



LAPORTE COUNTY
BOARD OF ZONING APPEALS

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ANNEMARIE POLAN
Building Commissioner

April 18th, 2017

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **April 18th, 2017, at 6:00 p.m.** in the Assembly Room of the County Complex.

MEMBERS PRESENT: Melissa Mullins Mischke Dwayne Hogan
 Earl Cunningham Glen Minich

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

The Pledge of Allegiance.

APPROVAL OF MINUTES:

Dwayne Hogan asked for approval of the meeting minutes of March 21st, 2017.

Melissa Mullins Mischke made a motion to approve the meeting minutes as presented. Earl Cunningham seconded.

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

1. The Petition for Variance of Use of Vicki Bishop to keep one (1) horse on her property with one point two (1.2) acres instead of the required three (3) acres. This property is located at 7772 S. US 35, La Porte, Union Twp., zoned R1B. (This was tabled from the January 17th, 2017 to February 21st, 2017 meeting at 6:00 p.m.) (This was postponed from the February 21st, 2017 meeting to March 21st, 2017 meeting at 6:00 p.m. (This was tabled from March 21st, 2017 meeting to April 18th, 2017.)

Melissa Mullins Mischke made a motion to remove this from the table. Glen Minich seconded.

All approved. Motion carried 4-0.

4-18-2017

Dwayne Hogan asked for name and address for the record.

Vicki Bishop, 7772 S. US Highway 35, La Porte, Indiana.

Ms. Bishop was explaining to the board that her neighbor is going to lease her some of his property for her horse.

There were many questions from the attorney and board members as to written contracts and amount of land that she would be leasing.

Earl Cunningham made a motion that we continue this one (1) more month to make arrangements with the paper work with how many acres being leased and he would say that we do this one (1) year maximum.

Earl Cunningham said that he's trying to do the right thing for a child and there aren't any remonstrators here. Earl told Ms. Bishop that he thinks that the horse is good for her to be real honest, because he can tell that you love this horse.

Earl Cunningham said that he will make a motion that we continue this one (1) more month and if you don't have the paperwork --- there's no guarantee that in a month from now it's going to get approved anyway, but at least you bought a month and maybe you can get your ducks in a row between now and then.

Glen Minich seconded.

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

Glen Minich told Ms. Bishop that she needs to make a decision and maybe it's in the horse's best interest to find a more suitable place for this horse; you need to come up with a real good schematic with true acreage showing us where the septic is, where your neighbor's septic – a real plan.

Attorney Biege told Ms. Bishop to make sure that the lease is specific; the length of time, if there are any dollars involved and a legal description and number of acres. Attorney Biege said that if the board decides to approve, when he writes the findings, he has to be able to identify those things. Attorney Biege said it's really important.

Ms. Bishop said that she understands.

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

All approved. Motion carried 4-0.

2. The Petition for Variance of Developmental Standards for James Heimbuch for continued placement of his mobile home. This property is located at 8170 Ivy Blvd., New Carlisle, Hudson Twp., zoned R1B. (This was postponed until the April 18th, 2017

meeting at 6:00 p.m.) Mr. Heimbuch failed to appear at the March 21st, 2017 meeting.)

Melissa Mullins Mischke made a motion that we remove this from the table. Earl Cunningham seconded.

All approved. Motion carried 4-0.

Attorney Biege said that he's trying to find the publication.

Annemarie Polan, Building Commissioner told attorney Biege that we don't have the affidavit, but we cut out the publication.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

James Heimbuch, 8170 Ivy Blvd., New Carlisle, Indiana 46552.

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

Mr. Heimbuch said that he's hoping to get three (3) years.

Dwayne Hogan asked for what?

Mr. Heimbuch said a continuation reassessment.

Dwayne Hogan asked Mr. Heimbuch how long he has lived there.

Mr. Heimbuch said he believes twenty (20) years.

Earl Cunningham asked Mr. Heimbuch the year of the mobile home.

Mr. Heimbuch said it's a 72 he believes.

Melissa Mullins Mischke asked Mr. Heimbuch if there has ever been any intent to build a structure.

Mr. Heimbuch said yes. Mr. Heimbuch said that they wouldn't allow them; they won't even allow a modular.

Melissa Mullins Mischke asked for what reason.

Mr. Heimbuch said the way his property is zoned. Mr. Heimbuch said that he and his brother were actually going to build, but they wouldn't allow it.

Glen Minich said that the biggest problem that he sees at this point is that the trailer is beginning to deteriorate. Glen said that they've made it very well known that we are not placing trailers in the county; we are allowing trailers that have been placed and are being maintained to be kept in their location through the current ownership.

Mr. Heimbuch said that he can do more work to it. Mr. Heimbuch said that he's willing to invest more money into this. He knows he has some roofing issues and a couple things, but other than that it's ---

Glen Minich said that it's cleaned up from the previous pictures that they had.

Mr. Heimbuch thanked Glen. Mr. Heimbuch said that he did a lot more this week.

Dwayne Hogan said that they have a letter here that they're going to summarize from a remonstrator.

Melissa Mullins Mischke said that she has a letter to the Board of Zoning Appeals from the Schaeffer's at 7541 N. Catalpa Lane. Melissa said that their letter basically says that the property needs some attention as far as maintenance and upkeep. Melissa said it doesn't seem like they have a problem with it as long as it's maintained, the yard is kept up, and the structure itself.

Dwayne Hogan told Mr. Heimbuch that it needs some tender loving care.

Mr. Heimbuch said that his granddaughter is giving him a lot of help, and together we can do it.

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

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

Earl Cunningham asked Mr. Heimbuch to approach the bench.

Mr. Cunningham and Mr. Heimbuch going over the pictures from a year ago.

Earl Cunningham asked Mr. Heimbuch what year he was turned down when he tried to build.

Mr. Heimbuch said that it was shortly after he and his brother moved in. Mr. Heimbuch said his brother is no longer with us.

Dwayne Hogan asked how long ago this was. Dwayne asked Mr. Heimbuch if he's been there for twenty (20) years.

Mr. Heimbuch said roughly. He doesn't know the exact date.

Dwayne Hogan asked Mr. Heimbuch the dimension of the lot.

Mr. Heimbuch said he believes that it's forty-five (4500) hundred.

Attorney Biege said that was subdivided years ago. Attorney Biege said that takes several lots to have a buildable site.

Earl Cunningham made a motion to approve for one (1) year and reappear with pictures of the property at that point and time.

Earl Cunningham told Mr. Heimbuch that if he comes back a year from now and he sees pictures from a year ago, then he would be opposed to extending.

Dwayne Hogan said he has a motion for one (1) year.

Glen Minich seconded, but he would like to add that it definitely needs the exterior washed.

Mr. Heimbuch said exactly.

Glen Minich said that it either needs to be manually washed, or power washed to make it more acceptable in the community there.

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

All approved. Motion carried 4-0.

3. The Petition for Variance of Developmental Standards for Kyle J. & Emily A. Kirsch for construction of a pole barn of Five-Thousand Five Hundred and Four (5504') square feet with living quarters inside One Thousand Thirty Eight (1038') square feet and only forty-eight (48') feet of road frontage instead of the required two-hundred (200') feet. This property is located at 3177 W. Smithfield Lane, La Porte, Scipio Twp., zoned R1B on 8.41 acres.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Kyle Kirsch, 2737 W. Smithfield Court, La Porte, Indiana.

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

Mr. Kirsch said he wants to construct a pole barn with living space inside to take care of his parents who are aging, and will someday be in a wheelchair, instead of renovating the home that they're currently in.

Dwayne Hogan asked Mr. Kirsch if he's looking at an independent well and septic on this property.

Mr. Kirsch stated yes.

Dwayne Hogan asked about the road frontage.

Mr. Kirsch said that the road frontage is only forty-eight (48') feet.

Dwayne Hogan asked if there is any other way to get more road frontage.

Mr. Kirsch said that a road would have to be built.

Glen Minich asked Mr. Kirsch if he's planning on entering off of Smithfield.

Mr. Kirsch stated yes.

Glen Minich asked if that would be a lane.

Mr. Kirsch stated yes.

Glen Minich said that none of those properties in that subdivision have that much frontage.

Mr. Kirsch said that the back part of that is phase three of the subdivision. Mr. Kirsch said that his grandfather started the subdivision, but there is no money to complete the phase, so this part of the subdivision is tillable land, zoned R1B. Mr. Kirsch said that he purchased it from him -- he lives in the corner, so it's his backyard.

Melissa Mullins Mischke said that the existing homes that are there are part of a recorded subdivision.

Mr. Kirsch stated correct.

Melissa Mullins Mischke asked the name of it.

Mr. Kirsch said it's Smithfield Park.

Dwayne Hogan asked Mr. Kirsch if his driveway is going to run right beside the dead end and curve right into the property.

Mr. Kirsch said it will go out approximately one-hundred (100') feet and straight north to the open area.

Dwayne Hogan asked if the pole barn will have the same facade as the house, or will it look like a pole barn?

Mr. Kirsch said that it will look like a pole barn. It will have a skirt and color steel – it will have two shades.

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

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

Melissa Mullins Mischke asked Mr. Kirsch which house he currently lives in.

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

Glen Minich asked Mr. Kirsch if he has any further plans for a subdivision.

Mr. Kirsch said no.

Glen Minich asked Mr. Kirsch if they have a list of covenants that are in your current subdivision.

Mr. Kirsch said he doesn't have them. Mr. Kirsch said that he was under the assumption this was never a part of the subdivision.

Board members speaking amongst themselves.

Melissa Mullins Mischke said that she really doesn't like this road frontage.

Mr. Kirsch said that he was told that after he filed this there was actually one-hundred (100') feet there because he only counted the part of the curb, but it's still short.

Melissa Mullins Mischke said should we decide to approve this, she would like Mr. Kirsch to contact the Building Commissioner's Office and get a separate address for this property.

Mr. Kirsch said he already did.

Melissa Mullins Mischke said that it's very confusing from where your residence is at if emergency vehicles had to get back there.

Earl Cunningham told Mr. Kirsch since this is his parents, he's sure he will have a sign there.

Mr. Kirsch said absolutely.

Glen Minich said that one-hundred (100') feet helps, but in his mind, it's just an extension of this subdivision and nobody has that much frontage there. Glen said he doesn't really have that much of a problem with this. Glen said it's not like we're adding extra lots on there. Glen said that this is consistent with the neighborhood.

Glen Minich made a motion that the Petition for Variance of Developmental Standards for Kyle J. & Emily A. Kirsch to construct a pole building with five-thousand five hundred and four (5504) square feet with living quarters inside of approximately (1038) square feet with only the amended one-hundred (100') feet of road frontage be granted, with the addition that the property would not be further subdivided and it would be properly marked at the road on Smithfield Lane. Property is located at 3177 W. Smithfield Lane, La Porte, Scipio Twp., zoned R1B on 8.41 acres.

Melissa Mullins Mischke seconded.

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

Melissa Mullins Mischke said that she just wants to reiterate in Glen's motion that this is not part of the subdivision.

All approved. Motion carried 4-0.

4. The Petition for Variance of Developmental standards for Jeffery & Thomasa Gregory for construction of a detached garage in front of home and with a twelve (12') foot front setback instead of the required twenty-five (25') feet. This property is located at 9181 S. Highway 35, Hamlet, Union Twp., zoned R1B on .756 acres.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Jeffery Gregory 9181 S. Highway 35, Hamlet.

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

Mr. Gregory said that he wants to put a garage on the side of his driveway.

Earl Cunningham asked Mr. Gregory to approach the bench.

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

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

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

Glen Minich said that the biggest issue is building twelve (12') feet of a Highway.

Melissa Mullins Mischke said without knowing what kind of utilities are under there; if it's a utility issue, or widening Highway 35 into four lanes, or something at that point. Melissa asked Mr. Gregory if he's comfortable with this structure being twelve (12') feet away ---

Mr. Gregory said that it's longer than twelve (12') feet from the road.

Glen Minich said that the State has deemed that an easement and we're guessing that it could be for future expansion of the highway. Glen told Mr. Gregory that he can't stop the highway from widening it to their easement and you could wind up with your building being twelve (12') feet from the road.

Mr. Gregory said that it's still almost twenty (20') feet from the Highway.

Glen Minich said that they could build on that sixteen (16') feet, they can actually widen the highway on to it.

Attorney Biege said that his experience has been if they are widening the highway, they're going to buy his property.

Glen Minich asked Mr. Gregory if there is a reason he wants to move it closer to the front of the property, rather just due north of your house.

Mr. Gregory said that if he puts it next to the garage it would cost him about \$3000.00 more for more driveway.

Dwayne Hogan asked the size of the garage.

Mr. Gregory said its twenty-four (24') by thirty (30').

Dwayne Hogan asked Mr. Gregory if he's putting water and electric in it.

Mr. Gregory said electric.

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

Melissa Mullins Mischke said that she would rather see it to the north side of the house. Melissa told Mr. Gregory that it looks like he's going to be taking out a lot of trees anyway.

Mr. Gregory said he already took them out.

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

Glen Minich asked Annemarie if Mr. Gregory has to stay ten (10') feet from his garage since it's detached.

Annemarie Polan asked if that is the existing one.

Glen Minich stated yes.

Annemarie Polan, Building Commissioner said that you have to stay ten (10') feet away from your residence. Annemarie said that she has to look at the picture.

Annemarie Polan, Building Commissioner is up at the bench going over the picture.

Glen Minich made a motion that the petition for Variance of Developmental standards for Jeffery & Thomasa Gregory for construction of a detached garage in front of their home with the **amended eighteen (18')** foot front setback instead of the required twenty (25') be granted. This property is located at 9181 S. Highway 35, Hamlet, Union Twp., zoned R1B on 7.56 acres.

Earl Cunningham seconded.

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

All approved. Motion carried 4-0.

5. The Petition for Variance of Developmental Standards for Michael & Joy Vanek for construction of a pole barn with a height of twenty-eight (28') feet instead of the required eighteen (18') feet attaching to the existing pole barn by a breezeway and installing a bathroom. This property is located at 7933 N. 600 E., Rolling Prairie, Hudson Twp., zoned R1B on .58 acres.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Michael A. Vanek, 7952 N. 600 E., Rolling Prairie.

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

Mr. Vanek said that they're going to construct a pole barn and it was brought to his attention that the height is supposed to be eighteen (18') feet, and the height of the pole barn is twenty-eight (28') feet and that's the reason they're here. Mr. Vanek said that he has some fourteen (14') foot doors in there with a torch and springs.

Dwayne Hogan asked Mr. Vanek the total dimensions of the addition.

Mr. Vanek said that the pole barn will be seventy (70') by one-hundred thirty six (136').

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

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

Dwayne Hogan asked Mr. Vanek if he's going to install a bathroom. Dwayne asked if he's going to have a separate septic.

Mr. Vanek said that they're going to put a bathroom in there and he does have a septic field that they can tie in.

Dwayne Hogan asked if he's going to use the current one he has.

Mr. Vanek said that they can tie right into that field.

Dwayne Hogan asked Mr. Vanek if this is going to be rental property, or anything like that.

Mr. Vanek stated no.

Dwayne Hogan asked if he has an address on your road for this.

Mr. Vanek said it's 7933 N. 600 E.

Melissa Mullins Mischke asked if the address is on the building.

Mr. Vanek said that they can put it on.

Earl Cunningham made a motion to approve the Petition for a Variance of Developmental Standards for Michael & Joy Vanek at 7933 N. 600 E., Rolling Prairie for construction of a seventy (70') by one-hundred thirty six (136') foot pole barn with the height variance from eighteen (18') to twenty-eight (28') feet to allow for taller doors with a breezeway and a bathroom tied into the existing septic system.

Melissa Mullins Mischke seconded.

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

All approved. Motion carried 4-0.

6. The Petition for Variance of Developmental Standards for Chad & Sarah Woodrick to construct a pole barn with the rear setback of thirty (30) feet instead of the required fifty (50) feet and side setback of ten (10) feet instead of the required thirty (30') feet. This property is located at 3075 E. Morton Road, Rolling Prairie, Galena Twp., zoned Agricultural on two (2) acres.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Chad Woodrick, 3075 E. Morton Road, Rolling Prairie, Indiana.

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

Mr. Woodrick said get a variance for the setbacks to keep it more on level ground.

Melissa Mullins Mischke asked Mr. Woodrick what he's going to use the pole barn for.

Mr. Woodrick said for farm equipment that is currently in the garage.

Dwayne Hogan asked the size of the pole barn.

Mr. Woodrick said forty (40') by sixty (60').

Melissa Mullins Mischke asked Mr. Woodrick what kind of farm equipment we're talking about.

Mr. Woodrick said that he has four bigger tractors and some wagons.

Earl Cunningham told Mr. Woodrick that you can see where vehicles have driven around the right of his home.

Mr. Woodrick said that goes down a hill as it goes around the retaining wall.

Earl Cunningham asked if that goes off to the right.

Mr. Woodrick said yes. Mr. Woodrick said normally there is not a driveway there.

Melissa Mullins Mischke asked Mr. Woodrick if he's planning on putting any water, or electric.

Mr. Woodrick said electric possibly in the future. Mr. Woodrick said that there will be no water.

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

Glen Minich told Mr. Woodrick that he has a lot of space there and he's questioning the ten (10') feet. Glen asked if there is any room to push it into the lot anymore.

Mr. Woodrick said that it really drops down and the septic field is down where you see the tire tracks.

Glen Minich asked Mr. Woodrick how much fill he was planning on bringing in.

Mr. Woodrick said that he's not sure. He did get an estimate for the costs, but he doesn't know how much. Mr. Woodrick said that they think that they have to raise it about eighteen (18") inches.

Glen Minich said that isn't that much.

Mr. Woodrick said that the thirty (30') foot setback, if they did do like fifty (50') feet, then that puts them almost in the middle, so either way, it was going to have to change.

Glen Minich said that the thirty (30') feet doesn't bother him as much as the ten (10') feet instead of the thirty (30') feet.

Mr. Woodrick said that neighbor is going to be building a pole barn too.

Dwayne Hogan asked Mr. Woodrick if that is just behind his.

Mr. Woodrick said right next to him.

Earl Cunningham said that he's going to want to build his ten (10') feet from the same property line.

Mr. Woodrick said that is what he said. Mr. Woodrick said we will have like a fort between them.

Dwayne Hogan asked the pleasure of the board.

Melissa Mullins Mischke made a motion that the Petition for Variance of Developmental Standards for Chad & Sarah Woodrick to construct a pole barn with the rear setback of thirty (30') feet instead of the required fifty (50') feet and side setback of ten (10') feet instead of the required thirty (30') feet be granted on the property located at 3075 E. Morton Road, Rolling Prairie, Galena Twp., zoned Agricultural on two (2) acres.

Earl Cunningham 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 Norm Beles to construct a twelve (12') by twenty (20') foot playhouse/storage with four accessory buildings already existing on this property. This property is located at 210 Island Drive, Center Twp., zoned R1B on lot ten (10). (This petition was amended on April 6th, 2017 to construct a fourteen (14') by twenty-four (24') foot instead of the twelve (12') by twenty (20') foot.

Attorney Biege said notice is adequate.

Andrew Voeltz said that he's an attorney with Howes and Howes here in La Porte, Indiana, representing Norman Beles. Attorney Voeltz said if he could approach, he has a further detailed diagram of the property, as well as a letter, or an e-mail from adjacent landowners.

Attorney Voeltz is up at the bench.

Attorney Voeltz said that Mr. Beles is a deeded owner of the property located at 210 Island Drive here in La Porte. Attorney Voeltz said as you can see from the overhead shot, there is the house currently on the property, as well as three other accessory structures in the form of a garage, a smaller storage unit and what we're going to refer to as the safari deck on Place Road. If you're looking at the diagram. Attorney Voeltz said to call it a safari deck, it's basically an outdoor eating area that is covered with some outdoor appliances and picnic tables. Attorney Voeltz said what Mr. Beles is desiring to construct a playhouse, with the theme of the motif in that it's going to be a jungle hut; it's going to be a fourteen (14') by twenty-four (24') foot structure for his grandkids, and eventually his great grandkids.

Attorney Voeltz said that there will be a tv, a refreshment bar, chairs and the intent is to further landscape the property around the structure once it goes in, specifically to include potentially up to ten (10) more trees around the building to further create that jungle atmosphere. As you'll note in the diagram, it does indicate the lot is twenty-eight thousand twenty-one point nine three square feet (28,021.93); permissible being the impermeable surface coverage is at forty-five (45%) percent and forty-five (45%) percent would be twelve-thousand six-hundred and nine point four five (12,609.45); with the new proposal the impermeable surface of the lot would actually be seven-thousand one-hundred forty seven point four five square feet (7,147.45), so we're still well below what is indicated in the zoning ordinance as far as permeable surface.

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

Dwayne Hogan asked for questions from the board.

Earl Cunningham said as a former resident of Nilewood Drive, he will tell you that there has been thousands and thousands of dollars of development on his property. Earl said that there is a lot of things going on, but he has been by there on the weekends in the summer and there is a whole lot of family having fun. Earl said with the absence of any neighborhood remonstrators, he thinks that they understand that most of the neighbors understand all the development on this property has actually increased the value of their own property.

Melissa Mullins Mischke said that the property owners don't live at this residence full time.

Attorney Voeltz said that Norm does not live there full time; he's not going to call it a summer residence, because there are people there a large portion of the year, whether it's extended family, or whatever else.

Melissa Mullins Mischke said that she thinks that she has said this before. She's not always in favor of these setbacks, especially out on the Island when the size of this parcel did not change from the time he purchased it until today, so knowing that you have three other structures and then adding another one. Melissa said that she doesn't disagree with Mr. Cunningham as far as adding value, or increasing the value of a particular property, she just disagrees with adding more and more buildings that don't fit with our county plan, and then saying it's okay, because we've done it before, and we're going to continue to do it. Melissa said those are her thoughts. Melissa said that we're never going to get a handle on those issues with buildings being to close and not meeting the setback requirements if we don't start somewhere.

Earl Cunningham told Melissa just for more information sake, in the lake areas if you look at the latest diagram being provided as the distances from any property line is probably excessive compared to most of the properties, particularly on Island Drive.

Glen Minich said that he has pictures with water and pipes that are distributing the water onto a rip rap area near Nilewood Drive. Glen asked if there is a drywell in that area –

Attorney Voeltz is up at the bench going over the site plan.

Attorney Voeltz said that if you're looking at the overhead shot that he provided, it's right about the area indicated by 115 running southwest down to where Nilewood Drive turn makes where the garage is, his client has indicated that there is drainage or a catch put in by the county in order to alleviate the moisture that was running from that down the road, they put the rip rap in.

Glen Minich asked Annemarie if Rick Brown had any problem with the water.

Annemarie Polan, Building Commissioner said that Rick actually thought that they practiced pretty well with their landscaping. Annemarie said that the only thing that they wondered about is the size of the drains. Annemarie said they looked at the water from the shed that went into those pipes, but that was kind of overkill, so they were wondering what else was going to the pipes.

Attorney Voeltz said that the geographical features of that area of the property is, its setting is higher. Attorney Voeltz said that everything is going to have a tendency to wash down and slope down Nilewood and then towards June's place there, coming around towards Place Road. Attorney Voeltz said that he didn't hear anything from Rick Brown or MS4 in regards to any issues we created by construction of this smaller structure.

Earl Cunningham asked attorney Voeltz if he has an approximate idea of what year the county put that drain in.

Mr. Beles said that it has been existing since the cul-de-sac up at the top where all three homes --

Earl Cunningham said it hasn't been in the last five years or ten years.

Mr. Beles stated no.

Earl Cunningham asked Mr. Beles how long he has been there.

Mr. Beles said twenty-six (26) years.

Earl Cunningham said it's not that we've had a recent water problem in the area; nobody is complaining about any additional water.

Mr. Beles stated no.

Annemarie Polan, Building Commissioner, said other places on the Island are.

Dwayne Hogan said if there are no other comments, what's our pleasure.

Glen Minich made a motion for Variance of Developmental Standards for Norm Beles to construct an amended fourteen (14') foot by twenty (24') foot playhouse/accessory structure on the property be granted located at 210 Island Drive, Center Twp., zoned R1B, on lot# 10.

Earl Cunningham seconded.

Voting Aye: Dwayne Hogan, Earl Cunningham and Glen Minich.

Voting Nay: Melissa Mullins Mischke

Motion carried 3-1.

8. The Petition for Variance of Developmental Standards for Brandon & Jessica Mahl to construct a detached garage twenty (20') feet from the rear road setback instead of the required twenty-five (25') foot and two (2') feet side setback instead of the required ten (10') feet. Property is located at 689 Waverly Road, La Porte, Center Twp, zoned R1B.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Brandon Mahl, 689 Waverly Road, La Porte, Indiana 46350.

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

Mr. Mahl said a detached garage, twenty three (23') by forty-nine (49') foot.

Earl Cunningham asked Mr. Mahl how far is the garage just off of Waverly now from your property line.

Mr. Mahl said that the garage that has now –

Earl Cunningham said the property next to yours.

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

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

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

Glen Minich said we're always trying to squeeze stuff in. Glen said that the two (2') feet is just not very much space to build.

Mr. Mahl said actually he's moving it to three (3') feet.

Glen Minich said that he was thinking four (4') feet just because ---

Mr. Mahl said that there is a birch tree there too. Mr. Mahl said that the birch tree would be about ten (10') feet in front of the garage if he moves it closer.

Glen Minich asked Mr. Mahl if he could guess what the current garage is right now from the side yard.

Mr. Mahl asked what garage he's referring to.

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

Dwayne Hogan asked Mr. Mahl if he thinks three (3') feet is the maximum he could go.

Mr. Mahl said he would say so. Mr. Mahl said that he would love to leave that tree, it's a beautiful birch tree.

Melissa Mullins Mischke asked Mr. Mahl if he loves that tree more than he loves that garage.

Mr. Mahl stated yes, he actually does. Mr. Mahl said he knows he can't cut it down.

Dwayne Hogan asked the pleasure of the board.

Earl Cunningham made a motion to approve the Petition for Variance of Developmental Standards for Brandon & Jessica Mahl at 689 Waverly Road to construct a detached garage approximately twenty (20') feet from the rear road setback instead of the required twenty-five

(25') feet and the amended three (3') feet from the side setback instead of the required ten (10') feet.

Melissa Mullins Mischke said you're always changing from Waverly Road to the proposed building to twenty-six (26') feet.

Earl Cunningham said that change as well.

Glen Minich seconded.

Dwayne Hogan asked if there are any questions or concerns.

Glen Minich said that his concern is there is nothing decided on the neighboring property – it's another building.

Voting Aye: Glen Minich, Earl Cunningham and Dwayne Hogan.

Voting Nay: Melissa Mullins Mischke

9. The Petition for Variance for Chandler T. Parkhouse and Teresa Spence

Parkhouse to construct an accessory structure in the form of a barn to facilitate secure storage of building materials and items for the construction of the primary residence on this property. This property is located at 208 Holton Road, La Porte, Center Twp., zoned R1B on 31.76 acres, with 29.69 acres in Forrest Reserve, leaving 2.07 acres for building.

Attorney Biege said notice is adequate.

Andrew Voeltz said that he's here representing at this petition Chandler Parkhouse and Teresa Parkhouse in regards to their petition for Variance to allow for the construction of an accessory building in a form of a pole barn. This property is now known as 208 Holton Road, so it's on the west side of Holton Road headed north off of Waverly. When you're coming north on Holton and you approach and you see Pine Lake on the right hand side, it's up and over and then to the left it takes a dive back in there.

Attorney Voeltz said that they're here tonight petitioning to allow for the construction of an accessory structure of a pole barn prior to the construction of the residence for a variety of reasons; mostly notably which is to allow for secure storage of building materials for the home, which would be built subsequent to the pole barn to allow for housing of various pieces of equipment, including tractors to allow for continued coverage of the area, meaning the two acres that has been removed from classified forest, and then to allow for again building materials to be brought in and out as the project continues.

Dwayne Hogan asked the size of the pole barn.

Attorney Voeltz said the size of the pole barn as indicated in the drawing is seventy-two (72') feet by forty-eight (48') feet, approximately thirty-four hundred sixty four (3464') square feet.

Attorney Voeltz said that if you're familiar with the property, the property is out there headed north on Holton Road. Mr. Hull has that garage there just when you come up to Island Drive, and that is a similar design that will be used. Attorney Voeltz said that he doesn't want to say high end, but this is going to be a very, very nice looking structure. Attorney Voeltz said that it's going to be gray and white; there will be dormers; there will be (unintelligible); there will be enhanced doors to make it look more appealing and more inviting.

Melissa Mullins Mishcke asked Andrew if he's had wetland delineation done on that property.

Attorney Voeltz said that DNR has been contacted; Army Corp of Engineers has been contacted. Attorney Voeltz said that any agency that has any type of oversight in regards to the wetlands, or whatnot, that's all been done; it's all been sketched out and it's all been provided. Attorney Voeltz said that this petition was simply to allow the construction of the accessory structure. Attorney Voeltz said that when the building permit would be applied for pursuant to this variance being granted, at that point and time all that information from Army Corp, DNR and Forrest Reserve will be provided.

Dwayne Hogan asked the time line for starting this.

Dwayne Hogan asked for name and address for the record.

Chad Parkhouse, 3422 W. Waverly Road.

Mr. Parkhouse said that they're looking to potentially break ground within two or three months possibly. Mr. Parkhouse said that they would like to get it up before the winter.

Dwayne Hogan asked Mr. Parkhouse if he's going to put plumbing and electric in this.

Mr. Parkhouse said in the house, but not in the pole building at this point.

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

Dwayne Hogan asked for name and address for the record.

Donald Bowman, 109 Holton Road.

Mr. Bowman said that he would like to know more about the property because simply he's a neighbor. Mr. Bowman said that he understands the property has been up for sale for quite some time and there is some DNR situations there.

Mr. Bowman said that it's certainly a historic site. There was a rifle range built there right after World War 1 and the target was built by veterans' right after the war. Mr. Bowman said Holton Road was built in 1928 and as a result of that, the rifle range was abandoned because they shot

from his property, which is across the road where the intersection of Waverly and Holton. Mr. Bowman said that he doesn't have any particular objections, he was just curious about the construction on what's going on there.

Mr. Bowman said that for your information, when Holton Road was built, there were two cattle passes underneath Holton Road and you may notice right now where your driveway is, that's what that was. Mr. Bowman thanked the board for their consideration.

Melissa Mullins Mischke asked Mr. Bowman if he feels like he had all his questions answered.

Mr. Bowman said that he would like to look at the map of the layout if he could.

Mr. Bowman is up at the bench going over the map layout.

Earl Cunningham asked Mr. Bowman if he lives at the corner of Holton and Waverly on the northeast corner.

Mr. Bowman said he lives on the lakeside on ten (10) acres at 109 Holton Road.

Mr. Bowman said that he would also like to add that there is a spring somewhere back in where what used to be Pine Lake before they cut it off of Holton Road. Mr. Bowman said that one reason why he says that is continual water running underneath the viaduct where there is a lot of people who fish there and leave their debris, which is mostly on his property.

Earl Cunningham asked Mr. Bowman if he's satisfied with the appearance of the whole property up the road.

Mr. Bowman said that it always disturbs him to see trees being taken down and construction, but

Earl Cunningham said that he has been putting new trees back in, has he not.

Mr. Bowman said not that he knows of. Mr. Bowman said that he knows that they have had a big backhoe in there taking a lot of trees out to build a residence.

Earl Cunningham said that he's talking about the whole property up there on Holton Road and Island Drive, he tore some trees out as well and put those pole barns up, but he has now planted some trees.

Mr. Bowman said that he's a professional landscape architect for urban planning, so he's sensitive to those sorts of things. Mr. Bowman said that it bothers him if there are a lot of seawalls built all around Pine Lake, which makes it very difficult for water (unintelligible) to do their nesting and you may or may not know, there is nesting going on right now. Mr. Bowman said that his house was built in 1937 and he's a native of La Porte and he grew up on Holton Road. Thank you for sharing your information.

Earl Cunningham thanked Mr. Bowman for sharing his information and he would suggest that you talk to Chad. Earl said Chad is shaking his head and he will contact you and take advantage of your wisdom.

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

Earl Cunningham asked attorney Voeltz if he's confident enough that DNR and Army Corp of Engineers to build a pole barn with the expectation that you're going to get a septic system and everything approved in the future – a year from now.

Attorney Voeltz told Earl that he's absolutely confident to that, in that the septic plans have already been submitted and approved.

Attorney Voeltz said to address Mr. Bowman's concern, there is in fact a mating pair of swans on that lake right now and it's pretty phenomenal to see when you drive home. Attorney Voeltz said that it's not an area that's disturbed by what's going on here; he is set further back from the road.

Earl Cunningham said that he appreciates the fact that you're doing this in the right manner – taking first step first.

Melissa Mullins Mischke made a motion that the Petition for Variance for Chandler Parkhouse and Teresa Spence Parkhouse to construct an accessory structure in the form of a barn to facilitate secure storage building materials and items for the construction of the primary residence on this property located at 208 Holton Road be granted.

Glen Minich seconded.

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

All approved. Motion carried 4-0.

10. The Petition for Zoning Variance for Joseph L. Hill, Trustee of the Joseph L. Hill Revocable Trust, and respectfully petitions the La Porte County Board of Zoning Appeals for the granting of a variance to adjoin two (2) adjacent lots, totaling in excess of ninety-four (94) acres, and allow for the driveway with less than the required road frontage (totaling approximately sixty (60') feet, thus allowing for the construction of a house. This property is situated on the north side of US Highway 20 and the West side of E. Rolling Drive and E. Meadowlark Drive, Rolling Prairie, Kankakee Twp., zoned Agricultural. The closest house to this property is located at the end of 4025 E. Rolling Drive, Rolling Prairie, Indiana.

Attorney Biege said notice is adequate.

Attorney Voeltz representing Joseph Hill of the Joseph L. Hill Revocable Trust.

Attorney Voeltz said that he provided to you a copy of an overhead aerial markings of a one-hundred eighty two point five acres (182.5). If you look at the correspondence in junction with the color photograph he can give you a little bit of background as to what happened with this property and how it went. If you note that parcel number ending 7000-052, that parcel and the parcel that is rectangular located towards Meadowlark Drive, those are the same parcel numbers. If you look at the drawing of the one-hundred and eighty two point five acres (182.5), the larger portion then ending in 8000052, that is that larger area, that has been bisected down there by the pipeline coming in.

Attorney Voeltz said that the reason why he's here this evening on behalf of Mr. Hill, he's a paraplegic. He was paralyzed from the waist down in an accident that occurred at Bass Pro Shop when it was being built and he was stuck in a trench. Mr. Voeltz said that he's in crying pain and one of the issues that has come now is the need for an address. Access to this property is off of Rolling Drive, which is bisected by Meadowlark Drive. If you look closely, you will note that there is a driveway that proceeds off the end of Rolling Drive to the structures that are on that rectangular cutout from 8000052. Those are existing structures in the form of a barn and storage shed.

Attorney Voeltz said that the driveway is improved, in fact, it's beyond improved, it's constructed out of crushed stone and when his client approached Nipsco to talk about driveway access, they suggested that the driveway access be continued to be used off of Rolling Drive and get an address for that portion of the parcel to allow for access then south where he intends to build his house towards the bottom of the rectangular portion. Attorney Voeltz said that he had spoken with some other individuals that suggested that he needs to do a driveway cut on 350 because there is frontage over there. The issue there is, we're talking about over twenty-seven hundred feet (2700') that the driveway would run all the way along the top side of that parcel and then down and across to where this driveway comes off of Rolling Drive.

Attorney Voeltz said obviously for an individual who is in chronic pain and potentially needing medical services, we have to facilitate access to this property. The reason why the petition was filed the way it was, in the future he intends to be adjoining all these parcels when they were purchased at auction, but a priority importance at this point, to allow his client to continue use of that driveway that is coming off E. Rolling Drive without the necessary frontage. Attorney Voeltz said to allow for an address to be created for purposes of utilities and the EMS, or emergency services.

Melissa Mullins Mischke asked why not join all the parcels before – from what she understands listening to parcel 007, the little one on the east side is where he's going to build the house.

Attorney Voeltz stated no. Parcel 008 is where he's going to build the house, but parcel 007 is that little rectangular cutout of 008, the house is going to go south of that rectangular cutout and that portion of the property, meaning 007, is the portion that has been leased out for farm purposes.

Attorney Biege asked Mr. Voeltz which two adjacent properties he's adjoining.

Attorney Voeltz said that everything is going to be joined; that the issue here is that the rectangular cut out and the tillable farm land have the same parcel id number, the desire would be to add a parcel id number, meaning whichever one would be more accurate, but the reason for the petition is to allow for recognized use of that driveway to get an address on that side of the property.

Attorney Biege said that he understands why he filed his petition and he thinks that it's appropriate, however he wants to make sure that the board is clear that he's not sure he needs a variance, he's just being thorough.

Melissa Mullins Mischke said he has frontage.

Attorney Biege said exactly; they have adequate frontage and the driveway is preexisting. Attorney Biege said that he doesn't think that there is a variance necessary, although he thinks we should couch it in those terms so we have something written, however he doesn't think that the zoning board has much discretion; this is pretty much a rubber stamp. Attorney Biege said if you were to deny this, he thinks it would be an error.

Attorney Voeltz said that the concern that his client has is for utilities that they aren't providing and he needs an address.

Melissa Mullins Mischke said that we want to make sure that you get an address off of Rolling Drive.

Melissa Mullins Mischke asked Annemarie Polan, Building Commissioner, if she thinks that it would be a problem getting an address.

Annemarie Polan stated no.

Attorney Biege said that he just thinks that we just simply grant his request.

Melissa Mullins Mischke said so moved.

Melissa Mullins Mischke said that the motion is that we're going to ask that the address be generated off of Rolling Drive for the purposes of utilities.

Dwayne Hogan asked if there are any remonstrators here this evening.

Dwayne Hogan asked if he could have a second to that motion.

Glen Minich seconded.

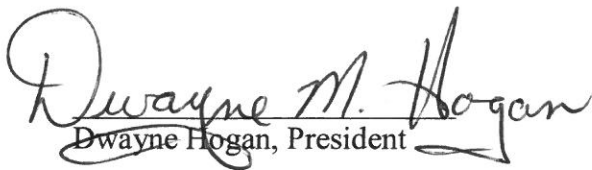
Dwayne Hogan asked if there are any questions, or concerns.


All approved. Motion carried 4-0.

Dwayne Hogan asked if there is any new business.

Attorney Biege said that there was some concern about the Commissioner's meeting tomorrow night and he wants to verify for the public who have been watching, that any issues surrounding an ordinance with Fire Arms have been removed from tomorrow night's Commissioner's meeting.

There being no further business, meeting adjourned at 7:45.


Dwayne Hogan, President


Annemarie Polan, Recording Secretary