



**PORTER COUNTY BOARD OF ZONING APPEALS
HEARING OFFICER
March 12, 2020 - 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

Rick Burns called the meeting to order and led the pledge of allegiance.

Approval of Minutes:

Motion: Rick Burns moved to approve minutes from the February 13, 2020 meeting.

Correspondence: All remonstrance correspondence has been forwarded and is not needed to be read.

NEW BUSINESS

Case: DV-20-0007

Applicant: Peggy White

Location: 624 West 250 South, Hebron, IN 46341 (Porter Township)

Zoning: RR, Rural Residential District

Acres: 5 +/-

Request: To allow for a reduction in side yard setback from 15' to 6' for an existing accessory structure.

Ms. Dawn Vroom- 624 West 250 South, Hebron, IN 46341- presented. She is the daughter of the applicant and resides at the address with her. She has purchased a carport. She was told by the salesperson and manufacturer that since there are no footings, she does not need a permit. A Stop Work Order was given and they have quit working. She is seeking a variance to keep it where it is standing.

Public Hearing:

Dan McConnell - 266 South Imperial Court. He asked if this variance is granted does that mean everyone can get one. Rick Burns replied they would have to come and request a variance. It is decided case by case. Dan McConnell stated he is concerned. The shed had a garage attached to it and it is now a living quarter.

Rick Burns read a letter from Allyson Casbon - 260 South Imperial. She is opposed to this request. There is no justification because of the amount of land.

Dawn Vroom stated the building is 20'x30'. It is not on a concrete slab. It is sitting on stone. There are no footings. It is an enclosed carport. The manufacturer still assures her she does not need a permit. She is on 5 acres. A lot of drainage comes through the yard. They put the carport where they did because they have been robbed. She wants something that is close to the house so lighting can reach it without additional electric. She also wants to be able to hear if anyone is trying to take property.

Kristy Marasco asked why Dan Boyd from the Health Department was at her property. Dawn Vroom explained there is one well and two septics on the property. They were all there at the time of purchase. She was told she needed clearance in order to get the variance. As far as the living quarters, that was already there when they purchased the home. It is not a fulltime residence. Her mom has a place in the house. They live with her in the house.

Dan McConnell - 266 South Imperial Court. He wanted to clarify that he thought the building was on a concrete pad. He has not done a close visual. He could be wrong and it probably is on stones.

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

Discussion: Rick Burns asked Building Commissioner, Mike Haller to come forward. Mike explained he received an email from a neighbor asking him to review the site. He found the shed about three-quarters complete. He issued a Stop Work Order. He talked with the petitioner on site. That building would normally need to be tied down to withstand wind loads etc. It is 6' from the property line. The other structure is right on the property line. There is evidence there is a living quarters. It is well kept. Records do not show a permit for that. The living quarters has been added to the north end. The addition is now the garage. He believes there are two septics on the property.

Rick Burns asked if there is documentation regarding the septics. There was discussion regarding what was there and what the Petitioner was told before purchasing the property and the fact that some things have permits while some do not. There are two living quarters on one piece of land.

Kristy Marasco explained it does not matter what the Petitioner was told, she should have worked through the Plan Department and now they have to fix what is wrong. Kristy asked

Mike Haller if the building is safe. The Petitioner replied she was told there are rods that go through the building to make it tornado proof. The living quarters was built without a permit.

Motion: Rick Burns moved to continue Case DV-20-0007 to allow petitioner time to check on the two septic tanks and to see what permits have been given and what have not.

Case: DV-20-0009

Applicant: Jeanne Blumenthal

Location: 1305 Bobolink Road, Valparaiso, IN 46383 (Center Township)

Zoning: RL, Residential Lake District

Acres: .23 +/-

Request: To allow a reduction in the building line setback from the required 20' to 4'; and to allow the driveway to be within 50' feet from an intersection, for a proposed primary structure.

Jeanne Blumenthal – 5203 Garden Gateway, Valparaiso - presented. She bought the property six years ago. She described the surrounding property. She has had the property re-platted to put two houses on the property. The property line involved in the variance is Phoebe Lane. This is an un-platted and un-improved road.

Public Hearing:

Jim Whitcomb – 1307 Robin Road. He thought this was on the corner of Sumac. Phoebe Lane is a dirt one lane road. There already are a lot of rental units in the area. He feels the area is overbuilt. He is against all of the project.

Jeremy Mitchell – 4100 Sumac Court. His back door looks at these two properties. Traffic has increased like crazy since two rentals were put in. Drainage is bad because it hasn't been updated in a long time.

Jeanne Blumenthal replied she agrees it is a dense area. The projects she is proposing are not small homes and are not inexpensive. They will not always be rentals. She explained drainage work already done and to be done. Once construction is complete, they will pave the road.

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

Discussion: Rick Burns asked why the house is pushed to the east. Could it be pushed to the west some? Jeanne Blumenthal explained the lot is not wide enough. Phoebe Lane is treated as a road and 20' is the side setback. It never has been used as a road. Rick Burns explained it is platted as a road therefore, they have to follow those rules. Jeanne Blumenthal discussed the drainage plan they have that justifies where the house is

situated. Rick Burns suggested she is putting more houses in the area than will fit. He suggested building only one house or smaller houses.

Motion: Rick Burns moved to deny Case DV-20-0009.

Case: DV-20-0010

Applicant: Thomas Charles

Location: 398 Slow Draw Drive, Valparaiso, IN 46383 (Washington Township)

Zoning: RR, Rural Residential District

Acres: 1.10 +/-

Request: To allow for a proposed (32'x48') pole barn to vary from the following:

- Reduction in minimum side yard setback from the required 15' to 6';
- Exceed the maximum accessory structure height from 20' to 22';
- Exceed the maximum floor area of the cumulative square footage allowed for accessory structures.

Thomas Charles – 398 Slow Draw Drive, Valparaiso - presented. He wants to put up a pole barn. He has looked at options and has decided his proposed location is the best for the property. He is not part of the subdivision and their covenants. He will be using the pole barn for storage.

Public Hearing:

Dianne Depoister - 403 Valley Run Drive stated she is in favor of this project.

Jeannie Kissinger – She is the abutting neighbor and is in favor of this project.

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

Discussion: Rick Burns asked if he has a permit for the second driveway. He replied he does not but will be getting one. Rick Burns asked if the pole bar has to be this large. The Petitioner explained for the camper he needs this size. He also explained he believes his finished height is going to be 20'6".

Motion: Rick Burns moved to approve Case DV-20-0010 with the understanding the temporary drive will be removed, he will combine into one driveway and apply for permit. The pole barn will be 32x48 and the height will be 20' 6".

Case: DV-20-0011

Applicant: Bennett's Storage Inc. c/o Attorney Todd Leeth

Location: 766 North 400 West, Valparaiso, IN 46383 (Portage Township)

Zoning: CH, High Intensity Commercial District

Acres: 4 +/-

Request: To allow for a proposed public self-storage facility to vary from the following:

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- Reduction in minimum lot area from the required 5 acres to 4 acres;
- Reduction in minimum lot width from the required 300' to 264';
- For the driveway to be 51' from an intersection instead of the 75' required.

Todd Leeth presented. This property was before the BZA Hearing Officer last summer. They have another storage operation approximately a quarter mile north on the same side of the road. Last summer they received a variance to reduce the area between buildings. Now they are requesting three variances. These are simply the facts of life as to what this property is. The addition of the north building does not create a new entrance. This project does not create very much traffic.

Public Hearing:

Ules Stidam - 396 Midway – Why now when they have already started developing?
 Attorney Leeth replied the units currently on the property were prior to the UDO and are legal non-conforming. They did not ask last summer because they received a staff report in January requiring the variances. The variances do not apply because of a storage shed; it is because of the zoning district.

Ules Stidham – 396 Midway. There is a swamp behind the two buildings. The drainage issue needs to be addressed. Todd Leeth replied Duneland Group is preparing the site plan. They are addressing the drainage issue. Kristy Marasco added Mike Novotney will have to approve the drainage plan before the project can move forward.

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

Discussion: Rick Burns asked Todd Leeth about the drainage issue. They have put in a retention pond. The County is working on drainage in that whole area.

Motion: Rick Burns moved to approve Case DV-20-0011.

Case: DV-20-0013

Applicant: Darrel & Gail Hoover

Location: 970 North 200 West, Valparaiso, IN 46383 (Liberty Township)

Zoning: RR, Rural Residential District

Acres: 15 +/-

Request: To allow an accessory structure to be built on a parcel without a primary structure.

Darrel Hoover – 970 North 200 West, Valparaiso - presented. He wants to put up a 45x60 pole barn. It will be used for storage.

Public Hearing:

David Hollifield - 988 N 200 W. This sign is not on the right parcel of land. His concern is why do you need a pole barn if you are not putting a house on the property. He will have to look at an eyesore every day if this is granted. The area should remain residential.

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

Discussion: Darrell Hoover replied there is not going to be a business in the building. He does not own a business. He is retired from the mill. He described the surrounding area and what of it he owns. He will be cutting out five acres to give to his children for a house.

Motion: Rick Burns moved to continue Case DV-20-0013 to the next meeting. This will allow him time to re-visit the site.

Case: DV-20-0014

Applicant: Reginald & Cheryl Krueger c/o Attorney Bill Ferngren

Location: 461 East 1000 South, Kouts, IN 46347 (Pleasant Township)

Zoning: A1, General Agriculture District

Acres: 19 +/-

Request: To allow the existing house to remain on the parcel until the new primary structure is complete and to vary from the following codes:

- To allow existing accessory structures to remain in the front yard;
- To exceed the maximum number of existing accessory structures of (3) three;
- To allow existing driveway to exceed the two hundred (200) feet in length.

Attorney Bill Ferngren presented. With Mr. Ferngren was the builder for the proposed project. Currently there is one home and five outbuildings. They want to build a new single-family home. The only change to the property is that a new home would be added and the existing home would be removed. They will sign a Written Commitment stating that within 30 days of completion of the new home they will apply for a demolition permit. No Certificate of Occupancy will be issued for the new home until the old home is gone. All of the variances requested actually exist today.

Public Hearing:

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

Discussion: Rick Burns stated the five outbuildings are grandfathered in. He is comfortable with the Written Commitment.

Motion: Rick Burns moved to approve Case DV-20-0014.

Case: DV-20-0015

Applicant: Julie Mason/John Hendricks

Location: 81 East 950 North, Chesterton, IN 46304 (Liberty Township)

Zoning: R1, Low Density Single-family Residential District

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Acres: 1.86 +/-

Request: To allow for a proposed (50'x66') pole barn to vary from the following:

- Exceed the maximum accessory structure height from 20' to 24' 4";
- Exceed the maximum floor area of the cumulative square footage allowed for accessory structures.

John Hendricks - 81 East 950 North, Chesterton- presented. He wants to put up a pole barn for storage. He has a motor home, boat and classic cars.

Public Hearing:

Trey Judy - 73 E 950 N – He would like to know which way the length of the building will go. Petitioner answered the long way. The existing driveway will be the same. The new building will be behind the home.

Rick Burns asked for the location of the building. He did not see any stakes.

Jeannie Kissinger – 80 E 950 N - She is in favor of this project as long as it doesn't create a drainage problem for the neighbors.

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

Discussion: Rick Burns asked if the house is staying. John Hendricks replied right now it is staying. He will be deciding if he should remodel or tear it down and rebuild.

Motion: Rick Burns moved to approve Case DV-20-0015 with the understanding he will enter into Written Commitments that he will remodel or build a new home. No business is allowed to be run out of the building. Should it be determined a business is in the building or someone is living in the building, it can be removed by the County at the owner's expense.

There being no further business, the meeting adjourned at 2:37 p.m.

Rick Burns, Hearing Officer

Kristy Marasco, Assistant Director