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**Porter County Board of Zoning Appeals  
Regular Meeting Minutes  
January 16, 2019**

The regular meeting of the Porter County Board of Zoning Appeals was held at 5:30 p.m. on Wednesday, January 16, 2019, in the Porter County Administrative Center, 155 Indiana Avenue, Suite 205, Valparaiso, Indiana. Debbie Cook presided.

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

**ELECTIONS:**

**President:**

Motion to elect Debbie Cook President of the Board of Zoning Appeals was made by Marvin Brickner. Luther Williams seconded the motion. A roll call vote was taken and unanimously carried 4-0.

**Vice-President:**

Motion to elect Marvin Brickner Vice-President of the Board of Zoning Appeals was made by Luther Williams. Michael Young seconded the motion. A roll call vote was taken and unanimously carried 4-0.

**MINUTES:**

Marvin Brickner made a motion to approve the November 21, 2018 meeting minutes as submitted. Luther Williams seconded the motion. A voice vote was taken and unanimously carried 4-0.

**CORRESPONDENCE:**

None.

**OLD BUSINESS:**

**UV-16-0086** – Phyllis Biedron, 771 West 350 South, Hebron 46341, in Porter Township in the RR, Rural Residential District. Motion to deny; petitioner is no longer in need of the Use Variance permitting a facility for dog obedience and agility training.

**Motion:** Marvin Brickner made a motion to deny UV-16-0086. Michael Young seconded the motion. A voice vote was taken and unanimously carried 4-0.

**NEW BUSINESS:**

**SE-18-0077** – Angelcrest, Inc., c/o McMahon Associates, 236 East 600 North, Valparaiso, IN, in Center Township in the IN, Institutional District. The petitioner is seeking a Special Exception to allow a private well and septic system on a parcel of land located in an Institutional Zoning District. Mr. Kevin Coros with McMahon Associates and Martin Moeller presented. The petitioner is requesting the use of a private well and septic system for an onsite mausoleum. The Porter County Health Department has given a preliminary approval. Existing hook-ups are quite a distance therefore making any connection extremely expensive.

**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: Isn't there septic and well at this site now?

A: Yes, there is a shop building with a septic field, but it is over a hill and 300 yards away. The well can be extended but we don't want to have to have a pump for the septic and it is somewhat unfeasible, so a new septic is the best plan.

Q: How many people, on average, will be using this facility?

A: The average at a service is 50, and less than 10% will actually use the restroom here.

Q: Was a feasibility study done?

A: Yes.

Q: Has this plan gone before DRC?

A: Informally.

**Motion:** Marvin Brickner made a motion to approve SE-18-0077 to allow for a private well and septic system on a parcel of land located in an Institutional Zoning District as presented. Luther Williams seconded the motion. A ballot vote was taken and unanimously carried 4-0.

**SE-18-0078** – Tom Rigg, c/o McMahon Associates, at the Northwest corner of 325 East and 200 North intersections, Valparaiso, IN, in Washington Township in the I1, Light Industrial District. The petitioner is seeking a Special Exception to allow a private well and septic system on a parcel of land located in a Light Industrial Zoning District. Mr. Kevin Coros with McMahon Associates presented. A feasibility study was done and confirmed the lack of municipality water and sewer with the closest being 4,000 lineal feet away. The Porter County Health Department has given a preliminary approval and we are working through staff comments.

**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. Robert Hamernick**, 175 Rock Creek Road, Valparaiso states he is more concerned with what is going on this site.

Ms. Kathleen Hamernick, 175 Rock Creek Road, Valparaiso states there is already a lot of traffic in this area plus a church and young kids. What is the plan for the property? Will this then lead to further expansion?

Mr. Ed Waldo, 348 Columbia Circle, Valparaiso, states he shares the Hamernick's concerns. If this project is going to be for storage units, then why is sewer and septic needed. This parcel is an eyesore already and he would prefer it be more aesthetic. Why are they rezoning?

Mr. Coros' rebuttal:

- The property is zoned I1, and we are not requesting a change to that.
- The petitioner is proposing a 16-unit commercial complex. There will be a lot of restrictions, however, restrooms are necessary. Most will be empty shell buildings for commercial spaces to use.
- Mr. Mike Sheets noted that the buildings will have a small office space area with storage. Typically, they have tenants such as electricians, landscapers, etc. We will follow all the I1 zone restrictions.
- The only variance we are asking for is to allow well and septic. Buffers, landscaping, driveways, etc. will all be met.
- This is the only parcel this client owns. Other property owners may choose to expand in the future, but we can only speak for this one parcel.

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

Q: Are all the buildings 12,000 square feet?

A: They are 11,712 square feet per unit. 66x152 warehouse buildings, 6 units with a 60x28 office area.

Motion: Michael Young made a motion to approve SE-18-0078 to allow a private well and septic system on a parcel of land located in a Light Industrial Zoning District as presented. Luther Williams seconded the motion. A ballot vote was taken and unanimously carried 4-0.

**SE-18-0080 and DV-18-0081** – J and H Holdings, LLC, c/o Chester Inc., 48 North 450 East, Valparaiso, in Washington Township in the I2, General Industrial District. The petitioner is seeking a Special Exception to allow a private well and septic system on a parcel of land located in a General Industrial Zoning District, and seeking a Developmental Standards Variance to allow the following: existing primary building structure within the front yard seventy (70') building line; and existing accessory structure within the side yard (40') building line. Mr. Steve DeBold with Chester Inc. presented. The parcel is 9.68 acres, zoned I2, General Industrial, south of U.S. Highway 30 in Valparaiso. There is an existing large storage building with a small office area and an existing accessory structure on the property. The petitioner would like to add an additional storage area to the back of the existing building within the existing 70-foot and 40-foot building lines. This is not owner caused as the buildings are existing and were approved 39 years ago, prior to the current Ordinance. At the same time, the petitioner is requesting the property be allowed to continue to utilize well and septic as it has for 39 years.

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 are requesting an addition to an existing building and to be able to keep using well and septic, correct?

A: Yes. At the DRC meeting the Health Department did request a letter of approval from the State for the well and septic.

Q: How many people do you typically have at an auction at this location using the facilities?

A: Most of the business is online; however, when there is an auction here it can have 50 to 200 persons possible. When the numbers are expected to be on the higher site they bring in porta-lets.

Q: Will the proposed addition be in violation of the setbacks?

A: The addition will be on the back of the existing building to the west, so it won't be violating any current setbacks.

Q: There is an existing well now?

A: Yes, and septic.

Q: Are you wanting to drill another well?

A: No. No new fixtures or anything. We just want to continue using what we have.

Q: The proposed addition is for storage only?

A: Yes.

Q: How much parking is on sight?

A: 82 spaces.

Q: You have 2-4 auctions per month with 50 to 150 persons?

A: Average, yes.

Q: How many restrooms are there currently?

A: Two. One for public use and one for staff use.

Attorney Scott McClure noted that we do not know what the State will say, but if they say the petitioner has to have more, then they will have to do so. Attorney McClure suggests making any approval contingent upon the State Health Department and property owner working through the details and requirements set forth by them.

Mr. DeBold noted that they have sent everything requested to the State for their review. They will inform us if what we have is adequate or not. If not, they will give us criteria to follow and we will have to comply.

Motion: Michael Young made a motion to approve SE-18-0080 to allow a private well and septic system on a parcel of land located in a General Industrial Zoning District contingent upon the State Health Department's approval thereof. If not approved by the State, the petitioner will comply with the requirements set forth by them to achieve proper approval. Luther Williams seconded the motion. A ballot vote was taken and unanimously carried 4-0.

Motion: Michael Young made a motion to approve DV-18-0081 to allow an existing primary building structure within the front yard seventy (70') building line; and an existing accessory structure within the side yard (40') building line. 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 January 16, 2019 Board of Zoning Appeals meeting adjourned at 6:25 p.m.

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Debbie Kerr-Cook, President

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Attest: Kristy Marasco, Assistant Director