



**LAPORTE COUNTY  
BOARD OF ZONING APPEALS**

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**ANNEMARIE POLAN**  
Building Commissioner

Dear Members:

Regular Meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **August 16<sup>th</sup>, 2016 at 6:00 p.m.** in the Assembly Room of the County Complex.

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

ALSO PRESENT:      Annemarie Polan, Recording Secretary, Attorney Doug Biege,  
Darlene Forker, Secretary.

Dwayne Hogan asked for a motion for the minutes of July 19<sup>th</sup>, 2016.

Wally Pritz made a motion to approve the meeting minutes of July 19<sup>th</sup>, 2016 as presented.  
Candice Nelson seconded.

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

All approved. Motion carried 5-0.

**1. The Petition for Variance of Use for James Parades** to raise reptiles and exotic animals in his garage for breeding, sale and pets, having up to six-hundred (600) snakes at a time. This property is located at 1786 W. Springville Road, La Porte, Springville Twp., zoned R1B. (This was tabled from the July 19<sup>th</sup>, 2016 meeting.)

Mr. Parades failed to appear.

Melissa Mullins Mischke made a Motion to table this to September 20<sup>th</sup>, 2016 meeting. Candice Nelson seconded.

All approved. Motion carried 5-0.

**2. The Petition for Variance of Use for Sarah & Jeff Hott** for operation of a yoga/exercise class out of their residence to conduct classes inside/outside depending on weather. This property is located at 246 E. Aspen Lane, La Porte, Washington Twp., zoned R1B on one (1) acre.

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Attorney Biege said that we have green cards on the adjoining property owners except for Guardian Rider's Inc., but he can personally tell you as president of Guardian Riders, they did receive notice.

Dwayne Hogan asked for name and address for the record.

Sarah Hott, 246 E. Aspen Lane, La Porte, Indiana.

Dwayne Hogan asked Ms. Hott what she would like to do.

Ms. Hott said just kind of giving you a back ground. We moved into this house about two years ago knowing that we have an acre of land, and around that time, we were expecting a child and she was actually a supervisor over fifty or so employees for group exercise and personal training. About a month before all of this was happening, she stepped down from those positions and she wanted to work from home so she could raise her son and be there, so she got a coaching position that she can do from home and she was also going to sub-classes.

Ms. Hott said since then, the hours had dropped drastically, but she has her business and her masters and she really wanted to do something with that. Ms. Hott said she had friends actually approach her to peruse of her expertise of classes – personal training, whatever it might be. Ms. Hott said that that in 2016 she has really started approaching that and going for her business license. Ms. Hott said what she would really like to do with the respect of the neighborhood move forward and be able to teach classes outside and be able to teach inside and do personal training and improve the epidemic of obesity and really make a difference, while also supporting her family and making sure that she has some sort of income.

Ms. Hott said that they have a second baby on the way and with all that being said, it's what she loves, what she does and what she would really like to pursue to be able to do this from home and raising a family. Ms. Hott said that they have never while working out with friends and clients maliciously done anything to the neighbors, and in fact, she has a petition that she had given to seventeen direct neighbors right around them that have approved and she also has a second petition that she did for people really – there are seventy-seven signatures on the second petition of people that really promote and advocate what she's doing and want to support what she's doing. Ms. Hott said that she thinks that it's really strong and powerful that she had seventeen direct neighbors right around her that want to support what she's doing except for one. Ms. Hott said that they don't play music outside – we don't do anything that would cause a disturbance. Ms. Hott said that they're always on her property, or we use the public roads.

Dwayne Hogan asked Ms. Hott if she's doing it as a business now.

Ms. Hott said that she's filing for a business license this year, depending on how this turns out.

Dwayne Hogan asked Ms. Hott if she's doing the exercises now.

Ms. Hott said yes.

Dwayne Hogan asked Ms. Hott how long she has been doing this.

Ms. Hott said this year. Ms. Hott said in 2016 she really started putting the ball rolling and she knew that this was the first step after being contacted, and she knew she had to come to the county and get the permission for the variance. Ms. Hott said that she has all of the documentation – she contacted the State to get the documentation for the other steps that she has to do.

Melissa Mullins Mischke asked Ms. Hott how long she has been holding classes at her home currently.

Ms. Hott said 2016 mostly. She did have some in January.

Melissa Mullins Mischke asked Ms. Hott if she held classes in 2015.

Ms. Hott said she did have classes, but she really started pursuing this in 2016.

Melissa Mullins Mischke asked when in 2015.

Ms. Hott said probably August of last year.

Melissa Mullins Mischke asked if that is when she first started.

Ms. Hott said that she doesn't know exactly, but she would say yeah, that is when she really starting pursuing and seeing if this is something that she wanted to do.

Dwayne Hogan asked Ms. Hott what her hours were going to be if this was to be approved.

Ms. Hott said that they don't have to use outdoor space, but it was just an option since the weather was nice. She has people that are really interested in 4:45 in the morning, because she has a lot of people that start work at 6:00 or 6:30. Ms. Hott said it would be 4:45 to about 2:00 p.m.

Dwayne Hogan asked if it's going to be afternoons or evenings.

Ms. Hott said that she has one evening class that she would love to do, which is yoga, and that would be like at 6:00 or 7:00.

Dwayne Hogan asked Ms. Hott if she would be all done by 9:00 at night.

Ms. Hott said that she would say 8:00 would be the absolute latest they would ever go.

Melissa Mullins Mischke asked Ms. Hott how many people she has in class at any given time.

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Ms. Hott said from four to a maximum of ten.

Melissa Mullins Mischke asked Ms. Hott to approach to show her where all the people park when they come to your house.

Ms. Hott up at the bench going over the site plan with the board members.

Ms. Hott said that her neighbor Babs disagrees with going forward with it and she had mentioned that she wrote a letter. Ms. Hott said that she actually spoke with her and she was trying to talk to her about what the disagreements are and she thinks it was just that her dogs barked.

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

Melissa Mullins Mischke said that we do have a letter of remonstrance.

Attorney Biege asked Melissa to summarize.

Melissa Mullins Mischke said that this would be from Baba Rinker the neighbor stating that the dogs bark and wake she and her husband up at 4:45 in the morning; she has provided us with some photos of times when her people were parked; and then again concerns about dogs from the neighborhood being out while the clients are outside. Her last paragraph says I hope if you give her a variance that its home based with restrictions and she should hold her classes in her home or yard only, not a public roadway or right of way and she must conduct her classes during normal business hours, which she suggested 9:00 to 5:00.

Dwayne Hogan asked Ms. Hott if she's going to put up a sign that this is a business.

Ms. Hott said no. Ms. Hott said that because it's her home, she doesn't want to bring just anybody; it's always been friends talking to friends, people that are trusted. Ms. Hott said she doesn't want to bring just anybody in.

Dwayne Hogan asked Ms. Hott if she has it inside her house would that be in the garage.

Ms. Hott said it would be garage space and they also have a tri-level and the very bottom is her and Jeff's little gym.

Dwayne Hogan asked the pleasure of the board.

Candice Nelson made a motion to approve the petition for Variance of Use for Sarah & Jeff Hott for operation of a yoga/exercise class out of their residence to conduct classes inside or outside depending on the weather, with hours of operation from 4:45 a.m. to 8:00 p.m. Monday through Friday and Saturday from 7:00 a.m. to 2:00 p.m. on the property located at 246 E. Aspen Lane, Washington Twp., zoned R1B on one acre.

Attorney Biege asked if we're restricting the activity to the real estate. Attorney Biege told Ms. Hott that she could run on a public way, but I would suggest you restrict the activity to this parcel of real estate.

Dwayne Hogan said he has a motion, do we have a second.

Wally Pritz seconded.

Ms. Hott said that she knows that she has a neighbor in the audience supporting her also that would like to be able to have yoga at her house outside, which is also in the circle. Ms. Hott asked if that's allowed.

Attorney Biege said she would have to get her own variance. Attorney Biege said that he's concerned that if the other neighbors are having issues, or you have new neighbors that you don't know about yet, he wants to be able to identify what was granted so it's clear on what you can do. Attorney Biege said if we start expanding the area and if there are complaints, how do we determine if you're in violation or not.

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

Glen Minich said we talked about limiting it to ten people at a time in a class and he thinks that it's probably important to put in there just because it's a home based thing and there should be kind of a cap –

Melissa Mullins Mischke said for safety as well.

Glen Minich said we can't have this getting so large. Glen said he would like to have that added to this. Glen said he would also consider having that it be for one (1) year so we can make sure that these issues are resolved as far noise, neighbors and complaints in a residential area. Glen said that it's their home too, although it is a great thing.

Attorney Biege said he's going to write this as a review in a year and they don't have to renew. Attorney Biege told Ms. Hott to call the Building Commissioner's Office.

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

All approved. Motion carried 5-0 and to be reviewed in one (1) year.

**3. The Petition for Variance of Use for Elaine Wallis** to continue placement of her mobile home. First variance was granted in 2007 and the last one was granted on August 20, 2013 for three years renewable. This property is located at 8451 N. 800 W., Michigan City, Springfield Twp., zoned R1B on 9.830 acres.

Attorney Biege said notice is adequate.

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Dwayne Hogan asked for name and address for the record.

Elaine Wallis, 8451 N. 800 W., Michigan City.

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

Ms. Wallis told the board that she would like to get a life time variance for her mobile home.

Board members told Ms. Wallis that they understood, but they didn't want to start a precedent with giving a life time variance, because they restrict them so that they can keep track of who is in that mobile home.

Ms. Wallis said that it's getting very expensive for her to keep coming back every three years because it is costing her two-hundred dollars each time she has to do this.

Glen Minich made a motion that the Variance of Use for Elaine Wallis for continued placement of her mobile home be granted for three (3) years renewable. This property is located at 8451 N. 500 W., Michigan City, Springfield Twp., zoned R1B on 9.830 acres.

Candice Nelson seconded.

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

All approved. Motion carried 5-0.

**4. The Petition for Variance of Developmental Standards for Steve A. & Joann Jensen** to construct a log cabin on their property to be used as a guest house (24'x14'), which is a story and a half with a residence already existing on this property. This property is located at 6718 W. 50 S., La Porte, New Durham Twp., zoned Agricultural on 9.97 acres.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Steve Jensen, 6718 W. 50 S., La Porte.

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

Mr. Jensen said that he and his wife want to build a log cabin, which is actually a rustic three season structure that will have no heat or plumbing, and they would be using a wood burner to heat the home. Mr. Jensen said that they are wanting to keep it a centennial farm pioneer cabin, kind of like the one at the La Porte County Fair Grounds. Mr. Jensen told the board that he and his wife are volunteers at Pioneer Land at the Fair Grounds.

Board members were asking Mr. Jensen if anyone would be living in that cabin, or would it be rented.

Mr. Jensen said that he has a lot of friends and family that would be staying there on special occasions, but not to be lived in or rented. Mr. Jensen said that he and his wife want to keep their farm the centennial historic theme.

Board members were telling Mr. Jensen how beautiful his property is.

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

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

Mr. Jensen said it will be a four foot (4') slab and where the weight is there would be footers down.

Dwayne Hogan asked the pleasure of the board.

Melissa Mullins Mischke made a motion for Variance of Developmental Standards for Steve A. & Joann Jensen to construct a log cabin on their property to be used as a guest house and not for rental, (24'x14') be granted for the property located at 6718 W. 50 S., La Porte, New Durham Township on 9.97 acres, including in the variance no electric and running water in the building.

Candice Nelson seconded.

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

All approved. Motion carried 5-0.

**5. The Petition for a Variance of Use for Jerry Pfladderer, by Counsel Andrew D. Voeltz of Howes & Howes, LLP, for continue placement of a mobile home. On August 21, 2007 the board granted a variance for continued occupancy of said mobile home for a period of nine years. This property is located at 8581 S. 1010 W., Wanatah, Clinton Twp., zoned R1B.**

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Andrew Voeltz said that he is an attorney with Howes & Howes.

Attorney Voeltz said that he's here on behalf of his client Jerry Pfladderer, who is also present here this evening. Attorney Voeltz said that he's asking for another nine year variance on his mobile home. Attorney Voeltz said that the last variance that was granted was for nine years.

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Board members talking to attorney Voeltz about not setting a precedent in granting for nine years. The board over the past few years is restricting these for hardships to three years.

Board members told Mr. Pfladderer that his mobile home is well maintained and it is common in the neighborhood.

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

Dwayne Hogan asked the pleasure of the board.

Melissa Mullins Mischke made a motion that the Petition for a Variance of Use for Jerry Pfladderer for continued placement of his mobile home be granted for a period of three (3) years renewable for the property located at 8581 S. 1010 W., Wanatah, Clinton Twp., zoned R1B.

Wally Pritz and Candice Nelson seconded.

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

All approved. Motion carried 5-0.

**6. The Petition for Developmental Standards for Joseph & Marianne Curia** to construct a second accessory structure building on the property. This property is located at 5291 E. Iroquois Trail, Rolling Prairie, Galena Twp., zoned R1B.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Joseph & Marianne Curia, 5291 Iroquois Trail.

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

Mr. Curia said what he wants to do is put up a non-permanent structure, which is like a shed, but it's bigger than a shed to put his pickup truck in. Mr. Curia said he wants to put it alongside the house with the same siding and roof so that it fits alongside the look of the home. Mr. Curia said it will be 12'x20'.

Melissa Mullins Mischke asked Mr. Curia if he would be putting electric and water in this.

Mr. Curia said that he will not have water, but he may end up putting electric in this.

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

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



Glen Minich said that it's really the side yard.

Mr. Curia said that they measured the truck to make sure that they were where they needed to be. Mr. Curia said that he needed twenty-two feet.

Glen Minich asked about a driveway.

Mr. Curia said that they couldn't put in a concrete driveway if they wanted, because there are too many roots from the trees. Mr. Curia said stone would be the best they could do.

Glen Minich said maybe pavers or something like that.

Mr. Curia said he doesn't think that he could put pavers in there.

Glen Minich said he knows there is a little bit of an issue out there with the runoff – the drainage, because it's all falling towards Saugany Lake.

Mr. Curia said that they were thinking about putting stone down so that it wouldn't sink into the grass.

Mr. Curia said that the structure is what he is mostly wanting because he has spent a winter here and it's a little bit harder here than it is in Chicago.

Glen Minich said the shorter the driveway the better.

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

Candice Nelson name a motion for the Petition for Developmental Standards for Joseph & Marianne Curia to construct a second accessory structure building with the dimensions of 24'x20' on their property with electricity be granted on property located at 5291 E. Iroquois Trail, Rolling Prairie, Galena Twp., zoned R1B.

Wally Pritz seconded.

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

All approved. Motion carried 5-0.

**7. The Petition for a Special Exception for Christopher Barton, NTP Wireless on behalf of Parallel Infrastructure** to erect a new 145' wireless telecommunications facility for Verizon Wireless. Parallel Infrastructure will be the tower owner. This property is located on County Road 400 South, near its intersection with State Road 39, Parcel Number (461026100014000060), Scipio Twp., zoned Agricultural on 45.619 Acres.

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Melissa Mullins Mischke said that Glen Minich is going to step down from this petition as he has a conflict of interest.

Attorney Biege said notification is adequate, but he has a stack of certified mail cards to go through, which he can do while the presentation is going on.

Dwayne Hogan asked for name and address for the record.

Christopher Barton, 520 W. Erie Street, Suite 400, Chicago, Illinois.

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

Mr. Barton said that Parallel Infrastructure is a partner with Verizon and they will attach their antennas to the 140' tower, as well as install its ground cabinets at the base of the tower with a fence enclosure, which will be 80x80 and concealed by trees to the north and west and a landscaped plan will be installed to the perimeters of that fence.

Mr. Barton asked if there are any questions.

Melissa Mullins Mischke asked if they would use that tower for cell phone service, or is there some other use for this.

Mr. Barton said tower.

Dwayne Hogan asked how many antennas.

Mr. Barton said Verizon will install nine antennas. It will be a triangle platform with three antennas to each side.

Dwayne Hogan asked how close the nearest tower to this site is.

Mr. Barton said there are two towers within three miles and Verizon is on both.

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

Melissa Mullins Mischke said just to go over this, there are no lights on this tower and it is 145' feet tall.

Mr. Barton said that is correct.

Dwayne Hogan asked if there is any intent to add anything else to this tower later.

Mr. Barton said it's possible in the next two years that this tower would have more carriers on it.

Melissa Mullins Mischke asked Mr. Barton if he's planning on this being a long term tower.

Mr. Barton stated yes.

Dwayne Hogan asked if there are any questions.

Dwayne Hogan asked the pleasure of the board.

Wally Pritz made a motion that the Petition for a Special Exception for Christopher Barton, NTP Wireless on behalf of Parallel Infrastructure to erect a 145' foot wireless telecommunications facility for Verizon Wireless and Parallel Infrastructure be granted on property located at County Road 400 S, near its intersection of State Road 39, Parcel No. (461026100014000060), Scipio Twp., zoned Agricultural on 45. 619 acres.

Candice Nelson seconded.

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

All approved. Motion carried 4-0.

There being no further business before the Board of Zoning this evening, meeting adjourned at 7:00 p.m.

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Dwayne Hogan, President



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Annemarie Polan, Recording Secretary