



LAPORTE COUNTY BOARD OF ZONING APPEALS

Government Complex 5th Level
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ANNEMARIE POLAN
Building Commissioner

February 20th, 2018

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **February 20th, 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
 Greg Szybala

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 January 16th, 2018.

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 carries 5-0.

Dwayne Hogan welcomed Greg Szybala to the Board of Zoning Appeals.

Greg Szybala thanked the board.

ELECTIONS:

Dwayne Hogan opened up the nominations for the Office of President.

Earl Cunningham said he would like to nominate Dwayne Hogan to retain the position as President.

Greg Szybala seconded.

Dwayne Hogan asked if there are any other nominations for President.

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

Voting Nay: Melissa Mullins Mischke.

Motion carries 4-1.

Dwayne Hogan said he would like to open the floor for nominations of Vice President.

Glen Minich said he would like to nominate Melissa Mullins Mischke for Vice President.

Earl Cunningham seconded.

Dwayne Hogan asked if there are any other nominations for Vice President.

Motion carries 5-0.

Dwayne Hogan asked for nominations to retain our attorney for the 2018 season.

Melissa Mullins Mischke made a motion to retain attorney, Doug Biege.

Earl Cunningham seconded.

Motion carries 5-0.

Dwayne Hogan asked if there is any other business for positions for 2018.

Dwayne Hogan thanked everyone.

Petitions:

1. Petition for Special Exception for Carrie M. Davis (Personal Representative) of Theodore Hull (owner) and RV Accessories, LLC (Buyers) to run a campground. This was previously operated as a campground in the name of Rolling Timbers, but hasn't been in operation for many years. It has remained under the same ownership. This property is located at 6502 E. Highway 2, Rolling Prairie, Wills Twp., zoned Agricultural on a total of 58.16 acres.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Jake Hine said he's with RV Accessories, LLC, P.O. Box 561, Greenville, Indiana 46140.

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

Mr. Hine said that they're asking for a Special Exception to go back and have Rolling Timbers to be used as a campground, as it was in the past.

Dwayne Hogan asked Mr. Hine if he knows how long it has been stagnant with an active campground.

Mr. Hine said that they have been told three (3) to five (5) years, but he doesn't know that exact.

Dwayne Hogan asked Mr. Hine when he plans on opening that up?

Mr. Hine said that they would like to open in the season of 2018.

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

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.

1. William Welch, 6565 E. 400 N., Rolling Prairie, Indiana. Mr. Welch said that it's been over twenty (20) years since the campground has been closed. Mr. Welch said that he's lived there for twenty-two (22) years and the campground wasn't opened when he bought the property.

Mr. Welch said he just has some questions and concerns as far as what's going to be done there; how many campsites are going to be put in; also noise and things like that. Mr. Welch said that he lives right behind the campgrounds; is there going to be a time that there is quiet time; how far are they going to bring the campsites back towards their property; if they're going to stay down where they are. Mr. Welch said that they're also here today for a hearing, but they already have a website up stating that they're opening up in the summer of 2018 and they also have a webpage. Mr. Welch said if we're here for this, why are they already producing that they want to take reservations for camping.

Mr. Welch said that he knows that they're going to have both RV and primitive; how many sites of each are they going to have. Mr. Welch said that on their website it says they have sixty-three (63) acres – sixty-eight (68) acres. Mr. Welch asked how many sites are on each acre, because

he did a rough figure and he thinks that this is extreme and he understands that, but an acre is forty-three thousand (43,000) square feet and if you took a forty by forty (40x40) square foot campsite, which would be sixteen hundred (1600) square feet, you put twenty-six (26) sites on an acre; if you took four (4) people a site that would be one-hundred and four (104) people a day on that site. If they go up to thirty (30) acres, which would be half of what they have, that would be approximately three-thousand (3000) people a weekend there. Mr. Welch said that's a lot of people in the area to change with noise and things like that. Mr. Welch said that they live in a rural area.

Mr. Welch said that if they would keep it small – a sixty by sixty (60x60) campground site and they went ten (10) acres, that's five-hundred (500) people. Mr. Welch said that he understands that if this is going to be allowed, they have to have the right to have some, but if you drive by like Burns Harbor, those campsites are just jammed side by side. Mr. Welch said that people can live here all year long too.

Mr. Welch said that you can't have a mobile home on your property, but they can have somebody live at the campsite for the whole season. Mr. Welch said that they already have sewer hookup and pricing on what the costs is to rent a place. Mr. Welch said that if they do get this put through, he would like a fence put up along the property that people can't come onto his property.

Mr. Welch said again, he would like to know a little bit more about what's happening, just being allowed to put a campsite up and then suddenly they have sixty (60) acres of campground.

2. Dan & Ruth Trujillo, 6659 E. 400 N. Mr. Trujillo said first of all he would like to thank you for the opportunity of speaking. Mr. Trujillo said that he has a little bit of a concern; he's been there for twenty-two (22) years. Mr. Trujillo said that he has ten (10) acres adjacent to the park and things have been really wonderful there with Mr. Hull operating the park. Mr. Trujillo said that he does have gatherings occasionally, particularly weekends and the people around there are just fantastic.

Mr. Trujillo said that his concern is recently in the last few weeks he had somebody drive very aggressively in his yard checking it out; looking at the fence and bombarding him with all kinds of questions without identifying himself until he asked him. Mr. Trujillo asked him why he was asking him all these questions. Mr. Trujillo said that he yelled at him and said that he's going to be his neighbor and he's thinking about buying that park. Mr. Trujillo said that he just pursued it over and over. He wants to know if I want to sell him an easement. Mr. Trujillo said he told him no, he does not. Mr. Trujillo said he didn't drop it and he stayed there for some time. Mr. Trujillo said he finally had to text him to tell him where he stood. Mr. Trujillo said he told him even beforehand, that he can't make any decisions until he confers with his wife, she's joint owner. Mr. Trujillo said to his surprise, he yelled at him and told him to leave her out of this.

Mr. Trujillo said that he's feeling very uncomfortable over the issue of, is he going to pursue this kind of behavior – very aggressive behavior; is he thinking of getting an exit through any of their

properties; is this lawful, can he do this? Mr. Trujillo said he's really concerned about who this person is. Do we want a neighbor like this? Mr. Trujillo said also they had something comparable approximately five (5) years ago with the former Commissioner and he indicated that he's going to have the campfires setback fifty (50) to seventy-five (75) feet away from the fence that the Commissioner wanted him to put up. Mr. Trujillo said that he did put up the fence and they were going to put the campsites fifty (50) to seventy-five (75') feet away from the fence. Mr. Trujillo asked if that still stands?

Earl Cunningham told Mr. Trujillo that he said he's been there for twenty-two (22) years.

Mr. Trujillo said approximately.

Earl Cunningham asked Mr. Trujillo if the campground has been open since he's been there.

Mr. Trujillo said it has with Mr. Hull. Mr. Trujillo said he took over and he's the son-in-law for Mrs. Dorothy Young and he took over and did a marvelous job.

Earl Cunningham asked Mr. Trujillo how long the campground has been closed.

Mr. Trujillo said he's not sure that it has been closed.

Earl Cunningham said that the previous owner said it's been closed for more than twenty (20) years, and you're saying ---

Mr. Trujillo said he probably didn't know that Mr. Hull, who he had occasional contact does own it and operates it.

Dwayne Hogan asked if there are any other remonstrators that have something different.

Dwayne Hogan asked for name and address for the record.

3. Tim Cichos, 4358 N. 700 E. Mr. Cichos said that he believes Jason Tuttle has submitted a letter to you guys. Mr. Cichos said that he just wanted to without restating it, everything he said is what he feels as well.

Dwayne Hogan asked if there are any other remonstrators with something different that we've already heard.

4. Maryann Oake, 6515 E. 400 N., Rolling Prairie, Indiana 46371. Ms. Oake said what she's concerned about is that they're building a new house and they're well aware that a campground was on Highway 2. Ms. Oake said that they're worried about their property value --- they spent a lot of money on this property and they're building a beautiful home. Ms. Oake said that the campground that is going in she understands that someone could purchase it, but just don't put it close to their properties; let us have privacy. Ms. Oake said it has windows on the back;

beautiful trees. Ms. Oake said she wants privacy and she wants her little girl to be able to play in the yard and not have to worry about someone coming in and wondering around a fence, even if a fence goes up. Ms. Oake said that her husband is a firefighter in La Porte and he works twenty-four (24) hour shifts and she's home alone a lot. Ms. Oake said she doesn't want people realizing that; do they know her last name; can they see her property from aerial photo; it's safety issues. Ms. Oake asked if they put in a home security system; that's an additional costs that they didn't consider. Ms. Oake said she has dogs. Ms. Oake said that they have a fence on their property anyway, but she didn't plan on fencing the whole thing. Ms. Oake asked if she has to worry about her dogs going over there. Ms. Oake said she does not want people coming on her property.

Ms. Oake said that she's not familiar with campgrounds, but when you have people stay there year round, do you screen the people that are there; who live there within a certain footage of her for safety purposes, meaning do they have a criminal record; she has children and they have children over. Ms. Oake said safety is her main concern.

Earl Cunningham reading letter of remonstrance from Jason Tuttle, 4388 N. 700 E., Rolling Prairie, Indiana.

To whom it may concern:

I am a property owner whose property borders the former campground at 6502 E. Highway 2 in Rolling Prairie, Indiana. I am unable to attend the meeting and this correspondence is to serve as my written remonstrance to the proposed campground.

I have no objection to the property being revitalized and returned to a campground, however I do have concerns for trespassing along our shared property line. The property is currently not in use and it is very common for me to find trespassers on my property, and when confronted, make their way back through the campground to where ever they have come from. I feel that this will only get worse when the campground is operating at full capacity and if one of the campground guests is hurt on my property that unfairly opens me up to insurance claims and liability that I do not wish to incur. Therefore, I ask that a reasonable fence be installed at the cost of the owners of the proposed campground property along the shared property line with clear signs indicating that anything beyond this fence is off limits and private property.

Again, as long as the requested fence is installed (at the campground owners full expense) before operation of said campground, I have no objection.

Jason Tuttle

Dwayne Hogan said we will go down the list here and try to get some of these questions answered.

Dwayne Hogan asked Mr. Hine how many sites he plans on having.

Mr. Hine said that the existing campground that they've done some research and actually have counted is approximately four-hundred (400) sites, which means there are water spickets and electrical boxes that have proven and showing that those have serviced four-hundred (400) sites.

Dwayne Hogan asked of those four-hundred (400) sites, how many will be full hookups.

Mr. Hine said those were approximately one-hundred and fifty (150) for full hookup. Mr. Hine said there was another section of about one-hundred (100) that they were unable to identify because of the weather.

Dwayne Hogan asked Mr. Hine if there is going to be primitive.

Mr. Hine stated yes and that would be considered tent area.

Dwayne Hogan asked how many of those ---

Mr. Hine said that would be more like five (5) tent areas, which would be like group tent areas.

Melissa Mullins Mischke said so if it's a group tent area, how many tents do you anticipate.

Mr. Hine said typically if somebody would call in and ask it would be ten (10) to fifteen (15) tents. Mr. Hine said if you would have cub scouts, or girl scouts, they would be that type of group.

Mr. Hine said if we have four-hundred (400) total camp sites, one-hundred (150) are full hookup, but the other hundred (100), he wasn't able to identify – probably two-hundred fifty (250) for full hook up and five (5) tent areas that would be for primitive.

Dwayne Hogan asked Mr. Hine if he has figured out times for this campground.

Mr. Hine said that he thinks that it's important to know that this is a family campground. Mr. Hine said that they're all going to be registered guests, and that's real important. Mr. Hine said that when people come in they will be registered. Mr. Hine said he's not obviously going to be registering kids, but when you come through they're going to be registered and that controls the situation, as well as rules that those people have to follow as registered guests.

Dwayne Hogan asked if there is anything set like for 10:30 or 11:00 at night.

Mr. Hine said that 10:30 p.m. is their quiet hour and normally what they would do, if they were planning any events, we would like people to go back to their camp sites by 10:00 and the quiet hour is 10:30 p.m.

Dwayne Hogan asked Mr. Hine how much property he owns there.

Mr. Hine said that the total is fifty-eight (58) acres.

Mr. Hine said that they agree with maintaining and repairing the fence as needed, and if there is an area that they need to go replace, they're willing to do that. Mr. Hine said the older barbwire fence they don't have a problem repairing as needed and maintaining. Mr. Hine said with signage, they don't have a problem with identifying where the private property versus campground property.

Dwayne Hogan asked Mr. Hine if he's going to have provisions for year around camping in there.

Mr. Hine said that they will, but that will only be in certain areas. Mr. Hine said that typically would probably be in the lower front area because it's easier access. Mr. Hine said with the rain and snow, there is no reason to put people in a bad situation.

Greg Szybala asked Mr. Hine what other facilities will be at the campground.

Mr. Hine said right now there is the existing pool, a shuffle board, a baseball diamond, kiddie pool, swing set and playground. Mr. Hine said right now they're looking at this as keeping it nature and making it more adventures and outdoor camping a natural experience.

Dwayne Hogan asked Mr. Hine if he would have a camp store there.

Mr. Hine said that they will have a camp store and office for the guest to register in. Mr. Hine said that they do charge guests to come in as well as the campers registering for insurance purposes.

Dwayne Hogan asked how many showers and bathhouses.

Mr. Hine said that there is an existing bathhouse that is there right now and we're probably looking at the possibility of two additional bathhouses, with possibly a portable if you get into situations for holidays, they will bring in portables. Mr. Hine said they're looking at a couple of extra buildings.

Dwayne Hogan asked Mr. Hine how big the sites are going to be.

Mr. Hine said that there is a lot of space, so he really doesn't want to say --- they're going to be very spacious where people have plenty of room because there is plenty of room out there. Mr. Hine said he knows that doesn't give you an answer, it's just a situation that they have RV's and they have people with bigger tents and families that you don't want to put on one small site. Mr. Hine said the object would be to give them plenty of space. Mr. Hine said that they have

multiple trees that the sites are going to be designated because of the trees and what's existing there.

Dwayne Hogan was asking about the campfires.

Mr. Hine said that they will all be in rings. Mr. Hine said that they will provide rings and picnic tables for every site.

Melissa Mullins Mischke asked how much of the campground is currently fenced in.

Mr. Hine said he truthfully did not walk the whole fence line, but he will commit to making sure that it's either repaired, or they will replace with existing barbwire type material to make sure that it's fenced in.

Glen Minich said that someone earlier mentioned that you talked about not putting these sites within so many feet of the perimeter. Glen asked what kind of proximity --- there is a large area and to the southwest corner there looks like there is a lot of water. Glen asked Mr. Hine if he would use the whole property for camping.

Mr. Hine said he thinks that they're looking at using the entire property, but the campers don't want to be close to them either. Mr. Hine said if he puts a site, it doesn't mean that tent is going to be on that fence line. Mr. Hine said they want that distance as well, but we're still giving them proximity of each other. Mr. Hine said it might be that it's seventy-five (75) by one-hundred (100), that tent isn't necessarily going to be on that fence line. Mr. Hine said that they don't have a setback from that fence, but it could go all the way to the fence because that's their site. Does that make sense?

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

Dwayne Hogan asked Mr. Hine on one of his peak weekends, like the 4th of July, how many quests he anticipates being there at one time.

Mr. Hine said if you look at roughly four-hundred (400) sites and you multiply that times, half of those people are going to be two (2) people and the other could be three (3), or four (4) people. If you take that number, that's probably the realistic number. Mr. Hine said that you're talking about less than a thousand (1000) people, which of fifty-eight (58) acres, that's not a huge amount ---

Dwayne Hogan asked Mr. Hine if he believes he could handle that much there, between the camp store --

Mr. Hine said absolutely. Mr. Hine said a lot of the roads have already been developed. Mr. Hine said it's not like they're going in and redeveloping, it's already been laid out going back to the facilities; it's a matter of enhancing and redoing those items.

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

Greg Szybala asked Mr. Hine how much more development he has to do, or intend to do to bring this up to your expectations. Greg told Mr. Hine that he said maybe an additional bathhouse. Greg asked Mr. Hine the condition of the existing structure.

Mr. Hine said the good thing is that it hasn't been vandalized. Mr. Hine said that the last time it was used, it wasn't vandalized and they don't have to go back and repair. Mr. Hine said all they have to do is go back and test everything – the electrical – that's going to be the number one thing. Mr. Hine said that they will repair as needed and then they will be able to start that process. Mr. Hine said it's a process and it could be two (2) seasons by the time they get to that point. Mr. Hine said that they would like to do it in phases.

Dwayne Hogan asked Mr. Hine if he wants a sign in the front.

Mr. Hine stated yes.

Dwayne Hogan asked Mr. Hine if he wanted it lit.

Mr. Hine stated yes.

Dwayne Hogan asked the size.

Mr. Hine said a 4'x8' with a lit sign both directions.

Dwayne Hogan asked Mr. Hine if the address is marked out there anywhere with a reflective sign.

Mr. Hine said he doesn't think so.

Dwayne Hogan said that needs to be posted if emergency vehicles need to get in there and they know exactly where it is.

Mr. Hine said absolutely.

Mr. Hine said there is a locked fence at night.

Dwayne Hogan asked if there will be some type of key card.

Mr. Hine said that is to be determined. Mr. Hine said that there is a couple of ways. Mr. Hine said that they will have somebody on site that manages that and is a part of the security and represents them at all times.

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

Dwayne Hogan asked the pleasure of the board.

Earl Cunningham told Annemarie that we're not asking for a Variance, we're talking about a Special Exception, is that correct.

Annemarie Polan stated correct.

Earl Cunningham asked Annemarie Polan if she has a timeline that this campground was granted and the Commissioner ran the campground. Earl asked Annemarie if she has any knowledge on that.

Annemarie Polan, Building Commissioner, said that she does not have that with her.

Melissa Mullins Mischke said that she would like to see fencing especially along the residential areas. Melissa said that she understands that you will maintain what's there, but from a neighboring standpoint, she can understand if she had small children, or animals, in her experience anyway, campers go out at night time and have a few cocktails and they may not be as friendly as they might otherwise be. Melissa said she would really like to see some type of fencing up, especially around the residential areas to minimize that interaction with the neighbors and your guest.

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

Glen Minich said that he thinks that Melissa makes a very good point. Glen was talking about having a barbwire fence. Glen asked if anyone knows what's there now.

Mr. Hine said its four (4') feet. Mr. Hine said it's just not two wires going through, its box woven.

Dwayne Hogan asked the pleasure of the board.

Glen Minich made a motion to grant the Special Exception for Carrie M. Davis (Personal Representative) of Theodore M. Hull, (Owner) and RV Accessories, LLC (Buyers) to run a campground located at 6502 E. State Road 2, Rolling Prairie, Wills Twp., with four-hundred (400) sites with a perimeter fence in residential properties to be maintained by the owners. Quiet time is to be 10:30 p.m. with all guest being registered guest.

Attorney Biege asked Mr. Hine if they're expecting day guest.

Mr. Hine said that they would all be registered.

Glen Minich said that they will be allowed a 4'x8' sign lit with the property address clearly visible.

Earl Cunningham seconded including all of the items of concern.

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

Melissa Mullins Mischke said that she just wants to make sure that the motion is not to exceed four-hundred (400) sites total.

Mr. Hine asked if that is the four-hundred (400) sites with the primitive.

Dwayne Hogan said two-hundred fifty (250) with full hookup and five (5) group sites that are primitive. Dwayne Hogan said that's four-hundred (400) total sites.

Mr. Hine said that they have four-hundred (400) and then they have five (5) areas of primitive that have no hook ups.

Dwayne Hogan asked if that is part of the four-hundred (400).

Mr. Hine stated no because those four-hundred (400) are individual sites. Mr. Hine said that the group areas are not really sites, they're just a group area for boy scouts and girl scouts.

Glen Minich said it would be four-hundred (400) total sites with five (5) primitive areas.

Dwayne Hogan asked Mr. Hine if there is a name for this.

Mr. Hine said it will be Timber Ridge.

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

Attorney Biege asked petitioner, Carrie M. Davis, as personal representative of the estate is she is selling to Theodore Hull and RV Accessories, LLC.

Carrie M. Davis stated that Theodore Hull is her father and he's passed away.

Attorney Biege asked Ms. Davis if she's selling to RV Accessories, LLC.

Ms. Davis stated yes.

Dwayne Hogan asked if there are any other clarifications.

Dwayne Hogan asked all those in favor of the motion signifying by saying Aye.

Voting Aye: Dwayne Hogan, Glen Minich, Melissa Mullins Mischke, Earl Cunningham and Greg Szybala.

Motion carries 5-0.

Mr. Trujillo said that he would like to invite anyone of you to stay at his home anytime that they have something acting out out there, because it's notorious in the past for people to carry on debauchery activity with their drinking, smoking cannabis and having so called music and very loud speakers. He would appreciate if any of you wanted to come and stay at his place, you're more than welcome.

Dwayne Hogan thanked Mr. Trujillo and he said they appreciate that.

Petition No 2. Laura Dencer is moved to the bottom for tracking on the website for adjoining property owner by the name of Anthony & Betty Pesavento, Trustees Trust.

3. Petition for Variance of Developmental Standards for Steven E. & Jacqueline Wolfe to split a parcel into two (2) parcels with one parcel having 317.23 road frontage and the new parcel having 83.86 feet frontage on 3.31 acres. This property is located at 8205 N. Wilhelm Road, La Porte, Springfield Twp., zond Agricultural on 27.2 acres.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Steven E. Wolfe, 1805 N. Wilhelm Road, La Porte, Indiana 46350.

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

Mr. Wolfe said that he would like to split off a portion of the property so that way his niece can actually build a house on the property.

Dwayne Hogan asked Mr. Wolfe if he currently has twenty-seven (27) acres.

Mr. Wolfe stated correct.

Dwayne Hogan asked Mr. Wolfe if he wants to split off three-hundred seventeen for himself.

Mr. Wolfe stated correct.

Dwayne Hogan asked if that's leaving 83.86 feet.

Mr. Wolfe stated correct.

Dwayne Hogan asked Mr. Wolfe if that's the most that he can give her out of the three-hundred seventeen (317) feet that are left.

Mr. Wolfe said unfortunately, yes. Mr. Wolfe said the reason being is that his house is closer to the driveway and he wouldn't be able to get two-hundred (200) feet no matter what and it would be a shared driveway as it is.

Dwayne Hogan asked Mr. Wolfe if he could get to it to the right.

Mr. Wolfe stated no.

Glen Minich said he's guessing that's approximate footage from your driveway to your most southern property line.

Mr. Wolfe said yes sir. Mr. Wolfe said eighty three (83') feet is from the driveway to the southern property. Mr. Wolfe said actually it will be a shared driveway. Mr. Wolfe said the proposed property line runs just south of the driveway in the photograph.

Glen Minich asked Mr. Wolfe if he could widen the shared driveway.

Mr. Wolfe said just because of family, they're just going to use the same driveway as it was. Mr. Wolfe said that there was an existing structure that was built on the property –

Dwayne Hogan said just because it's a great great family right now, fifteen (15) years from now we have one driveway with two houses.

Mr. Wolfe said the only reason they actually tried to leave the driveway the way it was and use it as a shared driveway, so that way his ten (10') foot setbacks from property line were so effective for any existing structure.

Dwayne Hogan asked if that's on the driveway side.

Mr. Wolfe said correct. Mr. Wolfe said ten (10') feet north of the proposed property line, is actually where there is an existing garage and existing shed building.

Glen Minich asked how wide the driveway is.

Mr. Wolfe said ten (10') feet. Mr. Wolfe said if need be a new driveway could be proposed next to their driveway and another driveway could be done then, but ---

Earl Cunningham said what he's asking is your eighty three (83') foot of frontage going to the driveways edge, you could be putting the driveway in and making it ninety three (93') feet.

Mr. Wolfe said if he includes the driveway, then he no longer has the correct setbacks for two (2) buildings on the property.

Earl Cunningham told Mr. Wolfe that his buildings are still ten (10') feet away from the driveway, correct?

Mr. Wolfe stated no, the buildings are right up to the driveway.

Earl Cunningham said now he sees.

Mr. Wolfe said if you see how the property kind of comes in from the west, come up and two-hundred twenty-eight (228') feet, makes a hard left to the north that actually gives another set point and it's nine-hundred (900') feet out to the stream, so it gives them a total acreage of 3.13 acres he believes. Mr. Wolfe said that way he was able to give them that garage that's existing on that property; he couldn't do it straight because there is an existing septic tank that he found out that he's going to have to have replaced.

Glen Minich said the septic is the mound system to the north of this.

Mr. Wolfe stated correct.

Mr. Wolfe is up at the bench going over the site plan with Glen Minich and other board members.

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

Dwayne Hogan said that we have a letter here that we will have Mr. Cunningham read.

Earl Cunningham said that this letter is from Timothy Navarro, 8173 N. Wilhelm Road, La Porte, dated February 20th, 2018.

To whom it may concern:

Regarding the variance request from Steven E and Jacqueline Wolfe and the property located at 8205 N. Wilhelm Road, La Porte, IN.

Previously on the property was a house, in the same approximate location on the parcel they are looking to spilt. When there was a structure there standing it killed the ecosystem on my neighboring property's pond. There had always been standing water in that location as well. I am unsure if it was the septic system, but when the structure was removed, the septic smell went away and the pond was restored and I have not had an issue since.

If they could guarantee splitting this parcel and building another structure would have no impact on my property and pond. I have no issue. If they cannot, I am opposed.

Earl Cunningham said that it's under water today. Earl said that there are a lot of properties under water today.

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

Dwayne Hogan told Mr. Wolfe as he can see, they're really hesitant about the driveway issue. Dwayne said that we have to do the right thing, but in ten or twenty years, then what?

Melissa Mullins Mischke asked Mr. Wolfe how long ago the home was removed.

Mr. Wolfe said about eight (8) years ago.

Melissa Mullins Mischke if he's asking to build right on top of that basically.

Mr. Wolfe said basically, yes. Mr. Wolfe said he did actually talk to the Health Department and the existing septic system that was in that location is no longer acceptable to be used. Mr. Wolfe said that he's already contacted Soil Solutions and he's already had soil borings done, so that way he's actually already to go with the new septic system/mound system, if necessary. Mr. Wolfe said the septic system to the north of his property, which is his, he actually went with the Presby system, and it's a lot more ecological system that he's actually talking his niece and nephew in law of doing. Its cleaner water and a smaller footprint.

Melissa Mullins Mischke asked how much acreage he would have on the second parcel.

Mr. Wolfe said a little over three (3) acres. Mr. Wolfe said he actually had a full legal survey done by Steve Thate for that parcel. Mr. Wolfe said as far as the driveway aspect, if need be, a second driveway can be put in, either right next to the existing driveway, or they can go further south and put a driveway along that south property line.

Glen Minich asked Annemarie to explain her comment.

Annemarie Polan, Building Commissioner, said when he mentioned the driveway, she said to keep the driveway together, rather than two different ones.

Mr. Wolfe said the small issue with the driveway is, there is a power pole that is right next to the driveway, so the power pole would be in between two driveways at that point. Mr. Wolfe said that he doesn't know if that's an issue, or not.

Board members speaking amongst themselves.

Glen Minich said he knows this for sure, if we're going to allow this, there will be no further splits on this property. Glen said the one thing that he will say is that it probably does have four-hundred (400) feet, where most people with four-hundred (400) feet get two lots.

Mr. Wolfe said that he has the house and the pond directly north of the house and his septic system is directly to the north of his house. Mr. Wolfe said that there is no way he can get another two-hundred (200) feet for them to use.

Dwayne Hogan said that he thinks that Glen makes a good point about no further splitting.

Earl Cunningham said in reality the future buyers, whether it's fifteen (15), or thirty (30) years from now are going to understand the situation of buying into and probably diminish the value of both properties, it's not something a realtor is going to say, you have this driveway that's shared and most people don't want to do that.

Annemarie Polan, Building Commissioner, said unless they're looking for a situation that they want an in-law or something in there.

Earl Cunningham said exactly and then it becomes an asset. It doesn't increase, but it certainly wouldn't decrease the value.

Mr. Wolfe said originally that was what the original house that was put on the property; it was his mother-in-law and father-in-law.

Earl Cunningham said that there are some people that are looking at that in the real estate, particularly with this many people getting older.

Mr. Wolfe said that's why he's having them move there so they can take care of him when he gets old.

Melissa Mullins Mischke said that she lives next door to her parents, but she has well over two-hundred (200) feet of road frontage.

Dwayne Hogan asked the pleasure of the board.

Earl Cunningham made a motion that we approve the petition for a Variance of Developmental Standards for Steven & Jacqueline Wolfe to split a parcel into two (2) parcels with one parcel having 317.23 foot of road frontage and the new parcel having 83.86 feet of road frontage on 3.31 acres with the caveat that this property not be further split. This property is located at 8205 N. Wilhelm Road, La Porte, Springfield Twp., zoned Agricultural on 27.2 acres.

Glen Minich seconded.

Dwayne Hogan asked if there are any questions, concerns, or clarifications before we vote.

Melissa Mullins Mischke said that she just wants to make should this get approved, you make sure that you thoroughly identify each address for emergency response purposes so it's clearly visible, especially with the shared driveway.

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

Voting Nay: Melissa Mullins Mischke.

Motion carries 4-1.

4. The Petition for Variance of Use for John & Mary Slater, lessors, with Conan Solar, LLC for installation of six (6) megawatt solar farm on Parcels 46-07-019-300-006.000-052 & 46-07-19-100-007.000-052. This property is located at 403 E. 200 N., La Porte, Kankakee Twp., zoned Agricultural and R1B. Agricultural has 55.5617 acres and R1B has 5.36 acres.

Dwayne Hogan asked how many remonstrators are here tonight for Petition No. 4.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Rex Young said he represents Conan Solar, LLC and they're asking you to grant a Use Variance to allow them to construct and operate a six (6) megawatt energy system on the property of John & Mary Slater, landowners, who are here in the audience.

Mr. Young said a sixty (60) acre solar energy system should be enough power to generate over a thousand (1000) homes. Mr. Young said the format if he may, he would just like to entertain any questions that you may have and he'd like to tell you anything else he can tell you about the operation and installation of a solar farm. Mr. Young said he would be happy to answer any questions that any members of the audience and public have tonight.

Dwayne Hogan asked Mr. Young if he's started anything on this project.

Mr. Young said nothing other than they've had environmental consultants. Mr. Young said that they sort of consider this step one in the process. Mr. Young said that it's important to be transparent that there are several other agencies they need approval from and things that will have to be worked out with NIPSCO, the electric utility, before they actually start any digging.

Dwayne Hogan asked Mr. Young when he would like to start this process.

Mr. Young said he would say as soon as they're granted permission from the board today, they're currently eight (8) to twelve (12) months from construction. Mr. Young said that they don't get other permits from other agencies until we know that it would be allowed by the local authority. Mr. Young said once they actually commence construction, a facility this size about six (6) megawatts takes about four (4) months to actually construct.

Attorney Biege asked Mr. Young what agencies you have to receive permits from.

Mr. Young said that he mentioned that they have the wetlands study done and something that has to happen is the Army Corp of Engineers will have to issue a concurrence, or with that study, they will probably have to get a driveway permit from the IDOT, because they want to access the property from East 250 North; the other one is not an agency, but they will have to work out a power purchase agreement with NIPSCO. Mr. Young said that when they work out those power purchase agreements, that's also when the utility comes back to them with the upgrade requirements that they're going to have and that's one of the most important parts that make or break parts of this project. Mr. Young said if the utility would demand things in order in interconnect to their grid that they don't anticipate for some reason, which is unlikely, but there are particular situations where they want more re-conductoring done; it's just something like that that would have a substantial impact on the costs of the project. Mr. Young said those are sorts of things they like to let people know that they still have to iron that out.

Attorney Biege asked Mr. Young who monitors the safety of the installation.

Mr. Young said the facility will be enclosed; according to the National Electric Code, they have to enclose with a six (6) foot high chain link fence, and it will also have a barbwire on top of that. Mr. Young said that there won't be anyone on site on an ongoing basis, but it will be a locked up and enclosed facility and signage on the front that indicates who to contact in case of some sort of an emergency. Mr. Young said other than that, the only people that will ever visit the site once it's actually constructed and operational are some maintenance crews during the summer to cut the grass around it and make sure that we're not blocking shade. Mr. Young said that they're considering exactly how they want to maintain that vegetation.

Mr. Young said with respect to traffic, there will be less traffic associated with this project than if was actually a single family home, or residential home, because there will only be traffic during the summer growing season -- spring and summer growing season. Mr. Young said it will be just one pick-up truck really.

Dwayne Hogan asked Mr. Young if he has to follow OSHA standards.

Mr. Young said he's not familiar with what OSHA requirements are triggered, but ---

Dwayne Hogan told Mr. Young that he might want to start around 1910,269 transmission distribution.

Mr. Young said if you're refined to any sort of interconnection to three (3) phase, or high voltage transmissions lines, but they won't connect at high voltage level, they will connect at the three (3) phase level. Mr. Young said that the utility will actually do any upgrading to their power lines and then bill them for that.

Melissa Mullins Mischke asked if John & Mary Slater still reside at the residence to the south of the farm.

Mr. Young said as far as he knows they will continue to reside there. Mr. Young said as you can see from the site plan, they're actually setback from their home a little bit and they don't intend to build entirely around them.

Melissa Mullins Mischke said that she didn't see any sketch of the panel themselves. Melissa asked Mr. Young how high off the ground they are?

Mr. Young said that's a great question because they actually vary a little bit, he would say from the very peak, they're at twelve (12) feet from the ground, but for a good chunk of the day, they will be actually almost flat because these panels are tracking systems that will tilt with the sun.

Melissa Mullins Mischke asked if she was the homeowner that lives just to the west of the Slaters, what could she expect to see during the day from her back yard.

Mr. Young said most likely not much different from what they're seeing right now. Mr. Young said that they typically don't have any issue with maintaining any type of vegetative buffer and if there is a screening that they're asked to do, most of the time they do not destroy tree lines that are the existing property dividing lines. In fact, there are some property owners that have already expressed their desire to maintain existing hedges and tree lines and they're happy to work with those neighbors and be as good as a neighbor as they can be.

Glen Minich asked Mr. Young if the plan is to leave the hedge line as it is, or to trim it back. Glen told Rex that his fence is pretty far into the property line and he thinks that's a pretty high hedge row.

Dwayne Hogan asked for name and address for the record.

John Slater, 0403 E. 200 North. Mr. Slater said the question was ---

Glen Minich asked what he's planning to do on the hedge row, whether leave it natural and to protect the neighbors from seeing this.

John Slater said that the house to the west, which is Randy Bladecki. Mr. Slater said that he actually sits below level; there was a hill there and dug out, so between the hedge row and being below level, he doesn't think that he's going to see anything. Mr. Slater said that he has talked to Randy truthfully and he said he'd rather have the solar there instead of the farming going on. Mr.

Slater said the hedge row on that side would stay. Mr. Slater said actually they had Mr. Parkman come in two years ago and trim it out, so you can see it's rather narrow.

Mr. Slater said on the east side, which is the border between them and the Fishers, you can see that the Fishers, eight (8), or ten (10) years ago, cleaned out there side so there is the central hedge row and it's hard to determine whose it is because it's an old old farm and has been there for a long time. Mr. Slater said that the brush that is directly west of it, he thinks that you can see that there was brush that has not been cleaned, he's not talking about the hedge row, that will be cleaned he's assuming. Mr. Slater said it's not part of the hedge row. Mr. Slater asked Glen if that makes sense.

Glen Minich said it's growing in the shadow of the hedge.

Mr. Slater said actually there was a sheep laying there that went to back to the field and it was never maintained and grown in.

Dwayne Hogan asked the dimensions of the panel.

Mr. Young said that the panels don't stand on their own; it's like a racking system where the panel will lay down. Mr. Young said the panel itself, there is maybe six (6) to eight (8) of those. Mr. Young said it depends on what type of panel you use and he's not sure if that's actually been determined. Mr. Young said he actually doesn't know if he can speculate about the size and he would be speculating.

Glen Minich said that this solar field has a life expectancy. Glen asked what insurances he gives to the owner that at the end of this solar field's life expectancy, the property will be put back whole to the way it was.

Mr. Young said that is something that they have incorporated into the lease agreement with the Slaters that they will be liable and required to do that as part of the agreement so we would be liable for breach of contract. Mr. Young said it's also important to know, while there hasn't been a lot of solar farms retired yet, the value of reclaiming all that scrap metal is very high. Mr. Young said for the few that have been (unintelligible), most companies are able to make money when they go in take them down. Mr. Young said that there is plenty existing incentive not to be sued for breach of contract and to go out and get that scrap metal.

Dwayne Hogan asked Mr. Young the life expectancy.

Mr. Young said he would say that it's forty (40) years. Mr. Young said that most of the costs in building these facilities is immediate and upfront, so once you have it built and activated to that, there's really not much reason it wouldn't go the full forty (40) years.

Greg Szybala asked Mr. Young if all that service is going to be done in that small little area coming off of 250?

Mr. Young said that the trucks may drive across the property.

Dwayne Hogan asked Mr. Young how many panels there would be approximately.

Mr. Young said twenty-six thousand (26,000) panels and that's going to go on three-hundred and thirty (330) racks. Mr. Young said he does not know what math that comes out to per rack, but someone smarter than him in the math department could tell you.

Dwayne Hogan asked for a show of hands for the remonstrators.

Dwayne Hogan asked if there is a spokesperson with common thoughts.

REMONSTRATORS:

Dwayne Hogan asked for name and address for the record.

1. Chris Schoof, 4011 N. 250 E., La Porte. Mr. Schoof said that he guesses his question would be is to the need for this solar farm to sixty (60) acres of agricultural land out of production to service approximately one-thousand (1000) homes. Mr. Schoof asked if NIPSCO even desires to purchase the electricity off of this.

2. Scott Fisher, 2400 N. Fail Road. Mr. Fisher said that he's a property owner on the west side, east of the Slaters. Mr. Fisher said pardon him for being skeptical, but they border their property for a half of mile and they've never had any conflict with the Slaters throughout the years they've owned the property, and they hope to keep it that way. Mr. Fisher said the concerns he has, currently its zoned R1 with the use of Ag and if they turn this into industrial, how is this going to affect his R1 property value in future use and this solar farm will never be production in agricultural again.

Mr. Fisher said that the six (6) foot tall fence with barbwire on top; in his opinion it's going to look like a prison in Kankakee Township. Mr. Fisher said if the LLC Company files bankruptcy in five (5) to ten (10) years, who cleans up this mess. Mr. Fisher said that he spoke with Rex Young on the phone a couple of times and he said that the solar technology has improved greatly in the last ten (10) years. Mr. Fisher asked what happens in the next ten (10) years when the solar farm is no longer costs effective; what happens to the obsolete equipment, materials, gravel, cement, other than the steel? Mr. Fisher said that there is still going to be cement ground works there and a general mess. Mr. Fisher asked who is going to be responsible.

Mr. Fisher said that he was thinking just of the top that maybe the company should be required to get a million dollar deposit, county held, to guarantee a cleanup so were not left with a (unintelligible) area in La Porte County. Mr. Fisher said that this is new territory for La Porte County, let's make sure that our interests are protected, not the company from North Carolina, California and New York.

Mr. Fisher said that the property is less than ideal for a solar project because this is a cloudy area. Mr. Fisher said that all of the old timers around here know that KOP was built here for World War 2 because it was a cloudy area; cloudy conditions and lake effect snow. There are C2 slope, which is highly erodible on this property and trees that should not be removed per the soil and water regulations, along with a wetlands and a NIPSCO easement one-hundred fifty (150) feet wide.

Mr. Fisher said that the company's website states that they like to serve underserved areas and he doesn't believe that NIPSCO has any problems supplying this area with power. An adjoining landowner, Rita Vantine couldn't attend this meeting tonight, but she said that she voices the same concerns as they do. Mr. Fisher said most important to them is a fence line between them which must remain untouched. Mr. Fisher said the Osage orange fence rows is a natural windbreak and controls the wildlife habitat and historic that's been there for over one-hundred (100) years and well maintained on his side.

Mr. Fisher said the one-hundred (100) foot setback from their property shall be required for any construction if this process advances. Mr. Fisher said that he would like the same setback that the Slaters have from their house to the first solar panel, and also if they're going to fence, with the power line that runs down through, how is NIPSCO going to service that power.

Dwayne Hogan asked if there are any other remonstrators whose thoughts have not already been captured.

Rex Young said that he would like to thank you for hearing his position and others who have brought their concerns here today.

Mr. Young said that they're not asking for rezoning of the property. Mr. Young said once this variance and use expires, the land would go back to its existing land use designation. Mr. Young said as he understands the way that works, it's only valid for as long as to the person it's been issued and used for that purpose. Mr. Young said that if they decommission the site, and removed all the equipment, it only takes a matter of days to do that.

Dwayne Hogan asked Mr. Young how many have they decommissioned already.

Mr. Young said he unfortunately he doesn't actually know that information.

Dawyne Hogan asked if they lasted for twenty (20) years. .

Mr. Young said actually the only projects being decommissioned so far, which he doesn't have the number of those, but the ones he's heard about are really old systems from the very dawn of this solar –

Dwayne Hogan asked if they wore out their expectation before the decommissioned.

Mr. Young said to his knowledge there is no evidence of any existing facilities that have been built in the last ten (10) years or so; none have come off line early or anything like that to his knowledge.

Mr. Young said that there is an indication that NIPSCO is interested in additional generation capacity; they expect that they're going to put out a request for proposal for an additional site soon, but they haven't officially done that yet, but he doesn't think that there is lack of appetite for electricity any time soon.

Mr. Young said that concern was mentioned about the technology changing. It's true that the panels are getting cheaper and cheaper, but he thinks that would really only affect what type of technology would be proposed for future sites. Mr. Young said once they already build this facility and have it financed for over a twenty (20) or thirty (30) period, that's a locked in financed agreement and it doesn't matter if five (5) years later it would be more viable to have done a different type of technology, they already have their financing worked out.

Mr. Young said that he certainly appreciate the concern about leaving this system sitting in the event that something went wrong – he knows that you have sort of a plan for even the unlikely scenario that a company goes under or something like, but something he thinks they're happy to do, they're happy to make it a condition if you all are willing to grant the variance, that you make it a condition that they submit a decommissioning plan to you laying out exactly how, where and what they would do in order to return its site to current residential and agricultural uses.

Mr. Young said that he doesn't want to understate the value that it does exist in one of these scrap metals, but there is a lot of value retrieved from one of these systems once it's constructed. Mr. Young said he thinks another benefit that the project offers is that they're offering a distributed energy generation here, which is unlike the traditional power system where you have sort of a centralized power plant that sends power down the power lines and then steps it down to the substation and then out to your homes. Mr. Young said if something were to happen to that plant, everyone who depended on it would go off line at once. Mr. Young said that solar works, it sort of flips that model because they have a site over here and maybe over there, and ten (10) miles down in another county, you don't have to worry about one flip of a switch turning off the power to every customer on that grid. Mr. Young said that when you have distributed generation like this where the power generation is distributed at different sites throughout the county, it gives you a little more reassurance that your electric grid is not going to be disrupted.

Mr. Young said if he's forgotten to respond to any of those points, please correct him.

Dwayne Hogan asked about environmental impact.

Mr. Young that there is no runoff; it doesn't have to sit on concrete and the posts would go about six (6) feet into the ground.

Dwayne Hogan asked if that is metal posts.

Mr. Young said he thinks that it's steel. Mr. Young said that these things are built to withstand all the elements. Mr. Young said the silicone layer of the panel is encased in glass and those are tested to withstand hail and other environmental concerns. Mr. Young said it's now a piece of water soil able equipment, so it won't break down with rain, or other weathering that otherwise could erode and allow any sort of chemical release. Mr. Young said that it has an antireflective glare and it's very little risk of any sort of fire breaking out and it certainly decreases any sorts of pollution that would be generated by other sorts of powers systems.

Dwayne Hogan asked Mr. Young to address the fence line and what it's going to look like.

Mr. Young said that they don't intend in any way to destroy the western bond fence line. He's happy to make that legal and enforceable condition of this variance as well so that Mr. Fisher to the east has a reassurance that they do not intend to create an eye sore and they're also happy to work together about a setback. Mr. Young said that he thinks that a more reasonable setback from their respective would be maybe a fifty (50) foot setback from that property line to the east. Mr. Young said anywhere on the property, they're happy to have --- their chain length fence would be on the inside of any sort of vegetative buffer that they might be asked to install. Mr. Young said if they're going to maintain that eastern boundary tree line, that should be a sufficient buffer, but if they need to do any sort of screening along the road or other sides of the property, they're happy to do that.

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

Board members speaking amongst themselves.

Mr. Young told the board members that the site plan they have in hand right now estimated a forty (40) foot easement on both sides of the power line and they think it might be closer to one-hundred (100). Mr. Young said that they're waiting to get concurrence from Army Corp of Engineers to their current wetlands delineation, and they also have to do a title search to find out if any easements do exist, so they obviously would not be able to prevent access by NIPSCO there, they would otherwise be landlocked and they have easement by necessity.

Dwayne Hogan asked if there are any other questions.

Earl Cunningham said that somebody talked about putting up a million dollars in an account to make sure that you clean it up. Earl told Mr. Young that he makes it sound like cleanup is going to be relatively easy and quick because the value of the property. Earl asked Mr. Young about a surety bond of some type, which wouldn't costs a million dollars to make sure that is done. Earl asked if that is possible.

Mr. Young said that he knows only of a couple of instances they had to do that and he'll be frank, that is something that he doesn't have authority -- you obviously have the authority to impose it if you want, but he doesn't have the authority to welcome that concern. Mr. Young said the welcome for that requirement, and the reason they sort of resist that if they possibly can, in a couple of instances that they had to do that, it's turned into a stringent administrative burden and can be costly requirement as well. Mr. Young said the way that it ties up the project, this would further delay that process. Mr. Young said if they felt like they got a little more value out of that performance bond, or whatever you would like to call it, they would be willing to do that, but he thinks if there was a requirement for the decommission plan and he thinks that there is also reassurance in fact that they would be legally bound to decommission it in the land lease with the Slaters. Mr. Young said those things taken together defeats the need for the bond.

Earl Cunningham told Mr. Young that he's saying he doesn't need a surety bond because the Slaters are going to sue him anyway.

Attorney Biege asked if we require a surety bond when we allow for a factory, or any other business to start?

Dwayne Hogan stated no.

Attorney Biege said that there is no reason to treat this business operation any different. Attorney Biege said that this is a variance for use. Attorney Biege said that the county doesn't require that type of bond anywhere.

Earl Cunningham said that the Slaters are still going to own the property and it's not going to be the county's responsibility to clean it up.

Attorney Biege said that it's a contractual issue between Conan Solar, LLC and the Slaters. Attorney Biege said that the only time the county factors in on requiring a bond, (pipelines are a good example) was to ensure that there wasn't damage to the roads, or adjoining property. Attorney Biege said after that project was completed, the bond was returned.

Mr. Young said that he does appreciate that point and the questions, but he just wants to add one more point. Mr. Young said that once this is built and constructed, this will be a valuable asset to someone who just wanted to turn on a light switch and generate electricity, and get paid for it by the utilities. Mr. Young said once that company, whether that company is turning profits, or barely clinging on, someone is going to want that asset and he doesn't think that there is going to be any problem --- once the company has already spent the money constructing it, he doesn't think that there will be any lack of interest in owning a solar energy generating system like the one they're proposing.

REMONSTRATOR.

Dwayne Hogan asked for name and address for the record.

Joe Janas, 1322 E. 800 N., La Porte. Mr. Janas said the he and his wife own about four-hundred and fifty (450) acres in La Porte County and he's been involved in farming for quite a number of years. Mr. Janas said that he really thinks the aspect of using sixty (60) acres for solar farm instead if using it for crop land, when you look at the ethanol efficiency and the cars going to electric cars, the solar makes a lot of sense; the clean power make a lot of sense. Mr. Jana said that he has a bachelor's degree in mechanical engineering from Purdue and he has a masters of engineering degree from Western Ontario. Mr. Janas said that he's worked in industry for forty-four (44) years and he's had access to like GE and their windfarms and tesla with some of the battery in solar. Mr. Janas said he thinks that it's a great way to go.

Dwayne Hogan told Mr. Janas that he appreciates his comments.

Dwayne Hogan asked the pleasure of the board.

Dwayne Hogan asked for name and address for the record.

Ty Miller, 216 Island Drive, La Porte. Mr. Miller said that he just wanted to also answer the question about agricultural use versus clean energy use. Mr. Miller said he knows that it's a variance, but honestly since fields and farmland has been around, their primary use has been to generate energy and this is a great way to do it. Mr. Miller said that Mr. Janas mentioned that exactly, but it's a great way to get energy cleanly and it's a great use. Mr. Miller said that his daughter is here and she's eight (8) years old, and he's excited for her to grow up in an economy that has clean energy in the county. Mr. Miller said even though it's a little cloudy here, it makes economic sense because the technology has caught up so Northern Indiana can now be catching up with some of the more sunnier climates.

Dwayne Hogan asked for any questions, or comments.

Dwayne Hogan asked for name and address for the record.

Jane Slater, 0403 E. 200 N., better known as Mary. Ms. Slater said having lived on the farm and near the farm and actually when Bernacchi's were farming the fields next to them, she had been concerned for years about the chemicals going into the ground water. Ms. Slater said that they have been known to go in the house when they're spraying and doing things. Ms. Slater said that they actually have koi ponds, and they have a little overflow and she's not sure if it was because of what was in the ground close to the pond, but she lost all her fish and it was devastating and she does think it had something to do with the chemicals in the air. Ms. Slater said solar to her is much cleaner and were all concerned about cancers.

John Slater said that he's an IU fan and they're on tonight and we need to get going, but he would like to say a couple things. Mr. Slater said he would like to tell you a little bit about their family. Mr. Slater said that is his wife Jane have lived on the farm for thirty-six (36) years and

actually their farm has been six (6) generations. Mr. Slater said they got an award from Indianapolis a couple of years ago for a continuous farming for a hundred and fifty (150) years, not that he's a farming because they lease it out. Mr. Slater said the reason he tells you that is because it's really important to them that the land is not just land that they're kicking around for a solar farm, it was really important to them what they do with it; their heritage is very important to them.

Mr. Slater said with the solar farm, he and Janie talked about the pros and cons, and there is some cons and he thinks you might want to hear the cons. Mr. Slater asked the board if they wanted to hear the cons?

Dwayne Hogan said briefly.

Mr. Slater said that the cons were, Janie is not going to be able to run around with her four-wheeler and play when the field is rented. That's the main con. Mr. Slater said his con is that he's not going to be able to pick wild raspberries, morale mushrooms, and so on. Mr. Slater said everything else he sees from their point of view is very positive. Mr. Slater said the thing that he sees that is really positive, and there are a lot of things, they live in an area where the air is really bad; the air quality is terrible here and if there is something they can do to improve it, then he thinks they should, and what better way than produce electricity without using carbon fuels. Mr. Slater said that's why he's really for this project. Mr. Slater said obviously it's a financial benefit to them, no doubt about it, but there are other things that are benefit to you, me, his kids and generations to come, besides the education of people seeing this in the area, it's about time we get going and doing things in La Porte County.

Mr. Slater said that they want to look at the future and he hopes when you vote on this you're on the right side of history and you understand that renewable energy is coming baby, it's everywhere and La Porte County, State of Indiana should be part of that. Thank you.

Glen Minich said he certainly respects farmers and farm owners and he thinks it's a personal expression of what they want to do with their farm and he doesn't personally see any down side to this. Glen said we have an awful lot assurances from this solar company that will come up with a decommissioning plan. Glen said assurance of keeping the fence row away is going to be satisfied with the neighbors over there.

Melissa Mullins Mischke said she actually sees erosion control being a little bit better since you're not going to have opened top soil mowing around.

Glen Minich said twenty-four (24) years from now the soil is going to be in better shape.

Melissa Mullins Mischke made a motion to approve the Petition for Variance of Use for John & Mary Slater, lessors, with Conan Solar, LLC for their property located 0403 E. 200 N., La Porte, Indiana, Kankakee Twp., be granted.

Glen Minich seconded.

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

Rex Young asked if the board could incorporate with the conditions –

Attorney Biege said whatever the board decides he will honor. Attorney Biege said he thinks a decommissioning plan is a BAD idea. Attorney Biege said if you do it here, we're going to have to start doing it everywhere. Attorney Biege said that the issue is between those two, they have a contractual contract.

Melissa Mullins Mischke said the only portion she would like to include in her motion is that vegetative line be maintained and left intact.

Attorney Biege asked how they want him to define this, hedge row?

Rex Young said the existing fence row to be intact on the eastern portion.

Mr. Fisher said he would like to have an explanation of intact. Mr. Fisher said he would like the fence row to remain the way it is now. When they're talking about grubbing out the underbrush would be a very good physical barrier for them. Also, he would like to have some discussion on a setback.

Attorney Biege said he wants to stop this here. Attorney Biege said he just wants to clarify what language to use, other than that, the discussion is done. Attorney Biege told Mr. Fisher that we have to follow procedure and a motion has been made.

Dwayne Hogan said that they will repeat the motion again.

Dar Forker thanked Dwayne.

Melissa Mullins Mischke said that she wants to make a motion to approve the Variance of Use for John & Mary Slater with Conan Solar, LLC to the property located at 0403 E. 200 N, LaPorte, Kankakee Twp. to include the vegetation along the east property line, also known as Osage orange to remain intact.

Glen Minich seconded.

Dwayne Hogan asked if there are any clarifications on that.

All Approved. Motion carries 5-0.

2. Petition for Variance of Developmental Standards for Laura Dencer to construct a 24'x24' detached garage with a side setback of five (5') instead of the minimum ten (10')

beside her home. This property is located at 7977 Daisy Lane, New Carlisle, Hudson Twp., zoned R1B.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Laura Dencer, 7977 E. Daisy Lane, New Carlisle, Indiana.

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

Ms. Dencer said she would like to have a variance to build a twenty-four (24') by twenty-four (24') foot garage on the side of her house with a five (5) foot variance off the property line instead of the typical ten (10) feet.

Melissa Mullins Mischke asked Ms. Dencer how close that would actually put the garage to the house on the west.

Ms. Dencer said it's going to be back further and to the north a little bit and even with the house, if you look at their drawings.

Greg Szybala asked if that is approximately where the old shed is.

Ms. Dencer said that the old shed is on another piece of property that they have.

Melissa Mullins Mischke asked if that large tree is still there.

Ms. Dencer said it's going to be removed.

Melissa Mullins Mischke asked Ms. Dencer how she anticipates accessing the rear of the property.

Ms. Dencer said the tree that's right is front and to the left of the sidewalk, has to be removed to build. Ms. Dencer said that they want to put a driveway from the entrance up to the garage.

Melissa Mullins Mischke asked Ms. Dencer how much space she's going to have between the home and the garage.

Ms. Dencer said that they figured it's was going to be seven (7) or eight (8) feet. Ms. Dencer said it's kind of hard to see by that site plan, because the lines that the county has aren't really correct. Ms. Dencer said if you look at the fence line that's correct. Ms. Dencer said that they had a survey done about ten (10) to twelve (12) years ago.

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.

Earl Cunningham asked attorney Biege how many adjoining property owners were notified?

Attorney Biege said four (4) adjoining property owners were notified.

Earl Cunningham said that there are no remonstrators.

Dwayne Hogan asked Ms. Dencer when she plans on starting construction on this?

Ms. Dencer said probably in a month, or two, because they still have to have a tree removed and the builder is waiting on the outcome of this.

Melissa Mullins Mischke made a motion to approve the Variance of Developmental Standards for Laura Dencer to construct a twenty-four by twenty-four (24x24) foot detached garage with a side setback of five (5) feet instead of the ten (10) feet for the property located at 7997 E. Daisy Lane, New Carlisle, Hudson Twp., zoned R1B.

Earl Cunningham seconded.

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

All approved. Motion carries 5-0.

Dwayne Hogan asked if Petition No. 5 is going to be heard next month?

Annemarie Polan, Building Commissioner, stated yes.

Dwayne Hogan asked if there is any other new business before the BZA this evening.

Annemarie Polan, Building Commissioner, said that she did go out to Kari Nelson's property; she's the one who had all the horses – fourteen (14) horses. Annemarie said that she went out there last Friday because the time was up and she's in compliance.

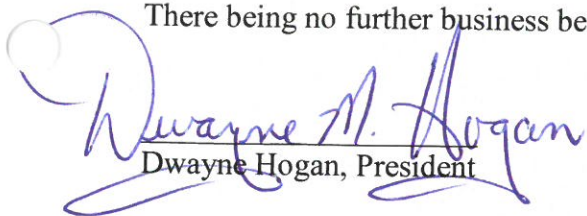
Board Members thanked Annemarie Polan.

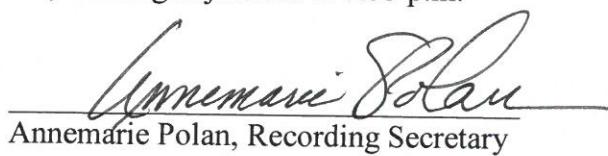
Melissa Mullins Mischke made a motion to adjourn.

Earl Cunningham seconded.

All approved. Motion carries 5-0.

There being no further business before the BZA, meeting adjourned at 7:55 p.m.


Dwayne Hogan, President


Annemarie Polan, Recording Secretary