



**PORTER COUNTY BOARD OF ZONING APPEALS
HEARING OFFICER
July 16, 2020 – 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
Monica Gee

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

Approval of Minutes:

Motion: Rick Burns moved to approve minutes from the February 13, 2020 meeting.

Correspondence: None

Old Business:

Case: DV-20-0007

Applicant: Peggy White

Location: 624 West 250 South, Hebron, IN 46341 (Porter Township)

Zoning: RR, Rural Residential District

Acres: 5 +/-

Request: To allow for a reduction in side yard setback from 15' to 6' for an existing accessory structure.

Dawn Vroom- 624 West 250 South, Hebron, IN 46341- presented. She is the daughter of the applicant.

Discussion: Rick Burns asked about the second septic permit. She presented copies of the septic permit for the house. She was told by Dan Boyd of the Health Department that prior to 1991 no septic permit would have been issued because a second septic would have been considered a replacement. Permission may have been given but a permit would not have been issued. The pole barn was built in 1990. Therefore, there is no documentation. Kristy Marasco asked about the second structure that has been turned into a house and which septic it is on. The applicant replied it is on the second septic and there is one well for both structures.

Rick Burns pointed out they also did not get a permit for building the second structure. This was done by the previous owner. Dan Vroom said there are no permits in their file for any of the property. They are assuming the documents went missing. Kristy Marasco advised GIS shows this was built as a pole barn and has been turned into a house. Dawn advised this is not used as a home. It is for extra space and does have a bedroom in case her mother wants to stay there. She cannot find any copies of a permit in her mother's papers.

Motion: Rick Burns moved to deny Case DV-20-0007 based on no permits and no inspections. The carport must be removed from the property. They must apply for a variance for the pole barn-living quarters.

Case: DV-20-0013

Applicant: Darrel & Gail Hoover

Location: 970 North 200 West, Valparaiso, IN 46383 (Liberty Township)

Zoning: RR, Rural Residential District

Acres: 15 +/-

Request: To allow an accessory structure to be built on a parcel without a primary structure.

Darrel Hoover's son-in-law presented. They want to put up a 45x60 pole barn.

Discussion: Rick Burns advised him when he gets a letter of commitment stating when they will build the primary structure, he will approve the request for the accessory structure. The son-in-law advised the neighbor has been told the pole barn is for storage. There will not be a business in it. He asked what happens if he is unable to get permits approved and can't build as committed to. Rick Burns went over his options with him. He is looking at buying the piece of property in front of this parcel. There was discussion regarding having the soil borings done now.

Motion: Rick Burns moved to continue Case DV-20-0013 with applicant to provide a commitment to build a home and the anticipated time frame.

NEW BUSINESS

Case: DV-20-0017

Applicant: Rachel Brown and Jason Lenert

Location: 1008 South 50 East, Kouts, IN 46341 (Pleasant Township)

Zoning: A1, General Agriculture District

Acres: 1.5 +/-

Request: To allow for a reduction in side yard setback from 30' to 15' for a proposed (30' X 40') pole barn for personal storage.

Rachel Brown - 1008 South 50 East, Kouts, IN 46341 - presented. They need this variance because of the zoning. The pole barn will be for personal storage.

Public Hearing:

Harvey Nix - 1020 S 50 E - two doors down from this property - He is in support of the building.

Mr. Pappas - 99 E 1050 S - He passes property every day and he is ok with the proposal.

A neighbor, Mr. Schoppel - e-mailed a letter against the proposal.

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

Discussion: Rick Burns discussed the large parcel they have and why they don't relocate the placement of this building. He does not see the hardship with this much land to place it on. Rachel Brown replied they need to keep it closer to the home for easy access.

Motion: Rick Burns moved to deny Case DV-20-0017.

Case: DV-20-0018

Applicant: Lucius Scott

Location: 434 Woodstock Court, Valparaiso, IN 46383 (Jackson Township)

Zoning: RR, Rural Residential District

Acres: 1.19 +/-

Request: To allow a reduction in the side yard setback from the required 15' to 5' and to exceed the maximum height from the required 20' to 22' for a proposed (30' X 40') detached garage for personal storage.

Lucius Scott - 434 Woodstock Court, Valparaiso - presented. He wants to put up a 30' X 40' detached building for personal storage.

Public Hearing:

Russ Millbranth – 2601 Chicago Street, Valparaiso – presented for his client Don Ruppert. He presented photographs of the site and his client’s property which is to the west of this project. His concern is this is also a variance from the covenants. Rick Burns advised him the County does not get involved in enforcing Covenants. The primary reason they are concerned is drainage. This is a detriment to his client. The request for variance is for convenience and not necessity.

Don Ruppert – Lexington, KY – owner of adjacent property and client of Russ Millbranth. He only had six days to respond to this from the time it was delivered. He is a disabled Vet. He does not need to be here but has to be to protect the integrity of his property.

Lucius Scott replied he is trying to keep all his equipment inside and not sitting out in his yard as an eyesore. His structure will match the house. He needs the extra height because he is putting in a second floor.

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

Discussion: Rick Burns stated he has no problem with the height but he does not feel the placement and request for side yard setback is a hardship. Lucius Scott replied he does not have a print showing the placement of his septic. Rick Burns advised he is going to ask the drainage engineer to locate the septic and laterals and determine which way the water flows on this property.

Motion: Rick Burns moved to table Case DV-20-0018. He is requesting the drainage engineer to look at the property and determine which way the water flows.

Case: DV-20-0019

Applicant: Jeffrey Seeley

Location: 295 West 1000 North, Valparaiso, IN 46385 (Liberty Township)

Zoning: R1, Low Single-family Residential District

Acres: 2.06 +/-

Request: To allow for a proposed (40’x72’) pole barn to vary from the following:

- Accessory structure to be placed in the front yard;
- Exceed the maximum floor area; the cumulative square footage of all accessory structures shall not exceed the two percent (2.0%) of the square footage of the lot;
- Appearance; the exterior finish and façade of accessory structure shall not match or closely resemble the finish and façade materials used on the primary structure.

Jeffrey Seeley - 295 West 1000 North, Valparaiso - presented. He wants to build a pole barn to store his vehicles. He is on a corner lot.

Public Hearing:

Loren Seeley - - 295 West 1000 North, Valparaiso. They got signatures in favor but none of them could make the meeting. The list has been emailed to staff.

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

Discussion: Rick Burns asked how many feet they are over in their request. It is almost 1,900 over the allowed. Rick stated this is huge and will change the character of the neighborhood. Kelly Cadwell stated 149 is an arterial road so there are larger setbacks required. The driveway would have to be moved and come off of 1000 North. There are significant issues.

Motion: Rick Burns moved to deny case DV-20-0019.

Case: DV-20-0023

Applicant: George Armond

Location: 234 South 675 West, Hebron, IN 46341 (Porter Township)

Zoning: RR, Rural Residential District

Acres: 5 +/-

Request: To exceed the maximum structure height from the required 20' to 22' 10.5" for the proposed (36'x56') pole barn with (15.11'x8.5') lean-to, to be used for personal storage.

George Armond - 234 South 675 West, Hebron (3145 Tremont Lane, Crown Point) presented. He wants to store classic vehicles. The building will match the house.

Public Hearing:

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

Discussion: Rick Burns asked why so tall. George Armond explained he would like to pour a 6" floor and put in a lift. Rick Burns suggested a scissors truss. George Armond showed the location of the septic. This matter will be continued to the end of the meeting.

Case: DV-20-0024

Applicant: Thomas and Jeanette Tugman

Location: 591 West 250 South, Hebron, IN 46341 (Porter Township)

Zoning: RR, Rural Residential District

Acres: 2.74 +/-

Request: To allow a reduction in the side yard setback from the required 30' to be at 15' and to exceed the maximum structure height from the required 20' to 25', for the proposed (30'x31') detached garage to be used for personal storage.

Thomas Tugman - 591 West 250 South, Hebron presented. The house is placed sideways and on one side no building is allowed due to wetlands. This is the only spot where the garage will fit. It will match the house. He wants storage on top. The garage will be a 3-car garage. He has talked to the neighbors and none have any concerns regarding this project.

Public Hearing:

Stephanie Marek - 232 South 600 West – asked where this building will be located and how it will affect drainage.

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

Discussion: Rick Burns stated there is an issue of utility boxes. Thomas Tugman replied last year they were pushed back. He also advised there is an internet cable box where he is installing the structure. He wants the height so it matches the house and for storage.

Kelly Cadwell discussed the need for a variance of detached versus attached. She also requested a commitment of no one living in or business in the building.

Motion: Rick Burns moved to approve Case DV-20-0024 contingent on receiving a signed 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-20-0025

Applicant: Donald Boerman

Location: 787 West 600 North, Hobart, IN 46342 (Portage Township)

Zoning: RR, Rural Residential District

Acres: 5 +/-

Request: To exceed the maximum structure height from the required 20' to 25' for the proposed (88'x48') pole barn to be used for personal storage.

Donald Boerman - 787 West 600 North, Hobart presented. He needs the extra height to accommodate a 14' door for an RV. The building will be used for this and other personal storage.

Public Hearing:

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

Discussion: Rick Burns asked what size is allowed with no variance. Kelly Cadwell figured the square footage and replied he is allowed 4356 sq ft and he is asking 4224 sq ft. Rick asked about sewer pipes. Donald Boerman replied there is one for a bathroom in the pole barn. One will be cut off. Rick Burns explained there cannot be any living quarters in the structure. He did get a permit for the pipes Rick saw and it was inspected. Rick Burns asked about scissor truss.

Donald Boerman explained that would not work in this case. There was discussion regarding the possibility of lowering the height.

Motion: Rick Burns moved to approve Case DV-20-0025 contingent on a written commitment that 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 will look at lowering the height to a 3/12 pitch and let staff know if it will work which would in turn lower the height.

Case: DV-20-0026

Applicant: Alex and Amanda Leuck

Location: 589 South 300 East, Kouts, IN 46347 (Morgan Township)

Zoning: A1, General Agriculture District

Acres: 1.1 +/-

Request: To allow reduction in side yard setback from 30' to 10' and to exceed maximum floor area for the proposed (30'x40') pole barn with a (6'x40') lean-to.

Alex and Amanda Leuck - 589 South 300 East, Kouts - presented. They want to put up a pole barn for storage. This will be used for personal storage.

Public Hearing:

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

Discussion: Rick Burns stated they are allowed 1300 sq ft. They are over 140 sq ft with the porch. The placement is so it can be entered head on. If it were moved, they would have to back in. It also would require removing a mature tree. Rick Burns stated he feels the placement is out of character for the property. There was discussion regarding possible placement and getting to a 15' setback. A 15' setback would be consistent with RR zoning.

Motion: Rick Burns moved to approve Case DV-20-0026 for a 15' setback. Applicants will provide staff with 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-20-0023 (Continued from earlier in today's hearing)

Applicant: George Armond

Location: 234 South 675 West, Hebron, IN 46341 (Porter Township)

Zoning: RR, Rural Residential District

Acres: 5 +/-

Request: To exceed the maximum structure height from the required 20' to 22' 10.5" for the proposed (36'x56') pole barn with (15.11'x8.5') lean-to, to be used for personal storage.

Case resumed from earlier in the meeting.

Discussion: The builder is using scissor trusses. There are two doors. The height he is now requesting is 22'.

Motion: Rick Burns moved to approve Case DV-20-0023 contingent on receiving 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 2:50 p.m.

Rick Burns, Hearing Officer

Kristy Marasco, Assistant Director