

**PORTER COUNTY PLAN COMMISSION**

August 24, 2022 – Meeting Minutes

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

**MEMBERS IN ATTENDANCE**

Laura Blaney, Brian Damitz, Bob Gilliana, Rick Burns, Pamela Mishler-Fish, Greg Simms, Nikky Witkowski, Kevin Breitzke, and Luther Williams. Also present was Robert Thompson, Kristy Marasco, and Attorney Scott McClure.

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

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**DW-22-0036**

**Applicant: Grand Oaks c/o Attys: Todd A. Leeth/Katie L. Kopf**

**Location:** 324 West Division Road, Valparaiso, IN 46385 (Porter Township) (South of Division, North of CR 100 South and East of SR 2)

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

**Request:** To allow the following Design Waiver(s) for a proposed 675 lot single family residential subdivision:

- Section 6.03 – Maximum Block Length
- Section 6.03 – Maximum Cul-de-sac Length
- Section 7.16 – Lot Establishment Standards; Residential
- Section 7.21 – Open Space Standards; Residential
- Section 7.23 – Pedestrian Network Standards, Residential

Attorney Todd Leeth presented. He had hoped to have a Public Hearing tonight. His client is still modifying the concept plan that will ultimately be part of the primary plat. They hope this will change some of the design waivers asked for. They are asking for a continuance of 30 days.

Attorney Scott McClure explained if the design waivers do not change, the notice of the meeting will be first class mail. If it is a substantial change it will have to go through the normal process of publication and certified mail. If it is continued to a date certain, tonight's meeting and motion are the notice. If it is tabled that means there is not a date certain and notice will have to go out.

**Motion:** Kevin Breitzke moved to table to a date uncertain. Laura Blaney seconded the motion. Upon roll call vote the motion passed with a 9-0 vote.

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**New Business:**

**DP-22-0046**

**Applicant: Nina Diamond Revocable Trust, c/o Attys: Todd A. Leeth/Katie L. Kopf**

**Location:** On the East side of intersection 1050 North and 550 East, Westville, IN 46391 (Jackson Township)

**Zoning:** RR, Rural Residential District

**Request:** To vacate Lots 1-13 Chasemore Subdivision Unit 1 as per plat thereof recorded in Plat File 31-E-6 on March 2, 1998 and to reinstate Lot 14 of Chasemore Subdivision Unit 1.

Attorney Todd Leeth presented. Nina Diamond lives on this property. In 1998 Chasemore Subdivision Unit 2 was platted. It is adjacent to Chasemore Unit 1. In Indiana the plat can be vacated if all the owners agree, there are no roads and no lots have been sold off. This can be done without Plan Commission approval. They did that for Unit 2 about 12 years ago. Unit 1 was platted in 1998 also. There are no roads. No lots have been sold. Staff was shown there are no utilities. There is a home on Unit 2 but that utility serves Ms. Diamond's home. There are no utilities in the ground that would serve the 14 lots that are anticipated here. They do not want to vacate Lot 14. They want to leave it as a buildable lot. It does not require any internal roads. The utilities are in the right of way. If they were vacating all of Unit 1 they would not need Plan Commission approval. They want to leave Lot 14 as a buildable lot so they do need Plan Commission approval.

### **Questions and comments from the Board**

Kevin Breitzke – Has the Health Department looked at Lot 14 in view of changes with the State's policies on septic fields? Is 14 still in compliance?

Attorney Leeth – They have not but they could pull a permit tomorrow if they could get a septic permit. Lot 14 is 2.74 acres and it is likely they can get a septic.

Kevin Breitzke – Are there any bonds or letters of credit that currently exist for any of this?

Attorney Leeth – They have long since expired.

Nikky Witkowski – The plat has detention pond easements. What is that about? She does not want to hear this come back to the Board.

Attorney Leeth - The easements will be gone with the vacation. The detention pond easement on Lot 14 will stay. But, it is an easement to nowhere. There will be no new detention pond for a 2.74-acre parcel with one home.

Brian Damitz – Who owns Unit 2 that was unplatted?

Attorney Leeth - Ms. Diamond's parcel is both Unit 2 that was vacated and is approximately 37 acres. And Unit 1 is her parcel also. What they are vacating now is 34 acres less the 2.74-acre lot. She owns 60 acres.

Brian Damitz – It sounds like this plat did not work so now Ms. Diamond wants to have a home in the country and be done with it and sell off Unit 1 and Unit 2 to some developer.

Attorney Leeth – That is not true. This is a bit of a farm. She has bison on the property. This is her rural sanctuary get away.

Brian Damitz – So she wants to keep all of this property?

Attorney Leeth – With the exception of Lot 14.

Kevin Breitzke – This was originally developed by David Saylor. The detention pond was developed for the subdivision.

Attorney Leeth – Lot 14 is a large lot. Only one home can be built on it. If they want to divide it, they will have to come to the Plan Commission for a minor subdivision.

**Motion:** Laura Blaney moved to approve Case DP-22-0046. Greg Simms seconded the motion. Upon roll call vote the motion passed with a 9-0 vote.

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**MJ-18-0062**

**Applicant: Magnolia Meadows**

**Location:** South of West CR 550N & east of North CR 250W, Valparaiso, IN 46385 (Center Township)

**Zoning:** R2, Medium Density Single-Family Residential District

**Request:** To allow a (12) month extension to the Primary Plat.

Bob Thompson presented. Their plat expires this month. They currently are constructing and are almost done with Phase 3. They have sent a letter requesting a one-year extension. By the end of the year, they should have the secondary plat.

**Motion:** Kevin Breitzke moved to extend the plat for one year from today. Brian Damitz seconded the motion. Upon roll call vote the motion passed with a 9-0 vote.

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**ADJOURNMENT:**

There being no further business, the August 24, 2022 Porter County Plan Commission meeting adjourned.

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Rick Burns, President

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Attest: Robert W. Thompson, AICP  
Director