



**LAPORTE COUNTY
BOARD OF ZONING APPEALS**

Government Complex 5th Level
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**ANNEMARIE POLAN
Building Commissioner**

April 16th, 2019

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **April 16th, 2019, at 6:00 p.m.** in the Assembly Room of the County Complex.

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

PRESENT: Annemarie Polan, Recording Secretary, Attorney Doug Biege; Cynthia Kreske, Secretary

The Pledge of Allegiance.

APPROVAL OF MINUTES:

Melissa Mullins Mischke asked for approval of the meeting minutes of March 19th, 2019.

Glen Minich made a motion to approve the meeting minutes of March 19th, 2019 as presented.

Dwayne Hogan seconded.

Motion carries 5-0.

Petitions:

1. Petition for Variance of Developmental Standards for William Johannes & Jennifer Dimmett for construction of a second accessory structure thirty by forty (30' x 40') with a height of twenty-two (22) feet instead of the maximum eighteen (18) feet. This property is located at 5142 W. 450 N., La Porte, IN., Center Twp., zoned R1B on two acres. This was postponed from last month due to insufficient notice.

Attorney Biege stated notice is adequate.

William Johannes stated 5142 W. 450 N., La Porte, IN

Mr. Johannes stated that he would like to add a pole building with the height being four (4) foot higher than the maximum of eighteen (18) feet for storage and vehicles. He would like to have electric and water in the future.

No remonstrators present.

Glen Minich made a motion that the Petition for Variance of Developmental Standards for William Johannes and Jennifer Dimmett for construction of a second accessory structure thirty by forty (30' x 40') with a height of twenty-two (22) feet instead of the maximum eighteen (18) feet, which will include electric and water be granted. This property is located at 5142 W. 450 N., La Porte, IN., Center Twp., zoned R1B on two (2) acres and this building is not to be used as a residence.

Earl Cunningham seconded.

All approved. Motion carries 5-0.

2. Petition for Variance of Developmental Standards for David and Brenda Pagels to reside in the existing mobile home for no more than three (3) years while constructing a new home. This property is located at 8801 E. State Road 4, Walkerton, IN., Lincoln Twp., zoned A on 18.95 acres.

Attorney Biege stated notice is adequate.

David Pagels stated 6962 E. 150 N., Mill Creek, IN.

Mr. Pagels stated that there is currently a mobile home on the property that they just recently purchased in December and they are going to put their home on the market and they will be needing a place to live while building their new home. Mr. Pagels is planning on starting to build the new home in June, which should take up to one (1) year.

No remonstrators present.

Earl Cunningham made a motion to approve the Petition for Variance of Developmental Standards for David and Brenda Pagels to reside in the existing mobile home, no longer than one (1) year, while the new home is being constructed and the mobile home needs to be removed no later than ninety (90) days from the certificate of occupancy (of the new home). This property is located at 8807 E. State Road 4, Walkerton, IN., Lincoln Twp., zoned A on 18.95 acres.

Greg Szybala seconded.

All approved. Motion carries 5-0.

3. Petition for Variance of Developmental Standards for John & Pamela Novak to construct a second accessory structure fifty feet by fifty feet (50' x 50') on the side of the home instead of the rear. This property is located at 9423 N. 375 W., Michigan City, IN., Springfield Twp., zoned R1B on 6.78 acres.

Attorney Biege stated notice is adequate.

John Novak stated 9423 N. 375 W., Michigan City, IN.

Mr. Novak stated that he wants to build a barn on the side of the house. Mr. Novak said that his house sits way back on the property and he can't build it behind the house, so thirty (30') feet of the building will be toward the front of the house. There is a detached garage already and this will be a second accessory building. The pole barn will be fifty feet by fifty feet (50' x 50') and twelve (12') feet high, no water, possibly electric in the far future.

No remonstrators present.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for John and Pamela Novak to construct a second accessory structure fifty feet by fifty feet (50' x 50') on the side of the home instead of the rear with electric only. Property is located at 9423 N. 375 W., Michigan City, IN., Springfield Twp., zoned R1B on 6.78 acres and not to be used as living quarters.

Greg Szybala seconded.

All approved. Motion carries 5-0.

4. Petition for Variance of Developmental Standards for Erica Howard for construction of a pole building sixty feet by sixty feet (60' x 60') prior to construction of a residence. This property is located next to 5251 W. 250 N., La Porte, IN., Center Twp., zoned R1A on 3.051 acres.

Attorney Biege stated notice is adequate.

Erica Howard stated 120 E. 10th Street, Michigan City, IN.

Erica Howard stated she wants to build a pole barn sixty by sixty (60' x 60') with electric only prior to building a home. Erica eventually wants to build a house there. Erica already has a permit for the septic system, which she will put in when she is ready to build. She wants to move out of Michigan City into the county.

Remonstrator:

Norm Stahoviak, 1711 Ohio Street, Michigan City.

Mr. Stahoviak was more concerned that it would be commercial not residential because he thinks business would not fit the neighborhood since it is zoned residential.

Erica Howard stated that she is asking for a pole barn and later a home and it will be residential.

The Board wants to make sure that when Erica Howard applies for the building permit that the building will be behind the house or they will have to come back in front of the board for the placement or setbacks.

Earl Cunningham made a motion to grant the Petition for Variance of Developmental Standards for Erica Howard for construction of a pole building sixty feet by sixty feet (60' x 60') prior to construction of a residence. This property is located next to 5251 W. 250 N., La Porte, IN., Center Twp., zoned R1A on 3.051 acres and not to be used as living quarters.

Dwayne Hogan seconded.

Melissa Mullins Mischke mentioned to Erica Howard that if this passes, Erica needs to apply for an address for this location as soon as possible with the building department.

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

Voting Nay: Glen Minich.

5. Petition for Variance of Developmental Standards for Richard and Sheila

Minton for a secondary accessory (detached garage) twenty-four feet by thirty-six feet (24' x 36') on their property on the side of the home instead of the rear. This property is located at 15067 S. 900 W., Wanatah, IN., Cass Twp., zoned A on 2 acres.

Attorney Biege stated notice is adequate.

Richard Minton stated 15067 S. 900 W., Wanatah,

Richard stated it would be a two and a half (2-½) car garage so we have a place to put our vehicles and stuff like that with electric only. The garage siding is going to match the house siding. Richard said it is ten (10) feet away from the house and ten (10) feet away from the side property line.

No remonstrators present.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for Richard and Sheila Minton for a second accessory (detached garage) twenty-four feet by thirty-six feet (24' x 36') on their property on the side of the house instead of the rear, with electric only and the siding will match the house. This property is located at 15067 S. 900 W., Wanatah, IN., Cass Twp., zoned A on 2 acres and not to be used as living quarters. Richard needs to put his address on the house.

Earl Cunningham seconded.

All approved. Motion carries 5-0.

6. Petition for Variance of Developmental Standards for Jeff and Karen Keeling for construction of a pole building with the height of twenty-two (22') feet, instead of the maximum eighteen (18') feet on the side of the residence instead of the rear. This property is located at 10702 S. 750 E., Walkerton, IN., Johnson Twp., zoned A on 2 acres.

Attorney Biege stated notice is adequate.

Jeff Keeling stated 10702 S. 750 E, Walkerton, IN.

Mr. Keeling stated that he will tear down an existing building on the property and build this larger building in the same place with electric only. Mr. Keeling said that this building will be metal and insulated on the inside. Mr. Keeling said he wants the height because down the line he wants to get an RV. There will be no living space or business.

No remonstrators present.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Jeff and Karen Keeling for construction of a pole building with the height of twenty-two (22) feet, instead of the maximum eighteen (18) feet on the side of the residence instead of the rear with electric only, no water and not to be used as a business. This property is located at 10702 S. 750 E., Walkerton, IN., Johnson Twp., zoned A on 2 acres and not to be used as living quarters. The existing pole barn is to be demolished.

Dwayne Hogan seconded.

All approved. Motion carries 5-0.

7. Petition for Variance of Developmental Standards for Shirley Drewenski & Donald Drewenski for continued placement of a mobile home. Last variance was granted on April 19th, 2016 for three (3) years. This property is located at 7061 E. Tulip Lane, New Carlisle, IN., Hudson Twp., zoned R1B.

Attorney Biege stated notice is adequate.

Donald Drewenski stated 7061 E. Tulip Lane, New Carlisle, IN.

Donald Drewenski uses 7061 E. Tulip Lane, New Carlisle, IN., as a cottage every weekend except this last winter. Mobile home is a 1989 and has been on the property since 1989 and Donald bought it in 1995. Donald wants to keep it maintained and enjoy it on the weekends.

Donald was told by the board members that he cannot sell the mobile home unless the new owners come in front of the board to ask to keep the mobile home under new ownership.

Mr. Drewenski stated that he wants to keep the mobile home for himself to enjoy on weekends.

No remonstrators present.

Earl Cunningham made a motion to grant the Petition for Variance of Developmental Standards for Shirley Drewenski & Donald Drewenski for continued placement of a mobile home for another three (3) years, renewable. Last variance was granted on April 19th, 2016 for three (3) years. This property is located at 7061 E. Tulip Lane, New Carlisle, IN., Hudson Twp., zoned R1B. Donald was thanked for coming in a few days early to renew his variance from all the board members.

Dwayne Hogan seconded.

All approved. Motion carries 5-0.

Mr. Drewinski was told that this Board does not like to grant variances for new placement of mobile homes.

8. Petition for Variance of Developmental Standards for Ronald Drewenski for continued placement of a mobile home. Last variance was granted on April 19th, 2016 for three (3) years. This property is located at 6989 E. Tulip Lane, New Carlisle, IN., Hudson Twp., zoned R1B.

Attorney Biege stated notice is adequate.

Ronald Drewenski stated 6989 E. Tulip Lane, New Carlisle, IN.

Melissa Mullins Mischke asked Ronald the address where he resides at.

Mr. Drewenski stated 15820 Union, Harvey, IL. 60426.

Melissa Mullins Mischke asked Mr. Drewenski if he is next to his twin bother and uses the mobile home for the weekends. Mellissa Mullins Mischke asked how long he has been at his location.

Mr. Drewenski stated that he bought it in 1989 with an older mobile home and replaced the mobile home in 1992 or 1994.

Melissa Mullins Mischke asked Mr. Drewenski if he knows what year that mobile home is.

Mr. Drewenski stated he believes it is between 1992 and 1994.

Glen Minich said just the same comment he made to his brother about selling the mobile home.

Mr. Drewenski stated he understands and he has no intention of selling.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for Ronald Drewenski for continued placement of a mobile home. Last variance was granted on April 19th, 2016 for three (3) years, renewable. This property is located at 6989 E. Tulip Lane, New Carlisle, IN., Hudson Twp., zoned R1B.

Greg Szybala seconded.

All approved. Motion carries 5-0.

9. Petition for Variance of Developmental Standards for Christopher D. Olson and Stefanie D. Olson to construct a detached accessory building twenty-four feet by forty feet (24' x 40') with a setback of six (6) feet instead of the required ten (10) feet. This property is located at 2722 E. 100 S., La Porte, IN., Pleasant Twp., zoned R1A in Prairie View Estates Subdivision.

Attorney Biege stated notice is adequate.

Andrew Voeltz, is an attorney here in La Porte, IN. with Howes and Howes and is representing the petitioners Cristopher D. Olson and Stefanie D. Olson in their petition for Variance of Developmental Standards. Attorney Voeltz's client has a hobby of brewing beer. This hobby has been growing to the point where he, along with his neighbor, needs some room to do his hobby. . The current structure that exists right now is much smaller than the proposed shed. The reason for the petition is because of the setback from the rear lot line is under Section 16:02, C4. It's to be ten (10) foot and he's requesting that it remain the same placement as the existing shed to keep that footprint in tack. It was considered the possibility of going in front of the Plan Commission to vacate that roadway, but that was determined that was not going to be possible because the farmer to the rear uses that for access for that field. So, recognizing that would not be a possibility he wants to put it there because, again, the shed that's there within the ten (10) foot setback has been there for longer than sixteen (16) years. It was there prior to them purchasing the home and he's the second owner of this property. He needs more room to work and store his yard work equipment. He would be requesting electricity and water. This is a home brewing hobby and not going to be a business. The outside of the proposed structure would match the outside of the existing residence, that carriage type architecture. It would not be a steel pole barn. It would not be used for residential purposes what so ever.

Remonstrator:

Harold T. Parker, 2602 E. State Road 4, La Porte, IN.

Melissa Mullins Mischke asked Mr. Parker his concerns.

Mr. Parker stated that this is a subdivision. The people that he bought the subdivision from had no envision of all these sheds. It's getting pretty crowded on that land. Also, he wants a shorter setback from the utility line and I think NIPSCO is expanding their need for room around utility lines. If you look at the rest of the subdivision, they have done a poor job of keeping their stuff under the utility lines in tack and when they have a problem, they have to invade my field to get in there.

Melissa Mullins Mischke asked if he thinks they are going to increase that six (6') foot utility easement.

Mr. Parker said it's ten (10) now for the County, isn't it?

Glen Minich said twelve (12).

Mr. Parker stated the subdivision is fifty (50) years old now and he said they had issues and will have issues and he is kind enough to let them use his grounds. This is still an active subdivision, so there will be a house behind that. Mr. Parker stated that road is a continuing road if anybody decides to build that subdivision. Mr. Parker was asking about the height of this building and lot coverage. The shed Mr. Olson has, is a portable shed and it has no foundation. Mr. Parker said Mr. Olson should not get any closer to the electric line especially with a taller structure.

Attorney Voeltz came back up to the podium to answer the question about the height. Attorney Voeltz said it would not be eighteen (18') feet tall. It would rather be between ten (10') feet and twelve (12') feet tall and the lot coverage is fine. Attorney Voeltz said Mr. Olson is not on the easement and has no intention of being on the easement.

Earl Cunningham made a motion to approve the Petition for Variance of Developmental Standards for Christopher D. Olson and Stefanie D. Olson to construct a detached accessory building twenty-four feet by forty feet (24 x 40) with a maximum height of fourteen (14) feet and with a side setback of ten (10) feet, which shall not be affected if the road is ever paved. This property is located at 2722 E. 100 S., La Porte, IN., Pleasant Twp., zoned R1A in Prairie View Estates Subdivision. The siding will match the home and there will be water and electricity and not to be used for dwelling purposes. This is not a business, no products may be sold. The existing shed will be removed.

Dwayne Hogan seconded.

Voting Aye: Melissa Mullins Mischke, Earl Cunningham and Dwayne Hogan

Voting Nay: Glen Minich and Greg Szybala

Motion carries 3-2.

10. Petition for Variance of Developmental Standards for Ozinga Materials Inc. for a one-hundred foot (100') lattice style self-supporting wireless communication facility for broadband internet. There will be no co-locations on the tower and no shelters or buildings at the base of the tower. This property is located at 2626 W. 1650 S., Hanna, IN., Prairie Twp., zoned A on thirty (30) acres.

Attorney Biege stated notice is adequate, but since this is a cell tower, the code requires that we get authorization from the airport. Ozinga wrote the airport like they were supposed to, and this has happened before, they have not yet received a response. Attorney Biege stated that he believes this is jurisdictional and recommends we move this over to next month. Perhaps the building commissioner could call them and maybe prompt them to give timely response, so that they don't hold these folks up.

Dwayne Hogan made a motion to postpone this petition for thirty (30) days for the next meeting which is May 21st, 2019 to allow time for answers from the airport.

Earl Cunningham seconds.

All approved. Motion carries 5-0.

11. Petition for Variance of Developmental Standards for Dallas and Patty Lawson for continued placement of a mobile home. Last variance was granted on April 19th, 2016 for three (3) years. This property is located at 8501 N. 750 E., New Carlisle, IN., Hudson Twp., zoned A on 10 acres.

Attorney Biege stated notice is adequate.

Patty Lawson stated 8501 N. 750 E., New Carlisle, IN. 46552

Melissa Mullins Mischke asked Patty Lawson if she wants to keep the mobile home for another three (3) years, who lives in the mobile home and how long has it been there.

Mrs. Lawson stated yes, she wants to keep it there. Mrs. Lawson and her husband live in the mobile home. The mobile home is a 1995 and it's been there since 1995.

No remonstrators present.

Dwayne Hogan made a motion to approve the Petition for Variance for Developmental Standards for continued placement of a mobile home. The last variance was granted on April 19th, 2016 and thank you for being timely. This property is located at 8501 N. 750 E., New Carlisle, IN., Hudson Twp., zoned A on 10 acres for three (3) years, renewable.

Earl Cunningham seconded.

All approved. Motion carries 5-0.

12. Petition for Use Variance for Jonathon & Robyn Drummond, Williams Orchard Real Estate, LLC, and Williams Orchard Events, LLC (collectively the “Drummonds”) and Petitioner Williams Homestead LLC (“Williams Homestead”) to operate a banquet hall to conduct weddings, receptions, community events, corporate events, and other similar activities. This property is located at 9456 N. 500 E., La Porte, Galena Twp., zoned A on thirty point seven-five (30.75) acres with a total of one hundred thirty-four point nine-five (134.95) acres.

Attorney Biege stated notice is adequate.

Anthony Novak is an attorney with Newby, Lewis, Kaminski and Jones, in La Porte at 916 Lincolnway. He is representing the petitioners, specifically Jonathon & Robyn Drummond, as well as two (2) entities that are involved with the purchase of the real estate, Williams Orchard Real Estate LLC and Williams Orchard Events LLC, both are owned by the Drummonds. The property is currently owner by Williams Homestead LLC. The Drummonds are currently in a purchase agreement contingent upon getting this approved.

Tonight, the petition is to have a banquet hall or event center on this thirty (30) acre parcel located in Ag at 9456 N. 500 E. Although, the Drummonds are asking for a Variance on this one parcel, they are purchasing the six (6) parcels totally about 135 acres. Until recently, that property was known as Williams Orchard and it was a u-pick apple orchard. The previous owners of that apple orchard has ceased operation and they are now selling the property. The Drummonds would like to purchase it and they have some great ideas. First, they want to bring back the u-pick. That would bring back the agri-tourism that has been long a part of this properties history. In addition, they desire to create a formal place to host events there. Although, the u-pick would be on the majority of the acreage, this variance would strictly be on this thirty (30) acre parcel, of which we refer to as the central parcel.

On that central parcel there are a few structures. There is a forty by one hundred forty five (40' x 145') barn, thirty by sixty (30' x 60') pole barn, farmhouse and then a ten by ten (10' x 10') shed. The Drummonds plan to rehabilitate these structures, and tear down the large barn, then build a new one, which will be a little smaller and in the same location, using this for the u-pick and the events. The Drummonds plan on investing about one point five (1.5) million dollars in this property. Fortunately, because this is in the central parcel, they have great natural buffers which will create minimal impact from use and light. The property to the south has a one-thousand foot (1000') buffer and the Davis' gave consent. The property to the east, the neighbors, the Williams, Gary Davis, Walinski, Vandierendonck and Kubicki gave their consent. The hours of operation would be 8:00 a.m. to 1:00 a.m., Monday through Sunday, to respect the neighbors. They would like to place a sign out there with the name “Williams Orchard Events LLC”, eight by twelve (8' x 12') with lighting lit from the ground and the address. Variance is for the central parcel with the address of 9456 N. 500 E. The u-pick on all the other parcels needs no variance.

Melissa Mullins Mischke asked Attorney Anthony Novak if this event center will have a separate entrance or use the same entrance for the u-pick

Attorney Anthony Novak stated he will let Mr. Drummond answer that.

Jon Drummond stated 1574 Snead Avenue, Chesterton, IN.

Mr. Drummond stated the entrance to the farm will have the same entrance to get in. The same gate will be used for the u-pick as well as the wedding venue. On the right will be a parking lot, than you can go into the orchard.

Melissa Mullins Mischke asked if there are any questions, comments or concerns from the board.

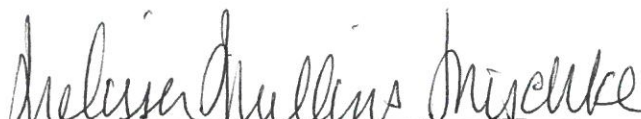
The board members and Jonathon Drummond discussed the music and it was decided the music would stop at midnight and people would be vacated by 1:00 a.m.

Earl Cunningham made a motion to approve the Petition for Use Variance for Jonathon & Robyn Drummond, Williams Orchard Real Estate, LLC, and Williams Orchard Events, LLC (collectively the "Drummonds") and Petitioner Williams Homestead LLC ("Williams Homestead") to operate a banquet hall to conduct weddings, receptions, community events, corporate events, and other similar activities. This property is located at 9456 N. 500 E., La Porte, Galena Twp., zoned A on thirty point seven-five (30.75) acres with a total of one hundred thirty-four point nine-five (134.95) acres. The hours of operation are seven (7) days a week from 8:00 a.m. to 1:00 a.m., with a sign no larger than eight by twelve (8' x 12') and lighted from the ground.

Dwayne Hogan seconded.

All approved. Motion carries.

There being no further business, meeting adjourned at 7:35 p.m.


Melissa Mullins Mischke, President


Annemarie Polan, Recording Secretary