



**PORTER COUNTY BOARD OF ZONING APPEALS  
HEARING OFFICER  
January 26, 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 and Monica Gee.

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

---

**Old Business**

**Case: DV-22-0068**

**Applicant: Vernon & Karen Nuest**

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

**Zoning:** A1, General Agriculture

**Acres:** 159

**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 – 5.101 Lot 2 – 5.101
- Chapter 2.08 Exceeding minimum front setback of 50 feet
- Chapter 5.04 (F) Placement (existing structures)
- Chapter 9.04 Nonconforming Structures

Bill Davies of Davies Land Surveying presented. Karen Nuest - 476 East 1000 South, Kouts also presented. They were here a few weeks ago. At that time, they were not aware that 5 acres was the minimum lot size. There are smaller lots in the neighborhood. They feel their request is keeping with the area and makes it so a lot of farmland does not have to go with these two lots. They plan to rent out or sell Lot 2 and they currently live on Lot 1. There is no additional plan for the farm acreage. It will stay farmland. They have two existing buildings. One is a 40' X 90' building that goes into the right of way of County Road 100 South and then a building just to the east of that. It is 56' X 48' that is just over the front building setback. Both are existing structures. Everything else is up to code.

**Discussion**

Rick Burns – How long have those buildings been there?

Karen Nuest – The one that is right on the road has been there 75 years. The other one since 1995 or 1996.

Rick Burns – How did it happen that the 1996 building was put in a right of way? Was it constructed without a permit?

Vernon Nuest – His Dad built it so he does not know.

Rick Burns – The last case we had like this we approved it but if it was ever damaged or had to be rebuilt, it had to follow code. It is just storage?

Karen Nuest – Yes. The guy who rents the property uses it for storage.

**MOTION:** Rick Burns moved to Approve Case DV-22-0068 contingent on cannot subdivide again on either lot and Petitioner signing a Written Commitment letter stating no business is allowed to be run out of the building structures. Should it be determined a business is in the buildings or someone is living in the buildings, they can be removed by the County at the owner's expense. Any major damage done to either building, the rebuild will have to be done to code.

---

## NEW BUSINESS

**Case: DV-23-0001**

**Applicant: Korellis Major Subdivision c/o Kevin Coros w/McMAHON Associates, Inc.**

**Location:** Corner of Lumber Lane & South Biscayne Street, Valparaiso, IN 46385 (Porter Township)

**Zoning:** R1, Low Density Single-family Residential District

**Acres:** 21.85

**Request:** To allow for a proposed replat (of lots 18 through 33 in Marian Manor) to create a two (2) lot major subdivision to vary from the following codes:

- Lot width less than 100 feet
- Accessory Timing & Placement

Kevin Coros, McMahon Associates presented. This is a true hardship of the property. They have included part of the south parcel D that is south of what used to be Lumber Lane. They have vacated Lumber Lane. They have vacated Biscayne Street. They have established a new easement with Lake Eliza Conservancy District for a force main that goes through Lumber Lane. Per Lake Eliza Conservancy District, they gave them their right of way width for the easement since Lumber Lane will no longer be there. Due to geometrics of the site, it is impossible to give 100' frontage to any of these properties. The existing structure that is located on site now which is just south east of Lumber Lane is a 15' X 15' structure. It is housing lawn equipment and housing goods. They have been given permission to pull one permit now. They will have to finish the subdivision process before they can pull another one. The property is not being farmed and will not be farmed again. That is part of the storm water infrastructure.

## Public Hearing

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

## Discussion

Rick Burns – Lumber Lane will be vacated?

Kevin Coros – It is already. Biscayne is also.

Rick Burns – The road is a dirt road.

Kevin Coros – Yes. It is a public road. It is public infrastructure. It is not the Petitioner's responsibility to fix any of it, but it is there. It is not a clean road. There is a lot of trash. It is the only way they have access.

Rick Burns – So you are not going to do anything for a roadway since it is public?

Kevin Coros – Correct. As part of the subdivision process they will have a shared private drive. This is a family affair – Mother in one and son in the other.

Rick Burns – One driveway going to both properties?

Kevin Coros – Correct. They will have a 20’ ingress egress easement through Lot 1 so Lot 2 can access. That will be part of the secondary plat.

Rick Burns – The pole barn is definitely out of place. He could approve it until the house is built but then it will have to be relocated.

Kevin Coros – It is a movable shed. The Petitioner is fine with moving it once the house is built. They will show it on the site plan. Construction by the son on Lot 1 will begin immediately.

**MOTION:** Rick Burns moved to approve Case DV-23-0001. The 15’ X 15’ pole barn will need to be relocated on Lot 1 behind the house before a CO is issued. Also contingent on Petitioner signing a Written Commitment letter stating no business is allowed to be run out of the pole barn. Should it be determined a business is in the building or someone is living in the building, they can be removed by the County at the owner’s expense.

---

There being no further business, the meeting adjourned at 1:20 p.m.

---

Rick Burns

---

Kristy Marasco, Planning & Zoning Manager