



**PORTER COUNTY BOARD OF ZONING APPEALS
HEARING OFFICER
January 28, 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, Assistant Director
Kelly Cadwell

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

Minutes: Rick Burns moved to approve minutes of the October 29, November 19 and December 17, 2020 meetings.

Correspondence: None

New Business:

Case: DV-20-0081 (Tabled and Amended)

Applicant: AM Rents LLC, c/o Katie Koph

Location: 133 West 200 South, Valparaiso, IN 46385 (Porter Township)

Zoning: A1, General Agriculture District

Request: To vary from the following codes for further subdividing of the parcel into (2) lots:

- Minimum Side Yard Setback (west side) Code: 30ft Proposed: 24.3
- Minimum Lot Width Code: 160ft Proposed: 155 (Lot 2)
- Minimum Lot Area Code: 10 Acres Proposed: 2.892
- Front yard setback (existing house) Code: 50 Feet Existing: 33.7

Katie Koph of Hoepfner, Wagner and Evans presented. Kristy Marasco announced this case was re-noticed and asked that Rules of Public Hearing be read. The goal is to convert the dairy barn on the western portion into a home for the owner and his family. The first step is to get the four variances. Then they will move into the subdivision phases. She met with the Planning Staff to make sure they were doing what is necessary. That is where they realized they need the front yard setback. They have reached out to the Health Department. They hired Soil Solutions. Borings were done. They have received a preliminary report and they can meet all requirements.

Public Hearing

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

Discussion: His concerns have been addressed. Everything is in order like asked. There is no more subdividing allowed.

Motion: Rick Burns moved to approve Case DV-20-0081 contingent on no further subdividing of either lot.

Case: DV-21-0001

Applicant: Lloyd & Kathleen Brewer

Location: 691 East 1065 North, Westville, IN 46391 (Jackson Township)

Zoning: RR, Rural Residential District

Acres: 2.6 +/-

Request: To allow a (40'x60') pole barn to be located in the front yard, to exceed the maximum number of three (3) accessory structures permitted on a lot and to exceed the maximum floor area of the cumulative square footage of all accessory structures (two percent (2.0%) of the square footage of the lot).

Lloyd Brewer - 691 East 1065 North, Westville, presented. His request is for putting up a structure for personal storage.

Public Hearing

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

Discussion: This will be for personal use. Rick Burns asked about keeping the other buildings. There is one that is his shop, one is a tree house, one has lawn equipment. There is one shed that can be removed.

Motion: Rick Burns moved to approve Case DV-21-0001 contingent on Petitioner removing the mini barn (10 x 16) prior to issuance of the CO for the new barn. 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-21-0003

Petitioner: Lance & April Popp

Location: 645 North 300 East, Valparaiso IN 46383 (Jackson Township)

Zoning: RR, Rural Residential District

Acres: 3.6 +/-

Request: To allow a reduction in side yard setback from the minimum required 15 feet to be as close to the property line for a proposed (30'x50') pole barn.

Lance & April Popp – 1210 East 12th Street, Hobart, presented. This variance is needed because the septic field takes up most of the back yard. They are in the process of buying the house. The sale is contingent on obtaining this variance. There is no garage on the property.

Public Hearing

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

Discussion: Rick Burns stated the problem is there is a 10' side easement. Typically, any structure has to be at least 5' from the easement. There was discussion regarding having an attached garage. At the back of the property is a 50' ravine. The Petitioner has measured and probed to get the dimensions of the septic field. An accessory structure has to be 10' from the perimeter drain of the septic field. Rick Burns suggested they step out and talk about options and come back at the end of the meeting.

Case: DV-21-0004

Applicant: David Pullen, Jr.

Location: 510 East 700 North, Valparaiso, IN 46383 (Jackson Township)

Zoning: RR, Rural Residential District

Acres: 3.5 +/-

Request: To allow a (40'x80') pole barn to exceed the maximum floor area and to allow an increase in maximum accessory structure height from 20' to be at 23'5".

David Pullen, Jr. - 510 East 700 North, Valparaiso presented. This structure will be used for storage of equipment.

Public Hearing

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

Discussion: Rick Burns stated there is an issue of running a business out of the structure. There is a tree trimming truck on the property. Petitioner stated his business is located at 847 N 625 E Westville. Petitioner stated he could go down on square footage. Rick Burns suggested he check into scissor truss so the height can be lowered. Rick Burns stated he is going to continue this for the Petitioner to look at scissor truss. He will not approve the request if there will be storage of business trucks in the structure. He will approve if changes are made: the size from 80' to 72' length, using scissor truss to lower the height.

Motion: Rick Burns moved to continue Case DV-21-0004 to allow the Petitioner time to see what the height will be with scissor truss.

Case: DV-21-0005

Applicant: Todd Hannon, c/o Brian S. Laffoon

Location: 627 East 100 North, Valparaiso, IN 46383 (Washington Township)

Zoning: A1, General Agriculture District

Acres: 1.2 +/-

Request: To exceed the maximum floor area (the cumulative square footage of all accessory structures), for the proposed (30'x24') addition to an existing (30'x40') pole barn.

Brian S. Laffoon with Eric Goetz Master Builder presented. Todd Hannon was also present. The structure will be used for storage of a truck and yard equipment. The existing structure is used as a shop to rebuild motors.

Public Hearing

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

Discussion: Rick Burns asked if part of this new structure will be a canopy. About one-third will be an open canopy. It will have a sitting area in it. The structure will be 720 sq ft over requirements.

Motion: Rick Burns moved to approve Case DV-21-0005 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-21-0003 – Continued from earlier in meeting

Petitioner: Lance & April Popp

Location: 645 North 300 East, Valparaiso IN 46383 (Jackson Township)

Zoning: RR, Rural Residential District

Acres: 3.6 +/-

Request: To allow a reduction in side yard setback from the minimum required 15 feet to be as close to the property line for a proposed (30'x50') pole barn.

Discussion: Lance Popp asked if it is possible to go 16 x 70. This would be right at the top of the ravine. He will have to be 5' off the 10' easement. Also he will have to be 10' from the perimeter drain of the septic field. Kelly Cadwell suggested they check with the Health Department for setback for the drain. It was discussed that instead of being 10' off the drain, it only needs to be 2'. Rick Burns stated he needs a letter from the Health Department stating the 2' setback is approved. He suggested the Petitioners get an answer about the setback for the perimeter drain and then figure out where and what size they actually can fit on the property. Then come back at the next meeting with those figures for approval. They know they can put something on the property it will just need to be adjusted some.

Motion: Rick Burns moved to continue Case DV-21-0003.

There being no further business, the meeting adjourned at 2:04 p.m.

Rick Burns, Hearing Officer

Kristy Marasco, Assistant Director