



**LAPORTE COUNTY
BOARD OF ZONING APPEALS**

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ANNEMARIE POLAN
Building Commissioner

September 19th, 2017

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **September 19th, 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

Pledge of Allegiance.

Dwayne Hogan said that we will take a moment of silence for Coach Schreiber who passed away from the La Porte Baseball team. Dwayne said that he's been a staple to this community and for everything that stands for high school for children. Dwayne said out of due respect we will take a moment for him.

Dwayne Hogan asked if he had a motion for the August meeting minutes.

Melissa Mullins Mischke made a motion to approve the meeting minutes as presented. Glen Minich seconded.

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

All approved. Motion carried 5-0.

1. 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 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. (Mr. Singer is on the agenda to modify this to having nine (9) acres with fifty point zero one (50.01) frontage and the two (2) acres with one-hundred seventy nine point forty five (179.45) road frontage.)

Attorney Biege said that notice was provided at the last meeting and is now carried over to this meeting, so no further notice is necessary for tonight.

Dwayne Hogan asked for name and address for the record.

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

Dwayne Hogan asked, we're here because?

Mr. Singer said the variance for the two (2) acres on the east portion of his property.

Melissa Mullins Mischke said that she thinks last month we did approve this, but after the meeting, and after we adjourned, there was a discrepancy on the footage.

Annemarie Polan, Building Commissioner said one-hundred seventy nine (179) feet of road frontage, rather than the two-hundred (200) feet.

Mr. Singer said to be precise it was one-hundred seventy-nine point forty-five (179.45).

Dwayne Hogan said all we want to do is make sure that we have a clean record for this tonight.

Glen Minich said that we had a split opinion last time. Glen said it was said to be two-hundred sixty (260) feet, and now we're saying there is one-hundred seventy nine (179).

Mr. Singer said plus fifty (50).

Glen Minich said that they were going to use two-hundred (200') feet on the new lot, and sixty (60') foot on the flag lot. Glen said that there is a reduction of thirty (30) feet.

Attorney Biege said he thinks that since we have a material change in facts, the board should revote this.

Dwayne Hogan asked if there is anything else we need to have clarified.

Earl Cunningham asked if there are any remonstrators of record.

Attorney Biege said he doesn't think so.

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

Glen Minich said one of the things for the record we should talk about, he doesn't know if we voted based on including the use of the same driveway, but he did say he was going to use a shared driveway on this lot.

Mr. Singer stated correct.

Glen Minich said a shared driveway is something we really don't have any voting power on. Glen said if we grant this based on a shared driveway, it's still going to be up to the county to approve.

Melissa Mullins Mischke said the highway department.

Attorney Biege said if in fact it was not part of his request, so it's not really subject to the board's review tonight on this vote at all. That would have to be handled as a completely separate issue.

Annemarie Polan, Building Commissioner, said that her office determines this now.

Mr. Singer said that he will accommodate whatever it is.

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

Glen Minich asked Annemarie if she is comfortable with this?

Annemarie Polan, Building Commissioner, stated yes.

Melissa Mullins Mischke said she will once again make a motion to approve this petition for Variance of Developmental Standards for Mark Singer to spilt the eleven (11) acre parcel, with two parcels, one with one-hundred seventy-nine point forty-five (179.45) feet frontage and the second one with fifty (50) feet of road frontage, with no further subdivision.

Earl Cunningham seconded.

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

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

Voting Nay: Glen Minich and Johnny Stimley.

Motion carried 3-2.

2. Petition for Variance of Special Exception for John R. & Jennifer K. Hendricks for two (2) calves and one (1) goat on their property with one-hundred

point ninety-nine (1.99) acres. This property is located at 11833 W. US Highway 6, Westville, New Durham Twp., zoned Agricultural. **(Mr. & Mrs. Hendricks have chickens, one (1) goat, which were owned prior to 2012 and grandfathered in.)**

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

John R. Hendricks, 11833 W. US Highway 6, Westville, Indiana 46391.

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

Mr. Hendricks said that he's here to apply for a variance for his two calves and one goat.

Dwayne Hogan asked Mr. Hendricks how many livestock are on his property now.

Mr. Hendricks said that he has four (4) cows and two (2) goats, but two (2) of the cows go to the butcher two days after this hearing. Mr. Hendricks said that he will only have two (2) calves and two (2) goats and the chickens.

Dwayne Hogan asked Mr. Hendricks how many chickens he has.

Mr. Hendricks stated eighteen (18) to twenty (20) chickens and all of them are juveniles.

Dwayne Hogan asked if there is one horse.

Mr. Hendricks said that the horse is on a prelease to a girl in Otis for 4-H for four years. Mr. Hendricks said that it's not presently on the property.

Melissa Mullins Mischke asked Mr. Hendricks after the four years would the horse presumably come back.

Mr. Hendricks stated yes, it's his daughter's horse and she's moved and gone onto college, but when she comes back the horse would probably be on her property, not his. Mr. Hendricks said if not, he would gladly take care of his horse.

Dwayne Hogan asked Mr. Hendricks if he has a goat.

Annemarie Polan, Building Commissioner told Melissa that some of those animals he had years ago, prior to 2012.

Dwayne Hogan said he is grandfathered in.

Melissa Mullins Mischke said that she's just trying to get a handle on the number of animals that she sees in the pictures, versus what the ---

Glen Minich said that it looks to him like most of the birds are confined to a coup.

Mr. Hendricks said that they get out once and a while, but they're young birds so he has to keep them trained so they don't go and disappear, or get ate by coyotes.

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

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

Board members speaking amongst themselves.

Dwayne Hogan told Mr. Hendricks that they do have letters that are for and against this variance.

Dwayne Hogan asked Mr. Hendricks if he has Java chickens.

Mr. Hendricks not anymore. Mr. Hendricks said that he has Leghorns and New Hampshire.

Dwayne Hogan asked Mr. Hendricks if he does Java's anymore.

Mr. Hendricks said he just recently got rid of his Javas to a nine (9) year old boy who is going to show them at the La Porte County Fair this year and he's going to take over his breeding facility for purposes that he was doing.

Dwayne Hogan asked if that is on his property.

Mr. Hendricks stated no, they're on his property and hopefully he can continue on with the program that he was doing in the beginning because it's an endangered bird.

Melissa Mullins Mischke asked Mr. Hendricks where he stores waste from the animals, on the property, or -

Mr. Hendricks said a couple months back he went over to Kilgus farms in Illinois and they showed him how to compost manure and to eliminate the odor. Mr. Hendricks said that he changed over from the bedding he was using and now he compost in the garden like any other place, and there is no smell. Mr. Hendricks said that he's reusing the dirt and the compost that it makes and he redistributes it in his yard where he needs it; he puts it in the garden. Mr. Hendricks said that it's just a continual process and it takes care of the smell.

Earl Cunningham said that the issue that he saw in the remonstrators' letter is smoke burning. Earl asked Mr. Hendricks if that is what he was doing prior. Earl asked Mr. Hendricks if he's limited some of the burning, or ----

Mr. Hendricks asked Earl if he wanted him to elaborate on the situation that caused all this to happen. Mr. Hendricks said that he has a neighbor who is overly jealous and who thinks he's the watchdog of the neighborhood. Mr. Hendricks said that there is another cattle farm about a quarter of a mile away from his house and they recently had taken their calves away from their mother's and they were belling to high heaven for two (2) days straight. Mr. Hendricks said that he came over complaining saying that his fire was keeping him up, but where his fire was is not where he was looking with his flashlight. Mr. Hendricks said that he was all over his yard looking for his cows to see which one was bellowing and since he told him to get off his property and he wasn't welcome, he decided to call the Board of Health on him and this person can't even see his animals unless he goes into his neighbor's driveway, which he does ten to twelve times a day on his little four-wheel. Mr. Hendricks said twenty-three (23) years and he's never had a complaint. Mr. Hendricks said now all of a sudden he has somebody that comes down from Chicago that lives in an agricultural zone and he wants to be the bulldog of the neighborhood. Mr. Hendricks said that he's just trying to be the better the person and keep on plugging along.

Glen Minich said that he thinks that he's been consistent with what's been going on for a long time on this property. Glen said he really doesn't see a problem. Glen said the only thing that he would like to do because you have had these issues; and were talking about being grandfathered with the chickens, but we haven't talked about the number. Glen said that you're saying you have about eighteen (18) chickens. Glen asked Doug if he could put that on there --- we would just like historically say you have normally twenty (20) chickens; Glen asked Mr. Hendricks if we could limit it to twenty (20) chickens?

Mr. Hendricks said that is fine. Mr. Hendricks said that he will keep it at twenty (20) and he won't go over.

Glen Minich told Mr. Hendricks that he has a little bit of an issue because you're buying new calves and the other ones aren't quite out of there -

Mr. Hendricks said that they're already there.

Glen Minich asked Mr. Hendricks if they limit it to two (2) at a time.

Mr. Hendricks said that the only reason why this happened was there was an oversight the day that they went to have it setup for their appointment -

Glen Minich made a motion that the Petition for Variance for Special Exception for John R. & Jennifer K. Hendricks to have two (2) calves, two (2) goats, one (1) horse and a limit of

twenty (20) chickens be granted on one point ninety-nine (1.99) acres, located at 11833 W. US Highway 6, Westville, New Durham Twp., zoned agricultural.

Melissa Mullins Mischke seconded.

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

All approved. Motion carried 5-0.

Mr. Hendricks thanked the board.

3. The Petition for Variance of Developmental Standards for Brian & Mercedes Herwehe for a pre-built (14' x 28') shed on the side of the house instead of the rear and three (3') foot setback instead of the minimum ten (10') feet from the side property line. This property is located at 0504 E. Kenneth Drive, La Porte, Pleasant Twp., zoned R1B.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Brian Herwehe, 0504 E. Kenneth Drive, La Porte, Indiana 46350.

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

Mr. Herwehe said that he would like to petition for a variance for a pre-built building to put on the side of his house, fourteen by twenty-eight (14' x 28') and only three (3) foot off the property line. Mr. Herwehe said that he also has a letter from the neighbor.

Earl Cunningham asked if that is Eric Gaunt.

Mr. Herwehe stated yes. Mr. Herwehe asked if he needs a drawing.

Earl Cunningham asked if this is the neighbor whose property line is the three (3') foot off.

Mr. Herwehe stated yes.

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

Dwayne Hogan asked the pleasure of the board. Are there any questions, or concerns.

Melissa Mullins Mischke said that the only thing she's going to say as you guys know she does not like the three (3') foot, but she certainly understands the situation. It's definitely going to be tight.

Glen Minich said not only aren't there remonstrators, the neighbor whose basically going to lose some value because of what's going on here said that it's okay. Glen said that the other thing is he's guessing that this is a portable building and in the future could be moved from the property just as easy as it was brought onto the property.

Dwayne Hogan asked if there is going to be water and electric in the building.

Mr. Herwehe said definitely no water, but he said electric, but not at this time, maybe down the road.

Glen Minich said from what he can tell, it's not very consistent in the neighborhood.

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

Dwayne Hogan asked the pleasure of the board.

Earl Cunningham made a motion to approve the Variance for Brian & Mercedes Herwehe for a pre-built fourteen by twenty-eight (14' x 28') shed on the side of the house instead of the rear with a three (3') foot setback instead of ten (10). Property is located at 0504 E. Kenneth Drive, La Porte, Indiana, zoned R1B.

Johnny Stimley seconded.

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

All approved. Motion carried 5-0.

4. The Petition for Variance of Developmental Standards for Christopher & Jill Craig to rebuild house with an eighteen (18') foot setback instead of the minimum twenty-five (25) foot from front property line because home is being made larger than the original footprint. This property is located at 3421 Iroquois Trail, Duneland Beach, Michigan City, Michigan Twp., zoned R1B.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Bill Spelde, Capstone Design and Renovation, 800 E. North Street, Crown Point, Indiana.

Dwayne Hogan asked Mr. Spelde what he's looking to do this evening.

Mr. Spelde said that the architect has drawn this so that the two rooms of the existing house are going to remain existing. Basically they're tearing down three quarters of the house and it's

going to be put back in the same footprint with the exception of two windows on lot 33 and 36. Those will impact the easement somewhat, approximately six (6) foot. Mr. Spelde said that they do have approval from Duneland Beach, Tom Riley, which should be included in the packet.

Dwayne Hogan asked the reason of the rebuild. Dwayne asked if there is damage there, or just making it bigger.

Mr. Spelde said that he's the contractor and why they wanted to do it is personal preference to the Craig's, but the house is older and in need of an upgrade; mechanical systems, electrical systems, windows are bad and the roof is really not all that great and the house that they're going to put in would be an asset to the community actually.

Mr. Spelde said that Mr. Craig has already volunteered to let the house be used by the fire department for their training purposes. Mr. Spelde said he will be coordinating that effort as well.

Johnny Stimley said that when you talk about the tax base, is that why the two existing bedroom will not be torn down? Johnny told Mr. Spelde that he knows that he's the contractor, but a lot of times when you talk about the tax base, the two existing rooms they keep actually the tax base for the existing walls of the building.

Earl Cunningham asked Mr. Spelde if the two rooms that he's going to save were add-ons and not as old as the original house.

Mr. Spelde said that the add-ons are for the new construction.

Earl Cunningham asked if those two rooms were built on after the original house.

Mr. Spelde said that one of the rooms is --- they're going to add bigger windows and the other room is going to be rebuilt and that would be the front entry way.

Board members speaking amongst themselves.

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

Glen Minich said that they're always really good about sending their approval. Glen said that he would have liked to see that letter. Glen asked Annemarie if she received the letter from Duneland Beach Community.

Mr. Spelde said that it's going to look like an e-mail.

Annemarie Polan said that she has the e-mail.

Earl Cunningham asked Annemarie to read it into the record.

Annemarie Polan: Heidi, the plan for the additions to the Craig house was approved by the Duneland Beach Board tonight. If the La Porte Building Department requires that you get a variance, a member of the Duneland Beach Board will appear at the hearing and support your petition. Tom Riley.

Dwayne Hogan asked the pleasure of the board.

Glen Minich said that he agrees that it will be an improvement to the neighborhood.

Glen Minich made a motion that the Petition for Variance of Developmental Standards for Christopher & Jill Craig to rebuild a home with eighteen (18') foot setback instead of the minimum twenty-five (25') feet from the front property line because home is being made larger. Property is located at 3421 Iroquois Trail, Duneland Beach, Michigan City, Michigan Twp., zoned R1B.

Earl Cunningham seconded.

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

All approved. Motion carried 5-0.

Dwayne Hogan asked attorney Biege if there is any new business.

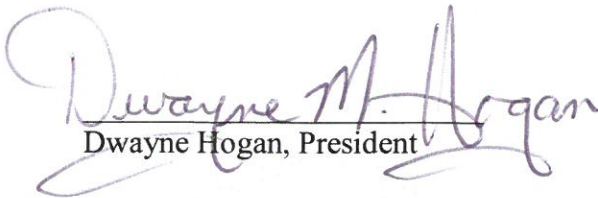
Attorney Biege stated no.

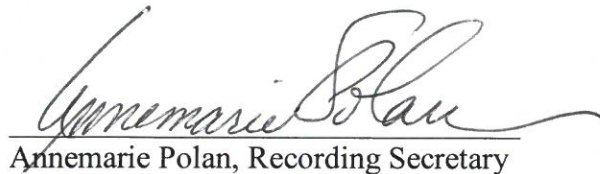
Dwayne Hogan asked Annemarie Polan if she has any new business.

Annemarie Polan stated no.

Melissa Mullins Mischke made a motion to adjourn.

There being no further business, meeting adjourned at 6:40 p.m.


Dwayne Hogan, President


Annemarie Polan, Recording Secretary