



LAPORTE COUNTY BOARD OF ZONING APPEALS

Government Complex 5th Level
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ANNEMARIE POLAN
Building Commissioner

November 19th, 2019

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **November 19th, 2019, at 6:00 p.m.** in the Assembly Room of the County Complex.

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

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 October 15th, 2019.

Glen Minich made a motion to approve the meeting minutes of October 15th, 2019 as presented.

Earl Cunningham seconded.

Motion carries 4-0.

Petitions:

1. Petition for Variance of Developmental Standards for Michael and Rhonda Graves to construct a second (2nd) accessory structure being an in-ground pool. The property is located at 4957 N. Remington Sq., LaPorte, IN., Kankakee Twp., zoned R1A on 1.02 acres. Parcel 46-07-07-200-057.000-052.

Attorney Biege stated notice is adequate.

Michael Graves stated his address is 4957 N. Remington Square, LaPorte, IN.

Michael Graves stated he went to file for a pool permit and was told it counted as a structure. They already have one structure on their property being the detached garage that was built by the previous owner. He is there for a variance for a second structure being a pool.

No remonstrators present.

Glen Minich asked if he was going to put a fence up rather than a cover.

Michael Graves stated he is going to have both. He has an automatic cover with the key and he will be putting up a privacy fence as well.

Earl Cunningham made a motion to approve the Petition for Variance of Developmental Standards for Michael and Rhonda Graves to construct a second (2nd) accessory structure being an in-ground pool. The property is located at 4957 N. Remington Sq., LaPorte, IN., Kankakee Twp., zoned R1A on 1.02 acres.

Greg Szybala seconded.

All Approved. Motion carries 4-0.

2. Petition for Variance of Developmental Standards for Timothy M and Gail E Lernihan to construct a thirty-six feet by forty-eight feet (36' x 48') pole barn second (2nd) accessory structure with a height of twenty-six feet (26') instead of the maximum eighteen feet (18') for personal use (not to be used as a dwelling). The property is located at 8167 W. Country Ln., Michigan City, IN., Coolspring Twp., zoned R1A. Parcel 46-05-27-200-079.000-046.

Postponed to the December 17th Meeting.

3. Petition for Variance of Developmental Standards for Yellow Door Homes, LLC to construct a fifty-four feet by thirty feet (54' x 30') pole barn with a bathroom, without a residence (not to be used as a dwelling) for personal use. The pole barn will have a side set back of twenty feet (20') instead of the minimum required thirty feet (30'). The property is located at 10579 W. Alida Rd., Westville, IN., Clinton Twp., zoned A on .33 acres. Parcel 46-13-05-300-006.000-044.

Attorney Biege stated notice is adequate.

Kristina Handzlik stated her business address is 697 N. 600 E. Westville, IN.

Melissa Mullins Mischke asked who is going to occupy this space.

Kristina Handzlik stated she has been blessed with a lot of donations for her business. She restores houses that she purchases at the tax sale every year. She needs somewhere to store materials and equipment she acquires to fix up the houses. It would be a storage building for her business.

Melissa Mullins Mischke asked if she operates Yellow Door Homes.

Kristina Handzlik stated she does.

Melissa Mullins Mischke asked if she would be running the business out of the location.

Kristina Handzlik stated she might make phone calls while she is there, but the work areas are the houses bought to be fixed up. There will not be customers coming and going.

Earl Cunningham asked if there would be a parking lot there for customers.

Kristina Handzlik stated no.

Grey Szybala asked if this was strictly for material handling and storage.

Kristina Handzlik said it will be used for storage.

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

Kristina Handzlik stated she has owned the property since 2015. It was a junk yard when she acquired it and she has since cleaned it up and removed the dilapidated structure that was previously there.

Melissa Mullins Mischke stated that they have received a record of remonstrance from Mike Dalton. He has concerns about the size of the parcel not being large enough to build upon and increased traffic as Alida Road is a quite road.

Attorney Biege stated that he is not an adjoining property owner.

Glen Minich stated that this variance isn't typical; they don't normally approve a building standing out by itself. It is agricultural and residential, but it's really not. It is also close to nearby warehouses.

Kristina Handzlik stated her husband works for Westville Correctional Center which is to the back of the property. They live on state grounds even though the address she provided was the business address. They are close to the property and because of the housing situation she thought it would be a good use of the property and increase the value.

Melissa Mullins Mischke asked if all of the materials will be stored in the structure. Will anything be in the yard?

Kristina Handzlik stated no.

Earl Cunningham asked if the pole barn will be made of steel. Will it look like a pole barn to people driving by or will it blend in?

Kristina Handzlik stated she wants it to blend in to the landscape. She has a vision in her head of an attractive building with one overhead door and one man-door.

Glen Minich stated the biggest problem is that they don't normally do this and if they start here where will they stop. There has to be a reason to do so.

Earl Cunningham stated he empathizes and understands his reasoning as his mother lived on the grounds at Westville Correction Facility and they have no storage space whatsoever at their residence.

Kristina Handzlik stated that is correct.

Earl Cunningham stated that as an employee of the correctional center, that is a fringe benefit of employment there. It is relatively cheap housing.

Kristina Handzlik agreed.

Earl Cunningham stated that while driving around LaPorte County he sees barns out in the middle of nowhere all the time. He drives by buildings like this virtually everywhere he goes. He goes by one every day. It's a pole barn in the middle of nowhere usually being used to store boats and motorcycles. People have done this for years and they have been grandfathered in or they have obtained variances. That is why there is a Board of Zoning Appeals. If it was normally done, they would go to the Building Commissioner and build what they want. The County doesn't allow it in their specs, but they can do it with the Board's permission.

Glen Minich stated that normally people are going to build a home in the future. It's rare that a building is put on a bare lot. It's more of a warehouse. It takes away from the residential aspect.

Earl Cunningham stated it is not residential. It's agricultural/residential mixed and near to warehousing.

Glen Minich stated that it adjoins two homes.

Earl Cunningham asked Annemarie Polan if she has some idea of how many standalone barns there are in the County.

Annemarie Polan stated there are a lot of them. She doesn't have a figure, but it would not be a rare occurrence.

Earl Cunningham made a motion approve the Petition for Variance of Developmental Standards for Yellow Door Homes, LLC to construct a fifty-four feet by thirty feet (54' x 30') pole barn with a bathroom, without a residence (not to be used as a dwelling) for personal use. The pole barn will have a side set back of twenty feet (20') instead of the minimum required thirty feet (30'). The property is located at 10579 W. Alida Rd., Westville, IN., Clinton Twp., zoned A on .33 acres.

Greg Szybala seconded.

Approved. Motion carries 3-1.

4. Petition for Variance of Developmental Standards for Randy and Diana Skiba to construct an accessory structure twenty-two feet by thirty feet (22' x 30') with a height of twenty-two feet (22') instead of the maximum eighteen feet (18') and to the side of the home instead of the rear. The property is located at 6227 W. Darlene Dr., LaPorte, IN., New Durham Twp., zoned R1A. Parcel 46-09-24-100-033.000-027.

Attorney Biege stated notice is adequate.

Dan Anderson with Anderson Construction stated his address is 288 Overlook Ct., Valparaiso, IN.

Melissa Mullins Mischke asked about the nature of construction in which they are requesting.

Dan Anderson offered the board the elevation drawings for the project.

Dan Anderson stated the homeowner will have a three-car garage attached to the home and he is wanting another two-car garage for his father's '59 Cadillac and another project car. The height of the garage is for a lift. The homeowner is retired and what he does in his spare time is restore cars. There will not be extra cars and this will not be a business. He designed the building and can't get it lower than twenty-two feet (22') and still get the proper amount of feet in the middle to put the car in the garage and life it up.

Dan Anderson provided a drawing of the proposed building with an added dormer so the roof would not look so flat to the front. There will be a twenty-five foot (25') wide driveway that both garages would face.

Glen Minich asked if he is doing the home as well.

Dan Anderson stated yes, he is the builder.

Glen Minich asked what the height of the home will be.

Dan Anderson stated it is a ranch with a cathedral ceiling in the middle. The home is at least the height of the proposed two-car garage if not higher.

Earl Cunningham stated he could add this structure to the home, it is not currently in the plans.

Dan Anderson stated the home owner would prefer to heat it separately from the home.

Remonstrators:

James Saunders stated his address is 3343 S. Coulter Creek Drive, LaPorte, IN.

James Saunders is concerned that the building does not fit in with the residential neighborhood. It's residential and not in the county. Everything in the neighborhood is within the zoning ordinances. He is also concerned with the height of the building. He will have to look at a giant building out his window all the time.

Glen Minich asked Dan Anderson if it will have the same siding as the house.

Dan Anderson stated yes, they will be finished identical.

Glen Minich stated the building will match the home even in height.

James Saunders stated he doesn't understand how he can do that and get the height that he will need. He will need fourteen feet (14') for his walls at an 8/12 pitch for twenty-two feet (22'). The walls are very tall.

Michelle Saunders stated her address is 3343 S. Coulter Creek Drive, LaPorte, IN.

Michelle Saunders stated she is concerned with her property values. She will be looking directly out her dining room window at a twenty-two foot (22') tall building. What will that do to her property values? They are within fifty feet (50') of the road and they are directly across the road.

Robin Lewis stated her address is 6235 W. Darlene Drive, LaPorte, IN.

Robin Lewis stated she is next door to the property. She is concerned is that the structure is too large and will not fit in with the rest of the neighborhood. She is also concerned that their property is at the entrance of the subdivision and all people will see when they enter is a house with a big garage next to it. She would like the garage behind the house and doesn't think it will look right placed next to the home.

Anthony Pilarski stated his address 3442 S. Tracy Allyn Drive, LaPorte, IN.

Anthony Pilarski stated his property is directly next to it. He is concerned that it will not look right in the neighborhood. It will be able to be seen coming off Joliet Road onto South Coulter Creek Drive. In his opinion, as a builder in LaPorte County, they are surrounded by agricultural and if they wanted to build a garage this size it could be done right outside the neighborhood.

Randy Lewis stated his address is 6235 W. Darlene Drive, LaPorte, IN.

Randy Lewis stated that when he walks out his garage the only thing that he would see is the back of this big building; it would be his view every day.

Melissa Mullins Mischke asked if his garage is close to the property line.

Randy Lewis state his garage is about one-hundred feet (100') off the road and close to the property line. He built behind his house though. He could put a lift in his garage and it's doesn't need to be that tall to put a lift in. He just doesn't want to look at it every day.

Josh Krickhahn stated his address is 3434 S. Coulter Creek Drive, LaPorte, IN.

Josh Krickhahn stated he lives in the subdivision. He has a copy of the covenants. He is assuming the structure will be in compliance with the covenants.

Melissa Mullins Mischke stated that whether or not the structure is in compliance with the covenants has nothing to do with the decision of the Board. That will be something that would have to be enforced with their neighborhood association.

Josh Krickhahn stated there isn't a homeowner's association.

Melissa Mullins Mischke stated it will have to be handled how their neighborhood deals with these types of issues, but it has no bearing on their decision as a Board.

Earl Cunningham asked if upon completion of the home, will there be any home in the immediate neighborhood worth more in value.

Dan Anderson stated no, the total will be around \$550,000 without the garage.

Earl Cunningham stated that negates the factor that it would depreciate others values. It's on two lots rather than one and it will be the highest priced home in the neighborhood.

Dan Anderson stated that price includes the home and the land.

Earl Cunningham stated that one remonstrator stated they could put a lift in his garage without it being twenty-two feet (22') high.

Dan Anderson stated that that garage has a double door in and the one he would be building has two single doors so the lift would be on one side. The wall heights will be nine and a half feet (9½') tall. The foundation is six inches (6") with nine-foot (9') walls. The roof height was increased to achieve the height in the middle for the lift between the other garage door and the man-door.

Melissa Mullins Mischke asked why the garage is being placed to the side instead of the rear of the house.

Dan Anderson stated the homeowner wants the ability to switch from side to side. Swapping cars and transferring tools would be easier. The rear of the lot also slopes and sinks as there is a pond in the back.

Glen Minich stated there are two variances asking whether they can build to the side of the house and the height, but they can build it otherwise without those two restrictions. The Board is not

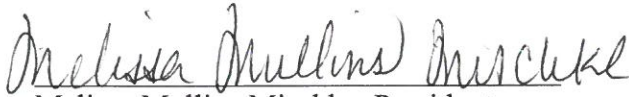
stopping them from building an accessory structure. They are asking for a variance to make it easier as well as to make it aesthetically pleasing.

Greg Szybala made a motion to approve the petition for Variance of Developmental Standards for Randy and Diana Skiba to construct an accessory structure twenty-two feet by thirty feet (22' x 30') with a height of twenty-two feet (22') instead of the maximum eighteen feet (18') and to the side of the home instead of the rear. The property is located at 6227 W. Darlene Dr., LaPorte, IN., New Durham Twp., zoned R1A.

Glen Minich seconded.

All Approved. Motion carries 4-0.

There being no further business, meeting adjourned at 6:34 p.m.


Melissa Mullins Mischke, President


Annemarie Polan, Recording Secretary