



**Porter County Board of Zoning Appeals
Regular Meeting Minutes
June 20, 2018**

The regular meeting of the Porter County Board of Zoning Appeals was held at 5:30 p.m. on Wednesday, June 20, 2018, in the Porter County Administrative Center, 155 Indiana Avenue, Suite 205, Valparaiso, Indiana. Debbie Cook presided.

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

MINTUES:

Luther Williams made a motion to approve the May 16, 2018 minutes as submitted. Marvin Brickner seconded the motion. A voice vote was taken and unanimously carried.

CORRESPONDENCE:

Kristy Marasco reported that all correspondence was submitted to Members in their meeting packets.

OLD BUSINESS:

None.

NEW BUSINESS:

Motion: Bob Poparad made a motion to move Case UV-18-0029 to the first item of new business. Marvin Brickner seconded the motion. A voice vote was taken and unanimously carried.

UV-18-0029 – Richard Dacey, 1116 North 350 East, Chesterton, in Jackson Township in the RR, Rural Residential District. The petitioner is seeking a Use Variance permitting wedding venues in a residential district. Mr. Richard Dacey and Mr. Shawn Michaels presented. Mr. Michaels owns an entertainment company that has partnered with Mr. Dacey to use his property for a nice barn venue wedding setting. We anticipate parties of 75 to 100 persons maximum. We have driveway space for limos to park and all other guests will be shuttled in from other outside properties. The season will be April through October. We anticipate two weddings per month, but it could be more. We will plan accordingly so that the party is over, and the guests are leaving by 10:30 p.m. We will be doing set up in the mornings, all food and alcohol will be provided from our licensed and insured commercial kitchen, guests will be shuttled to and from the property, there will not be parking in the streets, etc. porta-potties or porta-trailers will be

available for restrooms, and music will be provided by d.j. services. Our apologies for not going to the neighbors prior to this meeting. This is a new process for us.

Public Hearing: Debbie Cook asked if any of the public would like to speak in favor of or in opposition of this petition. Ms. 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. Bernard Diveley, 385 East 1050 North, states any kind of music will be too loud in this location, and questioned what will be done to protect children/guests from the pond area? Was a traffic study done even for shuttle busses? Shuttle busses did not work at Coffee Creek. He is opposed to this petition.

Ms. Kim Morton, 1582 Commodore Lane, states she owns two adjacent properties to this location and she is planning to build in the future. She picked this location because of its quiet nature. There are already Facebook pages advertising this venue and it states 50 to 500 guests. Security only required when there is alcohol and more than 50 guests. If approved, security should be required at every event. Guests may be shuttled in but what about staff, deliveries, etc.? Trash is a concern. Property values and general welfare of the community will be adversely affected and there is no practical difficulty with the property. She is opposed to this petition.

Ms. Linda Waldo, 1115-1 North 350 East, states she agrees with Kim Morton's comments and adds that the aesthetics of the area will be affected and don't support this venue. The neighbors do not want porta-potties in the area and shuttles will still increase the traffic and noise. She is opposed to this petition.

Ms. Beth Harris, 1113 North 350 East, questioned what the plans for the pond on the Dacey's property is. There is a drain under the road, so it must remain a pond. What about fire and emergency; how will this be handled to get back there? She is opposed to this petition.

Mr. Jeff Morton, 1582 Commodore Lane, states that Mr. Michaels is not from here and does not live here so if this fails he walks away from it, but the neighbors will be affected. Weekends are our time and we don't want to have parties going on several times a month. Even twice is too many. He is opposed to this petition.

Mr. Peter Dewitt, 386 East 1050 North, questioned the liability for alcohol and who is responsible for that? What happens when someone just drives to the venue and is not in a shuttle? He is opposed to this petition.

Mr. Jim Biggs, North County Commissioner states the roads are not built or maintained to handle this type of venue. He is opposed to this petition.

Mr. Jerry Ward, 1121 North 350 East, states the driveway is a single lane drive so how do they anticipate any kind of parking, even if just limos and staff, on this property? He is opposed to this petition.

Ms. Scarlet Jones, 109 Willowcreek Road, questioned how will they keep guests from approaching other yards/properties? She is opposed to this petition.

Mr. Butch Ednol, 372 N Burdick Road, states this is a very quiet area and everything can be heard. Weddings are loud. He is opposed to this petition.

Ms. Karen Radiger, 355 E Burdick Road, questioned how the staff will be getting to the property? What time will the service people be leaving if the guests are there until 10:30 p.m.? There will certainly be clean-up to be done. She is opposed to this petition.

Mr Michael Sawyer, 1092 East 350 West, states it is irrelevant that the proceeds will go to another business. He is opposed to this petition.

Attorney Scott McClure asked those in the public opposed to this petition to please stand, noting more than 50 persons stood in opposition. Attorney Scott McClure asked those in the public in favor of this petition to please stand, noting no one stood in favor.

Mr. Shawn Michaels and Mr. Richard Dacey's rebuttal:

- We agree that we need to protect the pond and we will do that.
- We will only have d.j. services so we are able to control the volume of the music.
- There will not be a high level of traffic because we will shuttle guests in and out.
- We agree having security at any event, regardless of size, serving alcohol.
- We are committed to 100 persons maximum.
- We will not have a large impact on electricity as we will only have d.j. services and lighting plugged in.
- We do have an investment in this and have already financed things within the property, so we are committed and want this to work best for everyone involved. Mr. Dacey has a secondary not-for-profit business that the proceeds from this venue will go toward.
- We will have fire extinguishers on site at all time, and will prepare an emergency plan for evacuations, etc.
- We have 2 million in liability insurance.
- If a guest arrives in a car, they will be directed to the parking area for shuttling.
- We already have some great couples interested in having a beautiful barn venue wedding at this location.
- All kinds and all sizes of vehicles come down the road now, so it can handle it.
- The decreased time of the gatherings will also help with alcohol consumption being less and having the shuttles will keep people off the road.
- Porta-potties will not be on site all the time. They will be brought in the day before an event and removed the day after.
- We can't build a parking area due to the drainage and the pond area and we respect that.
- The shuttle busses won't stay on the property. The only persons allowed in the driveway will be the bride and groom, but there is enough parking for 15-20 cars.
- Staff members will also be shuttled in from the designated parking area.

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

Q: How large is the barn?

A: 35'x50'.

Q: Have you gone through the state process to get switched from an agricultural building to a public building?

A: No.

Q: Is the barn one level?

A: Yes.

Q: What is this other business exactly?

A: We take care of senior and handicapped dogs, but they are all our dogs. We have 22 and they are all mainly kept in the house. We looked up Porter County Code and didn't find anything stating this would be an issue.

Q: Have you already advertised for weddings?

A: Yes, before we knew we had to go through this variance process. We had an event for the shelter a year ago and we were told we could have that without a permit, so we didn't know this would be any different.

Motion: Bob Poparad made a motion to deny UV-18-0029. Marvin Brickner seconded the motion. A ballot vote was taken and unanimously carried 4-0.

SE-18-0022 – Triad Development, LLC, 250 West between NCY Railroad and Grand Trunk Railroad, Valparaiso, in Center Township in the I2, General Industrial Zoning District. The petitioner is seeking a Special Exception to allow outdoor storage of company vehicles for a proposed utility company. Mr. Dan Vukovich and Mr. Christos Tsahas presented. Mr. Vukovich is attempting to sell his property to Mr. Tsahas if Mr. Tsahas can use the property to house his utility company vehicles on site. The property is Industrial zone, bordered by two railroads and 250 West. He plans to construct a building and will come back when he has a development plan.

Q: Is there a contingent offer to purchase but a Special Exception is needed to park business vehicles behind a building that will come later?

A: Yes.

C: He can build the building without a variance, but he needs to know if he can park vehicles outside before purchasing the property.

Q: How many vehicles?

A: 4-8 usually with a maximum of 15-20.

Q: All vehicles or other equipment as well?

A: Vehicles, air compressors, materials such as sand in bags, air compressors on trailers.

Q: How large is the proposed building?

A: 250-300 feet by 50-60 feet.

Motion: Bob Poparad made a motion to continue SE-18-0022 for one month to allow the petitioner to return with a development plan, the size of the proposed building, and better details so the Board Members are able to make an educated decision. Marvin Brickner seconded the motion. A voice vote was taken and unanimously carried.

UV-18-0025 – Bigasco LLC, South of U.S. Highway 30 and 600 West, Valparaiso, in Union Township in the RR, Rural Residential District. The petitioner is seeking a Use Variance to permit extraction of sand to provide a large lake. Mr. Bruce Rackouski presented. He proposed putting a 20-acre lake on a 45-acre site south of Route 30 and 600 West. He wants to build a lake first and then build homes around the lake in the future. In order to build the lake, he needs to first pull sand off site to create it.

Public Hearing: Debbie Cook asked if any of the public would like to speak in favor of or in opposition of this petition. Ms. 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. Jim Brocksmith, 133 North 600 West, states a similar petition was denied in 2010 and the size of the lake has gone from 18 acres to 20 acres since that time. Increased heavy truck traffic is a concern. Is there a timeline for the lake and future development? There are flooding issues in this area already. Were impact studies done? Are there any preliminary plans for the development? He is opposed to this petition.

Mr. Pete Gojko, 235 North 600 West, questioned if the pond is going to have a recreational use? What happens if the owners of the property decide not to develop and we are left with a sand pit? Is there a bond set up to repair wells and road, and fix erosion? Sand trails left on roads will affect neighbors. What about existing water tables? How far down is the petitioner going? Has State IDEM been notified? What about possible contamination? What will the hours of operation be? He is opposed to this petition.

Mr. Gary Whitcomb, 572 West U.S. Highway 30, traffic has increased significantly in this area with the schools and the water park. He is opposed to this petition.

Mr. Bob Gilliana, 279 North 600 West, speaking as the Union Township School Board President, the roads are not made for this kind of truck travel and this will put students and residents at risk. How many years will they be building the lake and then how many for the housing? He is opposed to this petition.

Ms. Pam Fish, 441 Wessex Road, states this area has a history of sand pits and none actually becoming lakes. This is a rural area and the roads can't handle the truck traffic. What does Porter County stand to gain by allowing another sand pit? This will cost more in road maintenance than what it will bring to the community. She is opposed to this petition.

Ms. Pamela Wolinski, 187 Pheasant Hill Lane, states additional traffic is a concern, they will have to remove trees, noise, traffic and heavy equipment are all concerns. She does not want to live next to a job site. She is opposed to this petition.

Mr. Michael Hagerty, 228 North 600 West, is opposed to this petition.

Mr. Dan Radinsky, 194 Pheasant Hill Court, states he has concerns with teenagers driving with the additional truck traffic, there are a number of young kids in this area, and wildlife. We have a retention pond at the rear of our property and once digging starts it will increase the issues we

already have. He also expressed concerns with well and septic in the area. He is opposed to this petition.

Mr. Dennis Powinski, 187 Pheasant Hill Lane, states he does not want trees removed and industrial hazards brought in. Traffic is bad in this area and the road can't handle it. He is opposed to this petition.

Councilman at Large Larson, this is a sand mine, call it as it is. Roads can't handle the additional traffic and there are simply a lot of valid concerns. Opposed.

Mr. Mike Jessen, 451 Amhurst Road, states that planning seems to be poor or non-existent at this point. We need better information. What is the purpose of the sand dig? What value does it bring to the community? Mr. Jessen asked those in the public opposed to this petition to please stand, noting more than 30 persons stood in opposition. Mr. Jessen asked those in the public in favor of this petition to please stand, noting 3 persons stood in favor.

Mr. Bruce Rackouski 's rebuttal:

- The plan is to put in a subdivision and I was told I would have to come before this Board to dig the sand. I am not a miner, I am a developer.
- Having a 20-acre pond lowers the density of what could be there. If I don't put in the lake then I will put in more houses.
- We plan to save as many trees as possible.
- The current timeline is two years.
- I have not done a plat yet, because I don't know what I can build yet without approval for the lake.
- I have no control on the traffic in this area.
- G.E. Marshall would be the excavator. They are a very reputable company in this area. They will travel northbound to Route 30 and not down 600. G.E. Marshall said they would fix the roads as they go if there are any issues caused by them.
- I will bond the roads.
- The current water table is around 9 feet. We will have walk-out basements and off site water drainage.
- If we do not put in the lake, then we will put in more homes and therefore removing more trees.
- I will put haul roads in.
- We will have controlled ingress and egress.

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

Q: Who advised that a primary plat was not needed?

A: Mr. Thompson advised to request the variance first.

Q: Do you have primary plat drawings and are you familiar with the open space requirements? Are you aware that it is 40% and the lake doesn't count?

A: If the lake doesn't count then I may need to rethink the development.

Q: If you are not allowed the lake, are you still building a subdivision?

A: Yes.

Q: Is there and kind of lake there now?

A: There are ponds that we want to clean up.

Q: Were you part of the petition in 2010?

A: No.

Q: How long will it take to build the lake?

A: 1-1/2 to 2 years.

Q: You are a developer?

A: Yes.

Q: Do you have any connection to the sand mines in the area?

A: No.

Q: Where is the sand going?

A: I plan to sell it.

C: I can build a subdivision without a lake, but either way I am not a sand mine developer.

Motion: Marvin Brickner made a motion to deny Case UV-18-0025. Bob Poparad seconded the motion. A ballot vote was taken and unanimously carried 4-0.

UV-18-0029 – Gary Jorgensen, Jr., 1853 South State Rod 2, Valparaiso, in Center Township in the II, Light Industrial District. The petitioner is seeking a Use Variance to permit residential living (in an existing single-family home) on a parcel located in a Light Industrial (II) Zoning District. Mr. Gary Jorgensen, Jr. presented. He is purchasing the property from his father and has to have a variance for mortgage purposes. This is a legal non-conforming use.

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

Motion: Bob Poparad made a motion to approve UV-18-0029 to permit residential living (in an existing single-family home) on a parcel located in a Light Industrial (II) Zoning District for as long as the petitioner owns the property. 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 June 20, 2018 Board of Zoning Appeals meeting adjourned at 7:50 p.m.

Debbie Kerr-Cook, President

Attest: Kristy Marasco, Assistant Director