



Paul C. Zona, 6706 N. 300 W., Michigan City, Indiana.

Mr. Zona said that he lives right down the road from Ms. Gaw and as you can tell by looking at the pictures the place is immaculate and always kept up. Mr. Zona said that Ms. Gaw forgot to mention to the board last month that her and her son have some medical problems. Mr. Zona said that the trailer must stay on and Ms. Freeze is part of the family helping keep everything copasetic.

Dwayne Hogan asked if there are any remonstrators here this evening for Petition No. 1.

Glen Minich said that they received all the information from Dar about previous variances and he believes what Mr. Zona is saying is factual and he would like to make a Motion.

Glen Minich made a Motion to approve Melinda G. Gaw for variance for continued placement of her mobile home with a different resident/caretaker for a period of three years renewable. This property is located at 6315 N. 300 W., Michigan City, Indiana, Springfield Twp., zoned R2.

Melissa Mullins Mischke and Wally Pritz seconded.

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

All approved. Motion carried 4-0.

**2. The Petition for a variance for Thomas McComas and Charyl McComas, by attorney Ralph Howes** to utilize an existing structure located east of their home as a gift store specializing in John Deere/Lionel/ and Catapillar items. This property is located at 4258 W. 1000 N., Michigan City, Indiana, Springfield Twp., zoned R1B on 56.283 acres of land.

Attorney Biege said that notice is adequate.

Dwayne Hogan asked for name and address for the record.

Ralph Howes said that he's an attorney here in La Porte at 717 Indiana Avenue. Mr. Howes said that his clients, Mr. & Mrs. McComas reside at 4258 W. 1000 N., Michigan City. Mr. Howes said that they have been residence of La Porte County for almost twenty years. Mr. Howes said that this parcel is a total of approximately eighty acres.

Attorney Howes said that Mr. McComas is now retired and he has accumulated over the years rather an expensive collection of items and this building is adjacent to their home. Attorney Howes said that Mr. McComas spends a lot of time over in that building and would like to be able to open a small gift shop and over the next few years liquidate his collection.

Attorney Howes said that this would be seasonable and he is only interested in doing this during the spring, summer and early fall months. Attorney Howes said that Mr. McComas said it would

be 10:00 a.m. to 4:00 p.m., and may be less than that. Attorney Howes said that he would like to install a sign on the face of the building, four feet by eight feet (4' x 8').

Attorney Howes said that the adjacent property owners, with the exception of one gentleman that lives in Chicago, were all personally notified by Mr. McComas and they all indicated on the letters of notification of this hearing their approval and not having no objection.

Dwayne Hogan asked how many days of week.

Mr. McComas said it will be four or five days a week.

Attorney Howes said that if he does some advertising it will be on the internet. Attorney Howes said that they're right by the blueberry farms.

Dwayne Hogan asked if there are any remonstrators here this evening for Petition No. 2.

Glen Minich said that they have a lot of pictures and Glen wanted to know if they're only going to use one of these buildings on the property.

Mr. McComas said that they own multiple buildings, but they're only going to use one for this purpose.

Attorney Howes said that it does not have a separate address at this time, but it does have a separate driveway and if this is approved he will go the Building Commissioner's Office to get a separate address assigned so he can get in the 911 system in case of a fire.

Dwayne Hogan asked attorney Howes if this has an independent well and septic for this building.

Mr. McComas stated no. Mr. McComas said that there is in the building next door.

Melissa Mullins Mischke said that she just wants to clarify the days of operation.

Mr. McComas said that it will be probably be over the weekends, Tuesday through Sunday.

Melissa Mullins Mischke asked if the sign on the building would be lit.

Mr. McComas stated no.

Dwayne Hogan said 10:00 a.m. to 4:00 p.m., unless appointments.

Mr. McComas said that he has a home office that overlooks the building, and if a car drove up, he could just walk over there and take care of it.



Dwayne Hogan asked the pleasure of the board.

Melissa Mullins Mischke made a Motion that the Petition for the Variance for Thomas McComas and Charyl McComas to utilize an existing structure located east of their home as a gift shop specializing in John Deere/Lionel. Catapillar items be granted at the property located at 4258 W. 1000 N., Michigan City, Indiana, Springfield Twp., with hours of operation being 10:00 a.m. to 4:00 p.m. Tuesday through Sunday and a four by eight (4' x 8') foot unlit sign on their building.

Wally Pritz seconded.

Dwayne Hogan asked if there are any other questions, comments, or concerns from the board.

All approved. Motion carried 4-0.

**3. The Petition for a variance /special exception for Carol Keller (owner) and Paul T. Cook, Jr., (Lessee)** for retail sales (variance) and a special exception for explosives storage. This property has always been used for a shooting range and gun sales. This property is located at 8816 E. 700 North, New Carlisle, IN, Hudson Twp., zoned M1 on 1.44 acres of land.

Attorney Biege said that notice is adequate.

Dwayne Hogan asked for name and address for the record.

Thomas J. Walz said that he's from South Bend, Indiana and his address is 509 W. Washington Blvd in South Bend.

Attorney Walz said that he's here on behalf of Carol Keller and Paul T. Cook, Jr. Attorney Walz said that Carol is the owner of the property that is located at 8816 E. 700 North, New Carlisle. Attorney Walz said that Paul T. Cook, Jr. is the Lessee that is interested in utilizing the property to operate the business that he assisted him in organizing.

Attorney Waltz said what Mr. Cook proposes to do with the seller, he's asking the board to approve the variance for purposes using the existing structure which is located between two railroad tracks adjacent to a residential home, as well as a vacant barn. Attorney Waltz said that the property has been used in the past for similar activities.

Attorney Waltz said that the structure itself is heavily enforced with concrete walling both from the exterior and the interior. Attorney Waltz said that it has a septic system that is fully functional.

Attorney Walz said that if his client is given the opportunity to operate this business, he's intending to install state of the art security cameras.

Attorney Waltz said that he did include as part of his presentation packet on page 16 a memorandum in support of a variance which speaks to each of the five areas that are required to be proven and to be met. Attorney Waltz said that his client would be interested in installing a free standing (4' x 8') foot lit sign.

Dwayne Hogan asked if there is a name for this business.

Attorney Waltz said it's Second Amendment Arms & Range.

Attorney Waltz said that as far as the effect on the adjoining land and value of the uses that are in the area, this is a property that is between two railroad tracks that are still active. There is a large electric structure that will be next to the parking lot that services this property. Attorney Waltz said that there is a storage warehouse two lots down; it does seem that the activities that are proposed would be in character with the type of activities that are in this area now. Attorney Waltz said that it's remote and it's out in the county.

Attorney Waltz said that it would be used as a shooting range, maintenance, storage, manufacture and sales of firearms ammunition.

Attorney Waltz said that based upon those factors, and based upon the memorandum that he submitted, he would request and he would ask that any variance be granted for that purpose.

Dwayne Hogan asked about hours of operation.

Attorney Waltz said that it would be 9:00 a.m. to 9:00 p.m. Monday through Saturday, and Sundays from 10:00 a.m. to 5:00 p.m.

Dwayne Hogan asked if there are any demonstrators here this evening for Petition No. 3.

Glen Minich asked attorney Waltz how long ago that this building has been used for a shooting range.

Attorney Waltz said that he wants to say it has been approximately six years.

Carol Keller (owner) stated that it has been about five years.

Attorney Waltz said that he did list in the memorandum several different companies that have operated out of that building.

Glen Minich asked attorney Waltz if the shooting range would be inside the building.

Attorney Waltz stated yes.



Glen Minich told attorney Waltz that he really didn't speak on explosive storage.

Attorney Waltz said that when he says explosives, anything pertaining to the manufacture of the storage of firearms.

Board members speaking amongst themselves.

Paul T. Cook, Jr., said that it will be reloading of ammunition and storage of ammunition.

Attorney Biege asked Mr. Cook if it would be small arms ammunition.

Mr. Cook stated yes.

Glen Minich said that you talked about explosive gun powder is going to be used for reloading. Mr. Minich asked Mr. Cook if he's going to be storing large volumes.

Mr. Cook said that it's all handgun ammunition, so it will be relatively small.

Attorney Biege said that he presumes in the language and findings it should be restricted to explosive materials associated with small arms ammunition only.

Mr. Cook stated yes.

Wally Pritz asked Mr. Cook the quantity of black powder you have on site at any given time.

Mr. Cook said that there is no black powder at all. Mr. Cook said that it's smokeless powder, which would be five to ten pounds at the most at any given time.

Melissa Mullins Mischke asked if he's concerned from your perspective about the antenna that is out there --- the high

Mr. Cook asked if that is the high tension power line. Mr. Cook said that he's not concerned about that. Mr. Cook said that the metal roof that is on the building is grounded so he doesn't have to worry about static electricity discharge.

Melissa Mullins Mischke told Mr. Cook to contact the local fire department so they know what is in there and your address is well placed.

Mr. Cook told the board members that as they well known, the Federal Government and the ATF is very much involved for businesses like this. Mr. Cook said that he met the local ATF agent and he went through the interview process. Mr. Cook said that he has also been in contact with the local sheriff.

Glen Minich made a Motion that the Petition for a Variance/Special Exception for Carol Keller (owner) and Paul T. Cook, Jr. (Lessee) for a variance for retail sales and shooting range and a special exception for manufacture of ammunition of small firearms explosives, with the hours of

operation being 9:00 a.m. to 9:00 p.m. Monday through Saturday and 10:00 a.m. to 5:00 p.m. on Sunday, and to have a free standing (4' x 8") lighted sign be granted. This property is located at 8816 East 700 North, New Carlisle, Hudson Twp., zoned M1 on 1.44 acres of land.

Melissa Mullins Mischke seconded.

Dwayne Hogan asked if there are any other questions, comments, or concerns of the board.

Wally Pritz asked Mr. Cook if his instructors are licensed.

Mr. Cook said that he's actually seeking to get trained officers to become those instructors. Mr. Cook said that he has contacted a member of the SWAT Team of South Bend and he's going to come and do that, as well as (inaudible) that are licensed.

Dwayne Hogan asked if there are any other questions, or concerns.

All approved. Motion carried 4-0.

**4. The Petition for Jason & Jennifer Hatfield** for a Variance of Developmental Standards to construct a pole barn (21' x 40') on the front side of their home instead of the rear per JZO. This property is located at 11373 S. 1025 W., Wanatah, IN, Clinton Twp., zoned R1B on 1.21 acres of land.

Attorney Biege said that notice is adequate.

Dwayne Hogan asked for name and address for the record.

Jason Hatfield, 11373 S. 1025 W., Wanatah, IN, 46390.

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

Mr. Hatfield said that he would like to submit his petition to put the (21' x 40') pole barn structure on the side of their home.

Dwayne Hogan asked Mr. Hatfield to approach the bench.

Mr. Hatfield up at the bench going over the site plan.

Mr. Hatfield said that the structure is going to be a two tone color and off to the side of the house.

Mr. Hatfield said that one of the reasons why they wanted to put it there is because the lot is very skinny and the driveway is there.

Dwayne Hogan asked Mr. Hatfield if he plans on putting the doors off the street, or off the driveway.

Mr. Hatfield said that they will be facing south towards the driveway.

Dwayne Hogan asked if there is going to be electric and plumbing in the structure.

Mr. Hatfield said neither. Mr. Hatfield said that it's going to be a manual door and a slider on the east side. Mr. Hatfield said that this is farm area and unincorporated area.

Dwayne Hogan asked Mr. Hatfield if he has already started construction on this.

Mr. Hatfield stated no. Mr. Hatfield said that he's waiting for the variance before they continue.

Dwayne Hogan asked if there any remonstrators here this evening for Petition No. 4.

Dwayne Hogan asked if there are any questions, or concerns from the board.

Glen Minich said that his only concern is that he knows we have restrictions when we're building garages.

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

Dwayne Hogan asked Mr. Hatfield if he is using this for storage.

Mr. Hatfield said that he plans on putting two cars in there, lawnmower and tiller.

Dwayne Hogan asked if there are any other concerns of the board.

Glen Minich made a Motion that the Petition for Jason & Jennifer Hatfield for a Variance of Developmental Standards to construct a pole building (21' x 40') on the front side of their home instead of the rear be granted. This property is located at 11373 S. 1025 W., Wanatah, Indiana, Clinton Twp.

Melissa Mullins Mischke seconded.

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

All approved. Motion carried 4-0.

**5. The Petition for Debra Sample** for a Variance for continued placement of a 1989 single wide mobile home on her property. This property is located at 8855 W. US Highway 6, Westville, IN., New Durham Twp., zoned Agricultural on 1.008 acres of land. Ms. Sample received a variance on August 19, 2003 for this mobile home for three (3) years and never returned for a variance.



Attorney Biege said that notice is adequate.

Dwayne Hogan asked for name and address for the record.

Debra Sample, 8855 W. US Highway 6, Westville.

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

Ms. Sample said that she would like to get a variance to stay in the mobile home.

Dwayne Hogan asked Ms. Sample if her last variance was in 2003.

Ms. Sample said that she thought it was 2005.

Dwayne Hogan told Ms. Sample that it was a three year renewable variance then. Dwayne asked Ms. Sample if there is any reason why she didn't appear.

Ms. Sample said honestly she forgot about it.

Melissa Mullins Mischke asked Ms. Sample the year of the mobile home.

Ms. Sample said that it's a 1989.

Dwayne Hogan asked Ms. Sample if she is still the current resident of the mobile home.

Ms. Sample stated yes.

Dwayne Hogan asked Ms. Sample if she has any intentions of building, or moving.

Ms. Sample said that she plans on staying there for now.

Dwayne Hogan asked Ms. Sample if she plans on adding on to the mobile home.

Ms. Sample said that she didn't know that she could.

Glen Minich told Ms. Sample that they haven't been granting new variances on mobile homes, but we don't want to make a hardship on people so we have been allowing for the continuance of the placement. Glen told Ms. Sample that he would really like her to look at this in the future because we feel that these are a lot safer in a mobile home park.

Dwayne Hogan asked if there are any remonstrators here this evening for Petition No. 5, for, or against.

Dwayne Hogan asked if there are any questions from the board.

Dwayne Hogan asked Ms. Sample how long she wants the variance for.

Ms. Sample said three (3) years.

Melissa Mullins Mischke told Ms. Sample that she understands that if we grant this variance that it is her responsibility to come back before this board.

Melissa Mullins Mischke told Ms. Sample that she's going to have to take a look at the skirting around the mobile home and make sure it's in good shape.

Dwayne Hogan asked the pleasure of the board.

Wally Pritz made a Motion that the Petition for a Variance for continued placement of her 1989 single wide mobile home be granted for three (3) years renewable on property located at 8855 W. US Highway 6, Westville, Indiana, New Durham Twp.

Glen Minich seconded.

Dwayne Hogan asked if there are any other questions, or concerns.

All approved. Motion carried 4-0.

**6. The Petition for Elmer Foster** for Developmental Standards to construct an attached garage on the side of their property closer to property line than allowed. Attached garage will be one (1') foot instead of the ten (10') foot requirement from side property line and seven (7') foot from back property line instead of the twenty-five (25') foot requirement. This property is located at 7796 E. Bell Ave., New Carlisle, Hudson Twp., zoned R1B.

Attorney Biege said that all the notice complies, except for adjoining property owners, Hancz and Sheldon, however petitioner presented receipts that certified mail was paid, but he can't confirm that it was mailed to those adjoining properties. Attorney Biege said that looking at all the other notices he has no reason to suspect that it wasn't done.

Dwayne Hogan asked for name and address for the record.

Elmer Foster, 7796 E. Bell Ave, New Carlisle, Indiana 46552.

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

Mr. Foster said that he wants to get a variance to build an attached garage to the side of his house.

Melissa Mullins Mischke asked Mr. Foster how big of a garage is he planning on building.

Mr. Foster said that it is going to be nineteen (19') foot by twenty-four (24') foot.

Attorney Biege asked Mr. Foster who is neighbor is to the west.

Mr. Foster said it's Don Gaertner and he's here with him tonight.

Mr. Foster said that he's going to be seven (7') feet from the back line.

Glen Minich said that it's actually further than your house currently is.

Mr. Foster said that it will go four (4') foot past the backside of the house.

Dwayne Hogan asked Mr. Foster if he's going to put water and electric in the garage.

Mr. Foster said electric.

Glen Minich said that the one (1') foot scares him.

Mr. Foster said that will be a flat gable in and it will run with the same pitch as the house.

Glen Minich told Mr. Foster that he would like him to be able to walk around the house.

Melissa Mullins Mischke asked Mr. Foster if there is a home to the south of his property, or just a shed.

Mr. Foster said that it's a little shed.

Melissa Mullins Mischke asked Mr. Foster if he owns that property.

Mr. Foster stated no. Mr. Foster said that there is a ten (10') foot easement.

Glen Minich asked Mr. Foster if we're going to hear from his neighbor.

Dwayne Hogan asked if there are any remonstrators here this evening for Petition No. 6.

Don Gaertner said that as long as he stays off his property he doesn't care. Mr. Gaertner said that he just doesn't want anybody to build something and he gets this done and sells his property – he's my buddy; he doesn't want any new intruders. Mr. Gaertner said that he can build right up to the line and he doesn't care.

Board members speaking amongst themselves.



Dwayne Hogan asked if there are any other questions, or concerns.

Wally Pritz made a Motion for the Petition for Elmer Foster to construct an attached garage on the side of their property one (1') foot instead of ten (10') foot from the side property line and two (2') foot from the back property line instead of the twenty-five (25') foot requirement. This property is located at 7796 E. Bell Ave., New Carlisle, Hudson Twp., zoned R1B.

Melissa Mullins Mischke seconded.

Dwayne Hogan asked if there are any questions.

Glen Minich said that he thinks that we are only doing this because it's going to make the property cleaner, otherwise we wouldn't be doing this.

All approved. Motion carried 4-0.

**7. The Petition for Lena Ritchie (owner) and Jozef A. Mazur (Buyer)** for a Variance of Developmental Standards to construct a detached garage (20' x 20') feet in front of the residence with a one (1') foot side setback instead of required thirty (30') foot setback required by the JZO. This property is located at 2584 E. 500 S., La Porte, IN., Washington Twp., zoned Agricultural.

Attorney Biege said that notice is adequate.

Dwayne Hogan asked for name and address for the record.

Jozef Mazur, 1302 Carriage Court, Apt. G.

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

Mr. Mazur said that he would like to get permission to build his garage.

Dwayne Hogan asked Mr. Mazur if he's going to put water and electric in the garage.

Mr. Mazur said just electric.

Wally Pritz asked Mr. Mazur if he's setting the garage from his house.

Mr. Mazur said from the house it will be like forty-two (42') foot.

Board members speaking amongst themselves.

Glen Minich told Mr. Mazur that he would really like it at least two (2') feet. Glen told Mr. Mazur if he turned it wouldn't cut off your driveway angle. Mr. Minich told Mr. Mazur that he could drive right in and walk out the back.

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

Glen Minich said he would like it to be at least three (3') feet instead of one (1') foot.

Mr. Mazur said that would be okay.

Dwayne Hogan asked if there are any remonstrators here this evening for Petition No. 7.

Dwayne Hogan asked if there are any other questions, or concerns from the board.

Glen Minich made a Motion that the Petition for Lena Ritchie (owner) and Jozef A. Mazur (Buyer) for a variance of developmental standards to construct a detached garage (20 x 20) in front of his residence with three (3') feet side setbacks instead of the required thirty (30') feet be granted. Property is located at 2584 E. 500 S., La Porte, In., Washington Twp., zoned Agricultural.

Melissa Mullins Mischke seconded.

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

All approved. Motion carried 4-0.

**8. The Petition for Michael D. Collins for a Variance of Developmental Standards** to construct a detached garage in front of property rather than in the rear as required and will be eighteen (18') foot from front setback instead of the required twenty-five (25') foot. This property is located at 4088 S. Spring Creek Trail. La Porte, IN, Washington Twp., zoned R1A.

Attorney Biege said that notice is adequate.

Dwayne Hogan asked for name and address for the record.

Michael Collins, 4088 S. Spring Creek Trail, La Porte, Indiana 46350.

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

Mr. Collins said that he's looking to obtain a variance to build a detached two car garage on the front side of the home.

Dwayne Hogan asked or the purposes of.

Mr. Collins said recreational vehicles – personal vehicles and a lawn mower. Mr. Collins said that he does have an existing twelve by sixteen shed on the property that in the next four or five years it's going to be (inaudible). Mr. Collins said that he's just trying to upgrade. Mr. Collins said that upon approval of this, he would remove the shed once the garage is built.

Dwayne Hogan asked Mr. Collins if he's going to put water in it.

Mr. Collins said that he isn't going to put water, but he would like electric.

Wally Pritz asked Mr. Collins how much property he has.

Mr. Collins said that he thinks that it's roughly about a half-acre.

Mr. Collins said that this garage will keep him away from the septic system. Mr. Collins said that it's a corner lot and he was not aware that it's considered to be two front lawns because of the road, but he's unfortunately limited due to the fact of the septic system and arrangement of the property that is there.

Glen Minich told Mr. Collins that he did do a good job fitting it into the lots.

Mr. Collins said he did the best that he could with realizing what he has. Mr. Collins said that it will be fully vinyl sided to match the house -- colors will match and they will have a twelve (12') foot overhead door in the front and a seven (7') foot door in the back to run the lawn mower in and out.

Dwayne Hogan asked if will have a shingled roof.

Mr. Collins stated yes. Mr. Collins said that there will not be any steel siding on this garage. Mr. Collins said that it will have gutters and down spouts.

Dwayne Hogan asked if there are any remonstrators here this evening for Petition No. 8.

Glen Minich said that he thinks that it fits in well.

Glen Minich made a Motion that the Petition for Michael D. Collins for a variance of developmental standards to construct a detached two car garage in front of property rather than in the rear as required and will be eighteen (18') feet from front setback instead of the required twenty-five (25') foot as required be granted. This property is located at 4088 S. Spring Creek Trail, La Porte, IN., Washington Twp., zoned R1A.

Wally Pritz seconded.

Dwayne Hogan asked if there are any questions, or concerns.

All approved. Motion carried 4-0.