



**Porter County Board of Zoning Appeals
Regular Meeting Minutes
September 18, 2019**

The regular meeting of the Porter County Board of Zoning Appeals was held at 5:30 p.m. on Wednesday, September 18, 2019, in the Porter County Administrative Center, 155 Indiana Avenue, Suite 205, Valparaiso, Indiana. Debbie Cook presided.

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

MINUTES:

Luther Williams made a motion to approve the August 21, 2019 minutes as submitted. Ken Williams seconded the motion. A voice vote was taken and unanimously carried 5-0.

CORRESPONDENCE:

None.

OLD BUSINESS:

UV-19-0056 – Darrell Sowles, 242 West 900 South, Hebron, IN in Boone Township in the A1, General Agriculture zoning district. Petitioner is seeking a Use Variance to continue the operation of a well drilling business with outside storage. Mr. Darrell Sowles presented. He was here last month, and his case was continued. He has been working on the property and has requested bids for fencing and expects to have those in hand within the next few days. He is working on getting everything else cleaned up and believes he will be able to accomplish this in the next month.

Attorney McClure noted that the petitioner was supposed to come back tonight with a plan for what he was going to do and by when it would be completed as well as when the fencing will be installed. Attorney McClure asked if the petitioner is able to do this within the next 30 days? Mr. Sowles thought he could but could not be sure. Attorney McClure suggested continuing Case UV-19-0056 for another month in which time the petitioner is to get as much cleaned up as possible and in accordance with the stipulations of his variance approval. Anything not in compliance with the stipulations of the variance approval will require the petitioner to have a reasonable explanation as to why he is not in compliance and when it will be in compliance. As well, the fencing will need to be installed or a concrete date of completion for the fencing provided. If this is not met the petitioner will have to be back on the meeting agenda, however, he will not receive approval and will not be able to conduct business at this property.

Motion: Marvin Brickner made a motion to continue UV-19-0056 per Attorney McClure's detailed stipulations above. Michael Young seconded the motion. A voice vote was taken and unanimously carried 5-0.

NEW BUSINESS:

UV-19-0060 – Matthew Perry, 2251, 2165, 2161 Clifford Road, Valparaiso, IN in Center Township in the I1, Light Industrial zoning district. Petitioner is seeking a Use Variance to allow an event center/banquet hall/wedding venue in an I1 zoning district. Attorney Todd Leeth presented. Mr. Matthew Perry was also present. The property is 17.43 acres on the south side of Clifford Road. There is nothing on the north side of Clifford Road. Creekside Golf Course and Training Center is located to the west. Currently there is a limited narrow frontage from Clifford Road. Mr. Perry has been restoring the property. He plans to have an event center/wedding venue that will begin with temporary structures such as tents and porta-lets, but will build itself to permanent structures, built to code, as business takes hold. There is a gravel driveway throughout the property and parking is easily handled off the drive. Currently the event size anticipated is 50 to 75 guests on average, however, the facility is able to accommodate up to 250 persons. This is an enclave property that is completely wooded on all four sides. The existing home and pasture will both be used for the business. Being zoned light industrial actually allows for more intense uses and this request is much less than what is allowed.

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

Q: Is the property serviced by City utilities?

A: No.

Q: Is there access to a septic system anywhere close to hook up to?

A: No. There is a possible sewage hook up if Creekside Golf Course has one, but they have are currently on propane.

Q: Are there homes on Clifford Road?

A: Yes, but they will not be affected. This is going to be far enough off the road and is already surrounded by dense woods. As well the orientation of all the activity will be southwest and away from any residents.

Q: How will traffic be handled?

A: In the future the plan is to make the entrance to the property wider and better. It will have a designated parking area and the petitioner will make an investment as the business takes off. He will be working in stages. There is a lot of parking available as is right now. There will also be event parking attendants.

Q: Emergency services location tags are highly encouraged. Is that something the petitioner has or will consider?

A: Yes.

C: The roadway should be enhanced to allow for a minimum width of 10 to 12 feet to properly accommodate emergency vehicles.

Q: Is this expected to be a year-round facility?

A: The intent is to be 3-season. Winter and late Fall will be difficult due to using tents and porta-lets. Once the petitioner is in a position to build permanent structures he will come back before this Board with his plans for expansion. The existing home could be used year-round for a very small, 25 persons or less, wedding.

Motion: Ken Williams made a motion to approve UV-19-0060 with the following stipulations:

- The roadway must be constructed wide enough to accommodate emergency vehicles and equipment;
- Traffic exits to the east;
- Before any other facilities are built, such as the pavilion or restrooms, the petitioner will return before this Board with plans including storm water, setbacks, sanitary sewer, etc. before construction may begin;
- Emergency location signs are in place.

Marvin Brickner seconded the motion. A voice vote was taken and unanimously carried 5-0.

UV-19-0061 – Benjamin Herbert, 572 West 213 South, Hebron, IN in Porter Township in the RR, Rural Residential District. Petitioner is seeking a Use Variance to allow for two (2) single-family residences on a parcel. Kristy Marasco noted that this matter was heard before the DRC and the Health Department has been contacted. The property HOA has been contacted and the petitioner has agreed to written commitments for the future home. DRC had no issues. Jennifer and Ben Herbert presented. They would like to have a second dwelling on their property to allow for Jennifer’s parents to reside and help care for her daughter that is in need of full-time, 24/7, medical and nursing care. This will allow Jen’s parents to help with care while still having their own privacy. They will not ever rent from this property. They have a good relationship with their neighbors and enjoy their community. They have gone to great lengths to make their home accessible for their wheel-chair dependent daughter. They reside on just under five (5) acres so it won’t look like anything is changing from the public view. They have agreed to written commitments that state no renting and no further splits and will have this recorded on the property. Staff has committed to helping the petitioner with the written commitments and the process of properly filing those.

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

Q: Are there covenants and restrictions in your neighborhood?

A: Yes. We talked to the rest of the neighbors on our road and they have agreed as long as the residences are not being rented and only family members related to them will be living there.

Q: How large is the proposed second home?

A: 1,200 square feet.

Q: What happens if your parents are no longer able to assist in the care of your daughter?

A: If no other family member is able to live there then we would have to start the process over

with first our subdivision and then this Board. Our first choice will always be another family member.

Q: Is your current septic system large enough to handle a second residence?

A: This was addressed at DRC. We will either have to build on or replace with a larger septic or build a second septic for that residence.

Motion: Marvin Brickner made a motion to approve UV-19-0061 to include the written commitments with both staff and subdivision requirements, and to include Health Department decision regarding the septic system requirements. Michael Young seconded the motion. A ballot vote was taken and unanimously carried 5-0.

UV-19-0062 – Ron & Jill Furst, 1053 South 50 East, Kouts, IN in Pleasant Township in the CN, Neighborhood Commercial District. Petitioner requests a Use Variance to allow for the construction of a single-family residence in a CN zoned district. Ms. Jill Furst presented. This case was heard at DRC. We own two parcels that have been in the family for 100 years and are zoned CN due to a bait shop being located on the property. We would like to demolish the house that is on the property and build a new house.

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

Attorney Scott McClure advised that with current banking standards the CN zoning could be a potential issue for the lending process, however, the petitioner notes they are confident it will not be an issue for them.

Kristy Marasco advised that although zoned CN, the petitioner must follow all RR, Rural Residential standards for the structure being constructed and this code will be referenced on all permits.

Motion: Michael Young made a motion to approve UV-19-0062 with the condition that all RR standards are met for the construction of the proposed house structure. Ken Williams seconded the motion. A ballot vote was taken and unanimously carried 5-0.

STAFF ITEMS:

None.

ADJOURNMENT:

There being no further business, the September 18, 2019 Board of Zoning Appeals meeting adjourned at 6:35 p.m.

Debbie Kerr-Cook, President

Attest: Kristy Marasco, Assistant Director