



**LAPORTE COUNTY
BOARD OF ZONING APPEALS**

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**ANNEMARIE POLAN
Building Commissioner**

March 20th, 2018

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **March 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 February 20th, 2018.

Melissa Mullins Mischke made a motion for the February 20th, 2018 meeting minutes as presented. Glen Minich seconded.

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

All approved. Motion carries 5-0.

1. Petition for Variance of Developmental Standards for Jeffrey Grott and Gloria Grott to construct a pole barn (3072') with a side setback of three (3) feet instead of the minimum ten (10) feet. This property is located at 11863 S. 100 E., Union Mills, IN, Union Twp., zoned Agricultural on two (2) acres. (Petitioners continued this Variance to March 20th, 2018 at 6:00 p.m.)

Annemarie Polan, Building Commissioner, said she doesn't know if anyone is here this evening for this petition, but they postponed it until next month.

Dwayne Hogan said Petition No. 1 will be postponed until next month.

2. Petition for Variance of Developmental Standards for Michael Frederick and Dorothy Gustafson for continued placement of a mobile home. Last variance was granted on March 20th, 2012 for six (6) years, which is attached hereto. Property is located at 2288 N. Rolling Meadows Drive, Michigan City, Coolspring Twp., zoned R1A on fourteen (14) acres.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Michael Frederick, 2288 N. Rolling Meadows Drive, Michigan City.

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

Mr. Frederick said he would like to try to get the variance renewed for the trailer that he has on the fourteen (14) acres behind his property.

Melissa Mullins Mischke asked Mr. Frederick if it's still the 1999 mobile home that has been there?

Mr. Frederick stated yes.

Melissa Mullins Mischke asked Mr. Frederick if his mother-in-law still resides in it.

Mr. Frederick stated yes.

Glen Minich asked Mr. Frederick if she's doing good.

Mr. Frederick said not really good. Mr. Frederick said that she turned eighty-two (82).

Melissa Mullins Mischke asked Mr. Frederick if he knows how many years he thinks he needs left on the variance.

Mr. Frederick said he would think ten, but with her health issue lately --- he was teasing her tonight, but her health is not real good, but he doesn't want to move her now this late in the game.

Glen Minich asked Mr. Frederick he would be using this trailer for anything else.

Mr. Frederick said no. Mr. Frederick said the minute she's deceased, he thinks the mobile home will be gone in a week --- it's just the emotional with his kids and everything.

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

Dwayne Hogan asked the pleasure of the board.

Glen Minich made a motion that we grant another six (6) years renewable on the property located at 2288 N. Rolling Meadows Drive, Michigan City, Coolspring Twp., zoned R1A on fourteen (14) acres.

Earl Cunningham seconded.

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

All approved. Motion carries 5-0.

3. Petition for Variance of Use for Pamela McIntyre to operate an antique and collectables shop out of an existing block building. This property is located at 4952 S. Range Road, La Porte, Washington Twp., zoned R1B on 2.39 acres.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Pam McIntyre, 3211 W. Greenbriar Lane, La Porte. Ms. McIntyre said the address that they're talking about is 4952 S. Range Road in La Porte.

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

Ms. McIntyre said that she would just like to open a small shop selling antiques, primitives, and refurbished furniture.

Melissa Mullins Mischke asked Ms. McIntyre who lives at the residence currently.

Ms. McIntyre said currently they own both residences – it actually is a block building and they own the property on both sides. Ms. McIntyre said 4952 is a rental and 4902 is also their rental.

Dwayne Hogan asked Ms. McIntyre if she owns the property across the street too.

Ms. McIntyre stated yes.

Glen Minich asked Ms. McIntyre if she owns the two rentals ---

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

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

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

Melissa Mullins Mischke asked Ms. McIntyre what kind of hours she's looking at.

Ms. McIntyre said a maximum of four (4) days a week in the future on Thursday, Friday, Saturday and Sunday.

Dwayne Hogan asked about a sign.

Ms. McIntyre said no lighted, just a small sign on their property to the north of the driveway.

Melissa Mullins Mischke asked if that would be a (4x8) sign.

Ms. McIntyre said max.

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

Glen Minich said he thinks that's a pretty good area.

Dwayne Hogan asked the pleasure of the board.

Melissa Mullins Mischke made a motion that the Petition for a Variance of Use for Pamela McIntyre to operate an antique and collectables shop out of an existing block building on the property located at 4952 S. Range Road, La Porte, Washington Twp. be granted with the hours of operation 8:00 a.m. to 4:00 p.m. Thursday through Sunday and not to exceed a (4x8) unlit sign.

Greg Szybala seconded.

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

All approved. Motion carries 5-0.

Ms. McIntyre thanked the board.

4. Petition for Variance of Developmental Standards for Michael & Beatriz Burgess to construct a forty by sixty-four (40' x 64') pole barn with the height of twenty (25') feet from ground to peak instead of the minimum of eighteen (18') feet. This property is located at 5912 W. 500 N., La Porte, Center Twp., zoned R1B on 2.301 acres.

Attorney Biege said notice is sufficient.

Dwayne Hogan asked for name and address for the record.

Michael Burgess, 5912 W. 500 N., La Porte,

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

Mr. Burgess said that he needs a variance to build. Mr. Burgess said he wants a bigger camper so he needs a bigger building to store it in throughout the winter time to protect his investment.

Dwayne Hogan asked Mr. Burgess if it is a forty by sixty (40' x60') with a twenty-five (25') foot peak.

Mr. Burgess said peak to ground.

Mr. Burgess said that the camper that he's looking at is a fifth wheel and they have a height of thirteen by six 13.6', so he needs a big door to get it in and out.

Dwayne Hogan told Mr. Burgess where he drove up there it's kind of marked out.

Mr. Burgess said that the four (4) stakes were on the sand right there.

Earl Cunningham said that was very helpful.

Dwayne Hogan told Mr. Burgess that when he drove up there he wasn't sure and he thought it was more towards the road and he doesn't think that would have flown down there, but then he drove up the driveway and saw the stakes.

Mr. Burgess said that he thinks that it's two-hundred (200') feet off the road and then he's thirty (30') to forty (40') feet off the property line he thinks.

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

Dwayne Hogan asked for name and address for the record.

Lori Shires, 5962 W. 500 N., La Porte, Indiana.

Robert Shires said same address.

Both parties were present.

Attorney Biege said that this is an addition to an outbuilding.

Dar Forker said that she's attached and incorporated herein their letter dated February 24, 2018, which was turned into the La Porte County Building Department, which states what they spoke about on record.

Annemarie Polan, Building Commissioner, said that she asked Rick Brown to go out and take a look at it and he really doesn't have to check it if it's under an acre.

Attorney Biege said that this is not the Drainage Board. Attorney Biege said that the only request is the height; they can add to this building. Attorney Biege said that they're not asking whether or not they can't, they can. They're asking for a building that is a little taller and that's the only decision before the Board of Zoning Appeals tonight.

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

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

Glen Minich asked Mr. Burgess the pitch of this building.

Mr. Burgess said it's four twelve (4- 12).

Mr. Burgess said that the house is like an A-Frame and he just moved in about a year ago.

Board members speaking amongst themselves.

Glen Minich said that the only thing that we're deciding is the peak on this barn.

Dwayne Hogan asked the pleasure of the board.

Greg Szybala said that he doesn't see any problem with this.

Glen Minich made a motion that the petition for Variance of Development Standards for Michael & Beatriz Burgess to build a pole barn with a height of twenty-five (25') feet from the ground to the peak. Property is located at 5912 W. 500 N., La Porte, Center Twp.

Melissa Mullins Mischke seconded.

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

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

Voting Nay: Earl Cunningham.

Motion carries 4-1.

5. Petition for Variance of Development Standards for Dale E. Swanson Trust for construction of a two (2) story home addition with a three (3') foot setback from side property line instead of the minimum ten (10') foot and front overhang with encroachment into the front yard setback. This property is located at 3508 S. 800 E., Walkerton, Lincoln Twp., zoned R1B.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for names and address for the record.

Dale E. Swanson, 3508 S. 800 E., Walkerton, Indiana.

Christine Swanson, same address.

Ms. Swanson said that they were here a year ago to get approval and they got it to add a structure onto their cottage. Ms. Swanson said that they hadn't quite sold their house in Illinois to move here permanently, so after they got the approval they went about selling their house, in which they did quickly, but it was exhausting, so they weren't able to start. Ms. Swanson said that her husband had some health issues and had open heart surgery, so now they're back.

Ms. Swanson said that this time they're working with an architect, which they hadn't done before and he's changed their design and layout and made it a lot nicer than their dreams. Ms. Swanson told the board that she gave them the materials for all the neighbors and she thinks that they're set.

Mr. Swanson said that his wife is speaking because he has a sinus infection.

Mr. Swanson told the board that they will notice on the pictures that they sent, the areas on the board, it shows a difference between the structure of the Melander house and the Swanson. Mr. Swanson said that there is eighteen (18') feet on one area and thirty (30') feet on another area. Mr. Swanson said that he had Dorothy Melander sign it because they have the three (3') foot variance from her; his mom is a Malander and his aunt was a Swanson before she became a Melander. Mr. Swanson said that he's related to her two different ways.

Mr. Swanson said that she knows the history and he wouldn't do anything to that house because it's been in the family since 1923 and it was the second or third cottage on lower Fish Lake. Mr. Swanson said that he has all his memories there, plus with him and his wife moving back, she's an Indiana/Michigan City girl and he's from South Bend originally. Mr. Swanson said that they're coming back home basically and they just want to have a home that they can be proud of.

Mr. Swanson said that he doesn't know if any of you have seen the garage across the street from their property, but that's the type of facility that they want to build to make Fish Lake and La Porte County proud of what they do.

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

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

Glen Minich said that his concern is how close he's building to the neighbors. Glen said if the neighbors want to do the same thing that you're doing –

Mr. Swanson said that the neighbor is Dorothy Melander and she's eighty-six (86) years old. Mr. Swanson said that her son is taking care of it and he comes out once a week to cut the grass and then comes over and talks to them and cools down. Mr. Swanson said that it's a summer cottage and they didn't have water for a while. Mr. Swanson said that his kids don't even use it, so if it ever goes up for sale he will be buying it, his sons, or him.

Mr. Swanson said that they decided to do a three (3') foot variance --- if you notice on the sheet on the back – the diagram, the architect came out two and a half (2 ½') foot setback from their house. Mr. Swanson said the house that they currently live in, down by the road it's forty-two (42) inches from the house to the property line. Mr. Swanson said that when you get to the end of the house towards the west side, its twenty-two (22") inches and they built it crooked. Mr. Swanson said back in the 30's, they didn't do things the right way; they didn't have the equipment and that, so that's why they decided to move the house two and a half (2 ½') feet over and on the north side where they have the room, it's going to have a three (3) foot extension over and it will still be eleven (11') feet from the property line.

Glen Minich said he would like to hear what our builder has to say.

Greg Szybala said as a builder, and he's not their builder, he's all for doing everything we can to improve Fish Lake. Mr. Szybala said he just got done remodeling a cottage that probably should have been torn down.

Mr. Swanson said the house that they live in right now, when he got in in 1992, you couldn't live there; it was so bad; when he put the water on it came out real orange, so he stayed next door at his uncles while he rehabbed it. Mr. Swanson said he's been doing vacations all of his life out there.

Greg Szybala said that you asked his opinion and he's kind of mixed. Greg said that he understands with all these houses doing what they do with encroachments, but the other side of that, these folks are looking to improve and if it looks anything like what that garage looks like –

Mr. Swanson said that it will look better.

Earl Cunningham said that the garage across the street looks better than most of the cottages in Fish Lake.

Melissa Mullins Mishhke said that she definitely agrees that the garage across the street is beautiful, and she understands the predicament that you're in, but she also feels like if we don't stop this building right up to the property line, we're never going to get a handle on it and every single home along there is going to be built right up to the property line.

Mr. Swanson said that's why they wanted the three (3') foot setback.

Melissa Mullins Mischke said that it's a practice they have done in the pass, and it doesn't mean it's something they want to continue in her opinion.

Mr. Swanson said it's the old caught between a rock and hard place type of thing.

Glen Minich said he thinks that's very well said. Glen said even though there's nobody here remonstrating against it, he understands it's probably going to be a beautiful home and a beautiful improvement, it's going to limit what the neighbor is going to be allowed to do if they want to build similarly.

Mr. Swanson asked Glen if he's talking about the Melander house on the side.

Glen Minich stated yes.

Mr. Swanson said that if that comes up for sale --- Mr. Swanson said that his cousin already told him, if it goes up for sale, he's going to buy it.

Dwayne Hogan said that he's seen the flags up and asked Mr. Swanson when he wants to start construction on this.

Mr. Swanson said that they're hoping to start the actual construction once the foundation is poured on June 1st and he has to put a septic in and Mike Pavey is going to be doing that for him. Mr. Swanson said that it's going to be going underneath the road and behind the garage. Mr. Swanson said that they're doing everything by code what people are telling them. Mr. Swanson said that he's already talked to NIPSCO and they're going to move up the gas meter on the side.

Dwayne Hogan asked Mr. Swanson if it's going to be a two story.

Mr. Swanson said two story.

Mr. Swanson said that they've talked to two builders already and were just waiting to hear from them with their bids. Mr. Swanson said these are all La Porte County people. – builders and stuff.

Earl Cunningham made a motion to approve the petition for Variance of Developmental Standards for Dale E. Swanson Trust for construction of a two story addition with a three (3')

foot setback from the side property line instead of the minimum ten (10') foot and the front overhang with encroachment in the front yard setback. Property is located at 3508 S. 800 E., Walkerton, Indiana, zoned R1B.

Greg Szybala seconded.

Dwayne Hogan asked if there are any questions, concerns, or clarifications needed?

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

Voting Nay: Melissa Mullins Mischke and Glen Minich.

Motion carries 3-2.

6. The Petition for Variance of Developmental Standards for Paul & Janice Shelby to construct a second accessory building thirty (36') by seventy two (72') with a bathroom and being placed on the north end front of the residence. This property is located at 3123 S. 300 E., La Porte, Pleasant Twp., zoned R1A on one (1) acre.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Paul E. Shelby, 3123 S. 300 E., La Porte, Indiana

Janice Shelby, same address.

Dwayne Hogan asked the Shelby's what they want to do this evening.

Mr. Shelby said that they would like to construct a pole barn thirty-six (36') by seventy-two (72') on the north side of their property to move his current woodworking shop into.

Dwayne Hogan asked Mr. Shelby if the woodworking shop is a hobby.

Mr. Shelby said yes, and no. Mr. Shelby said that he has a construction business so sometimes he does things in there for that as well.

Melissa Mullins Mischke asked Mr. Shelby how far from the edge of the road to the house and from the proposed building.

Mr. Shelby said that it's approximately seventy-five (75') feet from the house and sixty-five (65') feet from the front of the pole barn.

Glen Minich asked Mr. Shelby why he just doesn't move it back ten (10') feet.

Mr. Shelby said the septic field is behind there and he was afraid of getting too close to the septic field.

Board members speaking amongst themselves.

Dwayne Hogan asked Mr. Shelby if it's going to have an independent septic.

Mr. Shelby said it will be tied into the current septic. Mr. Shelby said that he's already talked to the Health Department and he has the permit.

Glen Minich asked about the well.

Mr. Shelby said it will be tied into the existing well.

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

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

Earl Cunningham asked Mr. Shelby where his existing woodshop is.

Mr. Shelby said that it's in the garage at the end of the house.

Melissa Mullins Mischke made a motion that the Variance of Developmental Standards for Paul & Janice Shelby to construct a second accessory building thirty-six (36') by seventy-two (72') feet with a bathroom on the north end of the residence at the property located at 3123 S. 300 E., La Porte be granted.

Glen Minich seconded.

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

All approved. Motion carries 5-0.

7. Petition for Variance of Developmental standards for James Heimbuch for continued placement of a mobile home. Last variance was granted on April 18th, 2017 for one (1) year, which is attached hereto. This property is located at 8170 Ivy Road, New Carlisle, Hudson Twp., zoned R1B.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

James Heimbuch, 8170 E. Ivy Blvd., New Carlisle, Indiana.

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

Mr. Heimbuch said that he's looking for a three (3) year variance.

Dwayne Hogan asked Mr. Heimbuch the year of the mobile home.

Mr. Heimbuch said it's a 1972.

Dwayne Hogan asked Mr. Heimbuch how long he has lived there.

Mr. Heimbuch stated twenty (20) years.

Board members speaking amongst themselves.

Melissa Mullins Mischke told Mr. Heimbuch that the last time they granted his variance, you had some remonstrance that said it needed to be maintained a little better. Melissa said from the pictures that she's looking at right now taken this month, it looks like we still have some cleanup work to do.

Mr. Heimbuch said that he fell a little behind. Mr. Heimbuch said he stated last year and then he got a diagnosis of cancer issues, and by the time he got that taken care of the snow was already flying. Mr. Heimbuch said he just not got started this spring. Mr. Heimbuch said he has a little bit more to clean up around the carport area and then power wash the trailer.

Earl Cunningham asked Mr. Heimbuch the last time he power washed the trailer.

Mr. Heimbuch said it's been about three (3) years. Mr. Heimbuch said that his brother has a power washer and as soon as the weather breaks he will power wash the trailer.

Earl Cunningham said if the condition was that you had to power wash it within sixty (60) days, or ninety (90) days, you wouldn't have a problem with that.

Mr. Heimbuch said he wouldn't have a problem as long as it's warm enough.

Earl Cunningham asked Mr. Heimbuch if this is the only site this mobile home has been on.

Mr. Heimbuch said yes.

Glen Minich told Mr. Heimbuch since he's had the health issue and hasn't been able to keep it maintained for a year, he's going to suggest the board give him one (1) year again to see within a year if there is improvement.

Mr. Heimbuch said that's fine.

Melissa Mullins Mischke was asking the board if maybe we can do a spot check in six (6) months and see how far this is going as well.

Glen Minich asked Annemarie if she could do that.

Annemarie Polan, Building Commissioner, stated yes.

Glen Minich asked if we can grant it for a year upon a favorable recommendation of Annemarie at the six (6) month period.

Attorney Biege said that if he does not comply, then you're going to have to somehow rescind. There are too many appealable issues.

Glen Minich said that he thinks that we should give him a year with his health issues.

Mr. Heimbuch said it will get done, he promises.

Glen Minich told Mr. Heimbuch if he could maintain for that period of time, they can look at the variance for a longer period of time.

Mr. Heimbuch said that would be great.

Glen Minich made a motion that the Petition for Variance of Developmental Standards for James Heimbuch for placement of his mobile home be granted for one (1) year. Property is located at 8170 Ivy Blvd, New Carlisle, Hudson Twp.

Earl Cunningham seconded.

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

All approved. Motion carries 5-0.

8. Petition for a Use Variance and Petition for Variance of Developmental Standards for White Oak Farms, LLC to operate a Banquet Hall to conduct weddings, wedding receptions, and other similar activities, and a Developmental Standards Variance for an additional detached accessory building. This property is located at 5766 W. Warnke Road, Michigan City, Springfield Twp., zoned R1B on approximately seventeen point four two (17.42) acres.

Dwayne Hogan asked for name address for the record.

Anthony Novak said he's an attorney with Newby, Lewis, Kaminski & Jones here in La Porte, here tonight on behalf of a few petitioners, Greg & Becky Engstrom who are here tonight, along with their family and also one of their business entities, White Oak Farm Properties, LLC, not the typo he has in his petition, White Oak Farms, LLC, it's White Oak Farm Properties, LLC,

Attorney Novak said certainly the Engstroms are here for any questions we may have that he can't answer.

Attorney Novak said as his petition indicates, they're seeking two things tonight:

1. Seeking a Use Variance under Article 4, Section 4.02 to operate the banquet hall on property that totals approximately thirty-four (34) acres, zoned R1B in Michigan City, Indiana on Warnke Road just east of the Michigan City Municipal Airport. Attorney Novak said that the banquet hall will conduct weddings, wedding receptions, and other similar events. In order to host these events, the Engstroms' desire to both rehabilitate the structures that are on the property with one of the barns on the property, in addition to constructing another structure on the property, which is identified as the hall on Exhibit C.

2. That structure leads us to the second thing we're seeking tonight, and because there are already additional accessory structures on the lot, they're seeking Development Standards Variance under Article 16, Section 16.02, so as permit the construction of an additional accessory structure on a lot that already contains accessories structures.

Attorney Novak said that the Engstroms have had previous businesses in La Porte and surrounding counties; they have been successful and they have their sights on hopefully making another one here. Attorney Novak said that it's always been Becky's dream to host events and when this property became available to them, they realized that with a little TLC the large barn on the property would be a great place to hosts events. With that idea in mind, they helped the gentleman in the under armour sweatshirt coordinate his proposal to then girlfriend, now fiancé by stringing lights that said "Will You Marry Me" on the barn, which you can faintly see in the bottom two pictures on Exhibit D. Attorney Novak said she said yes and she's here today. Attorney Novak said assuming these variances are granted, the son's wedding will be their first event when they open.

Attorney Novak said let's talk about the property. The property itself as you can see on Exhibits B & E consist of two very long parcels that lay adjacent to each other, with the structures themselves being somewhat precluded from the neighboring parcel. If you look on Exhibit B, which is kind of like a survey, you can see where the location of where the structures are and they're on what's identified as Parcel 1-A. Those properties sit about eight-hundred (800') feet to the south off of Warnke Road; to the east there are about five-hundred (500) feet of petitioner's land, and there are woods that separate their land from the neighbors. Attorney Novak said to the south there are more woods and approximately one-thousand (1000') feet until they reach the next property line, and to the west are woods and properties owned by one of Greg Engstroms' entities. Attorney Novak said also to the west he wants to point out only point two (.2) miles

away, there is a B2 zoning district where this use is permitted. Due to the location of these structures being setback well into the property, and because of the surrounding buffers, they believe any night light or noise that would be produced by this use would have very minimal effects on the neighboring properties.

Attorney Novak said as in condition of the structures themselves, while they're structurally sound, they're certainly in need of a facelift. Attorney Novak said as part of the endeavor, the Engstroms' plan to make renovation and improvements to all of the structures, both interior and exterior, making them much more esthetically pleasing. Certainly while it would be ideal to have a barn style venue be located only in the barn itself, the existing barn as shown on Exhibit D, it's a little too narrow and not big enough to host events, thus requiring the building of the additional structure they're seeking to do.

Dwayne Hogan asked Attorney Novak the size of the new structure.

Attorney Novak said on Exhibit C it's forty (40) feet by sixty-seven (67') feet.

Greg Engstrom said its two sets of numbers there. Mr. Engstrom said that is a preliminary drawing and they've tweaked that several times already. Mr. Engstrom said it could be as large as sixty (60') by eighty (80') feet.

Melissa Mullins Mischke asked Mr. Engstrom if it would not exceed sixty (60') feet by eighty (80') feet.

Dwayne Hogan asked Mr. Engstrom to come up to the microphone.

Dwayne Hogan asked for name and address.

Greg Engstrom, 5712 W. 400 S., La Porte.

Mr. Engstrom said that the drawings that you have are kind of a preliminary set of drawings, it's actually probably their third set. Mr. Engstrom said a couple of things that they're going to do differently from what you see there, first of all they're not going to build the structure right next to the barn, they're going to leave a space for a multitude of reasons, fire prevention is probably a big one. The barn is about ninety-five (95') feet long and about twenty-five (25') feet wide. They want to seat approximately three-hundred (300) for dinner, excluding you have to have the bathroom area and the kitchen area. Mr. Engstrom said that in this drawing it's the same length as a barn – ninety-five (95') feet.

Attorney Novak said with building this additional structure, although there are other structures on this lot with the immense size of the parcels, they're not close to each other and they don't believe it makes the property look cluttered whatsoever. As far as the neighbors, the Engstroms' spent this last week knocking on doors and presented Mr. Hogan with consents that they have for five (5) neighbors, one of which includes Greg's related entity.

Attorney Novak said two other matters that he just wants to bring to your attention that is not in their petition, and certainly it always come up. Attorney Novak said one is a sign; it is a business and they would request to erect a business sign at the entrance of the property. Again, it's kind of chicken and egg with them, they're getting ready for the development, but they don't want to go forward with much site plans not knowing if the use will actually be granted, but he would request that any sign permission be broad --- maybe a monument sign which is up to six (6') feet tall, seventy-two (72') square feet on both sides and the ability to have it lit. Attorney Novak said that he doesn't think they plan to have it electronic, but if it could be electronic, they would certainly like that. Attorney Novak said finally if these variances are requested tonight and this is something Doug could probably work on when he drafts the resolution, they ask that it not only be granted to White Oak Farm Properties, LLC and the Engstroms, but also to a related business entities operating entities of theirs, which they have not yet formed. Attorney Novak said that it's common with businesses that you will have a real estate holder entity, like you have White Oak Farms Properties, LLC, and that the Engstroms' themselves will not be the operating business, so they're going to form a business --- maybe White Oak Weddings, or something like that.

Attorney Novak said that they would say if the variances are granted, that it would also be granted to relating operating entity --- they can always form it and let Annemarie know what the name is so the Use Variance could apply as well.

Melissa Mullins Mischke said she doesn't know about anyone else, but she kind of feels that the petition is kind of premature. Melissa said you don't know what size sign you want and the other business partners you want the variances to be granted.

Attorney Novak said with the business sign, they could certainly say what they would like the dimensions here if that would be the pleasure of the board. Attorney Novak said with respect to the related business entity, it was just an omission that he had and he wanted to present to you guys --- if you're not willing to grant it, that's fine. Attorney Novak said that they're not like bringing on business partners, or anything of the like. Attorney Novak said all he was doing while he was thinking and preparing today, was just the fact that when you form businesses, typically somebody will form a business to operate the events. Attorney Novak said that he realizes that a Use Variance is specific to whomever it's granted. Attorney Novak said he would certainly bring that in front of you guys for the pleasure of the board to see if it's something you guys would be willing to entertain.

Melissa Mullins Mischke said the Use Variance is generally specific to the property owner. Melissa asked in this case, who is the property owner?

Attorney Novak said that they can solve that. Attorney Novak said it will be White Oak Farm Properties, LLC.

Dwayne Hogan asked what his idea for the driveway and parking is. Dwayne said when he was out there the other day, it's a very narrow driveway.

Mr. Engstrom said that the existing driveway is not a good way out. Mr. Engstrom said what they propose to do and he has some crude drawings -- its google maps and he magnified it so the two pages are essentially the same.

Mr. Engstrom is up at the bench passing out the drawings.

Mr. Engstrom said the driveway would go basically along the utility easement --- there are utility poles that are pretty close to the property line between the two parcels and that will bring the cars into the open area -- the grass area. Mr. Engstrom said the other driveway would bring cars right into all the homes and all that and it's just not kind of cumbersome.

Dwayne Hogan said he knows that there has to be some change from what he saw yesterday. It has to be big enough to get a firetruck back there an ambulance.

Mr. Engstrom said another thing along the utility easement there, it would be very easy to put up pole lights.

Dwayne Hogan asked Mr. Engstrom what date he wishes to open by?

Mr. Engstrom said that there is a lot of work to be done so they're expecting fall of 2019.

Dwayne Hogan asked when the wedding is.

Mr. Engstrom said the next week.

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

REMONSTRATORS:

Jerry Bailey, 5624 W. Warnke Road, the property immediately to the east of them.

Mr. Bailey said that he did sign a consent form for them this weekend after we spoke and he had some questions with them in reference to this. Mr. Bailey said there still are a few things he has questions on and he wants the board to be aware. Mr. Bailey said the retention pond in the parking area, he's lower in elevation and out in Springfield Twp. they have nothing but clay. Mr. Bailey said as they were saying to the east of their property is wooded, clearly if you look at the beacon website, it's not, it's a tree line.

Mr. Bailey said where he expressed the interest about a retention pond and the driveway, also the signage. Mr. Bailey said that they were talking about lighting a driveway -- there is not a big tree line to give him any shelter from that. Mr. Bailey said the other thing that they spoke about was

music – noise – hours of business. Mr. Bailey said as a neighbor you expect parties and so forth, and you understand everyone does and he doesn't have a problem with it, but this isn't a neighbor, it's a business. Mr. Bailey said they aren't going to make money unless they're booking that hall. Mr. Bailey said he's not stupid, he knows that and they know that. Mr. Bailey said he doesn't want to hear music all hours of the night and the traffic to go with it.

Dwayne Hogan asked if there are other remonstrators.

Dwayne Hogan asked for name and address for the record.

Donna Bushore, 5714 W. Warnke Road, Michigan City, Indiana. Donna said that this is her husband Norm, same address.

Dwayne Hogan asked Ms. Bushore her concern?

Ms. Bushore said her concern is that she's directly across the street. Ms. Bushore said lights, music and traffic. Ms. Bushore said that she has four grandchildren that spend weekends with her; they walk the street; they walk up and down the road; there are no sidewalks. Ms. Bushore said her concern is the whole thing.

Mr. Bushore said that Warnke Road is a long road in Michigan City and their part of Warnke Road is cutoff by the airport and kind of cutoff from the rest of the world. Mr. Bushore said that it's an extremely quiet road and were lucky to get one car every ten (10) minutes. Mr. Bushore said that they regularly walk their grandchildren and great-grandchildren up and down the street with no fear. Mr. Bushore said that wouldn't be the same with cars coming in for a wedding; we're directly across the street. Mr. Bushore said the driveway they're talking about putting in, is directly across the street from their property.

Mr. Bushore said the existing driveway that they have is directly across the street from their property. The sign that they're possibly talking about putting up is seventy-five (75) feet from their front door. Although the lighting is going to be a definite annoyance to them, especially if they have a lit sign. Mr. Bushore said that's all going to shine in their living room.

Mr. Bushore said they don't know if they're serving alcohol at weddings, but they're going to have a very strong likelihood of drunk drivers coming in and out of the property and driving up and down the road, and again, there are no sidewalks. Mr. Bushore said you have pedestrians in danger and a lot of people walk, jog, walk their dog and ride their bicycles. Mr. Bushore said for all those reasons, he's against it.

Mr. Bushore said that they're talking about being far from other properties and they're some distance from Warnke Road, but they're about fifty (50') feet off of Warnke Road and their property is several hundred feet, but it's all open field. Mr. Bushore said any music they have going on there, there is nothing to block that sound from coming right into their front yard. Mr. Bushore said that they're going to be listening to weddings and music; they're going to have

drunk drivers every weekend and this is something they did not sign up for. Mr. Bushore said that their property values are going to go down as a result of this. The whole idea of moving into this neighborhood was the seclusion. Mr. Bushore said that if you grant this variance, the seclusion goes away – it's gone – seventeen (17) years.

Mr. Bushore said the other thing that they just found out tonight is that they're asking for an open ended variance with other businesses. Mr. Bushore said that he understands that they have an auction business. Mr. Bushore asked if this means if they decide a year from now they want to open up an auction house back there, they already have the variance granted for that if it's open ended. Mr. Bushore said that he doesn't want to see this development; it's been a farm for hundred and fifty (150) years – a farming neighborhood and residential neighborhood and there are no businesses on Warnke Road and they're changing the entire footprint of the Warnke Road neighborhood and he's adamantly against this. Mr. Bushore said that he doesn't want to be a bad neighbor, but this just isn't right and it's going to ruin the neighborhood and the property values.

Dwayne Hogan asked if there are any other remonstrators this evening for Petition No. 8.

Dwayne Hogan asked for questions, or concerns from the board.

Melissa Mullins Mischke asked if they're keeping the retention pond on the property.

Mr. Engstrom said that there is an existing pond way in the back, but they're going to have to add one where he kind of circled it there on the site plan.

Dwayne Hogan asked Mr. Engstrom what his hours of operation would be.

Mr. Engstrom said that weddings are typically on weekend days and they run until 11:00 or 12:00 in the evening.

Ms. Engstrom said that they would follow the ordinances. Ms. Engstrom said that they're looking at weddings in particular, but also may have elopements, twenty (20), or thirty (30) people here, or there.

Mr. Engstrom said like corporate retreats, or something like that.

Ms. Engstrom said family reunions, maybe graduations.

Attorney Biege said that we can say operations cease time (x).

Dwayne Hogan asked Mr. Engstrom what time he sees it stopping at.

Mr. Engstrom said he can't imagine anything going beyond midnight.

Dwayne Hogan asked how many events they would hold in a course of a week, or a month.

Ms. Engstrom said definitely Friday, Saturday and Sunday would be an option, and anything during the week.

Mr. Engstrom said that things during the week are unlikely to be weddings.

Mr. Engstrom said that they're going to be a little bit restricted by the weather because the barn as it sits now, they're not going to insulate it, heat it, or anything like that. Mr. Engstrom said when it's really cold, it's not likely they're going to do much.

Mr. Engstrom said that the new building that they're proposing to construct will have heat because it will have bathrooms and all that in it.

Dwayne Hogan asked about the kitchen.

Mr. Engstrom said that they aren't going to be in the business of the alcohol or food, that would all be done by a catering company. Mr. Engstrom said that they're putting in a kitchen large enough for them to take care of warming things up and keeping things cold.

Ms. Engstrom said that they will have vendors for that.

Melissa Mullins Mischke said that if we're going to put a time that operations are going to cease, she's saying Sunday through Thursday, Melissa asked what time they anticipate that.

Ms. Engstrom said that they could hold weddings on Sundays, but she doesn't foresee people staying real late on a Sunday, unless it was a holiday weekend.

Mr. Engstrom said that the events could be any day.

Melissa Mullins Mischke said that she was curious if it is a banquet facility, aren't they going to stay open until midnight every single day of the week.

Attorney Biege said administrating this, why is there a distinction as to the day of the week we restrict the time when they close.

Melissa Mullins Mischke said she's asking if it's different during the week then on the weekends.

Ms. Engstrom said the latest it would be 11:00 on Sunday through Thursday and midnight on Friday and Saturday.

Dwayne Hogan was asking about the music and if it would also be a vendor.

Mr. Engstrom said typically it's going to be indoors however, it's a beautiful place to be outside in the summer time and there could be music outside.

Mr. Engstrom said that he has to address the issue with the music and the noise. Mr. Engstrom said this time of year there are no leaves and sound will carry more. Mr. Engstrom said that they won't have outside bands in this kind of weather. Mr. Engstrom said in the summer time, leaves are full and they're going to be eight-hundred (800) feet from the road to the north. Mr. Engstrom said that there is literally nothing to them to the south. Mr. Engstrom said he doubts there is going to be any less noise with I-94 and the airport, which is really close.

Glen Minich told Mr. Engstrom that he thinks his closest neighbor is to the south.

Mr. Engstrom said that they have met with both of those home owners, there is actually two of them that are pretty close together, and they have signed off and liked the idea. Mr. Engstrom said that there is actually a lane that goes from the barn all the way back to the existing pond and they would like to do a horse and carriage sort of thing; a wagon behind a tractor and have the ceremony out in the little field that is way back there with the pond.

Glen Minich said that it is kind of a residential area and certainly people do expect some peace and quiet. Glen said he's considering if there is going to be music with those types of hours, it should be indoors rather than outdoors. Glen said he thinks that would certainly help.

Mr. Engstrom said so at 9:00 it has to be indoors.

Glen Minich said he thinks that would make a big difference.

Glen Minich said another question would be is the lights. Glen said that he has a lit driveway at his house and it's not that bright and tastefully done. Glen said that it doesn't have to disrupt the neighborhood.

Attorney Biege said that we do have restrictions for down lighting and he could include that in the language. Attorney Biege said it's just a matter of the type of fixture that you use. Attorney Biege said you could require down lighting.

Ms. Engstrom said wattage – a lower wattage.

Earl Cunningham said down lighting.

Mr. Engstrom said what he kind of pictured is the lights that the utility companies put on the poles.

Glen Minich said what he's thinking is the light poles that are no higher than seven (7'), or eight (8') feet with down lighting.

Board members speaking amongst themselves.

Earl Cunningham said that we definitely need to discuss the issue of signage. Earl said he certainly understands in a residential neighborhood he doesn't want digital signage. Earl said the sign's not really important as far as getting business. Earl said it's a slow traffic area and the signs not going to get you much business, it's just going to indicate that you've arrived at the designation. Earl said that your business comes from advertising for weddings and so forth. Earl said he doesn't see the necessity for a very large sign.

Attorney Biege said once again, we can require it to be down lit so that way the light doesn't project.

Melissa Mullins Mischke said that she's definitely not in favor of a six (6') foot digital sign in a residential area.

Dwayne Hogan asked Mr. Engstrom how many people he plans on having there at one time.

Mr. Engstrom said the maximum was three-hundred (300). Mr. Engstrom said for weddings, traditionally two point something people per car. Mr. Engstrom said he doesn't remember the number exactly.

Earl Cunningham said that it's been his experience lately at weddings and wedding receptions, because of the fact that you have to have a law enforcement officer there with alcohol served, there are probably less drunk drivers leaving wedding receptions today than there have been and far less than leaving bars on a Friday, or Saturday night. Earl said a drunk driver could be anywhere and he understands that, but there is an officer standing at the bar and there are very few drunks falling down and getting into their car.

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

Earl Cunningham said that the petition is for seventeen point four two acres (17.42) acres, we're talking about thirty-four (34) acres, so there are two adjoining –

Mr. Engstrom said it's for both parcels.

Earl Cunningham said that the description that they have says seventeen point four two (17.42) acres.

Attorney Novak said that the petition that he has drawn in paragraphs 1 & 2, mention the seventeen point four (17.4) acre parcel and the sixteen point three nine (16.39) acre parcel collectively being the thirty-four (34) acres.

Dwayne Hogan asked if we have reached a conclusion on the sign.

Mr. Engstrom said something like a monument sign being six (6') feet tall and ten (10') feet long.

Attorney Novak said that the monument that he made reference of was the seventy-two (72') square feet; he thinks that would be six (6') by seven (7') feet. It's obviously a very large width of property and they hoped to have a larger sign that you guys would be willing to grant.

Mr. Engstrom said that his math tells him it's a nine (9') by eight (8') feet.

Earl Cunningham said it's too big for what they're trying to achieve. Earl said it's not like your using that sign for advertising; you're using that sign for a destination.

Ms. Engstrom said that it would be more like a wooden sign, or something like you say to just landmark for people to refer to and that they've reached their destination.

Earl Cunningham said first impression is very important in this kind of situation and he knows you want to have a nice sign, but he doesn't see any reason where you have to be larger than a four (4') by eight (8') foot sign.

Dwayne Hogan said with down lighting.

Ms. Engstrom said okay.

Glen Minich said that he understands that it's a residential neighborhood and he thinks you understand to work together with constraints for hours of operation and making sure that the lighting isn't going to detract from the neighbors is very important.

Earl Cunningham said being a good neighbor and putting some trees on the north end where there is an open field.

Ms. Engstrom said definitely, maybe some pine trees.

Glen Minich said the music has to be inside and not past 9:00 p.m.

Board members speaking amongst themselves.

Earl Cunningham asked if there is anybody living in the residences that are on the property now.

Mr. Engstrom said that their son Charlie lives in one house and their daughter Chloe lives in the other, and they aren't against it.

Earl Cunningham asked if they're going to continue to live there?

Mr. Engstrom said that they have five (5) kids to get married off.

Glen Minich made a motion for the Petition for a Use Variance and a Petition for Variance of Developmental Standards for White Oak Farm Properties, LLC to operate a banquet hall to conduct weddings, wedding receptions, and other similar activities and a Developmental Standards Variance for an additional detached accessory building be granted with the constraints:

- a) Signage be no larger than four (4') by eight (8') feet and must be down lit.
- b) Any events that are Sunday through Thursday will end by 11:00 p.m.
- c) Any event Friday and Saturday will end at 12:00 p.m.
- d) Capacity will be held to three (300) people.
- e) If there is lighting on the drive, it will also be down lit.
- f) Any music after the hours of 9:00 p.m. will be restricted to indoors.

Property located at 5766 W. Warnke Road, Michigan City, Springfield Twp., zoned R1B.

Earl Cunningham seconded.

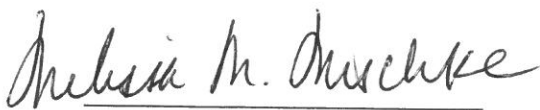
Dwayne Hogan asked if there are any questions, concerns, or clarifications of the board.

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

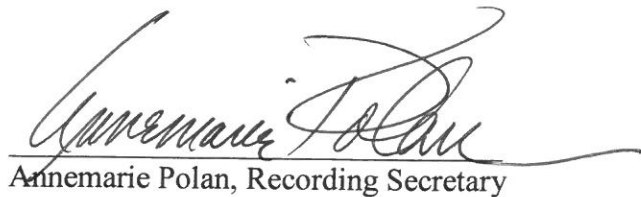
Voting Nay: Melissa Mullins Mischke.

Motion carries 4-1.

There being no further business before the Board of Zoning Appeals, meeting adjourned at 7:30 p.m.



Dwayne Hogan, President



Annemarie Polan, Recording Secretary