



**PORTER COUNTY BOARD OF ZONING APPEALS
HEARING OFFICER
April 8, 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
Kelly Cadwell

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

Minutes: Rick Burns moved to approve minutes of the February 25, 2021 meeting.

Correspondence: None

Old Business:

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'x80') 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.

Attorney Darren Medley presented. Also present was David Pullen Jr. He assured the Board the accessory structure is for storage only.

Discussion: Rick Burns stated at the last meeting it was decided the building would be 40' X 72'. Since the meeting the Petitioner has looked at scissor truss. He would like to stay with the request for 23' 5" height.

Motion: Rick Burns moved to approve Case DV-21-0004 contingent on the size being 40' X 72', the height at 23' 5" and personal use only. 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.

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. Continued: Hearing Officer to revisit site.

Timothy & Julie Huycke - 715 South Baums Ridge Road, Kouts, presented.

Discussion: Applicant has moved the building back 118' from where it was originally. This is as far back as he would like to move it. Any closer and he will be by the septic. It will be used for storage only.

Motion: Rick Burns moved to approve Case DV-21-0007 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.

New Business:

Case: DV-21-0002

Applicant: Daniel Roeske

Location: 487 West State Road 8, Hebron, IN 46341 (Boone Township)

Zoning: A1, General Agriculture District

Acres: 7.0 +/-

Request: To allow a reduction in side yard setback from the required 30ft to 20ft for a proposed 120'x60' (7200 sq ft) pole barn to be used for farm equipment.

Dan Roeske - 487 West State Road 8, Hebron, presented. He wants to put a barn next to the existing one. In Agriculture zoning it should be 30' but to make it look right and to be able to mow between the two buildings, he is requesting 20'.

Public Hearing

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

Discussion: This will be used for farm equipment storage.

Motion: Rick Burns moved to approve Case DV-21-0002 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.

Case: DV-21-0019

Applicant: East Porter County School Corp c/o Craig Kenworthy

Location: 299 South State Road 49, Valparaiso IN 46383 (Morgan Township)

Zoning: IN, Institutional District

Acres: 1.10 +/-

Request: To allow an LED sign to be closer than (100ft) from a residential area, to allow an increase in size to be at (46.4 sf) and to allow more than one message within a 24-hour period.

Craig Kenworthy, Facilities Manager for East Porter County Schools presented. Also present was Wendy, Director of Business Affairs for East Porter County Schools. They want to put an LED Light in so they can get messages out to the community a little better. It will be in the same place as the original sign.

Public Hearing

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

Discussion: Rick Burns asked how far this is from the service road. Craig Kenworthy replied 25'. They expect to have three messages a day. Rick Burns asked the Petitioner to talk to staff regarding the timing. No flashing will be allowed. Colors will be muted.

Motion: Rick Burns moved to approve Case DV-21-00019.

Case: DV-21-0017

Applicant: Michael Jones

Location: 406 East Tratebas Road, Valparaiso, IN 46383 (Jackson Township)

Zoning: RR, Rural Residential District

Acres: 3.0 +/-

Request: To allow for a new (40'x64') pole barn with a (12'x64') porch to vary from the following:

- To allow placement of pole barn to be in the front yard.
- To allow an increase in maximum floor area Allowed: 2,613 sq. ft. Request: 3,328 sq. ft.
- To allow an increase in structure height Allowed: 20 feet Request: 23ft 5 in

Michael Jones - 406 East Tratebas Road, Valparaiso, presented. This is for personal use storage. This is the only place the building can be placed. South of the house is all ravine. They have a camper that needs the extra height. The patio is for entertaining. The back yard is too small for this. The patio is what brings the square footage above what is allowed.

Public Hearing

Duane Lalonde -394 E Tratebas. He has lived there since 1974. He is not against this project. His concern is the watershed. A tremendous amount of water will get diverted off this roof. The ravine will divert the water through his property. Some of the vegetation has been removed from the property that would have helped with runoff. He would like to know if the County has restrictions on the amount of water flow.

Michael Jones replied he knows there will be water of the roof. He will divert it to the woods which will put it in the ravine. The water is going to come whether it is off the roof or off the grass.

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

Discussion: Rick Burns stated you get faster runoff from a roof. He asked if they need this big of a building. Michael Jones replied they have a 33' camper and expect to get a motor home. They have a three-year-old boy who will get into the dirt bikes and motor bikes. There is a lot to be stored. The septic is behind the house. The building cannot be pushed back any because there is a hill. They plan on putting trees along the front. Rick Burns stated he wants the engineer to look at the drainage. He asked Michael to look at the size. Kelly Cadwell discussed the driveway. The applicant replied they have deleted the driveway.

Motion: Rick Burns moved to continue Case DV-21-0017 for the County engineer to check drainage. He requested the applicant see if he can reduce the size of the building and show where he is putting landscaping.

Case: DV-21-0020

Applicant: Todd Gore Homes

Subdivision: Coventry

Location: 685 Friars Green, Valparaiso, IN 46385 (Portage Township)

Zoning: PUD, Planned Unit Development

Acres: 0.16 +/-

Request: To allow an increase in side and front yard setback for a constructed residence.

Todd Gore presented. His company built over the building line so they are here to comply. The front right corner of the garage was staked and the stake in the back right corner disappeared. He thinks everything got shifted.

Public Hearing

Jerone Blake - 683 Friars Green. His concern is the water runoff. He is on the right side of the applicant.

Todd Gore replied for the purpose of this meeting he does not feel this has any relevance. This is the first time he is hearing of any problem with drainage. Elevation was all checked with the County before they got the building permit.

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

Discussion: Rick Burns stated the original site plan looks like a totally different house than what was submitted with the application for a variance. Staff needs a new building application. Nothing matches with the original and what is actually there now. Kelly Cadwell requested a storm water review of the new application.

Motion: Rick Burns moved to continue Case DV-21-0020. The applicant is to submit a new building application. There will have to be a storm water review.

Case: DV-21-0021

Applicant: Valparaiso City Utilities

Location: 2101 Wesley Road, Valparaiso, IN 46383 (Center Township)

Zoning: IN, Institutional District

Acres: 4.74 +/-

Request: To allow for a new 2880 sq. ft. (72'x 40') pole barn to be placed over the 50' building line.

Bill Davies of Davies Land Surveying in Chesterton presented. Bob Garner was also present. The pole barn will be used for vehicle storage. The property is fenced in. Wesley Road is a private road. They are asking for the area in question to be viewed as the rear of the property and go from 50' to 20' from the lot line. There will be no new driveways. Drainage calculations have been prepared. There is a swale to the west of the building. Water will go to the south and west.

Public Hearing

Craig VanDyke – 4909 Aaron Road. His concern is water drainage. It appears the building will be 10'-15' from where all the water currently drains.

Mike Kelly – 490 Erin. They already have a lot of water problems.

Bill Davies responded saying when something like this is built drainage calculations have to be submitted to the County Engineer. The Engineer will review and make sure they are not creating issues.

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

Discussion: Rick Burns stated his concern is the drainage swale. He asked if the building can be moved to the east. There was discussion regarding how the water flows through the property. Rick Burns added the swale cannot be damaged during construction. The applicant agreed to move the building if that is the recommendation of the Engineer.

Motion: Rick Burns moved to approve Case DV-21-0021 contingent on the County Engineer reviewing. Also contingent on the applicant agreeing they will relocate the building if it is requested by the Engineer.

Case: DV-21-0022

Applicant: Gerald R. Abbett

Location: 211 South 75 East, Valparaiso, IN 46383 (Morgan Township)

Zoning: R1, Low Density Single-family Residential District

Acres: 5.07 +/-

Request: To allow an 8,436 sq. ft. (114'x74') pole barn to be over the maximum floor area allowed, for the height to be at 30'3", and for it to be placed within the front yard.

Gerald R. Abbett - 211 South 75 East, Valparaiso presented. He is in the process of combining two parcels. When this is approved his lot will be over 11 acres. The barn will be slightly in front of his house. This is the only location. To put it back further the septic is in the way. The building will be 27' from the lateral. He wants to have a court at one end for kids to play. Other than that, it will be used only for storage.

Public Hearing

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

Discussion: Rick Burns asked if he can move it back to 26' from the lateral. He would prefer not to because of the slope of the ground and the access. Aesthetically he feels it will look better. His neighbors building is 164' X 104'. He needs the length for storage and the width for the volleyball/basketball court. His driveway is .6 miles long. The neighbors all support this project.

Motion: Rick Burns moved to approve Case DV-21-0022 contingent on Petitioner signing a Written Commitment letter stating no business is allowed to be run out of the building. No events can be held. It is for family only. 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.

Case: DV-21-0023

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:

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

Bill Davies, Davies Land Surveying in Chesterton presented. Also present was Anthony Cunningham Jr. Anthony lives on Lot A. This was a minor subdivision which was done a number of years ago with three lots. All property owners are family. They just vacated a portion of the no access easement north of Lot 2 to allow for a driveway. Most of the variances deal with the existing dwelling. The trailer and shed will be removed prior to any construction on Lot 3B.

Public Hearing

Anthony Cunningham Sr. – 153 East Tratebas. His Dad still spends time on this property. He does not want to see the property sold.

Christen Cunningham – 879 North Calumet Avenue. Her family wants to move away. To do this they decided to split the property so it stays in the family.

Jane Herold - 901 N. Calumet. She is concerned that not adhering to Ordinances creates a slippery slope. The next person that comes in will want the same thing. She wants the area to stay rural. They put the house up before checking.

Bob Cunningham – right next door. Part of the family. He received a letter in February regarding this matter and received the exact same letter this past Saturday. He was against this before. The surveyor said he would contact him but has not. He has no reason to not be against it now. Rick Burns stated at the last meeting the applicant was going to put the driveway on his property. Now they are not. Bob Cunningham said they should have told him. Rick Burns said the Plan Commission office would have given him the information he needed.

Bill Davies explained they originally were here because there was an existing driveway that had been there for years. They have changed access with a proposed driveway that is 200' north of Bob Cunningham's property. The proposed Lot 3A is approximately 3 acres. They are keeping with the spirit of the area. The proposed Lot 3B is buildable and is almost 6 acres. It has a pipeline running through it. Most of the variances have to do with the existing building.

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

Discussion: Rick Burns asked if this will be three building sites. Anthony Cunningham replied there are three dwellings now and they will be creating another property to the north. The reason they are doing this is to sell his house the legal way and to keep the majority of the property, which was originally his grandfathers, in the family name. He has no intention of building.

Jane Herold 901 N. Calumet – the new lot will have all of the restrictions. Bill Davies replied in order to split the property you have to look at both properties. He showed on the plan where each variance is needed and what it will affect. Kelly Cadwell asked if they are asking to reduce the lot size. Bill Davies replied they are within the requirements and no variance is required. Rick Burns stated if this is approved, the existing driveway will have to be removed. Bill Davies replied it is not on the applicant's property. Anthony Cunningham added this is used by family and there is an agreement. Kelly Cadwell reminded the applicant this still has to have primary and secondary plat review.

Motion: Rick Burns moved to approve Case DV-21-0023 contingent on no further subdividing and still has to go through review for primary and secondary plat.

There being no further business, the meeting adjourned 2:21 p.m.

Rick Burns, Hearing Officer

Kristy Marasco, Assistant Director