



**PORTER COUNTY BOARD OF ZONING APPEALS
HEARING OFFICER
February 14, 2019 – MEETING MINUTES**

LOCATION: County Administrative Center, Ste 205 TIME: 1:00 p.m.
155 Indiana Avenue, Valparaiso IN

MEMBERS IN ATTENDANCE

Rick Burns, Hearing Officer
Kristy Marasco, Assistant Director
Kelly Cadwell
Monica Gee - Absent

OLD BUSINESS

Case: DV-18-0028

Applicant: Douglas and Gina Gilliam

Location: 447 West 300 South, Porter Township

Zoning: RR, Rural Residential District.

Request: Case tabled from the June 14, 2018 meeting. To allow an accessory structure prior to the primary structure being built and to exceed the maximum width-to-depth ratio, 1:4; for a proposed (40' x 60') pole barn

Gina Gilliam and Douglas Gilliam presented. They have completed what was requested at the June meeting and are now here to get approval for putting up their pole barn.

Discussion: Gina Gilliam has talked with the Health Department. They told her there was nothing there so they could not approve anything. It was explained that there will be a home built and the Health Department has items they need to approve. That was requested to be obtained at the last BZA Hearing Officer meeting. A pole barn is not allowed before a house is built. This is why they need a variance. Staff needs to know that a house can be built before they grant approval of the pole barn.

Motion: Rick Burns moved to continue Case DV-18-0028 to allow applicant time to get approval from the Health Department for the house.

Case: DV-18-0024

Applicant: Steve and Sandra Pierce, c/o Krull Abonmarche

Location: 191 North 750 West, Valparaiso, Union Township

Zoning: RR, Rural Residential District.

Request: Case tabled from the June 14, 2018 meeting. Seeking a Development Standards Variance from the following requirements for a proposed four (4) lot minor subdivision:

- To allow a reduction in the minimum spacing required between driveways;
- To allow reductions in minimum setback requirements on existing structures;
- To vary from the maximum width-to-depth ratio 1:4;
- To permit existing accessory structures on a parcel without a primary structure.

Scott Gregory, presented on behalf of applicant. In June they were requested to get written permission regarding the overhead wires. This is not a NIPSCO line it is a ComEd line. He presented a list of requirements from ComEd.

Motion: Rick Burns moved to approve Case DV-18-0024 contingent on getting approval from Development Review Committee.

NEW BUSINESS

Motion: Rick Burns made a motion to move Cases SE-19-0002 and DV-19-0003 to the end of the meeting. The Family Express representative was not present at this time.

Case: DV-19-0004

Applicant: Michael and Linda Allen

Location: 91 East 950 North, Chesterton, Liberty Township

Zoning: R1, Low Density Single-family Residential District.

Request: Seeking a Development Standards Variance to allow for a proposed two (2) lot minor subdivision to vary from the following:

- Reduction in the minimum lot width from the required 240 feet
 - Lot 1 to be at 160 feet
 - Lot 2 to be at 136 feet
- Reduction in separation between driveways from the required 320 feet to be at 145 feet

Bill Arden of Cardinal Land Surveying, presented. The property was purchased in 2018 and now applicant's parents have decided they want to move in next door. The majority of the lots in the area are narrow. They do not feel this would be disharmonious to the neighbors.

Public Hearing:

Mrs. Allen explained she bought this property so her parents could move in next door with the hopes it would be passed down through the generations.

David Smith – 83 East 950 North, his property is two properties to the west. He questioned the dimensions of the lots and would like to know how the drainage will be affected. He was advised there is a Storm Water Management Office now and any drainage issues should be addressed to them.

Linda Johnson – 89 East 950 North, concerned about the affect on field tiles in her yard and neighbors' yards. A previous owner has told her there are a lot of field tiles that can be harmed. Another concern is her well. She is concerned digging could affect her quality of water. She is also concerned about a mound septic system and if she will be affected by water draining off the mound system. She would like to know where the liability and repair cost lies if any of these are problems. She has lived here for 35 years and knows when it rains the water takes a path and goes right where they are proposing to put a house.

Seeing no one else wishing to address the Board, Rick Burns declared the Public Hearing closed.

Motion: Rick Burns moved to approve Case DV-19-0004 with the understanding it must be approved by the Development Review Committee.

Case: DV-19-0005

Applicant: Brian and Terri Gomez

Location: 214 North 500 West, Valparaiso, Union Township

Zoning: RR, Rural Residential District.

Request: Seeking a Development Standards Variance to allow for a proposed two (2) lot minor subdivision to vary from the following:

- For Lot #1, existing accessory structure within the side yard setback;
- For Lot #1, existing primary structure within the front yard setback;
- For Lot #1, swimming pool located in the front yard;
- Lot #1 and Lot #2, reduction in the minimum lot width from the required 240 feet;
- Lot #1 and Lot #2, reduction in the minimum front setback from the required 60 feet (500 West Frontage considered front setback)
- Lot #1 and Lot #2, located on arterial road (50' right-of-way required)

Scott Gregory presented along with Brian and Terri Gomez. They have revised Lot #2 to 160' wide to meet the RR zoning. This was suggested at the DRC meeting yesterday. The existing home is 40' west of the centerline of 500 West.

Public Hearing:

Seeing no one wishing to address the Board, Rick Burns declared the Public Hearing closed.

Discussion: The corner of the house is just about on the easement line. They can set the house back some. They still have to go to DRC for approval.

Motion: Rick Burns moved to approve Case DV-19-0005 contingent to getting Development Review Committee approval; lot width at 160' on Lot 2; and on the NE front corner of the proposed house to be approximately 2' away from the easement line (plat must be updated).

Case: SE-19-0002

Applicant: Family Express Corporation, c/o McMahon Associates, Inc.

Location: 213 South State Highway 49, South of County Road 150 South, Valparaiso, Morgan Township

Zoning: I2, General Industrial District.

Request: Seeking a Special Exception to allow existing on-site well system for a proposed building addition to the Family Express Bakery.

Kevin Coros presented. They are proposing a 26,300 sq ft addition to the bakery/loading area. They have been using the existing well. The Health Department has said it is still in passing condition. They are bringing the site up to code.

Public Hearing:

Seeing no one wishing to address the Board, Rick Burns declared the Public Hearing closed.

Motion: Rick Burns moved to approve Case SE-19-0002.

Case: DV-19-0003

Applicant: Family Express Corporation, c/o McMahon Associates, Inc.

Location: 213 South State Highway 49, South of County Road 150 South, Valparaiso, Morgan Township

Zoning: I2, General Industrial District.

Request: Seeking a Development Standards Variance to allow reduction in the minimum side yard setback on existing building from forty (40) feet to be at eighteen (18) feet

Kevin Coros presented. This is requested to bring the headquarters building into compliance.

Public Hearing:

Seeing no one wishing to address the Board, Rick Burns declared the Public Hearing closed.

Discussion: If they were to decide to sell the bakery or headquarters, they are on two separate parcels.

Motion: Rick Burns moved to approve Case DV-19-0003 and in addition to the side yard setback at 18' also to allow 0' side yard setback at the corridor between the two buildings.

At this point Kyle Wilkens an adjacent neighbor on the north side arrived at the meeting and asked what is being built. Kevin Coros explained they are expanding the building to the north and the site plan was shown to him. The addition will be within 16' of where the parking lot is. Notices will be going out to neighbors when this case goes before the Plan Commission.

There being no further business, the meeting adjourned.

Rick Burns, Hearing Officer

Kristy Marasco, Assistant Director