



LAPORTE COUNTY BOARD OF ZONING APPEALS

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ANNEMARIE POLAN
Building Commissioner

November 17, 2015

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **November 17, 2015, at 6:00 p.m.** in the Assembly Room of the County Complex.

MEMBERS PRESENT: Melissa Mullins Mischke Dwayne Hogan
 Glen Minich Wally Pritz
 Candice Nelson

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

The Pledge of Allegiance.

APPROVAL OF MINUTES:

Dwayne Hogan asked for approval of the meeting minutes of October 20, 2015.

Melissa Mullins Mischke made a Motion to approve the meeting minutes as presented. Candice Nelson seconded.

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

All approved. Motion carried 5-0.

Petitions:

1. The Petition for Variance of Developmental Standards for Robert & Pamela Betcher to construct a two car detached garage seven (7') foot from the house setback instead of the required ten (10') foot and four (4') foot from side yard setback instead of the required ten (10') foot. This property is located at 116 Judson Road La Porte, Center Twp., zoned R1B.

11-17-2015 BZA Minutes

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Robert Betcher, 116 Judson Road, La Porte, Indiana.

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

Mr. Betcher said that he would like a variance to build a two car detached garage four feet of the property line and seven feet from the foundation from his house.

Dwayne Hogan asked Mr. Betcher if he has started construction yet.

Mr. Betcher stated no.

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

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

Melissa Mullins Mischke told Mr. Betcher that she didn't see on his packet where his septic tank and well are located on the property.

Mr. Betcher said that they're in the back yard. Mr. Betcher said that it is about thirty feet away from the garage.

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

Mr. Betcher said that he would be putting in electric.

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

Glen Minich said that it looks like it is similar to other homes in the neighborhood and he thinks that it's consistent with the adjoining neighbors.

Dwayne Hogan said that he will entertain a motion

Candice Nelson made a motion that we approve the petition for Robert & Pamela Betcher to construct a two car detached garage seven (7') feet from the house instead of the required ten (10') feet and four (4') feet from the side yard instead of the required ten (10') feet on property located at 116 Judson Road, La Porte, Center Twp., zoned R1B. Wally Pritz seconded.

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

Voting Aye: Dwayne Hogan, Wally Pritz, Glen Minich and Candice Nelson.

Voting Nay: Melissa Mullins Mischke

2. The Petition for a Variance of Developmental Standards for Thad & Tamera Bolger to construct a second pole building/garage (30x40) with electric. This property is located at 3957 N. 350 E., Rolling Prairie, IN., Kankakee Twp., zoned Agricultural on one (1) acre of land.

Attorney Biege said that notice is adequate.

Dwayne Hogan asked for name and address for the record.

Thad Bolger, 3957 N. 350 E., Rolling Prairie.

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

Mr. Bolger said that he would like to build a pole building (30x40) on the north side of his property.

Dwayne Hogan asked Mr. Bolger if he has one (1) acre of land.

Mr. Bolger stated yes.

Dwayne Hogan asked if it's going to have electric with no water.

Mr. Bolger stated yes.

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

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

Melissa Mullins Mischke said that she didn't see a sketch on where ----

Glen Minich asked Mr. Bolger what the material is going to be covering this building.

Mr. Bolger said that it's going to be a pole building with steel. Mr. Bolger said that it's going to be built by professional builders.

Dwayne Hogan asked Mr. Bolger if he has started construction yet.

Mr. Bolger stated no.

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

Wally Pritz asked if there is an easement to get back there.

Mr. Bolger said that they have access to those drives.

Glen Minich said that it is kind of a residential area and most of the residences have garages that match their homes and this would be one of the first ones in the neighborhood with a barn in the backyard, which he guesses was split off of this property at one time.

Mr. Bolger said that there are two pole buildings across the street.

Dwayne Hogan asked if that is on 350.

Mr. Bolger stated yes.

Wally Pritz asked Mr. Bolger if he is going to access his additional barn off of the lane.

Mr. Bolger stated yes.

Wally Pritz asked if he's required to have another drive.

Mr. Bolger stated no.

Dwayne Hogan asked if the current garage is detached.

Mr. Bolger stated yes.

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

Candice Nelson made motion to approve the petition for Thad & Tamera Bolger to construct a second pole building/garage (30x40) with electric on property located at 3957 N. 350 E., Rolling Prairie, IN., Kankakee Twp, Agricultural on one acre of land. Wally Pritz seconded.

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

Melissa Mullins Mischke asked if the garage is currently detached, or attached to the home.

Mr. Bolger said that his current one is detached and it's 26x26.

Melissa Mullins Mischke told Mr. Bolger should this be granted the pole building is only used for storage and vehicles. Melissa told Mr. Bolger that he couldn't have anyone living in this.

Mr. Bolger said that it's for storage.

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

All approved. Motion carried 5-0.

3. The Petition for Variance of Developmental Standards for John (Tim) Kostick to construct a 48x64 pole barn/workshop with a bathroom, electric and water with a ten (10) foot side setback instead of the required thirty (30') foot on the side of his home. This property is located at 7672 E. Potato Hole Court, New Carlisle, IN., Twp., zoned Agricultural on eight (8) acres of land.

Attorney Biege said that notice is adequate.

Dwayne Hogan asked for name and address for the record.

Tim Kostick, 21W. 345 Peterson Avenue, Lombard, Illinois 60148.

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

Mr. Kostick that he wants to put up a 48x64 pole barn with a ten (10') foot side setback instead of the thirty (30') foot setback.

Dwayne Hogan asked Mr. Kostick if he wants a bathroom with electric and water.

Mr. Kostick stated yes.

Dwayne Hogan asked if this is for living quarters.

Mr. Kostick said that it is for a workshop with a bathroom just for convenience.

Dwayne Hogan asked if it's independent septic and well, or are you going to combine.

Mr. Kostick said that it's going to be combine.

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

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

Glen Minich asked Mr. Kostick what the height of the barn is going to be.

Mr. Kostick said that the ceiling height is twelve feet with a four and a half foot pitch. Mr. Kostick said that he's thinking it's probably sixteen feet at the peak.

Wally Pritz told Mr. Kostick that he noticed on his drawing that he showed a location of the septic tank for the home, but he doesn't see the location of the septic tank for the building, or how he's going to tie that in.

Mr. Kostick said that it's going to be combined if they have to use a lift station to get to it.

Dwayne Hogan asked Mr. Kostick how far he was going to run the lines to get to that septic tank.

Mr. Kostick said that he would say approximately seventy (70') feet.

Board members going over the site plan.

Melissa Mullins Mischke asked Mr. Kostick if he's talked to the health department about the septic tank for the home. Melissa asked if they're aware of the proposed structure and doing a potential lift.

Mr. Kostick said that his next step was to talk to the health department to make sure that they know about it.

Dwayne Hogan asked if the lift station would be toward the middle of the drain field.

Mr. Kostick said that it's going to be between the barn and the house.

Dwayne Hogan said that would be in the middle of the drain field.

Mr. Kostick stated yes.

Board members speaking amongst themselves.

Glen Minich made a motion that the petition for a variance for developmental standards for John (Tim) Kostick to construct a 48x64 pole building/workshop with a bathroom, electric and water with only a ten (10') foot side setback instead of the required thirty (30') feet on the north side of his home be granted. This property is located at 7672 E. Potato Hole Court, New Carlisle, Indiana, zoned Agricultural on eight (8) acres of land. Melissa Mullins Mischke seconded.

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

Melissa Mullins Mischke told Mr. Kostick to make sure that his house number is posted so that the fire department and emergency vehicles can find him.

All approved. Motion carried 5-0.

4. The Petition for Variance of Developmental Standards for Mark Eaton to construct a 32x46 pole barn with a side setback of three (3') feet instead of the required thirty (30') feet on east side of the residence with water and electric. This property is located at 1498 W. 950 S., Union Mills, IN, Noble Twp., zoned Agricultural on 7.672 acres of land.

Attorney Biege said legal is adequate.

Dwayne Hogan asked for name and address for the record.

Mark Eaton, 1498 W. 950 S., Union Mills.

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

Mr. Eaton said that he would like to have permission from the board to build a 32x46 out building – pole building.

Dwayne Hogan asked Mr. Eaton if he plans on putting in water and electric.

Mr. Eaton said water and electric.

Dwayne Hogan asked Mr. Eaton if it is independent, or tied to the current residence.

Mr. Eaton said that it will probably be tied to the current residence.

Dwayne Hogan asked Mr. Eaton how far of a run would that be.

Mr. Eaton said estimating maybe sixty to seventy feet.

Dwayne Hogan asked Mr. Eaton how deep is the well.

Mr. Eaton said that it's probably thirty feet.

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

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

Glen Minich asked Mr. Eaton if he's going to remove the green space, or is that on his property, or the property line.

Mr. Eaton said that it's on the property line and it will remain.

Mr. Eaton said that he said three feet because he was taking into account the overhang of one foot, but he's going to be more like five to six feet, but in order to do this he had to give the bear minimum.

Dwayne Hogan asked Mr. Eaton if he realizes that there is no address on the mail box.

Mr. Eaton stated yes.

Dwayne Hogan told Mr. Eaton that it would be a real good idea to find you, especially if the fire department or emergencies vehicles needed to know where you are.

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

Glen Minich told Mr. Eaton that he can see why he's putting the building where he's putting it, but would you consider moving it a little further to the north so you could still have access from your pad.

Mr. Eaton said that the entrance will be facing back towards the south so when you come into the driveway you can either go left to the pole building or right into the garage. Mr. Eaton said that it's all concrete there and it's pretty much all ready.

Glen Minich told Mr. Eaton that he thinks that he could space himself a little bit more from the adjoining field.

Mr. Eaton said that what he's basically going to do is move that garage more like the direction of the garage which gives him more room.

Dwayne Hogan asked Mr. Eaton if he's going to rotate it.

Mr. Eaton stated yes. Mr. Eaton is up at the bench going over the site plan.

Mr. Eaton said that he could come north --- he's going to use as much of that space as he can.

Board members speaking with Mr. Eaton up at the bench.

Mr. Eaton said that his problem is he is eight-hundred feet long and he's narrow.

Glen Minich said that there's a pond behind there and there's really no room to do anything there.

Dwayne Hogan asked the pleasure of the board.

Melissa Mullins Mischke made a motion that the Petition for a Variance of Developmental standards for Mark Eaton to construct a 32x46 pole barn with a side setback of three (3') feet instead of the required thirty (30') feet on the eastside of the residence with water and electric be granted for the property located at 1498 W. 950 S., Union Mills, Noble Twp., zoned Agricultural on 7.672 acres of land. Candice Nelson seconded.

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

All approved. Motion carried 5-0.

5. The Petition for Variance of Developmental Standards for Gregory & Angela Foltz to construct a manure pit on a dairy farm three (3') feet in the ground and five (5') feet above ground with no cover. This property is located at 3482 N. 850 W., Michigan City, IN, Coolspring Twp., zoned R1A on 39.501 acres of land.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Greg Foltz, 3292 N. 850 W., Michigan City, Indiana.

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

Mr. Foltz said that they need to put in a manure pit.

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

Dwayne Hogan asked Mr. Foltz who is putting it in.

Mr. Foltz said that they're out of Rolling Prairie. Mr. Foltz said that D & M is going to do the digging.

Dwayne Hogan asked Mr. Foltz when he wants to start.

Mr. Foltz said that they need it started pretty quick.

Dwayne Hogan asked if it's going to be this year.

Mr. Foltz stated yes.

Mr. Foltz said that it's mainly just going to be the water that runs off the cow (inaudible).

Melissa Mullins Mischke said that when it says outlet foundation drain, is that going to drain into an existing tile – the water runoff that you're talking about.

Mr. Foltz stated no. Mr. Foltz said that would be the perimeter drain to keep the outside water from coming in.

Melissa Mullins Mischke asked if that is going into a tiled field.

Mr. Foltz said that it's going into like a field drain tile.

Glen Minich said that he thinks that the perimeter tile is normally contained. Glen asked Mr. Foltz if he's sure that it's going into field tile.

Mr. Foltz stated yes. Mr. Foltz said that is the way they set it up and they wanted it that way. Mr. Foltz said that it is the ground water to stay away from the foundation.

Melissa Mullins Mischke asked if there is actually going to be draining from the storage/tank itself.

Mr. Foltz stated no. Mr. Foltz said that it's sealed and the only thing coming out of there would be the pump for the tractor.

Glen Minich said that this isn't something we normally see because these are usually built in agricultural areas and he believe that this is the only reason that they're here because it's residential zoning.

Glen Minich told Mr. Foltz that we're working on zoning maps.

Attorney Biege said that is something on the zone map change that they can address.

Attorney Biege said that the argument could be made that this could conceivably be grandfathered in because this was agricultural use before any zoning change might have been made.

Annemarie Polan, Building Commissioner, said that in the new book in Agricultural it takes a Special Exception.

Attorney Biege said that he wants to keep our record clear and he thinks that the board should be deciding the variance and it would be cleaner that way; we don't have to address issues surrounding grandfather parcel.

Wally Pritz said that if this is granted they have to get a permit, and he doesn't know whether they had a permit on that new building that he sees in the background. Wally asked if we would be able to say that they would have to get a permit and have it inspected by the building inspector prior to putting that pit in.

Attorney Biege asked if that is for the other building.

Wally Pritz said that he sees a new building.

Attorney Biege said that he doesn't see the other building.

Annemarie Polan, Building Commissioner, asked Mr. Foltz if there is a newer building next to the house, or one that was recently sided.

Mr. Voltz said that it's the house garage.

Annemarie Polan, Building Commissioner, told Mr. Foltz that we don't have any record of a permit for that.

Mr. Foltz said that he thought because it's on forty acres that it doesn't have to have a permit.

Attorney Biege asked if that building is in Agricultural.

Annemarie Polan, Building Commissioner, said that he would still need a permit.

Dwayne Hogan asked when it was constructed.

Annemarie Polan, Building Commissioner, said that it looks like it was just recently a new building, or sided.

Mr. Foltz said that it was built a couple of years ago.

Annemarie Polan, Building Commissioner, said that it looks like it's not finished yet.

Attorney Biege said that the board could require that the building be completed and a permit be issued by the building department on the condition of granting this variance. Attorney Biege said that we have a time issue on this one.

Attorney Biege asked Mr. Foltz when he plans on completing the structure.

Mr. Foltz said right now all it needs is the siding on one side.

Attorney Biege said that he could get that done and making the manure pit condition upon completion of the building and obtaining a permit.

Wally Pritz asked if we could make it six months.

Attorney Biege said that you can grant the manure pit and then require the permit be issued and completion in six months.

Glen Minich asked Annemarie where in the code it is asking for a special exception for a manure pit on a dairy farm.

Annemarie Polan, Building Commissioner, said that she doesn't have her regular book on her.

Glen Minich said that this is another thing that needs to be fixed and if that is really in there. Glen said that we're going through the code and we're trying to improve problems that exist.

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

Wally Pritz made a motion for the immediate construction of manure pit on a dairy farm three (3') feet below ground and five (5') feet above ground with no cover be granted on property located at 3482 N. 850 W., Michigan City, IN, Coolspring Twp., zoned R1A on 39.501 acres of land giving the Foltz's six months in order to complete the garage and get a permit on that garage. Candice Nelson seconded.

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

All approved. Motion carried 5-0.

6. The Petition for a Special Exception for Galena Meadows Home Owners Association for a forty (40') foot self-supporting tower with a thirteen (13") inch wide tower face for internet service to this subdivision located on common ground with a Variance of the setback to Lot #1 property line being ten (10') feet plus or minus instead of the required forty (40') feet. This property is located at 1000 N. Beverly Lane, (NW Corner), LaPorte, IN, Galena Twp., zoned R1A.

Attorney Biege said that this is going to take him a few minutes the way it was set up. Attorney Biege told Dwayne Hogan if he wanted to proceed he will confirm.

Dwayne Hogan asked for name and address for the record.

Daniel Sales, 10152 N. Halstead Drive, La Porte, Indiana 46350.

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

Mr. Sales said that Galena Meadows is a subdivision up by near Heston about a half mile to a mile west of the Steam Museum. Mr. Sales said that they currently don't have any internet service providers in the area. Mr. Sales said that Comcast Cable offers some service on 1000 North, but they have denied repeated request to come in. Mr. Sales said that he actually contacted them last week to follow-up to see if there is any chance and he got a quote for fifty-two thousand dollars. Mr. Sales said that DSL is not available in the area. Frontier does not offer DSL, which pretty much either broadband internet, or if it's not a hot spot you can use net or satellite, but most of those are prohibitively expensive.

Mr. Sales said that not having that, they know that it's hurting their property values; people are just excluding the homes all together. Mr. Sales said furthermore, the school district, New Prairie recently two years ago rolled out I-Pads instead of textbooks, so now they're seeing their internet use climb through the roof because they're watching instructional videos at home. Mr. Sales said that he works from home and a lot of his neighbors work from home and data limits are killing them along with the price. Mr. Sales said that his internet bill runs \$90.00 a month for twenty megabytes of data and they charge him \$10.00 a megabyte over. Mr. Sales said that a typical home is about one-hundred megabytes, which means if he would use the normal amount, he would pay about a thousand dollars a month for internet right now.

Mr. Sales said that he has searched this over the last several years and they have talked with Surf Air here in La Porte and they offer wireless internet service through towers and antennas throughout the county. Mr. Sales said that they have cost effective option that would be perfect for them. Mr. Sales said that there are two homes in front of the subdivision that get their service right now, but the limitation with their service is that it's line of site; you have to be able to see their antenna to pick it up. Mr. Sales said that they agreed that if we put up a forty (40') foot tall tower – it's basically tv antenna type tower, the same kind that you would have next to your house. Mr. Sales said that they can put an antenna on it to get the signal from their main tower and from there, it's just a small panel antenna on each house. Mr. Sales said that it will cover the entire neighborhood, as well the nearby houses that are near the subdivision.

Mr. Sales said that this is a cost effective option for them to get reasonable internet access. Mr. Sales said that he looked into the option of putting it next to his home, but because of trees and a hill, it just will not work.

Mr. Sales said that the front of their subdivision there is high ground and that is where they can put up a forty (40') tall tower with two small antennas; one of them is the size of a satellite tv dish, and the other one is a three (3') foot tall stick basically and that will allow them to get the signal from their main tower and connect to the homes in the area.

Mr. Sales said that he contacted the building department because since he's not putting it next to his home, he wanted to see if there were any rules or special criteria he needed to follow. Mr. Sales said that he kind of got lumped in as if he was putting up a cell phone tower and they threw a whole bunch of standards at him that are cost prohibitive from which they're trying to do, so the option was to apply for a variance.

Dwayne Hogan asked Mr. Sales how many homes this would benefit.

Mr. Sales said that there are fifteen homes in there right now and there are also an additional fifteen home sites and three homes nearby that could get service that do not have access to Comcast right now. Mr. Sales said immediately eighteen homes, and potentially over thirty homes from this one location.

Melissa Mullins Mischke asked how many homeowners have committed to sign up for service if this should this go through.

Mr. Sales said that they have fifteen homeowners and there are ten that would sign up immediately. Mr. Sales said that some of them are in commitments with Satellite service, but many of those are just going to pay the penalty and drop it if they can because they're not happy with the service.

Melissa Mullins Mischke asked Mr. Sales if he has a sketch of the tower.

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

Board members going over the site plan.

Melissa Mullins Mischke said that basically the tower is going to have an L-shaped or stick kind of antenna on it and everyone else is going to have little satellite dishes.

Mr. Sales said that he has a rendering that was done; it's not an exact, but it gives you an idea of what they're looking at as far as the antennas on it.

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

Dwayne Hogan asked Mr. Sales how high is the dish.

Mr. Sales said that he's hoping it can go up about twenty (20') feet.

Melissa Mullins Mischke asked about lights on the structure.

Mr. Sales said no lights.

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

There were a lot of people in the audience for this petition this evening.

Mr. Sales said that it was an extensive list because it included everyone in the subdivision, as well everyone who is adjacent in the subdivision.

Dwayne Hogan asked if anyone is here this evening against this petition.

Mr. Sales said that he has a letter from the school regarding the internet use there.

Mr. Sales said another thing that they asked me to do from the building department was to check the airports, which he did contact both and the Commissioner from La Porte said that there is no concern from his standpoint because it's shorter than the trees nearby. Mr. Sales said that he did have the Commissioner from Michigan City Airport actually send it to Indianapolis and he has her response from Indianapolis stating that it is no problem.

Attorney Biege asked if there is anyone here from Chester Companies, LLC. Attorney Biege asked them to confirm on the record that you received notice.

Dwayne Hogan asked for name and address for the record.

Greg Szybala, Chester Companies, LLC, 10174 N. Halstead Drive, La Porte, Indiana.

Attorney Biege said that notice is adequate.

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

Melissa Mullins Mischke asked with ten homes going out with this internet if he's concerned about it being maxed out.

Patrick Wheeland, 4722 W. Sangria Drive, La Porte, Indiana. Mr. Wheeland said that the way it works for their broadcast system, they will receive a signal from the nearest tower signal a couple miles down the road and that is what that dish half way down the tower will do. Mr. Wheeland said that up at the top of the tower they will have an Avant antenna and that does a 360 degree broadcast and they use a (inaudible) system and the homes that want service will have a small antenna above the house. Mr. Wheeland said that there will be a data cable that will comes off of that that feeds it into the house and they have a wireless rotor to plug into the inside of the house.

Dwayne Hogan asked how that is supported on the house.

Mr. Wheeland said that all houses in the subdivision will have a line of site to this.

Dwayne Hogan asked if there is going to be plenty of strength for everything.

Mr. Wheeland stated yes because the wireless router inside the home will handle all of that. Mr. Wheeland said that they're just getting service to the home.

Melissa Mullins Mischke made a motion that the Petition for a Special Exception for Galena Meadows Home Owners Association for a forty (40') foot self-support tower with a thirteen (13'") wide tower face for internet service to this subdivision located on common ground with a Variance of the setback to Lot #1 property line being ten (10') feet plus or minus instead of the required forty (40') forty be granted for the Galena Meadows Home Owners Association located at approximately 1000 North and Beverly Lane, La Porte, Galena Twp. Candice Nelson seconded.

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

All approved. Motion carried 5-0.

7. The Petition for a Use Variance for Center Lane Investments, LLC, Petitioner and Contingent Purchaser, by its President, James Burg, for the purpose of operating a truck/trailer parking, maintenance and storage facility of James Burg Trucking Company. This property is located at 8757 North State Road 39, La Porte, Springfield Twp., zoned Agricultural on 23.278 acres of land.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Barry McDonnell said that he's an attorney in Michigan City with offices at 601 Franklin Streets and he is here this evening representing his client, Center Lane Investments, LLC. Attorney McDonnell said that they're seeking the board's approval for a **Use Variance** which would allow

for development of a tractor/trailer parking, maintenance, and storage facility in what is otherwise an agricultural zone, specifically located at 8757 N. State Road 39, La Porte.

Attorney McDonnell said that with him tonight is Jim Burg and he's the managing member and he is here in the front row of Center Lane Investments and also the President of James Burg Trucking Company. Attorney McDonnell said that James Burg Trucking Company will be the operational entity, the sole tenant if you will of this property if the board gives us favorable approval this evening.

Attorney McDonnell said that he thinks as Mr. Hogan noted, Mr. Burg and his companies are not the owners of the property yet and he is under contract to purchase the property. Attorney McDonnell said that the property is owned by Robert Martin. Attorney McDonnell said that Mr. Martin is here this evening so he obviously consents to the petition and he signed the petition. Attorney McDonnell said also with us is Bob Palm who is the engineer and surveyor on the project. Attorney McDonnell said that he will note that he thinks that Mr. Palm passed out to the board a revised drawing. Attorney McDonnell said that there was an easement agreement that was mistakenly shown on the neighbor's property and the north side of the property, and it's actually on the south side of the property and it is in fact on the property in issue. Attorney McDonnell said that it isn't so much relevant, because quite frankly the driveway that will be constructed will be on the north side and it will be located on the property. Attorney McDonnell said that they did want to clarify any confusion. Attorney McDonnell said that they aren't using the easement and in fact the easement is on the property.

Attorney McDonnell said that he's going to be relatively brief and turn over the meeting to Mr. Burg and he will go into a bit of detail about his company's history; about his development plans and hopefully try to address some of the concerns of the neighbors, specifically as they might address environmental issues, and traffic issues. Attorney McDonnell said that he passed around a letter that Mr. Burg sent in addition to the formal notice that they sent to adjoining property owners and the notice in the Herald Argus. Attorney McDonnell said that Mr. Burg also sent a letter that he submitted to the board this evening and kind of organized an informal meet and greet with the adjoining property owners and invited them to Heston Bar over the past weekend, not only to introduce himself, and introduce the plans and show the plans, but also just to kind of hear what the neighbors' concerns were. Attorney McDonnell said that he thinks that it's fair to say he heard some concerns from the neighbors and listened to the concerns. Attorney McDonnell said that he thinks that when he comes up he will be able to address any of those concerns and hopefully put the neighbors most importantly at ease and also the board.

Attorney McDonnell said that this site is one that has a bit of a history of commercial use. Attorney McDonnell said that it's zoned Agricultural as the vast majority of Highway 39 is, despite there being kind of a history of a mixed use along Highway 39 of industrial and

commercial. Attorney McDonnell said that this particular site has a history of commercial and even specifically trucking use. Attorney McDonnell said that there are also storage units on the property that have been in existence and been in use for some time. Attorney McDonnell said that the current owner, Mr. Martin, actually hauled steel and had some trucks running from that facility up until a few recent years. Attorney McDonnell said that he thinks that it's also fair to say several of the neighbors are truck drivers. Attorney McDonnell said that there is a presence of trucking, certainly not trying to argue that he would be to the extent of Mr. Burg's ultimate plans, but certainly we want to at least stress that there has been more than agricultural use going on this property, and presumably fairly peacefully co-existing for many years.

Attorney McDonnell said that he did want to note that he submitted to Ms. Polan and hopefully distributed to the board some proposed findings for fact for the board's consideration. Attorney McDonnell said that he wants to briefly touch upon those findings because obviously as this board knows, with a **Use Variance**, there are five specific criteria that you have to analyze month after month.

Attorney McDonnell said that the first criteria being the granting of the variance will not be injurious to the public health, safety, morals, and general welfare of the community. Attorney McDonnell said that they would argue honestly that given the amount of truck traffic that exist on Highway 39, a highway that quite honestly was designed and as Mr. Burg will indicate kind of engineered for truck traffic. Attorney McDonnell said that this use really will not have a significant impact on the neighborhood. Attorney McDonnell said in terms of specific safety issues, in terms of ingress and egress, those will be above and beyond the board's decision and specifically regulated by INDOT. Attorney McDonnell said that INDOT will have to approve the ingress and egress and has already indicated to Mr. Burg that there will have to be acceleration lanes, deceleration lanes, potentially passing blisters and all that will be specifically regulated by INDOT until the construction is completed.

Attorney McDonnell said that number two the value of the area adjacent to the property will not be affected in a substantially adverse manner. Attorney McDonnell said that they would argue that the presence of truck traffic in an area that already has a fair amount of truck traffic would not negatively impact value. Attorney McDonnell said that above and beyond, Mr. Burg will touch upon the improvements that he would anticipate doing subject to this board's approval would be significant and would be in a first class manner. Attorney McDonnell said that he believes that he has some photos to submit to show that. Attorney McDonnell said that this is going to be a top notch facility, it's not going to be a second rate facility. Attorney McDonnell said that they would argue that there would be no negative impact on value of the surrounding area.

Attorney McDonnell said that third that the need for the variance arises from some condition particular to the property involved and they would argue again that the location of this property, even though the zoning is underlying agricultural, lends itself to this particular use, highway 39 again, is a natural link between Michigan and Indiana. Attorney McDonnell said that is one of the reasons obviously his client is selecting this site because it works perfectly. Attorney

McDonnell said that Mr. Burg's clientele is dealing with the steel industry and the automotive industry and lengthen the two. Attorney McDonnell said that Highway 39 is uniquely situated for them.

Attorney McDonnell said that the strict application of the terms of the ordinance will constitute an unusual and necessary hardship if applied to the property for which the variance is sought. Attorney McDonnell said that the existing property, particularly the front part of the property, obviously Mr. Burg is buying a lot of depth in the back that he has no development plans for at this point. Attorney McDonnell said that he's developing the front parcel in large part and they would argue that there is really limited agricultural use for that parcel. Attorney McDonnell said that there are storage units, outbuildings, trucks that have been stored there over the years.

Attorney McDonnell said that the approval does not interfere substantially with the comprehensive plan. Attorney McDonnell said no doubt the underlying zoning is in fact agricultural, but he would note that the county has in addition to the underlying zoning districts, they have these overlay districts and there is a highway overlay district, specifically Highway 39 overlay district and a lot of other highways. Attorney McDonnell said that when you look at what the requirements of the overlay district is, which they will have to meet when they go through the building permitting process, it obviously anticipates commercial development. Attorney McDonnell said that in other words, if there was going to be only agricultural development he doesn't know if there were by any use for the overlay district. Attorney McDonnell said that the overlay district deals with issues of fencing, berm, lighting, egress and ingress, and what not that are really kind of development issues and they will obviously have to comply with.

Attorney McDonnell said that those are the five criteria. Attorney McDonnell said one final note before Mr. Burg will step up is he certainly knows the board is aware of what it would grant tonight and he certainly wants to stress to the public that this is not the final step, it's a process, and it's the first step. Attorney McDonnell said that Mr. Burg will have to go through any number of hoops, both with the Building Commission locally, the State Building Commission, INDOT, IDEM to the extent there might be environmental issues, or water detention issues, or waste water issues. Attorney McDonnell said that this is just the beginning of the process. Attorney McDonnell said that those are probably a lot of the neighboring concerns and those concerns will absolutely be addressed. Attorney McDonnell said that Mr. Burg has a history, he has a history of running a first class operation and has no intention from deviating from that. Attorney McDonnell said that they know that there is more to come, but some of those issues he is sure the board doesn't have to deal with those issues.

Attorney McDonnell said that he hopes that the board takes kindly to their petition and he's going to hand this over to Mr. Burg to give a brief presentation and then they are certainly

available to answer any questions, probably more likely to Mr. Burg and Mr. Palm. Attorney McDonnell thanked the board.

Dwayne Hogan told attorney McDonnell that he did an excellent presentation.

Dwayne Hogan asked for a show of hands who will be remonstrating for, or against this petition.

Dwayne Hogan asked for name and address for the record.

James Burg, managing member of Center Lanes Investment, 27275 Mound Road, Warren Michigan 48092.

Mr. Burg is that JBTC was started with one truck in 1984 and he personally drove 1.2 MM miles. Mr. Burg said that the company currently operates ninety trucks in the Midwest and it serves the automotive manufacturing and construction industries by hauling steel, concrete products and building materials. Mr. Burg said that the company is a safety based operation. It has stellar safety performance and was awarded Heavy Duty Trucking Magazine's Innovator of the Year in 2010. It's also recognized by Michigan State Police-Commercial Vehicle Enforcement Division for its industry shaping policies and efficiencies. We are active collaborators with State Police in Indiana and Ohio and the enforcement community as a whole through their collective association; the Commercial Vehicle Safety Alliance.

The company employs professional and experienced truck drivers and mechanics. Average driver wages in 2014 were over \$71,000.00. When benefits are included, a total average driver compensation is nearly \$90,000/yr. (Current health care plan covers the employee and their family at no cost to them for the plan.) We would like to add similar jobs in Indiana. The acquisition and development of this property will allow us to do this. Additionally, it will allow us to improve driver lifestyle and making this job a "home every night" career. My segment of the industry has a driver turnover rate of 90%. Our turnover for the most recent fiscal year is 15%. This should give you an example of the quality of employer we are. If we create 20 jobs within a 3-5 year time period, economic wage benefit would exceed \$1.5 MM annually.

10 years ago, we built our corporate headquarters in Warren, MI. This was a \$4.1 MM investment. (Not copy of before and after.) Local government was pleased with the increase in tax base we brought to this location. Using this property as a benchmark, I would guess our investment in the La Porte property will be in the \$2-3 MM range over the next five years.

This location, SR 39 between Hwy 20 and I-94 was selected for several reasons. It is the designated heavy haul route from the steel mills in the "Harbors" to Michigan. Trucks are allowed to permit at 134,000# GVW on this route. Therefore, the most direct and efficient route for all trucks destined to MI is on this road. Additionally, trucks traveling SR-39 to MI are required to submit for inspection at the New Buffalo weigh station. I appreciate the oversight of my fleet by State's Commercial Vehicle Enforcement Departments.

Being I am an outsider, I felt it would be beneficial to introduce myself to my potential neighbors. I invited everyone on the required mailing list, and asked them to bring other interested persons, to a casual gathering this past Saturday evening. I learned they are great people and very passionate of their interests. They performed their due diligence on me and my operations. One neighbor brought a google map of my current facility and even read a testimony I gave to a Congressional Sub-Committee on a transportation related matter several years ago. I also learned we have many similar traits. One neighbor is a steel hauler working with one of my peers. Another operates 4-6 trucks of their own in their farming operations. I am sure many would agree agriculture and farming are heavily dependent on transportation to get their products to market.

I shared renderings of how I vision my potential neighbor's view of this property will be enhanced. (Copies submitted.) Installing a decorative fence along SR-39 and a berm with planted evergreens on the north and south borders will shelter the neighbors from lighting and muffle noise. Structures for maintenance/storage and fueling will be built with high quality and stylish materials. Paved parking will mitigate any contaminants, which may escape our vehicles, from leaching into the ground or migrate beyond our property. My design intent is to make this site no more offensive than its current approved use.

I heard four significant concerns of our anticipated operations; 1) Storm water run-off. 2) Pollution run-off. 3) Increased activity on SR-39 due to our operations. 4) I am a trucker who may develop this entire 23 acre site to the benefit of its operations.

I offered solutions. 1) Storm water run-off can be largely contained on-site; by using retention ponds or underground storage. 2) While modern trucks have nearly eliminated oil and fluid drips, we can install an oil-water separator for all storm water collected on the paved parking area. We employ both of these practices at our Warren facility. 3) I suggest that I cannot control activity on SR-39. Being most trucks should be using SR-39 to Michigan, only mill production for transportation to Michigan can ultimately control activity. For those few truckers who prefer to continue on Hwy 20 E to US 31 N to avoid the inspection facility on I-94, I suggest we all have an obligation to improve road safety and compliance. 4) While I cannot change my character of a trucker, I can offer this alternative. I would be surprised if we have a need beyond the current proposed development over the next five years. I am in favor of limiting the variance for a portion of the front 5 acres and a portion of the second 10 acres. This will give me time to prove I am a good neighbor before petitioning this board for expansion of this variance.

If today's requested variance is given, the next process would be to design and submit plans in accordance with the governing department's requirements for this project.

I appreciate your attention tonight and am available to comment on any concerns.

Dwayne Hogan asked Mr. Burg what his hours of operation would be.

Mr. Burg said mostly Monday through Friday, limited operations on Saturday and even less on Sunday.

Dwayne Hogan asked Mr. Burg for time frames.

Mr. Burg said that typically most of their drivers they like to run during the day time, so we're looking at 5:00 a.m. to 10:00 or 11:00 p.m. Mr. Burg said that his drivers are required by federal law mandate to fourteen (14) hours per day. Mr. Burg said there will be a little bit of scheduling variances to meet their customers' demands.

Candice Nelson asked Mr. Burg about Saturdays.

Mr. Burg said that it could be the same. Mr. Burg said that he's just saying that their experience is that they operate less on weekends then they do during the week.

Dwayne Hogan asked Mr. Burg if he's looking to put a sign in front of the building.

Mr. Burg said not necessarily. Mr. Burg said that if you look at the front copy they kind of isolate the back area. Mr. Burg said that he has a larger copy if they would like to see that. Mr. Burg said that they try to isolate view from the street by putting in a berm and evergreens along the borders, and have the access in so it's hidden a little bit on Highway 39 and the neighbors surrounding the property.

Mr. Burg is handing out pictures of the buildings that he intends to put on this property if permitted.

Dwayne Hogan asked Mr. Burg how many tanks he is going to have above ground.

Mr. Burg stated one – twenty thousand would be their preferred need.

Mr. Burg said that for their trucking operations they carry nearly ten times the required minimum financial responsibility.

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

Glen Minich told Mr. Burg that he's showing Phase 1 and Phase 2, Glen asked Mr. Burg what kind of a time line is he looking at. Glen told Mr. Burg that he's only showing a temporary ingress and egress to start with Phase 1 and his concern would be that may not be sufficient.

Mr. Burg said that Phase 1 would be immediate use as soon as they can get the approvals done for parking – for some short term buildup of business from the area. Mr. Burg said that Phase 2 and Phase 3 would be based on demand of their customers in need to put in a larger parking area and building. Mr. Burg said that the immediate need would be five to ten trucks to be able to get that done that quick he would suggest probably a year, or maybe a little bit quicker. Mr. Burg said by that time they would have their plans in place with the economic benefits to complete Phase 2, which would be parking, building and fuel.

Candice Nelson asked what does 134,000 GVW stand for.

Mr. Burg said that is gross vehicle weight. Mr. Burg said that the typical gross weight is eighty thousand pounds, so with industry, INDOT permits the truck traffic on route 20 out to 39 and north, and it also allows it to go up to South Bend and New Carlisle and north on 31 as well.

Melissa Mullins Mischke said that she's looking at the drainage and there are some pipes out there and some tile on the east side of the property and she's wondering if pavement really is – she understands that you want to put in a grease separator, but maybe the use of a green product that is a little less impervious, that impervious surface is going to run off to somebody's adjoining property owners for your grease and other --- Melissa said that she doesn't care how well you maintain a vehicle, something is going to drip at some point. Melissa said that she was looking at some of the water resources, although that is not an area of this board, but it's a concern that she has.

Mr. Burg said that all of the contaminants are following on Route 39 are migrating to the ditches already, there is some contamination that is going on. Mr. Burg said that you can capture it and then deal with it the best way that you can. Mr. Burg said that oil/water separators work well.

Melissa Mullins Mischke said that she doesn't know what the water table is in Michigan where you're at, but in this area, the water table is generally pretty high. Melissa said that when you're hitting concrete, or asphalt, it doesn't have time to drain. Melissa said that when you think about filtration and our water table being high, that is her concern and not to increase the problem.

Mr. Burg said that the whole county is basically at three to four feet above the level of Lake St. Claire. Mr. Burg said that the whole county's sewer department's public works had a thirty year plan to keep that water underground as much as best they can. Mr. Burg said that they're familiar with that and the risk.

Wally Pritz asked Mr. Burg if he's going to have a truck washing facility there.

Mr. Burg said they don't have any plans for that.

Dwayne Hogan asked for remonstrators.

Remonstrators were present

1. Susan Zolvinski, 8694 N. State Road 39 La Porte, Indiana
2. Bruce Kluge, 1452 W. 900 N., La Porte, Indiana
3. Steve Nesci, 8601 N. State Road 39, La Porte, Indiana
4. Ken Quirk, 7707 N. 300 E., La Porte, Indiana
5. Bob Martin, 8757 N. State Road 39, La Porte, Indiana

These remonstrators want to keep this land for Agricultural purposes and they were worried about the truck traffic on Highway 39.

For those who would like to hear what the remonstrators had to say you can go to **alc.pegcentral.com go to Board of Zoning Appeals and hit the meeting date.**

Glen Minich said that the suggestion that you made about only looking at the front versus the back just doesn't work for him. Glen told Mr. Burg that he doesn't think that the property isn't large enough unless you use the whole thing because we can't allow the front to be developed and not have permanent INDOT lanes on this, and you can't afford to only develop the front and put those lanes in. Glen said that would be cost effective for him.

Mr. Burg said that is certainly sustainable.

Glen Minich said that he has concerns about all the neighbors that were brought to light. Glen said that Phase 2 is draining into this drainage ditch, which is a controlled ditch, but if it was a livestock facility, IDEM wouldn't allow us to develop that and use that. It's too high of risk for run-off into that area.

Glen Minich told Mr. Burg that he commends him when you say you're all about the safety and doing it right, and he thinks that the vicinity that you're looking at is right and State Highway 39 is the right area, but this site he feels is too small for what you want to do, especially operating twenty-fours a day, you would be better fit in an industrial park, or a site that was previously being used for trucks, rather than an agricultural area.

Mr. Burg said that this was the first site available for him in La Porte. Mr. Burg said that there were no other facilities in Michigan or Indiana. Mr. Burg said that his realtor has been looking for a year before they entered into a contract.

Attorney Biege said that he's not advocating either side, but you just said something that he thinks is accurate. Attorney Biege told Mr. Burg that he said that there is nothing else available on Highway 39 and he is totally familiar with the 39 North Conservancy District. Attorney Biege said that there is a lot of property for sale on 39 North Conservancy District.

Ginny Winn, 14 Clark Glen Drive, Michigan City and she works with 1st Choice Realty Group here in La Porte and Michigan.

Attorney Biege told Ms. Winn that there is a ton of real estate about two miles south of 20.

Ms. Winn said that they're north of 20.

Attorney Biege said that there is real estate available in the area and he just wanted to make sure that the board was clear. Attorney Biege said that they've been trying to sell commercial property in the North Conservancy District for years and it's about two miles away.

Attorney Kaminski said that he thinks that Mr. Burg spelled out the roads that kind of regulated for truck traffic and he doesn't think that you can go south of 20 even if it's a quarter mile, it's an issue with the road.

Attorney Biege said that he just wants to make sure the board is aware that two miles from 20 there is an area and he differs that there is nothing else for sale. Attorney Biege said that it's an evidentiary issue, he's not trying to argue either side.

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

Annemarie Polan, Building Commissioner, said just speaking as a citizen of La Porte County, she thinks that the placement on Highway 39 close to Michigan she believes that this is the right place for something like this. Annemarie said that when you grant a variance it's supposed to be for the good of the most people, isn't it?

Wally Pritz said that he knows that everyone has talked about how to contain the traffic and the noise from the traffic, and the biggest problem that he understands how they can isolate all of that noise and traffic on your piece of property that you're considering and the rest of the property all along 39 is left open.

Mr. Burg said that they can regulate what happens on their site, but they can't regulate what is happening on Highway 39. Mr. Burg said as he said in his comments, the volume on Highway 39 is going to happen regardless. Mr. Burg said that is a component of industry. The more steel that is made and the more demand, those trucks are going to roll.

Wally Pritz said that he's having trouble weighing that himself.

Glen Minich said that when he first looked at this it's the right vicinity for what they want to do, but he doesn't think that it's the right site. Glen said that he thinks that it is too small and he thinks that it's going to require large deceleration and acceleration lanes and he thinks that they would have to have the second phase going right away to make it work. Glen said that he doesn't think that the second phase is environmentally friendly for what you're doing. Glen said that the proximity of that drainage ditch and trucks aren't an environmentally friendly thing.

Glen Minich said that you're asking for a thing that is going to operate twenty-four hours a day and this is something that needs to be more in an industrial area and he doesn't think this is what we want to make a special exception in agricultural to put in.

Glen Minich made a motion that the Petition for Use Variance for Center Lane Investments, LLC, Petitioner and Contingent Purchaser, by its President, James Burg be denied on this property located at 8757 North State Road 39, La Porte, Springfield Twp., zoned Agricultural on 23.278 acres of land. Melissa Mullins Mischke seconded.

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

Melissa Mullins Mischke said that she certainly agrees with Glen that the vicinity is the right vicinity, but she has some concerns, but ultimately she believes that it is not the right spot.

All approved. Motion carried 5-0.

8. The Petition for Special Exception for Sandra Wood for an accessory dwelling unit already in existence to make into a studio apartment for rental purposes behind the principal dwelling. This property is located at 7474 W. US 30, Wanatah, Clinton Twp., zoned Agricultural on ten acres of land.

Attorney Biege said that notice is sufficient.

Dwayne Hogan asked for name and address for the record.

Sandra Wood, 10713 S. Lindsey Road, Union Mills, Indiana.

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

Ms. Wood said that she would like to have a renter in a little studio that she remodeled on the existing building that was behind the house. Ms. Wood said that she would like to put a tenant in there to pay for the property that she bought.

Melissa Mullins Mischke asked Ms. Wood if she is currently residing at the property.

Ms. Wood stated no.

Melissa Mullins Mischke asked who currently resides at the property.

Ms. Wood stated a renter.

Melissa Mullins Mischke said that you have one renter currently and you want to add a second renter.

Ms. Wood stated correct.

Dwayne Hogan asked Ms. Wood if she owns the property.

Ms. Wood stated yes.

Board members speaking amongst themselves.

Ms. Wood said that when they originally got that property and they were going to make that an area for them when they had parties because they already had an existing kitchen, bathroom, water and septic, but they had a little business in there prior and they went in there and remodel it. Ms. Wood said that they decided that it would probably be better if they could have some rental income coming into to help pay for this.

Melissa Mullins Mischke told Ms. Wood that she does have rental income coming from the property.

Ms. Wood stated yes, but it doesn't cover the whole mortgage, taxes or insurance.

Glen Minich asked Ms. Wood how much frontage she has on that lot.

Ms. Wood said that there is ten acres.

Glen Minich asked the frontage on the highway.

Ms. Wood said that she would say probably four or five hundred feet.

Glen Minich said that if you actually divided that property and created two parcels, then there wouldn't be an issue.

Ms. Wood asked Glen if he meant the house in the front to the little garage.

Glen Minich told Ms. Wood if she could create a second buildable lot that studio is on.

Annemarie Polan, Building Commissioner, asked Glen if he looked at those pictures.

Glen Minich said that he just said if you could it wouldn't be an issue.

Annemarie Polan, Building Commissioner, said that she wouldn't be here if that were the case.

Ms. Wood said that she doesn't understand what the problem is.

Glen Minich said that the problem is that the board does not normally and has not allowed two rental properties on one lot, but if you created two lots with each rental unit being on separate lots, basically subdividing, just splitting the property, then you could rent each one of them. Glen told Ms. Wood that she would have to legally create two properties. Glen said just a suggestion.

Melissa Mullins Mischke asked Ms. Wood if she currently has a renter in that remodeled structure.

Ms. Wood stated yes. Ms. Wood said that she didn't know that she needed to have a variance.

Melissa Mullins Mischke asked Ms. Wood if it's tied into the septic and well.

Ms. Wood said that it's two separate septic tanks.

Dwayne Hogan asked if there is a mound system.

Ms. Wood stated yes. Ms. Wood said that it butts up against Art Gift's land over there.

Board members speaking amongst themselves.

Glen Minich told Ms. Wood that we don't typically do this and if we allow it for one, everyone is going to want it and most residences don't want multi rental units next to them. Glen said that it would lower the adjoining property owner's property value he believes because of that.

Ms. Wood said that she disagrees. Ms. Wood said that she gutted that whole house and made it really nice and made the building in the back real nice.

fields to the front of the Highway. Mr. Matuszak said that last summer when we had those three to four inch rains, he had eighteen inches of water running across his driveway.

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

Dwayne Hogan asked the pleasure of the board.

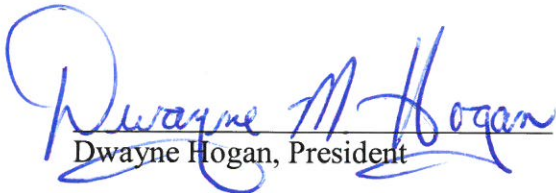
Melissa Mullins Mischke made a motion that the petition for a Special Exception for Sandra Wood for an accessory dwelling unit already in existence to make into a studio apartment for rental purposes behind the principal dwelling be denied for the property located at 7474 W. US 30, Wanatah, Clinton Twp., zoned Agricultural on ten acres of land. Candice Nelson seconded.

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

All approved. Motion carried 5-0.

Mike Schultz said that he has some information. Mr. Schultz said that he was here a couple of years ago to set something up when you ask someone to move a trailer, if they could remove it before the March 1st deadline. Mr. Schultz said that deadline is now January 1st starting next year and the assessment deadline will be January 1st versus March 1st. Mr. Schultz said that if it gets moved after January 1st it gets assessed.

There being no further business, meeting adjourned at 8:20 p.m.


Dwayne Hogan, President


Annemarie Polan, Building Commissioner