



LAPORTE COUNTY BOARD OF ZONING APPEALS

Government Complex 5th Level
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ANNEMARIE POLAN
Building Commissioner

November 21, 2017

Dear Members:

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

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

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

Pledge of Allegiance.

Dwayne Hogan asked if he had a motion for approval of the meeting minutes of October 17th, 2017.

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

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

All approved. Motion carried 4-0.

1. Petition for a Special Exception for Hickman Williams & Company to place office trailers until a permanent office can be constructed. This property is located at 2321 West Progress Drive, off of Highway 39 North, La Porte, Center Twp., zoned M1. (This was tabled from October 17th, 2017 until November 21, 2017 at 6:00 p.m.)

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

All approve. Motion carried 4-0.

Attorney Biege said that we had notice issues with one of the property owners and that has been resolved and we have proper notice.

Dwayne Hogan asked for name and address for the record.

Robert Davis said that he lives in Darien, Illinois.

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

Mr. Davis said that he would like to ask for a variance to place a temporary structure until a permanent structure can be built.

Dwayne Hogan asked Mr. Davis when he anticipates the permanent structure being built.

Mr. Davis said that they had drawings done by Larson & Danielson and they were not satisfactory so they're hoping next year to get this done. Mr. Davis said that he has to do a temporary structure because he has people coming from Illinois and he needs a place to put them.

Dwayne Hogan asked Mr. Davis if he could be more specific for the time frame next year.

Mr. Davis said probably by summer time. Mr. Davis said that they're also working with another company in Indiana that is interested in doing a joint venture with them at the site so they're trying to determine how many personnel they will need.

Melissa Mullins Mischke asked Mr. Davis how many trailers he is considering placing?

Mr. Davis said that it's a three wide trailer, so one structure.

Dwayne Hogan asked if there will be water, well and septic.

Mr. Davis stated yes.

Dwayne Hogan asked Mr. Davis how big is the building going to be when you build it.

Mr. Davis said that they looked at a four thousand (4000) square foot building.

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

Attorney Biege asked Mr. Davis when he puts the three trailers together, what are the approximate dimensions.

Mr. Davis said thirty-six (36) by sixty (60).

Earl Cunningham made a motion to approve the Petition for Special Exception for Hickman Williams & Company to put up office trailers until a permanent office can be constructed. Property is located at 2321 West Progress Drive, off of Highway 39 North, La Porte, Center Twp., zoned M1.

Melissa Mullins Mischke seconded.

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

All approved. Motion carried 4-0.

2. Petition for Special Exception for Kari A. Nelson & Jeremy R. Wood for training/boarding horses and to keep eight (8) additional horses, two (2) goats, one (1) pig and twenty-five (25) chickens. (Some horses are grandfathered in). Property is located at 10733 W. 100 N., Michigan City, Coolspring Twp., zoned Agricultural on 2.53 acres.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Kari A. Nelson, 10733 W. 100 N., Michigan City.

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

Ms. Nelson said that she's here to request a variance to be able to keep a number of horses that she already owned, and potentially have an extra ---

Dwayne Hogan told Ms. Nelson that he doesn't mean to interrupt, but Mr. Hogan asked Ms. Nelson how many horses does she currently have.

Ms. Nelson said thirteen (13).

Dwayne Hogan asked Ms. Nelson how many she is grandfathered for.

Ms. Nelson said that eight of those are documented.

Dwayne Hogan asked if that means grandfathered.

Ms. Nelson stated yes.

Dwayne Hogan asked if anyone could verify that.

Annemarie Polan, Building Commissioner said that she doesn't have actual records; she has to be go by what's before 2012. Annemarie said that she had approximately eight (8) horses she believes.

Ms. Nelson said that she actually owned nine (9) horses at the time and the pig as well. Ms. Nelson said that one of those horses was not on the property at the time the documentation was taking place, so it was not accounted for. Ms. Nelson said that she was also not aware at the time that she was limited to a certain number.

Melissa Mullins Mischke asked Ms. Nelson that the horses that are yours currently, are you right now running a boarding business.

Ms. Nelson said that she does have a certain number of horses that that she has boarded and she does training for a few that come in for a short period of time – maybe thirty (30) days, or sixty (60) days and then they go back to their home. Ms. Nelson said the answer to that would be yes.

Melissa Mullins Mischke said that she has a question to our attorney. Melissa told attorney Biege that she sees in their petition that we're only voting on the number of animals, not to operate the boarding business.

Attorney Biege said that in her petition she's asked for training and boarding and additional horses.

Dwayne Hogan said that on 2.53 acres he doesn't know if you can be grandfathered for eight (8) horses.

Attorney Biege said that we passed the previous zoning code in 2012 and he doesn't think there were any limitations on animals then, so if this is something that is existing and there is a continuation of that without interruption, it's considered that it's grandfathered.

Melissa Mullins Mischke asked Ms. Nelson if the five (5) horses that remain, do any of them stay there fulltime.

Ms. Nelson stated yes.

Melissa Mullins Mischke asked how many horses stay fulltime.

Ms. Nelson said currently she only has one (1) that is boarded that is not hers. Ms. Nelson said in addition to the eight (8) horses, she's looking at five (5) horses.

Dwayne Hogan told Ms. Nelson that in August she had fifteen (15) horses.

Ms. Nelson said there probably was. Ms. Nelson said that she thinks that is definitely true because she had two other horses in training that didn't belong to her.

Melissa Mullins Mischke asked Ms. Nelson what kind of manure management is there speaking specifically to the horses.

Ms. Nelson said that she has a manager and he has a letter stating the times that he's been at her property, as well as signing on to doing additional work as needed. Ms. Nelson said that she also has a receipt from him from the recent work if you'd like to see that.

Dwayne Hogan asked if she is requesting for something for short term, or long term.

Ms. Nelson said preferably long term. Ms. Nelson said that she does have a forward business motion happening on a different location that will hopefully be taking place in the spring of 2018, in which a lot of the horses would be relocated for the use and expansion of the business into a larger property. Ms. Nelson said that the business name is Gold Rush (unintelligible) Center between herself and a business partner, who is also here.

Ms. Nelson said at the same time, she doesn't feel like she doesn't take care of her horses on what she has right now -- my motion is really to be justified as to what I have, but also know that it's not her long term overload goal to be constantly with that many all the time.

Dwayne Hogan asked Ms. Nelson if she has two (2) goats.

Ms. Nelson stated yes.

Dwayne Hogan asked Ms. Nelson if she has one (1) pig now and about twenty-five (25) chickens.

Ms. Nelson said one (1) pig and approximately twenty-five (25) chickens.

Ms. Nelson said that she has also brought some pictures of some of the horses and she also has a note from her veterinarian who has written to basically say that the horses are in excellent health and are fed well.

Dwayne Hogan asked how many remonstrators are here this evening for Petition No. 2.

Dwayne Hogan asked if there is a spokesman so he doesn't have to hear things five (5) times.

Remonstrators:

1. Dennis Methany, 6757 W. 450 N., Michigan City, Indiana and he lives in Coolspring Township.

Mr. Methany said that he has a letter for the board if he can come forward and give it to you.

Mr. Methany said that as you can see its hand written and he's here speaking for Mr. Kobos if that's okay because he's in a wheelchair. Mr. Methany said that he would like this put in the meeting minutes.

Mr. Methany said the letter says was the variance published in the newspaper. Mr. Methany said that he didn't hear what paper it was published in.

Attorney Biege said Westville Indicator.

Mr. Methany was reading off the letter and asked if all adjoining property owners were notified by certified mail. Mr. Methany asked if they were all notified.

Attorney Biege said that they are either notified by certified mail, or they sign acknowledging receipt.

Mr. Methany said that the petition reads a variance to train and board horses for County Board of Zoning Appeals Ordinance Section 14.02, should it not be asking for rezoning to business. Mr. Methany said that it sounds like she's been running a business. Mr. Methany said that he pulled this up from the Assessor's Office and there is nothing in here that says anything about Agricultural, it all says residential – one (1) acre residential and one point five three (1.53) residential. Mr. Methany said this is what she's being taxed on. Mr. Methany said that he just got this yesterday from Mike Schultz's office.

Annemarie Polan, Building Commissioner said what the assessor's office has on their paperwork is what the lands being used for. Annemarie said if there is a residence on that they're going to put down residential, but the actual zoning is Agricultural.

Mr. Methany said that doesn't say she can run a business there. Mr. Methany said that it sounds like she's been running a business.

Mr. Methany said that there is a State's Veterinary Report and it list one horse by the name Jack that's been there for over six (6) years. Mr. Methany said as he was going through it he found three (3), but he didn't find fourteen (14). Mr. Methany said that if you go back to twelve (12) when this was passed where she could have them, the problem is there is many of them that are younger back to 2012, so she's been boarding then just what she had. Mr. Methany said that he has the report and he doesn't know if the board has this.

Dwayne Hogan said that the board has the report.

Mr. Methany said how do you grandfather a horse that is a year and a half old, or four years old, or one year old.

Attorney Biege said that you're grandfathering the use of the property and not the animal itself.

Mr. Methany said that one of the problems that Mr. Kobos has is the smell is terrible. Mr. Methany said that he was out there and he has pictures on his cell phone and there is a lot of water out there and it's deep where the horses are at. Mr. Methany said he didn't measure it, but could it be four (4) inches, six (6) inches – he doesn't know, but there is a lot of standing water. Mr. Methany said that the other problem that he sees, there is a lot of water out there with two residences, because originally there was only one residence being assessed, but now picking this up from the assessor's office, in 2018 there is going to be two, because there is somebody living above the barn and they weren't accessing that as a residence.

Mr. Methany said that he has his water tested every now and then by the Health Department and with all that standing water and urine and feces, he doesn't understand how two residences on that property of 2.5 acres can have a well and septic system that works and is not contaminated. Mr. Methany said his issue is that it's a health issue.

Mr. Methany said that he would really appreciate it if you would look into this. Mr. Methany said that he just read his letter and it's difficult to read as you can see, but he did read it and he gave to Annemarie and if she could please put that in the meeting notes, he would certainly appreciate it.

Dwayne Hogan asked if there are any other remonstrators different from Mr. Methany.

Allen & Carol Jones, 10762 W. 100 N., which is across the street and the house to the west.

Mr. Jones said that their biggest concern is odor. Mr. Jones said that they have considerable amount of odor from manure in the summer, to the point this summer they had to close the windows and turn on the air. Mr. Jones said that it just doesn't affect the adjacent homes either. Mr. Jones said that his neighbor Diane Sosinski did not get any notice; he guesses she wasn't required to get one, but she also has the same problem. Mr. Jones said that he doesn't think that this property is conducive to this kind of operation. Mr. Jones said that it's right there in the cluster of newer homes, and if you were out there, you obviously saw that.

Mr. Jones said that when they first moved in there it was a different resident there and no animals, but when the petitioner moved in, that's when the animals came. In addition, there are also four (4) large dogs in addition to the other animals. Mr. Jones said that he's not an expert on dogs, but he thinks they're malamutes and they like to bark.

Bob Graves, 410 Lake Hills Road, Michigan City.

Mr. Graves said that one of the pastures that they have is up against the house where the windows are broken out of the house and its right against the gas meter. Mr. Graves said that one of the horses even got a hold of the gas meter. Mr. Graves said that it's a health hazard to the horses, that house and the neighbor's house. Mr. Graves said that there is not enough room for what's going on there.

Attorney Biege said that there are some notes from other neighbors that were written on the notifications.

1. Katheryn Herod: Kari is a good neighbor and is good to her animals. She is an excellent horse trainer and treats her animals like her babies.
2. Jeff & Jenny Kieszkowski wrote enjoying seeing the animals at this property. We feel that she has adequate property for all her animals and are well taken care of.
3. Karen Marfise: Our driveway adjoins the property. I see the horses every day coming and going. I have no concerns.
4. Marilyn & George Griffin: My grandkids love seeing the horses.
5. Kathy Lubs: Love the horses; let them stay.

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

Earl Cunningham said that he does have a question regarding the State Report. Mr. Cunningham said that number 3 says that the manure management needs to become a higher priority, especially with this many animals on a relatively small acreage. Make sure to get the front pen cleaned out. Regular management of the manure in the other pens would also be beneficial in creating a healthier environment and decreasing the number of flies.

Earl Cunningham said that several of the remonstrators have included health issues and he does want to call to this board's attention, earlier this year we denied a grandmother from having a single horse --- actually we didn't deny it; she came back two or three times and we asked her to check into things and come back, and she eventually withdrew that for one (1) horse for an autistic grandchild because it was insufficient acreage.

Earl Cunningham said to take two and a half (2 ½) acres and she only had five (5) horses, we're down to a half acre per horse, which is what we were considering for the other one, we denied it. Earl said that we're grandfathering in eight (8) and the State report says she had fifteen (15) in August, it seems to be to be absurd that we have neighbors complaining about odor at eight (8) horses we would be way over what we consider for anyone else; then you add to that goats, pigs, chickens and four (4) dogs. Earl said that he doesn't doubt that she loves these horses, and his observation when he was there twice the horses certainly aren't starving; they are very well fed. Earl said that the veterinarian said that most of them are in 4.5 to 5 on their scale and he said that's adequate, but it's like a parent that loves children, but just has more children then they can take care of.

Earl Cunningham said that there are horses standing in eighteen (18") of mud and manure visible to the road.

Ms. Nelson said that every horse on the property has access to get to dry land at all times.

Earl Cunningham said that he was there a week ago and he was there again Saturday, there is no way any of these horses ---

Ms. Nelson said that she has pictures actually that would show you where there access point is to dry land.

Earl Cunningham said that there was no dry land in the pen, except for the building.

Ms. Nelson said that she has pictures less than three (3) months ago where the lot was completely stone dry.

Earl Cunningham said that he believes that, but that certainly wasn't the case on Saturday, and/or last week.

Ms. Nelson said that she does work on the property all over; it's her discretion to move them here and there as she's working. Ms. Nelson said they didn't have access maybe at the times that you drove by, but if it's a time when it's raining, or it's mucky, unless she has reason to be back there, they're in that area all the time. Ms. Nelson told Earl when they spoke, she thinks that was brought up. Ms. Nelson said she wanted to make sure that she brought proof of their accessibility to those areas so you could see that it's not a twenty-four seven (24/7) situation.

Attorney Biege said that he just wants to make sure that the board's clear. Attorney Biege said a boarding stable, the code requires ten (10) acres. Attorney Biege said on a variance for the animals themselves, which is different from boarding, there are minimum space requirements set out for a variance. Attorney Biege said between the horses, goat, pig and chickens, there is a calculation on how much land you need for each one. Attorney Biege said in order for a variance to be granted under the code here, and that would be the new animals, you would have a requirement of fourteen (14) acres. Attorney Biege said that is the minimum space requirement set out in the code.

Dwayne Hogan told Ms. Nelson that he really applauds her entrepreneurship and he thinks it's a great business and a great thing to do for horses, but he personally thinks that she has too much and too little area. Dwayne told Ms. Nelson if she's going to do that with her plan going forward, he thinks in his opinion that you should get more property, build it the way you want it, and make it where it could be conducive for the animals.

Earl Cunningham asked Ms. Nelson if there is another home behind her home. Earl asked if there is a house, or some converted property that somebody's living in directly behind your home.

Ms. Nelson said on the property, but it has been there.

Earl Cunningham asked Ms. Nelson if somebody is residing there now.

Ms. Nelson said that she has some friends that stay there.

Dwayne Hogan asked Ms. Nelson how long it has been there.

Ms. Nelson said that she bought the property that way.

Dwayne Hogan asked how long has that been.

Ms. Nelson said she bought that property almost fourteen (14) years ago.

Earl Cunningham asked Ms. Nelson if there has ever been a residence above the barn.

Ms. Nelson stated no. Ms. Nelson said she doesn't know where that's coming from.

Earl Cunningham said that there are sliding glass doors, a deck and stairs going up to a hay loft. Earl said that it looks to him that somebody at one point in time lived there, but they've never been there when you've live there?

Ms. Nelson stated no.

Earl Cunningham asked if anyone has ever resided there, above the barn?

Ms. Nelson stated no. Ms. Nelson said that there is a sliding glass door, but that's just an access door above the barn that she uses for storage.

Glen Minich said that she is doing a wonderful job taking care of the animals that are there, but as the report from the State, the manure management needs to be a higher priority. Glen said he just doesn't think that it's attainable with the idea of more.

Ms. Nelson said previously the man that wrote the letter has only come out once or twice a year and she established a system with him where he's going to be coming out monthly, between four (4) and six (6) weeks.

Glen Minich said that's fine, but it needs to be done even with the eight (8) horses that you have, but he thinks that the board would like to move forward with halting it at eight (8) horses. Glen said that he's going to ask if the board would consider allowing her to continue to do training there for at least one year to see if the place is maintained a little bit more, and giving her time to move her business somewhere else. Glen said he's not going to ask for the boarding part, because she has her own horses there, but just to allow her to do training for a year and reevaluate at that time.

Earl Cunningham said two and a half (2 ½) acres; if we're going to take her back to the grandfather of eight (8) horses, can we get rid of the pig, goats and chickens, which are totally a different calculation as Doug just gave us. Earl said taking her back to eight (8) horses we're still way over two and a half (2 ½) acres.

Glen Minich asked what is grandfathered in here.

Dwayne Hogan asked Ms. Nelson how long the chickens, goats and pigs have been there.

Annemarie Polan, Building Commissioner, said the knowledge that she has, they were there prior to 2012.

Melissa Mullins Mischke asked if that is the chickens, goats and pigs.

Dwayne Hogan asked Ms. Nelson if they have been there all that time.

Ms. Nelson said that there should be documentation on the pig. Ms. Nelson said that the goats she got later.

Annemarie Polan, Building Commissioner, asked later, as in when?

Ms. Nelson said that she actually purchased four (4) goats last year. She obviously didn't keep all of them, but the two (2) that are there are very adequate in space.

Glen Minich said that most of these are grandfathered in, but you need to keep on top of this, because this is going to become a Health Department issue, not an issue for us.

Attorney Biege said that he heard that you had eight (8) horses and a pig when the zoning ordinance was passed.

Ms. Nelson said that she owned nine (9) horses and a pig, and eight (8) were on the property at the time.

Attorney Biege said the rest of the animals are not grandfathered in.

Melissa Mullins Mischke said that she wrote down that there were eight (8) horses on the property and one (1) pig, because you owned another horse and it wasn't on the property being boarded there.

Attorney Biege said if it's grandfathered, that's not an issue for the board. Attorney Biege said that the request today is to add ---

Glen Minich said when it comes down to it, the only request that is left is boarding/training, because we're pretty much in agreement that we're not going to allow any additional animals on this lot.

Dwayne Hogan said that there has to be a motion.

Earl Cunningham said if we're going to allow her to run a business on two and a half (2 ½) 1 acres with too many animals, why we don't ask her to move some of the other animals that she's not running. Earl asked if she is running a business with eggs; Earl asked if she's selling eggs?

Ms. Nelson said that she's a vegetarian and she eats her eggs.

Earl Cunningham said that he doesn't have a problem, but you don't need thirty-five (35) chickens.

Ms. Nelson said that she has twenty-five (25) chickens.

Earl Cunningham said that maybe you had thirty-five (35) chickens when the State was there.

Attorney Biege said that the eight (8) horses and one (1) pig are grandfathered in. Attorney Biege asked Ms. Nelson if she was in training at the time the zoning code was entered.

Ms. Nelson stated yes.

Attorney Biege asked Ms. Nelson if she has any proof of that.

Ms. Nelson stated no. Ms. Nelson said over the last several years, her business has grown and she is obviously moving to the professional industry, which is why she now has a business partner. Ms. Nelson said that the business will eventually be established and they have a name for the business and that's the long term goal and the building will be completed within 2018. Ms. Nelson asked if it's a situation where she can ask for a temporary variance with a re-assessment that would also be something that she would want to look into in order to appease any requirements or further action that you would like to have done.

Glen Minich made a motion that only the training concept of this variance be accepted for one (1) year and reevaluated with no additional horses are to be on the property above the eight (8) that are already grandfathered in and one (1) pig that is grandfathered in. This property is located at 10733 W. 100 N., Michigan City, Indiana, Coolspring Twp.

Earl Cunningham seconded.

Dwayne Hogan asked if there are any questions or comments.

Melissa Mullins Mischke asked Glen if he's suggesting in his motion that only eight (8) horses can be located on the property for housing issues and training can continue, but the person has to transport their animal back and forth for a period of one (1) year.

Glen Minich said absolutely and then reevaluated.

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

Earl Cunningham said that they got into a problem recently where we asked somebody to do something in ninety (90) days, and they didn't. Earl said that we need to set some guidelines as to how much time we're going to give her to get rid of five (5) horses and two (2) goats.

Ms. Nelson said that these horses belong to her. She doesn't have one (1) horse on the property that does not belong to her. Ms. Nelson said that they're (unintelligible) to what she's preparing to do in the spring of next year. Ms. Nelson said that she needs them in order to be able to have lesson horses, and to do things with the business that are going to be forwarded in that manner.

Glen Minich told Ms. Nelson that she's going to have to find a boarding facility for the other horses. Glen said that's the only conclusion they can have.

Ms. Nelson asked about the chickens. Ms. Nelson said that they don't take up any space.

Glen Minich said that it's an overload.

Dwayne Hogan asked if there are any other questions.

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

Voting Nay: Melissa Mullins Mischke.

Motion carried 3-1.

Attorney Biege said that he wants to clarify for drafting purposes. Attorney Biege asked if we inserted a restriction to the time limitation and removal of the additional animals, and if not, he would recommend a motion.

Glen Minich said that he will make a motion that the animals need to find a different residence within ninety (90) days.

Dwayne Hogan said that motion dies for the lack of second.

Dwayne Hogan said he will entertain another motion.

Earl Cunningham said that he will make a motion that animals in excess of eight (8) horses and one (1) pig be removed within thirty (30) days.

Motion dies for lack of second.

Glen Minich said that he will make a motion again of ninety (90) days to remove the excess animals.

Melissa Mullins Mischke seconded.

Dwayne Hogan asked if there are any questions, or concerns for the removal of the extra animals in ninety (90) days.

Earl Cunningham said lets compromise to sixty (60) days.

Dwayne Hogan said this motion first.

Voting Aye: Dwayne Hogan, Glen Minich and Melissa Mullins Mischke

Voting Nay: Earl Cunningham.

Motion passes 3-1.

Ms. Nelson asked if there is a time where she can have a reassessment of getting a variance.

Dwayne Hogan said one (1) year from this date.

Earl Cunningham said that it's not very likely on two point five three (2.53) acres.

Ms. Nelson said that she would like to keep her chickens.

Dwayne Hogan told Ms. Nelson said that the motion has already been completed.

3. The Petition for Variance of Developmental Standards for Ann Thompson to keep a six and a half (6 ½) foot wire mesh (deer screen) fence around the entire property. This property is located at 4065 Michiana Drive, Michigan City, Springfield Twp., zoned R1B. **(This matter is continued to December 19th, 2017 at 6:00 p.m.)**

Dwayne Hogan said if there are any remonstrators here this evening for Petition No. 3 it will be next month.

4. The Petition for Variance of Developmental Standards for Randy Ungerank for construction of a second accessory building seven-hundred eighty (780) square feet on

his property. This property is located at 6621 W. Johnson Road, La Porte, Coolspring Twp., zoned R1B.

Attorney Biege said that we have signatures from all of the neighbors and he has a print from the website from the newspaper, and the petitioner told him that he did receive an affidavit in the mail and it's at home.

Dar Forker said that she has the news clipping.

Dwayne Hogan asked for name and address for the record.

Randy Ungerank, 6621 W. Johnson Road.

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

Mr. Ungerank said that he would like to ask for permission to put up a pole barn in his back yard.

Dwayne Hogan asked Mr. Ungerank how big the pole barn is going to be.

Mr. Ungerank said its twenty-six (26) feet wide by thirty (30) feet long and fourteen (14) foot high.

Dwayne Hogan asked Mr. Ungerank if he's started construction on that yet.

Mr. Ungerank said no he has not.

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

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

Melissa Mullins Mischke asked Mr. Ungerank if he's planning on putting water and electric in the building.

Mr. Ungerank said he will have electric in it.

Dwayne Hogan asked if he would have a septic.

Mr. Ungerank stated no.

Dwayne Hogan asked if the purpose of the building is going to be used for storage.

Mr. Ungerank said for storage and working on his own cars.

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

Melissa Mullins Mischke asked Mr. Ungerank if it's a metal structure.

Mr. Ungerank said it will be a wood structure with metal siding and roofing on it.

Melissa Mullins Mischke asked if it's going to blend in –

Mr. Ungerank said it will be the same color of the house.

Dwayne Hogan asked the pleasure of the board.

Earl Cunningham made a motion to approve the Variance of Developmental Standards for Randy Ungerank for construction of a second accessory building seven-hundred and eighty (780) square feet on his property located at 6621 W. Johnson Road, La Porte, Coolspring Twp., zoned R1B.

Earl Cunningham said as a side note, he lives just off of Johnson Road and he goes by this property a couple three (3) to four (4) times a week and it's always well maintained and he's acknowledged that he's going to build this the same color on the building as his house.

Glen Minich 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 Bradley & Pamela Sweet (owners) and Adam Sweet (son/buyer) to construct a second accessory structure forty by thirty (40x30) feet on their property that is located at 3999 W. 1350 S., Hanna, Hanna Twp., zoned R1A on one (1) acre.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Adam Sweet, 3999 W. 1350 S., Hanna, Indiana.

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

Mr. Sweet said that he would like to have a variance for the garage on his property.

Dwayne Hogan asked what the garage is for.

Mr. Sweet said parking vehicles and working on cars.

Dwayne Hogan asked Mr. Sweet if he's putting electric in it.

Mr. Sweet said eventually, but right now he just wants to get the building up.

Dwayne Hogan asked if he's going to have water, or septic.

Mr. Sweet stated no.

Dwayne Hogan asked Mr. Sweet if he's started construction yet.

Mr. Sweet stated no.

Dwayne Hogan asked Mr. Sweet when he plans on building it.

Mr. Sweet said as soon as possible.

Dwayne Hogan asked if it's this year.

Mr. Sweet stated yes.

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

Melissa Mullins Mischke asked Mr. Sweet if he's going to be working on cars at that location.

Mr. Sweet said just his own stuff.

Earl Cunningham said noting the Building Commissioner said this pole building will be used for housing vehicles would be an improvement over the vehicles parked in the yard.

Melissa Mullins Mischke made a motion to approve the Petition for Variance of Developmental Standards for Bradley & Pamela Sweet (Owners) and Adam Sweet (son/buyer) to construct a second accessory structure forty (40) by thirty (30) feet on the property located at 3999 W. 1350 S., Hanna, Hanna Twp., zoned R1A.

Earl Cunningham seconded.

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

All approved. Motion carried 4-0.

6. The Petition for Variance of Developmental Standards for Damien Appel and Ali Olson to construct a pole barn twenty-four feet by thirty-two feet (24' x 32') with water and a ten foot (10') rear setback instead of the minimum fifty (50') prior to the home. Property is located at 15103 S. 900 W., Wanatah, Cass Twp., zoned Agricultural on 2.31 acres.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Damien Appel, 15103 S. 900 W., Wanatah.

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

Mr. Appel said that he's looking for a variance to amend the setback on the pole barn construction on his farm property.

Dwayne Hogan asked if that is by ten (10) foot.

Mr. Appel said ten (10) foot from the property line.

Melissa Mullins Mischke asked Mr. Appel if he currently owns the property that you're proposing the pole barn being constructed on.

Mr. Appel said the situation is this past summer, he and his partner, Ali Olson operate Native Roots Farm and they're a small scale produce farm/market farm and the two point three (2.3) acre property that you probably see on your handout, there was an additional fourteen and a half (14 ½) acre parcel that was connected to it for sale by the same seller and at the time they were not able to get adequate financing to purchase. Mr. Appel said that his father stepped in and purchased the property in hopes that next year they will be able to purchase it from him.

Mr. Appel said once they drew up their farm layout plan—they're produce farmers, they wanted to maximize their area of production and maintain the two point three (2.3) acres all in production for vegetables. Mr. Appel said that they asked their dad for an additional point eight six (.86) acres deeded over to them for a place to put their house, septic and pole barn, which is going to contain their walk-in cooler, packing shed, wash station and storage for their hay.

Dwayne Hogan asked Mr. Appel if he has something for the board?

Mr. Appel stated yes. Mr. Appel is up at the bench passing out a pamphlet to the board members.

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

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

Glen Minich said that he's also asking to build this barn before the home. Glen said that's what this variance is here for too.

Mr. Appel asked if he's correct in understanding is that it's zoned agricultural and you're allowed to put up a pole barn for farm use before you have your home constructed.

Glen Minich stated yes.

Earl Cunningham asked Mr. Appel if he intends to reside in the pole barn until the home is built?

Mr. Appel stated no. Mr. Appel said that they're hoping to use the pole barn for storage for the construction of the home, which by years end have mortgage financing to start the construction of their house.

Attorney Biege said that this variance is for the ten (10) foot setback.

Mr. Appel said having talked to his general contractor who will be building it, he suggested probably not putting water in it unless he's going to heat it, so he opted not to put water in it and have an outside hydrant.

Attorney Biege asked Mr. Appel if he's rescinding that request for water.

Mr. Appel stated yes.

Glen Minich asked Mr. Appel why ten (10) feet.

Mr. Appel said the ten (10) feet is because how they laid out their farm and where the house is situated. Mr. Appel said their house is situated as far east as possible in that small rectangle hay field. Mr. Appel said in between the pole barn and the house is going to be where they do all their washing, storing, packaging of their vegetables. Mr. Appel said that he wants to maximize their area and they have already began taking down all the trees there to manage their operation. Mr. Appel said that the property line is drawn out of convenience because he has had months of dealing with his surveyor in getting an appropriate survey. Mr. Appel said if it was his choice, he would have had him back out there and put in new point markers, however, it took him three (3) months just to get a survey.

Melissa Mullins Mischke asked Mr. Appel if he has a proposed sketch that includes both parcels, and the proposed parcel where the home is going to be located, in addition to all the other structures.

Mr. Appel is up at the bench.

Melissa Mullins Mischke asked if the front parcel is intended for your agricultural use and the section that you purchased is where you're going to place the home and the pole building.

Mr. Appel stated correct.

Glen Minich asked if just the small parcel was split off the original owner's property.

Mr. Appel asked if that is the two point three (2.3). Mr. Appel said he thinks that for sale purposes, a small two (2) acre road side parcel is easier to sell and the adjoining fourteen and a half (14 ½) acres has a separate frontage on 900 West. Mr. Appel said once he owns both parcels, he will have frontage on 1500 S. and 900 W.

Glen Minich said that he thinks this is a question for Doug. Glen said that this is a wooded area, but what if the neighbor's tree falls on the pole barn.

Attorney Biege said that's not zoning board's concern.

Board members speaking amongst themselves.

Dwayne Hogan asked the pleasure of the board.

Melissa Mullins Mischke made a motion that we approve the petition for Variance of Developmental Standards for Damien Appel and Ali Olson to construct a pole barn twenty-four by thirty-two (24' x 32') with a ten (10) foot rear setback instead of the fifty (50) foot setback for the property located at 15103 S. 900 W., Wanatah, Cass Twp., zoned Agricultural.

Glen Minich seconded.

Dwayne Hogan asked if there are any questions.

Earl Cunningham said that he would like to commend a young businessman. Earl said that we need them in La Porte County.

Mr. Appel thanked Earl and he said he's glad to be here.

All approved. Motion carried 4-0.

7. The Petition for Developmental Standards Variance for Wayne & Debra Moore and Dean & Colleen Toriumi to permit a parcel, seven point zero eight nine (7.089) acres with sixty (60) feet frontage with existing home in order to sell two parcels to their neighbor (Toriumi's) consisting of zero point seven eighty nine (0.789) and one point forty-two (1.42) acres, which is mostly "pond" ground. The property is located at 3365 W. Small Road, La Porte, Center Twp., zoned R1B.

Attorney Biege said notice is adequate.

Attorney James Kaminski said that he represents Wayne & Debra Moore, who are the owners of the lot that would be impacted upon proposed sale of a part of their property to their neighbors, the Toriumi's. Attorney Kaminski said that Dr. & Mrs. Moore currently own an approximately nine (9) acre lot. Attorney Kaminski said that he apologizes for using Beacon, but he thinks he explains it better than the survey attached to their petition quite honestly.

Attorney Kaminski said in blue is the current depiction of the Moore lot and what you'll see to the eastern portion of the lot, there are two ponds that are connected by a small little inlet and those two (2) ponds have the current boundary between the Moore's and their neighbor. Attorney Kaminski said that they share both ponds, including the one up front near Small Road. Attorney Kaminski said that the Toriumi's have approached the Moore's and said they would like to purchase a part of their lot, so that the new boundaries essentially engrain and they essentially acquire the entire pond, so it all goes to the neighbors off the Moore lot.

Attorney Kaminski said that when the surveyor came out for the Moore's to set the stakes for the proposed acquisition, it left from the current approximately one-hundred fifty (150) feet of road frontage for the Moore lot and it took it down to about sixty (60) feet and the zoning ordinance currently calls for in this district he believes at least one-hundred (100) foot of lot frontage. Attorney Kaminski said that the Moore lot has less frontage and he thinks it needs a Developmental Variance.

Attorney Kaminski said at the end of the day, neither of the two (2) parcels involved in this petition are going to do anything differently, it's just allowing one (1) party to own the entire pond so they can maintain it by themselves, rather than having the split of the property line between the two (2) ponds. Other than that, there aren't any requested changes. Attorney Kaminski said no new driveways; no new frontage and no proposed development in the back.

Attorney Kaminski said that they're asking for the Developmental Standard Variance to allow the Moore's to have essentially approximately sixty (60) feet of road frontage instead of its current one-hundred fifty (150).

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

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

Glen Minich said that when he went to look at the property, there is a stake approximately in this area right here (referring to the site plan), Glen asked if this is the new lot, or is this the old lot.

Attorney Kaminski said he believes that would have been the old lot.

Glen Minich said that he really doesn't have a depiction, but the new lot is more like this (referring to site plan).

Attorney Kaminski stated correct, but it follows basically the shore line.

Glen Minich said that the only concern he has is for their site lines on their driveway, because the marker is pretty far in from the road. Glen asked if there is a pretty wide easement on Small Road. Glen asked if that stake is actually where the right-of-way ends?

Dwayne Hogan asked for name and address for the record.

Wayne Moore, 3365 W. Small Road. Mr. Moore said that stake that is visible there from his recollection is actually east of the current property, so that does not depict where the actual property line is.

Glen Minich said his only concern is that they have an adequate site line because this isn't city traffic and everybody is headed out.

Attorney Biege said from what he understands, they're just by the shore line, so there would be no change to access or side line.

Attorney Kaminski said virtually no change to the driveways configuration, it's just the lot line they're changing.

Glen Minich said flag lot is a bigger flag.

Dwayne Hogan asked the pleasure of the board.

Melissa Mullins Mischke said that she just wants to clarify first before we get any motions. Melissa asked if the pond areas are going to go to the Toriumi's. Melissa said for the record she did sketch that right on her drawing.

Attorney Kaminski stated correct.

Glen Minich made a motion for Developmental Standards for Wayne & Debra Moore and Dean & Colleen Toriumi to permit a parcel with sixty (60) feet of road frontage with existing home in order to sell the two (2) parcels. Property is located at 3365 W. Small Road, La Porte, Center Twp., zoned R1B.

Melissa Mullins Mischke seconded.

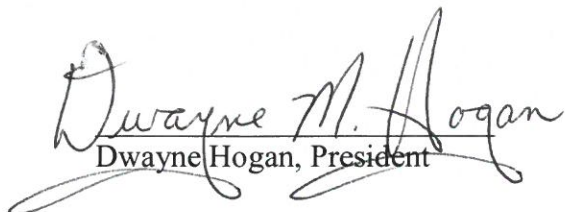
Dwayne Hogan asked if there are any questions, or concerns.

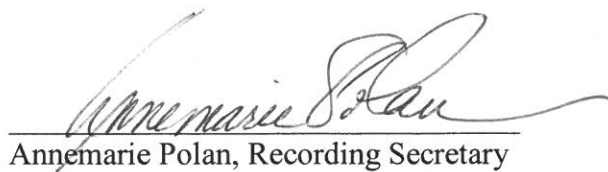
All approved. Motion carried 4-0.

Dwayne Hogan asked if there is any other business.

Melissa made a motion to adjourn. All approved. Motion carried 4-0.

There being no further business before the Board of Zoning Appeals, meeting adjourned at 7:15 p.m.


Dwayne Hogan, President


Annemarie Polan, Recording Secretary