



---

**PORTER COUNTY BOARD OF ZONING APPEALS  
HEARING OFFICER  
September 9, 2021 – MEETING MINUTES**

**LOCATION:** County Administrative Center, Ste 205      **TIME:** 1:00 p.m.  
155 Indiana Avenue, Valparaiso IN

**MEMBERS IN ATTENDANCE**

Rick Burns, Hearing Officer  
Kristy Marasco

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

**Approval of Minutes** Rick Burns moved to approve the minutes of the June 24, 2021 meeting and the July 22, 2021 meeting.

**Correspondence:** none

---

**New Business:**

**Case:** DV-21-0051

**Applicant:** Paul E. Bread Jr.

**Location:** 333 North 250 West, Valparaiso (Center Township)

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

**Acres:** 1.29 +/-

**Request:** To allow a residential driveway to be asphalt for an existing 2 1/2 car garage.

Paul Bread - 333 North 250 West, Valparaiso, presented. He has a 2 ½ car garage behind his house and would like to put in a second driveway going to that garage. The proposed driveway will be 83' from the existing driveway. Kelly Cadwell has reviewed this file.

**Public Hearing:**

Joseph Seigel - 331 North 250 West. He is in favor of this.

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

**Discussion:** The new driveway will go from a detached garage behind the house out to 250 W. Rick Burns stated 250 is a very busy road. Adding a driveway that close is a safety concern. He suggested that the new driveway go in front of the home and connect with the existing driveway.

**Motion:** Rick Burns moved to deny Case UV-21-0051 due to safety conditions.

---

---

**Case: DV-21-0053**

**Applicant: Donald E. Underwood**

**Location:** 822 North 75 West, Valparaiso, IN 46385 (Portage Township)

**Zoning:** RR, Rural Residential District

**Acres:** 10.5 +/-

**Request:** To allow a (100' X 36') pole barn to be built without a primary structure.

Donald E. Underwood - 822 North 75 West, Valparaiso, presented. The pole building will be used for livestock, hay and equipment storage.

**Public Hearing:**

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

**Discussion:** The applicant stated he hopes to be building his house within the next couple of years. Rick Burns advised he needs to see that blueprints have been prepared to indicate they are serious about building the house.

**Motion:** Rick Burns moved to table Case DV-21-0053 to allow applicant time to prepare blueprints of home and obtain a building permit which will be good for two years.

---

**Case: DV-21-0054**

**Applicant: Julie Moore**

**Subdivision:** Hillcrest Park

**Location:** 5399 Easy Street, Valparaiso, IN 46383 (Center Township)

**Zoning:** RL, Residential Lake District

**Acres:** 0.15 +/-

**Request:** To allow a (30' X 40') pole barn to be built without a primary structure.

Julie Moore – 14 East 700 North, Valparaiso, presented. Her son bought the house across the street from this property. He owns it with his parents. His land is pie shaped and he cannot build any type of structure on it like a garage. They want to vacate the road so the two parcels can be put together. Staff has suggested they do not want to do this because this is an access road for the people behind them.

**Public Hearing:**

Donald Moore – 808 Grandview. He needs this pole barn for his cars. He is co-owner of the property with his parents.

Dan Waters – 812 Woodland Terrace and 901 Grandview. This is a residential neighborhood. He does not want to see a pole barn.

Bob Polarek – 810 Woodland Terrace. No one has talked to him about vacating Easy Street. A garage is ok but he does not want a pole barn.

Resident at - 808 Woodland Terrace. A garage is ok but a pole barn is too big.

Jerri Naillieux - 804 Grandview. She is against a pole barn.

Tracy Naillieux – 804 Grandview. She is concerned a pole barn would bring down the property values. This is a residential area. Taking away the easement means people walking cannot get access to the lake. There was a building on the property prior to this sale. There is a well and septic on the property.

Julie Moore stated it is a pole barn but they will spend a lot of money to make it look nice. They own the land and he has no where to put his riding lawnmower.

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

**Discussion:** Rick Burns stated he agrees a pole barn is out of character for the neighborhood.

**Motion:** Rick Burns moved to deny Case DV-21-0054.

---

**Case: DV-21-0055**

**Applicant: Susan Fazekas**

**Project:** Grovemaster Grove Minor Subdivision

**Location:** 463 East Furness Road, Michigan City, IN 46360 (Pine Township)

**Zoning:** RR, Rural Residential District

**Acres:** 10.81 +/-

**Request:** To allow for a minor subdivision to vary from the following:

- To allow an accessory structure prior to the primary structure;
- To vary from planting street trees;
- To exceed 1 driveway for every (2) two lots.

Susan Fazekas - presented. This is her parents' property. There is a 10-acre parcel in front that has a pole barn on it. This was built in the late 70s. She and her husband would like to build on this property. They were told they had to make this a minor subdivision. The pole barn is right in the middle. They have decided to divide the property six acres for her and her husband; four acres for her mom.

There was an existing driveway for a previous house on the six acres they want to build on. Sharing a drive with her mom would mean cutting trees which they do not want to do.

When her parents bought the property there were no trees. There are at least 30 pine trees along the road. Behind them are 70 walnut trees. Rick Burns explained the code is written for barren land.

**Public Hearing:**

463 East Furnace Road. She is in favor of this request. Susan Fazekas is her daughter.

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

**Discussion:** They intend to start building as soon as they have approval. She would like to be moved in by next year.

**Motion:** Rick Burns moved to approve Case DV-21-0055 contingent on no further subdividing, accessory structure is approved, existing trees are adequate, applicant will have the surveyor email staff the distance between the driveways which will be no less than 300', and also contingent on Petitioner signing a Written Commitment letter stating no business is allowed to be run out of the building. 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-21-0056**

**Applicant: Holly Tomak**

**Location:** 765 Fremont Road, Valparaiso, IN 46385 (Portage Township)

**Zoning:** R2, Medium Single-family Residential District

**Acres:** 0.21 +/-

**Request:** To allow a reduction in side yard setback for a proposed (26' X 28') pole barn.

Holly Tomak – 765 Fremont Road, Valparaiso – presented. The only way to make this fit in the back yard is where it is located. This allows access from the driveway and does not interfere with the sewer.

**Public Hearing:**

767 Fremont – The homes in this area are only 900 sq ft. The proposed pole barn is close to this big and will be taller. The fence between her house and the applicant needs to be repaired.

Holly Tomak stated over the last three years they have remodeled the inside of the house. They are working with the neighbors on the other side to see about cost sharing for a fence replacement. After the pole barn is built, they intend to repair the fence. They need it this big for vehicles. The size and height of the building is allowed by code. The only variance requested is in side yard setback.

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

**Discussion:**

Cody Connley – 765 Fremont Road. On the south side of the yard the stakes are located at 4'.

**Motion:** Rick Burns moved to approved Case DV-21-0056 contingent on: a 4' side yard setback and rear yard setback of 8'; personal storage only. The material will match the house and also contingent on Petitioner signing a Written Commitment letter stating no business is allowed to be run out of the building. 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-21-0057**

**Applicant: Charles Boehlke**

**Location:** 831 North 75 West, Valparaiso IN 46385 (Liberty Township)

**Zoning:** RR, Rural Residential District

**Acres:** 2.66 +/-

**Request:** To allow for a new single-family home to be built and vary from the following codes:

- To allow a reduction in side yard setback for existing accessory structure;
- To allow a reduction in rear yard setback for existing accessory structure;
- To allow an existing accessory structure to remain in the front yard;
- To allow for the cumulative square footage of all existing accessory structures to be over the maximum allowed;
- To allow the driveway to be over the maximum width allowed of 18' and remain at 40'.

Charles Boehlke - 539 West 100 North, Valparaiso – presented. The existing house was taken down. It did not have a proper foundation under it. The proposed house will be slightly larger and have an attached garage. He has a permit already for the construction of the home.

**Public Hearing:**

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

**Discussion:** This is a personal residence. There are two concrete slabs that will be removed.

**Motion:** Rick Burns moved to approve Case DV-21-0057 contingent on the two slabs being removed before inspection of the new foundation.

---

**Case: DV-21-0058**

**Applicant: Joe Nugent**

**Location:** 522 North State Road 2, Valparaiso, IN 46383 (Washington Township)

**Zoning:** RR, Rural Residential District

**Acres:** 10.0 +/-

**Request:** To allow an increase in maximum height allowed for a proposed (36' X 64') pole barn.

Joe Nugent – 522 North State Road 2, Valparaiso, presented. The existing pole barn is in bad condition. The new pole barn is proposed to be 22' 10" high so it is tall enough to drive an RV into it. The building will be used for personal storage.

**Public Hearing:**

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

**Discussion:** FBI Builders have said they could change the pitch but it would still be too tall. The existing building is 32' X 60'. FBI did not want to mess with the concrete slab that is there. They proposed 36' X 64' so their posts will be outside of the concrete.

**Motion:** Rick Burns moved to approve Case DV-21-0058 contingent on Petitioner signing a Written Commitment letter stating no business is allowed to be run out of the building. 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-21-0060**

**Applicant: Stephen Cantrell c/o Attorney Katie L. Kopf and Todd Leeth**

**Location:** 33 South 500 West, Valparaiso, IN 46383 (Porter Township)

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

**Acres:** 15 +/-

**Request:** To allow an accessory structure to be placed on a lot prior to primary structure being constructed.

Katie L Kopf - Hoepfner, Wagner & Evans, Valparaiso, presented. The property was acquired a few months ago with the intent to build his forever home. For the time being he would like to place a 16' X 40' shed on the property in order to store tools and equipment used to clean up and maintain the property.

**Public Hearing:**

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

**Discussion:** Stephen Cantrell stated he is saving money to build his dream house. He is not sure when he will begin construction. Rick Burns explained he needs to have a time period or blueprints of the house and a building permit in order to approve the request. Rick Burns asked if he could commit to building a house within two years. Katie Kopf stated the shed is portable. It would be easy to move it off the property if it caused a problem.

**Motion:** Rick Burns moved to continue Case DV-21-0060 to the next meeting. In the meantime, applicant should look at what type of house they want to build and confirm they will do that within three years.

---

There being no further business, the meeting adjourned.

---

Rick Burns, Hearing Officer

---

Kristy Marasco, Assistant Director