



**PORTER COUNTY BOARD OF ZONING APPEALS
HEARING OFFICER
January 12, 2023 – MEETING MINUTES**

LOCATION: County Administrative Center, Ste 205 **TIME:** 1:00 p.m.
155 Indiana Avenue, Valparaiso IN

MEMBERS IN ATTENDANCE

Rick Burns, Kristy Marasco, Kelly Cadwell, and 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 31, August 25, September 22, and November 17, 2022 meetings.

Correspondence - None

Old Business

Case: DV-22-0066

Applicant: Mark & Linda Klepacki

Location: 1185 North 450 East, Chesterton, IN 46304 (Jackson Township)

Zoning: RR, Rural Residential

Acres: 13.75

Request: Motion to Deny. Petitioner withdrew the request for the proposed (36'x80') pole barn with an (8'x80') lean-to to be built in the front yard and to allow the existing (368 sq. ft.) lean-to for horse shelter to remain in the front yard.

Kristy Marasco – They changed their plans and moved the proposed building behind the house.

MOTION: Rick Burns moved to deny Case DV-22-0066.

Case: DV- 22-0061

Applicant: Crusader Homes, Inc.

Location: 621 North 300 East, Valparaiso, IN 46383 (Jackson Township)

Zoning: RR, Rural Residential

Acres: 34.44 (12.99A in WL)

Request: To allow an increase in maximum accessory structure height from the allowed 20' to 34'9".

Matthew Palm – 2500 Sterling Drive, presented. He reviewed his request as presented at the previous meeting.

Discussion

Matthew Palm stated he has revised his building to 74' X 90' and 29' 6" tall. The building will be for personal storage, parking cars, and a basketball court.

Rick Burns continued the case to the end of the meeting to give Petitioner time to determine the square foot measurements of the proposed building.

NEW BUSINESS

Case: DV-22-0068

Applicant: Vernon & Karen Nuest

Location: 476 East 1000 South, Kouts, IN 46347 (Pleasant Township)

Zoning: A1, General Agriculture

Acres: 10.63

Request: To allow for a proposed two (2) lot Administrative Subdivision to vary from the following codes:

- Chapter 2.08 Minimum Lot Area Code: 10 acres Request: Lot 1 - 4.59 Lot 2 – 4.51
- Chapter 2.08 Exceeding minimum front setback of 50 feet
- Chapter 5.04 (F) Placement (existing structures)
- Chapter 9.04 Nonconforming Structures

Bill Davies – Davies Land Surveying, Chesterton, presented. He was joined by Karen Nuest - 476 East 1000 South, Kouts, IN 46347. This is an administrative subdivision. They have 10.63 acres with two houses on it. They are trying to split each house into its own subdivision lot and leave the rest of the property as farmland with no present plans to develop that property. There are some existing structures that are non-conforming. They are both storage buildings that are both close to CR 1000 S. They are both in front of the existing house. There are no plans to build anything new on these lots. In the future they may sell Lot 2. There are houses and properties across the street that are a lot smaller than the proposed 4.5 and 4.6 acre lots.

Public Hearing

Julie Piatek – 489 E 1000 S. She asked if Lot 2 will just grow wild or will it be maintained?

Bill Davies – It will be maintained as long as they own it.

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

Discussion

Rick Burns – You own the property behind these two lots?

Karen Nuest – Yes.

Rick Burns – If you own the property, why not make the lots bigger so a variance is not needed?

Bill Davies – They would like to continue farming the land.

Karen Nuest – That is correct. Her husband did not want to take any of the farmland now.

Rick Burns – There is a lot of property in the County that is carved out. He does not see the hardship. They have the property.

Kristy Marasco – To do an administrative subdivision without a variance for size, the lot has to be a minimum of five acres. Technically since it is Agriculture it should be a minimum of 10 acres. But if they want to do the administrative subdivision, it is a minimum of five acres.

Rick Burns – The best option is to increase the size to five acres each.

Bill Davies – He recommends they come back with these enlarged to five acres or more.

Rick Burns – Or 10 acres. Then you do not need a variance.

MOTION: Rick Burns moved to continue Case DV-22-0068 to the next meeting.

Case: DV-22-0072

Applicant: Calumet-Edgewater Minor Subdivision c/o Randell Peterson w/Abonmarche Consultants, Inc.

Location: 598 North Calumet Avenue, Valparaiso, IN 46383 (Jackson Township)

Zoning: R1, Low Density Single-family Residential

Acres: 3

Request: To eliminate street trees and sidewalks for a proposed (1) lot minor subdivision.

Randy Peterson – Abonmarche, presented. He was joined a member of Wallyo LLC. They are creating a one lot subdivision. The parcel already exists. Mr. O’ Donnel bought the property several years ago because it has a billboard on it. He is in the billboard business. He found out the property was illegally divided so he doesn’t have a building right. They are going through a minor subdivision to perfect the title. He is not changing anything. As part of the minor sub, they have to meet certain conditions. They are asking to vary those. They are asking for relief on the street trees. He does not know what will happen on the property. Part of it is low lying area which is potential wetlands.

Public Hearing

Steve Charnas – 583 and 581 N. Calumet. He owns the mobile home property. That area floods. The property has been used as a landfill. This was supposed to be removed but hasn’t.

Roger DeYoung – 1730 Briam Court, Wild Rose Subdivision. There is a lake behind the homes. The runoff from that property ends up in their lake and then spills into a lake north of Wild Rose. There is a culvert under Briam Drive. All that comes off Calumet and farm fields goes through the culvert. He would like to know where they are going to get their water and sewer. Previous owners wanted to connect to Wild Rose and it was denied.

Justin McCurdy - 1917 Garland Circle. He is on the Board of Wild Rose. The history is that the site is not buildable because of the septic and connection issues. They say they are here just to fix legal issues. The plans on file at the County say there is potential intention of building a house there. He does not want that negatively affecting his property. There also is reference about the sewer or if it is ok to do a septic. They would like to know the plans. Is it fixing legal issues or are there plans to build?

Tim Wardrip – 5606 Coryana Drive. This property is just on the other side of the fence from his back yard. He knows things don’t stay the same forever. On one side he has a poorly maintained farmland. He has a pig pen 200’ from his back door. The file in the office shows a proposed house in the far southwest corner of the property. This will be 100’ from his back door. Is this a precursor to building a house? Will Mr. O’Donnel build himself or is he selling and they will build?

Rick Smith – 614 N. Calumet. He is aware of the wetlands. He understands there are grave stones in there also.

Lou O’Donnel – 3636 US 12 Michigan City. There have been issues regarding the flood zone. That has all been addressed. They plan on well and septic. It put him in a bad position that people can split lots and not even tell him when he purchased the lot. He knows nothing about the fill that was put in and supposed to be removed. That is not his property. He is the one just below it. He has someone that is interested in purchasing the lot and building a home on it.

Randy Peterson – The questions asked are good ones but do not necessarily relate to this variance request. They do have a minor subdivision application. This addresses these things. They have borings on file for this particular subdivision. It has been deemed acceptable. The primary plat is just about done. They are aware of the drainage way. Most of it is north of this property. They are working with storm water. He does not know how to respond about the grave stones.

Justin McCurdy - 1917 Garland Circle. If this passes today, when is the next opportunity, or is there another one, for public and resident comment to make sure those drainage issues and water issues are properly taken care of and documented that it is not going to leach into our ponds and wetlands.

Roger DeYoung – 1730 Briam Court. He had a conversation with Alicia Barber who is the General Manager of the Lake Area Conservancy District. She has no awareness of this potential development and the potential for run off into the lakes that their whole organization is set up to protect.

Tim Wardrip – 5606 Coryana Drive. His concern is potentially a house will be built which will be close to his house. He wants to know what will be built and when. Will there be an opportunity for public input when a house is going in.

Kristy Marasco – They haven't finalized the storm water yet. If it meets code then they can move forward. If they can't meet code then they will be back in front of us for a variance. The County cannot stop them as long as they are meeting the codes. If you want more information, you can always contact our office to see where they are in the process. They will eventually have to get a building permit. This is the last meeting that will be held regarding variances.

Randy Peterson – Right now the house building site is planned in the southwest corner which is the highest part of the property. The drawings on file show a place holder home. We have to do that for a number of requirements. That does not mean the house is going right there.

Lou O'Donnel – 3636 US 12 Michigan City. The person he is dealing with says it will be at least a couple of years before he would build.

Kristy Marasco – The reason they have to be here is because the property was split by the previous owner without coming to the Plan Commission to make sure they have enough acreage and setbacks. This person cannot build until he knows he can meet the County Codes and has enough property to not affect his neighbors.

Randy Peterson – He did contact the Conservancy District and they do not want any additional connections. He talked to the City of Valparaiso and they said they do not have capacity. They have submitted all the information to the Health Department. If they were going to say No then he would know by now.

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

Discussion

Rick Burns – One of the residents asked about landfill. He asked if they know anything about that.

Steve Charnas - He was on the wrong lot.

Randy Peterson – He is talking about the lot to the north.

Rick Burns – Someone mentioned about grave stones. Have you seen them? Are they there for sure?

Rick Smith – 614 N. Calumet. Talking with the previous owners is where he heard about them. He showed where they are.

Kristy Marasco – That is the wrong parcel.

Rick Burns – You have runoff now.

Randy Peterson – Yes. Based on the minor subdivision ordinance we cannot increase runoff. We have to show no increase or a reduction. Right now, they are at no change with the house. They have paused to get this variance matter addressed first and then they will get back to the drainage.

Rick Burns – Unfortunately we cannot tell people where to locate the house.

Kristy Marasco – They do have setbacks they have to meet.

Rick Burns – If you don't meet the drainage requirements you have to come back here.

MOTION: Rick Burns moved to approve Case DV-22-0072 to eliminate the street trees and the sidewalks for a one lot subdivision.

Case: DV- 22-0061 – **Continued** from earlier in the meeting

Applicant: Crusader Homes, Inc.

Location: 621 North 300 East, Valparaiso, IN 46383 (Jackson Township)

Zoning: RR, Rural Residential

Acres: 34.44 (12.99A in WL)

Request: To allow an increase in maximum accessory structure height from the allowed 20' to 34'.9".

Matthew Palm – 2500 Sterling Drive, presented. The building is 74' X 90' which is 6600 sq ft. This is a reduction of 2200 sq ft. The lot is 34.5 acres and 13 acres of it is wetlands.

Kelly Cadwell – It is a large lot. It will meet the square feet.

Matthew Palm – I am back just for the height. This is the lowest it can be and still accomplish what we want as far as basketball and the other things going on in there.

Rick Burns – The façade?

Matthew Palm – It will match the house. Aesthetically it will look very nice. It will be a half-court basketball court. He will be parking some cars in there that are parked out on the street right now.

Kristy Marasco – We will have you sign a commitment letter, that is standard.

Rick Burns – No business can be in there.

Matthew Palm – He showed a picture of the layout inside the building. The Health Department has approved the bathroom.

Rick Burns – In the past he has not been approving buildings with bathrooms. They get approval and then it turns into a living quarter.

Kelly Cadwell – When he signs the letter it is to not operate a business or have living space in the building.

Rick Burns – He does not like the bathroom being in it. This is a full bathroom with a shower included. He could approve it without the bathroom.

Matthew Palm – Explained that with all of the sports activities going on in the building, he would prefer to have the shower.

Rick Burns – He could go half way and asked that he remove the shower.

MOTION: Rick Burns moved to Approve Case DV-22-0061 with the height being 29.6', the dimensions 74' x 90', and 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. _____

There being no further business, the meeting adjourned at 1:59 p.m.

Rick Burns

Kristy Marasco, Planning & Zoning Manager