



**Porter County Board of Zoning Appeals
Regular Meeting Minutes
September 15, 2021**

The regular meeting of the Porter County Board of Zoning Appeals was held at 5:30 p.m. on Wednesday, September 15, 2021, in the Porter County Administrative Center, 155 Indiana Avenue, Suite 205, Valparaiso, Indiana. Debbie Cook presided.

Members present were: Luther Williams, Jim Clarida, Brian Damitz, Marvin Brickner, and President Debbie Cook. Also present were Kristy Marasco, Attorney Scott McClure, citizens, and representatives of the press.

MINUTES:

Tabled.

CORRESPONDENCE:

None.

OLD BUSINESS:

UV-20-0042 (Update) – Matthew & Darcy Knez, 413 East State Road 2, Valparaiso, IN in Washington Township in the RR, Rural Residential District. The petitioner is seeking a Use Variance to allow the operation of a business (All Square Roofing) in a rural residential zoned district. This case was heard on August 19, 2020, with a motion to return in 90 days to update the board on new building renovation and moving plans. No one was present to represent the petitioner. Ms. Kristy Marasco gave a staff report noting additional complaints have been received.

Motion: Brian Damitz made a motion to deny UV-20-0042 and turn the case over to the County Code Enforcement Office to ensure that no business is being operated from 413 East State Road 2, Valparaiso. Jim Clarida seconded the motion. A ballot vote was taken and unanimously carried 5-0.

Addendum: At the end of the meeting Ms. Anica Pornecki, Business Manager for All Square Roofing was present. She states she was at the City Board of Zoning Appeals meeting at the time her petition was heard not realizing she was at the wrong location. Ms. Pornecki advised they are no longer doing business from this location and a renter now resides in the existing home.

Attorney Scott McClure advised Ms. Pornecki that the petition was denied, and the property may no longer conduct any business from the location, it needs to look like a residential home/property, it needs to look like a residential yard, and Code Enforcement will be notified and will be checking. All requirements need to be met including impervious surface amounts, lot coverages, etc. Ms. Pornecki was advised to contact the Plan Commission Office once the property has been restored to a residential state so Code Enforcement can be notified to do an inspection, and permits may be released upon compliance. All requirements are to be satisfied immediately.

UV-16-0059 (Deny) – Kathleen Huff. 254 Division Road, Valparaiso, IN in the R1, Low Density Single-Family Residential District. To deny, the petitioner is no longer in need of a variance to operate a bait and tackle business.

Motion: Marvin Brickner made a motion to deny UV-16-0059. Luther Williams seconded the motion. A voice vote was taken and unanimously carried 5-0.

UV-21-0059 (Renewal) – Jason Fliege. 548 North 450 East, Valparaiso, IN in Washington Township in the RR, Rural Residential District. Petitioner is seeking a renewal to continue the operation of a mail order firearms business out of his home. Ms. Kristy Marasco gave a staff report noting there have been no complaints. Mr. Jason Fliege presented. His license is up in November and he is going through the process to renew which includes this variance approval. There are no changes and nothing new.

Motion: Marvin Brickner made a motion to approve UV-21-0059 for three (3) years with a new public hearing at that time and the same stipulations as previously granted. Jim Clarida seconded the motion. A voice vote was taken and unanimously carried 5-0.

NEW BUSINESS:

UV-21-0052 – Monica Paunovici, 2760 South State Road 2, Valparaiso, IN in Center Township in the R1, Low Density Single-Family Residential District. The petitioner is seeking a Use Variance to allow an existing structure to be utilized as a warehouse to store and pack supplies for delivery. Monica and Sam Paunovici presented. They are proposing to have an online business where they will store and pack agriculture products in an existing building on their property and then deliver said product to the customers. The building already exists, there will be no customers coming to the property, and the business is family-owned and operated. The petitioner states they moved to this property in 2017 and want to maximize their space to help with medical expenses for their father.

Public Hearing: Debbie Cook asked if any of the public would like to speak in favor of or in opposition of this petition. Debbie Cook also asked that the public address their questions to the BZA while at the same time the petitioner will take notes and respond at one time. No one spoke; therefore, the public hearing was closed, and questions/comments were heard from the Members.

Q: What is the plan with the very narrow driveway?

A: We are installing a mirror for our own personal use, but do not anticipate an issue because we schedule the deliveries.

Q: Does anyone live in the living quarters in the barn?

A: No. There is a 650 square foot space existing, and we hope to use that as office space in the future.

Q: How many vehicles per day do you anticipate?

A: Deliveries are scheduled one time per week, and they come in a box truck. This will not be an increase of what we have now with personal regular deliveries such as Amazon, UPS, etc.

Motion: Marvin Brickner made a motion to approve UV-21-0052 for two (2) years with the stipulation that petitioner will not increase traffic or expand the business to become troublesome to the neighbors, and the petitioner will return before the Plan Commission Board in one (1) year to give an update on how things are going. No one seconded the motion therefore the motion dies for lack of a second.

Motion: Brian Damitz made a motion to approve UV-21-0052 for two (2) years. Luther Williams seconded the motion. A ballot vote was taken and carried 4-1 (Cook).

UV-21-0061 – Silvio Azevedo, 1951 West Lincolnway, Valparaiso, IN in Center Township in the I1, Light Industrial District. The petitioner is seeing a Use Variance to allow a garage for personal storage to be built in an I1 zoning district. Mr. Silvio Azevedo and Mr. Brian Donnelley presented. Mr. Azevedo would like to tear down an existing 2-car garage and rebuild with a new 5-car garage for his personal use. This property has been in the Azevedo family for 35 years and has had a single-family home on it since 2014. All requirements will be met for the new garage.

Public Hearing: Debbie Cook asked if any of the public would like to speak in favor of or in opposition of this petition. Debbie Cook also asked that the public address their questions to the BZA while at the same time the petitioner will take notes and respond at one time. No one spoke; therefore, the public hearing was closed, and questions/comments were heard from the Members.

Ms. Kristy Marasco advised the property is in the I1 zoning district and the house on the property is legal non-conforming.

Q: Why do you need a 5-car garage? As proposed with 5 overhead doors, the structure looks like a storage unit building.

A: The garage is for 5 vehicles, but we are not sure if there will actually be 5 overhead doors. The architecture is still being worked through. This type of structure will be better accessibility than a pole barn and Mr. Azevedo's family will help him build a garage.

Q: Will you be running any kind of business out of the garage?

A: No.

Q: What is the size of the garage?

A: 30 feet by 70 feet.

Motion: Luther Williams made a motion to approve UV-21-0061 as presented. Jim Clarida seconded the motion. A ballot vote was taken and unanimously carried 5-0.

UV-21-0062 – Keith Dougherty, 356 East 100 South, Valparaiso, IN in Morgan Township in the A1, General Agriculture District. The petitioner is seeking to renew a Use Variance to allow the operation of a custom woodworking shop out of a pole barn. Mr. Keith Dougherty presented. He has been in operation for 25 years. There are no changes. Ms. Kristy Marasco stated this variance has been in place since 1996 and there have been no complaints.

Public Hearing: Debbie Cook asked if any of the public would like to speak in favor of or in opposition of this petition. Debbie Cook also asked that the public address their questions to the BZA while at the same time the petitioner will take notes and respond at one time. No one spoke; therefore, the public hearing was closed, and questions/comments were heard from the Members.

Motion: Marvin Brickner made a motion to approve UV-21-0062 for five (5) years with the same stipulations as previously granted. Brian Damitz seconded the motion. A ballot vote was taken and unanimously carried 5-0.

STAFF ITEMS:

None.

ADJOURNMENT:

There being no further business, the September 15, 2021 Board of Zoning Appeals meeting adjourned at 6:36 p.m.

Debbie Kerr-Cook, President

Attest: Kristy Marasco, Assistant Director