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**PORTER COUNTY BOARD OF ZONING APPEALS  
HEARING OFFICER  
May 16, 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, Monica Gee, and Kelly Cadwell.

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

**Approval of Minutes**

**MOTION:** Rick Burns moved to approve minutes from the January 26, 2023 meeting.

**Correspondence** – None. Justin Hansen has requested that his case be moved to the end of the Agenda.

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**Old Business**

**Case: DV-2023-9 (Continued)**

**Applicant:** John T. Levrio

**Location:** 178 East U.S. Highway 6, Valparaiso, IN 46360 (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 20ft. to 26ft.

John T. Levrio - 178 East U.S. Highway 6, Valparaiso, presented. He has changed the roof style and it is now 22'. He is storing vehicles and yard equipment. It cannot be moved closer to the house. The drop off prevents it.

**MOTION:** Rick Burns moved to approve Case DV-2023-9 at the height of 22' and 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.

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**New Business:**

**Case: DV-2023-5**

**Applicant:** Paul C. Edmonds, Jr.

**Location:** 792 North Calumet Avenue, Valparaiso, IN 46383 (Liberty Township)

**Zoning:** CH, High Intensity Commercial District

**Acres:** 6

**Request:** To continue the Use Variance allowing for a temporary mobile home to be used for a family member.

Bill Ferngren – 570 Vale Park Road, Valparaiso, presented. He was joined by Paul Edmonds. He sent notice to 22 property owners. He has turned in all the return receipt cards. One did come back undeliverable. Mr. Edmonds owns the property. Bill Ferngren gave the history of this request. There had been three units on the property. Mr. Edmonds wanted to put a newer unit on the property. After it was there, it was determined he needed a variance. The initial occupant was his mother. A son was there also and is no longer there. His brother Terry is there now. He is 65 years old and works for Mr. Edmonds in his tree service. Pursuant to the terms of the variance neither the mother or son occupy the property. They would like to continue to use the property. He checks on the property every year. Everything looks fine to him. At some point in time, it will be more difficult for a family member to be there. He would like to explore a more permanent solution soon.

### **Public Hearing**

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

### **Discussion**

Rick Burns – Last year it was the grandson and his wife that lived there. They were building a new house and when they moved out the trailer would be removed. Now they are gone and someone else is living in it.

Bill Ferngren – That is all true. Initially that was the intent. It is getting harder to limit that to a relative. It is time to have a more substantial unit there. This property is better than when he first started. He thinks it would be fair and appropriate to attach a commitment to make the unit more permanent. The other units are fine. There have been no issues there.

Kristy Marasco – If you want to be a permanent residential you should go for a rezone.

Bill Ferngren – We talked about that years ago. We can continue that discussion. It seems excessive having to come back here year after year and it should be a more permanent fixture. There are three homes on the parcel that have been there for a long time.

Paul Edmonds – He is planning to put a modular home on the property and get rid of the trailer. He plans to do this within the next two or three years.

Rick Burns – He asked for a commitment of how long it will take. He feels one year is adequate.

Bill Ferngren – He is fine with that.

**MOTION:** Rick Burns moved to approve Case UV-2023-5 for one year contingent on the commitment to have the trailer removed within one year and plans to move ahead with rezoning.

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### **Case: DV-2023-12**

**Applicant:** Eugene R Jr. & Melanie Yagelski

**Location:** 521 North Old State Road 2, Valparaiso, IN 46383 (Washington Township)

**Zoning:** A1, General Agriculture District

**Acres:** 10.91

**Request:** To allow a proposed (36ft x 40ft) pole barn to be built in the front yard with a height increase from the allowed 20ft to 23ft, to be used for personal storage.

Eugene R Jr. & Melanie Yagelski - 521 North Old State Road 2, Valparaiso, presented. This is the only place to put this on the property.

### **Public Hearing**

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

## Discussion

Rick Burns – There is a shed. What is that used for?

Eugene Yagelski – Lawn equipment, cars, boats. Just storage. The drop off is about 15'. On the back side it is about 20'.

Rick Burns – Why the height?

Eugene Yagelski – He is trying to match the pitch of the house. They are going with the same color roof and dormers.

Melanie Yagelski – We also wanted a higher garage door. They are 900' off the road.

**MOTION:** Rick Burns moved to approve Case DV-2023-12 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.

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## Case: DV-2023-13

**Applicant:** Three Brook Farms LLC, c/o Chuck Leuck

**Location:** 95 South Smoke Road, Valparaiso IN 46383 (Morgan Township)

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

**Acres:** 18.95

**Request:** To allow a reduction in lot width for a proposed (4) lot minor subdivision.

Chuck Leuck - 95 South Smoke Road, Valparaiso, presented. They have been following everything the County wants. They lowered the entrance to grade and improved all of the site lines.

## Public Hearing

Greg Palmer – 102 Smoke Road. He has several issues. The driveway that has been cut in was an easement originally for access to the two properties to the north of him. His property was his grandparents. It has been in his family for 54 years. He took over the property because he did not want to see it go to someone else. This has been farmland and now a subdivision is being forced on him. They already speed on Smoke Road. There is still a line of site issue. The neighbor to the east of the driveway now has standing water. There is an REMC transformer that sits there. There will be increased dangers in the winter with the additional driveway. Construction equipment has already completely blocked Smoke Road. DOT showed up and made them move. With the past history of what this developer has done, he does not want to look at it.

Chuck Leuck – The engineering firm did a site line analysis on the property as part of their work for the County. They have addressed that issue.

Rick Burns – What about the drainage?

Chuck Leuck – The drainage should be better. The grade coming down to Smoke Road now is less than 8%. The water runoff of the property now is less than when he bought it.

Greg Palmer – 102 Smoke Road. He disagrees the drainage is better. The neighbor has standing water now. The way the easement has been cut down, the neighbor to the north has deeded access and because it has been cut down the way it has, there is almost a 4' drop off. That is a safety concern.

Chuck Leuck – With regard to the property directly north of the easement, they have improved access to his property. They have cut a driveway into his house and a garage area. It is easier for him to get in and out of the property than it was prior to putting the road in.

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

## Discussion

Rick Burns – His concern is the elevation of the property to the north. It is high. There are trees.

Kristy Marasco – The drainage is still in review.

Rick Burns – The road would have to be wider and have blisters. He sees it being unsafe on Smoke Road. The traffic is heavy and fast. He doesn't understand the layout.

Ron O'Connor – 36 South Sager Road. There is one entrance that comes in. It is over 20' wide now. Abonmarche has indicated that code is 16' wide. They are under the 8% slope. Abonmarche has also done a site line study that exceeded the site line of their guidelines. The driveway goes straight back to get to two lots. The other one comes off the main drive. They have worked there for over a year and not had any issues. DOT was there the other day but that was to help with traffic control during loading of the equipment.

Rick Burns – He thinks ingress and egress is going to be a problem. You have to get two cars in there with some type of blister. You have the high elevation to the north and trees. He also has an issue with all of the driveways. It looks like a spaghetti subdivision. It is not organized.

Chuck Leuck – He bought these 19 acres almost two years ago with the intent of selling one lot to his brother who was going to build on the property. When he was going through the process Abonmarche advised him if he was going to get a variance for one lot he may as well do multiple lots because of the process he was going through. All he wants to do is sell one lot to his brother. We can configure it any way you want.

Rick Burns – You have too many lots here. He will approve one more lot if he helps with the visibility issue. Drainage will come later. He is not allowed to increase drainage on the property. He can live with two lots – the existing house and one more. It has to go through Planning regarding the drive. He is going to have the County Highway look at the site line.

Rich Hudson – There is a standard when you get into minor submissions you have to allow for a car coming in and going out to pass at the same time. Cutting down to two lots impacts that. The calculations do check out but not back in where a person is sitting in a car looking north. He wants to see this go but it has to be safely.

Chuck Leuck – Are there any restrictions on the size of the lot?

Kristy Marasco – It has to be at least one acre.

**MOTION:** Rick Burns moved to table Case DV-2023-13 with the understanding when they come back the proposal will be the existing lot and one additional lot. They will have a proposal to improve the site line.

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**Case: DV-2023-15**

**Applicant: Jason Gast**

**Location:** 220 West & 700 North, Valparaiso, IN 46385 (Liberty Township)

**Zoning:** RR, Rural Residential District

**Acres:** 6

**Request:** To allow a (1224 sq ft.) addition to an existing pole barn located in the front yard to be used for personal storage.

Jason Gast - 220 West & 700 North, Valparaiso, presented. He has an existing garage and wants to add on to it for additional storage of vehicles and toys.

**Public Hearing**

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

**Discussion**

Rick Burns – He does not see a hardship.

Jason Gast – On the north side there is a well line that comes in to the back side of the house.

Rick Burns – He could put a jacket on that. He has the space. This is an addition and it will be huge.

Jason Gast – There already is a building there. It is just going to be expanded. The driveway only has to go to that side instead of having to build it around to the back. All the doors to his house are on the front

side. If he puts it in the back, he has to build a drive to the back and then park his vehicle and walk to the front.

Rick Burns – That is not a hardship.

Jason Gast – Between the house and pool is where the septic is. The laterals run south of the house. On the west side of the pool is only 30' to the edge of the pond. To the east of the garage is goes under the tree line and he is not sure where he would put it.

Rick Burns – He showed him possibilities.

Jason Gast – He wants a place where vehicles will not have to be outside. The addition will be 34' X 36. This gives him a double door for vehicles and a single door for his tractor that he uses to maintain the property. You saw the red domed building he has there now. That has two tractors, push mower, rototiller, wheel barrel.

Rick Burns – That fits in the back yard. The existing building is huge. It almost looks like a house.

Jason Gast – It is on a slab in the front and then on floor joists in the back.

Stanley Gast – 394 W 300 S Valparaiso. That building is built like a pole barn but finished to look like a garage. They built it on 8' centers and poured floors. It does not have a foundation.

Rick Burns – What is the size of that existing structure?

Jason Gast – It is 20' deep by 48'. As it is now, I can park the tractor and one vehicle. The car my wife drives and my truck do not fit.

Rick Burns – Can you downsize the addition?

Jason Gast - I would like to have space to park vehicles and then a third as a long-term project. Directly behind the house is where we let the dogs out. The southeast corner is where the air conditioning is and the gas comes into the house. They are 375' off the street.

Rick Burns – It is difficult for people to come here and get one building in the front yard. You are asking to have two. If you didn't have space or a ravine or something he could look at it.

**MOTION: Rick Burns moved to deny Case DV-2023-15.**

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**Case: DV-2023-16**

**Applicant: Louis Suffern**

**Location:** 5308 2nd Avenue, Valparaiso, IN 46383 (Center Township)

**Zoning:** RL, Residential Lake District

**Acres:** 0.179

**Request:** To allow a (22ft x 22ft) detached garage to be built in the front yard.

Louis Suffern - 5308 2nd Avenue, Valparaiso, presented.

Rick Burns – Why do you want it in the front yard?

Louis Suffern – There is no space to build it in the back or side.

**Public Hearing**

Dennis Jorgensen – 5402 2<sup>nd</sup> Avenue. Putting up the garage blocks his view to the lake. It is close out there now. There is no room for a garage. It will be sticking out too close to the street.

Bearcat – the contractor. This is the only place to put it. He can't move it back towards the house because he has two large trees there. One is being taken down. This is in line with the neighbor's view of the lake. He barely has a view now. With this tree down he will have a better view.

Louis Suffern – The garage does not block his view. It is parallel with his garage. All he is asking for is a garage like he has.

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

**Discussion**

Rick Burns – Have you checked the side yard setback?

Bearcat – We have it set at 10’. Their property line is 1.5’ on the other side of the fence. They have more property than what is shown because the neighbor’s fence is encroaching 1.5’ over.

Louis Suffern – That distance is 10’.

Kelly Cadwell – Basically you have two front yards and both of those lines would be a 20’ setback in RL.

Rick Burns – Every lot out there cannot accept a garage because the lots are so small. You might be one of those property owners that it will be tough to get a garage in. There is no way he is going to accept this sticking out so far. It is sticking out 3’ further than the neighbor.

Louis Suffern – The reason for that was so the neighbor’s view was not blocked.

Rick Burn – He is not sure how he will get a car in there. It sticks out so far and the road is so narrow.

Louis Suffern – My neighbors have garages.

Rick Burns – Your neighbor has a garage. You are 3’ up from what he is.

Louis Suffern – I can move that closer to my house but then I will block the neighbor’s view.

Dennis Jorgensen – 5402 2<sup>nd</sup> Avenue. He owns the property right across from the garage and the property next to that. It is so tight in there now. To have more buildings is going to ruin it. He has a garage in his front yard. His property across the street has no garage. The one he owns next to that has a garage but it is set back from the street.

Kelly Cadwell – They are here for front yard setback. But they also have to have the 20’ setback. He has three front yards and he has to be 20’ on all three. He has advertised for front yard placement only. It is conceivable he might have to come back to make sure he has the 20’ or get a reduction.

Kristy Marasco – It does not say anything on the application about setback. It just says front yard placement.

Kelly Cadwell – She recommends having a plat of survey done so he knows exactly where he is at and how he fits on his lot.

Louis Suffern – His builder put the markers out for Rick’s inspection. There is a plat of survey. He was told in the office that he had to be 10’.

Kristy Marasco – That is for side yard. You have three front yards which are 20’.

Kelly Cadwell – The survey is from Bill Tanke. He has been dead for many years. This survey is very old.

Kristy Marasco – If you get a survey and you need a variance for the setback, let us know so they can revise the Notice to include that. You want to cover all your bases so you don’t have to pay for another application.

**MOTION:** Rick Burns moved to table Case DV-2023-16 to get answers to the setbacks.

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**Case: DV-2023-14**

**Applicant: Justin Hansen**

**Location:** 526 South 250 West, Valparaiso, IN 46385 (Porter Township)

**Zoning:** A1, General Agriculture District

**Acres:** 1.52

**Request:** To allow an increase in maximum floor area for a proposed (36ft x 48) pole barn with a (10ft x 48ft) covered porch. Allowed: 1324 sq ft Request: 2208 sq ft. (over by:884 sq ft)

Justin Hansen - 526 South 250 West, Valparaiso, presented. Next to the proposed barn is an inground pool. Of the overage 480 sq ft is porch. The porch will allow for protection from the sun. There are no trees on the property to offer protection from the sun. The barn will allow for personal property storage. Truck, camper, golf cart, lawn mower, utility trailer and a boat in the future and pool supplies, pump and heater. His work truck is provided to him as a police officer. He does crime scenes. His vehicle has over \$130,000 worth of equipment in it. He would like this to be out of the elements.

### **Public Hearing**

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

**Discussion**

Rick Burns – There are other pole barns in the area.

Justin Hansen – His proposed building will be smaller than his neighbors.

Rick Burns – Basically it is just the porch that is over.

Kelly Cadwell – He appears to meet all the setback.

**MOTION:** Rick Burns moved to approve Case DV-20-23-14 as submitted, 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.

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**Public Comment**

There was discussion regarding how Case DV-2023-13 got the address of 95. Kelly Cadwell advised it is being worked on with the minor subdivision and will be fixed through that process.

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There being no further business, the meeting adjourned at 3:12 p.m.

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Rick Burns

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Kristy Marasco, Planning & Zoning Manager