



# LAPORTE COUNTY BOARD OF ZONING APPEALS

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**ANNEMARIE POLAN**  
Building Commissioner

July 16, 2013

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, July 16, 2013, at 6:00 p.m. in the Assembly Room of the County Complex.

MEMBERS PRESENT:      Dwayne Hogan              Wally Pritz  
   Glen Minich                  Candice Nelson

OTHERS PRESENT:      Annemarie Polan, Recording Secretary, Attorney Doug Biege;  
Darlene Pavey, Secretary

The Pledge of Allegiance.

Dwayne Hogan entertained a Motion for the approval of meeting minutes of June 18, 2013.

Glen Minich made a Motion to approve the meeting minutes of June 18, 2013.  
Candice Nelson seconded.

Dwayne Hogan asked if there were any questions, comments, or concerns.

All approved. Motion carried 4-0.

Dwayne Hogan said that Petition #2 will be heard first this evening.

1. The Petition for a Development Standard Variance for Mark & Nancy Parkman and Douglas Bonin (owner) and Kurt M. Schmidt (purchaser) to construct living quarters up to 1800 square feet prior to permanent residence. This property is located at 10532 W. 100 S., Westville, IN, New Durham Twp., zoned R1A.

Attorney Biege said that legal work is in order.

Dwayne Hogan asked for name and address for the record.

Douglas Bonin, 10532 W. 200 S., Westville.

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Kurt Schmidt, 105 Ackley Lane, Valparaiso, Indiana.

Dwayne Hogan asked what they would like to do this evening.

Mr. Bonin said that they desire a variance to put an accessory building with 1800 square foot living quarters on the forty-nine (49) to fifty (50) acre parcel that Mr. Schmidt is buying.

Mr. Bonin said the accessory is in addition to his future home. Mr. Bonin said that the reason for this request is that he decided to have his parents live on the property with him as they're getting older. Mr. Bonin said that he is concerned with their health and safety and this is the primary focus of this.

Mr. Bonin said that they briefly discussed this at last month's meeting.

Dwayne Hogan asked if this would be a regular house building, or a pole barn with additions – or a garage this style. Dwayne asked how it's going to be.

Mr. Bonin said that it is still up in the air – leaning towards a pole barn with living quarters in it.

Dwayne Hogan asked if the living quarters would be eighteen-hundred (1800') foot, or eighteen-hundred (1800') square foot total.

Mr. Bonin said that it would be eighteen-hundred (1800') square foot for the living quarters.

Dwayne Hogan asked Mr. Bonin how big is the building going to be.

Mr. Bonin said that they're looking at something in the area of fifty-six, fifty six for the overall structure.

Dwayne Hogan asked which eighteen-hundred (1800') square foot would be living quarters.

Mr. Bonin said that it will probably be an up and a downstairs, two story configurations inside of the larger structure with some remaining structure for pole barn use.

Dwayne Hogan asked for pleasure of the Board.

Glen Minich said that we should probably see where this is going to be put on the site.

Glen asked Mr. Bonin if he had an idea.

Mr. Bonin up at the bench going over the site plan with the board members.

Dwayne Hogan asked if there were any remonstrators here this evening.

Dwayne Hogan asked if there are any questions or comments from the Board.

Wally Pritz made a Motion to approve the Development Standard Variance for Mark & Nancy Parkman and Douglas Bonin (owner) and Kurt M. Schmidt (purchaser) to construct living quarters up to 1800 square feet prior to permanent residence, with the stipulation that the property is not to be divided and stays at fifty (50) acres. This property is located at 10532 W. 200 S., Westville, IN, New Durham Twp., zoned R1A. Glen Minich seconded.

Dwayne Hogan asked if there were any questions.

Attorney Biege said that after he drafts the Findings he will record them with the La Porte County Recorder and mail those out.

All approved. Motion carried 4-0.

Dwayne Hogan said that Petition No. 2 for tonight was the Petition from last week and we will call it back off the table.

Dwayne Hogan asked for a Motion to take it off the table.

Glen Minich made a Motion that this be taken off the table. Candice Nelson seconded.

All approved. Motion carried 4-0.

2. The Petition for Mark D. & Nancy S. Parkman (owners) and Lisa Bonin (owner) to build two residences; one residence on fifty (50) acres with 113' road frontage located at 10532 W. 200 S., Westville, Indiana, New Durham Twp., zoned R1A. (This Petition was tabled from May 21, 2013 meeting).

Mr. Bonin said that at his last meeting he was asked to come back with a drawing of the agreed upon sketch.

Mr. Bonin is up at the bench going over the site plan with the Board members.

Mr. Bonin said that what they agreed to was the one-hundred (100') foot railroad easement be bound by one-hundred sixty-six (166') feet.

Dwayne Hogan asked if there are any remonstrators here this evening.

Dwayne Hogan asked if there were any questions or comments of the Board.

Glen Minich said that his only comment is how we make a Motion to do this when what is in front of us is not right.

Attorney Biege said that request is considered as modified – so he amended his Petition. What is written in the actual zoning Petition initially does not necessarily have to reflect exact findings at the end. Attorney Biege said that if you make a Motion approve this plan and he will include it in the findings –

Dwayne Hogan asked if this is the modified findings.

Attorney Biege said correct.

Dwayne Hogan said at this time he would entertain a motion.

Glen Minich said that he would like to make a Motion that based on the modified findings and as shown in what is Exhibit 1, that the Petition for Mark D. & Nancy S. Parkman (owners) and Lisa Bonin (owner) be granted. Wally Pritz seconded.

Dwayne Hogan asked if there were any questions, comments, or concerns.

All approved. Motion carried 4-0.

- 3. The Petition for Steve & Judy Parsons for a “Use Variance” to run a babysitting business for children ages two through five, Monday through Friday with hours being 6:00 a.m. to 5:00 p.m. This property is located at 3745 S. Holmesville Road, La Porte, New Durham Twp., zoned Agricultural. (This Petition was tabled to July 16, 2013 at 6:00 p.m.)**

Dwayne Hogan said that he needs a Motion to take the Petition off the table.

Candice Nelson made a Motion to take the Petition off the table. Glen Minich seconded. All approved. Motion carried 4-0.

Dwayne Hogan said that the Petition is now alive.

Judy Parsons, 32745 S. Holmesville Road, La Porte, Indiana.

Dwayne Hogan asked Ms. Parsons what she would like to do this evening.

Ms. Parsons said that she would like to get a variance to get her child care license. Ms. Parsons said that she babysits in her home and she would like to be licensed.

Dwayne Hogan asked Ms. Parson if she wants us to grant her the license.

Ms. Parsons said no, just the variance.

Dwayne Hogan asked if there were any questions or comments from the Board.

Candice Nelson told Ms. Parsons said that she believes that she talked to her before about the fencing.

Ms. Parsons said that she doesn't want to get the fencing unless she can get the license.

Candice Nelson said that she understands that, but you're required to have a fence.

Ms. Parsons said just around the play area.

Candice Nelson asked Ms. Parsons how many kids she thinks she's going have.

Ms. Parsons stated ten (10).

Candice Nelson asked if that is the max.

Ms. Parsons stated yes.

Candice Nelson asked if there were any remonstrators here this evening for Petition No. 3.

Remonstrator:

1. Kim Bacon, 3713 S. Holmesville Road, La Porte. Ms. Bacon said that she has concerns about changing the variance to business instead of agricultural. Ms. Bacon said that the reason why they built their new home was to be in a rural agricultural area and not to be in a business. Ms. Bacon said that she has ran a business in this area since she moved in there and she hasn't appreciated it – she tolerated it, but we're at the end of it for her.

Ms. Bacon said that they signed covenants when they bought the land as did they stating that there would be no business — there would be no disruption and it would take the whole community to change the covenants and she has legal paper work that was drawn up when they bought the home.

Attorney Biege asked Ms. Bacon what the covenants says.

Ms. Bacon up at the bench handing her covenants to attorney Biege and the Board members.

Ms. Bacon said that she highlighted a couple of the areas. Ms. Bacon said that the traffic back and forth; people in and out and children wandering. Ms. Bacon said that it has nothing to do with the person, it's her feelings and she's not sure how much she needs to say how much she

doesn't want this and neither does her husband. Ms. Bacon said that her husband was unable to get off of work in time for this.

Dwayne Hogan asked Ms. Bacon if this is her only copy, or is their copy.

Ms. Bacon said that is her copy.

Attorney Biege said that there was a restricted covenant and it does preclude business use.

Ms. Bacon said that she doesn't object to her having a business at all, but not in the house.

Attorney Biege said that if the Board were to choose to grant a variance that would only cover the zoning code. Attorney Biege said that the neighbors would have enforcement, but you can certainly take that into consideration.

Ms. Bacon said that she didn't want this to be a challenge back and forth of the issues stated with the babysitting. Ms. Bacon said since they lived there they paid their taxes; they've both fed into the community through their taxes, which has not been the case for everyone. Ms. Bacon said that she thinks she has a right to speak.

Dwayne Hogan asked if there were any other remonstrators this evening, for or against.

Ms. Parsons said that she has a paper from the other neighbor that says that she doesn't care. Ms. Parsons said that the people behind her who she actually bought the property from had no problem with this whatsoever, nor did the property in front of her. Ms. Parsons said that she would also like to state that another person that bought that same property – a half a mile from her home around the corner has a licensed daycare. Ms. Parsons said that it is the exact same property – same corn field.

Dwayne Hogan asked if it is the same covenants.

Ms. Parsons said that she believes so.

Ms. Parsons is up at the bench going over the site plan with the Board members.

Dwayne Hogan asked Ms. Parsons how long she has lived in the house.

Ms. Parsons stated thirteen (13) years.

Attorney Biege said that there is no way for him to know which lots would apply to the covenants.

Candice Nelson told Ms. Bacon that they have so much space between the parcels. Candice asked Ms. Bacon what her concern is.

Ms. Bacon said that she has had children in her yard; she's had children in her house that she has babysat; she has had to call and tell her to go outside to please watch the children; she had to walk all the way out there and yell at the kids to stop doing something before she would come out. Ms. Bacon said that she doesn't feel safe.

Candice Nelson said that the ages are between two (2) and five (5). Candice said that she could see if the homes were sitting right on top of each other. Candice said we do have to take in the covenants, but there is so much space between you guys, and her hours of operation are from 6:00 a.m. to 5:00 p.m. Candice said she's not doing this twenty-four (24) hours a day.

Ms. Bacon said that she works midnights and when the kids are outside they have a tendency to be very loud and it's distractive; we pay our taxes; we've lived there legally; we've done everything we were suppose to do. Ms. Bacon said that she now wants to do it legally and she wasn't legal before – a lot of children – a lot more than addressed.

Dwayne Hogan asked if there were any other remonstrators, for or against.

Glen Minich said that this is pretty much – pretty central to the whole problem here. Glen said that a covenants is something that everybody bought the property from and was to live by. Glen said that it does say in part 11, that if these covenants are --- they're automatically extended for ten year periods, unless a vote of the majority of the owners of lots have agreed to change the covenants in part or in whole. Glen told Ms. Parsons that is what she needs to do. Glen said at this point if a Motion would be asked, he would have to ask to have it denied.

Glen Minich told Ms. Parsons that it has nothing to do with how she runs it or anything like that. Glen told Ms. Parsons that it looks like an ideal location, but that is a legal binding contract.

Ms. Parsons asked how she would do that.

Attorney Biege told Ms. Parsons to speak to a lawyer and set some advice on how to proceed.

Candice Nelson told Ms. Parsons that she spoke with her and she doesn't have a problem with this, but we're bound by the covenants.

Dwayne Hogan told Ms. Parson that she doesn't have that many remonstrators except for the one so it will probably pass anyway. Dwayne told Ms. Parsons that she would be back and it would pass.

Dwayne Hogan said that he will entertain a Motion.

Glen Minich asked Attorney Biege if we make a Motion and deny it, what the waiting period for the next one is.

Annemarie Polan, Building Commissioner, said twelve (12) months.

Attorney Biege said that he would suggest that you just deny it because it's going to take some time to get the neighborhood votes, covenants changed, and recorded.

Ms. Parsons said she was told she could babysit and not charge, so that's what she will do if she has to be that way.

Glen Minich said that it would not be a business then.

Ms. Parsons said that it isn't going to be a business.

Candice Nelson told Ms. Parsons that she only needs a majority vote. Candice told Ms. Parsons that it seems like she has enough support from the other neighbors.

Dwayne Hogan said that he would like to entertain a Motion for Petition No. 3.

Glen Minich made a Motion that the Petition for Steve & Judy Parsons be denied because of the covenants that run with the property. Wally Pritz seconded.

All approved. Motion carried 4-0.

4. **The Petition for William F. Sales** to seek a "Use Variance" to permit the property to be used for weddings, wedding receptions and similar activities. The activities will occur generally on weekends and generally on one day per week, (typically Saturday evening) and generally, from May to October. This property is located at 4555 W. Johnson Road, La Porte, Indiana, Center Twp., zoned R1B.

Attorney Biege said that legal is adequate.

Attorney Ralph Howes said that he is an attorney here in La Porte and he is representing Bill & Ranae Sales. Attorney Biege said that they're the owners of the property situated at 4555 W. Johnson Road.

Attorney Howes said that this was the site of their residence until their tragic fire earlier this year and you probably saw something in the news that their house burned down.

Attorney Howes said Mr. Sales had sought a variance in years past – he believes it was in 2005 to use this property as a business purpose – it was for an auction barn. Attorney Howes said that over the years that kind of morphed in his mind to become a venue for wedding receptions and weddings. Attorney Howes said that he has made a very substantial investment—there is a

pavilion approximately twenty-five hundred to three-thousand square feet and bathrooms. Attorney Howes said that the property is very nicely decorated with ponds and water fountains.

Attorney Howes said that the wedding receptions have been occurring for the past couple of years – since 2011. Attorney Howes said unbeknownst to his client, it just never occurred to him that he would need to reapply for a change in the purpose.

Attorney Howes is up at the bench passing out pictures off of Beacon. Attorney Howes said that the property is totally isolated and if he might, it's an ideal location for this. Attorney Howes said that this is not going to bother anyone. Attorney Howes said the pavilion is the building just to the west of the pond — the building to the south is an old structure where the bar services run out of. Attorney Howes said that he also printed off --- this is off their website and it is kind of interesting ---they have one-thousand four-hundred and ten (1,410) likes on face book.

Dwayne Hogan said that he knows it is very nice there. Dwayne said that he has a lot of friends that have been out there.

Attorney Howes said that it's not a yearly operation --- the pavilion is not heated. Attorney Howes said that we're talking late spring maybe to October. Attorney Howes said for what it's worth, his son is getting married on August 31<sup>st</sup> and that's the site for his wedding and reception.

Dwayne Hogan asked if there were any remonstrators, for or against.

**Remonstrators:**

1. Brett Swanson, 10148 S. Hunsley Road, Union Mills. Mr. Swanson said that he has worked for the La Porte County Sheriff's Office the past fourteen (14) years and he has had the privilege of doing security at the Red Barn every weekend ninety-nine (99%) percent of the time. Mr. Swanson said it's a great place and they haven't incurred any legal problems out there whatsoever – no issues. Mr. Swanson said it's an elegant place and people compliment us and them on their establishment. Mr. Swanson said there is no problem out there, traffic wise or anything.

2. Ricky Sauer, 324 Rockwood Street, La Porte. Ricky said that he's worked out there ever since they started doing whatever needs to be done. Ricky said that they're good people to work with and they have never had any problems.

3. Dar Pavey said that she works for the Board of Zoning and Plan Commission. Dar said as a citizen of La Porte, she has been out there many times for weddings --- it's beautiful and there has absolutely been no trouble out there. Dar said that the parking is way in the back and if you were to drive out there on a Saturday night you wouldn't even know that there is a wedding going on. Dar told the Board that she hopes that they can continue to do this.

Dwayne Hogan asked if there were any questions or comments from the Board.

Dwayne Hogan asked the pleasure of the Board.

Candice Nelson made a Motion to approve the Petition for William F. Sales for a "Use Variance" at the property located at 4555 N. Johnson Road, La Porte for weddings, wedding receptions and similar activities.

Dwayne Hogan said that it's typically Saturdays, but it could occur on a Friday or Sunday if they wish so --- it's up to them.

Dwayne Hogan asked for a second. Wally Pritz seconded.

Dwayne Hogan asked if there were any questions, comments or concerns.

Dwayne Hogan asked if there was a sign with an address in front of the building – on the mailbox or anywhere.

Attorney Howes said that he believes his client said that the sign is in progress right now.

Dwayne Hogan said that it is for Center or Coolspring Twp to assist in case of an emergency.

Dwayne Hogan asked if there were any questions or comments from the Board.

Wally Pritz said that he would like that sign and address be large enough in case of an emergency so someone doesn't have to be searching for the address.

Dwayne Hogan asked for name and address for the record.

Ranae Sales, 711 Lakeside Street, La Porte, Indiana. Ranae said at the time they got the variance for the auction gallery, they were also granted a variance for a sign -- and she knows that they pay taxes on that sign – twenty (\$20.00) dollars a year.

Dwayne Hogan asked Mrs. Sales the size of that sign.

Ranae Sales said that it is a 4x8 and that is what they're planning on replacing it with. Ranae said that in fact Decal Arts & Signs is currently doing the work for them.

Dwayne Hogan asked if the sign has a light.

Dwayne Hogan said that it should be lit.

Ranae said just so you know; the number is on their mailbox – on the post that the mailbox is on.

Ranae said that it is there until the time that the sign comes.

Wally Pritz said the big thing is that the address be on that sign because if the Sheriff's Department or the ambulance come down the road, they're not going to be looking at your mailbox.

Ranae Sales said that the address and phone number are going to be on that sign.

Dwayne Hogan asked if there were any other questions or comments from the Board.

Attorney Biege told Attorney Howes that he petitioned for only weekends, one day per week through mid October. Attorney Biege said that it sounds like the Board is inclined to grant more than that. Attorney Biege asked Attorney Howes if he wants to amend to open that back up.

William Sales said that they did a Halloween venue the past year and sold Christmas trees and Christmas decorations.

Dwayne Hogan told Mr. Sales that he doesn't want to block him into a certain time frame.

Attorney Biege said that there is no need to put any restriction on it as he sees it if the Board is so inclined.

William Sales said that would be great.

Attorney Biege asked Attorney Howes if he is going to amend the Petition.

Attorney Howes stated yes.

Attorney Biege said that he just wants to make sure that the record is clear.

Dwayne Hogan asked if there were any other comments or concerns of the Board.

Dwayne Hogan asked all in favor signifying by saying Aye.  
All approved. Motion carried 4-0.

- 5. The Petition for Bill Feliksiak** for a variance from "Development Standards" to install an above ground pool (24') foot on the front (south side) of his property. This property is located at 1567 N. Cathy Lynn Drive, Michigan City, Coolspring Twp., zoned R1A. Section 16:04.

Attorney Biege said that notice is adequate.

Dwayne Hogan asked for name and address for the record.

Bill Feliksiak, 1567 Cathy Lynn Drive, Michigan City.

Dwayne Hogan asked Mr. Feliksiak what he would like to do this evening.

Mr. Feliksiak said that he would like to have a twenty-four (24') foot round (above ground pool) installed on the south side of his property. Mr. Feliksiak said that he has three-hundred and sixty (360') feet of cedar fencing in his backyard, but even if he had a logging company come in and cut down a ton of that woods so he could get enough sunlight on the pool to be useable, his neighbors behind him have trees as tall as his, if not taller.

Dwayne Hogan asked Mr. Feliksiak how much property is in the front.

Mr. Feliksiak said that one of those shows the exact dimensions on his property line which he just gave to the Board.

Mr. Feliksiak is up at the bench going over the site plan.

Dwayne Hogan asked if the flags for this is for locate, or is that where the pool is going to be.

Mr. Feliksiak said that those are for them to come out and locate.

Dwayne Hogan asked if that is for Nipsco.

Mr. Feliksiak said that was for them to come out and locate Comcast.

Mr. Feliksiak is up at the bench showing the Board members where the pool is going to be placed. Mr. Feliksiak said that he wants it closer if he can to his driveway. Mr. Feliksiak said that on the back of his house is like a three season's room and he eventually wants to build a deck out towards the pool.

Board members going over site plan.

Annemarie Polan, Building Commissioner, asked if it was R1A, or R1B.

Dwayne Hogan said R1A.

Mr. Feliksiak said that where the rock bed is it's going past it and how as far as close to the driveway, you guys tell me how far you would like it back.

Dwayne Hogan asked if there were any remonstrators here this evening for Petition No. 5.

## REMONSTRATOR:

1. Andrew Pumproy, 7822 W. Cathy Lynn Drive, Michigan City, directly across the street from Bill. Mr. Pumproy said that he moved there in 2002 and he was after me and he thinks that it's great that he's trying to do something for his kids and put a pool in. Mr. Pumproy said that nobody should have a problem with putting a pool in for their kids. Mr. Pumproy said that the property is kept up; there is another pool in the neighborhood. Mr. Pumproy said that he doesn't see any reason why you shouldn't give him a pool.

Dwayne Hogan asked if there were any other remonstrators this evening for Petition No. 5.

Dwayne Hogan asked if there were any questions or comments from the Board.

Glen Minich said that first of all it's going to have to be ten (10') feet from the neighboring property owner. Glen asked Mr. Feliksiak if he would consider – you're not required by code to actually put a fence up, but he wonders for your own privacy and your neighbors property, if you would consider putting a fence up between the two properties.

Mr. Feliksiak said that he will – that was his intentions. Mr. Feliksiak said that they're going to put the fence up so it's six (6') foot around the pool. Mr. Feliksiak said that he wished he could put it in his back yard because he wouldn't be here and it wouldn't be a headache. Mr. Feliksiak said that he hates to say that he'll do it next year and then ----

Mr. Feliksiak said speaking of remonstrators, he got a certified letter from his neighbor and he would like to give it to the Board.

Dwayne Hogan told Mr. Feliksiak to give the letter to our attorney.

Glen Minich asked Mr. Feliksiak if his plan is to actually put the four (4') foot wall up and then have like a two (2') foot extended privacy circle, or?

Mr. Feliksiak said that he has a picture of a pool down the street that has it if you'd like to see that.

Mr. Feliksiak is up at the Board going over that picture.

Attorney Biege said that the letter that was just handed to him was signed by Christopher McCay objecting to the installation to the pool saying that it will negatively affect the property values by the residences in this subdivision.

Glen Minich asked if we know where he lives.

Attorney Biege said at 1545 W. Cathy Lynn Drive.

Glen Minich asked if that was the adjoining owner.

Mr. Feliksiak said that he has a lot of pictures. Mr. Feliksiak said that after the pool is installed and it gets filled up, the ladder slides up and you can put a padlock on it.

Dwayne Hogan asked if there were any questions, comments, or concerns of the Board.

Glen Minich said that his only concern is that we do have a letter from a neighbor and you have to respect the neighbors too to a certain extent. Glen said that he would like to see him put a pool in, but a he thinks a fence could be a good thing.

Glen Minich asked if there were any comments from the Board.

Glen Minich made a Motion that the Petition for Bill Feliksiak for a variance from "Developmental Standards" to install an above ground pool – twenty-four (24') foot on the front south side of his property located at 1567 N. Cathy Lynn Drive, Michigan City, Coolspring Twp. be granted with the stipulation that the pool be fenced between the adjoining neighbor, with a six (6') foot privacy fence.

Mr. Feliksiak asked he's saying that he has to run it on all four sides of the pool, or just straight down that property line.

Glen Minich said that he's saying down the property line.

Mr. Feliksiak asked what the setback is off the property line.

Glen Minich said that he believes that for a fence there is no setback.

Annemarie Polan, Building Commissioner, said that you can put the fence on the property line, or you can bring it in.

Mr. Feliksiak asked how much time he has to put the fence up.

Dwayne Hogan asked how much time we can give him.

Attorney Biege said that you can either make approval of installation of the pool contingent upon the installation of the fence. Attorney Biege said that is the easiest way to do it. Attorney Biege said that means he has to wait for his pool until the fence is put up.

Mr. Feliksiak said that he would ask the Board if he could give him until next spring when the weather breaks. Mr. Feliksiak said that the only reason he's asking is by the time – if I bought the permit tomorrow if you granted this, by the time it gets filled they have a lot of iron in their

water – Mr. Feliksiak said that he has four kids and they're going to have about a month to use it at best. Mr. Feliksiak said that he has to put up a fence up, by the time he gets a contractor out there ---

Dwayne Hogan said that the ladder is out at night so it's secure.

Mr. Feliksiak said that the six (6') foot will make the total of six (6') foot off of the pool and the ladder slides up and it will be padlocked. Mr. Feliksiak said that he has to do that for his own safety and his own kids.

Glen Minich said that the fence should be put on the property line within six (6) months.

Mr. Feliksiak said that six (6) months isn't going to be ---

Glen Minich said nine months – before next spring.

Dwayne Hogan said that he has a Motion and could he have a second.

Candice Nelson seconded.

Dwayne Hogan asked if there were any questions, comments, or concerns.

All approved. Motion carried. 4-0.

Attorney Biege asked Mr. Feliksiak what direction the McCay's are.

Mr. Feliksaik said on the south property line.

Mr. Feliksiak said that the only reason he sent him a certified letter was because he wouldn't answer his door. Mr. Feliksiak said that he talked to him on Friday and he told me to just forget it, he didn't want the confrontation. He also told me not to even take it to the Board.

Attorney Biege told Mr. Feliksiak that he couldn't keep testifying after they made their decision. Attorney Biege said it's a good idea to stop talking.

- 6. The Petition for Richard & Mary Lou Marshall** seeks a variance from "Developmental" Standards to construct a new residence with a twenty (20') foot front setback instead of twenty-five (25') foot and a rear setback of fifteen (15') foot instead of the required twenty-five (25') foot setback. This property is located at 301 Oak Drive, La Porte, Center Twp., Center Twp., zoned R1B.

Attorney Biege said that notice is adequate.

Jim Pressel, Pressel Enterprises, 109 Pulaski Street, La Porte, Indiana. Mr. Pressel said that he is the builder for the Marshalls at 301 Oak Drive and we're asking for a variance for the front yard setback and the rear yard setback.

Mr. Pressel is up at the bench going over the site plan.

Mr. Pressel said that if you look at that first page that he has there, they kind of positioned the house in the center of it and marked the required setbacks in red.

Glen Minich said that the setbacks aren't even the whole frontage at all; it's just the corner of the house.

Mr. Pressel said it is so they can get a driveway into the garage.

Board members speaking amongst themselves.

Dwayne Hogan asked if there were any remonstrators here for Petition No. 6.

Dwayne Hogan asked if there were any questions, comments, or concerns from the Board.

Glen Minich asked Mr. Pressel if he is okay on the square footage on the lot.

Mr. Pressel stated yes. Mr. Pressel said that they're allowed thirty-five (35%) percent of the lot and the total footprint is twenty-eight hundred (2800) square feet, which is the house and the garage.

Glen Minich asked if this is a one story, or two story home.

Jim Pressel said that it's kind of like a story and a half. Mr. Pressel said that they got a second story built into the main. Mr. Pressel said that there was an existing house there and the third page actually shows the house. Jim said that they don't have it located on the lot because the house was torn down before they got a chance.

Dwayne Hogan asked if there were any questions or concerns of the Board.

Dwayne Hogan said that he will entertain a Motion.

Candice Nelson made a Motion to approve the Petition for Richard and Mary Lou Marshall for a variance from Development Standards to construct a new residence with a twenty (20') foot setback instead of twenty-five (25') and a rear setback of fifteen (15') feet instead of the required twenty-five (25') foot setback on property located at 301 Oak Drive, La Porte, Indiana

Wally Pritz seconded.

Jim Pressel said that the front yard setback would be thirteen foot three inches (13.3) feet and not the twenty (20') feet.

Dwayne Hogan asked if there were any other questions.

Glen Minich said that he thinks that it needs to be reread because of the change.

Candice Nelson said that she will change that twenty (20') feet to the thirteen point three (13.3) front yard set back.

Dwayne Hogan asked if there were any other questions, comments, or concerns on the corrections.

All approved. Motion carried 4-0.

Dwayne Hogan said that we were scheduled for Petition No. 7. Dwayne said it was a Petition for Kody Kubik to seek a "Use Variance" to sell used car parts to core buyers in Chicago, Illinois and South Bend, Indiana, and scrap the vehicles from his residence. This property is located at 0789 W. 350 N., La Porte, Indiana, Center Twp., zoned Agricultural was tabled to August 20, 2013 at 6:00 p.m.

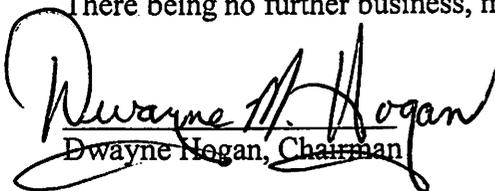
Dwayne Hogan asked if we have any other business before the BZA this evening.

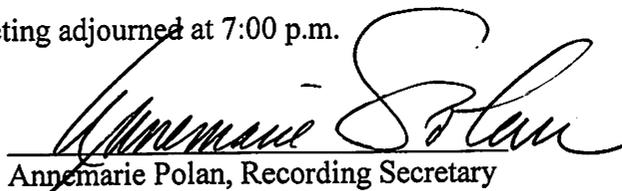
Dwayne Hogan said that he will entertain a Motion for adjournment.

Wally Pritz made a Motion to adjourn. Candice Nelson seconded.

All approved. Motion carried 4-0.

There being no further business, meeting adjourned at 7:00 p.m.

  
Dwayne Hogan, Chairman

  
Annemarie Polan, Recording Secretary