



**PORTER COUNTY BOARD OF ZONING APPEALS
HEARING OFFICER
March 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

Correspondence:

The Gilliam's will not be able to make the meeting today. They sent a letter requesting to continue their case.

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 continued from the February 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

Motion: Rick Burns moved to table Case DV-18-0028.

NEW BUSINESS

Case: DV-19-0009

Applicant: Joshua Seabrook

Location: 235 South 675 West, Hebron, Porter Township

Zoning: RR, Rural Residential District.

Request: To allow an addition to a legal nonconforming barn with a reduction in side and rear yard setbacks, for the maximum height to exceed code by 8" and maximum floor area to exceed 2% of the square footage of the lot.

Joshua Seabrook – 235 South 675 West, Hebron IN presented. The addition will match what is there. His grandfather passed away. He has three classic cars he needs to store. He has talked to the neighbor about drainage.

Public Hearing:

Peter Beischer – 233 South 675 West. He owns the lot immediately north of this project. Surrounding lots all drain to his pole barn. He has not contacted the Storm Water Department to file a complaint. He is just concerned about more being added to what is there already.

Joshua responded there are gutters and he is putting 4" drain tile along the driveway. He thinks that would alleviate the problem. He was advised he needs to talk to Mike Novotney before he does any tile work.

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

Discussion: Rick Burns expressed his concern about water in the area. This pole barn is a legal non-conforming. He does not see a hardship. The barn is already oversized.

Motion: Rick Burns moved to deny Case DV-19-0009.

Case: DV-19-0010

Applicant: Bruce and Marilee Allen

Location: Southeast corner of 175 West and 700 North, Valparaiso, Liberty Township

Zoning: RR, Rural Residential District.

Request: To allow for a proposed four (4) lot minor subdivision to vary from the following:

- Three (3) driveways for four (4) Lots;
- Lot #2 to exceed the maximum width-to-depth ratio: 1:4;
- Lot #3 existing accessory structure prior to the primary structure

Marilee Allen – 517 Kinsale Court, Valparaiso presented. She is in the process of purchasing depending on obtaining approvals. This is a family project.

Public Hearing:

Libby Frances – 668 North 175 West – lives across the street from the proposed project. She wants to make sure that the three home sites are the extent of what can be done.

Stephanie Wicke – 171 West 700 North. She has the same concern. There have already been drainage issues. She thought this was four lots. How is this going to affect her pond? She does not want to see a major subdivision in this area. She does not want any more flooding. Everybody has animals.

Marilee Allen responded that they have to follow the County's rules in regard to the drainage issues. Staff advised if they cannot meet the County requirements, they will have to go before the County Drainage Board. The land was divided into four lots because that is what made sense. In the near future she can guarantee that their intentions are to have three homes only. It is for their family and their grandkids.

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

Discussion: This has to go through site review and DRC approval. The variances requested will bring them into UDO compliance. If in 20 years they would want to subdivide further, as it stands now, it would not be allowed.

Motion: Rick Burns moved to approve Case DV-19-0010 with the understanding it cannot be subdivided any further than the four (4) lots; complete approval through DRC; all residential with no business; one house per lot.

Case: DV-19-0011

Applicant: David and Beth Hamstra

Location: 1315 South 350 East, Kouts, Pleasant Township

Zoning: A1, General Agriculture District.

Request: To allow for a proposed pole barn to be placed in the front yard.

Dave Hamstra – 1315 South 350 East, Kouts presented. He wants to put up a pole barn on the north side of his home. It will be used for storage.

Public Hearing:

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

Discussion: The application referred to the addition being a "shop". David assured Rick Burns it will be used for storage only.

Motion: Rick Burns moved to approve Case DV-19-0011 with the understanding it is for personal use only. If a business is found to be running out of the building, the building can be removed by the County at the owner's expense.

Case: DV-19-0012

Applicant: Eryk Doland

Location: 284 East 1225 North, Chesterton, Westchester Township

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

Request: 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 to be at 180 feet
- Eliminate the need for sidewalks if they are required

Eryk Doland - 2467 Niagara Street, Portage presented. His Grandmother owns the 10 acres. She wants to give him a parcel. The two parcels to the east are family owned also. The proposed house will be a primary residence.

Public Hearing:

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

Discussion: Construction will start as soon as possible once the land is transferred over to his name. These variances will make him compliant with the UDO. Sidewalks are not an issue at this time. If sidewalks come in that area, he will be required to install them.

Motion: Rick Burns moved to approve Case DV-19-0012.

Case: DV-19-0013

Applicant: Jeff Edwards

Location: 593 East State Road 8, Kouts, Pleasant Township

Zoning: A1, General Agriculture District.

Request: To allow two (2) parcels, (with existing houses), to be less than the required ten (10) acres, for a proposed two (2) lot administrative subdivision.

Bill Davies, Davies Land Surveying, Chesterton presented on behalf of the applicant. Jeff Edwards was also present. There are two parcels. One is 593 East State Road 8 which is 157 acres with an existing dwelling on it. The second lot is one acre with an address of 792 South 600 East. They want to do two five-acre parcels.

Public Hearing:

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

Discussion: They are trying to tidy it up and make it conform more to the UDO. Both parcels have a house on it. There are no plans to further subdivide.

Motion: Rick Burns moved to approve Case DV-19-0013 with the understanding it cannot be further subdivided.

Case: DV-19-0014

Applicant: Chester and Beth Turner

Location: 444 East Tortoise Drive, Valparaiso, Washington Township

Zoning: RR, Rural Residential District.

Request: To allow for a proposed in-ground pool to be placed in the front yard.

Chester and Beth Turner – 444 Tortoise Drive presented. They have a corner lot. The way the house is situated they need the variance because they have two front yards. The pool will be 17' from the corner of the house.

Public Hearing:

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

Discussion: The HOA does not have a problem with this project. They are not in the building line.

Motion: Rick Burns moved to approve Case DV-19-0014.

Case: DV-19-0015

Applicant: Brian and Ann Piszro

Location: 856 South 600 West, Hebron, Boone Township

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

Request: To allow for the existing primary structure, (on Lot #2), within the front yard setback.

Tony Kolak, DeMotte presented on behalf of the applicant. Brian Piszro – 856 South 600 West, Hebron was also present. They are requesting this variance to be compliant. They are not requesting a subdivision.

Public Hearing:

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

Discussion: This still has to go through DRC. The drainage has already been approved. The gravel driveway is almost off the property. They will relocate when construction is done.

Motion: Rick Burns moved to approve Case DV-19-0015 with the understanding the driveway must be moved; signing a commitment letter which will be recorded and no further subdividing.

Case: DV-19-0016

Applicant: Andrew Pappas and Antje Gehrken

Location: 182 West 1050 North, Chesterton, Liberty Township

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

Request: To allow the construction of a (100' X 190') horse riding arena and to allow the maximum floor area of said parcel to exceed the two percent (2%) of the maximum floor area.

Greg Babcock presented on behalf of the applicant. Andrew Pappas was also present. The property is 16.34 acres. This has been used as a riding farm since the 1970s. They do a hunter jumper style of horsemanship which requires a bigger arena. There are two existing barns that have stalls. There is a house on the property. There is a goat barn used for storage. There is a lean-to that has the tractor sitting under it. They are a training facility. People coming in and out will be by appointment. The most that will come at a time is two people. The manure is put in a dumpster and is emptied regularly. The new building will match existing buildings. The cost is \$180,000 to \$200,000.

Public Hearing:

Stewart Henderson – 321 Porter Avenue, Chesterton. His wife owns the adjacent lot. She is concerned with the drainage and septic tank.

Kimberly Comstock – 176 West 1050 North. Her concern is when is enough going to be enough? A business is not allowed in this zoning. She already has drainage issues. What will this do? She has not contacted the Storm Water office because she has been told she cannot put a septic on her property and therefore cannot build on the parcel. With more horses being added she is concerned about the waste generated and how it will affect her well.

Andrew Pappas explained they are reducing the number of horses. They have been cleaning the property. They do not allow boarders. They are putting in gutters and swales to help with the drainage. The Henderson property is higher than his property. So actually, their property floods, Andrew Pappas's property.

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

Discussion: They will have approximately 22 horses. This riding stable activity started back in the 1970s. It has continued in that use since then. Staff is not able to find a copy of the Special Exception granted for this property. Greg Babcock stated this is a legal non-confirming use of the land. There has been a continuous use of boarding and riding horses on this property. They will only board horses that are in the training program.

This is a very large barn. It does not fit in this zoning. The permitted use is private stable. This is a business. If this is a business it would have to go through a development review where drainage would be addressed. Rick Burns suggested continuing this case and looking into the history. Any new building that is over 10,000 sq. ft. will need to be reviewed with DRC.

Kimberly Comstock – pointed out if money is taken for training, it is a business. She wants to know how she will be assured that her drinking water will not be affected. She has a pre-existing well on her property.

Rick Burns asked about the urine. The bedding is like a kitty litter. It absorbs the urine and is taken out in the dumpsters.

Motion: Rick Burns moved to table Case DV-19-0016.

There being no further business, the meeting adjourned at 2:31 p.m.

Rick Burns, Hearing Officer

Kristy Marasco, Assistant Director