

**PORTER COUNTY PLAN COMMISSION**  
**Regular Meeting Minutes**  
**April 27, 2016**

The regular meeting of the Porter County Plan Commission was held at 5:30 p.m. on Wednesday, April 27, 2016 in the Porter County Administrative Center, 155 Indiana Avenue, Suite 205, Valparaiso, Indiana. Bob Poparad presided.

Members present were: Rick Burns, Ken Williams, Kevin Breitzke, Mitch Peters, Luther Williams, Laura Blaney, Kyle Yelton, and Bob Poparad. Also present were Robert Thompson, Attorney Scott McClure, Kristy Marasco, Helene Pierce, citizens, and representatives of the press.

**MINUTES:**

Mitch Peters made a motion to approve the March 2, 2016 meeting minutes as submitted. Ken Williams seconded the motion. A voice vote was taken and unanimously carried 8-0.

**COORESPONDENCE:**

None.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

**DW-16-0017** - Petition filed by Randy Harris c/o Lee Lane, Harris Minor Subdivision located at the end of Timber Drive on the Northeast Corner, in Porter Township in the R1, Low Density Single-family Residential District. Petitioner request Design Waiver approval for a proposed one (1) lot minor subdivision; to vary from Section 10.34a(5)(b) Subdivision Control; Minor Plats, to allow a buildable lot with a reduction in road frontage. Staff report was presented by Mr. Robert Thompson noting the road dead ends into a parcel split off from a larger trek of land that would have been a continued phase of the existing subdivision. Attorney Lee Lane presented. The owner of the property is Mr. Harris' father and he was the developer of the existing subdivision. Mr. Harris thought he met the requirements. The parcel is 7.5 acres with a shared pond. There is 30 feet of road frontage, but the Ordinance requires 240 feet. Parcel A is directly to the south and has 460 feet of frontage. Parcel A will be sold together and owned by the same people making the overall size close to 9 acres and 490 feet of frontage total. The intention is to put the drive in at Parcel A to avoid a sharp turn.

**Public Hearing:**

Bob Poparad asked if any of the public would like to speak in favor of or in opposition of this case. Bob Poparad also asked that the public address their questions to the Plan Commission while at the same time the petitioner will take notes and respond at one time.

Dr. James Mattel, 72 Timber Drive, states he is in support of this project especially that there is only going to be one home on the property.

The public hearing was closed and questions/comments were heard from the Members.

Q: The Site Review report refers to a turnaround condition, what is the status of that?

A: Attorney Lee Lane indicated that she and her client were unaware of any turnaround discussion or condition. Mr. Robert Thompson advised that the condition request came from the Porter County Highway Department to provide for a turnaround area for everyday vehicles at the end of Timber Drive.

Q: Mr. Bob Poparad questioned what will happen if the adjacent farm field is developed in the future?

A: Then the road will have to be continued and meet all County specifications.

Q: Does the petitioner own the area at the end of Timber Drive?

A: Only the 30 feet of frontage.

Q: Can they incorporate a turnaround into their driveway?

A: Yes.

Q: This has been this way for 30 years so is it fair to make this petitioner provide that turnaround?

A: Yes because we never had to go past the last driveway in the subdivision before.

C: There is a "T" at the end now on private property. That is how school busses, etc have been turning around.

Q: Is the petitioner the original developer?

A: No.

Motion: Mitch Peters made a motion to approve DW-16-0017 without the turnaround condition. Laura Blaney seconded the motion. A ballot vote was taken and carried 6-2 (Breitzke, L. Williams).

*Mr. Poparad asked Mr. Thompson to reach out to the Highway Department to try and get a resolution with regards to the turnaround issue.*

**DW-16-0018** – Petition filed by Richard and Jennifer Anderson, Anderson Acres Minor Subdivision located at 205 North 750 West, in Union Township, in the RR. Rural Residential District. Petitioner request Design Waiver approval for a proposed two (2) lot minor subdivision; to vary from Section 10.34a Subdivision Control; Minor Plats, to allow for a reduction in road frontage and to allow for an existing structure to remain on a parcel. Mr. Richard Anderson presented. This is a ten (10) acre lot that he built a pole barn on two years ago and now they want to divide the property and leave the pole barn on one lot by itself until a home is built on it.

Public Hearing:

Bob Poparad asked if any of the public would like to speak in favor of or in opposition of this case. Bob Poparad also asked that the public address their questions to the Plan Commission while at the same time the petitioner will take notes and respond at one time. No one spoke, therefore, the public hearing was closed and questions/comments were heard from the Members.

Q: What is the status of the septic system on lot 1?

A: It is out of date and needs to be replaced. We have someone scheduled to come out and we are committed to replacing it. Kevin Breitzke noted that the DRC requested that Mr. Anderson proceeds with this for the benefit of the lot.

Motion: Ken Williams made a motion to approve DW-16-0018 with the condition that a new septic system is installed. Rick Burns seconded the motion. A ballot vote was taken and unanimously carried 8-0.

**DW-16-0019** – Petition filed by Clay Ridge Farms, LLC, c/o Aaron Freyenberger, Clay Ridge Farms Administrative Subdivision, 522 West 650 South, in Boone Township, in the RR, Rural Residential District. Petitioner requests Design Waiver approval for a proposed (1) lot administrative subdivision; to vary from Section 10.33 Subdivision Control, and permit 1.24 acres with existing home to be split from parent parcel (114 acres), and allow an existing accessory structure to remain on parent parcel and agree to the following reductions: Acreage from the required 5 to 1.24; Road frontage from the required 330 feet to 213.72 feet; Front yard setback for existing home. Staff report was presented by Mr. Robert Thompson noting this parcel is just under 115 acres. The petitioner would like to split the parent parcel. Staff recommends denying the acreage reduction and requiring a minor subdivision be done because the minor subdivision can be done at this area. They would then also need a 27-foot reduction in road frontage. We don't want to set a precedent. Mr. Bill Rensenberger presented. Mr. Freyenberger recently purchased the 147-acre family farm. He would like to continue to farm the land but sell the house. An Administrative Subdivision is simpler, faster, and less expensive than the Minor Subdivision process. Mr. Freyenberger plans to add width to the frontage so he won't need that waiver. He doesn't want to sell off anymore than he has to, and he plans to improve or replace the septic system. We would consider going through the minor subdivision process if we didn't have to worry about drainage ponds, etc.

Public Hearing:

Bob Poparad asked if any of the public would like to speak in favor of or in opposition of this case. Bob Poparad also asked that the public address their questions to the Plan Commission while at the same time the petitioner will take notes and respond at one time.

Mr. Gerald Glatt, 526 W 700 S, states he has lived at the property south of here for 20 years and has owned it for 40 years. He had to go through the entire process to live there and doesn't want any exceptions given. The property to the east is low and wet and there is no place for it to drain. A pond would make it drier and useable. He objects to this petition.

The public hearing was closed and questions/comments were heard from the Members.

C: This is called a subdivision because they are dividing off the property. In this case they want to divide the existing house from the farm land and continue to farm the land.

Q: Does the Ordinance require the home parcel to be at least 5 acres?

A: The Administrative Subdivision process requires 5 acres. The petitioner is requesting a Minor Subdivision which only requires 1-acre plus 1-acre of usable soil for the septic system.

Q: Setback and frontage are the only two waivers you are requesting?

A: Yes.

Q: What is the plan for the existing barn?

A: Mr. Freyenberger plans to keep the barn and invest in improving it.

Motion: Mitch Peters made a motion to approve the Minor Subdivision with the agreed change that the road frontage will be increased by 27' and the front yard setback will be reduced to the current setback. Laura Blaney seconded the motion. A ballot vote was taken and unanimously carried 8-0.

**DW-16-0021** – Alex Kazmierczak, c/o McMahon Engineers/Architects, Kazmierczak Estates Major Subdivision, 100 South, west of 500 West, in Porter Township, in the R1, Low Density Single-family Residential District. Petitioner requests Design Waiver approval for a proposed 7 lot Major Subdivision with the following allowances: to build the main road in sections at a time, as lots are built; for the Westerly road to be treated as a road easement instead of a dedicated right-of-way; to not build road to County standards, specifically not to include concrete curbing; and to disregard block length as the two roads will not be joined. Mr. Alex Kazmierczak presented. He is proposing a 7-lot subdivision on 26 acres. The lots will be developed a section at a time for himself and his family members. Mr. Kazmierczak will reside on lot 1 and their children will reside on the other 6 lots. The children range in age from 16 to 30 so development of their lots will take place over the next ten years. He is requesting that the westerly road be treated as an easement instead of right-of-way. The road to the west will only be a driveway until the remaining lots are developed. There is a 60-foot easement to the east for the current property owner to have access. As we develop to the east we will continue the road all the way through. We are requesting to use stone immediately and add binding and asphalt in pieces as the lots are developed.

Public Hearing:

Bob Poparad asked if any of the public would like to speak in favor of or in opposition of this case. Bob Poparad also asked that the public address their questions to the Plan Commission while at the same time the petitioner will take notes and respond at one time.

Mr. Bill Rensberger, 1316 N. Brummit Road, Chesterton states he is in support of this petition and has no issue with the road being developed in pieces.

Mr. John Hall, adjacent property owner, stated Mr. Kazmierczak will be a good neighbor and therefore he is in support of this petition.

Mr. Walt Starrick, 510 W 100 S, states his only concern is allowing substandard roads. He is okay with the phasing of the development and road but would prefer they are built to County standards.

Mr. Kazmierczak's rebuttal:

- The roads will be built to County standards with the exception of the curbing. The west road will be a private driveway and the County is not responsible for it.

The public hearing was closed and questions/comments were heard from the Members.

C: Although the County is not responsible for private drives that also means we have no way of enforcing binding or topcoat. Originally it appeared the petitioner was planning the eastern road to be built to County specs and be public but then they verbally noted it would be private. This raised some red flags for staff. This may cause issues in the future if other developments are proposed that would then have to access their property from a private road.

Q: Is there an access agreement in place with Mr. Hall?

A: As part of the purchase agreement.

C: The petitioner has no issue with building the easterly road to County specs with the exception of the curbs. The westerly road will be a private driveway.

C: Mr. Thompson noted that staff is okay with the west driveway being a driveway, but the east road needs to be a road. It can be developed in phases; however, the infrastructure has to be put in to a certain point including the stone and binding. If we do phasing the petitioner would have to have a Primary Plat approval and then infrastructure is expected at that time. The infrastructure is limited to the private road up to the cul-de-sac and then public road up to the end of Lot 4.

Q: What about school busses and emergency vehicle, etc. They need to be on public County roads.

A: The petitioner is willing to provide a turnaround for buses, etc. The private road has a "T" turnaround.

C: Drainage is affected and that is why staff prefers public roads with curbs.

Q: What about catch basins on both sides?

A: We prefer curbs. If the petitioner can coordinate with the County Highway Department regarding the catch basins being maintained and not piped then it could be a possibility. They would need to coordinate culverts for the driveway also if not having curbs.

Motion: Mitch Peters made a motion to approve DW-16-0021 to allow a waiver for no curbs, to allow the public easterly road with road frontage for Lots 1, 2, and 3 on an easement of private drive; to allow phasing of the dedicated roads to the east subject to written commitments on a recorded plat regarding the roadside ditch not being filled in on the public road. Kevin Breitzke seconded the motion. A ballot vote was taken and unanimously carried 8-0.

#### **STAFF ITEMS:**

**Resolution 16-03:** Mr. Bob Thompson advised Resolution No. 16-03 states the Porter County Plan Commission is against the establishment of a proposed railroad and utility corridor through Porter County as proposed by Great Lake Basin Railroad. Members were provided a copy of the resolution for their review.

Motion: Mitch Peters made a motion to accept Resolution No. 16-03 as presented. Rick Burns seconded the motion. A ballot vote was taken and unanimously carried 8-0.

**ADJOURNMENT:**

The April 27, 2016 regular Porter County Plan Commission meeting adjourned at 6:50 p.m.

---

Bob Poparad, President

---

Attest: Robert W. Thompson, Jr. AICP  
Director