

PORTER COUNTY BOARD OF ZONING APPEALS
HEARING OFFICER
August 12, 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 – continue until next meeting

Correspondence: none

Old Business:

Case: DV-21-0030

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

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.

Tabled: Petitioner needs to get property surveyed with additional land for existing barn.
Tabled at the May 13, 2021 meeting.

Alan J. Sirinek – Michigan City, presented on behalf of applicant. At the last meeting they discussed there was a pre-existing shed. The house burned completely down. This is when they realized the shed was 8'-10' over the property line. They filed a petition for Quiet Title. An easement was granted and recorded on June 1, 2021. Now they are requesting a 10' setback variance. The easement gives them 5' for the setback.

Motion: Rick Burns moved to approve Case UV-21-0030 for a 10' set back contingent on the BZA attorney approving all documents.

New Business:

Case: DV-21-0044

Applicant: Adonis & Myrna Sison

Subdivision: Coventry Subdivision

Location: 681 Coventry Court, Valparaiso, IN 46385 (Portage Township)

Zoning: PUD, Plan Unit Development District

Acres: 0.18 +/-

Request: To allow a reduction in minimum rear setback for a proposed sunroom addition to the primary structure.

Curt Kusmis – 157 Decoy Drive, Valparaiso, presented on behalf of applicant. He is the proposed builder. Code is 15' rear setback and 8' side setback. The sunroom is 14' from the property line.

Public Hearing:

Myrna Sison – 504 Robin Hood Court. They have submitted a letter of approval from the HOA.

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

Motion: Rick Burns moved to approve Case DV-21-0044 for a 14' setback.

Case: DV-21-0045

Applicant: James Richmond

Location: 649 North 700 West, Hobart, IN 46342 (Portage Township)

Zoning: RR, Rural Residential District

Acres: 2.5 +/-

Request: To allow an increase in maximum floor area (the cumulative square footage of all accessory structures) for a proposed (36' X 48') pole barn.

James Richmond - 649 North 700 West presented. He has another barn on his property that was built in the 30's. His vehicle will not fit in it. He also has a bass boat and a utility tractor he would like to store.

Public Hearing:

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

Discussion: There also is a chicken coop on the property. They store holiday decorations in it. There is another structure that they store straw in. Those two barns were built by his grandfather. The family has discouraged him from taking them down. He is 318 square feet over the allowed.

Motion: Rick Burns moved to approve Case DV-21-0045 for a 36' X 48' pole barn 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-21-0046

Applicant: Crusader Homes Inc c/o McMahon Associates, Inc.

Project: Shine Ridge Minor Subdivision

Location: 348 East 600 North, Valparaiso, IN 46385 (Jackson Township)

Zoning: RR, Rural Residential District

Acres: 50.98 +/-

Request: To vary from the following for a proposed four (4) lot minor subdivision:

- Greater than 1:4 width-to-depth ratio
- More than one (1) drive for each two (2) lots
- Drives closer than 320 feet
- Street tree plantings.

Kevin Coros of McMahon Associates – 952 South State Road 2, Valparaiso - presented on behalf of applicant. They are going through minor subdivision process. The 1:4 width ratio is an issue due to a wetland on Lot 4. The driveways have 320' separation for each except for one. They are asking for each lot to have its own driveway for property value and maintenance reasons. They are asking for a waiver from the street trees due to the cost. There is existing vegetation along the road that will be cleaned up by each homeowner.

Public Hearing:

Ron Suparski – 637 North Old Suman Road. He does not think this will pass the perk test. He asked how deep the well is going to be.

Barb Olson – 400 North. She is disappointed in how many subdivisions are being built. She is concerned about the wetland. Another subdivision is going in south of this one. She hopes this is discontinued.

Kevin Coros replied they zoning is correct for this development. The Engineering Department will approve the stormwater drainage plan. All have to meet the County code. The County Health Department has to approve all well and septic permits.

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

Discussion: Rick Burns stated the new code is very strict and usually with developments it is better than before the development started. Rick asked them to commit to driveway distances.

Matt Palm– Crusader Homes 2500 Sterling, asked if they could have a minimum and a maximum for the one driveway. Lot 1 has the lowest amount of road frontage. He asked for 200' between the driveways to the neighbor to the north.

Motion: Rick Burns moved to approve Case DV-21-0046 contingent on no further subdividing on all four Lots, a minimum of 200' on Lot 1 and on Lot 2 300' between the driveways, the tree planting variance is granted, the 1:4 width-to-depth ratio variance is granted.

Case: DV-21-0047

Applicant: DG Partners LLC c/o Falk PLI

Project: Dollar General Store #21780

Location: 373 US Highway 6, Valparaiso, IN 46385 (Portage Township)

Zoning: CH, High Intensity Commercial District

Acres: 1.17 +/-

Request: To vary from the following for a proposed convenient store:

- To allow an increase in maximum front setback
- To allow a reduction in buffer yard
- To allow the façade to be different than code
- To allow a reduction in driveway distance from an intersection (using the existing driveway)
- To allow a reduction in minimum lot area

Nate Booster with Falk PLI – 6370 AmeriPlex Drive and Scott Falk 2646 Hamstrom Road, Portage, presented on behalf of applicant. This currently is a non-conforming site. Code requires a 5-acre minimum site. This is just over 1 acre. On the North side they are asking for a rear yard setback of 25' instead of 40' as required. Code requires a driveway to be no closer than 200' from the nearest intersection. The parcel is 200' wide. They are using an existing driveway and it will be 180' from Greenfield Lane. Code requires the front of the building to be 35'-50' from the right of way line and they are asking for 85'. This is to make room for parking in the front. High density commercial zoning requires lots of 5 acres. Their lot is 1.17 acres. They are asking to vary from the 5 acres. They are asking for a variance on the south side façade to use a simulated brick and on the upper portion to use a metal panel. This is easier material for upkeep. On the side facing the trailer park they would like to use metal siding and also for the east side which faces the other commercial buildings. On the west façade they are looking to turn the corner with the same as the front and going back 10'. At that point they will switch back to the metal panel.

Public Hearing:

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

Discussion: Rick Burns asked if this is the same façade as down the road. Kristy Marasco explained this project is in the Overlay District. The other one is not. Rick Burns listed the requests for clarification. Kristy Marasco stated no pole signs are allowed in the Overlay District. This sign will be a monument sign.

Motion: Rick Burns moved to approved Case DV-21-0047 contingent on: The front setback will be 85'; reduction in buffer yard will be 25'; the façade will be changed to metal siding with the plan they presented to staff; reduction in driveway will be 180' with using an existing driveway; and reduction in lot size from 5 acres to 1.17 acres; because of the size of the lot the frontage is 240' and, no pole signs.

Case: DV-21-0048

Applicant: Cory Brown

Location: 519 East 900 North, Valparaiso, IN 46383 (Jackson Township)

Zoning: RR, Rural Residential District

Acres: 2.42 +/-

Request: To allow an increase in maximum, floor area allowed for a proposed (40' X 60') pole barn.

Cory Brown - 519 East 900 North, Valparaiso – presented. He is 282 sq ft too big on his proposed pole barn. There was an old barn that has been torn down. There are two other sheds. One has been torn down already and one will be torn down when the new structure is complete. Rick Burns corrected that he is approximately 300 sq ft over with a 40' X 60' pole barn. It will be used for storage.

Public Hearing:

Mike – neighbor. He has lived here 25 years. Cory has turned the property around. He would like to see this approved.

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

Discussion: He did not get a demo permit for what has been torn down. Kristy Marasco will talk to Mike Haller about this.

Motion: Rick Burns moved to approve Case DV-21-0048 contingent on the building being 40' X 60', removing the remaining shed, and applicant and staff checking on status of demolition permit for what has been torn down already. 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-21-0049

Applicant: Timothy & Frieda Nelson

Location: 413 North 325 East, Valparaiso, IN 46383 (Washington Township)

Zoning: RR, Rural Residential District

Acres: 2.0 +/-

Request: To allow for a proposed pole barn to vary from the following:

- To allow an increase in maximum floor area allowed
- To allow an increase in maximum structure height

Frieda Nelson - 413 North 325 East, Valparaiso, presented. Their current pole barn collapsed. They have cleaned that up and want to build a bigger structure. This will be placed where the collapsed structure was.

Public Hearing:

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

Discussion: The concrete pad will be left as is. Rick Burns stated the height of the new structure will be 16' so a variance is not required. He requested they go smaller on the size.

Motion: Rick Burns moved to approve Case DV-21-0049 contingent on the building being 50' X 40', height no more than 20'. Applicant will submit a new plan with the new size. Old building will be completely removed before construction begins on the new structure. 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. Applicant is reminded they need a demolition permit.

Public

Judy Jewel – 796 Timberline Parkway. She thought the Dollar General was going across the Street from what was presented today. It was explained that is a Headstart going in there.

There being no further business, the meeting adjourned.

Rick Burns, Hearing Officer

Kristy Marasco, Assistant Director