



**LAPORTE COUNTY
BOARD OF ZONING APPEALS**

Government Complex 5th Level
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ANNEMARIE POLAN
Building Commissioner

February 21st, 2017

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **February 21st, 2017, at 6:00 p.m.** in the Assembly Room of the County Complex.

MEMBERS PRESENT: Melissa Mullins Mischke Dwayne Hogan
 Earl Cunningham Johnny Stimley

PRESENT: Annemarie Polan, Recording Secretary, Attorney Doug Biege; Cindy Kreske, Secretary

Dar Forker typed the minutes for February 21st, 2017.

The Pledge of Allegiance.

APPROVAL OF MINUTES:

Dwayne Hogan asked for approval of the meeting minutes of January 17th, 2017.

Melissa Mullins Mischke made a motion to approve the meeting minutes of January 17th, 2017 as presented. Earl Cunningham seconded.

Dwayne Hogan asked if there are any questions or concerns.

All approved. Motion carried 4-0.

1. The Petition for Variance of Developmental Standards for Kenneth & Mary McAtee for continued placement of their mobile home. Last variance was granted on June 18th, 2013 for three (3) years, which are attached hereto. This property is located at 7421 E. Point Road, New Carlisle, Hudson Twp., zoned R1B on .336. **(This was tabled from January 17th, 2017 to February 21st, 2017 at 6:00 p.m.)**

Melissa Mullins Mischke made a motion to remove the petition from the table. Johnny Stimley seconded.

2-21-2017

All approved. Motion carried 4-0.

Dwayne Hogan moved Petition No. 1 to the bottom.

Dwayne Hogan said Petition No. 2 is postponed until March 21st, 2017 at 6:00 p.m.

3. The Petition for Variance of Use for Aaron & Angeline Miersma to raise three hens on their property for eggs and pets. This property is located at 7655 Dorothy Lane, Michigan City, Coolspring twp., zoned Residential. (A Variance of Use was granted on this property for three hens for eggs and pets for one (1) year on January 19th, 2016.)

Dwayne Hogan asked for name and address for the record.

Angeline Miersma, 7655 Dorothy Lane, Michigan City.

Dwayne Hogan asked Ms. Miersma how things have been going with the chickens.

Ms. Miersma said very well.

Dwayne Hogan asked if things are still status quo and keeping the same.

Ms. Miersma stated yes.

Dwayne Hogan asked Ms. Miersma how many chickens she has.

Ms. Miersma said that they have three (3) chickens.

Earl Cunningham asked if there has been any complaints.

Annemarie Polan said that there hasn't been any complaints.

Earl Cunningham made a motion to approve. Melissa Mullins Mischke seconded.

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

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

All approved. Motion carried 4-0.

4. The Petition for Variance of Developmental Standards for Michael & Brittany Travis to erect a (32'x65') foot gambrel pole barn with the peak being (32') feet tall from final grade, instead of the required (18') feet, having a storage loft with water prior to construction of their home. This property is located between 1555 W. and 1733 W. and 400 South, La Porte, Scipio Twp., zoned R1A on 3.821 acres.

Attorney Biege said publication is correct and on the notices he mailed, he did not get certified mail cards back, but provided proof of payment.

Dwayne Hogan asked for name and address for the record.

Michael Travis, 0724 S. Forrester Road, La Porte, Indiana.

Dwayne Hogan asked Mr. Travis what he would like to do tonight.

Mr. Travis said that he's trying to get a variance to build a pole barn, 32'x 64' prior to his home. Mr. Travis said that the peak is going to be 32' feet because it's a gambrel roof with a storage loft.

Dwayne Hogan asked Mr. Travis if he's going to want water and electric in it.

Mr. Travis stated yes. Mr. Travis said that it will have its own septic – no septic. Mr. Travis said it will be just water to wash the cars, or wash your hands.

Dwayne Hogan asked if there is going to be a bathroom with a shower.

Mr. Travis stated no.

Earl Cunningham asked Mr. Travis if he would be residing in this before he constructs his home.

Mr. Travis said absolutely not. Mr. Travis said he's strictly building it for construction materials on his house and store some of the material.

Dwayne Hogan asked Mr. Travis when he anticipates building his house.

Mr. Travis said as soon as his house sells. Mr. Travis said within a year.

Melissa Mullins Mischke asked Mr. Travis if he has any drawings of the proposed building.

Mr. Travis said he didn't print it, but he has an eye pad.

Mr. Travis is up at the bench showing pictures to the board members off his eye pad.

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

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

Earl Cunningham made a motion to approve. Johnny Stimley seconded.

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

All approved. Motion carried 4-0.

5. The Petition for Variance of Developmental Standards for Kyle & Patricia Sims to have placement of their mobile home until house is reconstructed after a house fire. This property is located at 12621 S. 700 W., Wanatah, Cass Twp., zoned Agricultural on 1.311 acres.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Kyle & Patricia Sims, 12621 S. 700 W., Wanatah, Indiana.

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

Mr. Sims said that they want to keep the mobile home that they're currently living until construction of their new home.

Dwayne Hogan asked due to?

Mr. Sims said due to a home fire. Mr. Sims said that their house burned and it's unlivable right now so they brought in a mobile home and they're asking for permission to keep it until their new house is built.

Dwayne Hogan asked Mr. Sims when he anticipates that happening.

Mr. Sims said that the insurance company is giving them two (2) years. Mr. Sims said that they're almost into a year and a half point now through May.

Melissa Mullins Mischke asked Mr. Sims if he owns the home.

Mr. Sims stated yes.

Dwayne Hogan asked Mr. Sims once the house is completed, the mobile home will go.

Mr. Sims said that they're currently renting the mobile home and upon completion, it will be removed.

Dwayne Hogan asked Mr. Sims if he's going to do all new well and septic.

Mr. Sims said that the well and septic is going to stay. Mr. Sims said that they're actually using the current well and septic for the mobile home.

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

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

Attorney Biege said that he would suggest that if the board so chooses to grant this request, make it until the home is built and then the mobile home has to be removed within sixty (60) days, or three (3) years, whichever comes first, that way they are covered if they get delayed in construction.

Melissa Mullins Mischke made a motion that the Petition for Developmental Standards for Kyle & Patricia Sims to have placement of their mobile home placed at 12621 S. 700 W., Wanatah, Cass Twp. be granted with the mobile home being removed within sixty (60) days of construction of the new home, or within three (3) years, whichever comes first.

Johnny Stimley seconded.

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

All approved. Motion carried 4-0.

6. The Petition for Variance of Developmental Standards for Beverly Fritz (owner) and Stephanie Poulimenos (daughter) to construct a two car garage (32'x40') with living quarters above to care for her mother. Property is located at 10402 N. 200 E., La Porte, Galena Twp., zoned Agricultural on 5.47 acres.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Beverly Fritz, 10402 N. 200 East.

Stephanie Poulimenos, 23 S. 400 East, Valparaiso.

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

Ms. Poulimenos said that they would like to build a garage with living quarters above it that they can put on her property.

Dwayne Hogan asked Ms. Poulimenos when they wanted to start this construction.

Ms. Poulimenos said as soon as they can.

Earl Cuninghame told Ms. Poulimenos that it's written here, living quarters above to take care of your mother. Earl asked Ms. Poulimenos if her mother is going to stay in her house and you're going to live upstairs.

Ms. Poulimenos stated yes.

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

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

Dwayne Hogan asked the pleasure of the board.

Earl Cunningham made a motion to approve the petition for Variance of Developmental Standards for Beverly Fritz and Stephanie Poulimenos for a two car garage with living quarters.

Melissa Mullins Mischke seconded.

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

All approved. Motion carried 4-0.

7. The Petition for Variance of Developmental Standards for Christopher Baynes to construct a pole barn (26'x36') with side setback of (7'9") instead of the required ten (10') foot with a second accessory building on his property. Property is located at 7436 W. Johnson Road, Michigan City, Coolspring Twp, zoned R1B.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Christopher Baynes, 7436 W. Johnson Road, Michigan City, Indiana 46360.

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

Mr. Baynes said basically what he's doing, he's taking down an existing building on his property and replacing with a more modern building. Mr. Baynes said that it's a great old building, but the concrete floor is cracked, and the building is basically falling down. Mr. Baynes said he has some pictures he could show you.

Dwayne Hogan said the new building will only be seven (7') foot nine (9") inches instead of the ten (10') foot, right?

Mr. Baynes said that it's going in the exact same spot where the existing building is right now.

Dwayne Hogan asked if the one there is the same dimensions and everything.

Mr. Baynes said that it's a little bit wider and a little bit deeper, but the setback from the property line is going to be exactly same.

Dwayne Hogan said that they do have one letter from a remonstrator:

Melissa Mullins Mischke read the letter into the record:

In reference to Mr. Christopher Baynes Variance Request at 7436 W. Johnson Road, Michigan City, set for hearing on February 21, 2017 at 6:00 p.m. I'm not going to be able to attend, but would like to leave this written letter of remonstrance.

Without a provided site plan on the building location as related to property lines, or provided a site survey to acknowledge said property lines, I'm concerned that said pole barn will be accurate to the property lines.

With this being said, Mr. Baynes has done due diligence with proper "Stake Survey" to know exactly where property lines are to be within 7'9" of said property lines for his pole barn, then I have no objection to his request. Sincerely, Carl Wipperman, located at 4506 N. Johnson Road.

Melissa Mullins Mischke asked Mr. Baynes if he's saying that building is pretty much going exactly in the same place.

Mr. Baynes is up at the bench passing out pictures to the board members. Mr. Baynes is unintelligible.

Mr. Baynes said that it's a functional building, but it has reached the end of its life span.

Dwayne Hogan asked Mr. Baynes if he's had a current survey?

Mr. Baynes said that he bought the house and it was surveyed then.

Dwayne Hogan asked how long ago that was.

Mr. Baynes said that he believes it was twelve (12) years. Mr. Baynes said it was done by Thate Land Surveying.

Dwayne Hogan asked Mr. Baynes if he still has the survey.

Mr. Baynes said it's with the mortgage company.

Earl Cunningham said with the letter of remonstrance from Mr. Wipperman, and the fact that this as printed, says if you want to move to seven (7) point nine (9) instead of the ten (10), are you willing to go on record here publically saying you're not moving it any closer and it will be ten (10") feet from the property line.

Mr. Baynes said that he's not moving any closer then what the existing building already is.

Earl Cunningham said for clarification, will it be ten (10') feet from the property line, or will it be exactly where it's now on seven (7') point nine (9") the last thirty/forty years.

Mr. Baynes said that's correct.

Annemarie Polan, Building Commissioner, said that if it was ten (10') feet he wouldn't need to be here.

Earl Cunningham told Mr. Baynes that his position is that it isn't going to be ten (10') feet.

Annemarie Polan, Building Commissioner, said that's correct.

Mr. Baynes said right now its seven foot nine. Mr. Baynes said that if he goes ten feet his lot is very narrow as you can see on the picture. Mr. Baynes said that if he goes ten feet and twenty-six feet, that puts it right in the middle of the property, which makes it kind of unusual. Mr. Baynes said where it is right now, it's going to limit his use of it, but that's okay, he can deal with that. Mr. Baynes said that it makes it still useable for everything else. Mr. Baynes said what he basically wants to do is update the barn.

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

Earl Cunningham asked Mr. Baynes the measurement of the existing barn.

Mr. Baynes said its nineteen foot two deep and twenty-three foot six wide. Mr. Baynes said basically said he's going sixty foot wider and almost doubling that

Melissa Mullins Mischke asked if that is nineteen feet two inches.

Mr. Baynes said that was by the surveyor's report.

Melissa Mullins Mischke said that the new one you're proposing is twenty-six?

Mr. Baynes said the nineteen feet is going to be thirty-six feet.

Melissa Mullins Mischke said that is kind of a significant increase. Melissa said the three roughly two feet that you're going to be moving in to meet that ten foot setback, is really going --

Mr. Baynes said that the way he's putting the building, the doors on the current building are facing the house. Mr. Baynes said that the way they're going to be facing now is north, which will be his neighbor's property, Kim & Tim Fagley's property; that way we can get things in and out of the barn. Mr. Baynes said that two feet doesn't sound like a lot, but when you're trying to turn an old truck or car, or whatever, or lawnmower that's not steering right and trying to drag it

Melissa Mullins Mischke asked Mr. Baynes if he's planning on putting any driveway to this.

Mr. Baynes said he thinks he's going to have a driveway, but there isn't going to be anything official until later on; he plans to do more improvements on the property as they go. Mr. Baynes said that one of the improvements he plans on doing is, there is currently a garage up by the house and that garage will eventually be moved away. Mr. Baynes said that is where he stores his stuff.

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

Dwayne Hogan asked the pleasure of the board.

Johnny Stimley made a motion to approve Mr. Bayne's construction of a pole barn with twenty-six (26') by thirty-six (36') with a side back of seven (7') by nine (9'") instead of the required ten (10'") located at 7436 W. Johnson Road, Michigan City, Coolspring Twp.

Earl Cunningham seconded.

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

Voting Aye: Earl Cunningham, Johnny Stimley and Dwayne Hogan.

Voting Nay: Melissa Mullins Mischke.

Motion carried 3-1.

8. The Petition for Variance of Developmental Standards for Richard C. Newenhouse and Denitta Newenhouse, by counsel, Christopher Willoughby to construct a house with thirty-five (35') feet of road frontage plus/minus instead of the required two-hundred (200') feet on Otis Road. This property is located at North Otis Road, Michigan City, Coolspring Twp., zoned Agricultural on 14.320 acres.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Christopher Willoughby said that he's an attorney with Braje, Nelson & Janes and he's here tonight on behalf of his client's, and introduced, Richard & Denitta Newenhouse, who live at 758 North Otis Road. As indicated, this petition is for a Developmental Standard Variance for relief from the two-hundred (200') foot frontage requirement. Attorney Willoughby said they have since supplemented this petition and each of you should have a bond set of pictures that he delivered early this evening, which will hopefully give a little bit more clarification of what they need.

Attorney Willoughby said that what this board has traditionally been opposed to with quintessential flag parcel for the reasons --- concerns about safety vehicles access, excreta.

Attorney Willoughby said that what makes this one unique, the parcel on the first page that you see is what we will call the parent parcel. The road is owned --- there is already a fifty (50') foot, so it is more than the thirty-five (35') feet, it's just thirty-five (35') feet that is developed right now, but there is actually a paved road. That paved road services now there home at 738; it also services the Moser property, which is to the north of the right of that long driveway; the Zientarski property, which is to the left. Attorney Willoughby said he will get to those properties to show you a little more detail. Attorney Willoughby said that road goes all the way back to the vacant property right now. Attorney Willoughby said when it was originally sold off by the owner who they bought from and subsequent purchasers, this parcel has the road.

Attorney Willoughby said that the Newenhouse's have given easements to the other three properties that are there. Attorney Willoughby said as you can see what is unique about this, the last property being developed here, the most acreage, has the paved road needs the variance, even though they have given permission and easements in the past for the surrounding owners.

Attorney Willoughby said that we move to Page 2 you will see a green highlight on the fifty (50') foot road there. This is just to depict how it originally was with the original owners. Attorney Willoughby said again, is an overlay of the subject parcel, fourteen (14) acres that they're seeking relief for the two-hundred fifty (250) foot requirement.

Attorney Willoughby said that the next pages shows the --- that's actually just a copy of the survey to show and to prove that they actually have that fifty (50') foot. That's when they purchased the property in 1995.

Attorney Willoughby said the next one is labeled the Newenhouse home; that's their current property. Attorney Willoughby said that is where they live now at 758 North Otis Road. As you can see, it would be landlocked, but for that paved drive going all the way back. Again, that parcel there only gets access by virtue of an easement from a property that isn't a subject of tonight; that would otherwise be in a landlocked parcel.

Attorney Willoughby said that the next page from there is a copy of the survey from their home to show that they actually have the roadway easement right. As you'll see when you're looking at it, the northerly fashion from that highlighted portion, there is actually a thirty (30') foot roadway utility easement where their house sits now. Attorney Willoughby said there is access off of that.

Attorney Willoughby said the next are just overlays to show the surrounding properties, the Moser home, that's just to the north of the driveway. Attorney Willoughby said that they could have access from Otis Road, but they took an easement from our clients and there driveway cuts off of that road.

Attorney Willoughby said the Zientarskis' own a vacant parcel as well as their home and that is depicted on the next two pages. Again, the point is to show each of them access, but it's really only by permission of parent lot that's before you. It's somewhat of a unique circumstance that they right now can't enjoy, or do the same things that those other parcels would be allowed to do.

They are simply looking to build a new home with that property on the tax roll, make it productive and otherwise be able to access. Attorney Willoughby said again, they truly own – they're the owners of that road and he doesn't think that there are any remonstrators against, but the Mosers and the Zientariskis, as well as the newer houses and worked together to maintain that access road over the years.

Attorney Biege asked attorney Willoughby who created that. Attorney Biege said that we have a flag lot and who created that parcel initially.

Attorney Willoughby said that was created by the owner before they purchased. Attorney Willoughby said that when they built all of these – when they bought it, when it was split off, that five (5) acre parcel was created when they bought it.

Attorney Biege said they did not create the situation.

Attorney Willoughby stated no they did not.

Board members speaking amongst themselves.

Attorney Willoughby said that is the point of the second page. Attorney Willoughby said he's trying to show the overlay of the original owner how he split everything off, or how they split everything off.

Melissa Mullins Mischke asked attorney Willoughby if they want to build a new residence at this location. Melissa asked if they're going to move into that location, or –

Attorney Willoughby said that they're going to sell where they live now and they're going to build a new residence. Attorney Willoughby said that they're not building a speck home, or anything like that, they intend to live there.

Melissa Mullins Mischke said that she didn't see anything in the paper work provided as far as the easement for the road on who is responsible for maintenance. Melissa asked if that is part of the easement that each one of them will be –

Attorney Willoughby said that they're technically responsible; they split it, it's been the gentleman's agreement and he guesses ultimately it will be for this one. Attorney Willoughby said that there are the disadvantage – they own it, so at the end of the day this fourteen (14) acre parcel is responsible, it's their road and this is the one that leads to the property, so ultimately for them, they're lucky they have good neighbors at this point and they've all gotten along.

Melissa Mullins Mischke said she certainly doesn't need to tell you that might need to be made firm.

Earl Cunningham said that they're the farthest back, so for him to get out he would have to plow the whole road anyway, correct?

Attorney Willoughby stated that is right.

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

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

Dwayne Hogan said that he will entertain a motion.

Melissa Mullins Mischke said that she is going to make a motion on this, but she is diametrically opposed to flag parcels, however she does understand the nuances with splitting and things that went on previously so she is going to make a motion to approve the petition for Variance of Developmental Standards for Richard Newenhouse and Denitta Newenhouse to construct a house with thirty-five (35') feet of road frontage plus or minus instead of the required two-hundred (200') feet on Otis Road, in Michigan City, Coolspring Twp., zoned Ag. on 14.320 acres and she just wants to stress in her motion that you definitely make sure that you work on that agreement with the responsibility for the road and easements and make sure that you post your house number clearly on the entrance so that the utilities, fire and emergency vehicles can find you easily.

Earl Cunningham seconded.

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

All approved. Motion carried 4-0.

Attorney Willoughby told Ms. Mischke for the record. Mr. Hogan and I were speaking about this his first time before this board, and he learned about the flag issues and he appreciates that.

Melissa Mullins Mischke said she is kind of sad that Glen missed this meeting.

9. The Petition for Variance of Developmental Standards for Dean Mazzoni, President, Franciscan Health Michigan City and its representative, Jon Gilmore, President and CEO Tonn and Blank Construction, LLC to allow the elimination of roof mounted equipment screening per Site Developmental Provision Article 17 Section 17.06 Mechanical Equipment (b) Roof Mounted Equipment Screening, which is attached hereto. This property is located 3688 N. Frontage Road, Michigan City, Coolspring Twp., zoned B3 Highway Commercial.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Jon Gilmore, 10154 S. 600 W., Union Mills, Indiana.

Curt Cipares, 110 Superior Street, Michigan City, Indiana.

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

Mr. Gilmore said that Curt is going to be his magician's assistant here.

Mr. Gilmore said that they have a small amount of mechanical equipment on the central utility plant. Mr. Gilmore said that there is a lot of mechanical equipment up on one-hundred six foot height towers which will be screened per your ordinance, but on the CUP they just don't think it's worth spending two-hundred and fifty thousand dollars to put this screening up when you can't see it from anywhere, except if you drive behind the hospital where you're not supposed to be.

Mr. Gilmore said from Ohio Street it's screened by the woods and there are wetlands that are never going anywhere. Mr. Gilmore said from 421 it's screened by the medical office building, which is approximately one-hundred and six feet high. Mr. Gilmore said that the equipment is about forty-five foot high at the top of the equipment. Mr. Gilmore said that from 94, first of all they don't have an elevation for that because you can't see it because of the bank of dirt, but it's also screened by the patient tower, which is over one-hundred foot high. Mr. Gilmore said that this is cuffed in the back of the facility. Mr. Gilmore said that you can't see it and they think that as you're coming down the Ohio Street extension after you get passed the woods, you may be able to turn and glance, which is in the pictures in your elevations that they provided. Mr. Gilmore said that if you look at the isometric views you can see what he's talking about where 94 is here and this CUP is tucked way back in the back.

Melissa Mullins Mischke said that if we were coming from Ohio Street extension we would be looking at number 4.

Mr. Cipares is going over the graphics and computer generated rendering of what the building is going to look like, but this view is basically a view where if you were driving into the new driveway, which will be the Ohio Street extension, it turns east and heads straight east into hospital entrance. Mr. Cipares said if you were looking off to the north, towards woods you could see some of it, but ---

Mr. Gilmore said that its way into the property you might be able to glance, but in their opinion, you're not going to see it because you're going to be looking at the towers. Mr. Gilmore said that they don't want to spend two-hundred and fifty thousand dollars to screen something no one's going to be looking at and it's already screened from every public direction. You would have to be on their property to even see it and two-hundred and thirty-two million that they're investing doesn't go as far as you think it would, so they're trying to save every measure they can for the hospital.

Dwayne Hogan asked if there are any remonstrators here this evening for Petition No. 9.

Dwayne Hogan asked if there are further questions of the board.

Earl Cunningham said if in fact when it's all said and done and it was an eye sore for people coming in, hospital is going to put up some trees, or a fence up along that entrance to block it anyway in all likelihood, is that correct?

Mr. Gilmore said there won't be --- the trees already blocking because its --

Earl Cunningham said once you get out of the trees you're getting on to your property. Earl said that if it is an eye sore that the hospital people see every day on their way in, they're going to want to block it with something. They will put up some pine trees, or something up along the drive.

Mr. Gilmore said that they actually have the infrastructure already built into the steel that they could build this wall if they wanted to later. Mr. Gilmore said it's not like we can't ever do it.

Earl Cunningham said that answers his question. Earl said that people that come there every day are going to be the ones that complain about it.

Mr. Gilmore said the way he looks at it, it shows that our hospital is going to have air conditioning and heat.

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

Dwayne Hogan said that he will entertain a motion on this.

Earl Cunningham made a motion that we approve the petition for Variance of Developmental Standards for Dean Mazzoni, President, Franciscan Health Michigan City and its representative, Jon Gilmore, President and CEO of Tonn and Blank Construction, to allow the elimination of a roof mounted equipment screening per Site Developmental Provision Article 17 Section 17.06 Mechanical Equipment (b) Roof Mounted Equipment Screening, which is attached hereto. This property is located 3688 N. Frontage Road, Michigan City, Coolspring Twp., zoned B3 Highway Commercial.

Melissa Mullins Mischke seconded.

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

All approved. Motion carried 4-0.

10. The Petition for Variance of Use for MDW Holding, LLC (Fee Owner), and Melissa Woodham, (Petitioner), to construct a single family home with less than two-hundred (200') foot of road frontage. This property is located on State Road 2, east of Whisper Crossing and adjacent to Whisper Isle Subdivision, Kankakee Twp., zoned B2 on approximately five (5) acres.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Good evening Mr. Chairman. My name is David Ambers with an office 609 Michigan Avenue and he's the attorney for the petitioner. We're here tonight to present you the Variance to build a home in an area that is zoned B2 with less than two-hundred (200') feet of road frontage -- actually one-hundred (100') feet. Attorney Ambers said that his clients intend to have fifty (50') feet of road frontage, with the unique situation in this case is the fact that it lines up with the limited access driveway that is already there from the State of Indiana and State Road 2 is a limited access Highway. Attorney Ambers said if he could approach he can give you pictures.

Attorney Ambers is up at the bench going over the site plan with the board members.

Attorney Ambers said that they're basically going to take five (5) acres off the end closest to Whisper Isle Subdivision. Attorney Ambers said this shows from the center for the lot they propose to have what the view will be to the surrounding area, and as you can see with all the older landscaping stock that's there, they're basically building almost in the middle of the woods.

Melissa Mullins Mischke asked attorney Ambers if they're splitting this parcel.

Attorney Ambers said this would be a split off, that's correct, as it's shown on the second picture there of the two that are stapled together.

Melissa Mullins Mischke asked if there is a reason why you can't go a little more than fifty-one (51') feet, other than it's along State Road 2. Melissa said that she understands where the drive is at.

Attorney Ambers said the parcel that this is coming from then will have sufficient frontage left if there would ever be any further development on the acreage from which this parcel is coming from. Attorney Ambers said that they're trying to leave everybody enough acreage to operate.

Melissa Mullins Mischke what would be the distance on the remaining parcel.

Attorney Ambers said that he believes it was two-hundred and fifty (250') feet that will be left.

Melissa Mullins Mischke asked if we could go one-hundred (100') feet on the first parcel, and then two-hundred (200') feet on the second one.

Attorney Ambers said that he believes that's a yes if they had to. Attorney Ambers said if push comes to shove, they would prefer the fifty (50') foot, but if push comes to shove, he thinks they would go to the hundred (100).

Melissa Mullins Mischke said we've just heard how I feel about those flag parcels. Melissa said she feels more comfortable with one-hundred (100') feet then fifty (50') feet.

Earl Cunningham asked attorney Ambers what the distance is approximately from the road to where they propose to build a house.

Attorney Ambers said the way the drawing shows, it's kind of jagged, but if you followed each line straight, you're probably looking at between seven and eight-hundred feet from the highway.

Dwayne Hogan asked if there are any remonstrators here this evening for Petition No. 10.

Dwayne Hogan asked for name and address for the record.

I represent the La Porte County Pioneer Cemetery Commission.

Dwayne Hogan asked for name and address, please.

Richard Lute, 1355 W. US Highway 30. Mr. Lute said that they have a cemetery right there and according to Indiana Code 14-21-1-26.5 the Department of Natural Resources said that there could be no excavating, tree removal, landscaping, or anything like that within one-hundred (100') feet of a cemetery. Mr. Lute said that they have no qualms as far as building over there, but we just wanted to make sure that item was brought forth.

Melissa Mullins Mischke asked Mr. Lute to come up to the bench and identify for us on this map where the cemetery location is.

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

Mr. Lute said if anything has to be removed you would have to get a permit from the Department of Natural Resources.

Attorney Biege asked attorney Ambers if he has no objections, would you ask your clients to come up and acknowledge the location of the cemetery so it's on the record; that they know where it is. Attorney Biege said that he's assuming they will agree not to break the law.

Attorney Ambers said he has the petitioner with him, Melissa Woodham and she has acknowledged on the map that he's shown the board that she is aware of the location of the cemetery.

Dwayne Hogan said that is a good point to bring up so that it's on the record.

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

Attorney Biege said he doesn't think we need to indicate in our motion or in the findings concerns of the cemetery, because it's already by operational law. Attorney Biege said they can say they know where it is.

Dwayne Hogan asked the pleasure of the board.

Melissa Mullins Mischke made a motion that the Petition for Variance of Use for MDW Holding, LLC (Fee Owner), and Melissa Woodham, (Petitioner), to construct a single family home with less than two-hundred (200') feet of road frontage, more like one-hundred (100') feet of road frontage be granted on the property located on State Road 2, east of Whisper Crossing and adjacent to Whisper Isle Subdivision, Kankakee Twp., zoned B2 on approximately five (5) acres.

Attorney Biege asked if the motion is for no less one-hundred (100') feet of road frontage.

Melissa Mullins Mischke stated yes. Melissa said she would like to include that there would be no further subdivision on that parcel.

Johnny Stimley seconded.

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

All approved. Motion carried 4-0.

Dwayne Hogan said we will return to Petition No. 1.

1. Petition for Variance of Developmental Standards for Kenneth & Mary McAtee for continued placement of their mobile home. Last variance was granted on June 18th, 2014 for a period of three (3) years, which are attached hereto. This property is located at 7421 E. Point Road, New Carlisle, Hudson Twp., zoned R1B on .336. (This was tabled from the January 17th, 2017 to this evenings meeting.)

Dwayne Hogan said that we already have a motion to take it off the table.

I would like to start by apologizing to everybody for being late. I'm truly sorry. I was with my son vision therapy in St. Joe Michigan and came up with a flat tire. We got it home.

Dwayne Hogan said you got here safe.

Dwayne Hogan asked for name and address for the record.

Debra McAtee Jurkowski, 7401 E Point Rd., New Carlisle. Ms. McAtee Jurkowski said that she's here in regards to - - this is her parent's house, Kenneth & Mary McAtee at 7420.

Dwayne Hogan asked Ms. McAtee Jurkowski if it is their desire to keep it there.

Ms. McAtee Jurkowski said that their desire at this time is to keep it there. They have not discussed anything. Ms. McAtee said that she has been in the process of this and she knew she was due in June and she has been up to the Commissioner's Office about every month. Ms. McAtee Jurkowski said that they've had numerous health problems; her mother picked up Ceda and hospitalized for six (6) weeks, then she was in rehab and her father actually amazing enough beat lung cancer twice and is on oxygen, and then he went through some episodes also. This year has just been a roller coaster every which direction.

Ms. McAtee Jurkowski said at this time we've just tried to get them through everything and there has been no talk of anything different. We would actually love to do something different, but this year has not been a year that anything at all has been discussed.

Melissa Mullins Mischke asked Ms. McAtee Jurkowski how close she lives to this location.

Ms. McAtee Jurkowski said next door.

Melissa Mullins Mischke asked if she's there to kind of keep an eye on everything and take care of them.

Ms. McAtee Jurkowski said she is.

Melissa Mullins Mischke asked Ms. McAtee Jurkowski if she knew the year of the mobile home.

Ms. McAtee Jurkowski said it's a 1972.

Melissa Mullins Mischke said for a 1972 it's in amazing shape.

Ms. McAtee Jurkowski said that her mother works very hard to do the landscaping. She paints it every year. Ms. McAtee Jurkowski said that she is a fanatic about it. Ms. McAtee Jurkowski said in fact she has got yelled numerous times because there is one pine tree she cannot do the top of and every time she drives by she yells at me because it is still not done.

Dwayne Hogan said he doesn't believe there are any remonstrators here this evening for Petition No. 1.

Dwayne Hogan asked the pleasure of the board.

Melissa Mullins Mischke made a motion that we grant the petition for a Variance of Developmental Standards for Kenneth & Mary McAtee for continued placement of their mobile home located at 7421 E. Point Road, New Carlisle, Hudson Twp., for a period three (3) years renewable.

Ms. McAtee Jurkowski asked if she could clarify that and go back to her June schedule. Ms. McAtee Jurkowski if that could be three years.

Melissa Mullins Mischke said that it will be three (3) years in February.

Ms. McAtee Jurkowski said she thought it was every three (3) years in June when everybody was due back.

Dwayne Hogan said that would be a five (5) hour meeting.

Dwayne Hogan said he has a motion.

Johnny Stimley seconded.

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

Melissa Mullins Mischke said she just wants to remind you that in that three year period, it's your responsibility to come back up and were not necessarily going to notify you that your variance is up.

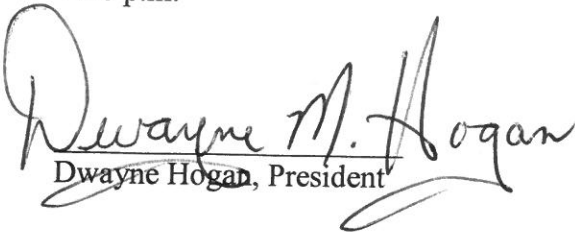
All approved. Motion carried 4-0.

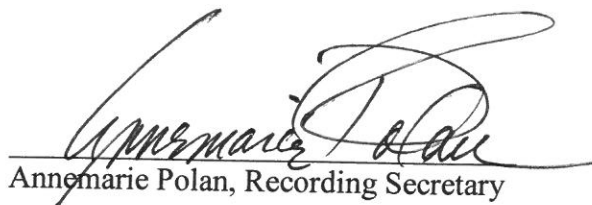
Dwayne Hogan asked if there is any other new business.

Dwayne Hogan said he will motion to adjourn. Melissa Mullins Mischke said so moved.

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.


Dwayne Hogan, President


Annemarie Polan, Recording Secretary