

**Porter County Board of Zoning Appeals
Regular Meeting Minutes
February 17, 2016**

The regular meeting of the Porter County Board of Zoning Appeals was held at 5:30 p.m. on Wednesday, February 17, 2016, in the Porter County Administrative Center, 155 Indiana Avenue, Suite 205, Valparaiso, Indiana. Debbie Cook presided.

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

MINTUES:

Minutes were not distributed to Members prior to the meeting; therefore, they will be reviewed and voted on at the next regular meeting.

CORRESPONDENCE:

None.

OLD BUSINESS:

UV-16-0004 – Larry Bamesberger, 3223 Heavilin Road, in Center Township, in the R1, Low Density Single-family Residential District. The petitioner requests the renewal of a Use Variance to permit the operation of an Architectural Design Firm located in a R1 zoning district. Mr. Fred Bamesberger presented. Larry Bamesberger is the owner of the property but Fred Bamesberger is the Architectural Firm located in the R1 District. He has been operating his business from this location for 23 years without issue. This is a small office, the neighbors are all family, and there is no negative impact.

Q: When was the last renewal?

A: Five years ago.

C: A new public hearing will be required at the next renewal.

Motion: Mitch Peters made a motion to approve UV-16-0004 for five (5) years with the same stipulations as previously granted and a new public hearing in five (5) years should the petitioner choose to renew at that time. Michael Young seconded the motion. A ballot vote was taken and unanimously carried 4-0.

NEW BUSINESS:

UV-16-0003 – James Walker, 413 E. Archer Way, in Washington Township, in the I2, General Industrial District. The petitioner is seeking a Use Variance to allow for the continuation of retail sales of radio controlled hobby items and outside radio controlled car track in an I2 zoning district. Mr. James Walker presented. There have been no issues and no complaints. Maximum renewal time is requested.

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: How's business?

A: Good. Valparaiso Pet and Hobby closed so our business has increased.

Q: There were stipulations placed upon this approval previously, correct?

A: Yes. Only 5 gasoline engine cars at any one given time; no gas cans; operating hours of 9:00 a.m.-8:00 p.m

Motion: Mitch Peters made a motion to approve UV-16-0003 for five (5) years with the same stipulations as previously granted and a new public hearing in five (5) years should the petitioner choose to renew at that time. Marvin Brickner seconded the motion. A ballot vote was taken and unanimously carried 4-0.

UV-16-0005 – Liberty Civil Township, c/o Beth Underwood, 47 West 900 North, in Liberty Township, in the IN, Institutional. The petitioner is seeking a Use Variance to allow for the placement of a mobile unit to be used for office purposes for Liberty Township Trustee located in an IN zoning district. Ms. Beth Underwood presented. The previous and longtime Liberty Township Trustee passed away in November. She worked out of an office space in her home. Ms. Underwood has been working out of that space temporarily, however, the family is ready to sell the home and she must find a new location. Her home is not handicap accessible nor is there any office space available. The Liberty Township Fire Department has agreed to let us place a trailer on their property and given a couple of options for placement. One option is to place the trailer on the corner of the lot, which is Ms. Underwood's preferred location, and second option is to place the trailer next to the fire station. However, Ms. Underwood is seeking this Board's opinion as well. The hours of operation are Monday through Friday 9:00 a.m. – 1:00 p.m.

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: You want the trailer in the area in front of the ball field?

A: There is an area of grass there across from Liberty Township School, yes.

Q: Option one is the grass area north of the sidewalk with three parking spots and will not conflict with the Liberty Rec operations. Option two is the northeast side of the fire station closer to the ball field?

A: Yes.

Q: Will you own the trailer?

A: No. The Township will pay rent for the trailer/office space.

Q: Your home won't work?

A: No, and the State Board of Accounts doesn't really want the office space in a personal home either. It worked out for the last Trustee because she was trustee for more than 20 years and had a separate area of her home that she was able to dedicate to the Trustee office space.

Q: Do you have plans for a permanent structure in the future?

A: I have three years left on my term. I hope to be reelected but wouldn't be able to say for sure at this time. We are willing to do landscaping, etc. to make the trailer more presentable, and I have been working to get the fire department's training trailer removed because it has not been used.

Q: What is the amount of rent paid per month for the trailer?

A: \$210.

Q: Could you consider building on to the Fire Station? An addition would be permanent for all future Trustees and would be less expensive overall.

A: We looked at it but the Fire Station layout isn't very conducive to that. The restrooms are in the middle of the building.

C: We suggest an addition with its own restroom facility. Water and sewer is there already; it can be done.

C: Attorney Scott McClure suggested approving the trailer for one year in order to give the petitioner time to build onto the fire station as a permanent solution. A trailer is not a permanent solution as far as this Board is concerned.

R: We have a two-year projection for a new fire station with a Trustee office. Where should we place the trailer to not be in the way of that possible expansion? To the west is the really the only option.

C: Attorney McClure advised that if the Petitioner can come back in a year with a concrete plan showing the Board that they are working toward a permanent solution then the Board can be more flexible and possibly allow the trailer to remain for another period of time. Place the trailer in an area that will not be in the way of the expansion. Send the plans of the architectural drawing for the expansion to the Planning Department and they will forward to this Board for review.

Motion: Mitch Peters made a motion to approve UV-16-0005 to allow for the placement of a mobile unit to be used for office purposes for Liberty Township Trustee for a period of one (1) year with the condition that within that one year the petitioner will be working on long-term solution. The mobile unit will be placed in an area that will not be in the way of potential future expansion to the fire station, and the petitioner will provide the Planning Department with architectural drawings for the future expansion for review by this Board. Michael Young seconded the motion. A ballot vote was taken and unanimously carried 4-0.

UV-16-0006 – Robert Westfall, 1101 West Daumer Road, in Pleasant Township, in the R1, Low Density Single-family. The petitioner is seeking a Use Variance to allow for the continuation of a machine shop business in a R1 zoning district. Mr. Robert Westfall presented. There have been no issues or complaints.

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. Gilbert Milkereit, 1009 West Daumer Road, stated he has no issue with this petition.

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

Motion: Mitch Peters made a motion to approve UV-16-0006 for five (5) years with the same stipulations as previously granted and a new public hearing in five (5) years should the petitioner choose to renew at that time. Marvin Brickner seconded the motion. A ballot vote was taken and unanimously carried 4-0.

STAFF ITEMS:

None.

ADJOURNMENT:

There being no further business, the February 17, 2016 Board of Zoning Appeals meeting adjourned at 6:10 p.m.

Debbie Kerr-Cook, President

Attest: Kristy Marasco
Planner I