
PORTER COUNTY BOARD OF ZONING APPEALS
June 21, 2023 – MEETING MINUTES

LOCATION: County Administrative Center, Ste 205 **TIME:** 5:30 p.m.
155 Indiana Avenue, Valparaiso IN

MEMBERS IN ATTENDANCE

Debbie Kerr-Cook – Absent, Marv Brickner, Jim Clarida, Brian Damitz, and Luther Williams.

Also Attending:

Attorney Scott McClure, Kristy Marasco and Monica Gee.

Marv Brickner called the meeting to order and led the pledge of allegiance.

Correspondence - None

New Business

Case: UV-2023-23

Applicant: Michael J. Fenchak

Location: 325 North 725 West, Hobart, IN 46342 (Union Township)

Zoning: RR, Rural Residential District

Request: To operate a firearms business out of the home.

Michael J. Fenchak - 325 North 725 West, Hobart, presented. He has a Federal and State license to do transfers. This is the first time he has been audited since 1990. This audit is where he found out that he had to have the variance. Before that he was not aware that he needed one.

Attorney Scott McClure explained this is a newer requirement. In the last 10 years the government has been requiring applicants to come here and get the variance.

Public Hearing

Lonnie Asher – 397 North 725 West. He is a neighbor and has 10 acres. Twice he has had a neighbor that was running a business out of their home and both were denied a variance. He lost his job and thought he was going to have to sell his home. He was worried about his property value and remonstrated against the neighbors' requests for use variance. Rural Residential is not a place to run a business. Michael Fenchak – Lonnie Asher shoots a gun at his house. If he wants it Rural Residential, he should not be shooting his gun.

Seeing no one wishing to address the Board, the Public Hearing was closed.

Discussion

Brian Damitz – That has no bearing on this case. He wants answers to what kind of business he is running, what kind of fire arms he is dealing with and what is the traffic at his location.

Michael Fenchak – He does transfers, background checks, for the ATF. If he is lucky, he might sell one or two guns a year.

Attorney McClure – The Board knows what you do. They are asking questions so the neighbors will understand what it is that you do.

Michael Fenchak – Somebody buys a gun on line. The gun will be shipped to him. He calls the buyer and lets them know he has the gun and they have to come do the paperwork. When that is complete he goes on the computer and runs a background check through the FBI. The background check says the buyer can take the gun or cannot. If he cannot take it the gun is put in a safe and the buyer has to go through an appeal. He might do two or three a month. It is highly competitive. The buyers come by appointment.

Attorney McClure – There are no guns to come and look at and purchase.

Michael Fenchak – No.

Luther Williams – You have been doing this for 25 years and nothing will change.

Marv Brickner – The paperwork is always done by him along with the transfer?

Michael Fenchak – Yes.

Lonnie Asher – 397 North 725 West. The variances he referred to earlier were the same situation. No one knew they were there until they got Notice of the hearing. Just because something has been happening for 25 years legal or illegal, does not make it ok. Rural Residential is not zoned for a business.

Brian Damitz – He stated several businesses that are run out of a home in Rural Residential and they do not have variances because no one knows about them. He asked Lonnie Asher if he had any complaints about Michal Fenchak’s business.

Lonnie Asher – He feels it will lower his property value.

Motion: Brian Damitz moved to approve Case UV-2023-23 for three years contingent on no more than 20 transfers per month and no signage. Jim Clarida seconded the motion and so approved with a 4-0 ballot vote.

There being no further business, the meeting adjourned 5:57 p.m.

Marv Brickner, Vice-President

Kristy Marasco, Planning & Zoning Manager