



**PORTER COUNTY BOARD OF ZONING APPEALS
HEARING OFFICER
May 13, 2021 - MEETING MINUTES**

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

MEMBERS IN ATTENDANCE

Robert Thompson
Kristy Marasco, Assistant Director
Kelly Cadwell

Robert Thompson called the meeting to order and led the pledge of allegiance.

Minutes: Robert Thompson moved to approve minutes of the April 8, 2021 meeting.

Correspondence: None

Old Business:

Case: DV-21-0017

Applicant: Michael Jones

Location: 406 East Tratebas Road, Valparaiso, IN 46383 (Jackson Township)

Zoning: RR, Rural Residential District

Acres: 3.0 +/-

Request: To allow for a new (40'x64') pole barn with a (12'x64') porch to vary from the following:

- To allow placement of pole barn to be in the front yard.
- To allow an increase in maximum floor area Allowed: 2,613 sq. ft. Request: 3,328 sq. ft.
- To allow an increase in structure height Allowed: 20 feet Request: 23ft 5 in

Continued: County Engineer to review drainage, petitioner to recheck on the size of the building and landscape.

Michael Jones - 406 East Tratebas Road, Valparaiso presented. They were asked to see if they can reduce the size of the building. They have decided they want to stay at the size they are requesting.

Discussion: The County Engineer has looked at the project. There will not be a driveway. They will drive across the grass. Robert Thompson discussed conditions of approval. One would be they cannot touch any of the vegetation in the ravine. Another would be a rain garden or some type of vegetation between the structure and ravine.

Motion: Robert Thompson moved to approve Case DV-21-0017 contingent on not touching the vegetation in the ravine and installing a rain garden or some type of vegetation between the structure and ravine. The vegetation should be well established before a Certificate of Occupancy is issued.

Case: DV-21-0020

Applicant: Todd Gore Homes Subdivision: Coventry

Location: 685 Friars Green, Valparaiso, IN 46385 (Portage Township)

Zoning: PUD, Planned Unit Development

Acres: 0.16 +/-

Request: To allow an increase in side & front yard setback for a constructed residence.

Continued: Petitioner to resubmit new building permit application and receive approval from the storm water department.

Todd Gore - PO Box 2475 Portage, presented.

Discussion: Robert Thompson stated a neighbor voiced concern regarding drainage. He sees they have graded, strawed and seeded the lawn in that area. Todd Gore replied they have re-routed the water to go from front to back. Robert Thompson said on the western side of the swale there is not enough elevation change with the house to the south. He wants to see that this is taken care of. He asked if a surveyor staked this out. He is curious how this mistake happened. Todd Gore explained the Site Plan and the As Built have two different houses. He feels it was a transposition error; not an Abonmarche mistake. He has checked all the remaining houses and they are fine.

Motion: Robert Thompson moved to approve Case DV-21-0020.

New Business:

Case: DV-21-0024

Applicant: Gregory & Mariana Taylor

Location: 170 North Summerfield Drive, Valparaiso, IN 46385 (Union Township)

Zoning: R1, Low Density Single-family Residential District

Acres: 0.31 +/-

Request: To allow a reduction in rear yard setback from 15' to 5' for a proposed in ground pool.

Gregory Taylor - 170 North Summerfield Drive, Valparaiso presented. He would like to be able to use his yard and install an in-ground pool.

Public Hearing

Seeing no one wishing to address the Board, Robert Thompson declared the Public Hearing closed.

Discussion: Robert Thompson has talked to the Developer. These are smaller lots. He wants to make sure the retaining wall is in 5'. He asked that the applicant stake the property line. He also asked to make sure there is good erosion control. He would like an erosion control fence installed. The MS4 director will check the project. The 5' in applies to the concrete edge.

Motion: Robert Thompson moved to approve Case DV-21-0024 contingent on the back property line being staked and the retaining wall is 5' in from the property line. An erosion control fence will be installed.

Case: DV-21-0025

Applicant: James C. Henry, III

Location: 208 Third Street, Wheeler, IN 46393 (Union Township)

Zoning: R1, Low Density Single-family Residential District

Acres: 1.75 +/-

Request: To allow a (26'x45') pole barn to be constructed in the front yard.

James C. Henry, III - 208 Third Street, Wheeler, presented. He wants to tear down the existing garage and build a pole barn.

Public Hearing

Seeing no one wishing to address the Board, Robert Thompson declared the Public Hearing closed.

Discussion: The applicant has combined four parcels. The front face of the new building will be behind the house next to it. He will need a demolition permit.

Motion: Robert Thompson moved to approve Case DV-21-0025.

Case: DV-21-0027

Applicant: Steindler Signs, c/o Tom Steindler Anderson's Winery & Vineyard

Location: 430 East U.S. Highway 6, Valparaiso, IN 46383 (Jackson Township)

Zoning: CH, High Intensity Commercial District

Acres: 29.5 +/-

Request: To replace an existing monument sign with the height to exceed the allowed (8) feet to be at (12.5) feet.

Tom Steindler - 1040 US 30 Wanatah, presented. They want to change a legal non-conforming sign. The height will be the same as what is there. It will just be upgraded.

Public Hearing

Seeing no one wishing to address the Board, Robert Thompson declared the Public Hearing closed.

Discussion: Robert Thompson explained when a non-conforming sign is taken down, the new sign has to be in compliance. Tom Steindler stated he talked with Joey Larr who told him the height and square footage were both issues. Robert Thompson stated the message board can only be 20% of the allowed square footage. The applicant is showing 60%. The changeable message is only allowed once every 24 hours. There were two letters of remonstrance. One was about the light pollution from the sign. Tom Steindler replied the light changes from day and night. Robert Thompson discussed the US 6 Corridor project. He has a problem with the height. Tom Steindler explained because of the hill and where the sign is located they are asking for 12'. Tom Steindler said they could see if they can get the height down some.

Robert Thompson asked for a revised design. This will have to be readvertised so residents know of the changes being made to height and square footage. Robert Thompson stated staff will do the notification.

Motion: Robert Thompson moved to continue Case DV-21-0027 until the next Hearing Officer meeting. Applicant will supply staff with a revised concept drawing.

Case: DV-21-0028

Applicant: Todd & Gina Barrette

Location: 113 East 50 South, Valparaiso, IN 46383 (Morgan Township)

Zoning: R1, Low Density Single-family Residential District

Acres: 7.85 +/-

Request: To allow a (35'x45') pole barn with a (12'x26') lean-to to be constructed in the front yard with a reduction in front yard setback.

Todd Barrette - 113 East 50 South, Valparaiso, presented. He wants a reduction in the front yard setback. He wants it to be considered part of the side yard. The new building will actually be put behind his house but since it is a double front lot, it is considered the front yard.

Public Hearing

Seeing no one wishing to address the Board, Robert Thompson declared the Public Hearing closed.

Discussion: The septic field is on the north side of the house. Robert Thompson wants to make sure the trees and vegetation remain as a buffer.

Motion: Robert Thompson moved to approve Case DV-21-0028 contingent on the trees and vegetation remaining as a buffer.

Case: DV-21-0029

Applicant: Bradley & Melissa Moyer

Location: 126 East Goldfinch Drive, Kouts, IN 46347 (Pleasant Township)

Zoning: R1, Low Density Single-family Residential District Acres: 0.69 +/-

Request: To allow a (48'x30') pole barn to exceed the maximum floor area and to allow an increase in maximum accessory structure height from 20' to be at 25'4".

Bradley and Melissa Moyer - 126 East Goldfinch Drive, Kouts, presented. The purpose of the building is a basketball court pole barn.

Public Hearing

Russell Capilari - 638 Blackbird Lane. He is concerned regarding the height and he thinks this might decrease his property value. When he goes out his door he will be looking right at this building.

Two residents have sent emails regarding opposition to this project.

Seeing no one else wishing to address the Board, Robert Thompson declared the Public Hearing closed.

Discussion: This could be granted and then the neighbors could group together and sue based on the covenants not being met. He asked the applicant to go back to the developer and get letters stating there is no objection.

Motion: Robert Thompson moved to continue Case DV-21-0029.

Case: DV-21-0030

Applicant: David & Veronica Duenas, c/o Alan J. Sirinek, Attorney at Law

Location: 1581 North 600 East, Michigan City, IN 46360 (Pine Township)

Zoning: RR, Rural Residential District

Acres: 2.0 +/-

Request: To allow a rear yard setback for an existing accessory structure.

Alan Sirinek presented. In 2020 the house was burned completely down. When they went to get a building permit, they found two things they never knew existed. The new house will use the existing driveway. They have learned they need a variance because they do not meet the 40' building line requirement for the house. There is an existing shed that they have learned is 8' over the property line. They are asking for a variance on the rear yard setback. They are looking for an easement from the property owner.

Public Hearing

Seeing no one wishing to address the Board, Robert Thompson declared the Public Hearing closed.

Discussion: Robert Thompson stated he does not have a problem with the front yard request. He does not have a problem with the front porch being open. He is concerned with the variance for the accessory structure. He cannot grant a variance for something that is on someone else's property. He can release the building permit and then not issue the Certificate of Occupancy until this matter is cleared up.

Motion: Robert Thompson moved to table Case DV-21-0030 but he will release the building permit. The Certificate of Occupancy will not be issued until the matter with the existing shed is cleared up.

Once all is in order staff is to be advised and this case will be re-noticed by First Class mail.

There being no further business, the meeting adjourned.

Robert Thompson

Kristy Marasco, Assistant Director