

Marc Rogers stated his address is 14 E. Moore Street, Hanna, IN.

Marc Rogers stated he had an old garage there, but it was dilapidated and fell apart. He could not park a car in it. He would like to have a garage.

Melissa Mullins Mischke asked if the existing garage has been removed.

Marc Rogers stated yes, it was becoming a safety hazard. He did not want it to hurt the neighborhood kids.

Melissa Mullins Mischke asked if it will be big enough.

Marc Rogers stated yes.

Melissa Mullins Mischke asked if the exterior will match the house.

Marc Rogers stated it would match.

Melissa Mullins Mischke asked if he will be building it himself.

Marc Rogers stated he would be. He remodeled the house himself as well.

No remonstrators present.

Earl Cunningham made a motion to approve the Petition for Variance of Developmental Standards for Marc Rogers to build a garage twenty feet by twenty-five feet (20' x 25') with a height of twenty feet (20') instead of the maximum eighteen feet (18') and on the side of the house as opposed to the rear. The property is located at 14 E. Moore St., Hanna, IN., Hanna Twp., zoned CBD2.

Glen Minich seconded.

All Approved. Motion carries 4-0.

2. Petition for Variance of Developmental Standards for Brian Hernandez and Jessica Colburn-Hernandez for the placement of a modular home, which will be a larger footprint than the original, on a non-conforming lot of one-fourth (1/4) acre instead of one (1) acre, eight feet five inches (8'5") from the rear property instead of the required twenty-five feet (25') and with one hundred and thirty feet (130') of road frontage instead of the required two hundred feet (200'). The existing home will be demolished. The property is located at 7 E. Snyder Road, Westville, IN., New Durham Twp., zoned R1B on .25 acres. Parcel 46-09-05-181-006.000-027.

This petition was postponed from the August 20th meeting due to insufficient notice. Attorney Biege stated notice is adequate.

Jessica Hernandez stated her address is 882 N. 400 E., Valparaiso, IN 46383.

Melissa Mullins Mischke asked if she currently owns the property.

Jessica Hernandez stated they do own it.

Melissa Mullins Mischke asked if it is rented out.

Jessica Hernandez stated it is currently uninhabitable.

Melissa Mullins Mischke stated they intend to tear down the current home and make one bigger.

Jessica Hernandez stated they would like to tear it down. They had hopes to remodel it, but were unable to as there are multiple foundations and roofs. It is not worth it to remodel. They are hoping to demolish and rebuild with a new foundation and a new septic system. There is a well currently there they plan to get tested. They were wanting to put a modular there. The lot is very small and uphill. The excavators are planning to level the land out some. The house sits far back because of the slope.

Glen Minich asked if the driveway will be improved.

Jessica Hernandez stated they intend to. It is very steep. The excavator said that he would be able to lower it by about two feet (2'). The garage on the property is in great condition.

Earl Cunningham asked what the rear setback is on the current home.

Jessica Hernandez stated it is six feet (6').

Earl Cunningham stated that the eight and a half feet (8.5') would be an improvement from what is currently there.

No remonstrators present.

Earl Cunningham asked if there is a demolition order.

Jessica Hernandez stated she does not.

Earl Cunningham asked if the county has moved to have this house torn down.

Jessica Hernandez stated no.

Jessica Hernandez showed visuals of the current home and the proposed modular.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Brian Hernandez and Jessica Colburn-Hernandez for the placement of a modular home, which

will be a larger footprint than the original, on a non-conforming lot of one-fourth (¼) acre instead of one (1) acre, eight feet five inches (8'5") from the rear property instead of the required twenty-five feet (25') and with one hundred and thirty feet (130') of road frontage instead of the required two hundred feet (200'). The existing home will be demolished. The property is located at 7 E. Snyder Road, Westville, IN., New Durham Twp., zoned R1B on .25 acres.

Earl Cunningham seconded.

All Approved. Motion carries 4-0.

3. Petition for Variance of Use for Joseph B. Wilson to operate a sawmill whenever it is necessary (possible every day). The property is located at 2277 S. County Line Rd., Westville, IN., New Durham Twp., zoned A on 4.99 acres. Parcel 46-09-18-100-004.000-027.

(The petitioner was not present when his petition was called. The Board then placed it at the bottom of the agenda.)

Earl Cunningham made a motion to move petition number three to the bottom of the agenda.

Glen Minich seconded.

All Approved. Motion carries 4-0.

4. Petition for Variance of Developmental Standards for Matthew Tirpak (owner) and Justin Whiting (tenant) to have a shipping container to store personal items, building materials, and tools with electric and a separate driveway. The property is located at 4467 N. 400 W., LaPorte, IN., Center Twp., zoned R1B on 3.5 acres. Parcel 46-06-09-301-001.000-042.

Attorney Biege stated notice is adequate.

Justin Whiting stated his address is 106 Ardmore Road, Laporte, IN.

Melissa Mullins Mischke asked if he lived at the residence.

Justin Whiting stated no, his family recently moved from D.C. two months ago. They are living with family.

Melissa Mullins Mischke asked who lives on the property.

Justin Whiting stated Matt Tirpak.

Melissa Mullins Mischke asked if he was here with him tonight,

Justin Whiting stated no. He is a family friend of thirty years.

Melissa Mullins Mischke stated the shipping container is already on site.

Justin Whiting stated yes. He and his wife moved from D.C. and had nowhere to store their stuff. They had it in storage for a while, but spoke with Matt Tirpak and he was ok with them storing their items on his property. To do so, he needed a driveway; he removed the trees and put the driveway in. He needed a permit for the driveway that he did not obtain prior. Then placed the storage container there.

Melissa Mullins Mischke asked if it will only be for storage of things you would normally put in a storage unit.

Justin Whiting stated yes; household and garage items.

Melissa Mullins Mischke asked how long he anticipates it being there.

Justin Whiting stated less than a year hopefully. They are currently living with family and trying to save up money to buy a house in the area or property to build a home.

Melissa Mullins Mischke stated that as a board they have been trying hard to get mobile homes in mobile home parks and storage containers in non-residential areas as well. It may appear that it is blocked by some trees.

No remonstrators present.

Attorney Biege asked if he is asking for permanent or temporary placement.

Justin Whiting stated temporary.

Attorney Biege asked how long of a time frame is he asking for.

Justin Whiting stated less than a year. If they approve on a monthly basis, he would probably be removing it by April or May.

Glen Minich stated that if they give a variance to put the container in there for a short period of time, what are they going to do about it not being mounted properly. There is code for the shipping container, but it has to sit on a foundation.

Justin Whiting stated it is on gravel and he could anchor it, but it being ten-thousand pounds makes him think it shouldn't tip or move.

Annemarie Polan stated one of the inspectors went to the site with her, Dave Shuman, and he looked at it.

Glen Minich stated containers tip on the highway attached to trucks.

Justin Whiting stated those are top heavy and loaded too much.

Greg Szybala stated those are full of Nutella.

Justin Whiting stated his container isn't loaded the same.

Glen Minich stated he understands the hardship, but if he was the neighbor to the North, he wouldn't like it.

Justin Whiting stated he spoke to most of the neighbors personally and received their blessing.

Earl Cunningham stated that there are no remonstrators and it is for less than a year. He isn't crazy for it, but he understands.

Glen Minich stated that this isn't something readily acceptable.

Earl Cunningham made a motion to approve the petition for Variance of Developmental Standards for Matthew Tirpak (owner) and Justin Whiting (tenant) to have a shipping container to store personal items, building materials, and tools with electric and a separate driveway for one year. The property is located at 4467 N. 400 W., LaPorte, IN., Center Twp., zoned R1B on 3.5 acres.

Greg Szybala seconded.

All Approved. Motion carries 4-0.

5. Petition for Variance of Developmental Standards for Bradley Feece to construct a second (2nd) accessory structure thirty feet by thirty feet (30' x 30') and to the side of the home instead of the rear. The property is located at 8452 E. Ivy Blvd., New Carlisle, IN., Hudson Twp., zoned R1B. Parcel 46-04-28-193-005.000-050.

Attorney Biege stated notice is adequate.

Bradley Feece stated his address is 8452 E. Ivy Blvd., New Carlisle, IN.

Melissa Mullins Mischke asked what kind of things will be in the structure.

Bradley Feece stated his son lives with him and he has a vehicle. He has two boats and two trucks.

Greg Szybala stated it's not big enough.

Bradley Feece stated it is as big as he can put there.

Earl Cunningham asked what the side setback is.

Bradley Feece stated fifteen to twenty feet (15' - 20'), closer to fifteen feet (15').
Melissa Mullins Mischke stated there is room to the side, but they are worried about emergency vehicles getting back there.

Bradley Feece stated there is an easement to the East said.

Melissa Mullins Mischke stated there is plenty of room for that so the safety concern is not in play.

No remonstrators present.

Melissa Mullins Mischke asked if there would be water in the structure.

Bradley Feece stated no.

Earl Cunningham asked if he would be building it himself.

Bradley Feece stated yes.

Greg Szybala asked if he is capable.

Bradley Feece stated he might be; he's been in the union thirty-five (35) years.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Bradley Feece to construct a second (2nd) accessory structure thirty feet by thirty feet (30' x 30') and to the side of the home instead of the rear. The property is located at 8452 E. Ivy Blvd., New Carlisle, IN., Hudson Twp., zoned R1B.

Glen Szybala seconded.

All Approved. Motion carries 4-0.

6. Petition for Variance of Developmental Standards for Roger E. and Kim L. Rush to construct a second (2nd) accessory structure thirty-six feet by fifty feet (36' x 50') and to the side of the home instead of the rear for residential use. The property is located at 1849 N. 685 E., Rolling Prairie, IN., Wills Twp., zoned A on 2 acres. Parcel 46-08-30-200-018.000-068.

Attorney Biege stated notice is inadequate due to lack of affidavit of publication.

Melissa Mullins Mischke asked Annemarie Polan if she had a copy of publication.

Annemarie Polan stated no.

Kim Rush stated she called the Westville Indicator three times.

Annemarie Polan stated sometimes they have a problem.

Attorney Biege stated the petition can be set over until next month. They will not have to re-notice, but they will need publication.

Kim Rush asked what to do if the newspaper still does not reply.

Attorney Biege stated for her to call his office.

Melissa Mullins Mischke postponed the petition until October 15th, 2019.

7. Petition for Special Exception for William and Ashley Wiesemann (owners) and Vicki Shoop (tenant) to operate a preschool/daycare facility out of an accessory structure (previously used as a beauty shop) on property with a maximum of fifteen (15) children ages two to four (2 – 4). The property is located at 7252 W. Bleck Rd., Michigan City, IN., Coolspring Twp., zoned R1B on 2.5 acres. Parcel 46-05-11-228-001.000-046.

Attorney Biege stated notice is adequate.

Vicki Shoop stated her address is 858 N. Honeysuckle Lane, LaPorte, IN.

Ashley Wiesemann stated her address is 7252 W. Bleck Road, Michigan City, IN.

Melissa Mullins Mischke asked if the daycare will be in the building that previously housed the beauty shop.

Ashley Wiesemann stated the building is in the front and was previously a beauty shop.

Melissa Mullins Mischke asked Ashley Wiesemann if she owned the property.

Ashley Wieseman stated yes.

Melissa Mullins Mischke asked how long the beauty shop had been there.

Ashley Wiesemann stated roughly ten (10) years. The tenant moved out in January of 2019.

Melissa Mullins Mischke asked if the preschool is currently in operation.

Vicki Shoop stated they are in operation.

Melissa Mullins Mischke asked if she obtained a license from the state.

Vicki Shoop stated she is a licensed Montessori teacher and she has a degree.

Melissa Mullins Mischke asked about the license from the state to run the daycare.

Vicki Shoop stated she is not license from the state, but Montessori schools fall under a different jurisdiction.

Melissa Mullins Mischke stated that she isn't asking to operate a Montessori school; you're asking to operate a daycare.

Vicki Shoop stated it is a Montessori preschool.

Earl Cunningham asked Attorney Biege if the legal notice should concern the board since they are saying Montessori school and that isn't what was published.

Vicki Shoop stated that when filing the variance, she told them it was a Montessori preschool/daycare.

Attorney Biege stated it shouldn't really matter whether it is Montessori or not, if it will be a daycare/preschool.

Melissa Mullins Mischke asked Attorney Biege if a daycare still needs to be licensed through the state.

Attorney Biege stated it should.

Melissa Mullins Mischke asked if the Montessori school different.

Attorney Biege stated he is not sure.

Vicki Shoop stated Montessori schools fall under a different jurisdiction.

Melissa Mullins Mischke stated whoever filled out her application because it says to operate a preschool/daycare, not a Montessori school. We will operate on the premise that is a preschool/daycare and you are not licensed to run a daycare at that location currently, but they are currently operating there.

Vicki Shoop stated in the last few days, yes.

Melissa Mullins Mischke asked what the hours of operation are.

Vicki Shop stated 8 a.m. – 4 p.m. Monday – Friday.

Attorney Biege asked if the fire and health inspector have been out to inspect the building to be deemed safe.

Vicki Shoop stated no, not yet.

Attorney Biege stated those are both requirements of the zoning code. There are specific requirements for daycares.

Earl Cunningham asked how many children are there currently.

Vicki Shoop stated ten (10) children and three (3) teachers.

Glen Minich asked Vicki Shoop if she had been before the board before about a daycare.

Vicki Shoop stated yes.

Glen Minich stated at that time she was not licensed with the state.

Vicki Shoop stated yes.

Glen Minich stated that she knows it is a requirement.

Vicki Shoop stated she was told by the state that Montessori schools are not required to be licensed.

Glen Minich asked how many people are helping her.

Vicki Shoop stated two (2).

Glen Minich stated there are three (3) on site. It is a busy corner and a busy road. The adjoining parking lot is right off the road. There is no fenced place for the children to play.

Vicki Shoop stated they are fencing up an area.

Glen Minich stated it isn't now, and she has ten (10) children there currently. That is a lot of watching.

Vicki Shoop stated the children have not and will not be taken outside until the fence is up. The children are staggered with different drop off times and most are siblings so that limits the cars there.

Melissa Mullins Mischke asked if she intends to get licensed through the state for a daycare/preschool.

Vicki Shoop started the process, but she is sixty-six (66) years old and wonders if she would even be able to finish the process in her lifespan, but she is qualified to operate.

Attorney Biege stated he cannot advise the board one way or the other; it is something he needs to research.

Melissa Mullins Mischke stated she would like to have more information than make a decision tonight.

Vicki Shoop stated she started the training and the process to get licensed and was told by the state that Montessori school do not need licensure and that's why she chose not to follow through. It was not malicious. She stated she has all the paperwork the state requires.

Melissa Mullins Mischke stated that her concern is that having been before the board before, she knows the requirements of the daycare facility would be and to have children already at the location without a fence and without inspections are things to consider.

Attorney Biege asked if they have licensed their ministry.

Vicki Shoop stated no.

Attorney Biege stated there is one-hundred and ten square feet (110 ft.²) of outdoor play are required. One would assume that children would go outside.

Glen Minich stated the building is pretty small.

Vicki Shoop stated the building requirement is thirty-five square feet (35 ft.²) per child and it is more than enough at nearly five-hundred square feet (500 ft.²) in the building.

Attorney Biege stated the LaPorte County code requires one-hundred and ten square feet (110 ft.²) outside per child. He is most concerned that they have not had a fire inspection. The code requires a health inspection also.

Glen Minich stated the site could work, but they could not make any motion positively at this time without a license or inspections.

Earl Cunningham suggested that they ask the board to table this petition until next month because they will not get a positive vote tonight. It will give them thirty days to get the inspections done and a fenced in area. He suggested that they ask as they may not voluntarily table it on their own.

Melissa Mullins Mischke stated the inspections, fencing, licensing through the state, and the county requirements.

Vicki Shoop asked about a preschool in Michigan City on Franklin Street. The children were on the sidewalk almost in the road. How is that allowed?

Melissa Mullins Mischke stated that does not pertain specifically to her request, but if it is the city limits of Michigan City it would be handled by their Board of Zoning Appeals.

Glen Minich stated that is where she should voice her concerns to.

Melissa Mullins Mischke stated if she asked for them to table her petition, what time frame would be acceptable, or if she would like them to vote.

Attorney Biege stated they are not there to give advice, but if they need help of a lawyer they can find one.

Vicki Shoop stated she was asking Attorney Biege what he was recommending.

Attorney Biege stated that the board is not here to tell her what to do. She is here to bring her petition before the board and have everything in order.

Attorney Biege asked the board if they will allow operation until she comes back before the board.

Vicki Shoop asked for a continuance for thirty days.

Earl Cunningham made a motion to continue to October 15th meeting.

Glen Minich seconded.

All Approved. Motion carries 4-0.

Greg Szybala made a motion clarified by Attorney Biege to cease and desist any further operations until they come before the board again.

Glen Minich seconded.

All Approved. Motion carries 4-0.

8. Petition for Variance of Developmental Standards for Kevin Snyder to construct a second (2nd) accessory structure thirty-six feet by forty feet (36' x 40') with a height of twenty-three feet (23') instead of the maximum eighteen feet (18'). The property is located at 2584 N. Pinebrook Dr., LaPorte, IN., Coolspring Twp., zoned R1A. Parcel 46-05-24-151-034.000-046.

Attorney Biege stated notice is adequate.

Kevin Snyder stated his address is 2584 N. Pinebrook Drive, LaPorte, IN.

Melissa Mullins Mischke asked if he lived at this address year long.

Kevin Snyder stated yes.

Melissa Mullins Mischke stated he is going to put a massive structure up.

Kevin Snyder asked if she was going to ask if it was big enough.

Melissa Mullins Mischke stated it might be.

Greg Szybala stated it was obvious the first one wasn't.

Kevin Snyder agreed.

Melissa Mullins Mischke asked what the need for the additional building was.

Kevin Snyder stated he has some trailers and a motor home that he would like to store at home instead of paying storage on.

Melissa Mullins Mischke asked where the structure will be in location to the home.

Kevin Snyder stated it will be in the far back of the property in the southwest corner.

Glen Minich stated the site was cleared.

Kevin Snyder stated it was.

Melissa Mullins Mischke asked if electric or water would be in there.

Kevin Snyder stated no.

Melissa Mullins Mischke asked just stuff?

Kevin Snyder stated just stuff.

Melissa Mullins Mischke stated the roof height is tall; is that for the motor home.

Kevin Snyder stated yes and for a trailer he owns.

No remonstrators present.

Attorney Biege noted that on the handwritten notice is written, "We are fine with that. Whatever he does is always in good taste."

Kevin Snyder stated that is written by the people he bought the property from to be able to have it not on their property.

Earl Cunningham stated the property is immaculate.

Melissa Mullins Mischke agreed.

Earl Cunningham made a motion to approve the Petition for Variance of Developmental Standards for Kevin Snyder to construct a second (2nd) accessory structure thirty-six feet by forty feet (36' x 40') with a height of twenty-three feet (23') instead of the maximum eighteen feet (18'). The property is located at 2584 N. Pinebrook Dr., LaPorte, IN., Coolspring Twp., zoned R1A.

Greg Szybala seconded.

All approved. Motion carries 4-0.

9. Petition for Variance of Developmental Standards for Joshua Sims to construct a new home with a rear setback of twelve feet (12') instead of the minimum fifty feet (50'). The property is located at 12611 S. 700 W., Wanatah, IN., Cass Twp., zoned A on 2 acres. Parcel 46-17-01-300-016.000-001.

Attorney Biege stated notice is adequate.

Josh Sims stated his address is 12611 S. 700 W., Wanatah, IN.

Melissa Mullins Mischke asked how he ended up with his strange parcel.

Josh Sims stated that his father and brother both live opposite and his father let him buy it. His father owns all the property to the North and East.

Earl Cunningham asked if his father was remonstrating tonight.

John Sims spoke out stating he is in favor.

Melissa Mullins Mischke stated the board isn't there yet.

Melissa Mullins Mischke asked what kind of home will be built.

Josh Sims stated it will be a single-story ranch home.

Melissa Mullins Mischke asked if there would be a giant garage with it.

Josh Sims stated no.

Greg Szybala stated that's next year.

Earl Cunningham asked if he is going to build it himself.

Josh Sims stated no.

Glen Minich asked if there is a reason it is being placed so far to the back and if the septic is in place.

Josh Sims stated no.

Glen Minich stated he could move it further south and not infringe on the setback. He is aware it a family situation, but things could change.

Remonstrators:

John Sims stated his address is 12501 S. 700 W., Wanatah, IN.

John Sims stated that the boundaries are strange, but his intention is to have them redrawn and have the properties evened out. In the long run, he will have more property to the back. It wasn't done right away because it was going to be costly and take at least six (6) weeks when they were trying to get him a building permit to have the home built soon. He will eventually have several acres behind the home.

Melissa Mullins Mischke asked if the home on the South side has already been demolished.

John Sims stated yes.

Earl Cunningham stated that if they approve the petition that within one year the boundary line would be changed to have a rear setback of at least twenty-five feet (25').

John Sims stated that he would abide and that if he could be given two years that would be preferable as he has not decided on the boundaries yet.

Earl Cunningham reaffirms Glen Minich's point that it may be family now, but the property may change hands one day.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Joshua Sims to construct a new home with a rear setback of twelve feet (12') instead of the minimum fifty feet (50'); a rear setback of twenty-five feet (25') will be obtained within two (2) years by changing the boundary lines. The property is located at 12611 S. 700 W., Wanatah, IN., Cass Twp., zoned A on 2 acres.

Greg Szybala seconded.

All Approved. Motion carries 4-0.

10. Petition for Variance of Use for Marvin Bowen (owner) and Christopher Allgower and Nicole Langager to breed and sell Australian Shepherds at the residence. The property is located at 0092 W. Powell Dr., LaPorte, IN., Scipio Twp., zoned R1A. Parcel 46-10-13-427-010.000-060.

Attorney Biege stated notice is adequate.

Chris Allgower stated his address is 92 W. Powell Drive, LaPorte, IN.

Nicole Langager stated her address is 92 W. Powell Drive, LaPorte, IN.

Melissa Mullins Mischke asked how many animals they are trying to breed.

Nicole Langager stated they want to breed two female Australian Shepherd's.

Melissa Mullins asked if they would bring in a male and not keep them on the premises.

Nicole Langager stated they have six already and they are registered at the Small Animal Shelter. They are all up-to-date on vaccinations and rabies. They are all licensed. They have four males and two females.

Melissa Mullins Mischke asked if they have a kennel license for them.

Nicole Langager stated yes.

Melissa Mullins Mischke asked if it was through the Small Animal Shelter.

Nicole Langager stated yes.

Chriss Allgower stated they are all AKC.

The board silently reads through several letters of remonstrance.

Attorney Biege asked if they own the residence or are renting.

Nicole Langager stated they are renting.

Chris Allgower stated it is the residence he grew up in; his family has owned it for forty years.

Melissa Mullins Mischke stated that her concern with the letters is that they are not adjoining property owners. For the record, there are five letters of remonstrance that are not favorable, but are not adjoining property owners and do not all constitute bearing on this matter.

Melissa Mullins Mischke asked how many litters of puppies they are having per year.

Nicole Langager stated possibly two to four max. She does not want to go litter after litter. It is hard on the dogs. She is knowledgeable about dogs. She has volunteered at the Small Animal Shelter. She has worked at a vet and she went to school to be a vet tech. They currently have two males that do not get along. The dogs are put outside in groups. They do not put them out together because they will fight. She does not work so she is constantly in and out with the dogs. She does not want to over breed them; maybe two litters a year.

Melissa Mullins Mischke asked if there are runs for the dogs.

Chris Allgower stated they have a fenced in back yard.

Glen Minich asked how recent the fence was put in.

Nicole Langager stated it was put in this past spring.

Melissa Mullins Mischke asked if they are currently breeding.

Nicole Langager stated they would like to. They have only had one litter born January 27th, 2019.

Melissa Mullins Mischke asked if they were selling the puppies.

Nicole Langager stated yes.

Melissa Mullins Mischke stated they were breeding puppies in January 2019.

Earl Cunningham asked how many puppies were in that litter.

Nicole Langager stated eight (8) puppies.

Earl Cunningham asked how long they had the puppies.

Chris Allgower stated they had them eight (8) weeks and sold within three (3) days of turning eight weeks. Their veterinarian in Maple City helped them.

Melissa Mullins Mischke asked if there are plans to put in separate runs.

Nicole Langager stated yes, when they can afford it. They just spent four-thousand dollars (\$4,000) on a fence and twelve-thousand dollars (\$12,000) on the dogs.

Chris Allgower stated it is more of a labor of love than a business.

Remonstrators:

Debbie Cotter stated her address is 2612 S. U.S. Highway 35, LaPorte, IN.

Debbie Cotter stated her back yard goes up to Glendale. She is directly affected by the dogs.

Debbie Cotter showed pictures that showed the house in relation to her back porch to the board.

Debbie Cotter stated she has lived in her house for thirty-two (32) years. She owns the property. She has never any trouble with any neighbors before. The incessant barking is crazy. She incredulously stated that Chris Allgower called the dogs a labor of love. They are caged in a hot garage. She doesn't know if he plans to heat the garage in the winter time, but it's terrible. She doesn't want to go out on her deck because the dogs can see her and it upsets them.

Melissa Mullins Mischke stated that must increase the noise when she comes outside.

Debbie Cotter stated she left her phone in the car that has a video recording that captured the barking. She stated it is like living in the Small Animal Shelter.

Earl Cunningham asked how long the video is.

Debbie Cotter stated about fifty (50) seconds.

Earl Cunningham asked Debbie Cotter to retrieve the phone during the next persons' remonstrance.

Debbie Cotter stated she would.

Earl Cunningham stated he would be interested in hearing the video.

Debbie Cotter stated she can't open her windows. She has been running her central air the whole time. Luckily, she has it. Their bedroom is in the back and the windows can't be opened. It is not fair to the dogs to be locked in kennels. She has a little dog. She saw two of the dogs attack another dog. She has a little Yorkie and she prays she never gets out of the fence.

Gail and Tim Mishler stated their address is 342 W Curtis Drive, LaPorte, IN.

Melissa Mullins Mischke asked them if they lived adjacent to the property.

Tim Mishler stated they do not live adjacent.

Melissa Mullins Mischke asked what their concerns are.

Gail Mishler stated she walks her dog twice a day; two (2) miles in the morning and two (2) miles in the evening. She has to go by their house every day.

Numerous time their dogs have come out of their house and garage to her in the road. On August 10th, she was walking her dog and two of their larger dogs came barreling out of their yard and attacked her dog. Blood was drawn. No one helped her. The owner was in the yard yelling at the dogs, but nobody came out to help her with the dog. She ran into the neighbors' house. Matt, who sent in a letter of remonstrance, ran over to check out her dog. He came out of the house with his hands covered in blood. She doesn't feel safe. She has another neighbor who has been accosted by the dogs while walking her dog. They don't feel safe walking around their subdivision with them having all of those dogs. It's not fair. It's their enjoyment in the evening to stroll with their dog a couple of miles every night. She now carries mace with her to walk and she shouldn't have to.

Melissa Mullins Mischke asked if a police report had been made.

Gail Mishler stated yes.

Time Mishler stated they live in a circle subdivision and beside Gail and the other neighbors walking their dogs, there are always kids out in the neighborhood. What if it was one of the kids? They're not against animals, but how they are being treated. They will bring in extra traffic to a single-entry subdivision. Property values may be affected. The big thing is the safety of the

whole neighborhood. They say they have one breed, but the Animal Shelter was out not too long after Gail was attacked and there were many dogs, eleven dogs in the garage. The dogs were in the garage in the heat with only a couple fans for relief. It's not fair to the animals or pedestrians in the area with children.

Earl Cunningham asked if there is any record of the Animal Shelter being out there.

Annemarie Polan stated yes.

Tim Mishler stated there was a January 2019 breeding, but Jane from the Animal Shelter was out there about a month ago when there was an excess of dogs. He hopes there will be a cease and desist to the current business.

Debbie Cotter returned with the video and plays it into the podium.

Video plays continuous barking from at least two dogs.

Debbie Cotter stated the video is from September 11th at 4:43 p.m.

Tim Mishler stated that barking was in the afternoon and the neighbors next door stated they hear it in the evening hours as well.

Glen Minich stated he drove up with his windows down and he heard the barking. The fence is there and the animals didn't see him, but it's not the place for a kennel in a residential area. The fence helped contain them and control the attacks, but it's not good in a neighborhood situation.

Earl Cunningham stated he has a similar experience with the barking while on his way to the property.

Greg Szybala agreed.

Melissa Mullins Mischke stated she has experience with hunting dogs, but her feeling is that Australian Shepherds are more aggressive if not exercised. She doesn't know enough, but she hears that they are contained in the garage quite a bit and perhaps that is a reason they are being aggressive.

Nicole Langager stated she was told by the veterinarian that their Australian Shepherds are very outgoing. They have never gone after people. She has a video. They have six kids. They are concerned with children, but they have six children ranged from two – fourteen (2 – 14) years old. The dogs are around them constantly. The dogs they hear in the garage; they have two in the house, two in the fenced in area, and two in the garage at all time rotating. She will not have six dogs in her house at all times. They don't want people to think that they are downsizing because of the remonstrators. She has baseball and softball with her family. They want two females and one male; that is the goal. They are already posted for sale.

Melissa Mullins Mischke asked if her dogs have been aggressive towards people walking along the street or animals on the street.

Nicole Langager stated that one did attack Gail's dog.

Melissa Mullins Mischke stated that that's not how your vet termed it as he said outgoing.

Nicole Langager stated they are very outgoing for an Australian Shepherd. There is one female that is aggressive, but she is not let out. It is not the one that went after Gail's dog. Apollo was in the wrong for going out into the road, but he goes across the street and plays with Spencer across the street. Nicole Langager stated that when Gail Mishler stated she was outside and not helping her, she was helping her by getting her dog back and contained in the fence. She was trying to lead them from a cage and into the back yard. She couldn't help. She was trying to contain her dog.

Melissa Mullins Mischke stated they are going from two (2) females and four (4) males to two (2) females and one (1) male.

Nicole Langager confirmed. She stated she can't get rid of them overnight. They have \$2,000 in just the purchase of the dog. She will not give them away. They are like her kids.

Glen Minich stated that it can't go on this way. They will need time to transition and hopefully the fence will contain them in the interim period.

Glen Minich made a motion to deny the Petition for Variance of Use for Marvin Bowen (owner) and Christopher Allgower and Nicole Langager to breed and sell Australian Shepherds at the residence. The property is located at 0092 W. Powell Dr., LaPorte, IN., Scipio Twp., zoned R1A.

Earl Cunningham seconded.

All Denied. Motion carries 0-4.

Nicole Langager asked if they can keep their dogs if they do not breed.

Attorney Biege stated the only thing in front of the board tonight is their request for a variance.

Glen Minich stated that he hopes they consider their neighbors in their thoughts.

3. Petition for Variance of Use for Joseph B. Wilson to operate a sawmill whenever it is necessary (possible every day). The property is located at 2277 S. County Line Rd., Westville, IN., New Durham Twp., zoned A on 4.99 acres. Parcel 46-09-18-100-004.000-027.

Greg Szybala made a motion to table the petition to the October 15th meeting.

Earl Cunningham seconded.

All Approved. Motion carries 4-0.

There being no further business, meeting adjourned at 7:23 p.m.


Melissa Mullins Mischke, President


Annemarie Polan, Recording Secretary