

PORTER COUNTY BOARD OF ZONING APPEALS
Regular Meeting Minutes
January 20, 2016

The regular meeting of the Porter County Board of Zoning Appeals was held at 5:30 p.m. on Wednesday, January 20, 2016 in the Porter County Administrative Center, 155 Indiana Avenue, Suite 205, Valparaiso, Indiana. Debbie Cook presided.

Members present were: Mitch Peters, Marvin Brickner, Michael Young, Luther Williams, and Debbie Cook. Also present were Attorney Scott McClure, Kristy Marasco, Monica Gee, Helene Pierce, citizens, and representatives of the press.

ELECTION OF OFFICERS:

Chairperson: Mitch Peters made a motion to elect Debbie Cook Chairperson of the BZA. Marvin Brickner seconded the motion. A voice vote was taken and unanimously carried.

Vice-Chairperson: Mitch Peters made a motion to elect Marvin Brickner Vice-Chairperson of the BZA. Michael Young seconded the motion. A voice vote was taken and unanimously carried.

MINUTES:

The December, 2015 minutes were not distributed to Members prior to the meeting; therefore, they will be voted on at the next regular meeting.

COORESPONDENCE:

Kristy Marasco reported that Jim Alvarez comes before the Board again in 2017, however, every year the Board is updated on whether or not there have been any complaints and at this time there have been none.

OLD BUSINESS:

None.

NEW BUSINESS:

DV-15-0089 – Petition filed by Paul Knowles, 425 East Furness Road, in Pine Township, in the RR, Rural Residential District. Petitioner is seeking a Developmental Standards Variance to allow for a reduction in setbacks for a proposed 24'x26' addition to the rear of the house on a legal nonconforming parcel. Kristy Marasco presented a staff report noting that since the parcel is not 10+ acres in size, a variance is required for the proposed 24'x26' addition. Mr. Paul Knowles presented. Mr. Knowles purchased this home from foreclosure in 2007 and has made many improvements. The proposed addition is for a master suite at the rear of the home.

Public Hearing: Debbie Cook asked if any of the public would like to speak in favor of or in opposition of this petition. Debbie Cook also asked that the public address their questions to the BZA 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: Will the addition match the rest of the house?

A: Yes.

Motion: Mitch Peters made a motion to approve DV-15-0089. Marvin Brickner seconded the motion. A ballot vote was taken and unanimously carried 5-0.

SE-15-0090 – Petition filed by Todd Kobitz, 55 U.S. Highway 30, Center Township, in the CH, High Intensity Commercial District. Petitioner is seeking a Special Exception to allow a kennel in a High Intensity Commercial zoning district. Kristy Marasco presented a staff report noting that dog kennels are special exceptions in all zoning districts. Mr. Todd Kobitz presented. Mr. Kobitz states he is planning in opening Ruff Luxury Inn, a business for dog training, grooming, and boarding. Ninety-five percent (95%) of the facility is indoors with a special turf drainage system that will be cleaned nightly. The outdoor area will be a small outdoor courtyard.

Public Hearing: Debbie Cook asked if any of the public would like to speak in favor of or in opposition of this petition. Debbie Cook also asked that the public address their questions to the BZA 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 part of the building located at 55 U.S. Highway 30 will you occupy?

A: 7,000 square feet of the very front of the building.

Q: How many dogs will you kennel?

A: We have 37 kennels planned out at the rear of our space. Most will be 4’x8’ in size and a small amount will be 6’x8’ in size.

Q: Will you welcome all breeds?

A: Yes.

Q: Are you planning to have retail?

A: Nothing is planned at this time, but we do have space for it if we decide to do so later.

Q: Will you be doing any breeding?

A: No.

C: Attorney Scott McClure advised that retail is allowed in the CH zone, as well as signage, etc. It is just the kennel that needs a variance and would be required in any zone.

Q: Where will your drainage go?

A: Through holes in the concrete into a sand below and then into a sump pit and through filters that eventually reach the nearest drainage ditch.

Motion: Mitch Peters made a motion to approve SE-15-0090. Michael Young seconded the motion. A ballot vote was taken and unanimously carried 5-0.

DV-15-0091 & DV-15-0092 – Petition filed by Donald Oehlman, c/o E. Donald Bengel, 144 West 350 South, in Porter Township, in the A-1, General Agriculture District. Petitioner is seeking Developmental Standard Variances to allow for a reduction from the minimum lot area required of 10 acres to approximately 3.26 acres and 3.07 acres with the house and all accessory structures for a proposed Administrative Subdivision. Kristy Marasco presented a staff report noting that the Ordinance requires 10-acre parcels in an A-1 zone. The petitioner wants to cut out where the houses are located and keep the rest as farmland with intent to sell. There will be two separate parcels with two different homes so each need a variance.

Mr. Don Bengel presented. Mr. Bengel states he represents the Oehlman Trust. Currently there are two (2) forty-acre (40) parcels with a homestead on each. Mr. Oehlman resides in one home and his son resides on the other. Both will remain living in the existing homes. They simply wish to divide their farmland from their homesteads so they may sell the farmland as farmland.

Public Hearing: Debbie Cook asked if any of the public would like to speak in favor of or in opposition of this petition. Debbie Cook also asked that the public address their questions to the BZA 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: The farmland will continue to be farmland?

A: Yes.

C: The intent of UDO is to keep farmland, such as this, from being divided off into subdivisions. The hope is that your intention is to sell the acreage as a whole and not in sections.

R: We want to be able to sell the farmland and hope that one farmer will come in and make that purchase.

Motion: Mitch Peters made a motion to approve DV-15-0091 and DV-15-0092 as presented. Luther Williams seconded the motion. A ballot vote was taken for DV-15-0091 and the motion carried 4-1 (Brickner). A ballot vote was taken for DV-15-0092 and the motion unanimously carried 5-0.

UV-15-0093 – Petition filed by Insite, Inc., c/o Bryan Donley, southwest corner of 500 East and 600 North, in Washington Township, in the RR, Rural Residential District. Petitioner requests a Use Variance to allow for the construction of a new telecommunications facility in a Rural Residential zoning district. Mr. Bryan Donley presented. Insite, Inc. would like to place a new 195-foot monopole communications tower for Verizon Wireless at the southwest corner of 500 East and 600 North in Washington Township. Doing so will allow Verizon Wireless to answer customer complaints between Highway 49 and Indiana State Road 2. This is a high volume area that experiences a number of coverage issues and the current tower capacity cannot provide adequate service. The proposed tower will be able to fill the needs of the area. Verizon is currently on all of the other towers in this area with the nearest being two miles away. Tower inventory and analytic reports were provided to members for their review.

Public Hearing: Debbie Cook asked if any of the public would like to speak in favor of or in opposition of this petition. Debbie Cook also asked that the public address their questions to the BZA while at the same time the petitioner will take notes and respond at one time.

Mr. Ryan Griechen, 559 North 450 East, Valparaiso, opposed this petition noting the proposed tower will be in his backyard, there are 8-9 other towers within a four-mile radius, and the tower height will go well beyond the target area and not sufficiently help the target area.

Mr. Donley's rebuttal:

- Existing coverage maps were provided to members for their review.
- Quality of predicted coverage by this tower maps were provided to members for their review. Verizon Wireless is on every tower available to them with two miles of the proposed tower site.
- The proposed location will provide the service needed for the target area.
- Four other carriers may co-locate on this tower.

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

Q: Are the towers that were proposed at Washington Township High School in place?

A: Yes.

Q: Have those towers improved coverage?

A: Mr. Donley did not have data available, but notes this proposed tower is two miles away from the Washington Township School tower location.

Q: What is the service radius around a tower?

A: It varies.

Q: The proposed site is very low geographically. There were no other sites that would offer better elevation? Insite's engineers have designed this tower to work at this location and provide the necessary service.

A: 195 feet is a tall tower. We also have to have a willing landlord. We reached out to a number of property owners but did not receive feedback.

Q: Do you have co-locators?

A: Verizon Wireless will be the anchor tenant, but if approved we will offer the tower to other carriers. We can't do that until we know if we have a tower or not.

Q: Are all the other requirements of the UDO for communication towers met?

A: Yes.

Q: Where exactly on this site will the tower be located?

A: GPS coordinates were provided. The tower will be located in the northwest corner of the wooded area on the property.

Q: What is the long term plan for cellular coverage other than building a tower every two miles?

A: Upgraded equipment and new technology. Some of which doesn't even exist yet.

Motion: Marvin Bricker made a motion to approve UV-15-0093 as proposed. Michael Young seconded the motion. A ballot vote was taken and the motion carried 4-1 (Peters).

UV-15-0094 – Petition filed by Joseph & Leslie Venturella, c/o Daniel Zamudio, 120 South 675 West, in Porter Township, in the RR, Rural Residential District. Petitioner requests a Use Variance to allow for a 1,800 square-foot addition to the primary structure which might appear to be a second dwelling, located in the RR, Rural Residential zoning district. Kristy Marasco presented a staff report noting the petitioner purchased the existing home and then purchased the adjacent property around the home which is 79+ acres, secluded, and well maintained. Attorney Dan Zamudio and Tim Heidbreder with Heidbreder, Inc. presented. The Venturella's own a very large area of land including adjacent land which supports creating a private space for family members. They are proposing a 1,800 square-foot addition to the existing home that would be a living quarter for Mr. Venturella's mother.

The property is zoned RR, Rural Residential and the UDO allows for one Single Family dwelling. The addition has the appearance of being a separate dwelling but it is not. There will still only be one electric supply, gas supply, and water supply to the residence, and only one family will live here. There will not be a separate support wall and it will not be self-sufficient of the existing structure. It will be part of the existing structure. We have come before you this evening just to be sure due to the appearance. There will not be any negative impact to neighbors, the size of the parcel can handle such an addition, and the structure itself will be quite impressive.

Public Hearing: Debbie Cook asked if any of the public would like to speak in favor of or in opposition of this petition. Debbie Cook also asked that the public address their questions to the BZA while at the same time the petitioner will take notes and respond at one time.

Ms. Lois Kinch, 135 S 725 W, Crown Point, questioned if the addition is going to have its own septic field to handle a space that has its own kitchen and living space?

Mr. Tim Heidbreder provided rebuttal:

As the developer, we worked with McMahan Engineering regarding a separate septic system, and it was approved by Porter County.

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

Q: How many people will be living in the home?

A: Five people total in the entire structure, and only Mr. Veturilla's mother in the addition.

C: Attorney Scott McClure advised that the petitioner is here because this is a gray area. There is a separate front door and separate septic system, but overall it is still only one structure.

Motion: Mitch Peters made a motion to approve UV-15-0094 as presented. Michael Young seconded the motion. A ballot vote was taken and unanimously carried 5-0.

STAFF ITEMS:

None.

ADJOURNMENT:

The January 20, 2016 regular Porter County Board of Zoning Appeals meeting adjourned at 6:25 p.m.

Debbie Kerr-Cook, President

Attest: Kristy Marasco
Planner I