

Attorney Adamsky said based on what happened last month, you should take it off the table.

Dwayne Hogan said we will have the Findings of Fact and Conclusion of Law.

Melissa Mullins Mischke said so moved. Earl Cunningham seconded.

All approved. Motion carries 5-0.

2. Petition Variance of Developmental Standards for Clayton & Norma Jean Schultz (Sellers) and Ryan & Sarah Wade (Buyers) for construction of a home with seventy-five (75') feet road frontage instead of the minimum two-hundred (200') feet. This property is located between 5695 S. and 5691 S. 500 W., La Porte, Indiana, Scipio Twp., zoned Agricultural on 5.9 acres.

Attorney Adamsky said notice was perfected last time and notice of publication is adequate.

Dwayne Hogan asked for name and address for the record.

Ryan Wade and Sarah Wade, said it's the property between 5691 S. 500 W, and 5695 S. 500 West.

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

Mr. Wade said that they're requesting a variance – right by the roadway is seventy-five (75') foot frontage. Mr. Wade said that the property goes back so they would like to build a house approximately one-hundred (100) yards from the roadway, which opens up to two-hundred and seventy five (275') feet between property lines. Mr. Wade said the driveway would be about fifteen (15') feet wide right down the middle. Mr. Wade said that it would be thirty (30') feet from the east property line from the edge of the driveway.

Dwayne Hogan asked if that is seventy-five (75') feet of frontage.

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

Glen Minich said that they do have a lot of open visibility. Glen said he knows that this is a family property.

Mrs. Wade said her grandparents are on one side and her mom is on the other side.

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

Dwayne Hogan asked the pleasure of the board.

Earl Cunningham made a motion to grant the Petition for Variance of Developmental Standards for Clayton & Norma Schultz (Sellers) and Ryan & Sarah Wade (Buyers) for construction of a home with seventy-five (75') foot of frontage instead of the minimum two-hundred (200') foot on property located between 5695 S. 500 W. and 5691 S. 500 W., La Porte, Indiana, Scipio Twp., zoned Agricultural on 5.9 acres with no further subdivision.

Greg Szybala seconded.

Dwayne Hogan asked if there are any questions.

Melissa Mullins Mischke told Mr. Wade if he does get the variance to make sure the house numbers are visible.

Glen Minich said also we should add not to obstruct the driveway and keep it clear.

Earl Cunningham said so moved.

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

Voting Nay: Melissa Mullins Mischke.

Motion carries 4-1.

3. Petition for Use Variance for Johnson Road Properties, LLC (Owners) & Brad & Dr. Sandra Clark (Lessee) to extend Chiropractic Office into part of an existing building next door to current and a **Use Variance** of Yoga Studio, with hours of operation 6:00 a.m. to 10:00 p.m. Monday through Sunday. A Use Variance for the Chiropractic Office was granted on February 19th, 2013 at the location of 6646 W. Johnson Road. Property is located at 6662 W. Johnson Road, La Porte, Indiana, Coolspring Twp., zoned R1B on one (1) acre.

Attorney Adamsky said notice is sufficient.

Dwayne Hogan asked for name and address for the record.

Brad Clark, 6662 W., Johnson Road, La Porte, Indiana.

Dr. Sandra Clark.

Dwayne Hogan asked the Clarks' what they would like to do this evening.

Mr. Clark said that their office is getting busier and they're leasing next door in the hopes to expand their office. Mr. Clark said that they have therapist and they're growing and need more therapist to help accommodate the patient flow that they're getting.

Mr. Clark said obviously parking will be a lot better over there. Mr. Clark said that he just thinks it's in their patient's best interest and their practice that they need to look into expanding. Mr. Clark said that they love the area and this is their home, they're happy and they don't want to move it anywhere else, and this just seemed to be the obvious choice.

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

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

Melissa Mullins Mischke asked Mr. Clark if they're going to actually move the location of the chiropractic office, or are you going to stay where you're at and then expand.

Dr. Clark and Mr. Clark stated yes.

Melissa Mullins Mischke asked if they're building on the back portion.

Mr. Clark is up at the bench going over the site plan with the board members. (Unintelligible).

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

Earl Cunningham said that he's seen many days when parking at the existing property is maxed out and it's difficult for somebody to get in there and back out. Earl said that he thinks that this is a tremendous improvement for the parking area available there.

Glen Minich said that he does have a question about the drive and how things are going to be facilitated. Glen said currently your drive is not sufficient with people coming and going. Glen said that road is kind of a thoroughfare for all of us that have traveled. Glen said the one thing that he thinks would be really good since there is no acceleration or deceleration lane for that area.

Mr. Clark said that the driveway in this new building is double wide and semi-trucks pull in and out of there when it was a different business.

Glen Minich asked Mr. Clark if he would mark it as such.

Mr. Clark said that it's actually black top at the entrance and he could put a yellow line in the middle.

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

Dwayne Hogan asked the pleasure of the board.

Melissa Mullins Mischke made a motion that the Petition for Use Variance for Johnson Road Properties, LLC (Owners), & Brad & Dr. Sandra Clark (Lessee) to extend their Chiropractic Office into part of an existing building next door to the current and a Use Variance of a Yoga Studio, with the hours of operation 6:00 a.m. to 10:00 p.m., Monday through Sunday be granted on property located at 6662 W. Johnson Road, La Porte, Indiana, Coolspring Twp., zoned R1B on one (1) acre.

Earl Cunningham seconded.

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

All approved. Motion carries 5-0.

4. Petition for Variance /Special exception for Christopher and Sara Frey to keep two (2) goats on their property with two (2) acres instead of the minimum requirement of three (3) acres. This property is located at 3727 W. 1200 S., Hanna, Indiana, Noble Twp., zoned Agricultural on two (2) acres.

Attorney Adamsky said service is adequate.

Dwayne Hogan asked for name an address for the record.

Sara Frey, 3727 W. 1200 S., Hanna, Indiana.

Riley Frey.

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

Ms. Frey said that they applied for a variance to be able to keep two (2) goats on their property. Mr. Frey said that they have two (2) acres and not the three (3).

Dwayne Hogan asked Mr. Frey why she wanted two (2) goats.

Ms. Frey said that their daughter had seizures last year and the one thing that she had always been asking for is just to have a couple of goats.

Dwayne Hogan asked Ms. Frey how long she has had the goats.

Ms. Frey said she got them at the end of May, or the beginning of June.

Dwayne Hogan asked if that is this year.

Ms. Frey stated yes.

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

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

Melissa Mullins Mischke asked Ms. Frey what kind of a structure she has to keep the goats in.

Ms. Frey said that her husband built a pallet fence that they're in right now.

Melissa Mullins Mischke asked if there is any place that they can go in if it gets cold.

Ms. Frey said right now they're climbing into one of the kids old playhouses and sleeping in at night.

Melissa Mullins Mischke said that she lives in the area, it doesn't look like a barn where you're going to keep the animal in there and that's her concern. Melissa told Ms. Frey that asking for two (2) goats without the appropriate acreage, but not having them housed properly and it looks pretty unsightly from the road, and she can't imagine what her neighbors look at. Melissa said that's her concern that the structure isn't there and the debris that they're staying in right now.

Ms. Frey asked Melissa if she's looking at the first one that they were in, because they were in their old garden until he could build a new one. Ms. Frey said his next thing is to build like a shelter area for them.

Ms. Frey is up at the bench going over the site plan with the board members. (Unintelligible).

Glen Minich said he doesn't have any expertise on goats and he doesn't know what it takes to facilitate to keep them through the winter. Glen said he doesn't know their winter heartiness, but he hasn't seen anything that is going to house them in the cold environment.

Earl Cunningham said he has two questions. Earl said number 1, were there animals on the two (2) acres prior to getting the goats that you've now given up -- chickens and/or ducks. Earl asked Ms. Frey what she had prior to having the goats.

Ms. Frey said that they had chickens and there was one (1) duck that was in there.

Earl Cunningham asked if she has them anymore.

Ms. Frey stated no.

Earl Cunningham said the second question is if you were waiting the decision of this board to build a facility for the goats.

Ms. Frey said pretty much, otherwise they have no use for a sheltered area, but that is his next thing to do.

Earl Cunningham said if the motion is to approve was contingent on a facility for them to be able to get inside and keep it in a clean proper manner, you would have no problem abiding by that?

Ms. Frey stated correct.

Melissa Mullins Mischke asked Mr. Frey what she does with the waste on the property.

Ms. Frey said that they've been going out and cleaning it and putting it in a compost pile.

Dwayne Hogan asked if there are any questions.

Dwayne Hogan asked the pleasure of the board.

Glen Minich said somehow it needs to be made contingent that the facility is there for the goats' year around. Glen said he doesn't know how to handle that exactly in a motion.

Attorney Adamsky said make it a contingency as part of granting the Special Exception that they build proper construction for shelter.

Melissa Mullins Mischke asked if there is going to be a time frame.

Earl Cunningham said that he was going to say sixty (60) days.

Board members speaking amongst themselves.

Earl Cunningham made a motion to approve the Petition for Variance of Special Exception for Christopher & Sara Frey to keep two (2) goats on the property located at 3727 W. 1200 S., Hanna, Indiana, Noble Twp., zoned Agricultural on two (2) acres, contingent on a facility, or winter storage for the goats to be built within sixty (60) days.

Glen Minich seconded.

Dwayne Hogan told Ms. Frey within the next sixty (60) days to take a picture of that and send it to Annemarie so we have it for our records.

Ms. Frey stated sure.

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

Glen Minich said the only thing he wants to say is that some of these two (2) acres on Agricultural lots get a lot larger, and as we can see they're hard to upkeep. Glen told Ms. Frey since we granted you the goats, think about fencing part of that and having them help

you keep the lot nice and clean.

All approved. Motion carries 5-0.

5. Petition for Use Variance for Nelson Real Estate Investments, LLC for continuation of a mini-storage facility and boat/RV storage under new ownership and adding to the current storage facility. Variance was granted on 3-20-1990 for this mini-storage facility/boat/RV storage to past owner, Robert Martin. This property is located at 8757 N. State Road 39, La Porte, Indiana, Springfield Twp., zoned Agricultural on five (5) acres.

Attorney Adamsky said service is adequate.

Dwayne Hogan asked for name and address for the record.

Brian Nelson, representing Nelson Real Estate Investments, LLC, 8757 N. State Road 39, La Porte, Indiana 46350.

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

Mr. Nelson said he's looking to continue the storage unit complex at that address – looking to expand it and add more capacity to the five (5) acres.

Dwayne Hogan asked Mr. Nelson how long he has owned that.

Mr. Nelson said just over a year.

Dwayne Hogan asked Mr. Nelson if all those buildings were already there when he bought that.

Mr. Nelson said all but one (1). Mr. Nelson said he built one last year; all the other buildings were there; the house was there and the other two (2) barns. Mr. Nelson said that the house was built in 1907. Mr. Nelson said that there were two (2) other barns that were there, but he tore them down because they were an old cattle barn and old (unintelligible). Mr. Nelson said that he reduced one (1) less than what it was.

Dwayne Hogan said that he remembers driving through there and the old barn was there.

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

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

Earl Cunningham asked Mr. Nelson how many additional facilities does he intend to build.

Mr. Nelson said if he ends up maxing it out, four (4), or maybe five (5).

Greg Szybala asked if that's part of the proposal.

Mr. Nelson said that's the proposal.

Dwayne Hogan asked Mr. Nelson if they're going to be the same type of buildings.

Mr. Nelson stated yes. Mr. Nelson said that they're pole barn structures for storage.

Melissa Mullins Mischke asked Mr. Nelson if he's still doing RV storage at this location.

Mr. Nelson stated yes.

Melissa Mullins Mischke asked if that's going to be in the same area in the back.

Mr. Nelson said in the back, correct. Mr. Nelson said that there are campers, motorhomes and RV's.

Board members speaking amongst themselves.

Dwayne Hogan told Mr. Nelson to post an address sign on the mailbox as soon as possible.

Mr. Nelson said that there was one, but he lost three mailboxes this past winter.

Glen Minich said that everything looks pretty good, but he said that they were at this facility not that long ago when they were looking to put a truck service there. Glen said a lot more building have been constructed since that time.

Annemarie Polan, Building Commissioner, said Mr. Nelson has done a nice job.

Mr. Nelson said that the other ones were re-roofed and sided.

Glen Minich said that the only thing that he would question is that driveway if it should be a hard surface because there is no deceleration or acceleration there.

Mr. Nelson that they would be boats on trailers, RV's, or fifth wheelers being pulled, or bumper pulled, or gooseneck pulled.

Glen Minich said that he would ask the board about the hard surface, or asphalt the first thirty (30') feet of that opened space. Glen said that you're taking off to a highway, or coming in off a highway.

Dwayne Hogan asked the pleasure of the board.

Mr. Nelson said he doesn't know about the hard surface, because Nipsco and AEP run underground.

Glen Minich asked if we have a code for that.

Annemarie Polan, Building Commissioner, said she would have to check into that.

Mr. Nelson said he did call INDOT before he bought the property and checked with them, but as it was being used as a storage unit before and was going to continue, they said that he was grandfathered in and they didn't request any excel, or de-excel, or anything else.

Dwayne Hogan asked the pleasure of the board.

Earl Cunningham said that Highway 39 isn't nearly as busy as for example Johnson Road, or 421. Earl said that is the least used particularly in that area. Earl said it's not like you can't get in and out of there.

Board members speaking amongst themselves.

Earl Cunningham said you can see both left and right for a long ways when you pull out of there.

Glen Minich made a motion for a Use Variance for Nelson Real Estate Investments, LLC for continuation of a mini-storage facility and boat/RV storage under new ownership and adding to the current storage facility be granted on the property located at 8757 N. State Road 39, La Porte, Indiana, Springfield Twp., zoned Agricultural on five (5) acres.

Melissa Mullins Mischke seconded.

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

Attorney Adamsky said for legal, could the board put some sort of limitations on the expansion, otherwise that's to open ended on the number of buildings.

Glen Minich said that he thinks that we could simply reference the plan expansions in the site plan, consisting of no more than five (5) buildings.

Dar Forker, I've attached and incorporated herein the site plan, marked as Exhibit A for the storage units into this record.

Board members speaking amongst themselves.

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

All approved. Motion carries 5-0.

6. Petition for Variance of Developmental Standards for Shirley Grall to construct a home with ninety-nine (99') feet road frontage instead of the minimum two-hundred (200') feet and with a rear setback of twenty (20') feet instead of the minimum fifty (50') feet to care for disabled son. This property is located at 5407 N. and 5347 N. 350 E., Rolling Prairie, Indiana, Kankakee Twp., zoned Agricultural on one point five (1.5) acres.

Attorney Adamsky said we have personal service and publication. Service is adequate.

Dwayne Hogan asked for name and address for the record.

Shirley Grall, 5625 N. 350 E., Rolling Prairie, Indiana.

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

Ms. Grall said she wants to put a modular back by her son because he's disabled and he broke his leg this summer and he's having a rough time and she's having a hard time keeping up her property and his. Ms. Grall said she thought if she built close to him they could do things together.

Board members advised Ms. Grall to seek counsel regarding placement of a new home.

Melissa Mullins Mischke made a motion that we table the Petition for Variance of Developmental Standards for Shirley Grall on the property located at 5407 N. and 5347 N. 350 E., Rolling Prairie, Indiana for one (1) month.

Glen Minich seconded.

Dwayne Hogan said that will be the 3rd Tuesday, October 16th, 2018 at 6:00 p.m.

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

Voting Nay: Earl Cunningham.

Motion carries 4-1.

7. Petition for Variance of Developmental Standards for Jeremy D. Bennett to keep an Amish type accessory structure twelve by sixteen (12'x16') on property without a residence and to build a garage with basement and second (2nd) story to occupy as a residence until the rest of the structure is built. This property is located at 7428 N. Fail Road, La Porte, Galena Twp., zoned R1A on lot 4, three point zero two (3.02) acres and lot 5, three (3) acres.

Attorney Adamsky said service is adequate.

Dwayne Hogan asked for name and address for the record.

Jeremy Bennett, 7428 N. Fail Road.

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

Mr. Bennett said that they have obviously a compound variance request here. Mr. Bennett said that he would like to build a home – a sizable ranch with a walk out basement and an attached breezeway to a sizeable garage. Mr. Bennett said that the garage is going to have a basement and a second story on it. Mr. Bennett said it's a little more obtainable for their financials and also their time frame. Mr. Bennett said that they would like to occupy the garage with a second story in the basement as a residence. Mr. Bennett said that they will complete the home next summer.

Mr. Bennett said in addition, the garage, or the shed he should say, they moved that from their property, because they closed within days of the time they moved from their previous address and they would like to keep it there as a structure to keep their tools and stuff for building the new home.

Dwayne Hogan asked Mr. Bennett what his intentions would be for the garage living quarters once the house is built.

Mr. Bennett said that the upstairs was kind of designed basically for a game room, poolroom and keep their personal computers – home office kind of things.

Dwayne Hogan asked if that would be a rental.

Mr. Bennett said absolutely not. Mr. Bennett said that this is a single family home residence from the beginning to the end.

Mr. Bennett said that he's in the concrete business so it's kind of cool to have a basement under your garage – great for storage in the future.

Melissa Mullins Mischke asked Mr. Bennett the time frame for building the residence.

Mr. Bennett said that the residence is going to happen after the first of next year. Mr. Bennett said if we're approved, they would like to move into the first occupiable space, which is the garage above and below over the winter. Mr. Bennett said he owns a business, so that's his time frame over the winter to get stuff done. Mr. Bennett said that they would like to move in April, or May when their lease is up temporarily.

Melissa Mullins Mischke asked Mr. Bennett how long he anticipates the actual house to be built.

Mr. Bennett said that he would hope one year by the time they move into the garage, because he will have time in the summer, but maybe not as much as required. Mr. Bennett said hopefully the spring of the following year.

Dwayne Hogan asked Mr. Bennett if he's going to build it.

Mr. Bennett stated yes.

Melissa Mullins Mischke thanked Mr. Bennett for the very detailed drawing that he provided. Melissa said it's very nice compared to some that they've seen.

Mr. Bennett thanked Melissa.

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

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

Melissa Mullins Mischke asked Mr. Bennett the total acreage on the two properties.

Mr. Bennett said six point two (6.2) acres. Mr. Bennett said that they're also closing on the lot next to that in December as well, so they will have nine (9) acres, but six (6) as of right now legally.

Dwayne Hogan asked Mr. Bennett once he closes on the other what would the total acreage be.

Mr. Bennett said nine (9) acres. Mr. Bennett said that's not going to have no structure on it whatsoever, they're basically purchasing it for a buffer, but the house is basically built on those other two lots that they own currently.

Dwayne Hogan asked the pleasure for the board.

Melissa Mullins Mischke made a motion that we grant the Petition for Variance of Developmental Standards for Jeremy D. Bennett to keep the Amish type accessory structure on the property without a residence and to build a garage with basement and 2nd story to occupy for two (2) years until the rest of the structure is built for the property located at 7428 N. Fail Road, La Porte, Indiana, Galena Twp. with the stipulation that no rental of the garage.

Jeremy Bennett said he heard a rumor obviously that sometimes when you have to install a kitchen, or something like that, since it's going to be a living space, Jeremy asked if they could keep that in there for their future use for the game room.

Dwayne Hogan stated yes.

Jeremy Bennett said you have to make a pizza while you're having fun.

Dwayne Hogan said he has a motion.

Greg Szybala seconded.

Motion carries 5-0.

8. Petition for Use Variance for Clifford & Bonnie Guse, (Owners) and Carrie & Justin Cusick and William & Jodie Funkhaiser (Lessees) to use existing structure as a venue for weddings, craft events, Christmas, etc (catered food only). Property is located at 6177 W. 1450 S., Wanatah, Indiana, Cass Twp. zoned Agricultural on thirty-nine (39) acres.

Attorney Adamsky said service is adequate.

Dwayne Hogan asked for name and address for the record.

Jodie Funkhaiser and she's speaking on behalf Guse Christmas Trees, and the address of the location is 6177 W. 1450 S., Wanatah.

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

Ms. Funkhaiser said that their family currently owns a Christmas Tree Farm on about two-hundred and fifty (250) acres and they would love to expand their business to offer those who come to get Christmas trees an opportunity to have a wedding there. Ms. Funkhaiser said that they are interested in an open air facility, approximately sixty by sixty (60'), and you will see in the document where that will be on the property.

Ms. Funkhaiser said that they would like to use that facility during the warmer months and they would also be able to use it during the Christmas months, which is basically November and the majority of December.

Dwayne Hogan said he's speaking for himself and some of the board members, he would like to applaud you for doing family orientated activities out there.

Melissa Mullins Mischke said again, she wanted to compliment you on your presentation information to them. Melissa said she appreciates that immensely.

Greg Szybala said and again, he will compliment you with virtually having contact with every board member here.

Ms. Funkhaiser said that she wanted to make sure that she knew what she was getting into.

Ms. Funkhaiser said that her father was able to attend.

Dwayne Hogan asked if he's doing good.

Ms. Funkhaiser said he's doing good, he's here.

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

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

Melissa Mullins Mischke said that she just wants to say that she thinks this is really an outstanding use of the property. Melissa said living in that area, the parking isn't an issue and they're kind of use to the traffic at Christmas time. Melissa said she just thinks it's another way to bring tourism – commerce out into South County.

Earl Cunningham said it's one of the most nicely maintained farms over the last forty (40) to fifty (50) years and it's a beautiful site. Earl said that he's only been on the board for a year and a half, but this is the best proposal he's seen from a non-engineer in that eighteen (18) months.

Dwayne Hogan asked the pleasure of the board.

Earl Cunningham made a motion to approve the Petition for Use Variance of Clifford & Bonnie Guse, (Owners) and Carrie & Justin Cusick and William and Jodie Funkhaiser (Lessees) to use existing structure as a venue for weddings, craft events, Christmas, etc. with catered food only. Property is located at 6177 W. 1450 S., Wanatah, Indiana, Cass Twp. , zoned Agricultural on thirty-nine acres.

Ms. Funkhaiser told Earl Cunningham that he said existing, but we're more towards the new facility. Ms. Funkhaiser said she just wanted to make sure that everyone is clear on that.

Earl Cunningham said the existing and/or the proposed new structure.

Glen Minich told Ms. Funkhaiser that she did really good on this, but she didn't say anything about days and hours.

Ms. Funkhaiser said that they were going to ask from 8:00 a.m. to midnight as a starting point.

Melissa Mullins Mischke asked if that's Monday through Sunday.

Ms. Funkhaiser stated yes.

Dwayne Hogan asked Ms. Funkhaiser if she was going to ask for an additional sign.

Ms. Funkhaiser said that they would be adding to that sign potentially. Ms. Funkhaiser that

they're thinking about just combining, or they also would like the opportunity to expand that and add a light.

Dwayne Hogan said solar lamps.

Earl Cunningham said he will add that to the motion for a proposed lighted sign.

Earl Cunningham told Ms. Funkhaiser just for clarification, you're saying 8:00 a.m. to midnight. Earl said that midnight would be a rare occurrence; you're not going to midnight seven (7) days a week.

Ms. Funkhaiser said that's correct, but they're also interested in adding additional lighting for parking and so forth.

Melissa Mullins Mischke said just to clean up Earl's motion, we're going to do hours of operation Monday through Sunday 8:00 a.m. to midnight, and not to exceed a four by eight (4'x 8') lit sign. Melissa said it could be in addition to the sign that's there if you wanted to.

Ms. Funkhaiser said that they would like to make it bigger.

Board members speaking amongst themselves.

Earl Cunningham said that his original motion he will accept the amendments as proposed.

Melissa Mullins Mischke said one sign not to exceed eight by sixteen (8'x16') feet lit.

Earl Cunningham said he has a problem, it's too big.

Ms. Funkhaiser said eight by eight (8'x8') lit.

Earl Cunningham said eight by eight (8'x8') lighted sign in addition to the existing sign and the hours of operation Sunday through Monday 8:00 a.m. to midnight.

Melissa Mullins Mischke seconded.

All approved. Motion carries 5-0.

9. Petition for Variance of Developmental Standards for Jeffrey L. Johnson & Gail A. Johnson to create a lot containing 4.370 acres, but with one-hundred eighty (180') feet road frontage instead of the required minimum of two-hundred (200') feet. This property is located at 3479 W. Small Road (14 acres) and 3601 W. Small Road (11.19) acres, La Porte Indiana, Center Twp., zoned R1B.

Attorney Adamsky said service is adequate.

Dwayne Hogan asked for name and address for the record.

Jim Kaminski said he's an attorney at 916 Lincolnway in La Porte. Attorney Kaminski said that he represents Gail & Jeff Johnson, who are here this evening with respect to this request for a variance.

Attorney Kaminski said ironically in 2011, Mr. & Mrs. Johnson as they were about to build their home on a forty-five (45) acre parcel of land came before the board and got a variance to allow two homes – two dwellings on one parcel. Attorney Kaminski said that was primarily done at the request of the lender for Mr. & Mrs. Johnson at that time. Attorney Kaminski said that they said they wanted the first residence which has been in existence for a long time that we called the barn property, they wanted it as collateral for the loan to allow Mr. & Mrs. Johnson to build what's a quite nice residence on that property.

Attorney Kaminski said since that time, Mr. & Mrs. Johnson's daughter, son-in-law and grandchildren live in that original home that existed on the property since the now new Johnson home has been built. Mr. & Mrs. Johnson have acquired more real estate around these properties and ironically now as a part of that, they're reconsolidating and the lender now wants a separate parcel for the original house. Attorney Kaminski said it's creating now, what we always knew was an issue, that is there is three-hundred eighty five (385') foot of road frontage, so to support the two parcels, one or the other for the dwellings won't meet the two-hundred (200') foot requirement.

Attorney Kaminski said that he's shown you what they now proposed as the parcel split if you will, although he will say Mr. & Mrs. Johnson intend to own the parcel for the indefinite future, this forty-five (45) acres. Attorney Kaminski said the parcel where they built their new home in the yellow, forty-one (41) acres, that has their new home and the large garage if you will that's been built and it's supported by two-hundred (200') feet of road frontage, so for the large parcel nothing needs to be done. Attorney Kaminski said on the green parcel, they're proposing that be a split parcel of just over four (4) acres, which leaves about one-hundred seventy-eight (178') feet, close to one-hundred eighty (180') feet of road frontage, but it creates a nice straight parcel. Attorney Kaminski said that the driveway for that parcel, which pre-exist on the far west edge of green parcel, the Johnson parcel, the newer one, its driveway exists on the far eastside, so the driveways are apart.

Attorney Kaminski said that they're really not asking for anything new on the current use, or anything else, just allowing the split. Attorney Kaminski said that what they also discovered throughout this process is the deed records in parcel numbers for taxes don't match and they want to do a corrected deed so that they have the tax parcels matching the real parcel. Attorney Kaminski said that will be a practical effect of it all.

Attorney Kaminski said that they're requesting the split of the parcels to support the four (4) acre lot that will have one-hundred eighty (180') feet of road frontage.

Dwayne Hogan said he doesn't see any remonstrators for Petition No. 9.

Dwayne Hogan asked the pleasure of the board.

Melissa Mullins Mischke made a motion that the Petition for Variance of Developmental Standards for Jeffrey L. Johnson and Gail A. Johnson to create a lot containing 4.370 acres, with one-hundred eighty feet (180') feet of road frontage be granted. On property located at 3479 W. Small Road and 3501 W. Small Road, La Porte, Indiana, Center Twp., zoned R1B.

Glen Minich and Earl Cunningham seconded.

Earl Cunningham said for clarification he wanted to be sure one-hundred and seventy- eight (178') feet instead of one-hundred eighty (180') feet.

Attorney Kaminski stated correct and the other one would be two-hundred (200') feet.

All approved. Motion carries 5-0.

Dwayne Hogan asked attorney Adamsky if there is any new business tonight.

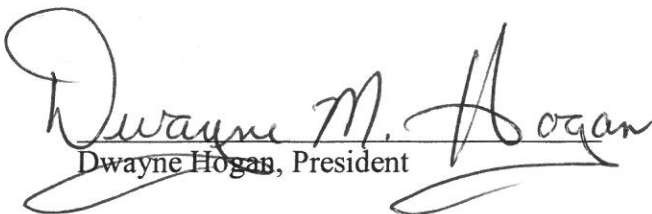
Attorney Adamsky thanked the board for letting him be here tonight.

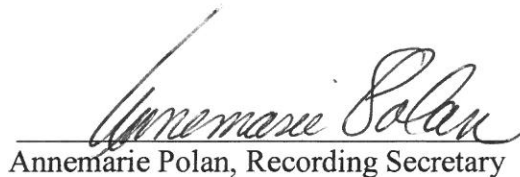
Dwayne Hogan thanked attorney Adamsky and told him he did a good job.

Melissa Mullins Mischke made a motion to adjourn.

All approved. Motion carries 5-0.

There being no further business before the Board of Zoning Appeals, meeting adjourned at 7:20 p.m.


Dwayne Hogan, President


Annemarie Polan, Recording Secretary