



**LAPORTE COUNTY  
BOARD OF ZONING APPEALS**

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

December 17<sup>th</sup>, 2019

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **December 17<sup>th</sup>, 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 November 19<sup>th</sup>, 2019.

Dwayne made a motion to approve the meeting minutes of November 19<sup>th</sup>, 2019 as presented.

Earl Cunningham seconded.

Motion carries 5-0.

**Petitions:**

**1. 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 (2<sup>nd</sup>) 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 January 21<sup>st</sup> Meeting.

**2. Petition for Variance of Developmental Standards for Americo Villanueva** to construct a two (2) car metal garage twenty-four feet by twenty-four feet (24' x 24') in the front of the home instead of the rear and eight feet (8') from the property line instead of the minimum required twenty-five feet (25'). The property is located at 4147 N. Erin Dr., LaPorte, IN., Center Twp., zoned R1B. Parcel 46-06-08-400-060.000-042.

Attorney Biege stated notice is adequate.

Americo Villanueva stated his address is 4147 N. Erin Dr., LaPorte, IN.

Americo Villanueva stated the house was built in 1997 and the garage is very small. He can barely fit his vehicles in the garage. He wants to place a garage over the current parking pad that is off the driveway. It will be a metal garage with a peak and a ridge vent. The garage doors will be on the front and a service door will be on the side.

Melissa Mullins Mischke asked if the entrance would be on the South side as you're coming off the driveway.

Americo Villanueva stated yes.

Earl Cunningham asked what he will do with the existing garage.

Americo Villanueva stated he will leave it as is. Possibly put another small vehicle in there.

Earl Cunningham asked if it will be used as additional bedrooms.

Americo Villanueva stated no.

Attorney Biege stated that in the petition he asks for eight feet (8') instead of the twenty-five feet (25') from the front setback, but how far is he going to be from the side of the lot.

Melissa Mullins Mischke stated the drawing shows ten feet (10').

Attorney Biege stated the request may need to be amended to include the side setback. He asked Annemarie Polan what the side setback requirement is.

Annemarie Polan stated ten feet (10').

The Board discussed the location of the garage and determined it will be where the existing pad is.

Earl Cunningham asked if he has two cars parked on the pad normally.

Americo Villanueva stated yes.

Earl Cunningham stated the real question is whether your neighbors would rather look at two (2) sitting vehicles or a garage.

Earl Cunningham asked if the garage will match the color of the house.

Americo Villanueva stated he will choose one to match as he has various colors to choose from.

Glen Minich stated he doesn't think it will match the house because it will be a metal shed.

Americo Villanueva stated it is a metal garage.

Attorney Biege asked if he has a contractor building it.

Americo Villanueva stated yes, Reliable Metal Buildings. He offers the Board to see the brochure.

Americo Villanueva stated it will have a peak and a vent.

Glen Minich asked if it will be fixed and on a foundation.

Americo Villanueva stated it will be sitting on the pad and will have three or four-foot (3' - 4') augers similar to the kind used for mobile homes and they will anchor the garage.

Melissa Mullins Mischke asked Annemarie Polan if he would still be getting a building permit.

Annemarie Polan stated yes.

No remonstrators present.

Earl Cunningham made a motion to approve the Petition for Variance of Developmental Standards for Americo Villanueva to construct a two (2) car metal garage twenty-four feet by twenty-four feet (24' x 24') in the front of the home instead of the rear and eight feet (8') from the property line instead of the minimum required twenty-five feet (25'). The property is located at 4147 N. Erin Dr., LaPorte, IN., Center Twp., zoned R1B

Dwayne Hogan seconded.

Approved. Motion carries 4-1.

**3. Petition for Variance of Developmental Standards for Thomas and Theresa Smith** to construct a second (2nd) accessory structure thirty feet by forty feet (30' x 40') with a height of twenty feet (20') instead of the maximum of eighteen feet (18'). The property is located at 6641 W. Volk Rd., Wanatah, IN., Cass Twp., zoned A on 2.57 acres. Parcel 46-17-01-300-021.000-001.

Attorney Biege stated notice is adequate.

Thomas and Theresa Smith stated their address is 6641 W. Volk Rd., Wanatah.

Melissa Mullins Mischke stated they want to put up a giant building.

Greg Szybala and Dwayne Hogan simultaneously stated it's not giant.

Dwayne Hogan stated it is normal size.

Melissa Mullins Mischke asked what will be stored in the building.

Thomas Smith stated mostly vehicles.

Melissa Mullins Mischke stated it will be placed where the items in the yard are at now.

Thomas Smith stated yes, there is an existing basketball court that was there before he bought the property. He wants the building on it so everything is out of sight.

Melissa Mullins Mischke asked if there will be any living space in the building.

Thomas Smith stated no.

Melissa Mullins Mischke asked if there would be just electric.

Thomas Smith stated just electric.

No remonstrators present.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for Thomas and Theresa Smith to construct a second (2nd) accessory structure thirty feet by forty feet (30' x 40') with a height of twenty feet (20') instead of the maximum of eighteen feet (18'). The property is located at 6641 W. Volk Rd., Wanatah, IN., Cass Twp., zoned A on 2.57 acres.

Greg Szybala seconded.

All Approved. Motion carries 5-0.

**4. Petition for Variance of Use for Apache Auto Repair LLC c/o Maria D. Villapando (buyer) and Indiana Land Trust Company (seller) to operate an auto repair shop. The property is located at 3276 S. State Rd. 104, LaPorte, IN., Pleasant Twp., zoned B1 on .44 acres. Parcel 46-11-23-278-001.000-057.**

Attorney Biege stated notice is adequate.

Maria Villapando stated her address is 815 Rumely Street, LaPorte, IN.

Melissa Mullins Mischke stated she wants to restart the auto shop.

Maria Villapando stated that is correct. They want to conduct auto repair in the building.

Melissa Mullins Mischke stated the property has been used as an auto repair before.

Maria Villapando stated that is correct, the previous use was auto repair and auto body paint. They plan to do just auto repair.

Melissa Mullins Mischke asked how long the business has been empty.

Maria Villapando stated a little over a year.

Attorney Biege stated had the building been in continuous use they would not need a variance.

Greg Szybala asked what the time period is that voids the previous allowed use.

Annemarie Polan stated twelve months.

Melissa Mullins Mischke asked what the hours of operation are.

Maria Villapando stated 8 a.m. – 5 p.m. Monday through Saturday. They are currently open Tuesday through Saturday, but if they get very busy they would operate Monday through Saturday.

Melissa Mullins Mischke asked if they would like to do Sunday by appointment.

Maria Villapando stated no and not to tell her husband that he could because he will work Sunday's and she doesn't want that.

Melissa Mullins Mischke asked how many cars she expects to be in the lot at one time.

Maria Villapando stated there isn't a turn around. They get cars in and out right away. The only delay will sometimes be a part, in which the customer would come back when the part is available. They've never had more than three cars ever, but this new location is much bigger so there shouldn't be cars outside waiting much.

Dwayne Hogan asked if there would be a sign.

Maria Villapando stated there is currently a sign there. The sign is about two feet (2') and is lit from the inside.

No remonstrators present.

Glen Minich asked the Board if they should limit the number of cars allowed in the lot since it is near to a school.

Melissa Mullins Mischke stated he could include it in the motion.

Glen Minich stated he would like to know the Boards' thoughts.

Maria Villapando stated that they calculated they could fit eight (8) cars awaiting service and eight (8) separately place awaiting pick up. They are still hoping not to have any outside awaiting service.

Earl Cunningham asked if she is comfortable with a maximum of ten (10) cars.

Maria Villapando stated that would be fine.

Glen Minich stated that it could be lowered from ten (10) because she doesn't think she will need more than that and the business is surrounded by a public school and the cars should be kept to a minimum.

Glen Minich made a motion to approve the Petition for Variance of Use for Apache Auto Repair LLC c/o Maria D. Villapando (buyer) and Indiana Land Trust Company (seller) to operate an auto repair shop. Hours of operation are Monday through Saturday 8 a.m. – 5 p.m. and with no more than six (6) cars outside awaiting service. The signage is consistent and will remain the same. The property is located at 3276 S. State Rd. 104, LaPorte, IN., Pleasant Twp., zoned B1 on .44 acres.

Dwayne Hogan seconded.

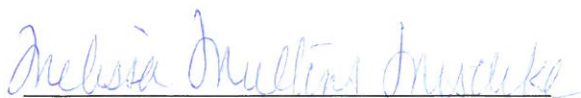
All Approved. Motion carries 5-0.

Melissa Mullins Mischke asked for approval of the deadline and meeting dates of 2020.

Dwayne Hogan made a motion to approve the deadline and meeting dates of 2020 as presented.

Earl Cunningham seconded.

There being no further business, meeting adjourned at 6:29 p.m.



Melissa Mullins Mischke, President



Annemarie Polan, Recording Secretary