



LAPORTE COUNTY BOARD OF ZONING APPEALS

Government Complex 5th Level
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ANNEMARIE POLAN
Building Commissioner

October 15th, 2019

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **October 15th, 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; Ashley Kazmucha, Secretary

The Pledge of Allegiance.

APPROVAL OF MINUTES:

Melissa Mullins Mischke asked for approval of the meeting minutes of September 17th, 2019.

Dwayne made a motion to approve the meeting minutes of September 17th, 2019 as presented.

Earl Cunningham seconded.

Motion carries 5-0.

Petitions:

1. 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.

This petition was postponed from the September 17th meeting due to insufficient notice.

Attorney Biege stated notice is adequate.

Roger and Kim Rush stated their address is 1849 N. 685 E., Rolling Prairie, IN.

Roger Rush stated he does not have any kind of garage and he would like a place to store their vehicles and other items such as outdoor furniture.

Melissa Mullins Mischke asked if it will be a pre-manufactured building.

Roger Rush stated yes, they have been looking into builders such as Morton.

No remonstrators present.

Glen Minich asked Annemarie Polan if the building is considered a second accessory structure because of their pool.

Annemarie Polan stated yes.

Earl Cunningham made a motion to approve the 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

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

2. 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 7255 W. Bleck Rd., Michigan City, IN., Coolspring Twp., zoned R1B on 2.5 acres. Parcel 46-05-11-228-001.000-046.

This petition was tabled from the September 17th meeting to allow the petitioner to perform the necessary actions to be considered for approval.

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

3. Petition for Variance of Developmental Standards for John and Renee Whiteaker to construct a second (2nd) accessory structure fifteen feet by twenty-six feet (15' x 26') for residential use (not for residential dwelling). The property is located at 4183 S. Wozniak Rd., LaPorte, IN., New Durham Twp., zoned A on 2 acres. Parcel 46-09-26-100-012.000-027.

Attorney Biege stated notice is adequate.

John Whiteaker stated his address is 4183 S. Wozniak Rd., LaPorte, IN.

Melissa Mullins Mischke asked if an existing shed is going to be replaced.

John Whiteaker stated he is going to tear down an old dilapidated shed so it will be replacing it, but will be slightly bigger.

Melissa Mullins Mischke asked if there will be water and electric in the structure.

John Whiteaker stated no.

Earl Cunningham asked if he intends to build the new structure before tearing down the old shed.

John Whiteaker stated yes.

Earl Cunningham asked if six (6) months would be long enough for him to empty and remove the older shed after completion of the new structure.

John Whiteaker stated yes.

No remonstrators present.

Glen Minich stated the property is very neat.

Dwayne Hogan and Melissa Mullins Mischke agreed.

Dwayne Hogan made a motion approve the Petition for Variance of Developmental Standards for John and Renee Whiteaker to construct a second (2nd) accessory structure fifteen feet by twenty-six feet (15' x 26') for residential use (not for residential dwelling). There will be a six-month (6) grace period upon completion to move the items from the old shed and tear it down. The property is located at 4183 S. Wozniak Rd., LaPorte, IN., New Durham Twp., zoned A on 2 acres.

Glen Minich seconded.

All Approved. Motion carries 5-0.

4. Petition for Variance of Use for Bellweather Properties, Inc. (owner) and Brett Ritchie (tenant) to run a limousine transportation service with two (2) limos, one (1) sedan, one (1) SUV, and a four feet by four feet (4' x 4') business sign. The property is located at 7326 W. Johnson Rd., Michigan City, IN., Coolspring Twp., zoned R1B on .39 acres. Parcel 46-05-11-452-029.000-046.

Attorney Biege stated notice is adequate.

Brett Ritchie stated his address is 7326 W. Johnson Rd., Michigan City, IN.

Melissa Mullins Mischke asked what the plans are for the limousine business.

Brett Ritchie stated they have been in business for two-and-a-half (2 ½) years and the plan is to operate from their address.

Dwayne Hogan asked if they had been operating for two years from this address.

Brett Ritchie stated no, they had a location on Franklin Street in Michigan City. They closed the office and moved into the home and would like to operate from there.

Melissa Mullins Mischke asked how long they were at the Franklin Street address.

Brett Ritchie stated they were only there a short time because they had trouble with break-ins. One of the vehicles even had a wheel stolen from it.

Dwayne Hogan asked where on Franklin Street were they located.

Brett Ritchie stated right next to Dairy Queen by Ames Field.

Melissa Mullins Mischke asked if the vehicles will be placed in the front yard.

Brett Ritchie stated they will be placed in the back.

Melissa Mullins Mischke asked if a structure will be put up to contain them or have them in the open.

Brett Ritchie stated he would like to put up a structure eventually.

Melissa Mullins Mischke asked about the time frame.

Brett Ritchie stated he would need to collaborate with the owner of the home, but it could be six (6) months to one (1) year.

Remonstrators:

Bert Wellman stated his address is 7298 W. Johnson Rd., Michigan City, IN.

Bert Wellman stated he does not have a personal vendetta against Brett Ritchie. He has heard nothing but good things about him and his business is five (5) star rated. He is concerned about the size of the sign, whether it will be illuminated or not, and where the vehicles will be parked at. He stated there are plenty of people along Johnson Road with plenty of cars in their driveways and cars for sale periodically. He stated that the cars being parked close to the road are an eye sore for him.

Melissa Mullins Mischke asked if the cars are moved to the rear of the property, would he be satisfied?

Bert Wellman stated he lives one house away and that won't bother him at all.

Earl Cunningham stated the cars were within view early on for about a week or so.

Angelica Bowen stated her address is 401 Swasick Avenue, Michigan City, IN.

Angelica Bowen stated she is the business manager for Enchanted Limousine and Transport and a chauffeur. This is her sole source of income. Brett Ritchie has worked really hard to do everything correctly. He worked hard to get all of his licensing and DOT numbers. He is also a big advocate for giving back to the community. They donated runs to Knapp School last year. They did a tour around the beach last winter where Brett Ritchie dressed as Santa Claus and children could ride in the limo. He is a family guy and he is looking to put back into the community as well.

Melissa Mullins Mischke stated there is a letter of remonstrance and a petition.

Earl Cunningham stated the letter is from Kenneth and Joan Johnson located at 7272 W. Johnson Rd., Michigan City, IN.

Melissa Mullins Mischke stated they are not in support.

Earl Cunningham stated they have similar concerns to Mr. Wellman. They attached pictures with a black area marked in the front lawn. When they first moved into the home, the vehicles were parked there for about a week or so.

Thomas Rosenbaum stated his address 1515 Indiana Avenue, LaPorte, IN.

Thomas Rosenbaum stated he is in favor for the variance. He has known Brett Ritchie for the past three (3) years. They are former co-workers. He has used his limousine service on multiple occasions. His vehicles are not derelicts and do not pose a threat to the general public by being parked in the front. However, he understands the concern to have them moved to the rear. Brett Ritchie runs a tight ship and there would be no worries should they grant the variance.

Melissa Mullins Mischke stated she has already asked him about moving the cars to the rear, does he feel like that is something he could do.

Brett Ritchie stated yes, he has no issue with that.

Melissa Mullins Mischke stated in regards to the sign, will there be customers coming to the home.

Brett Ritchie stated that he has zero walk-in traffic.

Melissa Mullins Mischke asked if he needs to stick with that size of sign.

Brett Ritchie stated he does not have an issue with making it smaller.

Melissa Mullins Mischke asked if he intends to light the sign.

Brett Ritchie stated no.

Melissa Mullins Mischke asked how small would he be willing to go.

Brett Ritchie stated two feet by two feet (2' x 2').

Earl Cunningham stated that is about the size of a political sign.

Melissa Mullins Mischke asked if his intentions are to run the business all day every day.

Brett Ritchie stated yes, but keep in mind the business is by reservation; it is not a taxi service. Their busiest times are Saturday.

Dwayne Hogan asked if the only vehicles he wants to have are the two (2) limos, one (1) sedan and one (1) SUV.

Brett Ritchie stated yes.

Dwayne Hogan asked if he will be adding a party bus.

Brett Ritchie stated no. The largest limousine will also be in storage during the winter months.

Melissa Mullins Mischke asked for clarification that he does reside at this residence.

Brett Ritchie stated yes.

Melissa Mullins Mischke asked if maintenance of the vehicles is done on premises.

Brett Ritchie stated no.

Earl Cunningham stated that the county roadway is from the utility lines to the road. The sign will have to be placed behind the utility lines.

Brett Ritchie stated he understands.

Earl Cunningham asked if the sign will be in the front road.

Brett Ritchie stated yes, he would like to put it in front of the house parallel to the sidewalk.

Earl Cunningham stated a two feet by two feet (2' x 2') sign won't be big enough.

Annemarie Polan stated that for home occupation, they are entitled to a three feet by five feet (3' x 5') sign.

Brett Ritchie stated his neighbor has a very large sign next door for the print shop. He will do what he needs to make the neighbors happy.

Dwayne Hogan asked if the vehicles can be stored safely in the back yard then?

Brett Ritchie stated yes, he has no issue for that.

Earl Cunningham asked if a three feet by four feet (3' x 4') unlighted sign parallel to the sidewalk and that the vehicles be parked no closer to the road than the front of the house would be sufficient.

Brett Ritchie stated yes.

Earl Cunningham stated there are numerous cars up and down Johnson Road and those vehicles are not taken care of as well as Mr. Ritchie's.

Earl Cunningham made a motion to approve the petition for Variance of Use for Bellweather Properties. Inc. (owner) and Brett Ritchie (tenant) to run a limousine transportation service with two (2) limos, one (1) sedan, one (1) SUV, and a three feet by four feet (3' x 4') unlighted business sign parallel to the sidewalk in front of the home. Vehicles may not be stored any closer to the road than the front of the house. Vehicles restricted to two (2) limousines, one (1) sedan, and one (1) SUV. The property is located at 7326 W. Johnson Rd., Michigan City, IN., Coolspring Twp., zoned R1B on .39 acres.

Glen Minich seconded.

All Approved. Motion carries 5-0.

5. Petition for Variance of Developmental Standards for John and Cynthia Shultz to build a thirty feet by forty-two feet (30' x 42') pole barn, for residential use (but not for dwelling), prior to a residence being built. The property is located at 8626 S. 100 W., Union Mills, IN., Noble Twp., zoned A on 2.42 acres. Parcel 46-14-14-400-012.000-056.

Attorney Biege stated notice is adequate.

John and Cynthia Shultz stated their address is 8626 S. 100 W., Union Mills, IN.

Melissa Mullins Mischke asked what kind of time frame they are looking at for building the residence.

John Shultz stated they are going to place a modular, possibly through LaPorte Housing, and their availability places it in April of 2020.

Melissa Mullins Mischke asked if there is a construction box on the property.

John Shultz stated yes.

Melissa Mullins Mischke asked if upon completion of the modular or pole barn, will the box be removed.

John Shultz state he is not sure yet. They are making it so they can sell it later on. He wants to keep it there until he moves everything into the pole barn.

Melissa Mullins Mischke stated if he was given a stipulation that the box be removed so many days after the construction of the pole barn is complete, would that be feasible whether it be thirty (30) or sixty (60) days.

John Shultz stated there is no issue with that.

Earl Cunningham asked if sixty (60) days would be long enough.

John Shultz stated that should be ok.

Glen Minich stated that they are not allowed in a residential setting.

Melissa Mullins Mischke asked if the size is big enough.

John Shultz stated the house will be bigger so it should be.

Melissa Mullins Michke asked if there would be water or electric.

John Shultz stated electric eventually, but no water.

Melissa Mullins Mischke clarified there will be no one living in the structure.

John Shultz confirmed. It will be a man cave without electricity.

Melissa Mullins Mischke asked if it will be a pre-fab structure similar to the home.

John Shultz stated it will be stick built Menards special.

Remonstrators:

Catherine Flannery stated her address is 8709 S. 100 W., Union Mills, IN.

Catherine Flannery stated that she is concerned if a residence will be definitely built. There aren't many homes on the street and the neighbors didn't want it to become an eyesore should the residence not be built. She is also concerned if the construction box is actually on their property.

Glen Minich explains that they previously discussed that the box would be removed within a certain time frame upon completion of the project.

Catherine Flannery asked that since it is currently there, is there a restriction from how far it has to be from a property line.

Attorney Biege asked what her concern is.

Catherine Flannery stated she wanted to make sure the construction box is on their property.

Melissa Mullins Mischke stated it is definitely on their property.

Attorney Biege stated that it is irrelevant to the petition.

Melissa Mullins Mischke asked when construction of the home will begin.

John Shultz stated the construction will probably start in March. They are backdated until February.

Earl Cunningham stated that completion by June 30th should be feasible.

The Board agreed.

Melissa Mullins Mischke asked when the pole barn construction will begin.

John Shultz stated March.

Earl Cunningham asked if he would be building the pole barn himself.

John Shultz stated yes.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for John and Cynthia Shultz to build a thirty feet by forty-two feet (30' x 42') pole barn, for residential storage use (but not for dwelling), prior to a residence being built which will be completed by June 30th, 2020. Upon completion, the storage container must be emptied and removed from the property within sixty (60) days. The property is located at 8626 S. 100 W., Union Mills, IN., Noble Twp., zoned A on 2.42 acres.

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

6. Petition for Variance of Developmental Standards for Charles and Virginia Beach to construct a second (2nd) accessory structure (pool house) twenty feet by forty feet (20' x 40') with a bathroom for residential use. The property is located at 4899 E. 700 N., Rolling Prairie, IN., Galena Twp., zoned A on 14.39 acres. Parcel 46-03-26-400-007.000-048.

Attorney Biege stated notice is adequate.

Charles Beach stated his address is 4899 E. 700 N., Rolling Prairie, IN.

Melissa Mullins Mischke asked how long has he lived at the residence.

Charles Beach stated they do not live there full time. He is employed by the State of Illinois so he has a residence in Chicago in Cook County. He works for Cook County as well as the State. They are mostly there on the weekends. His schedule is like a fireman's schedule so he is on for three (3) and off for three (3). He is out there a lot during the week and sometimes on the weekends with his kids and his wife.

Melissa Mullins Mischke asked how long has he owned the property.

Charles Beach stated since April.

Melissa Mullins Mischke stated the pool is already there, so he wants to add a structure to change clothes and rinse off.

Charles Beach stated it's a place for the kids to go to the bathroom besides in the pool. That would be ideal.

No remonstrators present.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for Charles and Virginia Beach to construct a second (2nd) accessory structure (pool house) twenty feet by forty feet (20' x 40') with a bathroom for residential use. The property is located at 4899 E. 700 N., Rolling Prairie, IN., Galena Twp., zoned A on 14.39 acres

Earl Cunningham seconded.

All Approved. Motion carries 5-0.

Charles Beach stated that he is a judge and he runs a court room and the Board does a fantastic job.

7. Petition for Special Exception for Justin and Bianca Haussman to construct a second residence for parents. The property is located at 5601 W. U.S. Highway 6, Union Mills, IN., Noble Twp., zoned A on 4.95 acres. Parcel 46-14-06-200-020.000-056.

Attorney Biege stated notice is adequate.

Bianca Haussman stated her address is 5601 W. U.S. Hwy 6, Union Mills, IN.

Melissa Mullins Mischke asked if her parents are aging.

Bianca Haussman stated yes.

Melissa Mullins Mischke asked if they needed assistance.

Bianca Haussman stated not yet. Her mother is seventy (70) years old and she had a mini-stroke in January. She recovered nicely.

Melissa Mullins Mischke asked if the house will be in the rear of the property.

Bianca Haussman stated yes.

Melissa Mullins Mischke asked how the house will be accessed.

Bianca Haussman stated they have egress/ingress rights to the access road that divides the properties.

Melissa Mullins Mischke asked if there is a recorded easement.

Bianca Haussman stated yes, the documents were presented to the attorney.

Glen Minich asked if they own an additional property in which they gained access to the road.

Bianca Haussman stated no, it was a part of the warranty deed written when they purchased the property.

Melissa Mullins Mischke stated the easement will stay with the property not the owner.

Glen Minich asks if their neighbors understand they intend to use the access road.

Bianca Haussman stated yes.

Melissa Mullins Mischke asked who maintains the private drive.

Bianca Haussman stated they all do. The neighbor to the North drops gravel there if needed. The neighbor and Hausmann cut the grass.

Dwayne Hogan asked who handles the snow.

Bianca Haussman stated her husband does the snow plowing.

Melissa Mullins Mischke stated that if they grant the petition, they would need to post the address very clearly and visibly off U.S 6 at the entrance of the easement. Noble Township Fire Department should be able to help with that.

Bianca Haussman stated she understood.

No remonstrators present.

Glen Minich stated that the board is happy to see people take this approach for caring for the parents instead of asking for a trailer.

Glen Minich made a motion to approve the Petition for Special Exception for Justin and Bianca Haussman to construct a second residence for parents. A highly visible sign must be added marking the address and easement road for emergency services. The property is located at 5601 W. U.S. Highway 6, Union Mills, IN., Noble Twp., zoned A on 4.95 acres.

Earl Cunningham seconded.

All Approved. Motion carries 5-0.

8. Petition for Variance of Developmental Standards for Hugo E. and Deanne R. Gonzalez to construct a second (2nd) accessory post-frame building thirty-six feet by sixty-four feet (36' x 64') for residential use (not for residential dwelling). The property is located at 6283 N.125 W., LaPorte, IN., Springfield Twp., zoned A on 3.27 acres. Parcel 46-02-35-427-024.000-062.

Attorney Biege stated notice is adequate.

Hugo Gonzalez stated his address is 6283 N. 125 W., LaPorte, IN.

Melissa Mullins Mischke stated they already have another structure beyond the house; what is the need for the second structure.

Hugo Gonzalez stated the first structure was added as a guest house. The second structure will be utilized for coaching and training his children. They can also be active inside there during the winter. Perhaps adding a solid floor at some point next year.

Melissa Mullins Mischke asked if they are keeping the guest house.

Hugo Gonzalez stated yes.

Melissa Mullins Mischke stated they are going to add the pole barn.

Hugo Gonzalez agreed.

Melissa Mullins Mischke asked if they plan to have water and electric in the pole barn.

Hugo Gonzalez stated just electric.

Melissa Mullins Mischke stated that while at the property, the orange notice was not posted as it should have been.

Hugo Gonzales stated that is his fault. His wife handled the paperwork and he was supposed to put out the stakes and the card, but he did it one day too late. He understands if the petition needs pushed back.

Earl Cunningham stated the property is nicely kept.

Melissa Mullins Mischke agreed.

No remonstrators present.

Greg Szybala asked how many children he has and what will he be coaching.

Hugo Gonzalez stated he has four children; three boys and girls. Volleyball, soccer, and baseball will be practiced in the structure.

Earl Cunningham made a motion to approve the Petition for Variance of Developmental Standards for Hugo E. and Deanne R. Gonzalez to construct a second (2nd) accessory post-frame building thirty-six feet by sixty-four feet (36' x 64') for residential use (not for residential dwelling). The property is located at 6283 N.125 W., LaPorte, IN., Springfield Twp., zoned A on 3.27 acres.

Dwayne Hogan seconded.

All approved. Motion carries 5-0.

2. 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 7255 W. Bleck Rd., Michigan City, IN., Coolspring Twp., zoned R1B on 2.5 acres. Parcel 46-05-11-228-001.000-046.

Dwayne Hogan made a motion to remove from the agenda by denial the 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 7255 W. Bleck Rd., Michigan City, IN., Coolspring Twp., zoned R1B on 2.5 acres.

Earl Cunningham seconded.

All Denied. Motion carries 5-0.

There being no further business, meeting adjourned at 6:54 p.m.



Melissa Mullins Mischke
Melissa Mullins Mischke, President



Annemarie Polan
Annemarie Polan, Recording Secretary