



**PORTER COUNTY BOARD OF ZONING APPEALS
HEARING OFFICER
July 18, 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: Received correspondence regarding the Strickler project.

NEW BUSINESS

Case: DV-19-0036

Applicant: Aaron Strickler

Location: 662 East 950 North, Westville Jackson Township

Zoning: RR Rural Residential

Acres: 8.12 +/-

Request: To allow the height of an accessory structure to exceed the maximum allowed from 20' to 26'6".

Aaron Strickler – 662 East 950 North presented. Because of topography he wanted a shorter garage with more height to allow for storage.

Public Hearing:

Dan Zielinski– 664 East 950 North, Westville. He is in favor of this project. The building will be attractive.

Pat Keiser – 665 East 950 North. She is in favor of this project. She lives across the street.

John Kadish – 678 East 950 North. He lives next door and has owned his home since 1985. The aerial photograph submitted along with Mr. Strickler's application is from April 2019 and is now inaccurate. Trees have been removed. This has resulted in noise. His property value will be affected if this building is put up. There are no barriers which can be put up to hide it. The application drawing has errors. Gravel has been brought in to cover up the groundwater problems. The Stricklers have put in a new driveway which will cause

headlights to shine directly on the Kadish home. This area is subject to storm water flooding, erosion problems, bad soils, and severe slopes. He has tried to discuss the septic issues with Mr. Strickler. In 1989 the previous owner could not put a new septic in because there is no room. At that time the County stated nothing else could be built on this property.

Aaron Strickler responded the property is hilly. He has removed brush and approximately three trees. He has brought in gravel for parking of a trailer and extra parking. He has had the well inspected. Porter County does not have any record prior to 1996. There is not a problem with the well and septic but it is old. There is space north and west of the house that can be bulldozed for a new septic. He has never seen any document stating there is no room for a new system. He is unaware of any written commitments regarding the three-car garage.

John Kadish – 678 East 950 North. The whole wooded area on the property has been ruined. There is no way this building can go on this property.

Anita Kadish – 678 East 950 North. She wants to know if there are bathrooms and running water in the garage. What type of hobbies and storage will be in it? This will be in their front yard. The previous owners were not on the property for the last five years before they sold. She would like to know why his hardship should become theirs.

Aaron Strickler responded it is his property. He should not be expected to keep his property as pristine as it once was to benefit his neighbors. There will be no running water and no bathrooms. There will be electric. His hobby is working on cars. He also is a wood worker. All are hobbies and not a business.

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

Discussion: Rick Burns explained the neighbor's property ends at the property line. He is concerned with the septic system. It is quite old. The other issue is drainage. Quite a bit of land has been cleared. Typically, if a variance impacts a neighbor, he will not grant it. This is pristine land. He would like to find out if there were commitments made when the three-car garage was built.

Motion: Rick Burns moved to continue Case DV-19-0036 to the next meeting to allow time to find out about any written commitments and the septic system.

Case: DV-19-0041

Applicant: Madeline Weede

Location: 61 South Timber Drive, Valparaiso, Porter Township

Zoning: R1, Low Density Single-family Residential District

Acres: 7.65 +/-

Request: To allow an accessory structure to be placed in the front yard.

Will Anderson presented on behalf of the applicant. He built the home on the property and will be building the accessory structure. The building would be a spur off the garage. It will be used mainly for lawn equipment. The building would emulate the home.

Public Hearing:

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

Discussion: Rick Burns advised this building cannot be used for a business. Since Mrs. Weede is not present, staff will need a letter from her stating she understands this.

Motion: Rick Burns moved to approve Case DV-19-0041 contingent on no business being in the building. Should a business be found to be located in the building, the building may be removed by the County at the owner's expense. Applicant will submit a letter stating she understands this and that it runs with the property.

Case: DV-19-0044

Applicant: Michael Leone

Location: 41 South 500 West, Valparaiso, Porter Township

Zoning: R1, Low Density Single-family Residential District

Acres: 1.16 +/-

Request: To exceed the height of an accessory structure from the maximum allowed of 20' to be at 23' 6.5" and to exceed the maximum square footage of all accessory structures (two percent (2%) of the square footage of the lot), for a proposed (42' x 64') pole barn.

Michael Leone - 41 South 500 West presented. Since he submitted his application, he has changed his mind and the building size will be 42' x 56'. He shared the driveway with his father who has recently passed away. He has a lot of equipment he shared with his father. The new neighbors who purchased his father's home will not be affected. Trees will hide the building from 500 West.

Public Hearing:

George Randall - 53 South 500 West. He has no objection to this project.

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

Discussion: Rick Burns asked about how much equipment and the size of the building. There is a boat that is over 13' with a radar arch. Rick Burns suggested scissor trusts which give the door height without the actual building being so high.

Motion: Rick Burns moved to approve Case DV-19-0044 in regard to the request for extra space of 954'. Rick Burns moved to deny Case DV-19-0044 in regard to the request for increased height. The approval is contingent on no business being run out of the building. Should a business be found to be located in the building, the building may be removed by the County at the owner's expense. This approval also contingent on staff receiving an official drawing before issuance of a building permit.

Case: SE-19-0045

Applicant: Beulah Territory Management, LLC

Location: 519 West US Highway 30, Valparaiso, Union Township

Zoning: CN, Neighborhood Commercial District

Acres: 4.5 +/-

Request: To allow the existing commercial site to remain on well and septic.

Case: DV-19-0046

Applicant: Beulah Territory Management, LLC

Location: 519 West US Highway 30, Valparaiso, Union Township

Zoning: CN, Neighborhood Commercial District

Acres: 4.5 +/-

Request: To allow the following variances for a proposed new building:

- A reduction in minimum front setback from the required 50' to 15';
- To have more than two accessory structures on parcel;
- To allow access to be gravel.

Bill Ferngren – 570 Vale Park Road presented. Also present was Peter Kotschke. Mr. Kotschke owns Total Comfort Air and wants to put a new building on the property. He presented the site plan. To run sewer and water to the site is excessive. There is a large gap between US 30 and Old Lincoln Highway. Once the new building goes up, two of the accessory structures will be removed. This will leave two structures on the land.

Public Hearing:

George Topoll - Union Twp Trustee. The Township Board would like to know more details on the project.

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

Discussion: Rick Burns stated there were some prior commitments. Bill Ferngren replied yes and it goes with the entire property. One was to clean up the property which has been done. The other was to limit the number of employees to no more than five. Peter Kotschke replied the house that is occupied is not part of the project. The other house is dilapidated and is not occupied and will be removed. The mill shed will be removed. In 2015 the property was rezoned and cleaned up. Rick Burns stated today there is still some debris. The pole barn has equipment stored in it. Rick Burns asked about the broken concrete road. It is disputed if this is a State owned or private road. Chicago Title is researching this issue. This project will move forward no matter what the outcome is of the research.

Rick Burns stated he needs some commitments. He marked on the site plan the buildings which will be removed. There is one building that is only 30" on his property. Bill Ferngren explained they believe the owner is the neighbors.

The exterior barn that is 42.5 X 48.3 will be removed by the end of this year. The exterior building on the far east end will be removed by June 1, 2020. The house will be removed within two years. Rick Burns discussed fencing off the house. There is old farm equipment on the property and scrap air conditioners. They are working on removing the debris. The air conditioners will be removed by the end of the month. The badger silage wagons will be removed within six months. A general cleanup will be done as soon as construction is complete. This will have to be heard before DRC. A brand new well and septic are being put in. No one voiced concern regarding the setback request. If the Old Lincoln Highway is determined to be the States, it will be their responsibility. If not, the applicant will maintain it.

George Topoll thanked the applicant for coming to Union Township. He would like to meet with them to get more information.

Motion: Rick Burns moved to approve Case SE-19-0045.

Motion: Rick Burns moved to approve Case DV-19-0046 contingent on the commitments to clean up and removal of buildings and debris. The house will be fenced off for security until it is removed. As the buildings are removed, pictures will be forwarded to staff.

Case: DV-19-0047

Applicant: Lawrence and Jacqueline Hill c/o Atty Todd Leeth

Major Sub: Hickory Hills Estates Phase 2

Location: 207 South 600 West, Hebron, Porter Township

Zoning: RR, Rural Residential District

Acres: 20.15 +/-

Request: To allow an accessory structure prior to primary structure.

Todd Leeth presented on behalf of the applicants. This is one piece of a larger puzzle. The Hills are doing a second phase to Hickory Hills subdivision. Lot Number 6 in the secondary plat is the subject of this request. Currently the lot has three existing structures. One is a dilapidated barn that will be removed. They are proposing to remove one of the homes. The smaller home will be converted to a garage or accessory structure. When the two buildings are removed, this creates an accessory structure prior to the home being built.

Public Hearing:

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

Discussion: The building remaining as an accessory structure does not need a variance for size. It also does not require a side yard setback variance. They currently are waiting for storm water review approval. Once they have that they will request primary plat approval and begin construction.

Motion: Rick Burns moved to approve Case DV-19-0047 contingent on the existing single-family home must be removed prior to the issuance of a building permit for a new home. Also contingent on the barn will be removed within nine months once they receive approval. The accessory building will not be used for a business. Should it be found that there is a business; the building can be removed by the County at the owner's expense.

Case: DV-19-0048

Applicant: Co-Alliance , LLP

Location: 210 East 400 South, Valparaiso, Morgan Township

Zoning: I3, Heavy Industrial District

Acres: 30.17 +/-

Request: To allow the existing industrial site to install a well and septic system.

John Stephens – 1824 Jutland Drive, Carmel, IN presented. City water and sewer is not available at the site. The septic has been approved by the State.

Public Hearing:

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

Discussion: The nearest city sewer and water is six to eight miles away. The property is currently on a well and septic. This will bring the property into compliance with the UDO. Staff is still working on and has questions regarding storm water.

Motion: Rick Burns moved to approve Case DV-19-0048.

There being no further business, the meeting adjourned at 2:27 p.m.

Rick Burns, Hearing Officer

Kristy Marasco, Assistant Director