



**PORTER COUNTY BOARD OF ZONING APPEALS  
HEARING OFFICER  
February 25, 2021 – 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

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

**Minutes:** Rick Burns moved to approve minutes of the January 28, 2021 meeting.

**Correspondence:** None

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**Old Business:**

**Case: DV-21-0003**

**Petitioner: Lance & April Popp**

**Location:** 645 North 300 East, Valparaiso IN 46383 (Jackson Township)

**Zoning:** RR, Rural Residential District

**Acres:** 3.6 +/-

**Request:** To allow a reduction in side yard setback from the minimum required 15 feet to be as close to the property line for a proposed (30'x50') pole barn. Continued: Information needed on lateral location for setback.

Lance and April Popp presented. Since the last meeting he recalculated and is now 8' off the NIPSCO easement. The new size is 24' X 50'. The Board of Health has said they can be 1' off the perimeter. He will be 2' off the side yard easement. He will be 4' off the perimeter drain.

**Motion:** Rick Burns moved to approve Case DV-21-0003 contingent being 8' off the NIPSCO easement, size of 24' X 50', 2' off the side yard easement and 4' off the perimeter drain. Also 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.

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**Case: DV-21-0004**

**Applicant: David Pullen, Jr.**

**Location:** 510 East 700 North, Valparaiso, IN 46383 (Jackson Township)

**Zoning:** RR, Rural Residential District

**Acres:** 3.5 +/-

**Request:** To allow a (40'x 80') pole barn to exceed the maximum floor area and to allow an increase in maximum accessory structure height from 20' to be at 23'5". Continued: Recheck on size of the building and height

David Pullen -510 East 700 North, Valparaiso presented.

Discussion: David Pullen presented a photograph which shows the neighbor's barns are the same height as his request. It has been suggested that he reduce the size to 40' X 72'. There is a tree line that within five years will hide the barn. There are also trees planted in the back of the property. He wants to stay with this height because of aesthetics and holding the snow weight. The second plan he is showing is scissor truss. The height is at 20'. His concern is how it looks with the door going into the building. He does drive his bucket truck home sometimes from work. This would be the same as a tractor trailer driver bringing his semi home. Rick Burns explained he cannot approve this if a business is going to be in the building. David Pullen stated his business is located in Westville. Company trucks stay at that location. A mobile crane would be parked here frequently because it is not used at his business that much. Rick Burns suggested he is going to continue this matter so he can look into it further.

**Motion:** Rick Burns moved to continue Case DV-21-0004 to the March, 2021 meeting.

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#### **New Business:**

**Case: DV-21-0007**

**Petitioner: Timothy & Julie Huycke**

**Location:** 715 South Baums Ridge Road, Kouts, IN 46347 (Pleasant Township)

**Zoning:** R1, Low Density Single Family Residential District

**Acres:** 5 +/-

**Request:** To allow for a proposed (40'x60') pole barn to be built in the front yard and to permit a (3rd) third accessory structure on the parcel.

Timothy & Julie Huycke - 715 South Baums Ridge Road, Kouts, presented. They feel this would fit well here because their driveway is in the front. They want to utilize the driveway they have to be able to park a trailer in the garage. The septic is in the back on the south east corner of the house. This location interferes less with the neighbors. If it were in the back the second neighbor to the north would be looking right at the proposed building. They will leave the woods in front and back of the building. The building will be used for personal storage.

## **Public Hearing**

Resident at 708 Baums Bridge Road - she and her daughter have no objection.

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

Discussion: Rick Burns stated he does not see the hardship. The driveway is gravel and could be rearranged. Timothy explained they have already purchased the building. It would look like a warehouse if it was next to the house. They would have to take down a lot of trees. In the back it would be more intrusive. He is thinking about the neighbors in his request. Julie Huycke asked if they would be ok with moving it back 7'. Rick Burns told them to re-sketch it and come to the next meeting. They will need to re-stake it also so Rick Burns can look at it. Timothy Huycke stated the building is schedule to be delivered in May.

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**Motion:** Rick Burns moved to continue Case DV-21-0007 to the March, 2021 meeting.

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### **Case: DV-21-0008**

**Applicant:** William & Jillaina Cook

**Location:** 467 Wexford Road, Valparaiso, IN 46385 (Union Township)

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

**Acres:** 0.3 +/-

**Request:** To allow construction of a (3) car addition with living space above, to be over the front building line and to exceed the maximum impervious surface coverage.

William & Jillaina Cook - 467 Wexford Road, Valparaiso presented. The proposed location is on the side of their house where the current driveway is located. On the front corner it starts at 1' over the building line and increases to a maximum of 10'1" on the other corner. They are gutting the interior. They are converting the garage to the master bedroom. Their daughter was diagnosed with rheumatoid arthritis. They are converting the dining room to a bedroom for her so she is on the main level.

## **Public Hearing**

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

Discussion: Rick Burns asked why this could not be pushed back 6'. Jillaina explained because of the slope. The Homeowners Association is waiting to see if they get the variance before they approve the project. Kristy Marasco explained they need approval from the Homeowners Association before they can grant a variance. Rick Burns asked about 10' on the one side. He asked if it could be shortened up any. They cannot because of where they are putting their boat.

**Motion:** Rick Burns moved to approve Case DV-21-0008 contingent on receiving a letter of approval from the P.O.A.

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**Case: DV-21-0011**

**Applicant: Anthony Jr. & Kristen Cunningham**

**Location:** 879 North Calumet Avenue, Chesterton, IN 46304 (Liberty Township)

**Zoning:** RR, Rural Residential District

**Acres:** 8.5 +/-

**Request:** To allow for one (1) addition buildable lot in Liberty Minor Subdivision 1921-A-1 to vary from the following:

- reduction in minimum lot width
- exceed the Maximum width-to-Depth Ratio of 1:4
- allow more than one driveway for two (2) lots in a minor subdivision.
- reduction in separation distance for two (2) driveways on the same side of the road in a Minor Subdivision.
- reduction in side yard setback for an existing accessory structure

Bill Davies presented. Anthony Cunningham was also present. This is an existing lot that was split out several years ago. It has some frontage on Calumet Avenue to the North but there is no way to get a driveway in that area. The existing driveway that cuts through Lot 2 has been utilized for that area and Mr. Cunningham has another driveway to the south that services the existing house on the south. The existing driveway services some trailers and a shed. Those items will be removed before any building is done on the property. The existing driveways are about 65' apart. They are not asking to change that in any way. He is assuming the existing house on the south side is what is referred to in the reduction in side yard setback for an existing accessory structure.

### **Public Hearing**

Robert Cunningham Jr. – 881 North Calumet Lot – They want to move this into his land. He is against this because he does not want them taking his property. He does have a deed showing he is the owner of the property.

901 North Calumet Avenue – shouldn't they have asked for permission on the side yard setback before they built the structure? This is a rural area. It already looks out of place since there are two houses there. Neighboring houses all have much more frontage.

Bill Davies replied the proposed lot is 5.88 acres. There are smaller lots in the area. They are not taking any land from Robert Cunningham. They are asking for an ingress and egress easement. If this is going to be an issue, he would like to continue this case to look over options.

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

Discussion: Rick Burns referred to a letter received from a neighbor against this project.

**Motion:** Rick Burns moved to deny Case DV-21-0011.

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**Case: DV-21-0012**

**Applicant: John Pagone**

**Location:** 447 Amhurst Road, Valparaiso, IN 46385 (Union Township)

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

**Acres:** 0.42 +/-

**Request:** To allow construction of a front entry porch to exceed the minimum front yard setback and for a pool to be less than the 30' required from water's edge.

John and Lea Pagone - 447 Amhurst Road, Valparaiso presented. They want to build a front porch which will come 9' into the building line. Also they want to install a pool which will be approximately 23' from the lot line in the back of the home. When the home was built it was built right to the building line. They are having problems with the front door expanding and contracting. They have designed a porch which will prevent the sun from hitting the front door. The pool is approximately 23' from the lot line. He is not sure what the elevation number is so they went from the lot line. To the west is a home with a pool that is also 23' from the lot line. They have given notice the POA for Shorewood. The neighbors approve.

### **Public Hearing**

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

Discussion: There was discussion regarding permits he has applied for last year and again this year. The permits were for a garage and one for a patio. The POA wants to know the variance has been granted before they give approval. Rick Burns stated the neighbor's pool is 25' from the lot line. John Pagone stated his landscape designer says the Pagone proposal is the same location where the neighbor's pool is. Rick Burns discussed the front porch. There was discussion regarding the door being wood and a dark color. They have tried several doors and they all seem to expand and contract. There was discussion regarding the garage.

**Motion:** Rick Burns moved to approve Case DV-21-0012 contingent on receiving a letter from the POA, the pool being 25' from the building line and the front porch as presented.

There being no further business, the meeting adjourned at 2:15 p.m.

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Rick Burns, Hearing Officer

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Kristy Marasco, Assistant Director