



**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, **September 20, 2016 at 6:00 p.m.** in the Assembly Room of the County Complex.

MEMBERS PRESENT: Dwayne Hogan, Glen Minich and Wally Pritz.

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

Dwayne Hogan asked for a motion for the minutes of August 16<sup>th</sup>, 2016.

Glen Minich made a motion to approve the meeting minutes of August 16<sup>th</sup>, 2016 as presented. Wally Pritz seconded.

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

All approved. Motion carried 3-0.

**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 and August 16<sup>th</sup>, 2016 meeting.)

Dwayne Hogan asked the board what they want to do.

Glen Minich said he will make a motion to remove it from the table.

Wally Pritz seconded.

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

All approved. Motion carried 3-0.

Glen Minich said he would like to make a motion to dismiss this petition from the agenda.

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Wally Pritz seconded.

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

All approved. Motion carried 3-0.

**2. The Petition for Variance of Developmental Standards for Anthony J. Rutzen, Jr. and Deborah J. Rutzen** to construct a two story addition (20'x20') to an existing pole barn for living quarters for themselves, which will later be used as a guest house while building a new home. This property is located at 7685 W. 350 N., Michigan City, Coolspring Twp., zoned R1B on 4.50 acres.

Dwayne Hogan said that he was informed that this is going to be continued to October 18<sup>th</sup>, 2016 at 6:00 p.m.

**3. The Petition for Variance of Developmental Standards for Jeanna Miller** to construct a detached garage three (3') feet away from side of house instead of ten (10') feet and (instead of ten (10') feet behind the house one and a half (1 ½') feet forward from the house. This property is located at 4141 W. 150 N., La Porte, Center Twp., zoned R1B.

Attorney Biege said legal is adequate.

Dwayne Hogan asked for name and address for the record.

Jeanna Miller, 4141 W. 150 N., La Porte.

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

Ms. Miller said that she just wants to add a detached garage. Ms. Miller said that she has a garage now, but she wants to add a one car garage for her dogs so they can be inside and outside. Ms. Miller said that it's too expensive for her to attach it.

Dwayne Hogan asked Ms. Miller the size of the detached garage.

Ms. Miller said it's (15'x23') and the reason she can't go the ten (10') feet behind her house is because her well is literally right there and her whole back yard is hills and then it goes down. Ms. Miller said that she will be ten (10') feet from her well with the new garage.

Glen Minich asked Ms. Miller if she is putting electric in this.

Ms. Miller said that there will be electric and she is doing the monolithic for the concrete.

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Glen Minich asked if she is going to have water.

Ms. Miller said only electric.

Ms. Miller said it will be a future garage for her soon to be teenage son for his car.

Dwayne Hogan asked about septic.

Ms. Miller said that the septic is on the other side of the house. Ms. Miller said that she's following the ten (10') foot from her property line from her neighbors; also she's not going past what she is allowed to go. Ms. Miller said she can't go ten (10') feet behind her house because of the well and the hills.

Glen Minich asked Ms. Miller if she is going to use consistent siding with the home.

Ms. Miller said definitely. Ms. Miller said that she is on the corner of a subdivision so her house is seen from pulling in and pulling out every time. Ms. Miller said it will look real nice.

Dwayne Hogan asked if the pitch of the roof is going to match the home.

Ms. Miller said that her gable is going to match the other side of the house.

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

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

Glen Minich said that the only concern was about the gable.

Ms. Miller said that the gable is going to match her other gable on the other side of the house. Ms. Miller said it's going to match.

Glen Minich asked Ms. Miller if she is going to gutter it to keep the water away from the foundation. Ms. Miller said it's going to go down towards the back where it is all hilly already. Ms. Miller said she's going to dig it down so it goes down.

Dwayne Hogan asked if there are any other questions.

Wally Pritz made a motion for a petition for Variance of Developmental Standards for Jeanna Miller to construct a 15'x23' detached garage three (3') feet away from the side of her house (instead of the ten (10') behind her house) and 1 ½ feet forward from the home and sided

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consistently with the home. This property is located at 4141 W. 150 N., La Porte, Center Twp., zoned R1B.

Glen Minich seconded.

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

Glen Minich said that the only thing is that maybe we should add on it's going to be sided consistently with the home.

All approved. Motion carried 3-0.

**4. The Petition for Variance of Developmental Standards for H. Sean & Tiffany Mitchell** to construct a three car garage with second story floor (40'x30') with full utilities for home office and "man cave". (No business conducted onsite). This property is located at 4343 W. 300 N., La Porte, Center Twp., zoned R1B on 40 acres.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Jim Kaminski said he's an attorney in La Porte. Attorney Kaminski said with him is one of the petitioner's, Sean Mitchell and he represents Mr. & Mrs. Mitchell in this petition. They're requesting the approval of a variance to allow for an accessory building on their property. Attorney Kaminski said that in the packet that he sent and he believes the pictures that you will see, the accessory building is actually a three car garage with space to allow for a home office and a recreational room and a "man cave" as was put on the petition. Attorney Kaminski said that it's a (30'x40') foot building and it will have a ten twelve pitch roof which is consistent with the home on the parcel. Attorney Kaminski said that he would note this parcel is a forty (40) acre parcel on 300 North. Attorney Kaminski said the home itself and this building are about nine-hundred (900') feet in from the roadway and it literally can't be seen from the road.

Attorney Kaminski said that there is virtually no intention that there will ever be division of the property; so this isn't like we're going to build a building and then all of sudden split it off in the future after it's built. The purposes are set out really in the petition. Attorney Kaminski said that he will say also that Mr. & Mrs. Mitchell – one of their eight children is developmentally disabled daughter who is getting older and their hope is there is a possibility she could live in this structure someday in the future, but it's not being used right now as a separate residence.

Attorney Kaminski said that it will require a separate septic and there is somebody coming out to do the soil analysis and approve the septic field for it, but given the size of the lot and the location of the building in relation to the lot, there shouldn't be a problem. Attorney Kaminski

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said Mr. Mitchell started work on his own with some people he knows in the construction trade who have been working on this for some time and with apologies to the county, frankly he was planning to apply for permits when the utilities and septic were ready to be put into the building. Construction stopped when he realized there was a need for a permit and this variance and of course it won't resume unless he's complying with the following statutes and ordinances, but they do intend to hookup to full utilities having water and a bathroom in this facility, but there will be no business operated, so the home office is just that. Mr. Mitchell has a separate business – separate facility for his personal time to use as a home office. There will be no customers on the parcel.

Attorney Kaminski said that he will note that all the adjoining land owners in addition to giving notice have signed a written notice not objecting to the petition, so naturally supporting the petition, so we request your approval of the petition for this accessory building.

Attorney Kaminski said as you know what's been completed, the exterior matches the house – pitch is consistent and it's consistent with the home that is already on the property.

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

Dwayne Hogan asked the pleasure of the board.

Glen Minich said as far as not getting the permit, this is put in place for the public's best interest. Glen said we want people to be comfortable when they buy in La Porte County with buildings and inspectors. Glen said for your own good. Glen said were not out trying to find these things -- it's in everybody's best interest.

Glen Minich made a motion the Petition for Variance of Developmental Standards for H. Sean & Tiffany Mitchell to construct a three car garage with second story floor (40'x30') with full utilities for home office and "man cave" be granted and no business will be conducted onsite. Property is located at 4343 W. 300 N., La Porte, Center Twp., zoned R1B.

Wally Pritz seconded.

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

Wally Pritz said that it should be subject to all permits being obtained.

Glen Minich said duly noted.

All approved. Motion carried 3-0.

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**5. The Petition for Variance of Developmental Standards for Joanne & Frank Koenig** to encroach upon the lakeside setback replacing existing deck, but with a two foot bump out. This property is located at 5955 E. Saugana Trail, Rolling Prairie, Galena Twp, zoned R1B.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Frank Koenig, 5955 E. Saugana Trail, Rolling Prairie.

Joanne Koenig.

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

Mr. Koenig said they want to rebuild their second floor deck and in the middle on the lake side they would like to bump it out two additional feet to make more useable space.

Glen Minich told Mr. Koenig that they were presented pictures of this and it looks like construction has already started. Glen asked Mr. Koenig if it's beyond what the pictures show.

Mr. Koenig stated no. Mr. Koenig said the middle section---, but it doesn't have the decking on it yet.

Dwayne Hogan asked if it's two (2') feet.

Mr. Koenig said it's actually less than two (2') feet.

Dwayne Hogan asked where the septic is on this property.

Mr. Koenig said the septic is behind on the other side of the driveway.

Glen Minich said he would consider that the front --- the road side.

Mr. Koenig said right on the other side of the driveway.

Attorney Biege asked Annemarie if this is a pre-existing nonconforming structure. Attorney Biege said by right, they can rebuild the deck, the two (2') feet is the issue.

Glen Minich said it's just the middle section.

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

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Dwayne Hogan asked for name and address for the record.

Lewis James Moe, 5963 E. Saugana Trail. Mr. Moe said that he owns the property that abuts the Koenings. Mr. Moe said that it was his father who built the house and he just recently sold his interest in it two years ago so he is very familiar with it.

Mr. Moe said the first point he has is the actual size of the pre-existing deck. It is really only five feet. This is illustrated on the documents on the beacon website, which are pretty accurate. Mr. Moe said it's not a two foot bump out, it's a four foot, or eighty percent increase and a forty percent increase on sixty three feet of the deck and he knows that because he lived there for forty years --- his parents lived there for forty years. Mr. Moe said he use to clean the gutters and he's aware how difficult it was to get a ladder there.

Mr. Moe said that's the first objection is because it's not a two foot bump out, it's a four foot bump out and the bump out takes it from thirty three feet all the way to twenty four feet from the water line, which he thinks is excessive for himself looking at the zoning law and it violates Article #4, 16, 22 and actually 29 as well.

Mr. Moe said the other thing he believes is it really lowers his value -- I'm not talking about market value, nobody really sells those homes, they're handed down from generation to generation and that's his intention. Mr. Moe said it's the (unintelligible) value of not being able to have views out of the primary bedroom and the house. Mr. Moe said another thing, they've been having a lot of building out there recently and lot of it is going uncontrolled as recent as a patio that was put in about three houses down, and because patio's don't need a building permit violated Article 16 where it says you can't have a patio on the waterfront yard.

Mr. Moe said that he thinks we have to try to put an end to this at some point and time. Mr. Moe said that he lived in that house for forty years and he knows the four foot on the deck doesn't really add anything, but then we all tend to want to add our decks out farther. Mr. Moe asked where does this end. If it's not in the code and you need a variance, then they have to meet the criteria of the variance, and he doesn't think they meet the criteria of the Variance for Developmental Standards.

Mr. Moe said the second criteria --- and all three of these criteria's must be met. The second criteria is does it take away value. Mr. Moe said he would say yes; it's hard to put a dollar amount on that, but he can tell you it takes away value being able to see my kids down at the beach and not being able to see them anymore. Mr. Moe said the third one is does it really place a hardship on the Koenings, and it doesn't. Mr. Moe said it doesn't place any hardship whatsoever.

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Mr. Moe said first of all you have a variance that is not correct in its definition on the two foot bump out. Mr. Moe said that's not correct. Mr. Moe said in a diagram from beacon he can present that, but it says five feet. Mr. Moe said the last one is again, is it taking anything practically away from them, no. Mr. Moe said his big concern is the setbacks are already there and non-conforming. They're thirty three feet from the water. Mr. Moe said he's forty five feet from the water; his other neighbor is thirty feet from the water. Mr. Moe said that he is the only one that has one of the original cottages and he doesn't think that is fair that people should be able to keep pushing out on their decks. If you give them an inch, they're going to take a mile. Pretty soon everybody will be asking for variances to increase the size of their decks. Mr. Moe said you guys are guardians and part of that guardian is to protect the water front in La Porte County. Article 2 has been added to specifically address that and this does not conform to that.

Mr. Moe said he would ask you to be that guardian and stop this once and for all.

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

Annemarie Polan, Building Commissioner, said according to the Assessor's Office, their figures are not exact and they said whatever these people said could very well be that. It's not exact.

Mr. Moe asked what's not exact.

Annemarie Polan said the figure that you mentioned – Annemarie asked Mr. Moe what was the figure you said that you got from the Assessor's Office from Beacon.

Mr. Moe said that he actually heard from somebody at the lake that they went out and did a survey of the lot of the data on beacon and they felt it was very accurate. Mr. Moe said he would say the Assessor probably had bad information. The Assessors also listed the Koenings don't have a finished basement, and yet they have about a twenty to thirty foot finished basement with a fireplace there that you guys have missed taxes on.

Attorney Biege said that you cannot rely on beacon –

Mr. Moe said he's not relying on that.

Attorney Biege said that beacon downloads from several different sources and property lines are off all the time. Attorney Biege said that when you talk about the measurement of a deck, you cannot rely on beacon for a proper measurement.

Mr. Moe said beacon wasn't his only measurement. Mr. Moe said it's an observation of living there for forty years and it was also from the contractor Rodney who the first time he talked to said he cut a beam and it was five foot seven. It also says that on the documents you approved, that it's one and a half foot bigger than before and that was at seven foot. Mr. Moe said in the

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worst case scenario it's five foot five. They haven't provided any data on how big this deck is currently. They went ahead and built it after they were told to stop.

Attorney Biege said lets not go down this road. As a matter of right they can replace the existing deck. Attorney Biege said the requests before the board tonight is for a two foot addition bump out to the deck.

Mr. Moe said actually it's not ---

Attorney Biege said I'm not going to argue with you. I'm telling you it's not a discussion. They have a right to reconstruct the deck.

Mr. Moe said what he is saying is what they constructed so far is bigger than the original.

Attorney Biege said that is an issue for the Building Commissioner. They're asking to go two feet larger than original. That is the only issue before the BZA.

Mr. Moe said where is the original base? We have a five foot -- we have a five foot seven.

Attorney Biege said that is not an issue for the Board of Zoning Appeals. There is a request to increase the size of the deck by two feet. The Building Commissioner knows what the original size deck was. That is not the proper issue for this forum. The question before the Board tonight is can we increase the size of our deck by two feet. That is the issue we're going to decide tonight.

Mr. Moe said that the issue is whether or not we're going to meet Indiana Code and the three criteria.

Attorney Biege said two feet.

Mr. Moe said that he does not believe they do. Mr. Moe said that it doesn't provide any hardship to them or practical detail. This is something really to make the deck bigger and closer to the water and we have to stop this.

Dwayne Hogan asked if there any questions of the board.

Glen Minich said that he understands what you're saying –

Annemarie Polan, Building Commissioner asked if the petitioner can speak again to address his issues.

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Glen Minich said that he understands and we have this problem in different areas where we keep pushing closer and closer, but there are a lot of homes just three and four down that are a lot closer to the water than this. When you look at beacon and how close they are to the water, this one is not really infringing like the other ones have. Glen said we're only looking at two feet.

Mr. Koenig said first of all, it wasn't five feet, it was bigger than five feet.

Mrs. Koenig said that she also lived there for forty years and her brother sued them to (unintelligible) the property.

Mr. Koenig said as far as cutting his view off he did take pictures off the site and it's not really cutting the view off.

Mr. Koenig is up at the bench going over the site plans with the board members.

Mr. Koenig said the railing that used to be there was a one by six board horizontally. They're using (unintelligible) cable – very thin so there is no obstructed view.

Mr. Moe said the posts are basically lining up with the patio down below, which is where the old deck lined up with.

Dwayne Hogan said it looks excellent and it's professionally being done.

Dwayne Hogan said lets entertain a motion here.

Glen Minich made a motion that the Petition for Variance of Developmental Standards for Joanne & Frank Koenig to encroach upon the lakeside setback replacing existing deck, with a two foot bump out in the center as its been constructed be granted. The property is located at 5955 E. Saugana Trail, Rolling Prairie, Galena Twp., zoned R1B.

Wally Pritz seconded.

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

Glen Minich said that he looks at the three concerns that you're talking about and having a home that is beautiful and upgraded he doesn't see it lowering the property value; he doesn't see it cutting the evidence of losing the line of sight. The thing we're concerned with is when the neighbors build to close to each other. Glen said on the lakeside, it is consistent. Glen said this is a small two foot thing and it's going to beautify the home and it's going to be a beautiful deck and he thinks its fine.

Dwayne Hogan asked if there are any other comments.

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All approved. Motion carried.

Mr. Moe said he would like to make a statement for the record.

Attorney Biege told Mr. Moe that he made his statement and he presented his evidence. Attorney Biege said the decision is made.

Mr. Moe asked if he could give an explanation as to how you guys ----

Attorney Biege said that there will be written Findings of Facts and Conclusion of Law.

Mr. Moe said he will have to say that he's very disappointed in you guys.

**6. The Petition for Variance of Developmental Standards for Robert & Kathryn Pulley** to add a second accessory building on their property in front of their home. This property is located at 787 S. Alcin Drive, Westville, New Durham Twp., zoned R1A.

Attorney Biege said legal is sufficient.

Dwayne Hogan asked for name and address for the record.

Robert Pulley, 787 S. Alcin Drive.

Kathryn Pulley, 787 S. Alcin Drive.

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

Mr. Pulley said that he wants to add a second out building to their property. Mr. Pulley said that he wants to put it up in the front area of the property because their leech field is off to the side and the back of the property drops off so much he could never get the building back there.

Glen Minich asked Mr. Pulley what the building is going to be used for.

Mr. Pulley said storage -- plows for the winter, cutting grass and maintaining the property.

Dwayne Hogan asked the size of the building.

Mr. Pulley said that he was going to go and do a 24' x 32', or possibly up to a 36'.

Mr. Pulley said that they do have an existing building on the property.

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Glen Minich said it's quite small in the back.

Mr. Pulley said it's not going to handle what they need.

Glen Minich said it's almost to the point that it didn't count.

Mr. Pulley said that there are a lot of trees there to move.

Glen Minich said it's consistent with the neighborhood having several properties with multiple buildings on them.

Glen Minich asked if this will be obscured from the neighbors pretty much with the trees in there.

Mr. Pulley said that the neighbors would not probably see this building. Mr. Pulley said once it's done, they're going to end up putting evergreens around it anyway. Mr. Pulley said that they would clear out some of the dying trees around there. Mr. Pulley said that they will make it look really nice.

Glen Minich asked how far off the driveway.

Mr. Pulley said he believes that it's ninety five feet – off the road. Mr. Pulley said he would go maybe ten feet off the driveway and a berm there so they could incorporate with the driveway.

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

Dwayne Hogan asked the pleasure of the board.

Wally Pritz made a motion to approve the Petition for Variance of Developmental Standards for Robert & Kathryn Pulley to add a second accessory building on their property in front of their home. This property is located at 787 S. Alcin Drive, Westville, New Durham Twp., zoned R1A.

Attorney Biege asked Mr. Pritz to clarify the size of the building.

Mr. Pulley said let's call it a 24'x36'.

Wally Pritz said he will include that in the motion. The building will be the size of 24'x36'.

Glen Minich said it will be sided.

Mr. Pulley said that their home is brick and his plan is to match the existing out building.

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Glen Minich said its wood siding and consistent with that.

Mr. Pulley said if necessary, they would put siding on it to match the same color.

Wally Pritz said no metal siding or anything.

Glen Minich said we could add that in the motion.

Dwayne Hogan asked for a second.

Glen Minich seconded.

Dwayne Hogan asked Mr. Pulley if he's putting water and electric out there.

Mr. Pulley said he's not putting in water, just electric for lights and a couple receptacles.

All approved. Motion carried 3-0.

**7. The Petition for Variance of Use for Phillip Sherlock** to place a mobile home on his property to care for his elderly father. This property is located at 9755 N. 600 W., Michigan City, Springfield Twp., zoned R1B on ten acres.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Phillip Sherlock, 9755 N. 600 W., Michigan City, Indiana 46360.

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

Mr. Sherlock said that he would like to get a zoning variance so he can place a mobile home on his ten acres of property for his father.

Dwayne Hogan asked Mr. Sherlock if he had a mobile home picked out already.

Mr. Sherlock said he does.

Dwayne Hogan asked if it's already there.

Mr. Sherlock stated no.

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Dwayne Hogan asked Mr. Sherlock the year of the mobile home.

Mr. Sherlock said that it's ten years old – 2005 he believes.

Dwayne Hogan asked the size.

Mr. Sherlock said that it's 16'x60'.

Glen Minich said he would have to tell you that we have not placed any new mobile homes in the county for several years and I'm not in favor of it. Glen said he surely understands wanting to bring your father closer, but we just don't feel it's safe – I don't feel it's safe. Glen told Mr. Sherlock that he has a sizeable home.

Mr. Sherlock said he has a two bedroom home; he has two children. Mr. Sherlock said by placing it there his father could continue to have his independence and obviously be close to the family.

Mr. Sherlock said one of his neighbors did object.

Dwayne Hogan said that they have a letter of remonstrance.

Mr. Sherlock is submitting pictures to the board. Mr. Sherlock said this is what his property would be looking at. Mr. Sherlock said he was raised to basically mind his own business, which he does. Mr. Sherlock said he takes care of himself and his family, but his neighbor also asked -- her daughter told him that she was concerned about the value of her property decreasing. Mr. Sherlock said that he looks at that every day and he's never said a word.

Mr. Sherlock said she offered to sell me the property, which he's not in a position to do that right now.

Wally Pritz asked Mr. Sherlock if there is a mobile home park by him.

Mr. Sherlock stated yes. Mr. Sherlock said it was actually his mothers and she passed away June 30<sup>th</sup> and it's in a senior community in Manteno, Illinois. Mr. Sherlock said he contacted Sheltie and they referred him to the people that move their homes from Elkhart.

Wally Pritz said on his plot here it shows there looks like it might be a mobile home park.

Mr. Sherlock said there is one right behind him, Shady Oak.

Glen Minich said that we have been asking people to keep the mobile homes in mobile home parks. Glen said that they have their own codes and inspection systems and it's not something

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that the county is set up to go out and inspect and care for all these mobile homes when they're so remotely placed in different locations.

Glen Minich said we would like to see additions built that we've accepted; we've seen garages updated and made into living quarters. Our main concern is safety. We live in an area that consistently has a lot of rough weather and these aren't attached to frames.

Mr. Sherlock said that he did plan on pouring a concrete pad bolting it to that. Mr. Sherlock said that he has been involved in construction/real estate investment for the last thirty years. Mr. Sherlock said that he has been to factories and he has seen how they're produced. They use two by sixes; they glue them and screw them together as opposed to stick built two by fours. The construction is pretty impressive. Mr. Sherlock said that he's not trying to sway your decision, he's just here to give you his five minutes of his time.

Wally Pritz asked Mr. Sherlock if he's providing septic, or water to this mobile home unit.

Mr. Sherlock said actually he contacted the city of Michigan City and they have sewer in the street because they actually brought it in for Shady Oak. Mr. Sherlock said that he has city sewer and water.

Wally Pritz asked if he's going to bring it into the mobile home.

Mr. Sherlock said that was his intention.

Glen Minich said Wally makes the point there is a mobile home park right there. Glen said it's off-lay hard to look and say that the necessity of moving that trailer to your lot rather than having it in the mobile home park where inspections are taken care of.

Mr. Sherlock said that he doesn't feel that his father would be safe in that mobile home park.

Board members speaking amongst themselves.

Glen Minich said again, he can see the concern, but we just haven't been doing it and I don't think we can start doing it today. Glen said he understands the hardship, but I think at the time you start looking at your costs of the trailer and moving it in, to build a structure isn't going to be that much more to do it properly and have it safely and to county code and the building ordinance.

Mr. Sherlock said that the original barn has a concrete floor and concrete block construction. It was originally used for storing equipment. Mr. Sherlock asked if you're saying that he can convert the barn to living.

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Glen Minich asked Anne if she could give –

Annemarie Polan asked Mr. Sherlock if he has an existing accessory building.

Annemarie Polan said it could be thirty three percent of the size of the house, or eight- hundred square feet, whichever is greater. Annemarie told Mr. Sherlock that he could convert that.

Glen Minich said whether that structure, which is a concrete floor and the block foundation can be rebuilt into living quarters safely with our code system.

Annemarie Polan said that she doesn't know. Annemarie said she's just telling you what it says in the book as far as thirty three percent – it's thirty three percent of the size of the house, or eight-hundred square feet, whichever is greater and that's in our accessory dwelling unit.

Attorney Biege said that's not something he's sure we can answer at the board level tonight. Attorney Biege said this is something you'd have to go out and take a look and make a decision from there.

Glen Minich said that's the best we could do is to ask the building inspectors to come out and take a look at it and see if that's something we could work with.

Mr. Sherlock said he's just trying to think what the best situation for his father is so he can maintain his independence and happiness. Mr. Sherlock said that they're a close family. Mr. Sherlock said that he's his best friend.

Glen Minich said he understands. Glen asked if we could table this and let the inspectors come out and look and see. Glen told Mr. Sherlock that he certainly would feel better if he was in a safe environment and make that accessory building a safe and comfortable place for him.

Mr. Sherlock asked, or build another structure.

Glen Minich said or build another structure. Glen said that we have done that more than once. We're more than willing to allow another accessory structure for elderly parents to reside, or a situation like this.

Annemarie Polan, Building Commissioner asked if this accessory building cannot be converted for whatever reason, would he have permission now for the second dwelling.

Glen Minich said that we can't do that because he didn't ask for it.

Attorney Biege said he thinks the best thing to do is to table this and work with him on what options he might have and make a decision if he has to modify his request.

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Annemarie Polan said alright.

Glen Minich told Mr. Sherlock that we want your father to be in a safe environment. Glen said that is the main reason we've stopped this. Glen said he thinks that when you look at costs that are going to be incurred and have a structure which is conforming to the building code is not going to be that taxing on you.

Mr. Sherlock said or he could buy her house next door before she sells it to somebody he doesn't want there with fifteen dogs.

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

Dwayne Hogan asked the pleasure of the board.

Glen Minich said that he would like to make a motion that we continue this to the next meeting to give Mr. Sherlock time to look at his options.

Attorney Biege said he would recommend we table this indefinitely and then he could request this to be reset, because he may want to modify his request to be published, or it might take him longer than thirty days to figure out what he wants to do.

Mr. Sherlock said he appreciates that.

Glen Minich said we try to be consistent with everybody and we understand.

Dwayne Hogan said he has a motion to table this.

Wally Pritz seconded.

Dwayne Hogan asked if there are any other questions.

All approved. Motion carried 3-0.

Dwayne Hogan asked for new business.

Attorney Biege said he will give a status of the zoning code amendment. Attorney Biege said he went before the Board of Commissioners and they instructed him to make some modifications. In that, they wanted some language to include a pond is an accessory structure in a residential

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area, which means a pond could not be constructed prior to the house itself. They also asked to add a provision, which Tony Hendricks had me remove, that says the code is inclusive, that meaning if it's not included in the code it's not allowed.

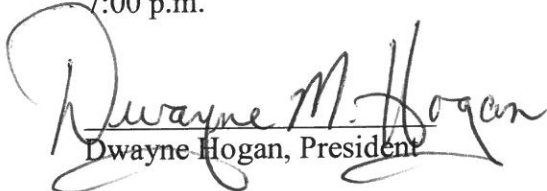
Attorney Biege said he will be going in front of the County Commissioners tomorrow with those two issues. If they're acceptable, they can do the second and third reading and pass it, or further discussion.

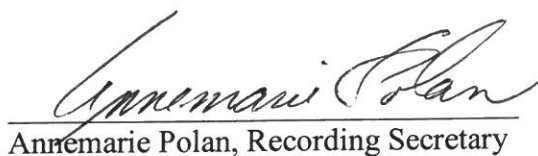
Dwyne Hogan asked if there is anything else this evening.

Wally Pritz made a motion to adjourn. Glen Minich seconded.

All approved. Motion carried 3-0.

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

  
Dwayne Hogan, President

  
Annemarie Polan, Recording Secretary