

Attorney Biege said that notice is adequate.

Dwayne Hogan asked for name and address for the record.

Paul J. Neuner, 2141 Schnook Trail, Maitland, Florida.

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

Mr. Neuner said that they're petitioning to get a Special Exception. Mr. Neuner said that they're asking for a variance for tower to tower separation. Mr. Neuner said that he believes the ordinance says two miles, and due to the nature of their facility, they need two towers itself to hold the antennas on the placement to do their research to handle that type of antenna.

Dwayne Hogan asked Mr. Neuner how high the antennas are.

Mr. Neuner said that they're one-hundred fifty (150') feet.

Mr. Neuner said that none of the towers within three miles would be able to sufficiently hold their antennas; that's why they're asking for tower to tower separation. Mr. Neuner said that secondly, they're asking for co-locations due to the nature of their research.

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

Remonstrators present:

Attorney Kevin E. Steele, Burke, Costanza & Carberry, LLP, 156 Washington St., Valparaiso, IN.

Attorney Steele was here on behalf of an anonymous adjoining land owner that is against this variance because they wanted to have more information about the safety of this tower due to radio waves and the location.

Kim Land, 9984 S. 700 W. Union Mills is against the variance because of interference in the future and also the harm on waves and would this be a potential health issue with plants, animals and human life. Ms. Land wanted a professional opinion on if there would be any harm caused due to the radio waves. Ms. Land handed out to the board members a packet full of information that she had received off the internet.

Kristi Richards, 1002 S. 700 W., Union Mills had the same concerns as attorney Steele and Ms. Land.

Attorney Biege told the board members if it is their choice, you could move to table this and direct him to look into an expert to work with the petitioner and table until such time we can get a report from an expert.

Glen Minich made a Motion that this petition be tabled until an expert can review this so the board can interpret the information and make sure that it's safe.

Dwayne Hogan asked about time frame.

Attorney Biege said that he would say table it until such time that we receive the experts report and he can report to the board next month.

Glen Minich said that we would hope that we could readdress this within sixty (60) days.

Attorney Biege said that he would also suggest that whatever remonstrators are interested in appearing when the report is finished, to give their information to Annemarie Polan, Building Commissioner and we can give you notice as to when we will issue the results of that report so you can find out.

Dwayne Hogan said that he has a Motion.

Candice Nelson seconded.

Dwayne Hogan asked if everyone is clear and are there any questions, comments, or concerns.

All approved. Motion carried 5-0.

2. The Petition for Linda Comford for a Variance of Developmental Standards to split a 7.072 acre parcel of land into two separate parcels, with one having two-hundred (200') feet of road frontage with a house already in existence and the other parcel having one-hundred twenty nine (129') feet of road frontage and to construct a home. This property is located at 3160 S. 425 W., La Porte, Scipio Twp., zone Agricultural on 7.072 acres of land.

Attorney Biege said that notice is adequate.

Linda Comford, 3160 S. 425 W., La Porte.

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

Ms. Comford said that they're asking for a variance so they can build another dwelling on property that they've owned for thirty-five years.

Dwayne Hogan asked who the dwelling is for.

Ms. Comford said for their children. Ms. Comford said that they're wanting to split their land to stay in their family for their children.

Dwayne Hogan asked Ms. Comford if the house that is existing is hers.

Ms. Comford said that's correct.

Dwayne Hogan said that the other property would have one-hundred twenty nine (129') foot of road frontage with the new home.

Ms. Comford stated yes.

Dwayne Hogan asked if the combined total of both properties are a little over seven (7) acres.

Ms. Comford stated yes.

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

Remonstrators:

Dwayne Hogan asked for name and address for the record.

Andrew Voltz said he's an attorney with Howes and Howes Law Firm here in La Porte, 717 Indiana Avenue. Attorney Voltz said that he represents Christopher Schable, but Mr. Schable brought to his attention that he's an adjacent landowner with an address of 3202 S. 425 West and he had a conflict this evening that precluded his attendance so he's here on his behalf.

Attorney Voltz said that in addition he has a letter from another adjacent landowner that was provided to him by Mr. Schable; this letter is from Gail Gemberling, who is an adjacent landowner to the petitioner.

Attorney Voltz said that before he addresses Mr. Schable's concerns he would like to read the letter:

Attorney Voltz said that it's addressed to the La Porte County Board of Zoning Appeals regarding the Petition for land on 425 West. To Whom it May Concern: We are adjoining property owners on 425 West in La Porte and received notice from Linda Comford about placing a modular home on vacant land which doesn't have the required road frontage. We are against using the ground in this way.

My family has owned property on 425 West for 98 years and farmed the ground adjoining this property since 1917. My husband Ed and I are currently farming the ground. We prefer that farmland remain farmland whenever possible. And we do not believe a modular home offers any benefits to the neighborhood or the County; and it would adversely affect the value of our land.

Therefore, we are against the petition presented to the Board for Linda Comford and request that the Board deny this petition. Sincerely, Gail Gemberling.

Dar Pavey said that a copy of this letter is attached hereto and incorporated herein with these minutes.

Attorney Voltz said that he was approached by Mr. Schable in regards to this petition and one of the issues that is presented here by this petition specifically for the variance for Developmental Standards is that the petitioner must establish and prove three elements. It's incumbent upon the petitioner to prove these elements. Attorney Voltz said that it's not the remonstrator's job to prove in the alternative and the petitioner must prove these elements. Attorney Voltz said that one of the elements is:

1. That the approval will not be injurious to the public health, safety, morals, or general welfare of the community.
2. That the use and value of the area adjacent to the property involved will not be affected in a substantially adverse manner.

Attorney Voltz said that his client believe that the addition of a home that has been discussed, or brought to his attention will be a modular home and it's his believe that modular homes lower the property values, but specifically the zoning ordinance as written requires a parcel that is divided to have two-hundred (200') foot of road frontage, and by petitioners' own words in their petition, one part of the parcel would have two-hundred (200') feet and the remaining part would have one-hundred twenty nine (129'). Attorney Voltz said however, one of the concerns that his client has is related to a position of any potential driveway, whether that will influence any egress or ingress upon his property and his concerns are why don't they just build a house and not apply for a variance.

Melissa Mullins Mischke asked if this is Gemberlings, or is this a different person.

Attorney Voltz said that now he's talking about his client, Mr. Schable.

Melissa Mullins Mischke asked attorney Voltz where he lives in relationship to this existing parcel.

Attorney Voltz said that Mr. Schable lives at 3202 S. 425 W., which is directly south of the area petitioned for. Attorney Voltz said that the Gemberlings own, if you're looking at a survey, the surrounding farm land on the other side of the road.

Melissa Mullins Mischke asked if they actually physically own that.

Attorney Voltz stated yes.

Attorney Voltz said that for these reasons, and specifically again back to the elements that the petitioner must prove, they must prove that this is not injurious to the public health, safety, morals, or general welfare of the community. Attorney Voltz said that because they haven't proved this, or provided any evidence that this is not going to be injurious, his client will respectfully request that this petition be denied and that this variance not be granted.

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

Dwayne Hogan asked for name and address for the record.

Jeremy Hagenow, 3178 S. 425 W., La Porte, Indiana. Mr. Hagenow said that his position in this is that he believes that this land from recalling his history, which he is a neighbor to Melissa and her mother that this is the best use for this land. Mr. Hagenow said that there are already manufactured modular homes in this zone; he's partial to one of them. Mr. Hagenow said that they're not just putting in a home that is going to be hauled in. Mr. Hagenow said that this is not going to devalue, or hurt anybody's morals, it's just use of what you can do with this seven acres. Mr. Hagenow said that this seven acres has no land value as agricultural because quite modern farm equipment today most of it can't turnaround on this part of land.

Mr. Hagenow said that driveway use – he owns an eighteen wheeler on this road – he owns his own company and he respects the speed limit of this home. Mr. Hagenow said that he believes that it's the best use and without further evidence, he asks the board to grant this to allow them to fulfill their dreams to put this home and use this land.

Melissa Mullins Mischke asked Mr. Hagenow if he could give her off the top of his head an estimate of how many modular homes are between this proposed house, and maybe the next nearest intersection.

Mr. Hagenow said that if you were to go south there are five of them. Mr. Hagenow said that if you go north, he can recall two. Mr. Hagenow said that this isn't so much a modular home that they're putting in, this is going to be a two story and it comes in pieces.

Melissa Mullins Mischke said prefabricated.

Mr. Hagenow said that their driveway is basically going to come straight forward and he thinks that this is the best we can do. Mr. Hagenow said that in all reality and someday, we all know that our county is growing and you see these houses popping up. Mr. Hagenow said that he is for this.

Dwayne Hogan asked if there are any other remonstrators.

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

Ms. Comford gave the board of copy of what the plan is from La Porte Housing Specialists. Ms. Comford said that their kids grew up on this land.

October 20, 2015

LaPorte County Board of Zoning Appeals

RE: Linda Comford Petition for land on 425 West

To Whom it May Concern:

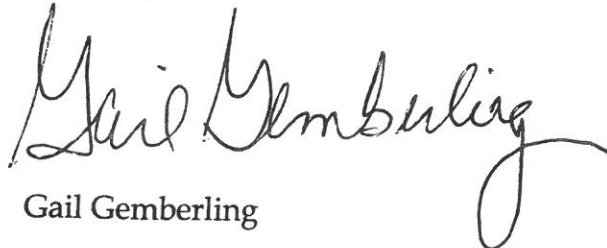
We are adjoining property owners on 425 West in LaPorte and received notice from Linda Comford about placing a modular home on vacant land which doesn't have the required road frontage. We are against using the ground in this way.

My family has owned property on 425 West for 98 years and farmed the ground adjoining this property since 1917. My husband Ed and I are currently farming the ground. We prefer that farmland remain farmland whenever possible. And we do not believe a modular home offers any benefits to the neighborhood or the County; and it would adversely affect the value of our land.

Therefore, we are against the petition presented to the Board for Linda Comford and request that the Board deny this petition.

Thank you.

Sincerely,

A handwritten signature in black ink that reads "Gail Gemberling". The signature is written in a cursive style with a large, looping "G" at the beginning and a long, sweeping tail at the end.

Gail Gemberling

Glen Minich said that he actually lives in that neighborhood and he probably agrees that it is a good use of the land. Mr. Minich said that there are quite a few modular homes down the road. Mr. Minich said that it's not going to devalue the property at all. Mr. Minich said that it looks like a very nice home and he thinks that it will be a good addition.

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

Melissa Mullins Mischke said that she just wants to say should the board choose to approve your petition, she wants to make sure you put up addresses for everything so with the addition of another home, you will contact the Scipio Township Fire Department and let them get you a reflective sign out there so they're aware that there is another residence there.

Ms. Comford said absolutely.

Dwayne Hogan asked the pleasure of the board.

Melissa Mullins Mischke made a motion that the petition for Linda Comford for a Variance of Developmental Standards to split a 7.072 acre parcel of land into two separate parcels, with one having two-hundred (200') feet of road frontage with a house already in existence and the other having one-hundred twenty nine (129') feet of road frontage to construct a home be granted for the property located 3160 S. 425 W., La Porte, Scipio Twp. Zoned Agricultural. Wally Pritz seconded.

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

All approved. Motion carried 5-0.

3. The Petition for Frederick & Marni Paulman for a Variance of Development Standards for a pool house with a kitchen and bath. The existing buildings, (four) around the pool, to be torn down upon completion. This property is located at 6252 N. 525 W., Michigan City, Springfield Twp., zoned R1B on 90.823 acres of land.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Joseph Lichtenburger, 7025 Plymouth Court, St. Charles, IL said that he's the contractor for the Paulmans.

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

Mr. Lichtenburger said that they want to put a kitchen and a bathroom in this pool house.

Dwayne Hogan asked if it's going to have independent well and septic, or are you going to tie into the existing.

Mr. Lichtenburger said that there are four buildings surrounding the pool right now and they're going to be torn down.

Dwayne Hogan asked Mr. Lichtenburger why they're tearing them down.

Mr. Lichtenburger said that they were built in the late nineties.

Dwayne Hogan asked Mr. Lichtenburger if it is the homeowner's choice to tear them down

Mr. Lichtenburger said that they're in disrepair.

Mr. Lichtenburger said that there is a septic field that they were able to get permission from the Health Department to tie into that.

Dwayne Hogan asked if they're going to tie into the existing one.

Mr. Lichtenburger said that it will just service that pool house and independent of the house. Mr. Lichtenburger said that has already been worked out with the Health Department. Mr. Lichtenburger said that the water will come from the house. Mr. Lichtenburger said that there are two wells on the property and they go through the well house and inside the house.

Mr. Lichtenburger said that it needs to be cleaned up.

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

Candice Nelson asked Mr. Lichtenburger what is the square footage of the pool house.

Mr. Lichtenburger said that it's a one story and its twelve-hundred and forty square feet and three-hundred and seventy square feet for the screen porch with a patio.

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

Melissa Mulins Mischke said that it's going to have its own septic as a result of tearing down and the Health Department has agreed to that. Melissa said that the well is going to be used off the home.

Mr. Lichtenburger stated yes. Mr. Lichtenburger said that it has been used for the four (4) buildings that were there, as well as filling the pool.

Dwayne Hogan asked the pleasure of the board.

Candice Nelson made a Motion to approve the Petition for Frederick & Marni Paulman for a Variance of Development Standards for a pool house with a kitchen and bath and tear down the existing structures be granted on the property located at 6252 N. 525 W., Michigan City, Springfield Twp., zoned R1B on 90.823 acres of land. Melissa Mullins Mischke seconded.

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

All approved. Motion carried 5-0.

4. The Petition for Crossroad Baptist Church for a Use Variance to place a modular unit on this property to be used as three (3) 24x20 meeting rooms until new addition can be constructed onto an existing church. This property is located at 10027 W. 1000 S., Wanatah, IN., Clinton Twp., zoned Agricultural on five acres of land.

Attorney Biege said that notice is adequate.

Dwayne Hogan asked for name and address for the record.

Rick Moore, 9251 S. 900 W., Wanatah, Indiana.

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

Mr. Moore said that he is the pastor of Crossroad Baptist Church in Wanatah and they would like to add a modular building for temporary meeting spaces on the south side of the existing church building.

Dwayne Hogan asked Mr. Moore if he is adding one modular, or three.

Mr. Moore said one modular building, but it has three meeting rooms in it.

Mr. Moore said that 24x60 is the building and each room is 24x20.

Dwayne Hogan asked if it would have a connecting hallway.

Mr. Moore said that it will be totally disconnected. Mr. Moore said that the graphic that he put in there shows a sidewalk out the back door. Mr. Moore said that the architect that is working on their current plans is working on where the sidewalk comes out and attaching an education wing there, and then to the north attaching a new auditorium on that end. Mr. Moore said that they wanted to keep the future construction areas clear so they could build without having to move the modular.

Dwayne Hogan asked Mr. Moore the time frame for the new buildings to go up.

Mr. Moore said that it is a fund issue. Mr. Moore said that he's not sure how long of time frame, but they're kind of bursting at the seams right now --- it's as fast as they can get the funds. Mr. Moore said that they were hoping within three (3) years to be able to have something constructed and be out of there.

Wally Pritz asked Mr. Moore what they're going to do with the unit once the building is constructed.

Mr. Moore said that they're attempting to buy it from a place in Nappanee who sold it to a church in Valparaiso. Mr. Moore said that he believes that church used it for eight years and then sold it back to this company. Mr. Moore said that the church doesn't get paid until this company sells it and they will be able to consign it back to them.

Dwayne Hogan asked if it's going to have water or bathrooms in it.

Mr. Moore said it will not.

Attorney Biege asked Mr. Moore where the building will be when the company is selling it on consignment for you.

Mr. Moore said that it will be on their site – they come and get it.

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

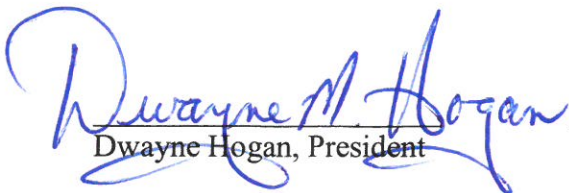
Dwayne Hogan asked if there are other questions, or concerns of the board.

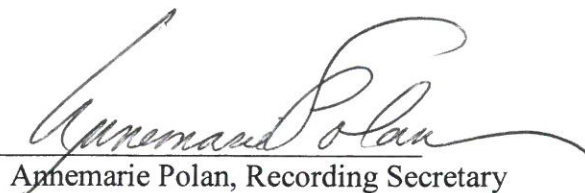
Melissa Mullins Mischke made a motion that the Petition for Crossroad Baptist Church for a Use Variance to place a modular unit on the property to be used as meeting rooms until new additions can be constructed onto the existing church be granted for the property located at 10027 W. 1000 S., Wanatah, Clinton Twp., zoned Agricultural on five acres of land. Candice Nelson seconded.

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

All approved. Motion carried 5-0.

There being no further business before the Board of Zoning this evening, meeting adjourned at 7:10 p.m.


Dwayne Hogan, President


Annemarie Polan, Recording Secretary