



**PORTER COUNTY BOARD OF ZONING APPEALS
HEARING OFFICER
June 6, 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
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 October 27, 2022 meeting.

Correspondence - Case DV-2023-20 received a favorable letter from neighbor Brimhill.

New Business:

Case: DV-2023-18

Applicant: Richard Shyne, c/o Curtis Hayman w/Milmar Buildings

Location: 300 South, Valparaiso, IN 46385 (Porter Township)

Zoning: A1, General Agriculture District

Acres: 10

Request: To allow an accessory structure prior to a primary structure being built.

Richard Shyne - 502 Stoney Ridge Court, Valparaiso, presented. They currently live in a zero-lot line home. They bought this 10 acres and plan to use it as a hobby farm. He would like a small pole barn for storing a tractor, mower and other implements to take care of the property. The intention is to put the pole barn in the back next to trees. They intend to continue living where they live and not build a primary house on this property.

Public Hearing

Cassandra Dworchak – 375 West 300 South, Valparaiso. She asked if a farm stand would be opened there or if they would run a business there? Or will it stay strictly as a hobby farm.

Mel Cagle – 311 S 350W – If it is a hobby farm they need a septic and well. The last people who wanted to build on the property could not pass a perk test.

Richard Shyne – He has zero intention of running a farm stand. It is purely for private use. He does not plan on putting any water or septic on the property. It is just for his kids to run around and plant native grasses.

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

Discussion

Rick Burns – Where do you live now.

Richard Shyne – About 9 minutes up the road in Shorewood Forest.

Rick Burns – You are not going to build a house?

Richard Shyne – He is happy and the kids like the school district.

Rick Burns – Did you buy the property already?

Richard Shyne – Yes.

Rick Burns – This is really what we don't want in Porter County.

Richard Shyne – He would be happy to sign any affidavit that they will never live there. They will never do commerce out of the building. The plans are for a nice-looking building and house implements that will allow him to maintain the property.

Jennifer Shyne - 502 Stoney Ridge Court, Valparaiso – They just want to be able to secure things if they are going to invest in nice equipment.

Rick Burns – Even if you want to build, a neighbor says you will never be able to put a septic on the property.

Jennifer Shyne – She went to the Health Department and asked if a permit had ever been pulled or if there were any notes negatively affecting this property. They wanted to be able to sell it in the future to someone who would want to build. They said no one had asked about this property and the soil plotting they had done during the purchase looked adequate and he had never received a proposal for such work on the property.

Rick Burns – Has it ever been tested.

Richard Shyne – When we bought the property there was a septic drawing on it. The County did the drawing but a permit was never pulled. The drawing showed a drain field in the front and then a line running through the trees all the way to the back of the property.

Rick Burns – He likes the intentions. But he cannot approve having a pole barn with no residence.

MOTION: Rick Burns moved to deny Case DV-2023-18.

Case: DV-2023-19

Applicant: Shaun Relyea, c/o Curtis Hayman w/Milmar Buildings

Location: 2958 Woodbine Drive, Valparaiso, IN 46383 (Center Township)

Zoning: R1, Low Density Single-family Residential District

Acres: 1.93

Request: To allow a (30ft x 40ft) accessory structure to be built in the front yard.

Shaun Relyea, c/o Curtis Hayman w/Milmar Buildings - 2958 Woodbine Drive, Valparaiso, presented. His lot is a corner lot. He has two front yards. They want to leave all the trees intact. The siding will match the house. It faces the same direction as the house. It will be a hobby shop and storage.

Public Hearing

Ron Crowe – 1602 Woodbine Drive. They do not have an HOA but they do have covenants. There is not 50' to the curb it is more like 30'. There is a wetland in the backyard. He put a fence up without permission. All the neighbors signed a petition they do not want the pole barn. Everyone has put a lot of money into their property and they do not want a plain pole barn.

Laureen Carlson – 2957 Woodbine. She is envisioning a fully enclosed structure that looks like the house. Is that accurate.

Mr. Claysen - 2959 Woodbine – He would like more information. Is it going to have a house roof or a pole barn roof? If it is a pole barn, they do not have them in their area. He does not think it will fit in the location shown. There is a heavy tree line. Where will the drive come in?

The contractors that come park in front of his house, they dirty up the street and then leave. If it does pass, make sure they clean up their mess.

Robert Hager - 1505 Meadow Glen Drive. The whole neighborhood is a residential area. There is not a single pole barn in the whole area.

Ms. Jones – 3059 Woodbine Drive. When she moved in, she knew the standards of the neighborhood. She does not feel pole barns are aesthetically in line with the neighborhood. This is opening a can of worms. The covenants are in place until 2025.

Lisa Driver – 1006 Domkey Drive. The lower density neighborhood means there are kids, dogs and a lot more. This pole barn has the potential to be used commercially. Changing the driveway would lead to a blind spot. The potential for increased traffic would ruin the neighborhood.

Rebuttal from Petitioner

Shaun Relyea – 2958 Woodbine Drive – He doesn't want a standard pole barn either. The drawing only allows so many options in the 3-D program. The siding will be the same as the house. The roof will be a normal roof and will match the home. The driveway will run right in line with the current driveway.

Curtis Hayman with Milman Buildings – They are limited on the drawings with the siding look. They provide the type of siding being asked for. It will match the house. He can get samples if they would like to see them.

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

Discussion

Rick Burns – The County does not get involved with covenants. He has driven the neighborhood. There are no other pole barns out there. This does not fit the neighborhood. He could build a detached garage like the neighbors.

MOTION: Rick Burns moved to deny Case DV-2023-19.

Case: DV-2023-20

Applicant: Joshua Skalka

Location: 258 South SR 2, Hebron, IN 46341 (Porter Township)

Zoning: RR, Rural Residential District

Acres: 1.8

Request: To allow an increase in maximum floor area and for height to be increased from 20ft to 24ft for a proposed (40ft x 56ft) accessory structure. The overage is 770 sq ft.

Joshua Skalka - 258 South SR 2, Hebron, presented. He has a 16' trailer an old car, a 30' goose neck followed by a custom truck with 13 10 stacks on it. He is trying to keep them out of the driveway and not look so cluttered. He has no intentions of running a business.

Public Hearing

Rick Burns – He has a letter from the neighbor -Brimhill - behind the property that is in favor of the project.

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

Discussion

Rick Burns – It looks like all of the equipment is a trucking business.

Joshua Skalka – I am not running a business. The goose neck is there because he does demolition derbies. That is how he hauls cars. The semi is one that he inherited.

Rick Burns – This is very large. Can you make it smaller?

Joshua Skalka – He could drop the walls from 16’ to 14’. He could shrink the square foot down some.

Rick Burns – Look at scissor truss. You might be able to lower the height.

MOTION: Rick Burns moved to continue Case DV-2023-20 to the next meeting. Before then Petitioner will send revised plans for the height and square foot area.

Kelly Cadwell – It is imperative that you do not put in a new driveway without a permit. That is applied for through INDOT.

Rick Burns – He will have the Highway Department take a look at this also.

Case: DV-2023-21

Applicant: C.R. England c/o Andrew Carlino

Location: Juniper Highway 6, Valparaiso, IN 46385 (Portage Township)

Zoning: I3, Heavy industrial District

Acres: 15.28

Request: To allow a reduction in front yard and side yard setbacks for existing buildings.

Andrew Carlino – CR England, 361 US Highway 6, presented. When the property was bought the buildings were already there.

John Hannon Great Lakes Engineering 6084 Lute Road, Portage, also presented. CR England has taken over the property and cleaned it up. The site plan is to get a permit to put in a 2,000 sq ft office building. They are going to separate the parking for cars from the trucks. They are putting in full storm water management for the property. They are working with the Planning Department. They have two existing buildings. They need a front yard setback along Juniper and a side yard setback along the south side. Granting this variance will allow the owner to move forward with significant improvements and investment in the property.

Public Hearing

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

Discussion

Rick Burns – Are they going to remove one of the buildings.

John Hannon – Yes. It is gone already.

Rick Burns – It will be the same type of facility?

John Hannon – Yes. They are moving the classrooms to the new building. There are no maintenance repairs on the property.

MOTION: Rick Burns moved to approve Case DV-2023-21.

Case: DV-2023-22

Applicant: Brooke Scherrbaum

Location: 69 West 900 South, Kouts, IN 46347 (Pleasant Township)

Zoning: A1, General Agriculture District

Acres: 1.13

Request: To allow a (40’x 50’) pole barn to vary from the following:

- Maximum Floor Area Allowed: 1,300 sqft Proposed: 2,000 sqft
- Height Allowed: 20 ft Proposed: 20.4 ft
- Setbacks

Brooke Scherrbaum - 69 West 900 South, Kouts, presented. The building will be used for storage and parking a truck.

Public Hearing

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

Discussion

Rick Burns – Does it need to be that big?

Eric Scherrbaum - 69 West 900 South, Kouts. He is going for that size because the house is only 1270 sq ft. He cannot park in the garage. It is full of storage. Sheds are full of storage. The front of the proposed building will be storage. The back portion will be his area.

Rick Burns – What size is the neighbors pole barn? It is large. He will not approve this unless it is downsized.

Eric Scherrbaum – This is the forever home and he wants a nice place for storage.

Brooke Scherrbaum – How much are you wanting it knocked down?

Rick Burns – Can you live with 32’ X 48’? What are you going to put in there?

Eric Scherrbaum – He has a truck. Lawn mower and yard tools, an older car when he is able to buy it.

Rick Burns – He will approve 34’ X 48’ with no business. Both sheds will be removed. They need to look at the setbacks. He feels they can bump it over a little. They need to be 10’ back from the laterals. He will approve contingent on Rick coming out and looking at the probe to see where the laterals are. A new drawing should be provided to staff. The larger shed can stay up until the new one is built. It will be removed within 30 days of receiving the CO.

MOTION: Rick Burns moved to approve Case DV-2023-22. The size approved is 34’ X 48’. Contingent on the location of the laterals regarding the side yard setbacks, and 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.

There being no further business, the meeting adjourned at 2:53 p.m.

Rick Burns

Kristy Marasco, Planning & Zoning Manager