



**LAPORTE COUNTY
BOARD OF ZONING APPEALS**

Government Complex 5th Level
809 State Street, Suite 503 A
LaPorte, Indiana 46350-3391
(219) 326-6808 Ext. 2591, 2563 & 2221
Fax: (219) 362-5561

**ANNEMARIE POLAN
Building Commissioner**

January 16th, 2018

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **January 16th, 2018, at 6:00 p.m.** in the Assembly Room of the County Complex.

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

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 December 19, 2017.

Melissa Mullins Mischke made a motion to approve the meeting minutes from December 19th as presented. Glen Minich seconded.

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

All approved. Motion carries.

1. Petition for Variance of Use for John & Vicki Shoop for Mrs. Shoop to operate a toddler pre-school with a maximum of fifteen (15) children with the hours of operation 7:30 a.m. to 5:00 p.m., Monday through Friday. Mr. Shoop to operate an engineering business out of their home. This property is located at 858 Honeysuckle Lane, La Porte, Coolspring Twp., zoned R1A.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

John Shoop, 858 Honeysuckle Lane, La Porte, Indiana.

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

Mr. Shoop said he has an engineering consulting and design business and he has an office in his home. Mr. Shoop said his wife has a pre-school in their home.

Dwayne Hogan asked Mr. Shoop if the engineering business is up and running.

Mr. Shoop stated yes.

Dwayne Hogan asked how long that business has been running.

Mr. Shoop stated since 2010.

Dwayne Hogan asked Mr. Shoop if he ever came in front of the board to get a permit to do this.

Mr. Shoop stated no.

Dwayne Hogan asked how long the daycare business has been running.

Mr. Shoop said June of 2017.

Dwayne Hogan said he takes that as you didn't get a permit for that either.

Mr. Shoop stated no.

Dwayne Hogan said let's talk about the engineering business first.

Attorney Biege said they're asking for a variance, but he really thinks it falls under home occupation and he's not sure he really needs a variance on the engineering part. Attorney Biege said the preschool would need a variance.

Dwayne Hogan said with that being said, let's discuss the daycare.

Dwayne Hogan asked for name and address for the record.

Vicki Shoop, 858 Honeysuckle Lane.

Dwayne Hogan asked Mrs. Shoop what she would like to do this evening.

Mrs. Shoop said she wants to run a preschool.

Dwayne Hogan asked Mrs. Shoop if she's been running it since June of 2017.

Mrs. Shoop said they were renting a location and they lost that location.

Dwayne Hogan asked Mrs. Shoop where that location was.

Mrs. Shoop said it was on Wozniak Road. Mrs. Shoop said they came before this board several years ago for that school.

Dwayne Hogan told Mrs. Shoop that she was familiar with the zoning laws.

Mrs. Shoop said kind of.

Dwayne Hogan asked Mrs. Shoop if she made a decision in June to go to Honeysuckle. Dwayne asked Mrs. Shoop how many children she has there now.

Mrs. Shoop said the most she has is fifteen (15).

Dwayne Hogan asked the hours of operation.

Mrs. Shoop said 8:00 a.m. to 4:00 p.m.

Melissa Mullins Mischke asked Mrs. Shoop if she has a sign.

Mrs. Shoop stated no.

Melissa Mullins Mischke asked Mrs. Shoop if she only operates Monday through Friday.

Mrs. Shoop stated yes.

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

Glen Minich asked Mrs. Shoop if she is currently licensed by the State.

Mrs. Shoop said she isn't licensed. Mrs. Shoop said when they first started at the other school they were having problems with the State. Mrs. Shoop said at one of the meetings, they said Montessori schools kind of fall through the cracks with licensing, so what they did was set up all the licensing and put up fire doors and followed the state ordinance without being licensed.

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

REMONSTRATORS:

Dwayne Hogan asked for name and address for the record.

Joyce Bernacchi, 887 N. Honeysuckle Lane.

Ms. Bernacchi said approximately six (6), or seven (7) years ago John retired and started his consulting firm and there didn't seem to be any problems, but then last June or July, Vicki started her daycare and never asked, or talked to any of the neighbors that she knows of. Ms. Bernacchi said that Vicki had children there before she had a fence up and she felt that was pretty dangerous.

Ms. Bernacchi said her request is for ten (10) to fifteen (15) children, but when the number of children increase, she forgets to obtain variances and get permission from the state. Ms. Bernacchi said another problem is that she has spoken to a couple of realtors and they say our property values since it's zoned strictly residential --- there are seven (7) on top of the hill ---- there are two (2) cul-de-sacs ---- their property value will go down because people don't want to come home to a place by a house that has two (2) functioning business in it.

Ms. Bernacchi said another problem is the parking area. Ms. Bernacchi said if you've been out there, it's a county road, enough for two (2) cars and parents are going the wrong way around the cul-de-sac and over in front of the Shoop's house; they either take their children to the house, or someone comes from the house and takes the children. Ms. Bernacchi said at times there are three (3) to four (4) cars there.

Ms. Bernacchi said they have a driveway and she thinks it holds about six (6) cars. Ms. Bernacchi said there are helper's cars in there too. Ms. Bernacchi said she doesn't feel like there is adequate parking.

Ms. Bernacchi said without the zoning variance, they're only paying county taxes for the house and she feels the county is being cheated out of taxes. Ms. Bernacchi said she did talk to some of the neighbors and several of them said that they did not get notice of this hearing from the Board of Zoning Appeals; one has the flu, another one is out of state, and the other one said she would not be able to make it tonight.

Dwayne Hogan said first of all lets address notices.

Attorney Biege said all adjoining landowners were notified.

Dwayne Hogan told Ms. Bernacchi that they have proof of that.

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

Remonstrator:

Mike Clark, 845 N. Honeysuckle Lane and he's directly across the street. Mr. Clark said when traffic comes in, six (6) to ten (10) cars at the most, and they drop the kids off. Mr. Clark said Ms. Bernacchi retired and he hasn't seen her leave the house since, it's not bothering her. Mr.

Clark said there are other problems; that's what this is about, it's not about the daycare suddenly, or the engineering office. Mr. Clark said it's just about some other personal problems. Mr. Clark said that's all this is about and he doesn't have a problem with this; none of us care.

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

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

Glen Minich said his concern is that they need a state license for this facility.

Earl Cunningham said his concern is that she admits that she had a daycare center out on Wozniak Road and they were before this board. Earl said it's pretty hard to believe that she didn't understand she had to come before this board. Earl said now we're in a residential neighborhood and started a second business in the same home.

Earl Cunningham said he can certainly relate to the remonstrator's position that it has some effect on property owners. Whether they're personal issues or not, it's irrelevant to him just looking at it; we're here to grant variance and you should get a variance before you open a business, not after.

Earl Cunningham said he has no problem whatsoever with the engineering business because he doesn't think that's a day to day operation of people coming and going. Earl said when you're going to run a daycare that's not licensed properly by the state and secondly, he doesn't think any of us would argue the reason the county wrote zoning laws was to make sure this kind of stuff didn't happen to open up a business in a residential neighborhood without getting a variance.

Earl Cunningham made a motion -- Earl said he's not even sure, like our attorney said, don't have to grant permission for the engineering firm, let's just take that off the table and they can operate the engineering firm.

Earl Cunningham made a motion to **deny** the variance for Mrs. Shoop at the address of 858 Honeysuckle Lane, La Porte, Coolspring Twp., zoned R1A and he would attach to that a waiver that she can come back if she gets a state's license without having to wait the six (6) months, if that's acceptable to the council.

Melissa Mullins Mischke seconded.

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

All approved. Motion carries.

Mr. Clark asked the board if she applies with the state tomorrow and puts that into motion, as soon as she gets that license she could come in and apply for a variance again.

Members stated yes.

Mr. Clark said in the meantime, can she continue to operate this school under your graces until next time we have a formal hearing.

Dwayne Hogan said he doesn't believe so. Dwayne said we would be condoling those activities without having a license, or permit.

Earl Cunningham made a motion until the end of January for the daycare.

Melissa Mullins Mischke seconded on the amended motion.

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

All approved. Motion carries.

2. The Petition for Variance of Use for James M. Lestinsky & Lori Lestinsky (the Lestinskys) and Jim Lestinsky Auctions Incorporated (Lestinsky Auctions) to operate an auction house at 16908 S. US 39, Hanna, Hanna Twp., zoned Agricultural on 18.63 acres.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Anthony Novak said he's an attorney with Newby, Lewis, Kaminski & Jones here in La Porte. Attorney Novak said he's here tonight with joint petitioners, James Lestinsky, his wife Lori Lestinsky, their daughter, Morgan, their son Travis, his girlfriend Tab and his brother, Steve Lestinsky.

Attorney Novak said were here tonight on behalf of Jim & Lori Lestinsky, as the owners of the property and Jim Lestinskys Auctions, Inc. as the business requesting a Use Variance for an auction house on two adjacent parcels, totaling approximately 18.36 acres, zoned Agricultural in Hanna, Indiana on State Highway 39. Attorney Novak said specifically this auction house would hold auctions through the year, whereby farm machinery, classic vehicles and other personal property would be auctioned off.

Attorney Novak said a little bit of history on the petitioners here. Jim Lestinsky is a full time licensed auctioneer born and raised in La Porte County and has been an auctioneer most of his adult life. In 2007, he was the Indiana Auctioneering Champion, which is an award that recognized his professional bid calling auctioneering abilities. In 2009, he was the President of the Indiana's Auctioneers Association.

Attorney Novak said in regards to the other petitioner, the business was formed in the mid 90's and it's a family owned business that has been owned and operated in La Porte County for over twenty-five (25) years.

Attorney Novak said Jim & Lori are the President & Vice President and owners of the business. Jim is a licensed auctioneer and their son Travis is also a licensed auctioneer. Attorney Novak said their brother Steve helps out with auctions from time to time. Attorney Novak said the business does approximately eighty (80) auctions a year in La Porte County and surrounding counties, which auctions include estates, farms, real estate and antique auctions. .

Attorney Novak said with regards to this property, specifically, Jim and his son Travis, bought this property at an auction last month with the vision of having auctions at this property. The property itself sits on approximately eighteen and a half (18 ½) acres and it's surrounded by hundreds and hundreds of acres of farm ground. There is a forty (40') x eighty (80') pole barn that sits on the property previously used for storage in which they desire to keep and use as the main kind of auction house.

Attorney Novak said based on the type of auctions the petitioner's desire to have here, along with the acreage, will accommodate many auction goers. We believe this Use would be a good fit for the property.

Attorney Novak said in conclusion, the petitioner here respectfully request this Use Variance on this property so as to permit auctions house auctioning off farm machinery, classic vehicles and other personal property.

Attorney Novak said he's here for any questions, as are the Lestinskys. Thank you for your time.

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

Glen Minich asked how many auctions they would expect to do on this site.

Dwayne Hogan asked for name and address for the record.

Jim Lestinsky, 4585 N. Range Road, La Porte, Indiana.

Mr. Lestinsky said that they're asking for approximately fifteen (15) auctions a year, not saying they will do that, but that's what they're asking for. Mr. Lestinsky said they're not wanting to have a weekly auction there, they just want to start small and see where it goes.

Dwayne Hogan asked if there are any questions for Jim.

Earl Cunningham asked if it's going to be similar to the site out there at Pinola & Highway 2. Earl said they're actually renting that grange hall to have auctions, where you want to have a facility with stuff already there and you don't have to haul it in and out every weekend, correct?

Mr. Lestinsky said he sees what you're saying. It would kind of be similar to that, but not really. Mr. Lestinsky said that they're hoping to do bigger, such as farm machinery, vehicles & cars. Mr. Lestinsky said when you do vehicles, sometimes you have collectables that go along with it --- maybe some of the porcelain signs, gas pumps and different things like that. Mr. Lestinsky said they like to do that as well as farm sales; you have tools and different things like that. They're not interested in general household.

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

Remonstrators:

1. Patty Keating, 16957 S. 250 W., Hanna. Ms. Keating said first of all, she loves the Lestinskys, they're wonderful people and they were good in 4-H when she coordinated for 4-H.

Ms. Keating said she has to put on her hat as a property owner. They're immediately adjacent, a co-owner with Elmer Phelps. Ms. Keating said they have a very large nice home over forty-five hundred (4500) square feet with six (6) to seven (7) acres around it. Ms. Keating said they moved out to the country for the peace and quiet and she's concerned about her property values when you have fifty (50) cars and one-hundred (100) people running around their backyard --- amplified auctioneers on Saturday. Ms. Keating said that is going to affect their property values.

2. Elmer Phelps, 16597 S. 250 W., Hanna.

Mr. Phelps said the property is directly behind them and that's what he'll see when he looks out the back of his house. Mr. Phelps said another concern that he has is if we're going to have stored farm equipment & cars etc, what about soil contamination? We all have wells out there. Mr. Phelps asked if they're planning on putting in wells and septic's and building buildings on this property. Mr. Phelps also asked if they would be putting up a fence so he doesn't have to look at a combine sitting there for three (3) years because they couldn't sell it.

Mr. Phelps said on a side note, if they do get the variance, is there something we can add to that to where there would be a limited time they're allowed to stay on the property. Mr. Phelps asked about the hundreds of cars they would like to park on that property. Are they putting in a parking lot and will there be a drainage issue at that point?

Mr. Phelps said he would like a lot of stipulations if they do get a variance. Mr. Phelps said he eventually would like to move south and he's not quite sure what that will do with the property value.

3. Nathaniel Kohn, 12355 S. 700 W., Wanatah, Indiana.

Mr. Kohn said he just bought the property about four (4) months ago and it's directly adjacent to this. Mr. Kohn said he's worried about property values. Mr. Kohn said he heard them say

possibly fifteen (15), or maybe more auctions a year and he really doesn't want to listen to that every Saturday. Mr. Kohn said he bought the property to have peace and quiet.

Mr. Kohn said he's also worried about the foot traffic that comes in and out of there and he knows that they have open houses before the auctions.

Dwayne Hogan asked if there are questions from the board.

Dwayne Hogan asked about the wells. Dwayne was asking Mr. Lestinsky about storage for vehicles, farm equipment and anything that is bleeding off into the ground affecting the water table.

Mr. Lestinsky said that they hope not to have a lot of machinery there for a lengthy period of time.

Dwayne Hogan asked Mr. Lestinsky to define a lengthy period of time.

Mr. Lestinsky said a few weeks before the auction.

Earl Cunningham asked Mr. Lestinsky if he could live with thirty (30) days that no piece of equipment would be there over thirty (30) days outside. Earl said he knows people don't want to be looking at a thirty (30) year old combine for six (6) months of the year.

Mr. Lestinsky said he's been an auctioneer in this county for twenty-four (24) years and he spent a life time of auctioneering and trying to be a good neighbor – trying to volunteer and do the right thing.

Mr. Lestinsky said he does have a game plan for this property. He tries not to get too excited about it because depending on what we find out, he can't say it will be done tomorrow, but he does want to have ---- he also sells trees at his auctions and he does want to have some white pine trees put up for the border; he wants to have a fence there and these white pine trees in five (5) years will be ten (10) to fifteen (15) feet tall. Mr. Lestinsky said he does want to have borders and he thinks fences made good neighbors and he wants to be a good neighbor to the people in Hanna and the surrounding communities.

Mr. Lestinsky said there will be equipment coming in and out of there, but whenever you see our auctions, they keep it in straight rows. When we talk about combines, we have that combine there and we don't sell it, or get a proper bid, they have on their terms to have this combine removed within five (5) days after the auction. Mr. Lestinsky said sometimes the farmer is out in the field and he's lenient on them, but he's thinking if he's good to this farmer and he wants to get more business from them in the future, there are some things that sit there. Mr. Lestinsky said some things they have, like a loader tractor, if they don't have room in the barn, they leave it outside like other farmers in the area. Mr. Lestinsky said it's hard to put a time on this.

Earl Cunningham told Mr. Lestinsky that he doesn't think it's a problem with his own equipment if it's moving, it's an agricultural area. Earl said they don't want to see a combine sitting there for five (5) years.

Mr. Lestinsky said he doesn't either because it's not good for business. If he has a combine sit there within two (2) months after an auction, people start questioning him and his circle of business and he doesn't like that. If they can't get it sold, it goes back to the proper owner.

Melissa Mullins Mischke asked Mr. Lestinsky if he often has equipment that comes in for auction and our leaking fluids and not operable.

Mr. Lestinsky said he's not saying it never has happened, but no, not really. Most of the equipment is pretty operable that they're selling and if it's not, then it really should belong in a scrap yard.

Melissa Mullins Mischke asked Mr. Lestinsky if he does any kind of secondary containment for fluids coming off the equipment.

Mr. Lestinsky said they did this same operation at their farm since 1998 and it doesn't happen too often, but just like in his personal farm, if oil would leak, they would put the proper oil dry, or sand in there to take care of that.

Dwayne Hogan asked about parking cars. Dwayne asked if he had a place to part all this --- grass, driveway, stone?

Mr. Lestinsky said they plan on having off road parking there. The soil there is part of the reason he thought it would be a good area --- they had rain storms when they were buying this and right after the rain he went out there and he could drive his vehicle right out there in that sand area. Mr. Lestinsky said up north there is no way of doing that.

Dwayne Hogan asked about foot traffic.

Melissa Mullins Mischke said she thinks we can include that with noise. Melissa said she can certainly understand that as an adjoining property owner where you guys get excited and loud and she's out having a graduation party at the same time, how do you propose to contain sound. I know you were talking about white pine trees.

Mr. Lestinsky said he can get loud without a microphone. Mr. Lestinsky said most people who have dealt with him, he's concerned about the concerns. Mr. Lestinsky said he wants to be a good neighbor, but he's not saying it's going to happen tomorrow. Mr. Lestinsky said they do want the trees and the fence. If the gentleman he doesn't know had a problem he could come to him and talk to him. Mr. Lestinsky said he wants business and he may want to do business with the neighbor, or one of his relatives. Mr. Lestinsky said he doesn't like negativity and the sound

part is how the wind is blowing. Mr. Lestinsky said up here in La Porte it's twenty (20) times more residential.

Attorney Biege said let's be clear. You are asking for a Use variance. Whenever you start to construct or use that facility, you're still going to be subject to the code requirements for setbacks, buffer zones etc. Any variance granted tonight is going to be for "USE" only, Attorney Biege said folks, if it's any condolence, he doesn't know how they're going to decide, but the zoning does have specific requirements for buffer zones, greenery, trees and the type of trees. Attorney Biege said he has to comply with all that.

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

Glen Minich said there is a lot of space out there and he can see this working out fine for everybody. Glen said the one thing he thinks would make the neighbors feel good to is if they knew ----- you have big lot. If you're going to do your auction work from your barn to the east towards the highway, there is a huge buffer zone between you and the neighbors. Glen said he thinks that would make a big difference too.

Mr. Lestinsky stated yes. Mr. Lestinsky said he does have in his plans once they get started that he doesn't want to ride the fence line.

Glen Minich said there is a lot of space out there and it brings you close to the highway.

Dwayne Hogan asked if there is anything else.

Dwayne Hogan asked the pleasure of the board.

Earl Cunningham said one thing he would ask is that you give them some of your business cards to the neighbors so they can get a hold of you anytime they have an issue. Earl said, like you said, you want to be a good neighbor.

Melissa Mullins Mischke made a motion to approve the Petition of Use for James M. Lestinsky & Lori Lestinsky and Jim Lestinsky, Auctions Incorporated to operate an auction house at 16908 S. US 39, Hanna, Hanna Twp., zoned Agricultural on eighteen point six three (18.63) acres.

Earl Cunningham seconded.

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

Glen Minich said he would like to have the auction site east of the buildings that are there right now.

Dwayne Hogan asked about a sign.

Melissa Mullins Mischke asked Mr. Lestinsky to come back to the podium because she didn't ask about hours of operation and signage.

Melissa Mullins Mischke asked Mr. Lestinsky what kind of days and hours of operation.

Mr. Lestinsky said it's a hard questions to answer. Mr. Lestinsky said he and Travis do not like working late because they have auctions in the morning they do themselves, but for example, they did auctions at the Porter County Fairground and last winter, or the winter before, there was a snow storm coming in and they had everybody bring their equipment in before the snow storm blew in and they worked after 10:00 p.m. that night.

Mr. Lestinsky said it's hard to be limited when you're dealing with the consigners and the public because they put trust in him to get the best price for the equipment – machinery, they had to work late that night, but they don't like to make a habit of it.

Attorney Biege said can we say when they have auctions and limit it to that. Attorney Biege said that would limit the noise.

Mr. Lestinsky said most auctions they want to do in that facility will last five (5) hours, but if they get a big one it could last seven (7), eight (8), or nine (9), but he doesn't think they have had an auction that lasted nine (9) hours, four (4) years ago. Mr. Lestinsky said auctions on Saturday would start at 10:00 a.m. and people start coming at eight 8:00 a.m. and usually they're done at 3:00 p.m. Mr. Lestinsky said actually they start tapering off around 1:00 pm., or 2:00 p.m.

Melissa Mullins Mischke asked Mr. Lestinsky if she said Saturday 8:00 a.m to 4:00 pm. would that accommodate.

Mr. Lestinsky said 8:00 a.m. to 5:00 p.m. would be better just in case.

Melissa Mullins Mischke asked Mr. Lestinsky if he does any auctions on Sunday.

Mr. Lestinsky said they do, but they don't like too. Mr. Lestinsky said that facility down there they wouldn't be interested in. Mr. Lestinsky said sometimes they do them during the week, but these would be Saturday mainly.

Melissa Mullins Mischke asked Mr. Lestinsky what kind of sign he's looking for.

Mr. Lestinsky said usually when they have an auction they have a 4'x8' sign that's painted on both sides.

Earl Cunningham asked if that's a temporary sign.

Mr. Lestinsky said in that area if they had an auction in March, they would like to have the sign up right now.

Melissa Mullins Mischke asked if that's a 4'x8' lit sign.

Mr. Lestinsky stated yes.

Melissa Mullins Mischke amended her motion to approve the Use Variance with auctions on Saturday at 8:00 a.m. to 5:00 p.m. with a 4'x8' lit sign to include an eighteen (18) month period if there are any complaints to re-visit and come back in front of the board.

Melissa Mullins Mischke told Mr. Lestinsky if there are issues he would be notified by the Building Commissioner's Office.

Mr. Lestinsky said that's fine because it's a new learning experience for them

Attorney Biege said the way he was going to draft this was to say actual auctions on Saturday 8:00 a.m. to 5:00 p.m. Attorney Biege told Mr. Lestinsky that won't stop him from doing business and moving stuff in and out, but that will stop the noise on the actual auction itself. Attorney Biege said were containing the sound.

Annemarie Polan, Building Commissioner asked Melissa on the eighteen (18) months, if there is no complaints does he still come back.

Melissa Mullins Mischke said if he's had no complaints in that eighteen (18) months, we're good.

Mr. Lestinsky said he would also like to have them on Friday as well. Mr. Lestinsky said when it gets busy in auction season there are a lot of auctions on Saturday and that is a lot of time they put them on Fridays to reduce the competition for the auction and that way the machinery, vehicle, tools, etc. would sell better. Mr. Lestinsky said there are concerns with the neighbors as far as Saturday, they would be working Fridays anyway so then the Saturday would be clear on certain times of the year.

Melissa Mullins Mischke asked if 8:00 a.m. to 5:00 p.m. on Friday would work as well.

Mr. Lestinsky said sometimes on Friday they do start them later like maybe 1:00 p.m. and run them until 6:00 p.m. Mr. Lestinsky said to cover it from 8:00 a.m. to 7:00 p.m. on Friday would be good. Mr. Lestinsky said he's stretching because he doesn't know exactly what they're going to do as far as times.

Melissa Mullins Mischke said before she modifies this motion one more time, Melissa asked Mr. Lestinsky if he's going to pick another day on her.

Mr. Lestinsky stated no.

Earl Cunningham said for clarification for the neighbors, would there be weekends where you would be doing auctions on Friday and Saturday back to back.

Mr. Lestinsky said they have never done these types of auctions on a two day auction in twenty-four (24) years.

Earl Cunningham asked if it would be a very rare occasion.

Mr. Lestinsky stated very rare, and they have never done it anywhere else, except the Fairgrounds.

Earl Cunningham said he's trying to put himself in the shoes of the neighbors and here's one thing he would like to know. Earl said for example, if Melissa had her graduation party the same day of the auction, if she knew there was going to be an auction a month in advance, she may change her graduation party. Earl said that would be helpful to the neighbors and well. Earl said you could give them a schedule as you build the schedule.

Mr. Lestinsky said he would. Mr. Lestinsky said he goes out a year in advance most of the time.

Glen Minich said it's going to be posted on his board for live auctions weeks in advance he's guessing. Glen said he doesn't think that's a problem.

Earl Cunningham said he's not asking her to make it part of the motion, it's just being a good neighbor.

Melissa Mullins Mischke said she will include in her motion with Friday 8:00 a.m. to 7:00 p.m.

Glen Minich seconded.

Dwayne Hogan asked for any other clarifications.

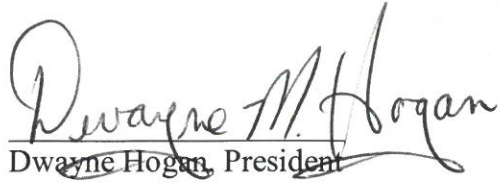
All approved. Motions carried.

Dwayne Hogan asked for a motion to adjourn.

Earl Cunningham said so moved.

All approved. Motion carried.

There being no further business before the Board of Zoning this evening, meeting adjourned at 6:45 p.m.


Dwayne Hogan, President


Annemarie Polan, Recording Secretary