



**PORTER COUNTY BOARD OF ZONING APPEALS
HEARING OFFICER
March 23, 2023 – MEETING MINUTES**

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

MEMBERS IN ATTENDANCE

Bob Gilliana, Kristy Marasco, Monica Gee, and Kelly Cadwell

Bob Gilliana called the meeting to order and led the pledge of allegiance.

Correspondence – None

New Business:

Case: DV-2023-6

Applicant: Ronald & Colette Brissette, c/o Atty. Robert A. Welsh

Location: 311 Mander Road, Valparaiso, IN 46383 (Jackson Township)

Zoning: RR, Rural Residential District

Acres: 9.84 +/-

Request: To allow for a proposed (3760 sq. ft.) pole barn to vary from the following:

- Placement: accessory structure shall not be placed in the front yard of any lot
- Appearance: the exterior finish and façade shall match or closely resemble primary structure
- Accessory Height: Code: 20 feet Request: 23 feet

Robert Welsh – 107 Broadway, Chesterton, presented. If approved, the height of the building will be 23'. The property is located at 311 Mander Road just north of Highway 6. The property is about 50 acres in total. The reason for the request is there were two buildings on the property. They were about 120' back from the road. One of the buildings suffered a collapse. The debris has to be removed. The adjacent building still stands but is a very old wooden building. Those two buildings totaled approximately 2,800 sq ft. They want to remove the debris and take down the older shed and replace them with a new pole barn. It would go on the same footprint of the other two. The old buildings cannot be seen from Mander Road. The new building will be a brown roof and the walls will be half brown and tan. It will have a small loft area. The ground floor is 3,100 sq ft. There will not be any water. There is no need for a septic. They have met with and gotten approval from the Health Department. They do not need any setback variances. The building will be used for personal storage. The building will be an improvement for the neighborhood. The new building will not detract from the neighborhood. The zoning is R1. They have 50 acres. It is similar to neighboring pole barns.

Public Hearing

Dale Dillingham – 295 Mander Road. He doesn't know why they need the extra height. It already is a very big building.

Cynthia Dillingham – 295 Mander Road. She is here for Sharon Burns whose property is on the left. She is totally against this. She can see the building right now sticking up above the trees. Why can't they build it somewhere that no one on Mander Road has to look at it.

Tim Beissel – 310 Mander Road. He is familiar with Interstate Rentals. He questions the size of this pole barn. Even though it says it won't be used for a business, how many snow blowers can you put in a building that size. Once it is built it is forever. Interstate Rentals has big trailers. If more traffic is put on their road, he is worried. He has always hoped the little red barn would be there forever. This proposed building is big.

Bob Forszt – 312 Mander Road. The setback is going to be 125'. The existing buildings are only 30' from the road. His house is 50' from the road and his barn is maybe 60' from the road. He looks at the barns every day. His primary complaint is he would love to see it set back much further. Adam Popa was here today but had to leave. Adam's address is 296 Mander Road. He is mildly opposed.

Catherine Forszt – 312 Mander Road. She brought pictures. Her home is 160 years old. The rules need to be maintained to protect the character of the County. Having a big structure right on the road would detract from the neighborhood. She would hope they can find a different place to build it.

Seeing no one else wishing to address the Board, Bob Gilliana declared the Public Hearing closed.

Rebuttal from Petitioner

Robert Welsh – This building would not qualify under the County's Ordinance to be used as a business. This is clearly stated and understood by the Petitioner. Interstate Rentals is located on 49 south of Burns Harbor. They have facilities there and in LaPorte County. They have no intention to use the proposed building for a business. The building can be inspected at any time if there is a complaint there is a zoning violation. He appreciates the historical aspects of the red barn. That building is not useable for anything. Many might think it is dilapidated and needs to be removed. Anyone who wants it can contact the Brissettes and have it removed. It is his understanding that this building will not be visible from Mander Road. They were trying to work with the BZA to place this in the best place possible. It can be moved further in. It should be adjacent to the driveway. This is the nicest pole barn you can find. Its stated value is \$280,000. It will not look cheap. There are a number of pole barns in this area. This will be compatible with the area. Hopefully if the Board feels there needs to be a modification, that can be done. The height is only 3 feet above code. He does not feel this will adversely affect any of the neighbors' property value. He would ask that their request be approved.

Bob Gilliana – On the application you had the height as 22'. Has that changed to 23'?

Robert Welsh – Yes. At the request of the contractor and supplier, he was advised it will be 23'.

Bob Gilliana – He has been by the property and you can see it from the road. The County has regulations that it needs to be behind the house. He feels there is room to be even with the house. Having a pole barn right up front does not fit the area. He would approve this if it were moved even with the house. He would approve the height if it were moved. He pointed out on a picture where he would like to see it moved so that it is even with the house.

Robert Welsh – Mrs. Brissette indicates that to the left is where Coffee Creek goes through. He is not sure what the water shed is. On the right – south – would that be along the driveway or where would that be?

Bob Gilliana – On that side it would be close to the driveway. He is sure further back it would be close to the lake.

Robert Welsh – The concern is that the property elevation slides off to a lower elevation. They are not sure where that starts and stops.

Bob Gilliana – You might have to make it a little smaller. There are 10 acres there. There has got to be another spot to be more within the County ordinance.

Kristy Marasco – She pointed out another area that is buffered by trees and asked if that would be acceptable.

Bob Gilliana continued Case DV-2023-6 to the end of the meeting to give Petitioner time to think about other locations.

Case: UV-2023-7

Applicant: Mary K. O'Brien, c/o Todd A. Leeth, Hoepfner Wagner & Evans LLP

Location: 2556 S. State Road 2, Valparaiso, IN 46385 (Center Township)

Zoning: R1, Low Density Single-family Residential District

Acres: 25.7 +/-

Request: To allow reduction in minimum front setback from 30' to 27.3' and to allow existing accessory structures to remain in the front yard between a primary structure and right-of-way.

Todd Leeth – Hoepfner, Wagner & Evans, presented. He was joined by Mary O'Brien and Adam McAlpine of McAlpine Consulting. The property is oddly shaped. It has frontage along Highway 2 and along Hayes Leonard Road. There is a large pond on the property. The purpose is to provide a new home for Mary and one for her daughter. She currently lives in the home that is on the corner that has been there since 1860. This home predates the highway. The 25.7 acres is proposed for a two-lot minor subdivision so there can be two homes. The property is zoned R1. A residential minor subdivision fits within the zoning. Todd presented pictures showing the location of existing buildings. The home will remain. When Lot 2 is constructed, the home will be removed. The barn will remain. The other two outbuildings will be removed. Lot 2 is where the existing home will be. The "tail down" is to accommodate the existing barn and will be Lot 1. Lot 1 is where Mary's new home will be constructed, well off Hayes Leonard Road. The driveway accessing these two lots will be moved. The driveway and easements servicing these two lots will be moved further north. This will provide better separation from the intersection and better traffic safety. The proposal is that when they build a home on Lot 2, they will remove the existing home and one of the variances they are asking for becomes mute. The barn needs to have a variance because it is on Lot 1 but will be in the front yard. It is an existing barn. The second variance has to do with the existing home. It requires a setback of 30' front yard. It is only 27.3 feet. They would like to continue to keep this home until there is a new home on Lot 1. They would like 24 months after the Occupancy permit is issued to do this.

Public Hearing

Seeing no one wishing to address the Board, Bob Gilliana declared the Public Hearing closed.

Discussion

Bob Gilliana – The County does not allow pole barns to be on property unless there is a house on it. How long will it be before the new house is built on the Lot?

Todd Leeth – The plan is to move forward with the subdivision plat. They will be filing that petition shortly. Once that is approved, they can pull permits. He thinks Mary's goal is to build yet this year.

Mary O'Brien – 2556 S. State Road 2. The home is custom designed. She has been waiting to see that the variances are going to be approved before she spends money with an architect. Once she has approvals she will begin work with an architect. Depending on the weather she would like to break ground in spring at the worst the following spring.

Kristy Marasco – How long before you can pull the permit?

Mary O'Brien – Probably 4-6 months.

Todd Leeth – What if they get approval for the minor subdivision plat but hold the plat until they are ready to pull the permit.

Bob Gilliana – That would be acceptable.

Kelly Cadwell – You can get a variance based on timing. Part of the approval could say the permit has to be pulled within two years.

Todd Leeth – That is the way the County can hold our feet to the fire by putting those two years in there. The variance for a front yard is not a front yard until he records the plat.

Bob Gilliana – When will that take place?

Todd Leeth - He has to go through minor subdivision. If that two year starts today, they can always come back and ask for a continuance of that two years if needed. Or get a variance for the accessory structure prior to the main structure.

MOTION: Bob Gilliana moved to approve case DV-2023-7 contingent on obtaining a building permit within two years.

Case: DV-2023-8

Applicant: Aaron & Rebecca Bolton

Location: 474 East 1500 North, Michigan City, IN 46360 (Pine Township)

Zoning: RR, Rural Residential District

Acres: 5 +/-

Request: To allow an increase in accessory structure height from 20 feet to 24 feet for a proposed (40ft x 80ft) pole barn.

Aaron Bolton - 474 East 1500 North, Michigan City, presented. He needs a taller pole barn than what is allowed by code. He wants to build the pole barn for storage. He is 2,000 feet from the road. He is at least a quarter mile from the nearest neighbor.

Public Hearing

Seeing no one wishing to address the Board, Bob Gilliana declared the Public Hearing closed.

Discussion

Bob Gilliana – What will this be used for?

Aaron Bolton – His toys and a big boat.

Bob Gilliana – Where is it going on the property?

Aaron Bolton – There is one garage at the end of the gravel. There is a barn there now. That one is coming down. There in another one that is coming down also.

Kristy Marasco – We cannot issue a permit until one of the outbuildings comes down.

Aaron Bolton – He has turned in a request for a demolition permit.

MOTION: Bob Gilliana moved to approve case DV-2023-8. 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.

Case: DV-2023-9

Applicant: John T. Levrio

Location: 178 East U.S. Highway 6, Valparaiso, IN 46383 (Liberty Township)

Zoning: RR, Rural Residential District

Acres: 3.26 +/-

Request: To allow for a proposed (30ft x 40ft) pole barn to be built in the front yard and allow an increase in accessory structure height from 20 feet to 26 feet.

John Levrio - 178 East U.S. Highway 6, Valparaiso, presented. He was joined by his wife Cheryl. They have two properties. They recently purchased an additional 23 acres that surrounded their 1.3 acres. After they did that, a logging company came in and removed hardwood trees that were falling.

The area to the east of the driveway prompted the idea they could put a pole barn there. Topographically that is the only place a pole barn could be placed. They want an artistic area as a second floor. That raises it to 26 feet. When they remodel the house, they will match the roof line of the house and barn. The exterior will match of both buildings. He will store a tractor there and a play area for grandchildren. Realistically they cannot build anywhere else.

Public Hearing

Seeing no one wishing to address the Board, Bob Gilliana declared the Public Hearing closed.

Discussion

Bob Gilliana – There won't be any running water?

John Levrio – No.

Bob Gilliana – This is the only spot this can go. He does not see how it can be approved at that height.

Kristy Marasco – Have you looked into scissor truss?

John Levrio – After the building gets built, they will be lining the area with pines. This will be the smallest structure in the area.

Motion: Bob Gilliana moved to continue Case DV-2023-9 to the next meeting to give the petitioner time to talk to the contractor about lowering the height.

Case: DV-2023-6 – Continued from earlier in the meeting

Applicant: Ronald & Colette Brissette, c/o Atty. Robert A. Welsh

Location: 311 Mander Road, Valparaiso, IN 46383 (Jackson Township)

Zoning: RR, Rural Residential District

Acres: 9.84 +/-

Request: To allow for a proposed (3760 sq. ft.) pole barn to vary from the following:

- Placement: accessory structure shall not be placed in the front yard of any lot
- Appearance: the exterior finish and façade shall match or closely resemble primary structure
- Accessory Height: Code: 20 feet Request: 23 feet

Robert Welsh – They have discussed the situation and at this point they would like to have time to explore the ramifications of a relocation in terms of environmental matters, soil composition matters and that type of thing. If they came to an agreement, it would not matter if they could not build any way. He will notify the BZA staff when this is resolved on their part.

There being no further business, the meeting adjourned 2:10 p.m.

Bob Gilliana

Kristy Marasco, Planning & Zoning Manager