LAPORTE COUNTY
BOARD OF ZONING APPEALS
Government Complex 5th Level
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ANNEMARIE POLAN
Building Commissioner

May 19th, 2020

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **May 19th, 2020, at 6:00 p.m.** in the Assembly Room of the County Complex.

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

PRESENT: Annemarie Polan, Recording Secretary, Attorney Brad Adamsky; Ashley Kazmucha, Secretary

The Pledge of Allegiance.

APPROVAL OF MINUTES:

Melissa Mullins Mischke asked for approval of the meeting minutes of February 18th, 2020.

Dwayne Hogan made a motion to approve the meeting minutes of February 18th, 2020 as presented.

Greg Szybala seconded.

All Approved. Motion carries 5-0.

Petitions:

1. **Petition for Variance of Developmental Standards for Donna Rowe (seller) and David and Rebecca Schuman (buyer)** for construction on a property with thirty feet (30') of road frontage instead of the minimum required two hundred feet (200'). The property is located between 151 N. and 355 N. 600 E., Mill Creek, IN., Wills Twp., zoned A on 4.746 acres. Parcel 46-08-31-300-011.000-068.

Attorney Biege stated notice is adequate.

David Schuman stated his address is 7833 E. Bell Ave., New Carlisle, IN.

Melissa Mullins Mischke asked if there is something unique to the property why there is only thirty feet (30') of road frontage and is it possible to get additional road frontage.

David Schuman stated there is an access road that goes back and opens up into a larger area. There are three other homes there at present time. This parcel of four acres would be ideal and quiet for a home.

Melissa Mullins Mischke asked if the access road is apart of the parcel he owns.

David Schuman stated each parcel back there has thirty feet (30') of road frontage so the road could be widened to get back there, but it is an access that everybody uses to get back there.

Melissa Mullins Mischke asked if the county plows the road.

David Schuman stated no; the owners to the back plow and maintain the road.

Glen Minich stated it is not common for the Board to approve something like this. The parcels were split illegally. It is similar to a small family subdivision, but the two remaining lots with their own thirty feet (30') of frontage have never been sold at a market value at lot value so there is no loss as far as current ownership goes. There would need to be some sort of association or guideline like a subdivision for this to be at all possible. The ownership behind these properties is a high value home on very large acreage. They could be devaluing the property to the east of these properties.

No remonstrators present.

Melissa Mullins Mischke stated she does not like flag parcels for safety concerns. Signage is necessary and emergency vehicles would need to be able to have access.

Glen Minich stated the only lane that is there isn't maintained; it is wash-boarded and rutted towards the end of it. It doesn't have any ownership for the lot. The road looks near a ravine. The next owner would be at a big disadvantage as far as having access to the property.

Earl Cunningham asked Glen Minich who he's referring to as the next owner.

Glen Minich stated they are assuring owners that they will have access to their property and have a retained value. The building department inspects to make sure the home is of quality for years to come.

Melissa Mullins Mischke asked if he was under the impression that he would have to improve the access to the property.

David Schuman stated he planned on it.

David Schuman stated he has a letter from the Fire Department stating there is ample room for emergency vehicles to access the property.

Earl Cunningham stated if he builds this, he is taking the risk. There is no written remonstrance and no remonstrators present. If it loses value, then he is absorbing that risk.

Dwayne Hogan agreed.

Glen Minich stated yes or his mortgage company or the future owner who is unaware that the driveway they are using, they have no legal right to.

Attorney Biege stated future owners are not a consideration of the Board. The Board is restricted to statutory factors. A future owner would know because they would run title insurance, otherwise nobody would lend on it.

Dwayne Hogan asked if there is a way to obtain any more frontage.

David Schuman stated no.

Glen Minich made a motion to deny the Petition for Variance of Developmental Standards for Donna Rowe (seller) and David and Rebecca Schuman (buyer) for construction on a property with thirty feet (30') of road frontage instead of the minimum required two hundred feet (200'). The property is located between 151 N. and 355 N. 600 E., Mill Creek, IN., Wills Twp., zoned A on 4.746 acres.

Melissa Mullins Mischke asked for another motion as there was no second to the first motion.

Earl Cunningham made a motion to approve the Petition for Variance of Developmental Standards for Donna Rowe (seller) and David and Rebecca Schuman (buyer) for construction on a property with thirty feet (30') of road frontage instead of the minimum required two hundred feet (200'). The property is located between 151 N. and 355 N. 600 E., Mill Creek, IN., Wills Twp., zoned A on 4.746 acres.

Dwayne Hogan seconded.

Approved. Motion carries 4-1.

2. **Petition for Variance of Use for George and Lynn Davis** to operate a bed and breakfast in the apartment above the garage year-round. The property is located at 2323 W. Maple Dr., Union Mills, IN., Noble Twp., zoned R1A. Parcel 46-14-22-400-050.000-056.

Attorney Biege stated notice is adequate.

Lynn Davis stated her address is 2323 W. Maple Dr., Union Mills, IN.

Melissa Mullins Mischke asked where the unit for the bed and breakfast was going to be located.

Lynn Davis stated there is a second garage that is detached that has a one-bedroom apartment above. It was previously for her husband's mother. It has been vacant since. She recently retired and wanted to try this.

No remonstrators present.

Dwayne Hogan asked if they were renting it as an apartment before.

Lynn Davis stated it was being used for her mother-in-law. There had been renters in the past, but it was short term.

Dwayne Hogan asked if it is fully equipped and self-sufficient.

Lynn Davis stated yes.

Glen Minich asked what year the apartment was built.

Lynn Davis stated the house was built in 1996 and the garage was added later on, perhaps around 2000.

Glen Minich asked if she was the owner then.

Lynn Davis stated no.

Melissa Mullins Mischke asked if it is on separate well or septic.

Lynn Davis stated the well is shared, but the septic is separate. The gas and electric are separate as well.

Glen Minich asked Annemarie Polan if any complaints were made that brought this petition to the Board.

Annemarie Polan stated no.

Glen Minich stated it is a small quiet neighborhood. He would have no idea if there were covenants at some point, but it is such a common thing now with VRBO and AirBNB that it is nice that they come before the Board for permission.

Melissa Mullins Mischke stated covenants don't take precedence over their decision.

Dwayne Hogan asked how many bedrooms there were.

Lynn Davis stated one bedroom.

Dwayne Hogan made a motion to approve the Petition for Special Exception and Variance of Use for George and Lynn Davis to operate a bed and breakfast in the apartment above the garage year-round. The property is located at 2323 W. Maple Dr., Union Mills, IN., Noble Twp., zoned R1A.

Earl Cunningham seconded.

All Approved. Motion carries 5-0.

3. **Petition for Variance of Developmental Standards for James P. Heimbuch** for continued placement of a mobile home for a three-year period, renewable. Last variance was granted March 19, 2019. The property is located at 8170 E. Ivy Blvd., New Carlisle, IN., Hudson Twp., zoned R1B. Parcel 46-04-28-160-005.000-050.

Attorney Biege stated notice is adequate.

James Heimbuch stated his address is 8170 E. Ivy Blvd., New Carlisle, IN.

Melissa Mullins Mischke stated last year he was given a one-year extension. Does he remember why that was done?

James Heimbuch stated there was some stuff outside and he has already gotten rid of the boat and he's in the process of organizing.

Melissa Mullins Mischke asked if he has any plans to put up a shed.

James Heimbuch stated he plans to enclose the carport. He has some of the materials already.

Melissa Mullins Mischke asked how long he has lived in the mobile home.

James Heimbuch stated about twenty (20) years.

No remonstrators present.

Dwayne Hogan asked if he plans on cleaning up the outside by the shed.

James Heimbuch stated yes.

Earl Cunningham stated at this time of the year if you have a green tarp instead of a blue tarp, it pretty much goes unnoticed. The bright blue tarp stands out like a sore thumb.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for James P. Heimbuch for continued placement of a mobile home for a two-year period, renewable. Last variance was granted March 19, 2019. The property is located at 8170 E. Ivy Blvd., New Carlisle, IN., Hudson Twp., zoned R1B.

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

4. Petition for Variance of Developmental Standards for Edward Ransom for construction of a second (2nd) dwelling for the son to reside in and care for the father's future needs OR to parcel off one (1) acre with one hundred feet (100') of road frontage to build a home, leaving the parent parcel with two hundred feet (200') of road frontage. The property is located at 1764 E. 1000 N., LaPorte, IN., Galena Twp., zoned A on 22 acres. Parcel 46-03-17-200-034.000-048.

Attorney Biege stated notice is adequate.

Attorney Biege stated that making a re-request for the alternative is fine however make one and see if it passes or not and then make then other. Make the one you want more first.

Ed Ransom stated they want to add a second dwelling on the property. They don't want to parcel it off if they don't need to.

Ed Ransom stated his address is 1764 E. 1000 N., LaPorte, IN.

Melissa Mullins Mischke asked if he wants his son living that close to him right now.

Ed Ransom stated he doesn't have a spouse and he's all alone. They want to move back to Indiana. It's his only son and only grandchild, and the grandchild's mother.

Melissa Mullins Mischke asked if they will take care of him when he gets old.

Ed Ransom stated he hopes so, but hopes they won't need to. It would be nice to have them close.

Melissa Mullins Mischke stated he has a good amount of acreage.

Ed Ransom stated he has twenty-two (22) acres.

Melissa Mullins Mischke stated he'll have to get his grandchild mowing early.

No remonstrators present.

Greg Szybala asked if they would use the same driveway.

Ed Ransom stated yes.

Dwayne Hogan stated it would have a second address.

Ed Ransom stated he has not gotten that far yet. He did not know if it would be required to have a second address or not.

Melissa Mullins Mischke stated he can be issued a second address.

Dwayne Hogan stated that the fire department and EMS would know where to go then.

Ed Ransom agreed. The houses will be nearby to use the same driveway.

Melissa Mullins Mischke stated to be sure to have signage for both homes.

Glen Minich stated it seems ideal.

Earl Cunningham made a motion to approve the Petition for Variance of Developmental Standards for Edward Ransom for construction of a second (2nd) dwelling for the son to reside in and care for the father's future needs. The property is located at 1764 E. 1000 N., LaPorte, IN., Galena Twp., zoned A on 22 acres.

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

5. **Petition for Variance of Developmental Standards for Thomas D Kietzman Jr** for construction of a second (2nd) structure twenty-four feet by twenty-four feet (24' x 24') for storage. The property is located at 7473 W. 275 N., Michigan City, IN., Coolspring Twp., zoned R1A on 10 acres. Parcel 46-05-23-200-001.000-046.

Attorney Biege stated notice is adequate.

Thomas Kietzman stated his address is 7473 W. 275 N., Michigan City, IN.

Melissa Mullins Mischke asked what the plan for the second structure is and is it big enough.

Thomas Kietzman stated yes.

Melissa Mullins Mischke asked what he's going to put in there.

Thomas Kietzman stated automobiles. It will be a garage. His wife is tired of cleaning off her care in the winter.

Melissa Mullins Mischke stated he is a good man. Does he plan on having electric or water?

Thomas Kietzman stated it will have electric, but not water.

Dwayne Hogan asked if it would be in the same vicinity of the other garage on the left side of the home.

Thomas Kietzman stated the other garage is approximately seventy-five feet (75') from the house.

Dwayne Hogan stated it is to the left from looking at the house.

Thomas Kietzman stated this new garage will be to the right.

No remonstrators present.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for Thomas D Kietzman Jr for construction of a second (2nd) structure twenty-four feet by twenty-four feet (24' x 24') for storage. The property is located at 7473 W. 275 N., Michigan City, IN., Coolspring Twp., zoned R1A on 10 acres.

Glen Minich seconded.

All Approved. Motion carries 5-0.

6. **Petition for Special Exception for Andrew and Heather Oake** for construction of an accessory dwelling of six-hundred square feet (600^{2}') instead of the minimum eight-hundred square feet (800^{2}') and attach to the existing pole barn for parents to live in. The property is located at 3306 N. 50 E., LaPorte, IN., Kankakee Twp., zoned A on 4.384 acres. Parcel 46-07-18-300-011.000-052.

Attorney Biege stated notice is adequate.

Andrew Oake stated his address is 3306 N. 50 E., LaPorte, IN.

Melissa Mullins Mischke asked if this is for his in-laws.

Andrew Oake stated his parents.

Melissa Mullins Mischke stated he is putting his parents in six-hundred square feet (600^{2}').

Andrew Oake stated his father decided to go with seven hundred- and four-square feet (704^{2}') but he didn't want to go too big because it will be a part time home after retirement as they live in a different state.

Melissa Mullins Mischke asked if it would be attaching to the pole barn that currently being constructed.

Andrew Oake stated yes.

Melissa Mullins Mischke asked if he pulled a permit for the pole barn.

Andrew Oake stated yes.

Melissa Mullins Mischke asked which side the attached residence would be on.

Andrew Oake stated it would be on the west side of the barn, behind the barn.

Melissa Mullins Mischke stated there was a letter of remonstrance from his parents requesting the petition be granted.

No remonstrators present.

Earl Cunningham asked where they live now.

Andrew Oake stated they live here, but the other property is in New Mexico.

Glen Minich asked if they're going to build him something with six-hundred square feet (600^{2}') there.

Andrew Oake stated he thinks so.

Earl Cunningham made a motion to approve the Petition for Special Exception for Andrew and Heather Oake for construction of an accessory dwelling of six-hundred square feet (704^{2}') instead of the minimum eight-hundred square feet (800^{2}') and attach to the existing pole barn for parents to live in. The property is located at 3306 N. 50 E., LaPorte, IN., Kankakee Twp., zoned A on 4.384 acres.

Dwayne Hogan seconded.

Approved. Motion carries 5-0.

7. Petition for Variance of Developmental Standards for Roger and Laura Marvel for construction of a second (2nd) accessory metal storage structure thirty feet by sixty feet (30' x 60'). The property is located at 1056 N Goldring Rd., LaPorte, IN., Center Twp., zoned A on 2.356 acres. Parcel 46-06-30-300-016.000-042.

Attorney Biege stated notice is adequate.

Roger and Laura Marvel stated their address is 1056 N. Goldring Rd., LaPorte, IN.

Melissa Mullins Mischke asked if the second metal structure they want to put up on the property for storage is pre-built.

Roger Marvel stated is like a carport type framed metal structure.

Dwayne Hogan asked if it is staked off.

Roger Marvel stated yes.

No remonstrators present.

Earl Cunningham stated he's killing an old tennis coach seeing that tennis court go to waste.

Roger Marvel stated it is a good flat level spot.

Laura Marvel stated it's a parking lot; it'll just be a covered one now.

Melissa Mullins Mischke asked if there would be electric.

Roger Marvel stated no, just for storage.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for Roger and Laura Marvel for construction of a second (2nd) accessory metal storage structure thirty feet by sixty feet (30' x 60'). The property is located at 1056 N Goldring Rd., LaPorte, IN., Center Twp., zoned A on 2.356 acres.

Earl Cunningham seconded.

All Approved. Motion caries 5-0.

8. Petition for Variance of Developmental Standards for Eusevio III and Teresa Guevara for construction of a garage thirty feet by twenty feet by twelve feet (30' x 20'x 12') on the right side of the home and in front of the home instead of behind the home. The property is located at 3206 W. Small Rd., LaPorte, IN., Center Twp., zoned R1B on .667 acres. Parcel 46-06-33-477-003.000-042.

Attorney Biege stated notice is adequate.

Teresa Guevara stated her address is 3206 W. Small Rd., LaPorte, IN.

Melissa Mullins Mischke asked why the garage needs placed to the side and in front.

Teresa Guevara stated they have a garage, but it is very small. It's for one car. Her husband has a truck and it will not fit. They also have a pool and patio furniture so they need more space for storage as well.

Dwayne Hogan asked if the septic is behind the house.

Teresa Guevara stated it is in front of the house. The pool is in the back and is why they are asking for the special placement of the garage.

No remonstrators present.

Glen Minich asked how far in front of the house will the garage be. The drawing is not specific enough.

Teresa Guevara stated it will be ten feet (10') in front of the home and ten feet (10') beside the home.

Dwayne Hogan asked if that will allow enough room for the pool.

Teresa Guevara stated yes.

Greg Szybala made a motion to approve the petition for Variance of Developmental Standards for Eusevio III and Teresa Guevara for construction of a garage thirty feet by twenty feet by twelve feet (30' x 20'x 12') on the **left** side of the home and in front of the home instead of behind the home. The property is located at 3206 W. Small Rd., LaPorte, IN., Center Twp., zoned R1B on .667 acres.

Earl Cunningham seconded.

All Approved. Motion carries 5-0.

9. **Petition for Variance of Developmental Standards for Dan Adnson** for construction of an accessory garage forty feet by forty feet (40' x 40') with a (North) side and rear setback of three feet (3') instead of the required ten feet (10'). The property is located at 7642 N. Huron Trl., Rolling Prairie, IN., Galena Twp., zoned R1B. Parcel 46-03-25-278-012.000-048.

Attorney Biege stated notice is adequate.

Dan Adnson stated his address is 7642 N. Huron Trl., Rolling Prairie, IN.

Melissa Mullins Mischke asked why the accessory structure is going so close to the property line.

Dan Adnson stated it is replacing the existing structure and the lot is smaller so he wants to maximize the amount of yard space for the kids.

Dwayne Hogan asked if there will be water and electric.

Dan Adnson stated just electric.

No remonstrators present.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for Dan Adnson for construction of an accessory garage forty feet by forty feet (40' x 40') with a (North) side and rear setback of three feet (3') instead of the required ten feet (10'). The garage

will have electric only. The property is located at 7642 N. Huron Trl., Rolling Prairie, IN., Galena Twp., zoned R1B.

Earl Cunningham seconded.

Approved. Motion carries 3-2.

10. Petition for Variance of Developmental Standards for Paul and Christine Rohl for construction of a second accessory structure thirty-six feet by fifty-six feet (36' x 56') with a height of twenty-two feet (22') instead of the maximum allowed eighteen feet (18'). The property is located at 5922 W. Johnson Rd., LaPorte, IN., Center Twp., zoned R1A on 3.5 acres. Parcel 46-06-18-351-011.000-042.

Attorney Biege stated notice is adequate.

Christine Rohl stated her address is 5922 W. Johnson Rd., LaPorte, IN.

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

Christine Rohl stated there will be cars, a tractor, a couple of campers, and maybe her boat. It's technically a second building, but it's actually the first. The home's original accessory structure is an in-law quarter that is a man cave for her husband. It is not a place for storage.

Melissa Mullins Mischke asked if they have a motor home that requires the twenty-two feet (22') height.

Christine Rohl stated her husband has a big truck to pull the campers and the boat. It won't fit in a garage. Her husband also likes to restore campers.

No remonstrators present.

Christine Rohl stated she wants to improve the property and make it look nice. The UPS drivers have trouble turning around in her driveway so they are adding in a turnaround to make it safer to re-enter Johnson Road. The structure will set back and be hidden. It will be brown and black to blend in.

Earl Cunningham made a motion to approve the Petition for Variance of Developmental Standards for Paul and Christine Rohl for construction of a second accessory structure thirty-six feet by fifty-six feet (36' x 56') with a height of twenty-two feet (22') instead of the maximum allowed eighteen feet (18'). The property is located at 5922 W. Johnson Rd., LaPorte, IN., Center Twp., zoned R1A on 3.5 acres.

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

11. Petition for Variance of Developmental Standards for Mark and Dawn Sowder for construction of a third accessory structure twenty-four feet by thirty-two feet (24' x 32') for personal use. The property is located at 11663 W. 1100 S., Wanatah, IN., Clinton Twp., zoned A on 2 acres. Parcel 46-13-30-300-017.000-044.

Attorney Biege stated notice is adequate.

Dawn Sowder stated her address is 11663 W. 1100 S., Wanatah, IN.

Melissa Mullins Mischke asked how much storage she needs.

Dawn Sowder stated they are removing the pool shed and use the new building for patio furniture, lawn mower, snow blower, etc.

Melissa Mullins Mischke asked if it will be metal sided.

Dawn Sowder it will match the main metal shed.

Dwayne Hogan stated her property is very nice.

Dawn Sowder stated thank you, it's a lot of work.

No remonstrators present.

Melissa Mullins Mischke asked if there will be electric.

Dawn Sowder stated no, it will be cold storage.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Mark and Dawn Sowder for construction of a third accessory structure twenty-four feet by thirty-two feet (24' x 32') for personal use. The property is located at 11663 W. 1100 S., Wanatah, IN., Clinton Twp., zoned A on 2 acres.

Greg Szybala seconded.

All Approved. Motion carries 5-0.

There being no further business, meeting adjourned at 7:02 p.m.

Melissa Mullins Mischke, President

Annemarie Polan, Recording Secretary