K. Adjournment

Motion to adjourn the meeting was made by Mr. Bell second by Ms. Nelson. The meeting was adjourned at 8:05 p.m.

**Town of Porter
Board of Zoning Appeals Minutes
September 21, 2011**


Henry Huyser
President


Kara Mitchell
Secretary