



**PORTER COUNTY BOARD OF ZONING APPEALS
HEARING OFFICER
July 30, 2020 – 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

Rick Burns called the meeting to order and led the pledge of allegiance.

Approval of Minutes:

Motion: Rick Burns moved to approve minutes from the March 12, 2020 meeting.

Correspondence: None

Old Business:

Case: UV-19-0020

Petitioner: Charles & Linda Allison

Location: 1226 North County Line Road, Westville IN (Pine Township)

Zoning: RR, Rural Residential District

Acres: 37.25 +/-

Request: The petitioner is no longer in need of the Use Variance allowing a mobile home on the property, to be used by a family member to provide care for the petitioner and to maintain the property.

Motion: Rick Burns moved to deny Case UV-19-0020. Petitioner has sixty (60) days to remove the mobile home from the property.

Case: UV-20-0036

Petitioner: Pamela Fliege

Location: 567 North 400 East, Valparaiso, IN 46383 (Washington Township)

Zoning: RR, Rural Residential District

Acres: 14.93 +/-

Request: Extension of a Use Variance to allow the use of a temporary mobile home on the property to provide assistance with maintaining the property.

Pamela Fliege presented. Nothing has changed in the past year. Her brother is living in the mobile home.

Motion: Rick Burns moved to approve Case UV-20-0036 for one year with the same stipulations.

Case: UV-20-0037

Petitioner: Keith & Janice Meyers

Location: 316 East 1050 North, Chesterton IN 46304 (Jackson Township)

Zoning: RR, Rural Residential District

Acres: 61.29 +/-

Request: Extension of a Use Variance to allow a mobile home on the parcel to be used as a residence for hired help, providing labor and security for the farm.

Keith and Janice Meyers, 318 East 1050 North, Chesterton - presented. Nothing has changed in the past year.

Discussion: Rick Burns asked about the gutter above the rear door. It needs to be fixed. He was advised their grandson, Robert, is living in the mobile home. Rick asked if the three 220-volt wires coming out of the pit are live. He was advised they are not.

Motion: Rick Burns moved to approve Case UV-20-0037 for one year with the same stipulations, contingent on the gutter being fixed by Monday. Pictures should be sent to staff. Only the grandson lives in the mobile home.

Case: UV-20-0038

Petitioner: Kankakee Valley Historical Society, Inc., c/o John P. Hodson Trustee, Revocable Trust

Location: 1101 S. Baums Bridge Road, Kouts, IN 46347 (Pleasant Township)

Zoning: A1, General Agriculture District

Acres: 0.263 +/-

Request: Extension of the Use Variance to permit a mobile home on the parcel to be used as an office and processing artifacts for archeological studies conducted on the site.

John Hodson – 22 West 1050 South - presented. Nothing has changed. Because of covid, they have had to cancel everything this year so the trailer is just being used for storage.

Discussion: Rick Burns asked about the lodge building. John Hodson replied they are moving right along on the project. They are working with the State to receive a grant. The lodge building is in such poor shape they are now going to deconstruct and then reconstruct it. They are going to do an environmental clean-up on it. The State has put all grants on pause. He has been trying since 2002 to get a grant. This is a community project. They have stabilized the building and put a roof on it. The plan was to have it disassembled by now. As soon as things open up again, they have everything in line to move forward. Rick Burns asked if they have used the trailer lately. There is a window that needs repair. He also thinks he heard animals in there. John Hodson said he will be fixing the window. The gas line has been disconnected. Rick Burns stated the building does not look stable. An engineer is going to have to look at the building and confirm it is safe; that it won't collapse out or in. That stamped letter from the engineer should state the building is safe. It should be made out to the Porter County Plan Commission. There is concern that the building will collapse.

Motion: Rick Burns moved to continue Case UV-20-0038 to the next meeting. Before that meeting Petitioner is to obtain a letter from an engineer stating the lodge building is safe and the window in the trailer needs to be fixed.

Case: DV-20-0013 (Continued)

Petitioner: Darrel & Gail Hoover

Location: 970 North 200 West, Valparaiso, IN 46383 (Liberty Township)

Zoning: RR, Rural Residential District

Acres: 15 +/-

Request: To allow an accessory structure to be built on a parcel without a primary structure.

Gail Hoover – 970 North 200 West, Valparaiso - presented. She is here to get a building permit. She presented a Promissory Note stating they will build a house within five years.

Discussion: Kristy Marasco and Kelly Cadwell advised Gail Hoover once staff has the terms they are agreeing to, they will help her get through the process. Gail Hoover read what she has prepared stating there is an intent within ten (10) years or less to build a new construction home on the Hoover property which is 19 acres. Contingent on getting the proper permits in place. With the County's help that should not be an issue because they have been compliant with every permit. Please take the Letter of Intent into consideration when deciding on the variance for the pole barn that has been applied for. Rick Burns stated this is the first time he has heard ten years. Usually it is only three years and in this case, he had said he would consider five years. However, he will not consider ten years.

Motion: Rick Burns moved to approve Case DV-20-0013 contingent on Petitioner signing a commitment letter stating they will build a house on the property within five (5) years. Also contingent on Health Department approving the soil boring test. Also contingent on them signing a letter stating no business will be run out of the accessory structure. Should it be determined a business is in the building or someone is living in the building, it can be removed by the County at the owner's expense.

Case: DV-19-0069 (Tabled)

Petitioner: Richard Aguayo

Location: 436 S. Spring Canyon Drive, Hebron, IN 46341 (Porter Township)

Zoning: RR, Rural Residential District

Acres: 1.51 +/-

Request: To allow a reduction from the required (40') building line setback to be at (35') for the constructed primary structure.

Richard Aguayo - 436 S. Spring Canyon Drive, Hebron - presented. Bill Rensberger, land surveyor, was also present. They are requesting a variance on a building setback. A builder presented plans to Bill Rensberger showing a 40' x 40' footprint of a house. Actually, the footprint was 40' x 45'. Bill staked it out at 40' x 40' and then all of his points got ripped out. The excavator put them back in where he thought they were supposed to go at 40' x 45'. Consequently, it ended up 5' over the building line. The Health Department has prepared a letter saying they have no issue. The septic and well are ok. The County Highway said their right of way is not affected and they have no issue with it. The neighbors have all said they are ok with where it is.

Discussion: Rick Burns verified that all County Departments are ok. Kelly Cadwell clarified Petitioner understands issues with the well if they arise, are the property owner's responsibility and sign off on it with a Hold Harmless Agreement.

Motion: Rick Burns moved to approve Case DV-19-0069.

Case: DV-16-0036 (Tabled)

Petitioner: William Dykstra

Location: 904 Grandview Avenue, Valparaiso IN 46383 (Center Township)

Zoning: RL, Residential Lake District

Acres: 0.279 +/-

Request: To allow a reduction in the side yard setback from the required 8 feet to 7.5 feet, on an existing legal non-conforming structure for the proposed two (2) lot minor subdivision.

William Dykstra - 904 Grandview Avenue, Valparaiso - presented.

Discussion: Rick Burns asked if everything is legal now. Kelly Cadwell replied it is. This is the only variance he needs now.

Motion: Rick Burns moved to approve Case DV-16-0036.

NEW BUSINESS

Case: DV-20-0027

Petitioner: Byron & Brittney Gentry

Location: 99 West 1050 South, Kouts, 46347 (Pleasant Township)

Zoning: A1, General Agriculture District

Acres: 1.45 +/-

Request: To allow for a (24' X 32') pole barn to be built in the front yard for personal storage.

Byron & Brittney Gentry - 99 West 1050 South, Kouts - presented. They want to build a small pole building next to their garage. Their garage is a two-car garage and does not have much room for storage.

Public Hearing:

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

Discussion: Rick Burns stated staff received one letter against this proposal from a neighbor who states it would be out of place and change the neighborhood. Petitioner was advised they can talk to staff if they want to see about attaching the addition to the existing garage.

Motion: Rick Burns moved to deny Case DV-20-0027.

Case: DV-20-0028

Petitioner: Jeffrey Compass

Location: 549 South 300 East, Kouts 46347 (Morgan Township)

Zoning: A1, General Agriculture District

Acres: 1.24 +/-

Request: To allow a (30' X 48') pole barn to vary from the following:

- Be built 15 feet from the side yard setback instead of the required 30 feet
- Exceed the maximum floor area (the cumulative square footage of all accessory structures shall not exceed (1,300) square feet)

Jeffrey Compass - 549 South 300 East, Kouts - presented. He is requesting a variance to build a pole barn in the corner of his property. It will be used for personal storage only.

Public Hearing:

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

Discussion: Rick Burns discussed the maximum floor area. He is asking for 1,440 and is allowed 1,300. He needs this additional area to pull a camper into it. He does not need a variance for the height. His hardship is that this is the only place it can be placed due to location of the septic.

Motion: Rick Burns moved to approve Case DV-20-0028. No business is allowed to be run out of the building. Should it be determined a business is in the building or someone is living in the building, it can be removed by the County at the owner's expense. Applicant will sign a letter of commitment stating he understands.

Case: DV-20-0029

Petitioner: Anthony & Nichole Grabelle

Location: 635 Liberty Lakes Lane, Valparaiso IN 46385 (Union Township)

Zoning: RR, Rural Residential District

Acres: 3.45 +/-

Request: To allow for installation of a full thirty-five (35) foot concrete driveway.

Anthony Grabelle – 8762 Double Tree Drive, Crown Point - presented. He needs the extra driveway space to park more vehicles.

Public Hearing:

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

Discussion: Anthony Grabelle explained there are two children who have cars to park. He has recreational vehicles including a boat. Rick Burns stated this is a lot of concrete. The County does not get involved in Restrictive Covenants. However, he suggested the petitioner look into this to make sure he is ok. Kelly Cadwell stated the UDO allows up to 24'. She agrees that 36' is excessive. The Petitioner agreed to re-look at the situation and see if going to 24' would be sufficient.

Motion: Rick Burns moved to continue Case DV-20-0029 to the next meeting.

Case: DV-20-0031

Petitioner: Edgar Todosijevic

Location: 355 North 475 West, Valparaiso, IN 46385 (Union Township)

Zoning: RR, Rural Residential District

Acres: 40.15 +/-

Request: To allow a (60' x 80') pole barn to exceed the maximum height allowed at 20 feet to be at 26 feet and be located in the front yard.

Edgar Todosijevic - 355 North 475 West, Valparaiso - presented. He has a custom RV and he needs a place to store it that has a 14' door.

Public Hearing:

George Topoll – Trustee for Union Township – There is a cemetery located on this property. He is concerned regarding access to the cemetery. He is concerned regarding setting a precedent with the 26' height. Also Willowcreek Project could be going through here. He would like to know how far this building will be from the road. The Petitioner and George Topoll will meet and come up with a plan for access to the cemetery.

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

Discussion: Rick Burns stated he is concerned about the height. He asked how much this could be lowered with a scissor truss. Rick also stated he needs to look into the Willowcreek Project. Something will need to be put in writing regarding access to the cemetery. He asked the Petitioner to look into seeing how much lower he can get the height. Rick Burns stated he does not have an issue with locating in the front yard.

Motion: Rick Burns moved to continue Case DV-20-0031 to the next meeting.

Case: DV-20-0032

Petitioner: Nathan Gombus

Location: 262 East 1225 North, Chesterton, IN 46304 (Westchester Township)

Zoning: R1, Low Density Single-family Residential District

Acres: 2.65 +/-

Request: To exceed the (2%) of cumulative square footage of all accessory structures and allow for a 720 square foot addition to be added to an existing pole barn.

Nathan Gombus - 262 East 1225 North, Chesterton - presented. This building will be for personal storage only.

Public Hearing:

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

Discussion: Nathan Gombus explained there are two small buildings existing on the property. The request he is making now is 340' above the allowed amount. He thought about tearing one of them down but both are in good repair and did not want to destroy them. He will store a trailer and vehicle used for transporting a horse they own. The addition would be going straight out the back of the existing building.

Motion: Rick Burns moved to approve case DV-20-0032 contingent on Petitioner signing a Written Commitment letter stating no business is allowed to be run out of the building. Should it be determined a business is in the building or someone is living in the building, it can be removed by the County at the owner's expense.

Case: DV-20-0033

Petitioner: Joseph Yankauskas

Location: 598 South 450 West, Hebron IN 46341 (Porter Township)

Zoning: A1, General Agriculture District

Acres: 10 +/-

Request: To allow a reduction in the side yard setback from the required 30 feet to 10 feet and to allow for the appearance of a (30' x 40') Quonset hut.

Joseph Yankauskas - 598 South 450 West, Hebron - presented. He wants to place the structure at the back of his property. If he moves it to be within the setback, it will be in the path of storm water draining off his property.

He wants an all steel building because there is an ant and termite problem. He has been advised by exterminators that the problem will not go away even with treatment.

Public Hearing:

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

Discussion: Rick Burns stated in agriculture zoning he can have a Quonset building. However, he does not see the hardship for the side yard setback. The property is 10 acres. He should be able to meet the setback requirements. Joseph Yankuskas stated when he got the land, it was agreed that all the land that was being farmed would remain being farmed. This limits where he can place the building.

Motion: Rick Burns moved to deny Case DV-20-0033.

Case: DV-20-0034

Petitioner: Eric & Courtney Miller

Location: 230 West 900 South, Hebron IN 46341 (Boone Township)

Zoning: A1, General Agriculture District

Acres: 5 +/-

Request: To allow for a (80' x 48') pole barn to exceed the maximum height required of 20 feet to be at least 24 feet.

Courtney Miller - 230 West 900 South, Hebron - presented. This building will be used for personal storage – tractor, yard equipment, extra vehicles, camper, trailers. They need the height for the camper.

Public Hearing:

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

Discussion: Rick Burns asked why 24'. They are going to construct the building themselves. Rick Burns stated they will have to look at scissor truss to keep the height down. The extra cost of using scissor truss is not considered a hardship.

Motion: Rick Burns moved to continue Case DV-20-0034.

Case: DV-20-0035

Petitioner: John Miller

Location: On 1050 South, Kouts IN 46347 (Pleasant Township)

Zoning: A1, General Agriculture District

Acres: 8.63 +/-

Request: To allow for a reduction in minimum lot size from the required 10 acres to be 8.63 acres and minimum lot width from the required 160 feet to 126 feet, for a proposed single-family home site.

John Miller – 72 West 1050 South - presented. He lives in the property next door and wants to build a house for his daughter.

Public Hearing:

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

Discussion: Kelly Cadwell and Kristy Marasco explained this will be an administrative subdivision. No further subdividing will be allowed.

Motion: Rick Burns moved to approve Case DV-20-0035.

There being no further business, the meeting adjourned at 2:25 p.m.

Rick Burns, Hearing Officer

Kristy Marasco, Assistant Director