

Attorney Biege stated notice is adequate.

Tobby Schweizer stated his address is 4059 N. 350 E., Rolling Prairie, IN.

Tobby Schweizer stated he wants to build a barn big enough to fit all five horses and he currently has a barn that only suits four. They would also like an indoor riding arena to ride and exercise the horses during inclement weather.

Dwayne Hogan asked if the facility would be rented out or if it is for personal use.

Tobby Schweizer stated it would be for personal use and there would not be additional boarding as he already has the max of five horses that he is allowed to have. He stated the structure will be a pole barn with five stalls, concrete path, and sand. He stated he would like to store his horse trailer inside the pole barn during the winter.

Dwayne Hogan stated the variance is for the height as the building needs to be high enough to supports its' girth.

Glen Minich stated it's also a third accessory structure.

Tobby Schweizer stated the current barn will be taken down upon completion of the new pole barn.

Earl Cunningham asked if the pole barn will match the house.

Tobby Schweizer stated it will most likely match the home.

Remonstrators:

Joe and Barbara Garsky stated their address is 4026 N. 350 E., Rolling Prairie, IN.

Joe Garsky stated that Tobby Schweizer had discussed plans two months prior to build the pole barn and rent the stalls out and offer riding lessons for profit income so he does not have to work in the winter. He reiterated that it was previously mentioned on another occasion a few years prior. He stated that he told Tobby Schweizer that he cannot have commercial business on residential property. He stated that is why it is listed as personal use. He stated that this is the fourth building as he put up a barn last year when he took in a stallion and is boarding it, but cannot have the stallion with his mares. He stated that Tobby Schweizer's wife currently gives riding lessons without the building and it is currently not a concern, but that the new pole barn would be an eye sore that drops their property value, according to County Wide Real Estate. He also stated that the electric company would be running electric to the new pole barn would be closer to his home, than to Tobby Schweizer's home. He presented a petition against the pole barn written by him and explained how he personally went to the neighbors and obtained the signatures of twelve (12) people who do not support the new pole barn.

Joe Garsky presented the signatures to Attorney Doug Biege.

Joe Garsky stated what does personal use mean pertaining to who may use the facility.

Dwayne Hogan advised their concerns would be taken under advisement.

Tobby Schweizer stated that he had originally planned to attach the barn to the home as a business, but that idea is no longer the plan as they have moved the barn further from the home, roughly two-hundred feet (200') to the west. He also stated that the stallion is not being boarded, as they own the horse and acquired it as a rescue from the previous owner who had been diagnosed with cancer.

Glen Minich stated that there is not a petition for a variance for the number of horses allowed which is currently five (5).

Tobby Schweizer stated that he does not want more than his allowed horses and that currently there are four (4) horses on premises as his wife's horse is on loan to 4H.

Dwayne Hogan asked if he is going to turn the pole barn into a business for stables and riding.

Tobby Schweizer stated that he is not.

Earl Cunningham asked about this being the fourth accessory building.

Tobby Schweizer stated that the house was bought with a lean-to shed and one-horse barn and that when the stallion was acquired last year, he put up an additional lean-to to house the stallion that measures eight feet by eight feet (8' x 8'). He stated that when the new pole barn is built, the stallion will have his own section and stall while being separated from the mares.

Earl Cunningham asked if the lean-to would be removed when the new barn is complete.

Tobby Schweizer stated he would remove the lean-to and the current barn as he would no longer need it.

Dwayne Hogan asked if he will have total of three buildings when the project is complete.

Tobby Schweizer confirmed.

Glen Minich showed Earl Cunningham a picture of the stallion's lean-to and states that due to its' size it is not considered an accessory structure.

Annemarie Polan confirmed.

Dwayne Hogan asked if there will be electric and water.

Tobby Schweizer stated he plans to.

Earl Cunningham stated there will be no boarding of other peoples' horses, there will not be a business, two buildings will be removed when the new pole barn is complete, and that he is only entitled to five (5) horses.

Tobby Schweizer agreed.

Earl Cunningham made a motion to approve Petition for Variance of Developmental Standards for Tobby H & Jennifer L Schweizer for construction of a third (3rd) accessory structure sixty feet by one hundred twenty feet (60' x 120') with an indoor horse arena for personal use, with a height of twenty feet (20') instead of the maximum eighteen feet (18'). This property is located at 4059 N. 350 E., Rolling Prairie, IN., Kankakee Twp., zoned R1B on 5 acres with the following restrictions. There will be no boarding of non-owned horses with a limit of five (5) on the 5 acres, there will be no business operating out of the new barn, and two buildings will be removed from the property when the new barn is completed within a reasonable time frame. This will include water and electric.

Glen Minich seconded.

All approved. Motion carries 4-0.

2. Petition for Variance of Developmental Standards for Sean and Lisa Smiertelny to construct a second residential structure on the same parcel as petitioners to care for their parents. The property is located at 3421 N. Wozniak Road, Michigan City, IN., Coolspring Twp., zoned R1B on 1.9 acres. Parcel 46-05-14-402-017.000-046.

Attorney Biege stated notice is adequate.

Lisa Smiertelny stated her address is 3421 N. Wozniak Road, Michigan City, IN.

Lisa Smiertelny stated she would like to build a second residence on her property to care for her parents. She stated that her parents lived in Michigan City their entire life and encouraged them to travel after her children became more independent. They are ready to come back to live out the remainder of their years in their hometown.

Dwayne Hogan asked if septic location had been considered

Lisa Smiertelny stated that she spoke to the health department about the septic and well and that a new septic and well will be able to be placed for the new home and that the land would support both systems.

Earl Cunningham stated that the parcel is nearly two acres.

No remonstrators present.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Sean and Lisa Smiertelny to construct a second residential structure on the same parcel as petitioners to care for their parents. The property is located at 3421 N. Wozniak Road, Michigan City, IN., Coolspring Twp., zoned R1B on 1.9 acres.

Earl Cunningham seconded.

All approved. Motion carries 4-0.

3. Petition for Variance of Developmental Standards for Judith Mannia to construct an addition twenty-four feet by sixteen feet (24' x 16') to the detached garage with a setback of eight feet and six inches (8'6") instead of the minimum required ten feet (10'). The property is located at 99 Chaffee Avenue, La Porte, IN., Center Twp., zoned R1B. Parcel 46-06-28-226-005.000-042.

Earl Cunningham made a motion to move the petition to the bottom of the agenda as there is no representative for the petition.

All approved. Motion carries 4-0.

4. Petition for Variance of Developmental Standards for Robert and Carolyn Vendramin for construction of an accessory building one-hundred and sixty square feet (160') that will contain a bathroom and kitchenette with an attached pavilion of two-hundred and sixteen feet (216') and an overall height of sixteen feet (16'). This property is located at 7874 E. Potato Hole Court, New Carlisle, IN., Wills Twp., zoned A. Parcel 46-08-05-400-020.000-068.

Attorney Biege stated notice is adequate.

Bob and Carolyn Vendramin stated their address is 7874 E Potato Hole Ct., New Carlisle, IN.

Bob Vendramin stated that they recently installed an in-ground pool and they want to put an accessory building with water and a bathroom. He stated the building is a continuous structure, but that the south side has a timber frame that is open and measures two-hundred and sixteen square feet (216'') and the closed structure is ten feet by sixteen feet (10' x 16') and the enclosed structure would contain the bathroom and kitchenette.

Attorney Biege asked how many accessory structures they currently have.

Bob Vendramin stated none.

Attorney Biege stated the petition is only for the water.

Dwayne Hogan agreed.

No remonstrators present.

Glen Minich made a motion to approve Petition for Variance of Developmental Standards for Robert and Carolyn Vendramin for water and electric to be contained in an accessory building one-hundred and sixty square feet (160') and an attached pavilion of two-hundred and sixteen feet (216') and an overall height of sixteen feet (16'). This property is located at 7874 E. Potato Hole Court, New Carlisle, IN., Wills Twp., zoned A.

Greg Szybala seconded.

All approved. Motion carries 4-0.

5. Petition for Variance of Developmental Standards for Bruce and Patricia Dement to construct an accessory structure to the side of the home instead of the rear and with a height of twenty-two feet (22') instead of the maximum requirement of eighteen feet (18'). This property is located at 7101 W. 125 N., LaPorte, IN., Coolspring Twp., zoned R1A on 8.702 acres. Parcel 46-05-26-400-0069.000-046.

Attorney Biege stated notice is adequate.

Robert and Patricia Dement stated their address is 7101 W. 125 N., La Porte, IN.

Robert Dement stated he wants to build a garage even with the house instead of set back with a height variance. He stated it will be a two-story garage with a second story. He stated he has a lovely relationship with his wife, but that if he collects any more treasures, it may change so he needs the second story for storage space.

Attorney Biege asked if the garage will be to the left of the house.

Bruce Dement stated yes.

Dwayne Hogan asked if there will be water in the garage.

Bruce Dement stated water for gardening purposes.

No remonstrators present.

Earl Cunningham asked if he wants electricity for the garage door.

Attorney Biege clarifies that a variance is not needed for electricity, just water.

Earl Cunningham made a motion to approve Petition for Variance of Developmental Standards for Bruce and Patricia Dement to construct an accessory structure to the side of the home instead

of the rear and with a height of twenty-two feet (22') instead of the maximum requirement of eighteen feet (18'). This property is located at 7101 W. 125 N., LaPorte, IN., Coolspring Twp., zoned R1A on 8.702 acres with water and electricity.

Greg Szybala seconded.

All Approved. Motion carries 4-0.

6. Petition for Variance of Developmental Standards for John and Cheryl Baietto for construction of a second accessory and for the placement to the side of the home instead of the rear. This property is located at 9459 N. 500 W, Michigan City, IN., Springfield Twp., zoned R1B on 3 acres. Parcel 46-02-17-300-025.000-062.

Attorney Biege stated notice is adequate.

John and Cheryl Baietto stated their address is 9459 N. 500 W., Michigan City, IN.

John Baietto stated he wants to put up a pole barn to the side of his house instead of behind with the dimensions thirty feet by forty-two feet (30' x 42') that will line up just past the front of the house. He stated it will have electric.

Earl Cunningham read into the record a document for the Department of the Army Technical Services Division. Subject: Regional General Permit Authorization for the construction of a barn at 9459 N. 500 W. in Michigan City. U.S. Army Corps of Engineers, Chicago District, has completed its review of your notification for authorization under the Regional General Permit. Under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water act, the Chicago, Louisville, and Detroit Districts reissued Regional General Permit 1 on December 15th, 2014 for certain activities having minimal impacts in Indiana. We have verified that your proposed work shown on the submitted plans and described below is authorized under the RGP. This verification covers only your activity as describes in your notification dated February 9th, 2019. This verification expired three (3) years from the date indicated above. Place one hundred and seventy-seven (177) cubic yards of clean sand fill in a forty foot by sixty foot (40' x 60) area to construct a pole barn. Total wetland impacts will be two one-hundredths (.002) of an acre. All work is to be completed as shown on the drawings submitted to and accepted by our office. This authorization is contingent upon implementing and maintaining appropriate soil erosion and sediment control measured in a serviceable condition throughout the duration of the project. Any construction activity other than that shown on the plans may not qualify for the Regional Permit. If your plan changes or additional activities from those depicted on the submitted plans, please submit them to this office for review prior to construction. Please note this authorization is without force and effect until all other permits or authorizations from local, state, or other Federal agencies are secured. For any additional information on the RGP, please visit our website.

Earl Cunningham stated the reason for the location is because it is in wetland mitigation.

Cheryl Baietto stated they had mitigation done.

No remonstrators present.

Glen Minich asked if they will have any money left to put rocks in the driveway.

Glen Minich made a motion to approve Petition for Variance of Developmental Standards for John and Cheryl Baietto for construction of a second accessory and for the placement to the side of the home instead of the rear. This property is located at 9459 N. 500 W, Michigan City, IN., Springfield Twp., zoned R1B on 3 acres. The structure is to be thirty feet by forty-two feet (30' x 42').

Earl Cunningham seconded.

All Approved. Motion carries 4-0.

7. Petition for Variance of Use Paniccia Heating & Cooling (buyer) & Thomas Loggins (seller) to run a heating and cooling business in the existing structure. This property is located at 4666 N. Johnson Road, Michigan City, IN., Coolspring Twp., zoned R1B on 2.32 acres. Parcel 46-05-11-176-006.000-046.

Attorney Biege stated notice is adequate.

Mark and Sheri Paniccia stated their address is 5076 N. Bleck Rd, Michigan City, IN.

Mark Paniccia stated he is considering purchasing the building to run his business similar to how it is currently being used by Loggins Tree Service. He stated there will be not retail just a shop with offices.

Remonstrators:

Joyce and Brian Dean stated their address is 2774 N Goldring Road, La Porte, IN.

Joyce Dean stated that her property borders the petition property on the back and side. She stated that Loggins Tree Service has cars, wood, and logs on their property and had removed a fence separating the two properties with permission from her brother and not her, the landowner.

Dwayne Hogan stated their concerns would be taken under advisement.

Dwayne Hogan asked Mark Paniccia about talking to the seller about cleaning up the property.

Mark Paniccia stated it will be a condition of the purchase.

Earl Cunningham asked remonstrators if what they want is their property cleared.

Mark Paniccia agrees to comply.

Earl Cunningham asked if they want a fence replaced since there will be no future encroachment.

Brian Dean stated they want the northern fence replaced and it was roughly five-hundred feet (500') in length.

Earl Cunningham stated that they will not have the same concerns with the new owner that previously necessitated the fence.

Attorney Biege stated that since there could be a dispute whether the fence was properly taken down; the issue is not related to the variance request.

Glen Minich asked if the building was going to be big enough.

Mark Paniccia stated yes.

Earl Cunningham made a motion to approve Petition for Variance of Use Paniccia Heating & Cooling (buyer) & Thomas Loggins (seller) to run a heating and cooling business in the existing structure which is currently Loggins Tree Service. This property is located at 4666 N. Johnson Road, Michigan City, IN., Coolspring Twp., zoned R1B on 2.32 acres with the stipulation that all of the property lines be completely cleaned up.

Greg Szybala seconded.

All approved. Motion carries 4-0.

8. Petition for Variance of Developmental Standards for Doreen Pizzato, Robert Schleyer, and Denise Grasser to construct an accessory structure forty-four feet by thirty-two feet (44' x 32') and with a front setback of twelve feet (12') instead of the minimum required twenty-five feet (25') and with a height of twenty-two feet (22') instead of the maximum requirement of eighteen feet (18') replacing the existing building. This property is located across from the home at 7387 N. Boyer Avenue, LaPorte, IN., Galena Twp., zoned R1A. Parcel 46-03-30-326-009.000-048.

Attorney Biege stated notice is adequate.

Daniel Grasser stated his address is 7383 N. Schleyer Dr., La Porte, IN.

Daniel Grasser stated he wants to remove the current one and a half garage (1 ½) and a garden shed due to mold and replace them with a three-car garage (3) for two cars and a camper with the dimensions forty-four feet by thirty-two feet (44' x 32') with a covered concrete pad on the north side that is eight feet by thirty-two feet (8' x 32').

Dwayne Hogan asked if he needed the twenty-two feet (22') height for the camper.

Daniel Grasser confirmed.

Dwayne Hogan asked if there will be water and electric.

Daniel Grasser stated electric, gas for heat, and no water.

Glen Minich asked why the garage isn't being placed further back to meet setback standards.

Daniel Grasser stated the original garage is two feet (2') from the road. He stated that the property has a steep drop off in the rear and the garage would not be on stable level ground. He stated that the new garage would be twelve feet (12') from the property line plus an addition three feet (3') off the gravel roadside.

No remonstrators present.

Greg Szybala made a motion to approve the Petition for Variance of Developmental Standards for Doreen Pizzato, Robert Schleyer, and Denise Grasser to construct an accessory structure forty-four feet by thirty-two feet (44' x 32') and with a front setback of twelve feet (12') instead of the minimum required twenty-five feet (25') and with a height of twenty-two feet (22') instead of the maximum requirement of eighteen feet (18') replacing the two existing buildings. This property is located across from the home at 7387 N. Boyer Avenue, LaPorte, IN., Galena Twp., zoned R1A

Glen Minich seconded.

All approved. Motion carries 4-0.

9. Petition for Variance of Developmental Standards for Roger and Michelle Hefright for the construction of an above ground pool to the (west) side of the home instead of the rear due to a family members disability. This property is located at 3021 W. Small Road., La Porte, IN., Center Twp., zoned R1B on 1.9 acres. Parcel 46-06-33-476-008.000-042.

Attorney Biege stated notice is adequate.

Roger and Michelle Hefright stated their address is 3021 W. Small Rd., La Porte, IN.

Roger Hefright stated he wants to install a thirty foot (30') above ground pool to the side of the house instead of the rear. He stated the pool would be the standard depth. He stated that if the pool were to be placed to the rear of the home, he would be unable to watch his children as there would be a garage blocking the view.

Glen Minich stated that the correlating ordinance is in place for small subdivisions with nearby neighbors where such a situation does not apply to him.

Remonstrators:

Edward and Gladys Gordon stated their address is 29887 W. Small Rd., La Porte, IN.

Gladys Gordon asked where the pool will be placed; on the west side of the Hefright property or near their property where the land slopes down. She stated that Roger Hefright has been filling in portions of his land.

Earl Cunningham explained it will be in the front of the home away from their property.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Roger and Michelle Hefright for the construction of an above ground pool to the (west) side of the home instead of the rear due to a family members disability. This property is located at 3021 W. Small Road., La Porte, IN., Center Twp., zoned R1B on 1.9 acres.

Earl Cunningham seconded.

All approved. Motion carries 4-0.

10. Petition for Variance of Developmental Standards for Mark and Kathleen Blaser to construct a two-story garage with a height of twenty-four feet and two inches (24'2") instead of the maximum requirement of eighteen feet (18') and with a bathroom. This property is located at 614 N. Forrester Road, LaPorte, IN., Coolspring Twp., zoned A on 1.16 acres. Parcel 46-05-36-300-006.000-047.

Attorney Biege stated notice is adequate.

Mark and Kathleen Blaser stated their address is 219 Dogwood Drive, Chesterton, IN.

Mark Blaser stated that they hope to move to the property when his wife retires next year. He stated they want to build a three-car garage (3) and a wood working shop upstairs. He stated it has to be built before the move to accommodate his equipment.

Dwayne Hogan asked how big the garage is going to be.

Mark Blaser stated it will be twenty-eight feet (28') deep and forty feet (40') wide.

Dwayne Hogan stated it will be twenty-four feet and two inches high (24'2").

Mark Blaser confirmed.

Dwayne Hogan asked if there will be water and electric.

Mark Blaser confirmed stating he wanted to put in a toilet and laundry sink upstairs.

No remonstrators present.

Glen Minich asked if they're going to have any money left for gravel.

Dwayne Hogan advised Mark Blaser to get signs and addresses posted.

Earl Cunningham made a motion to approve the Petition for Variance of Developmental Standards for Mark and Kathleen Blaser to construct a two-story garage with a height of twenty-four feet and two inches (24'2") instead of the maximum requirement of eighteen feet (18') and with a bathroom, water and electricity. This property is located at 614 N. Forrester Road, LaPorte, IN., Coolspring Twp., zoned A on 1.16 acres. Dimensions are twenty-eight feet by forty feet (28' x 40').

Glen Minich seconded.

All approved. Motion carries 4-0.

Earl Cunningham asked Mark Blaser if he had alerted NIPSCO about their poles being eight feet (8') into the pond.

Mark Blaser stated he has not.

The Board cumulatively suggested Mark Blaser to contact NIPSCO.

11. Petition for Variance of Developmental Standards for Gregory J. Ake to add two (2) bathrooms and a kitchenette in the recreational building to be used for personal use only; the building is in the process of being built. This property is located at 3616 W. Waverly Road, LaPorte, IN., Center Twp., zoned A on 8.53 acres. Parcel 46-06-28-300-006.000-042.

Attorney Biege stated notice is adequate.

Greg Ake stated his address is 3556 W. Waverly Rd., La Porte, IN.

Greg Ake stated he tried to pull a well permit and was advised to obtain a variance. He stated he has a nineteen-thousand square foot (19,000²) recreational building and wanted to install a bathroom and kitchen. He stated it is a pole barn.

No remonstrators present.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Gregory J. Ake to add two (2) bathrooms and a kitchenette in the recreational building to be used for personal use only; the building is in the process of being built. This property is located at 3616 W. Waverly Road, LaPorte, IN., Center Twp., zoned A on 8.53 acres.

Attorney Biege clarified that the variance is to allow water in the building.

Greg Szybala seconded.

All approved. Motion carries 4-0.

12. Petition for Variance of Developmental Standards for Michael Jefvert to construct a pool (second accessory) structure and a deck and to the side of the home instead of the rear and the setback is three feet (3') from the side property line instead of the minimum ten feet (10'). This property is located at 212 Chickadee Trail, Michigan City, IN., Springfield Twp., zoned R1B. Parcel 46-02-07-329-020.000-062.

Attorney Biege stated notice is adequate.

Michael Jefvert stated his address is 212 Chickadee Trail, Michigan City, IN.

Michael Jefvert stated he wanted to install a pool next to the house instead of behind with the deck having a three-foot (3') setback and the pool having eleven feet (11') setback. He stated there is a wooden fence and a retaining wall planter fence and the deck will extend to the retaining wall but will be made of flagstones to offer drainage between the stones. The deck area is actually a flagstone patio.

Dwayne Hogan asked what size pool.

Michael Jefvert stated 10 feet by thirty feet (10' x 30').

No remonstrators present.

Glen Minich asked if the pool will be fenced or covered.

Michael Jefvert stated he would most likely be getting a cover as there is already yard fence in place around the area.

Attorney Biege stated the regulation is that the pool either be enclosed or have an automatic cover where it does not need a fence.

Earl Cunningham made a motion to approve the Petition for Variance of Developmental Standards for Michael Jefvert to construct a pool (second accessory) structure and a deck and to the side of the home instead of the rear and the setback is three feet (3') from the side property line instead of the minimum ten feet (10'). This property is located at 212 Chickadee Trail, Michigan City, IN., Springfield Twp., zoned R1B.

Greg Szybala seconded.

All approved. Motion carries 5-0.

13. Petition for Variance of Developmental Standards for Robert and Sharon Swanson to keep the newly constructed pond on the property in the front yard which encroaches upon the front yard setback by seven feet (7') at the closest point of the pond; actual set back is eighteen feet (18') instead of the minimum twenty-five feet (25'). This

property is located at 6017 W. Johnson Road, LaPorte, IN., Coolspring Twp., zoned R1B on .589 acres. Parcel 46-05-13-427-009.000-046.

Attorney Biege stated notice is adequate.

Sharon Swanson stated her address is 6017 W. Johnson Rd., La Porte, IN.

Sharon Swanson stated she installed the pond and there was a portion that is eight feet (8') too close to the property line. The pond was built to help with water issues on the property. She stated there was a drainage field installed and is working.

Remonstrators:

Mick Pawlick stated his address is 2656 N. Tiffany Drive, La Porte, IN.

Mick Pawlick stated he doesn't have a problem with the pond, but he was curious about the notice he received. He asked about pond specifications and if she would be encroaching upon them.

Attorney Biege stated she is encroaching on Johnson Road setbacks.

Annemarie Polan stated to Mick Pawlik that he was notified because he was a neighbor.

Attorney Biege stated that the issue does not have anything to do with Mick Pawlick's property.

Sharon Swanson stated that traffic that does have accidents on her property do not progress past the ditch. She stated that she has railroad ties beyond the ditch and the cars do not progress that far. She stated that the pond will be more secluded from the road.

Attorney Biege asked if there will be any public safety issues that would arise with the County, Highway Department, and/or Sheriff's Department.

Annemarie Polan stated that the Highway Department had approved the pond.

Dwayne Hogan asked if Sheriff Boyd had commented on the issue.

Attorney Biege stated that if Highway Department approved the Sheriff would as well, according to his experience.

Glen Minich asked about Sharon Swanson's driveway and suggested a turnaround be placed to make for a safer exit to Johnson Road.

Annemarie Polan stated MS4 also approved.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Robert and Sharon Swanson to keep the newly constructed pond on the property in the front yard

which encroaches upon the front yard setback by seven feet (7') at the closest point of the pond; actual set back is eighteen feet (18') instead of the minimum twenty-five feet (25'). The property is located at 6017 W. Johnson Road, LaPorte, IN., Coolspring Twp., zoned R1B on .589 acres.

Earl Cunningham seconded.

All approved. Motion carries 5-0.

14. Petition for Variance of Developmental Standards for Alberto and Melissa Garay for a temporary home to be placed while a permanent home is being built along with a half-acre pond. Upon completion of the home, the temporary home will be demolished and a pole barn will be built in its place, to the side of the home instead of the rear, as a second accessory with a bathroom. This property is located at 5849 S. 700 W., Union Mills, IN., New Durham, Twp., zoned A on 5.172 acres. Parcel 46-09-36-300-016.000-027.

Alberto and Melissa Garay stated their address is 1904 I St., La Porte, IN.

Melissa Garay stated they intend to purchase a mobile home or modular home and place it on a slab. She stated they intend to build a home to the left of where the temporary home would be placed. She stated they intend to build a pond further from the home. She stated they would remove the temporary home and build a pole barn on the existing slab.

Dwayne Hogan asked how long should this project take.

Melissa Garay stated that she wants a three (3) year variance.

Dwayne Hogan stated they are concerned with moving in a mobile home, leaving it there and needing an additional variance for a total of six (6) years.

Dwayne Hogan stated that mobile homes should be in mobile home parks.

Melissa Garay stated it's not a trailer, but a modular. She then immediately stated it is a double wide mobile home.

Alberto Garay stated it is not a mobile home, but a modular.

Earl Cunningham stated that the project would be expensive.

Melissa Garay stated they found a used modular, but purchasing it would be contingent upon the variance being granted. She stated they don't want to purchase a brand new modular and tear it down in three years.

Alberto Garay stated they plan to place the modular on a slab until they have the funds to start building the basement and move the existing modular on top of the newly built basement, leaving the slab for a pole barn.

Dwayne Hogan clarified that the intention is to obtain a modular home, place it on a slab, save money to install a basement, and move the existing modular on top of the new basement.

Alberto Garay confirmed.

Melissa Garay stated that the property has to be built up; she stated they intend to use the excavated material from the pond to be used as fill.

Attorney Biege asked if the building inspectors have looked at this plan.

Annemarie Polan stated they have not.

Attorney Biege suggested the building inspectors talk with the property owners about their intended project and decide if such a plan would even be feasible.

Glen Minich stated there are a lot of problems with the proposed project because if they intend to put the modular on a slab, they would have to put plumbing in the slab to bring the water into the home.

Melissa Garay stated Janet Cole suggested a slab so it could be used for the future pole barn, whereas her husband wanted to put the modular over a crawl space. She stated the pole barn would have bathroom facilities.

Dwayne Hogan stated that they will then want to save enough money to put a foundation in on the other side and to pick the modular up and place it on top of the new foundation.

Melissa Garay expressed confusion at Dwayne Hogan's statement.

Greg Szybala stated that their intent is that the modular will be their home; it will go from the slab, to the poured foundation, and will become their permanent home.

Melissa Garay stated that the basement has to be built first.

Dwayne Hogan stated that they understand, but they will be using the same building twice. He asked if the reason why they want to place it on a slab instead of putting a foundation around it is because of the expense.

Alberto Garay stated that they can use it for the future pole barn.

Earl Cunningham stated that while at the property there were no markers or stakes to indicate where anything is to be placed.

Earl Cunningham suggested a continuance so the petitioners can mark where the pond will be placed, where the slab will be placed, and where the basement is intended to be built so a site plan can be presented, along with a step by step plan of the proposed project.

Annemarie Polan agreed with Attorney Biege suggesting the petitioners speak with the building inspectors.

Attorney Biege stated he has a worry that what they are proposing to do will encounter problems and will end up with them wasting money.

Earl Cunningham stated that as a board they have the authority to waive their six-month requirement for them to come back and continue the case until it can be researched and put together more thoroughly.

Attorney Biege stated that the petition can be continued indefinitely, but if the petition is reset the petitioners will have to reissue notice.

Remonstrators:

Dennis and Kathleen Hyska stated their address is 5876 S. 700 W., Westville, IN.

Dennis Hyska stated that when the land was sold previously, the realtor had told them that there would not be any modular homes and that it would be all stick-built homes. He stated that off the six (6) homes that were built only one (1) was stick-built. He stated that putting a pole barn onto the house does not sound right. He stated that his out buildings are placed behind his home. He asked if any soil samples were performed.

Melissa Garay stated yes.

Dennis Hyska asked if it was good enough to build a house on. He stated that they are the fourth (4th) person in ten (10) years to have purchased the land. He stated that it has been repeatedly been sold with no development.

Kathleen Hyska stated the land is comparable to a swamp.

Dennis Hyska asked if the septic had been approved.

Melissa Garay stated it will be a gravity flow system.

Dennis Hyska stated that water pools twenty feet (20') west of the current small barn on the property. He stated the property is very wet. He stated where they intend to put the pond is peat moss and the majority of the land is similar and doesn't see how a home can be built on peat moss or a basement can be put in. He stated that they could be spending money to build something that would inevitably encounter problems. He stated four (4) people have owned the land in the previous ten (10) years and sold it meaning there must be a reason why.

Dwayne Hogan agreed. He suggests as counsel has wisely recommended to speak with a building inspector and put a plan together as the project can very costly.

Kathleen Hyska stated she would like to know where the house would be placed.

Earl Cunningham stated the property should be staked out.

Dennis Hyska stated that the petitioners' new neighbors are shooting enthusiasts, especially to the east. He stated that it will be noisy.

Melissa Garay stated the noise would not be a problem as long as the children would be safe.

Dwayne Hogan stated the issue will need to be tabled.

Kathleen Hyska stated she would not like to see a pole barn in front of the property.

Dennis Hyska said having a family there would help as he has been broken into twice. He stated he doesn't want to see the petitioners lose money by investing into a property that will not support their needs.

Dwayne Hogan suggested legal representation, builders, and additional help to plan the project on the land.

Melissa Garay stated the property has to be built up before it can be built upon, by about five feet (5').

Glen Minich stated the need a soil inspector and the inspectors to come out to inspect the land.

Melissa Garay stated they had a soil test preformed.

Greg Szybala stated the soil test is for the septic field.

Melissa Garay said the man that preformed the soil test told her that they could build there and that a walk-out basement would be acceptable. She stated his name is John McQuestion.

Greg Szybala asked if it was put in writing.

Melissa Garay stated it is on the report he performed, but that she does not have the report with her.

Greg Szybala stated he preformed a soil report and did not report that the land could be built upon or what the conditions for a walk out basement would be. He stated he may have mentioned it unofficially in a casual manner, but that it would not be included in the soil report because it had nothing to do with building a home and is exclusively related to the septic field. He advised them to heed the boards suggestion at obtaining additional guidance and perhaps having a backhoe do some digging to assess the situation with the land.

Dwayne Hogan stated they may have to bring in fill from another location.

Earl Cunningham stated they were hoping to dig a pond and use that as the fill, but it would not work if it is peat moss. He stated that the neighbors have been there over forty (40) years and most likely know what that land contains.

Melissa Garay stated she can disclose where the pole barn begins; it will be sixty-six feet (66') from the center of the road and one-hundred twenty feet (120') from the side.

Glen Minich stated a continuance would be best.

Alberto Garay stated they could forego the slab and put in a crawl space.

Annemarie Polan stated that the advice they are receiving is for their own good.

Dwayne Hogan asked if they would prefer a sixty (60) or ninety (90) day continuance.

Melissa Garay stated as soon as they are able to, so sixty (60) days.

Glen Minich stated a site-plan with elevations will be required.

Dwayne Hogan asked if they have a builder.

Melissa Garay stated they are trying to do some of the building and they have numerous contractor friends that can do a lot of the work.

Glen Minich suggest a motion be made for sixty (60) days.

Glen Minich made a motion to continue the Petition for Variance of Developmental Standards for Alberto and Melissa Garay to the August 20th meeting.

Greg Szybala seconded.

All approved. Motion carried 4-0.

3. Petition for Variance of Developmental Standards for Judith Mannia to construct an addition twenty-four feet by sixteen feet (24' x 16') to the detached garage with a setback of eight feet and six inches (8'6") instead of the minimum required ten feet (10'). The property is located at 99 Chaffee Avenue, La Porte, IN., Center Twp., zoned R1B. Parcel 46-06-28-226-005.000-042.

Dwayne Hogan asked if Judith Mannia is present.

Ashley Kazmucha stated that Judith Mannia called earlier in the week and discussed withdrawing her petition, but did not call back to confirm either way.

Earl Cunningham made a motion to continue the Petition for Variance of Developmental Standards for Judith Mannia to the July 16th meeting.

Annemarie Polan stated a follow up would be made with Judith Mannia.


All approved. Motion carried 4-0.

NOTE: FOLLOW-UP CALL JUNE 19TH WITH JUDITH MANNIA CONFIRMED SHE WOULD BE WITHDRAWING.

There being no further business, meeting adjourned at 7:38 p.m.



Melissa Mullins Mischke, President



Annemarie Polan, Recording Secretary