



**PORTER COUNTY BOARD OF ZONING APPEALS
HEARING OFFICER
April 28, 2022 – 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
Monica Gee

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

Approval of Minutes:

Motion: Rick Burns moved to approve the minutes of the February 24, 2022 meeting.

Old Business

Case: DV- 21-0053

Applicant: Donald E. Underwood

Location: 822 North 75 West, Valparaiso, IN 46385 (Liberty Township)

Zoning: RR, Rural Residential District

Acres: 10.5

Request: Motion to deny, Petitioner stated home & pole barn will be built within the same time frame.

Motion: Rick Burns moved to deny Case DV-21-0053.

Case: DV- 22-0012

Applicant: 940 N. 50 W. Trust/FFF, LLC

Location: 940 N. 50 W. Chesterton, IN 46304 (Liberty Township)

Zoning: RR, Rural Residential District

Acres: 17.96

Request: Motion to deny. Petitioner changed building plans; height variance no longer needed.

Motion: Rick Burns moved to deny Case DV-22-0012.

Case: DV-22-0011

Applicant: Kristopher & Kimberly Rushmore

Location: 118 West 350 South, Valparaiso, IN 46385 (Porter Township)

Zoning: A1, General Agriculture District

Acres: 36.93

Request: To allow for a proposed pole barn to be built without a primary structure with an increase in maximum height from 20ft to 33ft to the peak.

Kristopher & Kimberly Rushmore - 118 West 350 South, Valparaiso, presented. They want to put up a barn to get his farm equipment in so he can work on it.

Discussion: They live in the farmhouse. A house will not be built on the farmland. In front of the barn will be a pasture for cows and horses. Rick Burns asked why they did not combine the parcels.

Kristopher explained this is the way they bought it. He has no problem with combining it. Rick Burns suggested they should combine. It appears there never will be a home on the property. He does not see the hardship. They could change the location or combine the parcels.

The County does not allow an accessory structure without a primary structure. They own three parcels and are in the process of buying the fourth. They are getting four recycle fees and four storm water fees. If they combined they would only pay for one. Also they would not have the issue of accessory structure before the house.

They still have the issue of height. Rick Burns stated this is a big barn. Petitioners explained they collect antique tractors and need room for animals. The front which is marked office is going to be a tac room for the kids. The back half will be a workshop. Rick Burns explained if they move forward, he will need an inside plan showing what will be in the barn. Code on the height is 20'. They were asked to see if they can get the height lower. Rick stated his opinion that the existing barn is very unsafe. Petitioner stated as they get the new barn, they may not need the old one.

Motion: Rick Burns moved to continue Case DV-22-0011 to the next meeting.

Case: DV- 22-0014

Applicant: Dennis & Joyce Steinhilber

Location: 85 East State Road 8, Kouts, IN 46347 (Pleasant Township)

Zoning: A1, General Agriculture District

Acres: 60

Request: To allow for a proposed 36'x 48' (1,728 sqft) pole barn to be built in the front yard with the maximum height being increase from 20' to 23'4".

Dennis Steinhilber - 85 East State Road 8, Kouts, presented. He needs a place to put his farm equipment. He does not have room behind his house because there are woods there.

Motion: Rick Burns moved to approve Case DV-22-0014 with the understanding it be used only for farming equipment. 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.

New Business:

Case: DV- 22-0017

Applicant: Terence & Paula Miller

Location: 149 West 625 North, Valparaiso, IN 46385 (Liberty Township)

Zoning: RR, Rural Residential District

Acres: 10

Request: To allow an increase in maximum accessory structure height from 20' to 22'10" for a proposed 48'x 96' (4,608 sq. ft.) pole barn.

Terence Miller - 149 West 625 North, Valparaiso, presented. The height requirement is based on the size. They were looking at a 4/12 pitch but they changed it to a 5/12. The house has a 10/12. Even the 4/12 it was slightly over 20'. They will use this to store a utility tractor, corvette, hustler lawn mower, 4 wheelers. He wants enough space so he does not have to move anything to get anything out. They have plans to purchase a few other recreational items that will be put in there.

Public Hearing

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

Discussion: Rick Burns asked if this project was approved in 2016. Terence replied that was a different project that they decided not to move forward with. That request was in front on the property and this is in back. It is a completely different design. The location of this proposed building is at least 800' off the road. They would like to put in a small bathroom and connect it to their septic. Rick Burns explained he never approves pole barns with a bathroom. They are always worried about a living quarters going in the building. Terence stated he wants the bathroom for convenience. He wants water to be able to wash dogs and do that type of thing. With repairing machinery, a place to wash hands would be needed. Rick replied he could get a spicket but not a working bathroom.

Motion: Rick Burns moved to approve Case DV-22-0017 with the understanding it is to be used for personal storage only. No bathroom. 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- 22-0018

Applicant: Robert & Jennifer Huffmaster

Location: 864 Whitestone Drive, Valparaiso, IN 46383 (Jackson Township)

Zoning: RR, Rural Residential District

Acres: 1.2

Request: To allow for a proposed 40' x 64' (2,560 sq. ft.) pole barn to exceed the maximum floor area and for the height to be increased from 20' to 21' 8 1/8", to be used for personal storage.

Robert Huffmaster - 864 Whitestone Drive, Valparaiso, presented. He wants to clean up his property. He needs the height for his motor home.

Public Hearing

Mark Muszynski – 860 Whitestone Drive. This is an excessive footprint. This is like building another home on the property. There is not an HOA but there is a covenant. You are not supposed to have a motor home in the subdivision. He already has water issues. He was advised to file a complaint with storm water so someone can come out and look at it.

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

Discussion: Robert Huffmaster advised they had planned on moving. With the market the way it is now, they have decided to wait.

Rick Burns stated this is very large. It is almost 1,900 sq ft over. Robert explained it is because of his motor home. Rick added it does not fit the area. He could live with the height but it is too big. If he wants to move forward, he needs to come back with new plans.

Motion: Rick Burns moved to continue Case DV-22-0018 to the next meeting.

Case: DV- 22-0019

Applicant: Peter Jarosak

Location: 621 South 300 West, Hebron, IN 465341 (Boone Township)

Zoning: A1, General Agriculture District

Acres: 12

Request: To allow for a proposed 42' x 80' (3,360 sqft) pole barn to exceed the maximum floor area and exceed the maximum number of accessory structures. The pole barn is for personal storage.

Ken Stockman – 279 West State Road 8, Hebron, presented on behalf of Peter Jarosak. Peter has a riding arena in the current pole barn. All of his equipment is in there too. He would like to move the equipment to another building. He has torn some of the outbuildings down. He wants to bring his grandkids to the arena. He has a barn that was built in in the 1900s where he used to keep animals. He is keeping them in other states now but would bring them back if he got this new building up.

Public Hearing

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

Discussion: Rick Burns stated the place is kept very neat. He did not see any animals or anything. Ken replied he moves the animals back every once in a while. The pond on the property is his also. Rick Burns asked why so large? Ken replied he has a lot of equipment. Rick Burns questioned that the building will be used for personal storage. Ken replied just for equipment.

Motion: Rick Burns moved to approve with the understanding no bathroom and the only use is storage of personal items or equipment. 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- 21-0078

Applicant: Matt Boler c/o David Tiemens w/Tiemens Land Surveyor, Inc.

Project: Frank Wolf Minor Subdivision (Replat of Lot 1 in Porter Minor 0342-D-1)

Location: 181 South 675 West, Hebron, IN 46341 (Porter Township)

Zoning: RR, Rural Residential District

Acres: 15.15

Request: To allow for a replat of Porter Minor Subdivision 342-D-1, requesting one (1) additional buildable lot for a total of (3 lots), to vary from the following:

- To allow existing accessory structure(s) to remain on Lot 3 without primary a structure;
- To allow more than (3) existing accessory structures on Lot 3;
- To eliminate hammerhead turnaround on private road;
- Private road to be less than 16' wide & less than 8" deep;

- To allow a reduction in road frontage for Lot 1;
- To eliminate street tree planting;
- To allow an existing fence & wall to remain in the right-of-way for Lots 2 & 3;
- To allow an existing accessory structure to remain on lot 2,
located in front of the primary structure
and a reduction in side yard setback

David Tiemens – 220 Third Court DeMotte and Jeff Gunickson, 764 Willow Street, Itasca IL presented. They are going for a minor subdivision with three lots. In 2000 they did a minor subdivision for what is the old lot 1 on the east side. That is just one acre. They want to replat the new Lot 1. They built a private roadway back to CR 675. All the buildings shown have been there since 2000. There are three siblings. They are trying to divide this up into three parcels – one for each sibling.

Public Hearing

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

Discussion: Rick Burns clarified that on Lot 2 there is an existing house. All the structures are staying. The only possible change would be on Lot 3 a house could be built. If approved, when this is split up the barn and house will be separated. They are platting a 30' ingress/egress drainage utility easement over Lot 2 so the driveway could come from either location for Lot 3 in the future.

Motion: Rick Burns moved to approve Case DV-21-0078.

There being no further business, the meeting adjourned at 1:54 p.m.

Rick Burns

Kristy Marasco, Assistant Director