



**LAPORTE COUNTY
BOARD OF ZONING APPEALS**

Government Complex 5th Level
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**ANNEMARIE POLAN
Building Commissioner**

August 15th, 2017

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **August 15th, 2017, at 6:00 p.m.** in the Assembly Room of the County Complex.

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

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

The Pledge of Allegiance.

APPROVAL OF MINUTES:

Dwayne Hogan asked for approval of the meeting minutes of July 15th, 2017.

Melissa Mullins Mischke made a motion to approve the meeting minutes of July 15th, 2017 as presented. Earl Cunningham seconded.

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

1. The Petition for Variance of Developmental Standards for Timothy & Lisa Kincaid to divide their property (9.766) acres to construct another home on (4.76) acres with one hundred (100) plus feet of road frontage. Existing home will be on five (5) acres. This property is located at 2255 N. 450 E., Rolling Prairie, Indiana, Kankakee Twp., zoned Agricultural. **(This was tabled from the June 20th, 2017 meeting to have this property surveyed.)**

Dwayne Hogan asked attorney Biege if legal is okay.

Attorney Biege said that this is a continuation of a previous hearing from June, 2017.

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

Earl Cunningham seconded.

All approved. Motion carried 5-0.

Dwayne Hogan asked for name and address for the record.

Lisa Kincaid, 2255 N. 450 E., Rolling Prairie, Indiana 46371.

Dwayne Hogan asked Ms. Kincaid where we're at here?

Ms. Kincaid told Dwayne that they suggested that she gets a survey, which, she has not yet done. Ms. Kincaid said that she and her husband talked about this after the meeting and they both feel that the way they wanted to divide it, is about the only way they can do it. Ms. Kincaid said that they keep 2.19 and give her daughter one-hundred (100') feet of frontage. Ms. Kincaid said that you guys suggested if they could get closer to one-hundred fifty (150') feet with a survey, but one-fifty would be into her house, unless there is something that she doesn't understand.

Glen Minich told Ms. Kincaid what she proposed is what they call a flag lot and they don't allow flag lots. Glen said that this is something that the county doesn't want to do. Glen said that in the original drawing, you show further space between the proposed lot and the house.

Ms. Kincaid said from the edge of their house to the edge of their property it's one-hundred thirty six (136') feet, so they couldn't do one-hundred fifty because it would be ----

Annemarie Polan, Building Commissioner said when the people come up to file the variance we go over all of the ramifications and different scenarios, and this was the best one. One-hundred (100') feet is not that small.

Board members speaking amongst themselves.

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

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

Earl Cunningham asked Annemarie if he's correct to interpret that the writing at the bottom of this particular picture is your handwriting.

Annemarie Polan, Building Commissioner, stated yes.

Earl Cunningham said in reference to the Building Commissioner, it says see diagram, will use part of existing circular drive and then go back. Do not see a problem with this, not many houses in the area.

Annemarie Polan, Building Commissioner stated that's correct.

Melissa Mullins Mischke said that she just wants to confirm on the south side of the property if that is a garden.

Ms. Kincaid stated yes.

Dwayne Hogan asked the pleasure of the board.

Melissa Mullins Mischke asked Ms. Kincaid if the split intended to go the entire length of the property – one-hundred (100') feet all the way back.

Ms. Kincaid said no. Ms. Kincaid said that they're going to give them the back four (4) acres – the whole width. Ms. Kincaid said that it will be just the driveway and then it will split to the property line and they will have the entire back – around four (4) acres.

Melissa Mullins Mischke asked if she has a fence in the back yard.

Ms. Kincaid said just by her house.

Melissa Mullins Mischke asked east of that than – where would the four (4) acres stop.

Ms. Kincaid said all the way in the back. Ms. Kincaid said that they have nine point seven (9.7) acres so they would keep the front four and a half (4 ½) and they would get ---

Glen Minich asked Ms. Kincaid how many total acres she has.

Ms. Kincaid said nine point seven (9.7).

Board members speaking amongst themselves.

Dwayne Hogan asked the pleasure of the board.

Earl Cunningham relying heavily on the recommendations of the Building Commissioner he would like a recommendation to approve the petition for Variance of Developmental Standards for Timothy & Lisa Kincaid to divide their property nine point seven six six (9.766) acres to construct another home on four point seven six (4.76) acres with one-hundred (100) plus feet of road frontage on property located at 2255 N. 450 E., Rolling Prairie, Indiana, Kankakee Twp., zoned Agricultural.

Johnny Stimley seconded.

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

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

Voting Nay: Glen Minich.

Motion carried 4-1.

2. The Petition for Variance of Developmental Standards for James J. Burns & Corinne A. Burns to construct a thirty-six by twenty-four (36'x 24') feet detached garage with a five (5') foot setbacks on rear and side instead of the minimum ten (10') foot setback. This property is located at 5623 E. Wawasee Trail, Rolling Prairie, Galena Twp., zoned R1B.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

James Burns, 5623 E. Wawasee Trail, Rolling Prairie, Indiana 46371.

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

Mr. Burns said that he just needs that setback of five (5') feet from the property line instead of the ten (10') feet to the north and west of his property.

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

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

Melissa Mullins Mischke asked Mr. Burns if there is some specific use that you're going to use the garage for that you can lose the five (5') feet.

Mr. Burns said that he has a small summer home there and it would just push it closer to the house. Mr. Burns said if he could just stand back that five (5') feet it would help with that.

Melissa Mullins Mischke asked Mr. Burns what the concrete area would be used for.

Mr. Burns said it will be a patio – an eleven (1100') foot just to barbeque on.

Dwayne Hogan asked if there are any further questions.

Earl Cunningham told Mr. Burns that there are no remonstrators here. Earl asked Mr. Burns if he's talked with the neighbors; are they fine with this and you've already communicated with them?

Mr. Burns said yes he did. Mr. Burns said that he gave them the notice that they could sign off on it and they told him that he's done nothing but improve the property and they said they didn't have no problem. Mr. Greaves and Mr. Mcalyn signed off on it and said not a problem.

Earl Cunningham said again, based on the recommendation from our Building Commissioner, as long as the two neighbors don't have any complaints he sees no problem with this. Earl said runoff will still be on the owner's property.

Earl Cunningham made a recommendation that we approve the variance for Developmental Standards for James J. Burns and Corinne A. Burns to construct a thirty-six by twenty four (36'x24') detached garage with a five (5') foot setback on the rear and side instead of the minimum of ten (10') feet. Property is located at 5623 E. Wawasee Trail, Rolling Prairie, Galena Twp., zoned R1B.

Johnny Stimley seconded.

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

Glen Minich said that his only concern is these lots are built to have a ten (10') foot space, and there is no reason that we're moving it in five (5') feet. Glen said to him it doesn't make any sense. It fits in there whether it's ten (10') feet from the back line, or whether it's five (5') feet from the lines. Glen said that there is one neighbor up against this with a shed right now.

Mr. Burns said that it's about maybe three (3') feet from his property, but like he mentioned to you today, that gentleman is tearing that house down and he's going to put up another one, and he can't say for sure, but maybe taking the shed with it – he doesn't know, and he can't answer that, but his garage is leaving.

Dwayne Hogan asked if there is anything else.

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

Voting Nay: Glen Minich and Melissa Mullins Mischke.

Motion carried 3-2.

3. The Petition for Variance of Developmental Standards for Frank R. Cardiano, Jr., to construct a new garage twenty-four by forty (24'x 40') feet in place of old garage, attaching to house with a side setback of five (5') feet instead of the minimum ten (10') feet. This property is located at 1316 Shady Lane, Walkerton, Lincoln Twp., zoned R1B.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Frank R. Cardiano, Jr. said his address where he wants to build the garage is 1316 Shady Lane, Walkerton, Indiana.

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

Mr. Cardiano said that he actually wants to extend the garage – tear down the old one because it's a hazard; it's had animals living in it and it was filthy. Mr. Cardiano said that he cleaned it up about two (2) years ago and the smell won't leave, so he wants to demo the garage that is existing and the new garage he wants to build a two car garage – twenty-four (24') feet wide, which will take him four (4') feet wider than what it is now. Mr. Cardiano said that he drew a diagram for you and all around him, everybody else's property – the guy behind him is forty-four (44") inches from his property line and on the other side actually the house is a few feet from his property, but on the side that he wants to extend it four (4') feet, he gave photos and you can see from the photos that from the fence line there is at least twenty (20') twenty-five (25') feet between his house and the fence.

Mr. Cardiano said basically when he does extend it, on the front of the garage right now it's ten (10') foot six (6) from the fence line and on the back its nine (9') foot and that will take him six and a half (6 ½') feet in the front and five (5') feet in the back. That's the only way he can go. On the other photos that he gave you, you can see where the existing house is, where the well line runs, because he was going to take it closer to the house. Mr. Cardiano said that is actually the only way he can go and it's the only way that there is actually plenty of room between structures.

Glen Minich told Mr. Cardiano that he said he was going to attach it to the house.

Mr. Cardiano said that it will be attached to the house, but it will be just overhead. Mr. Cardiano said that the roof lines will tie into each other.

Glen Minich asked Mr. Cardiano if the little shed in the front is going away.

Mr. Cardiano said no it's not.

Glen Minich asked Mr. Cardiano how he's going to get to the garage.

Mr. Cardiano said that he's going to take down the tree that's existing there and move the garage a little bit closer to the shed. Mr. Cardiano said actually in reality he was thinking about attaching the shed to the new garage, because then it would actually be one complete structure.

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

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

Melissa Mullins Mischke said that she's just going to say that you've made her point. The neighbor's house is only twenty-four (24") inches. Melissa said like I've said a number of times on this board, just because it's a practice we've allowed in the past, does not mean it's something that she would want to continue. Melissa said the next thing we're going to have house on top of house and no emergency vehicle is ever going to be able to get where they need to because every house is attached to the next one, or right up next to it.

Mr. Cardiano said that the point of ten (10') feet, but you also have to understand that he's locked in all the way. Mr. Cardiano said that he has four (4) lots and that is the only way he can go. Mr. Cardiano said if he does go that way, he's still going to be twenty-five (25') – thirty (30') feet from the neighbor's house, which is a good distance and that's the only way he can go to make it a two garage.

Glen Minich told Mr. Cardiano that he doesn't have any drawing on the garage where you plan on having your driveway.

Mr. Cardiano said on the existing driveway that is there.

Mr. Cardiano said in the front of the garage where you can see the corner of the house, there is actually a driveway existing there and that will be the driveway. Mr. Cardiano said it's not like he's making the driveway any bigger, or anything.

Glen Minich asked if the driveway is on the opposite side ---

Mr. Cardiano said that there is actually two driveways to the house. Mr. Cardiano asked if he could approach.

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

Dwayne Hogan asked the pleasure of the board.

Johnny Stimley made a motion to accept Frank Cardiano's Jr. to construct a new garage twenty-four (24') by forty (40') and replace the old garage attached to the house with a setback five (5') feet instead of the minimum ten (10') feet setback. This property is located at 1316 Shady Lane, Walkerton, Lincoln Twp.

Earl Cunningham seconded.

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

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

Voting Nay: Melissa Mullins Mischke and Glen Minich.

Motion carried 3-2.

4. The Petition for Variance of Developmental Standards for Jerry D. Williams for continued placement of a mobile home under new ownership to care for elderly relative. This property is located at 7204 N. Villa Blvd., New Carlisle, Hudson Twp, zoned R1B.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and addresses for the record.

Jerry and Mary Ann Williams and they're at 8579 E. Belmont Drive.

Ms. Williams said that they want to get a variance to continue use of the mobile home. Ms. Williams said that they purchased it on 5-22-17 and it connects to two sides of their land.

Dwayne Hogan asked the year of the mobile home.

Ms. Williams said that they bought it 5-22-17.

Melissa Mullins Mischke asked the year of the mobile home.

Ms. Williams stated they didn't know the year of the mobile home.

Ms. Williams said that they plan on painting it and upgrading it.

Melissa Mullins Mischke asked who is going to live there.

Ms. Williams said that it's going to be his son's grandmother who lives down on 11th Street and South Shore is buying out the homes for tax value and they're aren't going to find anything with what she's getting out of her home.

Melissa Mullins Mischke asked Mr. Williams if that's his mother living there.

Mr. Williams said that it's his son's grandmother. Mr. Williams said that his mother passed away a long time ago.

Ms. Williams said that they did get the septic and well certified, so there's no health and safety issues.

Earl Cunningham asked if there is an existing mobile home there now.

Ms. Williams stated yes.

Earl Cunningham said this is just a continuation of an existing variance.

Glen Minich said that this is a little bit different. Glen said that this is what we've been talking about for years that we granted continuances for previous owners, but we do not plan on granting new variances for new owners. Glen said that all of the realtors know that.

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

Remonstrator:

Dwayne Hogan asked for name and address for the record.

William P. Hall, 7977 N. Holling Blvd., New Carlisle, Indiana.

Mr. Hall said that the property was up for sale through the realtor, because his neighbor on the other side talked to him about it. Mr. Hall said that part of the condition was the trailer would be removed. Mr. Hall said he doesn't want the trailer because it decreases the value of all the property. Mr. Hall said that he's trying to build a home right next to this across the street and he really doesn't want his property value lowered.

Melissa Mullins Mischke asked Mr. Hall if he could speculate as to how long the mobile home has been there.

Mr. Hall said that the mobile home has been there since 1967.

Dwayne Hogan asked if there are any other remonstrators here tonight for this petition.

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

Earl Cunningham said he wants to make sure that he understands this, you don't know the date or the year of the mobile home you just brought in.

Mr. & Mrs. Williams said that they didn't bring that in. Mr. Williams said that it's been there since 1967.

Earl Cunningham asked if this is the same mobile home.

Mr. & Mrs. William stated yes.

Earl Cunningham said that we know that it's prior to 1967.

Ms. Williams said that if she's correct, he only has a barn there and she thinks that you guys have a picture of the area that he's talking about. Ms. Williams said it's the one with all the wood piled up.

Glen Minich said that they saw that picture.

Glen Minich said that what this comes down and he's going to make a motion because we said this is what we're going to do. Glen said that the trailer was not to be continued there. Glen said it's been there since 1965 and these are not permanent structures and foundations, and we determined that we want them in mobile home parks.

Glen said with that being said, he wants to make a motion that the petition for a Variance of Developmental Standards for continued placement of a mobile home be denied. Property is located at 7204 N. Villa Blvd., New Carlisle, Hudson Twp., zoned R1B.

Melissa Mullins Mischke seconded.

Dwayne Hogan asked if there are any questions, concerns, or a need for clarifications here.

All approved. Petition denied 5-0.

5. The Petition for Variance of Developmental Standards for Adam Lijewski to construct a two story addition thirty by thirty-seven (30'x37') feet with side setback of three (3') feet instead of the minimum ten (10') feet. This property is located at 4361 N. 630 W., La Porte, Coolspring Twp., zoned R1B on 0.50 acres.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Adam Lijewski, 4361 N. 630 W., La Porte, Indiana.

Dwayne Hogan asked Mr. Lijewski what he wanted to do this evening.

Mr. Lijewski said a two story addition with living space.

Dwayne Hogan asked Mr. Lijewski if he currently lives there now.

Mr. Lijewski stated yes.

Dwayne Hogan asked Mr. Lijewski what the blue dumpster is on the right hand side of the house.

Mr. Lijewski said that they were cleaning out the house. Mr. Lijewski said that it won't be there long.

Dwayne Hogan said when he saw it he thought maybe you started construction.

Mr. Lijewski stated no. Mr. Lijewski said that it's an old mattress and a bunch of stuff off the back porch.

Dwayne Hogan asked if there are questions from the board.

Glen Minich asked Mr. Lijewski how he plans on getting to the back yard.

Mr. Lijewski said that if you're standing in the road and looking at the house, there is space to the left where there could be a gate, which is just a fence right now.

Glen Minich said that it looks like when you're out on the road and facing the house and look to the left, your house is like three (3') feet from the property line on the left.

Mr. Lijewski said that it is a little more than that, but Lee built his fence on his property. That's neither here nor there, but that can be a gate if we lose the swinging gate, in which they will, but then that's also why he wants to leave three (3') foot if he needs to get into the back, or whatever.

Melissa Mullins Mischke asked Mr. Lijewski what if a fire truck needed to get in the back – what if you fell out of a tree, or rolled over on a lawnmower –

Mr. Lijewski said that he can do a double gate on the back, but you'd have to come through Stella's yard. Mr. Lijewski said that there is no way a fire truck could –

Dwayne Hogan said that he spent a lot of time out there today, but he was thinking about maybe an ambulance if you had to in case of an emergency.

Mr. Lijewski said that if you were thinking that, he doesn't need the fence. Mr. Lijewski said that the fence could be taken down and you could get an ambulance right up across the road. Mr. Lijewski said where his driveway runs up is all flat there and Stella's property is all flat, you could run right up that way.

Glen Minich said that would be the neighbor's property.

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

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

Earl Cunningham asked attorney Biege how many neighbors were notified.

Attorney Biege said that all of the adjoining neighbors were notified; they didn't sign a consent, but they did sign off.

Earl Cunningham said obviously they knew and they had an opportunity to be here.

Dwayne Hogan asked Mr. Lijewski if he's going to do the work himself.

Mr. Lijewski stated no.

Dwayne Hogan asked Mr. Lijewski when he plans on starting this.

Mr. Lijewski said that it just depends on how long this takes. Mr. Lijewski said that he doesn't want to run it through the winter; the sooner the better, but it just depends how things – money Mr. Lijewski said that his cousin is a contractor in New Buffalo, so his schedule – but this is what he needed to handle first.

Dwayne Hogan asked if there is anything else from the board.

Glen Minich said that his only comment is that there is a three (3') foot variance already on the west side of the house, and now we're going to lock it into three (3') feet on the other side and there is no access to the property. Glen said that's the problem.

Attorney Biege said that there is no standard in the zoning code which requires a vehicle to get into a back yard.

Dwayne Hogan asked for name and address for the record.

Jenna Wendel, 315 E. Fulton Street, Michigan City, Indiana. Ms. Wendel said that the property on the side for the fence that we can't get through, they built on their property. Ms. Wendel said that if that's a problem we will tell Lee to take his fence down because it's not his property.

Earl Cunningham asked Ms. Wendel how far is the fence on their property.

Mr. Lijewski said that it's on an angle and it starts about a foot ---

Dwayne Hogan said that you can see the angle.

Mr. Lijewski said when he bought his house, they told him to tell Lee to take the fence down. Mr. Lijewski said that he walked over and met him and he told Lee that he didn't have a problem. Mr. Lijewski said that he was a young kid when he bought the house -- Mr. Lijewski said that he wanted to take the letters to his neighbors and talk to them about it and Stella was the only one that he really cared about because Stella let him build all the way over to her house and she loves him, but he told her that he wanted to be three (3') foot and she said absolutely.

Earl Cunningham told Mr. Lijewski that he doesn't want to fight with the neighbor on one (1') foot.

Mr. Lijewski said that Lee said last night that he'd give him ten (10') foot for that. Mr. Lijewski said that Lee's talking about putting a new fence up and maybe he'll move it back, or maybe he won't, but he wasn't going to ruffle feathers over that. Mr. Lijewski said that he didn't think he would gain much by going another two (2') to three (3') feet.

Dwayne Hogan asked the pleasure of the board.

Earl Cunningham moved for the petition for Variance of Developmental Standards for Adam Lijewski to construct a two story addition thirty (30') by thirty-seven (37') with a side setback of three (3') foot instead of the minimum of ten (10) located at 4361 N. 630 W., La Porte, Coolspring Twp., zoned R1B on a half-acre be approved.

Johnny Stimley seconded.

Dwayne Hogan asked if there are questions, or concerns.

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

Voting Nay: Glen Minich and Melissa Mullins Mischke.

Motion passes 3-2.

6. The Petition for Variance of Developmental Standards for Jerome & Rose Jozwiak to split the 14.793 acres into two parcels. One with the house with 124.97 feet of road frontage with .936 acres. The 2nd parcel will have 13.86 acres with fifty (50') feet of road frontage. This property is located at 7633 N. 500 E., Rolling Prairie, Galena Twp., zoned Agricultural on 14.793 acres. **A variance was granted for this petitioner on April 15th, 2014, a copy of the minutes and Findings of Fact are attached hereto.**

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Jerome Jozwiak and his wife Rose Jozwiak and realtor, Sherry.

Dwayne Hogan asked for address.

Mr. Jozwiak said 7655 N. 500 E., Rolling Prairie.

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

Mr. Jozwiak said that he's going to let his realtor represent.

Dwayne Hogan asked for name and address for the record.

Sherry Banic, 4551 S. 75 W., La Porte, Indiana. Ms. Banic said that she's the realtor, as well as their niece. Ms. Banic said that originally they came before the board back in 2014 to split the property. There is a house that had a barn on it at one time and they were going split it according to what they thought they had two-hundred (200') feet of frontage, per GIS, but the County's GIS when they came before the board the first time, they got the variance granted to leave fifty (50') feet access to the remaining thirteen (13) acres and then split the house with one-hundred fifty (150') feet road frontage.

Ms. Banic said unfortunately the sale didn't go through on the house; the listing expired and they ended up renting the house out and now they have a new tenant in the house and they want to buy the house so they need to split it. Ms. Banic said that its been over a year, but the surveyor that they hired to do the split – according to his calculations, the GIS isn't correct so the variance they got before that said that they had two hundred (200') feet, they actually only had one hundred seventy-six (176') feet of frontage. The surveyor proposed the new tract to be one hundred twenty-four point nine seven (124.97') feet with a fifty (50') foot entrance into the remaining thirteen point eight six (13.86) acres. Ms. Banic said that's what they would like to do to split it according to what the surveyor has proposed, which is the fifty (50') feet you granted prior.

Melissa Mullins Mischke said since you had the survey completed, do you have that with you?

Ms. Banic stated yes.

Earl Cunningham asked if that is a cash rent farm in the back.

Ms. Banic stated yes. Ms. Banic said that they actually have their son-in-law's family that own the property next to it. They're actually the ones that farm it.

Earl Cunningham asked Ms. Banic how many acres are being farmed.

Ms. Banic said that they access it from their property.

Ms. Banic up at the bench going over the site plan.

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

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

Glen Minich said the last time, according to the things that we asked, the barn was to be taken down in that fifty (50') foot – is there a reason.

Ms. Banic said the barn fell down.

Glen Minich said that he thinks that there is a shed in that fifty (50') foot access.

Ms. Banic said that they were just using that for storage since the farmer comes through that and rents this property. Ms. Banic said that's the reason why they haven't torn it down, plus they rented the house.

Glen Minich asked Annemarie if the Building Department has a problem with that shed.

Annemarie Polan, Building Commissioner, said that it's what you guys decided the first time around that it was supposed to come down.

Melissa Mullins Mischke said according to the meeting minutes she said at the end of her motion she asked that the barn be removed.

Ms. Banic said that they're just using it for storage right now. Ms. Banic said that they really physically can't remove it unless they hire someone to do this.

Board member speaking amongst themselves.

Ms. Banic said that there was another barn on the property that has been torn down and totally gone.

Earl Cunningham asked attorney Biege how many neighbors were notified.

Attorney Biege said that all the neighbors were properly notified.

Glen Minich made a motion that the petition for Variance of Developmental Standards for Jerome & Rose Jozwiak to split a fourteen point nine seven three (14.973) acre into two parcels be granted, the one with the house under the new survey with one-hundred twenty four point nine seven (124.97') feet of road frontage with point nine three six (.936) acres and the 2nd parcel will have thirteen point eighty-six (13.86) acres with fifty (50') feet of road frontage. Property is located at 7633 N. 500 E., Rolling Prairie, Galena Twp, with no further subdivision allowed.

Johnny Stimley seconded.

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

All approved. Motion carried 5-0.

7. The Petition for Variance of Use for Andrew Tourney & Todd Connor (Petitioners), by counsel Andrew D. Voeltz with Craig & Janet Courter, who are the owners to use the structure on Parcel 1 of this property to host small group retreats. This property is located at 3634 N. 700 W., La Porte, Coolspring Twp., zoned R1B on one point five seven (1.57) acres.

Attorney Biege said notice is adequate.

Members of the Board, Mr. President of the BZA and Building Commissioner, he's Andrew Voeltz representing Andrew Tourney & Todd Connor. Attorney Voeltz said that they're not the owners of the property at this point, but they have entered into a purchase agreement with contingencies, which he does have a copy of if you'd like to see it.

Attorney Voeltz said that you will note that this is a property that is located at 3634 N. 700 W. in La Porte.

Attorney Voeltz said that there is a little back ground that he feels like he needs to go into. There was a previous variance that was granted by this board back in 1999 if he may approach.

Attorney Voeltz said that the property previously was owned by a Beth Warren and Ms. Warren owned the property up until 2006 when it was sold to the present owners, Craig & Janet Courter, Attorney Voeltz said that previously this property was known as Spa Reverie. In 1999 the owner of that property at that point and time came before this board to ask for a Use variance and it was her intention to use the property to host spa retreats. Attorney Voeltz said in order to do so, she endeavored to complete approximately a half of a million dollars worth of capital improvements to the property in the form of new HVAC, a twenty-thousand gallon septic, improvements and what not to the interior, in which he has some photos that he would like to show and she operated for a period of time until the economic downturn hit.

Attorney Voeltz said the current owners, the Courter's purchased it as a second home. Attorney Voeltz said that his clients approached them with the specific intent to use the property to hosts small group retreats. Attorney Voeltz said that it was previously used in the past to operate as a retreat facility with overnight capacity; it has six (6) bedrooms and six (6) baths. They anticipate hosting group retreats in the neighborhood of twelve (12) to twenty (20) persons. They want to facilitate small group retreats on the property for use for leadership retreats for nonprofit organizations, specific organizations that his clients are involved with include Veteran's programs. Attorney Voeltz said that the purchase agreement shows that this is for the entirety of those parcels that are owned by the Courters, which is approximately twenty-five (25) acres.

Attorney Voeltz said that their goal is to use this property as again, a small group retreat and he's going to call it a base camp. It's a place where individuals, couples, group members can come for a facilitated group retreat where they're going to rent the property for a period of time. Attorney Voeltz said that when he talked to the Building Commissioner about the application for this variance, we considered the possibility of applying for a "Special Use" exception under the bed and breakfast portion, however the statutory definition of bed and breakfast in the La Porte Joint Zoning Ordinance doesn't fit what they have intended. Attorney Voeltz said that they aren't talking about just breakfast, we're talking about a facility that will be used as a group retreat for people that are coming in, so it's likely the commercial kitchen will be used to provide for meals around the clock and it didn't quite fit into that, which is why they decided to apply for a Use variance.

Attorney Voeltz asked to approach the bench to provide photos to the board members.

Attorney Voeltz said that his client is here and available to answer any questions that you may have, because he obviously has a vision here. Attorney Voeltz said he thinks that is what is important that this purchase of the property is contingent upon this board granting a Use variance to allow for this property to be used for the intent that his client expresses.

Attorney Biege asked Mr. Voeltz how the property is zoned now?

Attorney Voeltz said that it's zoned R1B now. Going back to their idea to petition for a "Special Exception" for bed and breakfast, that is a specific use that is provided for that would be allowed by a "Special Exception", but again, it was their belief, and the Building Commissioner's belief, that the definition doesn't fit and he doesn't want to get into the habit of trying to shoehorn a definition into what his clients are attempting to do.

Attorney Biege said that if the board chooses to grant this, we need to narrow the definition of what this is. Attorney Biege asked the gentleman if they could explain to him a little better about what --- if the board approves this, he has to draft the findings and it has to be called something and he's not sure that he completely understands what this is going to be.

Dwayne Hogan asked for name and address for the record.

Todd Connor said that he lives in Chicago and his address in Chicago is 1333 W. Eddy in Chicago, Illinois 60657. Mr. Connor said that they have a second home in Michigan City that they've owned for about four (4) years at 443 (unintelligible) Road, Michigan City.

Mr. Connor said that the context here is, they've been second home owners and regular weekenders in the area for about four (4) years. Mr. Connor said that he runs a nonprofit organization that serves military veterans that are starting businesses and a (unintelligible) for military veterans and he also runs a Professional Services business in which they do host leadership retreats. Mr. Connor said that he travels around the country and he was in Nashville today hosting leadership retreats for closed groups that want to get together and do team building.

Mr. Connor said that he has an active market in Chicago. Mr. Connor said that they really love the area here and it's in the word of evangelist for northwest Indiana. Mr. Connor said that it's really changed their shifting and thinking about what they want to do in the future. Mr. Connor said that they personally have spent a lot of time out here and he does this work for living in Chicago and other cities. Mr. Connor said that their belief has been for several years, they really have been looking for the right property for this to want to host groups in an environment that is nature connected; this is a thirty (30) acre property with a stream in the back and beautiful acreage and prairie.

Mr. Connor said that their intent is to host groups for a three, four, or five day retreat experiences. Mr. Connor said what they're not intending is a B & B, in which people are coming and going every single day; where there is a check in and check out of individuals coming and going. Their intent is to work with specific organizations to bring their audiences in a small group leadership teams to the property for a defined period of time. Mr. Connor said that they don't want the neighborhood to get the impression that they're going to be operating a hoteling concept, because that's really not the intent for them. Mr. Connor said that inside of a month their intent is to host two or three retreats where they're bringing in and supporting all the meals for the duration of that event. Mr. Connor said that he will personally be doing some facilitation of those retreat experiences; they might also have their own facilitators, but their intent is to hold this as a space for holding these events.

Dwayne Hogan asked if the duration of this would be a one day, two day three day thing.

Mr. Connor stated yes. Mr. Connor said that their intent is to – one day is probably too short and a week is probably as long as it would ever be; their intent is to sort of create short form (unintelligible) experiences. Mr. Connor said some leadership teams do want to come out and do a day trip; it's feasible and about an hour from downtown. Mr. Connor said in his business, they'll pay to go to the McDonald's Corporate Campus, or the Marriott, or whatever and it's expensive; it's not a great experience; it's a traditional hotel. Mr. Connor said that they think being out here in the Dunes in northwest Indiana he thinks between two days and five, or seven days would be to them a longer duration of the kind of experience that they host.

Dwayne Hogan said that's a great piece of property. Dwayne said he spent a lot of time out there as a kid.

Mr. Connor said that it's a fabulous property and they spent time with the current owners; they used it as a second home, and the owners before them really made a significant investment. Mr. Connor said that his heart kind of breaks for her because he thinks by the time the money was spent, the property is perfect, but it's just a lot to maintain. Mr. Connor said that they feel privileged to have the opportunity at this price to come in and host these experiences.

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

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

Annemarie Polan, Building Commissioner, asked if it is a wellness retreat.

Mr. Connor said a wellness retreat would be fair.

Mr. Connor said that he's personally not opposed to call it a B & B, but he just doesn't want to create misimpression.

Attorney Biege told Mr. Connor that he doesn't want to restrict his activity by defining it ---

Earl Cunningham asked attorney Biege what we called Creekwood on 500 West just south of 20. Earl said that it sounds like it's virtually the same thing and that's been closed. Earl said that La Lumiere is a dormitory now.

Attorney Biege said how about an Educational Retreat. Attorney Biege asked if that is inaccurate.

Melissa Mullins Mischke said that she thinks that educational is misleading.

Earl Cunningham said educational/wellness retreat center.

Mr. Connor said that he thinks that it's worth noting that the first floor/ bottom floor of this facility is a built out spa.

Dwayne Hogan said it's all there.

Earl Cunningham asked Mr. Connor if he has any estimate on capital expenditures beyond purchase. Earl said we've seen the purchase agreement, but do you have a ball park figure what you will invest to get it up to speed.

Mr. Connor said that the house is really turnkey. They had an inspection done Saturday and the inspection report came back yesterday and they would be happy to share that, but again, the building is in excellent condition. The costs are really around marketing and branding, and then some ancillary things like you have six bedrooms, bedding, and robes and all those things. They've indicated that they will include that in the sale of purchase. Mr. Connor said that the home is entirely furnished and the owners are starting a business and that's the only reason he's selling this because he wants the money to go start a business, so he thinks they're willing to sell us all the furniture.

All board members speaking amongst themselves. Can't understand what they're all saying.

Earl Cunningham said for an example, Hitachi just bought Sullair and they're flying people from Hitachi and they don't want to be in a hotel room if they don't have too.

Glen Minich asked Mr. Connor if they want any signage.

Dwayne Hogan asked if they want a sign for their retreat center.

Glen Minich said the whole thing is if they want signage and if they want it lit with a standard 4 x 4. Glen said its part of the variance.

Mr. Connor said that they think their intent is to have signage. Mr. Connor said that there was signage on Spa Reverie.

Dwayne Hogan asked for name and address for the record.

Andrew Tourney said same address, 1333 W. Eddy Street, Chicago, Illinois 60657. Mr. Tourney said that he doesn't know what photos you have, but in the front on the left side there is a stone kind of structure where there was a sign for Spa Reverie and it's not longer, but they would like to put something similar.

Dwayne Hogan asked if they want a light there. Dwayne said he believes that sign was lit.

Andrew Tourney said that they want to keep it simple.

Attorney Biege said that the more we try to clarify things the more confusing ---

Andrew Tourney said for the record the big purpose of using this facility is simplicity and connecting with nature and they have no intention of anything fancy, large, or bright.

Mr. Connor said that the working title is Emmerson House. Mr. Connor said that's their brand name.

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

Dwayne Hogan asked the pleasure of the board.

Melissa Mullins Mischke made a motion that we grant the petition for Variance of Use for Andrew Tourney & Todd Connor, by counsel Andrew Voeltz with Craig & Janet Courter, to hosts small group retreats on property located 3634 N. 700 W., La Porte, Coolspring Twp. on 1.57 acres.

Earl Cunningham seconded.

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

All approved. Motion carried 5-0.

8. The Petition for Variance of Developmental Standards for Mark Singer to split an eleven (11) acre parcel with new home having two (2) acres with two hundred (200') feet of road frontage and the existing home having nine (9) acres with sixty (60') feet of road frontage. This property is located at 5806 S. Wozniak Road, Westville, New Durham Twp., zoned Agricultural on eleven (11) acres.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Mark A. Singer, 5806 S. Wozniak Road, Westville, Indiana 46391.

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

Mr. Singer said that he's hoping that he gets granted for this variance. Mr. Singer said that he resides at 5806 like he just stated and he has eleven (11) acres attached to that address. Mr. Singer said what he would like to do is the front two (2) acres he would like to build on that because what he is having to do because he has a financial situation is sell the home at 5806 and put that home with nine (9) acres and keep two (2) acres up front and put his home on that piece of property.

Mr. Singer said that his mom and dad, as the board is looking at the beacon print, or what you're looking at, but his mom and dad are to the north of this two (2) acres and what he would like to do is the entrance off of Wozniak going through this property, he would like to have his driveway on the south and run it from Wozniak west at 5806 property and then have it more or less dumped right out in front.

Mr. Singer said if he could approach he could kind of pin point this out.

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

Mr. Singer said its one driveway going back.

Mr. Singer said his parents are not in the best of shape with his father being a heart patient with COPD and his mom is a heart patient as well. Mr. Singer said that he has to down size.

Dwayne Hogan said that they understand that and sympathize how that works out.

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

Dwayne Hogan asked if there are questions of the board.

Melissa Mullins Mischke told Mr. Singer said that he's going to have nine (9) acres with sixty (60') foot of road frontage.

Mr. Singer stated yes.

Melissa Mullins Mischke told Mr. Singer that he's going to have two hundred (200') feet of road frontage with two (2) acres.

Glen Minich said that it's kind of a Special Exception like the first one that came back in to split a piece off for her daughter. Glen said that there is room for an exception.

Board members speaking amongst themselves.

Melissa Mullins Mischke said that she respects and pleasantly surprised that he's trying to meet the two-hundred (200') feet requirement, but she's not sure with the nine (9) acres that she's comfortable with sixty (60') feet of road frontage. Melissa told Mr. Singer that right now his parents live to north of him and you're going to build there, but in the future we don't know whose going to have those homes and arguments and sue and there are shared driveways that you're suggesting. Melissa said even though the person who purchases the nine (9) acres with a sixty (60') foot share in your driveway might be good with that today, -- ten (10) years -- fifty (50) years, the person who purchases may not be and that's one of her concerns about flag lots in general, it isn't an issue today as it stands, but how this board and other areas of the county handle that.

Mr. Singer said he understood. Mr. Singer said that his final words that he begs this panel to give him this variance because by him moving and putting himself on the two (2) acre lot being close to mom and dad, keeps everything in tact if you will.

Earl Cunningham told Mr. Singer that he's trying to down size basically from the big parcel in the back and get close to mom and dad and recoup some capital from the existing home and neighbors.

Mr. Singer stated yes.

Johnny Stimley said if he's understanding this, the first one they granted wasn't a shared driveway.

Glen Minich asked Mr. Singer why it is necessary to have a shared driveway.

Mr. Singer asked if he could approach again.

Mr. Singer said that the way this driveway is now, he can't discriminate whose going to buy 5806, so his thing is if he puts the driveway on the south side of his line then everybody has their own little passage. Mr. Singer said it will be a beautiful and he will be all by his lonesome as he's coming and approaching his house, because the proposed house from the driveway you probably wouldn't even see his house in the summer time; now maybe in the fall of course he would be able to see it.

Earl Cunningham said it probably makes the nine (9) acre parcel more valuable because he doesn't see the house.

Mr. Singer said while you guys are looking down on it, he had a gentleman about five years ago pulled into his driveway and asked him if he wanted to buy an aerial picture of his house and he couldn't even recognize his house because it was so green it looks like somewhere in Canada – camouflage—

Melissa Mullins Mischke said her only issue is if they decide to grant the variance, you make sure that the addresses are very promptly posted for each ---

Mr. Singer said for certain. Mr. Singer asked if he's correct saying that the mailbox has to be four (4') feet off the road.

Dwayne Hogan said that there are some steps that he has to follow.

Mr. Singer said that he will follow every one of them, crossing t's and dotting i's.

Dwayne Hogan said that the Fire Department has those things.

Dwayne Hogan asked the pleasure of the board.

Melissa Mullins Mischke made a Motion that we grant the petition for Variance of Developmental Standards for Mark Singer to split an eleven (11) acre parcel with a new home having two (2) acres with two-hundred (200') feet of road frontage and the existing home having nine (9) acres with sixty (60') feet of road frontage for the property located at 5806 W. Wozniak Road, Westville.

Earl Cunningham seconded.

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

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

Voting Nay: Glen Minich

Motion carried 4-1.

Mr. Singer thanked the board.

Johnny Stimley said its 3-2 because he denied it.

Motion carried 3-2.

Dwayne Hogan asked if there is any new business.

Melissa Mullins Mischke said she just wants to make a general comment. Melissa said she knows that early this evening there was a discussion that a property owner used the Beacon Website and then didn't realize they had to get a survey. Melissa said that every person that uses that site is asked to accept an agreement to use it.

Melissa Mullins Mischke said that she hopes that homeowners and developers aren't using that as a survey in place of a stake survey as it's intended by the website. Melissa said she just wanted to make a point of that.

Johnny Stimley said he wanted to add to that. Johnny told Melissa he knows she did the mapping when he was the County Recorder and this is a problem they did run into when he was in office. Johnny said they take Beacon as a legal page for their survey and everything else and it's not.

Dwayne Hogan asked the board if they have any other questions, or concerns over this expense account. Dwayne said that they want it monthly – quarterly –

Annemarie Polan, Building Commissioner, said quarterly is fine Dwayne. Annemarie said that is coming from the council.

Dwayne Hogan said if the members need forms, go see Annemarie.

Earl Cunningham said that he did talk to a couple councilmen and all they're really trying to avoid is turning in the whole year in December and then it gets paid in January the following year. Earl said as long as you have everything in before December he thinks you're going to be fine.

Annemarie Polan, Building Commissioner, said that they encumber it so that it's paid out of this year's budget and we're covered under the non-converting fund anyway.

Attorney Biege said what the council does, budget hearings are in August and any governmental organization you have line items there simply not being used. Attorney Biege said by the time you get to the council in August, their question often times is you're budgeted to Two-Thousand (\$2,000.00) Dollars, what have you used, "zero".

Attorney Biege said it's tuff for them to get an accurate budget; if you're close to that quarter, it's a little easier to get an accurate budget.

Dwayne Hogan asked if there is anything else this evening.

Glen Minich made a motion to adjourn.

All approved. Motion carried 5-0.

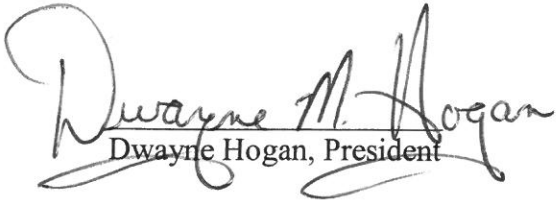
There being no further business before the Board of Zoning this evening, meeting adjourned at 7:25 p.m.

Mark Singer, Petition No. 8 came back into the meeting room after the meeting was adjourned.

Mr. Singer is amending his Petition with the nine acres being fifty point fifty-one (50.51) feet of road frontage and the two (2) acre lot being one-hundred ninety-seven point forty-five (179.45) feet of road frontage. Property is located at 5806 S. Wozniak Road, Westville, New Durham Twp., zoned Agricultural on eleven (11) acres.

Mr. Singer is scheduled for September 19th, 2017 at 6:00 p.m.

There being no further business before the Board of Zoning this evening, meeting adjourned at 7:40 p.m.


Dwayne M. Hogan, President


Annemarie Polan, Recording Secretary