



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

Correspondence – Favorable letter for Case DV-2023-20.

Old Business:

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.

Joshua Skalka - 258 South SR 2, Hebron, presented. He has redone the size of his pole barn. He has dropped the height. Instead of having 16' high walls he has reduced them to 14'. This will eliminate one of the variances. He eliminated the front porch which eliminated 96'. He is asking for one variance to build the pole barn to be able to store his vehicles and trailers.

Discussion:

Rick Burns – We discussed site lines at the last meeting.

Kristy Marasco – There are no concerns.

Rick Burns – He re-opened the Public Hearing.

Doug Housman – He lives next door to the Petitioner. He has no issues.

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

Rick Burns – He asked Joshua to repeat what the pole barn would be used for.

Joshua Skalka – He will be storing personal vehicles and trailers. It will not be a mechanical shop.

Rick Burns – What will he do for safety on Highway 2?

Joshua Skalka – He will pull in nose first and then turn around in the field.

Kristy Marasco – You will need to fill out a new application with the new dimensions.

Rick Burns moved to approve Case DV-2023-20. The size approved is 40' X 56' and the height approved is no taller than 21'. 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, it can be removed by the County at the owner's expense.

New Business:

Case: DV-2023-24

Applicant: Edward & Melissa Tropp

Location: 421 East 725 North, Valparaiso, IN 46383 (Jackson Township)

Zoning: RR, Rural Residential District

Acres: 1.2

Request: To allow an increase in maximum floor area and for height to be increased from 20ft to 22'.10.5" for a proposed (42ft x 50ft) accessory structure.

Edward & Melissa Tropp - 421 East 725 North, Valparaiso, presented. He would like to store a camper trailer in the building. He has a few more vehicles, a John Deer Tractor, kid's toys, and other items stored in his garage so that he can have the garage for his personal truck.

Public Hearing

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

Discussion

Rick Burns – why so large?

Edward Tropp – The camper is almost 35' in length. He needs 12' doors. To back it in and have the space, he needs this size.

Rick Burns – This is 800' over the allowed. Others in the area are over but not that much. What could he live with?

Edward Tropp – He wants to make sure he can fit the camper.

Rick Burns – What is the length of the camper?

Edward Tropp – It is 35'.

Rick Burns – So 30' x 54' would work if it was the right layout.

Edward Tropp – Could he do 36' x 50'. He wants to put two doors in the front.

Rick Burns – I am going to move this case to the end of the meeting. You go out in the hallway and figure out what you could live with.

Case: DV-2023-26

Applicant: Pam Rhoades

Location: 704 West 100 South, Hebron, IN 46341 (Porter Township)

Zoning: A1, General Agriculture District

Acres: 19

Request: To allow a height increase from the allowed 20' to 21'.6" for a proposed (42ft x 64ft) pole barn.

Harold and Pam Rhoades - 704 West 100 South, Hebron, presented. They need higher than code allows to get a camper in the building. He is getting a big tractor and needs the space.

Public Hearing

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

Discussion

Rick Burns – You are ok on the size. This will be just personal storage?

Harold Rhoades – Yes.

Motion: Rick Burns moved to approve Case DV-2023-26. The height approved is 21' 6". 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, it can be removed by the County at the owner's expense.

Case: DV-2023-28

Applicant: Tuner Minor Subdivision c/o Stanley Igras

Location: 270 & 272 West 550 North, Valparaiso, IN 46385 (Center Township)

Zoning: R2, Medium Density Single-family Residential District

Acres: 9.85

Request: To allow for a (2) lot Minor Subdivision to vary from the following:

- No sidewalks;
- No road frontage on Lot 2;
- No tree planting;
- To allow existing accessory structure to remain on Lot 1, located in the front yard and over the maximum floor area allowed;
- To allow existing shed on Lot 2 to remain.

Dave Tiemens of Tiemens Land Surveying, Demotte, presented. The 10 acres is currently two parcels. They are not going to change that. They are making it to lots instead of parcels. There are two accessory structures existing. They are proposing to build a house all the way in the back of the lot. The variances are due to the existing layout on Lot 1. They are not proposing to do anything along 550. All will be 300' south of that. Lot 2 will use the existing driveway with an easement over it.

Public Hearing

Adam Swarden – 450 Vale Park, Valparaiso. He represents Mystic Springs Development which owns the five lots to the west of this location. Putting the house in the back will not affect his development. He supports the application.

Joe Conan – Treasurer of Glenwood Hills. This is to the north of the project. They are in favor of this project.

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

Discussion

Rick Burns – The pole barn goes right through the driveway.

Dave Tiemens – Mr. Turner is ok with the way this.

Kelly Cadwell -It is unusual but it is allowed.

Public Hearing Reopened

Paul Zorick - 264 West 550 North. His parents used to own that property. He explained why the drive and barn are the way they are.

Public Hearing Closed.

MOTION: Rick Burns moved to approve the variances requested in Case DV-2023-28. The existing accessory structures are for personal use only. Contingent on Petitioner signing a Written Commitment letter stating no business is allowed to be run out of the existing accessory structures. 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. No further division of property is allowed.

Case: DV-2023-29

Applicant: Kenneth Polito

Location: 327 East 1300 North, Chesterton, IN 46304 (Pine Township)

Zoning: RR, Rural Residential District

Acres: 5

Request: To allow an increase in maximum height from 20 feet to 23.5 feet for a proposed (40ft x 64ft) accessory structure.

Kenneth Polito - 327 East 1300 North, Chesterton, presented. He needs the higher roof for bigger doors. It will be personal storage only.

Public Hearing

Elouise Hahn – 313 E 1300 N. She is concerned about the aesthetic effect on her house. Everyone around her is building high buildings. The soil can only hold 125 gallons of water. Neighbors water is draining into her property.

Linda Price-Fischel – She owns 2.5 acres behind the proposed project. She has her dream home and the home burnt. They are rebuilding. That height of a pole barn will give them complete vision of her property. They are running drain lines from their home to her property. She is concerned that they need this height. Their personal tow trucks are semi size in the front of their house. She does not want this to be a commercial venture.

Kenneth Polito – The house sits higher than the barn. He is not a hunter. His wife would kick anyone off the property who tried. The septic was just denied three weeks ago. They are re-doing it. There will not be any business run out of the building.

Linda Price-Fischel – She wants to know the location. The drainage hole is 10' from her property.

Kristy Marasco – They are following code. They will not be on your property line.

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

Discussion

Rick Burns – He asked if Kenneth had looked into scissor trusses. You would still be able to get the height on your door. The drainage has to stay on your property. You are following the setbacks. He is going to continue this so he can look at scissor trusses unless he wants to lower it now.

MOTION: Rick Burns moved to continue Case DV-2023-29 until the next meeting.

Case: DV-2023-30

Applicant: Timothy Yankauskas

Location: 1043 South 575 West, Hebron, IN 46341 (Boone Township)

Zoning: A1, General Agriculture District

Acres: 1

Request: To allow a reduction in rear and side yard setback for a proposed (40ft x 30ft) accessory structure.

Timothy Yankauskas - 1043 South 575 West, Hebron, presented. The required 30' will put him over his septic field. In the back, code is 15' and he is asking for 10'. He wants it away from his house because

the gutters come down and go underground for about 10'. The neighbor to the north and east is his parents. The building will be used for storage and working on his snowmobiles and tractors. It is all personal use.

Public Hearing

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

Discussion

Rick Burns – He does not see the hardship for the rear yard setback.

There was discussion regarding A1 zoning, R1 zoning and code setbacks.

Timothy Yankauskas – He is asking for 10' on the side and rear setbacks. He wants to stay away from his septic. He can do the 15' foot rear but he would like to keep the 10' side setback.

Rick Burns – He would like it to be lined up with his parent's pole barn.

Kelly Cadwell – This is A1. The setbacks were designed for a 10-acre lot.

Kristy Marasco – He needs to bring them a new application with the change in setback and location of the pole barn.

MOTION: Rick Burns moved to approved Case DV-2023-30 with 10' side yard setbacks and the front lined up with his parent's pole barn next door. Contingent on Petitioner signing a Written Commitment letter stating no business is allowed to be run out of the existing accessory structures. 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-2023-16

Applicant: Louis Suffern, c/o Garage Guys of Indiana, Inc.

Location: 5308 2nd Avenue, Valparaiso, IN 46383 (Center Township) RL, Residential Lake District

Acres: 0.179

Request: To allow a (22' x 22') detached garage to be built in the front yard and allow reduction in front yard setback.

Mary Suffern -5308 2nd Avenue, Valparaiso and Amon Bearcat - Garage Guys of Indiana, Inc., presented. The last meeting, they were here they were asked to move the garage to line up with the neighbors. They have done that.

Public Hearing

Dennis Jorgensen – 5402 2nd Avenue. This is blocking his view of the lake. He owns property across the road. People will be backing out of that garage. Everything is congested now. This just adds more to it. He doesn't know why they don't build the garage in the back of their house. They will be cutting down trees anyway. This drops the value of his home.

Mary Suffern – They are building exactly in line with where Dennis Jorgenson's garage is. They have a very small home. There is nowhere to store things. They would like a safe place to keep their vehicle and store things. They did try to extend his view. But he found offense with that as well.

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

Discussion

Kristy Marasco – They have three front yards and a rear yard.

Rick Burns – You have it staked out. You are in line with the neighbor. How far are you on the side yard?

Bearkat – They are 10'.

Mary Suffern – He is 10’ on their property and they have never made an issue of it.
Rick Burns – It is a tight area. There are others that are like it. It fits the area. It is like the neighbors.

MOTION: Rick Burns moved to approved Case DV-2023-16.

Case: DV-2023-24 – Continued from beginning of meeting.

Applicant: Edward & Melissa Tropp

Location: 421 East 725 North, Valparaiso, IN 46383 (Jackson Township)

Zoning: RR, Rural Residential District

Acres: 1.2

Request: To allow an increase in maximum floor area and for height to be increased from 20ft to 22’ .10.5” for a proposed (42ft x 50ft) accessory structure.

Edward & Melissa Tropp - 421 East 725 North, Valparaiso, presented. Cleary Buildings said they would do any width in increments of 2’ or 3’. He asked if 38’ X 50’ be ok. That would be 1,900 sq ft.

Rick Burns - The neighbors down the street are 1,620 sq ft and 1,536 sq ft so you have to be a little bit tighter than that.

Edward Tropp – How about 36’ X 50’ that is 1,800. How about 36’ X 48’ 1,728 sq ft.

Rick Burns – He could approve that. Why so tall?

Edward Tropp – They have changed it to 22’ 4”. They need it for the doors.

Kristy Marasco – She needs a new set of plans showing the changes. If it is 20’ or under no variance is needed for the height.

MOTION: Rick Burns moved to continue Case DV-2023-24 to the next meeting. This will give Petitioner time to determine what height is needed. The size approved will be 36’ X 48’.

There being no further business, the meeting adjourned at 3:00 p.m.

Rick Burns

Kristy Marasco, Planning & Zoning Manager