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**Porter County Board of Zoning Appeals  
Regular Meeting Minutes  
May 16, 2018**

The regular meeting of the Porter County Board of Zoning Appeals was held at 5:30 p.m. on Wednesday, May 16, 2018, in the Porter County Administrative Center, 155 Indiana Avenue, Suite 205, Valparaiso, Indiana. Marvin Brickner presided.

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

**MINTUES:**

Michael Young made a motion to approve the April 18, 2018 minutes as submitted. Luther Williams seconded the motion. A voice vote was taken and unanimously carried.

**CORRESPONDENCE:**

None.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

**UV-18-0010** – Paul & Barbara Brubaker, 660 East State Road 2, Westville, in Jackson Township in the RR, Rural Residential District. The petitioner is seeking a Use Variance permitting a temporary travel trailer on a parcel to be used for housing until the rebuilding of the primary structure is complete. Mrs. Barbara Brubaker presented. They had a major house fire and a majority of their house burnt down. There is no house close by to rent that is able to accommodate Mr. Brubaker's current health conditions and the family pets. They received a permit to reside in a travel trailer for one month, on their current property, but are now requesting an extension of that permit to allow them to remain there until their house is rebuilt. Once the house is rebuilt they will no longer have the travel trailer on the property.

**Public Hearing:** Marvin Brickner asked if any of the public would like to speak in favor of or in opposition of this petition. Mr. Brickner 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. Jack Neykueo, 651 North Old State Road 2, questioned if any other upgrades will be made when the house is rebuilt? Will the trailer be hooked up to septic? When the house is rebuilt will the septic be checked?

Mrs. Brubaker's rebuttal:

- We are enlarging the kitchen and making sure the fence is standing up all the way around the property, but we are not making the house larger.
- The travel trailer is not hooked up to septic. J&J come out to service the trailer every two weeks.
- The septic system has been checked and is in working order.
- Attorney Scott McClure added that the Health Department is in charge of approving the septic system, and when the house is rebuilt, and the septic tap is back on the Health Department will most likely check again at that time.

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

Q: How long is the rebuild expected to take?

A: Kristy Marasco advised that the Planning Department has been in contact with the builder and they are going to need 6 months to 1 year.

Motion: Michael Young made a motion to approve UV-18-0010 until the house is rebuilt and a certificate of occupancy is granted with the condition that upon such certificate the travel trailer is immediately removed from the property. Luther Williams seconded the motion. A ballot vote was taken and unanimously carried 3-0.

**UV-18-0016** – Nancy A. Sutton Living Trust, c/o Attorney Gregory T. Babcock, 175 West 1050 North, Chesterton, in Liberty Township, in the R1, Low Density Single-family Residential District. The petitioner is seeking a Use Variance to permit a business office out of an existing garage. Attorney Gregory Babcock presented. Nancy and Rudy Sutton were also present. The Sutton's built their home in 1988 and included an office space for their business RV Excavating. Over the years the business expanded, and they moved the office to a commercial site. They have since cut the business and would like to move the business office back inside the home. The only employees working in the office are Mr. and Mrs. Sutton. No customers will come to the home with the exception of a rare appointment. Regular mail and UPS deliveries only. No signage. Office hours are Monday through Friday 7:00 a.m. to 4:30 p.m. Equipment is located off site. This is their home, so they keep it in good maintenance. They have more than adequate parking and the home is surrounded by 35 acres of land.

Public Hearing: Marvin Brickner asked if any of the public would like to speak in favor of or in opposition of this petition. Marvin Brickner 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.

Motion: Michael Young made a motion to approve UV-18-0016 to permit a business office out of an existing garage for five (5) years. Luther Williams seconded the motion. A ballot vote was taken and unanimously carried 3-0

**UV-18-0019** – Victoria Vinet, c/o Attorney Gregory T. Babcock, 254 West U.S. Highway6, Valparaiso, in Liberty Township, in the RR, Rural Residential District. The petitioner is seeking a Use Variance to allow the operation of an obstacle course training site for members of the Obstacle Course Training Club. Attorney Gregory Babcock presented. Victoria Vinet and Nick Wiseman were also present. Victoria is a physical therapist that works with clients from her home. Her home is zoned RR and sits on 10.5 acres of land. She would like to treat patients and then immediately have them apply their physical therapy skills outside on the property. Victoria’s physical therapy is done through scheduled appointments and is done on a 1 on 1 basis. Clients typically would work in a treadmill inside the home first and then eventually move outside to use their learned principles. The property’s size allows for the home as well as proper terrain for an obstacle course. The obstacle course allows for training for obstacle course racing. The 2-mile course has many elements including wetlands, grades, etc. There is no other obstacle course race training facility in this area. Ms. Vinet and Mr. Wiseman are aware of some issues in the past so they have agreed to a limited membership system and will not host any future events at the course. The course may be used by appointment the first time to ensure property training and then will have posted hours of open operation for future uses. As well, they will limit the use to ten (10) persons at one time. There is gravel parking for up to ten (10) cars on site. The hours of operation will be 7:00 a.m. to 7 p.m. There is a lot of tree coverage so only 2% of the course is visible from a public way. From U.S. Highway 6 to Ms. Vinet’s driveway is 500 yards of easement for all users to access the properties on this easement roadway. There are approximately seven (7) homes using the easement for access. The easement is 12-14 feet wide and now has grindings on it instead of gravel. The easement is in place because at one time the entire property was owned by one family and then later split between family members. There is no road agreement that we can find, however, the neighbors work together to maintain it. The site is unique and can handle this type of service. There is no sale of product. Emergency vehicles can get down the road but anything on the course would have to be reached by path and built-in cut throughs.

Public Hearing: Marvin Brickner asked if any of the public would like to speak in favor of or in opposition of this petition. Marvin Brickner 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. Craig Lindstrom, 248 W US Highway 6, is opposed to this petition noting traffic, roadway concerns, the petitioner hosting large events last making travel on the easement impossible.

Ms. Deborah Kolasky, 4006 Goodrich Court, states she is in favor of this petition noting the petitioners have helped her though a difficult life transformation, she feels safe on the course at their private location, and the activities there are family friendly.

Mr. Jeff Smith, 210 Sadlewood Drive, states he is in favor of this petition stating it is a safe environment and there are usually only one to two persons on the course at a time.

Mr. David Whiteley, 505 Shamrock Lane, states he is in favor of this petition noting it is safe, unique, and family friendly.

Mr. George Krummel, 4006 Goodrich Ct., states he is in favor of this petition.

Ms. Carla Lindstrom, 248 West US Highway 6, is opposed to this petition, stating as a neighbor she does not feel safe because of all the traffic and people around the property. She also notes parking is not adequate as it their front yard.

Ms. Beverly Jirtle, 252 West US Highway 6, states she is opposed to this petition noting the easement is a driveway for the residents of the street, not a public way, the petitioner is offering many services according to the website and this is not the area for something like this.

Mr. Jeff Jirtle, 252 West US Highway 6, states is he opposed to this petition stating it will be hard to get emergency vehicles back to the property, the neighbors will be negatively affected, we put speed bumps in to detour speeding and now people are going through yards to go around the speed bumps.

Mr. Michael Stone, 2131 Eagle Ct., Portage, states he is opposed to this petition. He owns a parcel in this area. Traffic and safety are a concern. There are parks that can be used for this sort of training.

Mr. Dave Righter, 265 Falcon Way, states he is opposed to this petition. His rear yard backs up to the easement. Traffic has become a concern and he has had people come into his yard to avoid the speed bumps.

Ms. Virginia Simoes, 269 Falcon Way, states she is opposed to this petition. She also has had vehicles come into her yard to avoid the speed bumps. She had concerns for her children playing in her yard and this makes her feel unsafe.

Mr. Brent Perez, 263 Falcon Way, states he is opposed to this petition. Traffic has been an issue for some time now.

Mr. Rich Baradziej, 271 Falcon Way, states he is opposed to this petition. Traffic is a concern.

Mr. Walt Yovanovich, 260 Eagle Ridge Drive, state he is opposed to this petition. Traffic and noise have increased.

Mr. Ted Stacy, 258 W. US Highway 6, states he is in favor of this petition stating that the proposed use is no more than some of the other activities that already go on such as shooting, etc. The petitioner may invite people to their property; everyone on the street may do so. The obstacles on the easement have caused more issues than the petitioner's use request.

Ms. Tracy Hobbs, 250-1 US Highway 6, states she is in favor of the petition. The petitioners have been great neighbors. She has more concerns with the speed bumps than the use request. The speed bumps have caused damage to her vehicles and she is one of the people that drives around them for that reason.

Attorney Greg Babcock advised he submitted three letters of support that were in the Members meeting packets for review.

Attorney Scott McClure advised that there is neighborhood tension over the easement road and the Board is not solving that matter. The Board is considering this variance only and it will consider access to the property but not who pays for what, who plows, who put in speed bumps, etc. Beyond access, this Board cannot consider it.

Attorney Babcock's rebuttal:

- The obstacle course hours will be 7:00 am to 7 pm, seven days per week and will have no more than ten (10) people at one time.
- Statutory notice requirements were followed and met.
- We listened to concerns about the amount of people at one time and we will limit that.
- We have parking.
- The Home Occupation is not an issue. We are asking if we can have a membership based "club training".
- The petitioners carry liability insurance.
- We are acceptable to a limited variance set forth by this Board.

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

Q: Is this seasonal?

A: The largest season is April through October; however, there are some that train year-round.

Q: You will limit the amount of people at one time?

A: To ten (10).

Q: Are you charging a membership fee?

A: Yes, we would like to.

Q: Have you been charging a fee?

A: No.

Q: What will the fee be?

A: \$30 per month, we believe.

Q: Will the petitioner help with road maintenance?

A: Yes.

Q: Is there a restroom facility available for course users?

A: Yes, in the garage.

Q: Are there safety standard requirements with such a course?

A: Structural standards.

Q: What can a 16-foot easement be legally used for? Can it be used for a business?

A: Not in easement law itself. The easement allows for all property owners to have access. 16 feet is a street in many towns. Stand-alone easement is not a reason to deny.

C: A business in a residential area is a concern. The easement is not the type of road for a business and it is not meant for the kind of traffic this will incur.

Motion: Michael Young made a motion to deny UV-18-0019. Luther Williams seconded the motion. A ballot vote was taken and unanimously carried 3-0.

**DV-18-0021** – Herbert Property Enterprises LLC, c/o Landmark Sign Group, Inc., 244-2 West U.S. Highway 6, Valparaiso, in Liberty Township, in the CM, Moderate Intensity Commercial District. The petitioner is seeking a Developmental Standards Variance to vary the requirement for a ground sign of thirty-two (32) square feet to allow for a proposed sign of sixty (60) square feet. Mr. Jason Moorehead, with Landmark Signs, presented. Jenny Herbert was also present. Current code allows for a 32 square-foot, 4x8 sign. We are proposing a 60 square-foot, 6 x 10 sign. The property is located on U.S. Highway 6 which is a high traffic area. The business on the property is an animal clinic and the petitioner wants to be able to give clients as much notice as possible to slow down and safely turn in to the property entrance. There are a number of trees on the lot that will make a small sign lost. The business spans two parcels so a moderately larger sign makes sense for the size of the property.

Public Hearing: Marvin Brickner asked if any of the public would like to speak in favor of or in opposition of this petition. Marvin Brickner 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: Is there a bump-out in the pavement in this area?

A: On the north side, heading west, there is.

Q: Will the proposed sign be in the same location as the existing sign?

A: Yes.

Q: The proposed sign will be 6 feet high and 10 feet wide?

A: Yes, the sign will be. With the grade it will sit at about 7 feet high which is only one and one-half (1-1/2) feet higher than the current sign. The current sign face is 32 square feet but spans 10 feet so the proposed sign is the same footprint with a larger face.

Q: Is the proposed sign lit?

A: It will have LED illumination, but will not have a message center. Only white lights with blue vinyl.

Q: Is the sign set back far enough that when the U.S. Highway 6 Overlay goes into effect and the road is expanded it will not be affected?

A: Yes.

Motion: Michael Young made a motion to approve DV-18-0021 to vary the requirement for a ground sign of thirty-two (32) square feet to allow for a proposed sign of sixty (60) square feet. Luther Williams seconded the motion. A ballot vote was taken and unanimously carried 3-0.

**STAFF ITEMS:**

None.

**ADJOURNMENT:**

There being no further business, the May 16, 2018 Board of Zoning Appeals meeting adjourned at 7:20 p.m.

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Marvin Brickner, Vice-President

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Attest: Kristy Marasco, Assistant Director