



**PORTER COUNTY BOARD OF ZONING APPEALS
HEARING OFFICER
January 27, 2022 – 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

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

Approval of Minutes: November 18 and December 16, 2021

Motion: Rick Burns moved to approve the minutes of the November 18 and December 16, 2021 meetings.

Correspondence: There is a correction on the Agenda. On Case DV-21-0083. It was originally listed as an administrative subdivision. It is a one Lot Minor Subdivision.

Old Business:

Case: DV-21-0067 (continued)

Applicant: Union Farms Minor Subdivision c/o Donald Guerrero

Location: CR500 West & Ludington Ditch (N of SR 2)

Zoning: RR, Rural Residential District

Acres: 33.24

Request: To vary from planting street trees and to allow more than (1) driveway for every (2) lots, for a proposed (3) lot minor subdivision.

The surveyor from DeMotte IN presented. At the last meeting they got approval for the tree plantings and the existing driveway on Lot 2 and Lot 3. They have INDOT approval. On Lot 1 staff was worried about the profile of the roadway. They have met with Matt Gavelek, head of the Highway Department. Matt told him he has no concerns. Now they are looking for the final variance on Lot 1.

Discussion: The drive way that is there now, they are proposing about 500' from there. It will be a quarter of a mile from Highway 2. This is 20' from the cemetery property line.

Motion: Rick Burns moved to approve Case DV-21-0067.

New Business:

Case: DV-21-0079

Applicant: Gary & Cathy Murphy

Location: 433 East 300 North, Valparaiso, IN 46383 (Washington Township)

Zoning: RR, Rural Residential District

Acres: 1

Request: To allow a (36' x 48') pole barn to vary from the following:

- To exceed the maximum floor area Allowed: 1,300 sq ft Request: 2,424 sq ft Over: 1124 sq ft
- To allow an Increase in maximum accessory structure height from: Code: 20' Request: 20' 10"
- A reduction in side yard setback from: Code: 15 ft Request: 14 ft
- Appearance: Code: Closely resemble the finish and façade materials used on the primary structure.
Request: To be red in color and not resemble the primary structure.

Gary & Cathy Murphy - 433 East 300 North, Valparaiso presented. They did not realize that with the existing structure they would have to go smaller. There is an existing barn that needs work. They are hoping to get enough material from the new building to fix the existing building. They can change the color. They could match the color of the shutters. The barn will be used for vehicle storage.

Public Hearing

Ryan Silver – 436 East 300 North, Valparaiso. They take great care of their property and he supports putting this barn up.

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

Discussion: This will be for personal storage. Rick Burns asked if they could make it a little bit smaller. The existing building is around 600 sq. ft. They have suggested they could go a little smaller. The barns in the area that are larger are grandfathered in. After discussion they agreed to a 34 X 44 building which will mean they do not need the variance for the side yard setback.

Motion: Rick Burns moved to approve Case DV-21-0079 contingent on the building will be 34' X 44'. The color will be brown. They will provide staff with the exact height. The maximum height approved is 20' 10". The side yard setback is denied. 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-21-0080

Applicant: Nelissen "South" Administrative Subdivision c/o Jan Nelissen

Location: 597 North 175 West, Valparaiso, IN 46385 (Center Township)

Zoning: RR, Rural Residential District

Acres: 33.91

Request: To allow a reduction in minimum lot width for lots 1 & 2 for a proposed two (2) lot Administrative Subdivision.

Matt Dogan - 6062 Lute Road, Portage and Patrick Pullin, 589 Larime Road, Westville IN presented. Currently the land is vacant. The property owner wants to divide this parcel into two estate size lots. The variance is for lot frontage. Lots will be accessed by a 60' wide private road which will pass through the subdivision. There is not enough land abutting a public road to meet the ordinance. They are required to have 330' of frontage. The petitioner did not create the issue. There are no options available.

It is a unique situation. This will not affect neighbors. The goal is to preserve the natural landscape as much as possible.

Public Hearing

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

Discussion: No more subdividing is allowed on these two lots.

Motion: Rick Burns moved to approve Case DV-21-0080 contingent on no more subdividing allowed on Lots 1 and 2.

Case: DV-21-0081

Applicant: Nelissen “North” Administrative Subdivision c/o Jan Nelissen

Location: 601 North 175 West, Valparaiso, IN 46383 (Liberty Township)

Zoning: RR, Rural Residential District

Acres: 37.44

Request: To vary from road frontage for lot 1 & exceed the maximum width to depth ratio for both lots for a proposed two (2) lot Administrative Subdivision.

Matt Dogan - 6062 Lute Road, Portage and Patrick Pullin, 589 Larime Road, Westville IN presented. The lot could not be developed without this variance. It is very close to 1:1. It is a unique dynamic to the land itself. This variance will not change the land. This will enhance the value of the surrounding land.

Public Hearing

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

Discussion: Rick asked why they need the variance. His concern is not the two in back. He does question having four lots. If it were two lots a variance would not be needed. Rick added the County is staying away from “spaghetti” subdivisions. Patrick Pullin stated they have been working with staff. Initially this was laid out with 35 lots. But they decided this was not the best use of the property. The neighbor has a 10-acre lot as a buffer. They are working with Mike Novotney on the drainage.

Public Hearing Reopened

James O’Brien - 130 W 625 N, Valparaiso. He is the neighbor that is buying the adjacent lots. He confirmed he is buying the lots for a buffer.

Public Hearing Closed.

Motion: Rick Burns moved to approve Case DV-21-0081 with the understanding that there is no more subdividing on all four lots.

Case: DV-21-0083 REVISED

Applicant: Nielsen Minor Subdivision c/o Jeff Nielsen

Location: 700 North 400 East (on the Northwest corner), Valparaiso, IN 46385 (Jackson Township)

Zoning: RR, Rural Residential District

Acres: 4.44

Request: To allow a reduction in road frontage from the required 240 ft to 171.29 ft and to exceed the maximum width to depth ratio for a proposed one (1) lot *Minor Subdivision*.

Bill Arden – 3215 May Street, Portage, Surveyor presented. They are requesting the lot width variance because an existing property on the north has 180’ of frontage and then on the south (inaudible) by 700 North. The result is the remaining property for frontage is 171.29’. The second variance is the lot width to length ratio. The property is 900’ long. The western side of the property is a wetland. If that portion is taken out, the lot width to length ratio is 1:2.39.

Public Hearing

John Franiak – 704 N 400 E. He is north of the property. He is trying to figure out how this will affect his property.

Kathy Franiak – 704 N 400 E. The property is narrow. This will come within 8’ of their house. They bought in the country to have space.

Glenda Snyder – Crisman Sand 736 N 400 E. The density affects their operations. She is just here to find out what is going on.

Bill Arden replied this property is zoned residential use. They are proposing one house. There is a 30’ building setback on the north side. The neighbor’s house is more than 8’ from the property line so there will be quite a bit of separation.

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

Discussion: Rick Burns asked where the driveway will be located. Bill Arden replied it will be off County Road 700 North. Rick Burns discussed how far from the corner it will be. He will have to discuss this with staff and make sure it meets code.

Public Hearing Reopened

Robert Forszt – 400 East 700 North. He is concerned with the water situation on the back portion of the property.

Public Hearing Closed.

They will be working with Mike Novotney on storm water issues. Rick Burns asked that the driveway be as far away from 400 East as possible.

Motion: Rick Burns moved to approve Case DV-21-0083 with the understanding to give staff the exact location of the driveway and work on drainage with the engineer.

Case: DV- 22-0003

Applicant: Ledgemere Acres Minor Subdivision c/o William Ferngren

Location: 1219 N 450 E, Chesterton, IN 46304 (Pine Township)

Zoning: RR, Rural Residential District

Acres: 31.81

Request: To allow more than (1) one drive per each (2) lots (in such subdivision) and allow a decrease in the minimum spacing between driveways for a proposed (4) lot minor subdivision, located in Rural Residential (RR) District.

Attorney William Ferngren – 570 Vale Park Road, Valparaiso presented on behalf of Applicant. This was intended to be a four lot minor subdivision. It has changed into 3 lots.

There is a pipeline running through the property. They are looking for each lot to have their own driveway. Lot 1 is 6 acres, Lot 2 is 6 acres and Lot 3 is just over 8 acres. Bob Thompson has asked them to maximize the distance between drives. They have done that.

Public Hearing

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

Discussion: Rick Burns stated he has no issues with this case. The property owner discussed the adjacent property will never be built on. Bill Arden discussed the soil in the area.

Motion: Rick Burns moved to approve Case DV-22-0003 with the understanding there is no further subdividing on any of the lots.

Case: DV- 22-0004

Applicant: Tomas & Vicki Sach

Location: 446 N 325 W, Valparaiso, IN 46385 (Union Township)

Zoning: RR, Rural Residential District

Acres: 2.46

Request: To allow a reduction in side yard setback for a proposed (50'x30') garage addition.

Tomas & Vicki Sach - 446 N 325 W, Valparaiso presented. They want to build a garage addition. Their parcel is not 5 acres like others in the area. A detached garage could only go in the back of the yard where there is water and they would be driving over septic fields.

Public Hearing

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

Discussion: Because it is attached to their house a 30' side yard setback is required. They are requesting 15'. Rick Burns asked why it has to be so big. They have vehicles, tractors, snow plows and other equipment. It will match the house. If approved the trees will be trimmed so they can get to the back side of the house. The septic is on the other side of the house. The well is in the front of the house. If they got the 15' setback, he could reduce the size to 28' X 50'.

Motion: Rick Burns moved to approve Case DV-22-0004 with the understanding the size will be 50' X 28'. This is an addition. It will match the house. Side yard at 15 feet. They need to submit new plans showing the new size. 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.

There being no further business, the meeting adjourned at 2:16 p.m.

Rick Burns

Kristy Marasco, Assistant Director