

**PORTER COUNTY BOARD OF ZONING APPEALS
July 18, 2018 – MEETING MINUTES**

LOCATION: County Administrative Center, Ste 205 TIME: 5:30 p.m.
155 Indiana Avenue, Valparaiso IN

MEMBERS IN ATTENDANCE

Marvin Brickner
Bob Poparad
Luther Williams
Debbie Cook
Kristy Marasco, Assistant Director
Kelly Cadwell, Staff
Monica Gee, Staff
Scott McClure, Attorney

Approval of Minutes: Luther Williams moved to approve minutes from the June 20, 2018 BZA meeting. Bob Poparad seconded the motion and so approved.

Announcements: Kelly Cadwell has joined the Development & Storm Water Management team as Planner 1.

OLD BUSINESS

Case: UV-18-0037

Applicant: Jason Fliege

Location: 548 North 450 East, Valparaiso, 46383, Washington Township

Zoning: RR, Rural Residential District

Request: Extension of a Use Variance; to permit the operation of a firearm business out of the home located in a Rural Residential Zoning District

The applicant was not present.

Motion: Luther Williams moved to move case UV-18-0037 to the end of the meeting. Bob Poparad seconded the motion and so approved.

Case: SE-18-0022

Applicant: Triad Development LLC

Location: 250 West between NCY Railroad and Grand Trunk Railroad, Valparaiso, 46385, Center Township

Zoning: I2, General Industrial Zoning District

Request: Case continued from the June 20, 2018 meeting. Seeking a Special Exception to allow outdoor storage of company vehicles for a proposed utility company.

Dan Vukovich presented. He was joined by a potential buyer of the property. That person owns a business that paints bridges. The buyer has submitted a list of equipment. He wants to put up a gate, landscape and store vehicles outside until he puts up the building. When the building is up the vehicles will be stored behind it so they are not seen from the street.

Discussion: With the list there is the potential for 41 vehicles to be stored on this property. Most of the time the equipment will be on the work site. It might be a couple of years before the building is put up. There was discussion as to why the building cannot be put up first. The problem is if the Board approves this and a building is not or cannot be built then what happens with the equipment. If a time frame was established for the building it would be easier to figure out how many pieces of equipment could be allowed to be put outside the building. This Board cannot say the entire parcel can be a gravel parking lot. Other variances will be required. The parcel can have 75% coverage. The proposed building is 100' X 40'. If they are not going to hook up to the Cherry Hill sewer, they will need a Special Exception. The minimum front yard setback is 70'. Side yard set backs are 40'. They will need to make sure a septic field will fit on this piece of property if they decide they cannot hook up to Cherry Hill. There was discussion regarding being able to cross the railroad tracks or if that has been done already by Cherry Hill in regard to the sewer and water line. A bathroom will be required for the building. No fuel will be stored on the property. Before the next meeting they should apply for the Special Exception for a well.

Motion: Bob Poparad moved to continue Case SE-18-0022 to the August meeting. Luther Williams seconded the motion and so approved with a 4-0 vote.

NEW BUSINESS

Case: UV-18-0038

Applicant: Gary Dunlap

Location: 469 North 475 West, Valparaiso, 46385, Union Township

Zoning: I1, Light Industrial District.

Request: To permit residential living on a legal nonconforming lot and allow the installation of an above-ground swimming pool in a Light Industrial Zoning District.

Staff reported the property lines were going through the houses. The applicant has had the property re-surveyed to include the whole house on both parcels and room for the pool. The request is to live as residents in a light industrial area.

Gary Dunlap presented. They want to be able to live in the house they already have and to put a pool in.

Public Hearing:

Seeing no one wishing to speak; Debbie Cook declared the Public Hearing closed.

Motion: Bob Poparad moved to approve case UV-18-0038. The motion was seconded by Marv Brickner and so approved with a 4-0 vote.

Case: UV-18-0036

Applicant: Central States Tower, c/o Insite, Inc. with Bryan Donley

Location: 36 West 700 North, Valparaiso, Liberty Township

Zoning: RR, Rural Residential District.

Request: To allow construction of a new telecommunication facility with a new 185' monopole tower and supporting ground equipment.

Staff reported this has been through DRC and all the proper paperwork has been submitted.

Bryan Donley presented for the applicant. The need for the tower is because the residents of Porter County have asked for better coverage from Verizon Wireless. This area has frequent complaints. The need for more capacity in this area exists. The surrounding cell sites are becoming overloaded. The tower is 185'tall and meets the fall zone requirements. Bryan discussed an existing Special Use Variance that has been granted on the Pines Ski Shop property in 2007. Bryan has worked with the property owner for over 3.5 years with the site design and lease negotiations. An agreement was not able to be agreed upon.

Public Hearing:

David Nicolaus – 709 North 50 West – Is there going to be any other use on the cell tower other than cell phone?

Donna Nay – 12 West 700 North – She is curious where the location of the tower and fall range are.

Darrell Huber - Presented pictures showing flooding on this parcel. It is drained onto his property. He is against the cell tower.

Dan Whitkowski – 45 West 700 North - What is the location of the tower? He does not want to look out his windows at a tower.

Donna Nay – 12 West 700 North – she needs to know if this is going to emit any noise.

Dan Whitkowski – 45 West 700 North – is this going to have lights on it?

Bryan Donley replied: The primary use of this tower is a telecommunications tower which is Verizon, AT&T, Sprint and T-Mobile as the primary carriers. A survey has been submitted showing the location and fall zone. Should it fall, it will remain on the church property. It is at least 185' away from all property lines. Anything less than 199' is not required by the FAA to be lit. Therefore, this tower will not have any lighting. This is remotely monitored so there is no noise. Should there be a power failure there is a generator. They will maintain the existing grade and storm water runoff. It will not significantly change.

Donna Nay – 12 West 700 North - Are there cables that run down or is this confined to the 100' X 100' area?

This will just be in the 100' X 100' area. There are no overhead utilities. All fiber optics will be underground.

Discussion: They are planning on natural gas as the backup source for the generator. There is a landscaping plan which has been submitted. Several years ago approval was given for another tower on 700 North by the Girl Scout camp. That tower has never been built.

Motion: Bob Poparad moved to approve case UV-18-0036. The motion was seconded by Luther Williams and so approved with a 4-0 vote.

Return to Old Business:

Case: UV-18-0037

Applicant: Jason Fliege

Applicant still is not present.

Motion: Bob Poparad moved to continue Case UV-18-0037 to the August, 2018 meeting. The motion was seconded by Luther Williams and so approved with a 4-0 vote.

There being no further business, the meeting adjourned.

Debbie Cook, President

Kristy Marasco, Assistant Director