



**LAPORTE COUNTY  
BOARD OF ZONING APPEALS**

Government Complex 5th Level  
809 State Street, Suite 503 A  
LaPorte, Indiana 46350-3391  
(219) 326-6808 Ext. 2591, 2563 & 2221  
Fax: (219) 362-5561

**ANNEMARIE POLAN  
Building Commissioner**

January 19<sup>th</sup>, 2021

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **January 19<sup>th</sup>, 2021, at 6:00 p.m.** in the Assembly Room of the County Complex.

MEMBERS PRESENT:      Melissa Mullins Mischke                      Adam Koronka  
   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 December 15<sup>th</sup>, 2020.

Glen Minich made a motion to approve the meeting minutes of December 15<sup>th</sup>, 2020 as presented.

Dwayne Hogan seconded.

All Approved. Motion passed 5-0.

**Petitions:**

**1. Petition for Variance of Developmental Standards for Mark Parkman (seller) and Robert Flude (buyer)** for construction of a pole barn before the residence and a residence with a front setback of forty feet (40') instead of the minimum sixty feet (60') and side setback of fifteen feet (15') instead of the minimum thirty feet (30'). This is a lot of record. The property is located at 3177 S. Holmesville Rd., LaPorte, IN., New Durham Twp., zoned A on 0.52 acres. Parcel 46-09-22-200-016.000-027.

Attorney Biege stated notice is adequate.

Robert Flude stated his address is 384 Oak Dr., LaPorte, IN.

Melissa Mullins Mischke asked if there is something unique to the property that requires the setback changes. What kind of structure are they looking at and what time frame are you planning on building a residence?

Robert Flude stated he spoke to Morton Buildings and Cleary about doing a pole barn and then the actual residence will be closer to twelve hundred to fifteen hundred square feet (1,200<sup>2</sup> – 1,500<sup>2</sup>).

Melissa Mullins Mischke asked when he anticipates building a residence.

Robert Flude stated as he mentioned in the last meeting, it was going to be sooner, but his wife has decided that their house on Pine Lake will be remodeled first. It will take priority. He doesn't have an exact time, but somewhere in the next couple years.

Dwayne Hogan stated a couple years seems like a long time to have to wait to have the pole barn up there. What size will the pole barn be?

Robert Flude stated around thirty feet by forty feet (30' x 40').

Greg Szybala stated he would like to better understand what the intent is. It is a lot of record, but nothing about it meets current requirements.

Dwayne Hogan stated he is inclined to agree with him.

Robert Flude stated he is looking for a piece of property that he doesn't have to have a lot of maintenance. Size wise it fits what he is looking for. Most likely, once the pole barn is there it will be quicker than what he is saying, but he doesn't want to tie himself down and not be honest to everyone.

Dwayne Hogan asked why it will be so long for the house; is it because the repairs to the Pine Lake residence?

Robert Flude stated yes. Initially, the remodeling was going to be simple, but his wife's plans have become grander. He doesn't want to be short on one and extending himself on the other.

Dwayne Hogan stated he is about two years out.

Robert Flude stated he is just being realistic. Eventually it could be sooner, but he won't tell them something he's not certain on yet because they are still in the planning stages on what they are doing on Pine Lake.

Glen Minich asked Attorney Biege if a two (2) year waiting period on a home seems excessive as they don't want to set a precedent.

Attorney Biege stated that they can set whatever limit they want, but he believes they've done it that long before. They can set it for a review too if they want too. They can require the petitioner to come report in a certain amount of time too.

Glen Minich stated that with the way things are during COVID, it is difficult for a lot of people to do a build that fast in this time. He understands the extra time that he is asking for. Realistically, it would be hard to do a build in year today.

**Remonstrators:**

Julie McMaster stated her address is 3155 S. Holmesville Rd., LaPorte, IN.

Julie McMaster stated she lives in the house directly North of that property. To live in the area that she lives in, that seems extremely close to build a house to her property line. She's concerned it will set a precedent for people to buy any small plot of land in that rural area that is fine as is and put a house there.

Adam Koronka asked if it is more related to the structure of the home or for the septic field.

Julie McMaster stated just the house period. Isn't it under the requirements? She thought you needed an acre to build in the county. That parcel is almost half of that.

Glen Minich stated it is.

Julie McMaster stated it seems like a lot of building shoved in a very small area. She will have noise, lights, and her privacy is out the window. She is concerned there will be more and more homes put on smaller and smaller spaces as people want to move into that area.

Annemarie Polan asked if she put the setbacks on the site plan.

The Board replied yes.

Glen Minich stated that the lot has been there probably before her house was there. It is an old standing lot. They cannot prevent somebody from building on the lot. The only thing in question is it will be a little closer to the road than is allowed and the infringing on the side is not a building, but the septic. It will still be a legal, healthy distance from you. She will not be closer to her that she will see. The home is being constructed within its legal limits. There only thing that they are dealing with now is that he will be putting the garage up two (2) years before he builds the house. The garage will be in the back of the property for storage.

Julie McMasters stated ok.

Dwayne Hogan asked if the barn would have water and electric.

Robert Flude stated probably not until the house is in.

Annemarie Polan stated he would have to request the variance for water in the pole barn. He is only permitted electric.

Glen Minich stated if he wants water, he needs to ask for it right now.

Dwayne Hogan stated it would require a variance so if he's going to do it, he's be better off doing it now.

Melissa Mullins Mischke asked if he can change his petition to add water at this point.

Attorney Biege stated he can just amend the petition request to include water in the barn otherwise he'll have to come back again.

Robert Flude asked to amend the request to have water in the barn.

Glen Minich stated yes.

Dwayne Hogan stated he knows it will take a while. It is a little bit of a stretch for two year. Usually it is nine (9) months to a year sometimes and then they build.

Melissa Mullins Mischke stated she is glad they're not going to have water and electric the whole time because that would be a different story. You don't know what might happen out there. She is inclined to allow two years for storage for construction materials, but not to exceed that time.

Dwayne Hogan stated that would be fair.

Glen Minich agreed.

Annemarie Polan stated when he gets the permit for the pole barn, he will get it without the water at this point?

Melissa Mullins Mischke stated no, they are accepting the amendment to add water.

Ashley Kazmucha stated he cannot get a final on the pole barn unless the water is finished. He would have to get a separate permit for the plumbing when he is ready for it. Which is fine; we can notate that in the permit.

Melissa Mullins Mischke stated that's good. We will notate that in the building permit that the water is included. They don't want him to have to come back.

*(Permitted pole barn will be built without water and electric and will have them added when the home is constructed.)*

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Mark Parkman (seller) and Robert Flude (buyer) for construction of a pole barn with water

before the residence and a residence with a front setback of forty feet (40') instead of the minimum sixty feet (60') and side setback of fifteen feet (15') instead of the minimum thirty feet (30'). Construction of the house is to be completed within two (2) years of the pole barn being built. This is a lot of record. The property is located at 3177 S. Holmesville Rd., LaPorte, IN., New Durham Twp., zoned A on 0.52 acres. Parcel 46-09-22-200-016.000-027.

Dwayne Hogan seconded.

All Approved. Motion passed 5-0.

**2. Petition for Variance of Developmental Standards for Craig Beckwith and Ellen Thomas** for construction of a forty-foot by sixty-foot (40' x 60') pole barn without a home on the property. The property is located on the corner lot next to 3061 E. 300 S., LaPorte, IN., Pleasant Twp., zoned R1A on 2 acres. Parcel 46-11-15-351-003.000-057.

Attorney Biege stated notice is adequate.

Ashley Kazmucha stated she believes he was in the zoom call earlier and he may pop back in.

Melissa Mullins Mischke stated she will move petition two (2) to the end of the agenda.

**3. Petition for Variance of Developmental Standards for Larry Poole (seller) and Walter Smyers (buyer)** for placement of an R.V. for temporary dwelling purposes; will be constructing a home. The property is located between 9854 and 9722 N. 500 W., Michigan City, IN., Springfield Twp., zoned R1B on 5 acres. Parcel 46-02-18-200-011.000-062.

Attorney Biege stated notice is adequate, but the publication came too late. It has to be ten (10) days. He suggests they table it and bump it to next month and then it will be within the time requirements.

Greg Szybala made a motion to table to February the Petition for Variance of Developmental Standards for Larry Poole (seller) and Walter Smyers (buyer) for placement of an R.V. for temporary dwelling purposes; will be constructing a home. The property is located between 9854 and 9722 N. 500 W., Michigan City, IN., Springfield Twp., zoned R1B on 5 acres. Parcel 46-02-18-200-011.000-062.

Dwayne Hogan seconded.

All Approved. Motion passed 5-0.

**4. Petition for Variance of Developmental Standards for Vernon Tiedeman and Melonie Colvill** for placement of an R.V. used as a temporary dwelling for personal use not to be used as a rental. The property is located at 5565 W. 1000 N., Michigan City, IN., Springfield Twp., zoned R1B on 0.459 acres. Parcel 46-02-07-380-010.000-062.

Attorney Biege stated notice is adequate.

Vernon Tiedeman stated his address is 5565 W. 1000 N., Michigan City, IN.

Melissa Mullins Mischke asked how long are they talking about using an R.V. for temporary dwelling.

Vernon Tiedeman stated it is just overflow for their fourteen (14) grandchildren. It's parked on their property, well within their property lines. Their frontage is on 1000 N. and there is an access easement that comes through the side of their property. It is on the back of their lot.

Melissa Mullins Mischke asked if anybody was going to be sleeping in the R.V.?

Vernon Tiedeman stated yes, it will be used.

Dwayne Hogan asked how long it has been there.

Vernon Tiedeman stated about two (2) years.

Dwayne Hogan asked if there was a previous variance granted for it before.

Vernon Tiedeman stated no.

Adam Koronka asked if it has been in use for the two (2) years.

Vernon Tiedeman stated not all that time, no.

Annemarie Polan stated that we must have received a complaint because she sent out a citation.

**Remonstrators:**

Michael Iacovetti stated his address 7182 W. 450 N., Michigan City, IN.

Michael Iacovetti stated he purchased the property at 5553 W. 1000 N., Michigan City, IN in November. It is the property right next to the R.V. in question.

Greg Szybala asked if that is the site that is under improvement for the new build?

Michael Iacovetti stated yes, he is rehabbing it.

Melissa Mullins Mischke asked what his concerns are.

Michael Iacovetti stated he is concerned that there are numerous things that point to this not being temporary. There is underground wire ran to it. There is a heat split on top which does not come on the trailer, it is an addition for heat and cooling. There are hay bales underneath for insulation purposes. It is parked on top of rail road ties. The license plate was plated in 2016. It

hasn't been moved in quite a while. He doesn't know the exact distance it is from his property line. He was going to get a stake survey to see exactly how far, but it's fifteen hundred dollars (\$1,500) out of his pocket. There are no stakes out there currently. A privacy fence won't hide this thing. It's right out the view from his front windows and door.

Melissa Mullins Mischke read a letter of remonstrance from Perry Leslie at 5551 W. 1000 N. into the record:

*I regret that I cannot be at the meeting personally, but I have to leave at four (4) p.m. for work. This R.V. sits at the end of my driveway, but on the other side of our access road. I have multiple issues with this monstrosity already placed on this property.*

- 1) *It has already been sitting there over two (2) winters and summers.*
- 2) *I feel this R.V. is damaging to mine and all my neighbor's property values.*
- 3) *It may already violate at least two (2) of your own county codes. Section 16.08 (a) It is to be stored at least five (5) feet from all adjoining property lines. I do not believe it is five (5) from the property line directly behind it nor is it five (5) feet from the owner of the access roads property line. If you check, "The Beacon," although not one hundred percent (100%) exact, this R.V. sits about halfway onto the property of the access roads property. And Section 16.08 (f) a mobile home, travel trailer, or camping trailer shall not be occupied for dwelling purposes except in lawfully established mobile home park or tourist camps. I believe this means a campground.*
- 4) *The variance request states "for placement of an R.V. used as a temporary dwelling for personal use not to be used as a rental." My issue with this is I have not known the property owners to stay even one night in this R.V. Ever since it was placed here and currently, someone lives in it year-round. I cannot say if it is rented or not. And what does the county consider temporary?*
- 5) *If someone is going to line in the R.V. year-round then it belongs in a campground. And if not, it should be stored properly on this property.*

Melissa Mullins Mischke asked if someone lives in it year-round currently.

Vernon Tiedeman stated not all the time, but his son stays in there a lot of the time. And he has fourteen (14) grandchildren. When everybody comes to the house, he has that for excess sleeping area. As far as the property lines, it is well, well within his property lines all the way around. It's not even close to the property line on the rear of his property.

Dwayne Hogan stated that when he says temporary, how long is he calling temporary?

Vernon Tiedeman asked as far as what.

Dwayne Hogan stated as far as leaving it there.

Vernon Tiedeman stated there is a gravel bedding that it is parked on top of, but it is not parked on a concrete foundation or anything. It still has the wheels underneath it. It still moves.

Dwayne Hogan asked how long he is calling temporary.

Vernon Tiedeman asked as far as what.

Dwayne Hogan stated as far as leaving it there. Is he talking about a month, a year, five (5) years; what is he looking for?

Vernon Tiedeman stated probably another six (6) months or so maybe.

Melissa Mullins Mischke asked how long a single time do his son or grandchildren stay the night there.

Vernon Tiedeman stated they don't always. It's not a constant thing.

Annemarie Polan asked what would be different six (6) months from now.

Robert Hackett stated his address is 1050 W. Morse Dr., Cicero, IN.

Robert Hackett stated he is co-owner with Michael Iacovetti. They are in the business of being good neighbors and he understands this gentleman has fourteen (14) grandchildren, but there are rules and it is quite obvious when you look at the R.V. that it is not a temporary thing. It gives him pause for concern as a property owner that while you are filing for a temporary residence, but they can't give an answer on what temporary is. The evidence points to it being used for more than just occasional company at the house. He believes that while the trailer is well on his property, he is not sure what the code states as far as what the buffer should be.

Vernon Tiedeman stated that the remonstrators are house-flippers. None of them are planning on being on that property. They're not going to stay there. They came in a bought a run down, beat up piece of property and they want to flip it for whatever they can get out of it.

Dwayne Hogan made a motion to deny the Petition for Variance of Developmental Standards for Vernon Tiedeman and Melonie Colvill for placement of an R.V. used as a temporary dwelling for personal use not to be used as a rental. The R.V. must be stored properly on the property or removed. The property is located at 5565 W. 1000 N., Michigan City, IN., Springfield Twp., zoned R1B on 0.459 acres. Parcel 46-02-07-380-010.000-062.

Dwayne Hogan stated it does not fit the façade or the structure that this BZA wants to be apart of.

Greg Szybala seconded.

Melissa Mullins Mischke asked if they want to allow them keep it there or put a time limit on removal or storage off it.

Dwayne Hogan stated thirty (30) days.

Vernon Tiedeman stated these people won't even be around.



Greg Szybala stated somebody will be.

All Approved. Motion carries 5-0.

Melissa Mullins Mischke stated they have thirty (30) days to move the R.V. or store it inside.

Vernon Tiedeman stated he's going to store it right where it's at.

Dwayne Hogan stated no, it will have to be moved off site.

Annemarie Polan stated it has to be on the side or rear yard five (5) feet from your property line.

Vernon Tiedeman stated it is.

*(The R.V. is not the proper setback from property lines and in fact lies partially within the private road easement.)*

**5. Petition for Variance of Developmental Standards for Carl and Rose Upp** for construction of a second (2nd) dwelling to care for elderly parents. The building will be attached to the rear of the detached garage by a carport. The property is located at 4968 S. Range Rd., LaPorte, IN., Washington Twp., zoned R1B on 2 acres. Parcel 46-10-25-476-009.000-066.

Attorney Biege stated notice is adequate.

Scott Upp stated his address is 4966 S. Range Rd., LaPorte, IN.

Scott Upp stated he is their son. He lives right next door. His parents are both in their mid to late seventies (70's). His dad just got a knee replacement. They are there about half the time. One (1) of his three (3) sons is going to buy his house at 4968 and then he will buy 4968 from his parents. They would then like to add to their existing pole barn, a carport that would then transition to his parents' new dwelling if the variance is accepted. They are here about six (6) months out of the year. They go South for the winter. They didn't this year because of the knee replacement surgery. They have a total of twelve-point-four (12.4) acres on his property and then a total of about fourteen (14) acres, but just two (2) acres where they are asking to add on to the pole barn as a second dwelling for his parents.

**Remonstrators:**

Joseph Caples stated his address is 1376 Federal Ave., LaPorte, IN.

Joseph Caples stated he has property in question where this property is concerned. He is the Pastor of Sawdust Trail Missionary Baptist Church in Kingsbury. He isn't against what they want to do, he just has some questions to completely understand what is going on. He believes that their property is right next to the one that they want to work on. Their driveway goes

through their property and then onto their property. Are they planning on changing any of that? What are they planning to do with the driveway and access into that area? When they begin building, do they plan on using their side of the property at all to get equipment and building materials in? If they do, what type of plans do they have on repairing any damage done on the property?

Melissa Mullins Mischke asked what the address number was.

Joseph Caples stated it is four (4) something. They haven't actually started building it yet. They have put in their septic system, but COVID has slowed them down. They plan to start building again in the spring. They are the field south of this property. He just wants to make sure that no damage is done to the property because it will be sold and he doesn't want to sell a damaged property.

Melissa Mullins Mischke stated they understand that.

Scott Upp stated he's not sure they're talking about the same property.

Glen Minich stated he is the owner to the South and he wants to make sure that he isn't going to intrude on their new construction of your addition.

Scott Upp stated they have a shared driveway between 4966 and 4968. The property South of them is the Kingsbury Cemetery. He said it's going to be sold and be built on, but it's a cemetery.

Melissa Mullins Mischke asked if there was a cemetery there.

Joseph Caples stated that on the side that they are building on there are two graves, but they have been marked off so they will not be intruded on. They are very old. They have been there since the early 1900's. They have been marked off and they are going to make sure they are well respected.

Glen Minich asked if he is associated with the church or cemetery that are currently south of the lot they are discussing.

Joseph Caples stated that's what he is trying to figure out.

Scott Upp stated he is North of the cemetery. The cemetery to the South of them, they are still putting in grave sites. He's not sure they are talking about the same property.

Joseph Caples stated the cemetery is straight across the street from them.

*Ashley Kazmucha showed him a Beacon aerial of the property.*

Joseph Caples stated he was mistaken in his remonstrance. Go for it!

Adam Koronka stated to be clear the variance is just for the addition of a second dwelling with second freestanding septic and well, but everything will be well within the boundaries of the property.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Carl and Rose Upp for construction of a second (2nd) dwelling to care for elderly parents. The building will be attached to the rear of the detached garage by a carport. The property is located at 4968 S. Range Rd., LaPorte, IN., Washington Twp., zoned R1B on 2 acres. Parcel 46-10-25-476-009.000-066.

Dwayne Hogan seconded.

All Approved. Motion passed 5-0.

**6. Petition for Variance of Developmental Standards for Patrick & Christina Conboy (owner) and Joe Conboy** for construction of a building to be used as an auto detail shop (car wash, vacuum, cleaning, waxing, polishing, suspension, and cosmetic; no fluid work or painting). The property is located across from 11811 S. 700 W., Wanatah, IN., Clinton Twp., zoned A on 10 acres. Parcel 46-13-36-300-001.000-044.

Attorney Biege stated notice is adequate.

Joe Conboy stated his address is 11811 S. 700 W., Wanatah, IN.

Christina Conboy stated her address 11909 S. 700. W., Wanatah, IN.

Joe Conboy stated he would like to start a business. It is something he has been passionate about for quite a long time, a car detail shop and a four by four (4x4) modifications for jeeps, trucks, UTV's, golf carts, and things of that nature. He wants to help give back and make some other people happy and not have to do some of the leg work that it takes to keep your cars clean and healthy.

Melissa Mullins Mischke asked where he lives in relation to this property.

Joe Conboy stated the proposed sit is directly across the road from his house. The East side of 700. The North end of the ten (10) acre plot.

Melissa Mullins Mischke asked what would be the hours of operation.

Joe Conboy stated it is fluid right now, but he could establish them if they would like. Perhaps eight to four (8 a.m. – 4 p.m.) and some more time on the weekends. It's dependent on how many cars he can get in and out of there.

Melissa Mullins Mischke stated this is the time you want to have the most you can ask for so you don't have to come back and adjust those hours.

Joe Conboy stated eight to four (8 a.m. – 4 p.m.) Monday through Friday, eight to one (8 a.m. – 1 p.m.) Saturday, and eight – noon (8 a.m. – 12 p.m.) Sunday, but he probably won't be open on Sunday.

Melissa Mullins Mischke asked if he anticipates having a sign.

Joe Conboy stated yes.

Melissa Mullins Mischke asked what size sign.

Joe Conboy stated he would like one in front of the business and then one closer to the highway. Or does he only get one sign?

Annemarie Polan stated one sign on premise, but he would have to get permission from the State to put a sign on US 30.

Melissa Mullins Mischke stated they can grant him one sign on 700.

Joe Conboy asked how far off of 30 he would need to be. If he is inside the highway's easement does he need their permission.

Melissa Mullins Mischke stated he should check with them to be sure. He doesn't want to obstruct any traffic on 30.

Joe Conboy stated a six -foot by ten-foot (6' x 10') sign.

Melissa Mullins Mischke asked lit or unlit.

Joe Conboy stated lit.

Melissa Mullins Mischke asked how long a general detail job takes. How many cars would be sitting out at any given time.

Joe Conboy stated he doesn't plan on having any sit outside. If it would be it would only be a couple. It's a couple hours for a decent detail job. His idea was to plan around that. He doesn't want people's cars sitting out any longer than they have to. His idea is to plan and schedule around to keep everything moving.

No remonstrators present.

Adam Koronka asked if he has any details about the building he plans to place on the property.

Joe Conboy stated forty-eight feet by sixty-four feet (48' x 64') are the overall dimensions. The shop will be forty-eight feet by fifty feet (48' x 50') and a fourteen feet by forty-eight feet (14' x 48') storage and customer area. That's where the bathroom comes in.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for Patrick & Christina Conboy (owner) and Joe Conboy for construction of a building to be used as an auto detail shop (car wash, vacuum, cleaning, waxing, polishing, suspension, and cosmetic; no fluid work or painting). Hours of Operation are Monday through Friday 8 a.m. to 4 p.m., Saturday 8 a.m. to 1 p.m. and Sunday 8 a.m. to 12 p.m. Other hours are by appointment only. A lit sign six feet by ten feet (6' x 10') is permitted. The building will be forty-eight feet by sixty-four feet (48' x 64'). The property is located across from 11811 S. 700 W., Wanatah, IN., Clinton Twp., zoned A on 10 acres. Parcel 46-13-36-300-001.000-044.

Adam Koronka seconded.

All Approved. Motion passed 5-0.

**7. Petition for Variance of Use for Michael and Holly Rippe** to operate a dog kennel and breeding business. The property is located at 7549 S. Sand Rd., Union Mills, IN., Noble Twp., zoned R1B on 2 acres. Parcel 46-14-08-300-019.000-056.

Holly Rippe stated her address is 7549 S. Sand Rd., Union Mills, IN.

Melissa Mullins Mischke asked what kind of dog she is planning on breeding.

Holly Rippe stated Australian Shepherds, Old English Bulldogs, and Bloodhounds.

Melissa Mullins Mischke stated that is a lot of dogs for two (2) acres. How many of each? Does she have existing animals?

Holly Rippe stated she does.

Melissa Mullins Mischke asked how many dogs does she have currently.

Holly Rippe stated she has sixteen (16).

Melissa Mullins Mischke stated there are sixteen (16) on the property right now.

Holly Rippe stated yes.

Melissa Mullins Mischke asked if they are all grown adults.

Holly Rippe stated yes, except one seven (7) months old. They have all had their shots and rabies. They all get vetted whenever they need to be.

Melissa Mullins Mischke asked if she has a kennel license from the LaPorte County Animal Shelter.

Holly Rippe stated yes.

Adam Koronka stated that of her inventory, is that her breeding business alone and any additional dogs for kenneling would be in addition to that?

Holly Rippe stated some of them are for breeding and some of them are not; they are spayed.

Adam Koronka stated the variance mentions a breeding and kennel business. Would she be housing animals for other people? How many more would she intend to have while kenneling other people's dogs?

Holly Rippe stated she does not kennel other people's dogs. She's done that once last year, but she does not usually do that.

Melissa Mullins Mischke stated she does not board animals.

Holly Rippe stated no, she did it once last year and it didn't work out well.

Greg Szybala asked what the maximum number of animals she plans of having on site.

Holly Rippe asked if that includes adult dogs or puppies too.

Greg Szybala stated adult dogs.

Holly Rippe stated sixteen (16) that she currently has.

Glen Minich stated there could be a random number of puppies at any one time, but they are only held for eight (8) weeks.

**Remonstrators:**

Dwayne Hogan stated he has a letter from the Animal Shelter he will read into the record.

*Yes, we have been to the property and the animals are not kept very clean. Water buckets were green with slime. Have had several calls from people who have purchases puppies and not had a good outcome. She breeds many different types. Not a good situation. I would encourage the Board to visit the property before they approve a variance.*

Melissa Mullins Mischke stated she does have another letter from David and Linda De Lau she will read into the record.

*Our property is located along the east property line of the property where the proposed business would be operating. Our home along with 10+ other homes have been built in a quiet rural area. Like us, many of the other homeowners have planted evergreen trees to provide visual screening between the homes. To my knowledge there hasn't been any problems between any of the neighbors, they just like the privacy. We share home and cell telephone numbers just in case a problem would arise. The noise from an operating dog kennel and breeding business will not be*

screened by the natural planting that we have planted. Short of muzzling or like the dogs inside a building, which would be inhumane, there is no way to control the barking of the dogs. This noise, along with the noise from the traffic of customers coming and going will be disruptive to us and the other neighbors. Our concern is that if this appeal is approved that it will disrupt our neighborhood's quiet setting. The following are a few questions/concerns that I would like the board to address:

- The property is listed at two (2) acres, it has a long driveway, a home, and several buildings. This leaves limited area for the proposed business.
- How close to the property line can a kennel be built, including fenced in areas?
- How many dogs would there be:
  - How many dogs would they be breeding?
  - How many dogs would be in the kennel?
  - A maximum number of dogs (including pups) should be listed in any variance.
  - Is the kennel an open kennel where they will be boarding other dogs; if so, how many?
- Hours of business?
- Does the code cover the handling of all the feces?
- What codes are there that specify:
  - Square footage of outdoor exercise area per animal?
  - Square footage of indoor bedding area per animal?

Annemarie Polan asked if the Board received the emailed remonstrance.

Ashley Kazmucha stated yes.

Adam Koronka stated he will read a letter from Tommy and Deanne O'Neil into the record.

*Good morning Ashley, this is Deanne O'Neil. I contacted you about zoom meeting for tonight January 19<sup>th</sup>, 2021. I want to also send you this email for you to pass along to whomever needs to receive it so there is no confusion about what my comments and concerns are towards the meeting concerning the dog breeding and dog kennels just in case something comes up that my zoom meeting doesn't work or my internet is down. My concerns regarding this matter included the safety of my own dogs. If one of their dogs were to get out and come into my yard and hurt or kill my dogs, I'd be very upset considering my dogs stay in our yard. Second, the barking now, without as many dogs there is nonstop. We can't even enjoy our deck because of the continuous barking. We open our door to go out on to the deck, or to take our dogs out to use the bathroom, and even to just walk around in our yard, and before we even step foot outside, they are barking. My husband works swing shift and has to sleep during the day sometimes. On the days that weather permits, we'd like to have windows open and our screen door open letting fresh air in, but because of the barking we are unable to do that if he needs to sleep. Another concern is where would all the waste from the animals go? After a while, with that many dogs, the waste would definitely add up and begin to smell no matter where it is put. These are all concerns regarding the dog breeding/kennels. We hope you all will please take into consideration our concerns when your decision is being made if you decide to allow or not allow this to take place.*

Melissa Mullins Mischke asked if there are any additional remonstrators.

Dwayne Hogan asked how long she has been running it as a business there.

Holly Rippe stated a couple years now. She did not know that needed to have a variance. She didn't know anything about it.

Dwayne Hogan stated two (2) years.

Holly Rippe stated almost three (3) years.

Adam Koronka asked if there were any intents for any construction or building to be set up on the property.

Holly Rippe stated no.

Dwayne Hogan asked Annemarie Polan if this was brought to us by complaint.

Annemarie Polan stated she received a complaint and sent a letter on November 5<sup>th</sup>, 2020.

Greg Szybala asked if we lost the online remonstrators as they were here.

David De Lau stated his address is 7707 S. Sand Rd., Union Mills, IN.

David De Lau stated he is not an additional remonstrator. His letter was read and he has had some thoughts since he sent it in. He is concerned about property values about all adjoining properties there with the noise they have been putting up with. It's going to get worse. It will affect everyone in the neighborhood. The natural vegetation they put up has done well for vehicular traffic and outdoor activities. God created the dogs to bark and when they see something or something happens, they are going to be barking. They use their driveway as an exercise area, they walk the entire length and intend to do more as it is doctor recommended. It hasn't been pleasant over the years, but he can see it's not going to get any better. He's not sure how it can be buffered. A setback so many feet from the property line still will not stop noise. It is something that once approved, will be there forever. A short one (1) year variance could be given to see what happens. The noise will continue with what they have been putting up with. It's a nice quiet rural area. All the neighbors get along fine without problems, but they have been putting up with the noise.

Holly Rippe stated her dogs are not the only ones that bark. Where his property line is and where her line is, they were going to be putting up a privacy fence. Where the O'Neil's are there are pine trees, but she would put up a fence if allowable as there is an easement there. They will also be putting a privacy fence in the front to block off front her neighbor near Sand Road as she lets her chicken and ducks out that roam free. They were going to put a privacy fence up there so her dogs can't see her chickens and dogs. She only has one dog over there and it's her son's hunting dog.



David De Lau stated that their concern that any type of screening that she puts up will not stop the noise that they have been putting up with.

Holly Rippe stated her dogs aren't the only ones that bark though. She has been outside and heard dogs barking and they're not hers.

Melissa Mullins Mischke stated that from her experience living out in the county, the property next door had hunting dogs in a kennel. They couldn't hear them at their own house, but next door you could hear them all day and all night. She did plant some trees; it did not necessarily help. She can understand both sides of the situation.

Holly Rippe stated she understands where David De Lau is coming from.

Melissa Mullins Mischke stated they are talking about a maximum sixteen (16) adult animals.

Holly Rippe stated most of them are in her house.

Melissa Mullins Mischke asked if they will ever exceed sixteen (16) total dogs.

Holly Rippe stated no. Her neighbor lets her walk them out into her field so they get exercise.

Melissa Mullins Mischke asked that what would be the maximum number of adults and puppies on site.

Holly Rippe stated she doesn't know what to say because it depends on the litter size.

Melissa Mullins Mischke asked how many adults she plans on keeping on premises.

Holly Rippe stated the sixteen (16) and that is it.

Melissa Mullins Mischke stated she is not kenneling animals; she is just breeding at this location.

Holly Rippe stated that is correct.

Melissa Mullins Mischke asked what would be the Hours of Operation.

Holly Rippe stated she does that between one and six (1 p.m. – 6 p.m.).

Melissa Mullins Mischke asked if that is every day of the week.

Holly Rippe stated no, just whenever she has litters.

Melissa Mullins Mischke stated they need to establish days of the week and times.

Holly Rippe stated everyday one to six (1 p.m. – 6 p.m.).

Melissa Mullins Mischke states Sunday though Saturday one to six (1 p.m. – 6 p.m.). What about a sign?

Holly Rippe stated she does not have a sign.

Glen Minich stated that when you don't have a sign, it infringes on neighbors because people won't know where you are at and GPS will lead to the driveway and they will sit there and stare unless you have a sign.

Holly Rippe stated she will get a sign.

Melissa Mullins Mischke stated they're not going to say she has to have a sign, but especially on Sand Road, the GPS doesn't take you right to your address.

Holly Rippe stated she understands. She was getting Glasgow Tree Service people when he was doing Christmas trees at her house all the time.

Dwayne Hogan made a motion to deny the Petition for Variance of Use for Michael and Holly Rippe to operate a dog kennel and breeding business. The property is located at 7549 S. Sand Rd., Union Mills, IN., Noble Twp., zoned R1B on 2 acres. Parcel 46-14-08-300-019.000-056.

Greg Szybala seconded.

Melissa Mullins Mischke clarified that she does have a kennel license from the Animal Shelter for the existing animals. She will retain her current animals, but the business is denied.

*(The Animal Shelter places no limit on animals. A kennel license is required with 6 or more animals and their vaccinations must be kept up to date.)*

All Approved. Motion passed 5-0.

**8. Petition for Variance of Developmental Standards for Marc A and Julie M Schroeder (seller) and Aaron M Aigner (buyer)** to split a property in two. Parent parcel will have over one (1) acre and two hundred feet (200') of road frontage; new parcel will have one hundred feet (100') of road frontage instead of the minimum two hundred feet (200') and point-fifty-nine acres (.59) instead of the minimum one (1) acre and for construction of a residence on the new parcel. The property is located at 7867 S. Wellsboro Rd., Union Mills, IN., Noble Twp., zoned R1B on 2 acres. Parcel 46-14-09-452-010.000-056.

Melissa Mullins Mischke stated notice was not published in a timely manner.

Dwayne Hogan made a motion to table to February the Petition for Variance of Developmental Standards for Marc A and Julie M Schroeder (seller) and Aaron M Aigner (buyer) to split a property in two. Parent parcel will have over one (1) acre and two hundred feet (200') of road frontage; new parcel will have one hundred feet (100') of road frontage instead of the minimum

two hundred feet (200') and point-fifty-nine acres (.59) instead of the minimum one (1) acre and for construction of a residence on the new parcel. The property is located at 7867 S. Wellsboro Rd., Union Mills, IN., Noble Twp., zoned R1B on 2 acres. Parcel 46-14-09-452-010.000-056.

Glen Minich seconded.

All Approved. Motion passed 5-0.

**9. Petition for Variance of Use for James & Cheri Phillips (owner) and James & Erica Howard (buyers)** to operate a sign business and to retain the sign and maintain two (2) shipping containers for storage already on site. The property is located at 999 N Hwy 421, Michigan City, IN., Coolspring Twp., zoned B2 on 2 acres. Parcel 46-05-33-100-001.000-046.

Attorney Biege stated notice is adequate.

James and Erica Howard stated their address is 120 E. 10<sup>th</sup> St., Michigan City, IN.

Erica Howard stated the signs that they make are cut with a CNC plasma table. They are four-foot by eight-foot (4' x 8') sheets that they cut down and install them. That machine is inside the building right now. They have some containers on the property for storage of excess metal and things like that.

Melissa Mullins Mischke asked what the largest size sign they produce.

Erica Howard stated a four-foot by eight-foot (4' x 8') sheet.

Melissa Mullins Mischke asked how long the shipping containers have been there.

James Howard stated less than a year.

Melissa Mullins Mischke asked how long they have been operating the business.

James Howard stated about a year.

Adam Koronka asked what the nature of the excess vehicles and components, parts of doors and whatnot, on the property.

James Howard stated the doors are there for storage. Those have been taken care of. They're on a trailer being taken out this week.

Adam Koronka asked what about the box trucks.

James Howard stated the box trucks are his buddy's. He needed a place to store them because he lost his warehouse that he was renting. They are on-site until he finds another place.

Melissa Mullins Mischke asked how many shipping containers are on-site right now.

James Howard stated four (4).

Melissa Mullins Mischke stated they are only planning on keeping two (2) of them.

James Howard stated they plan on keeping them all.

Adam Koronka stated the petition for variance stated two (2).

Erica Howard stated if they are able to keep them all on there, they would like to. She didn't know what was allowed with setbacks and everything.

Melissa Mullins Mischke stated they don't like to allow them at all. Are there any plans to put up fencing or vegetation along 421?

James Howard stated they would like to put a fence in, they just need to know how high of a fence they could have.

Erica Howard stated on either side; Holmesville Road and 421.

Adam Koronka asked if this is to replace the current concrete dividers.

Erica Howard stated they did put the blocks there because they felt they needed some sort of barrier. They didn't know how high of a fence they could put in.

Glen Minich stated the code calls for a six-foot (6') tall wall between them and the residential areas.

Erica Howard asked if it could exceed six feet (6').

Adam Koronka stated he thought commercial was six to eight feet (6' – 8'). Does that sound right? Industrial is eight to ten feet (8' – 10').

Melissa Mullins Mischke asked for Attorney Biege to advise.

Attorney Biege stated he can only read so fast. The limit is six and a half feet (6½') in B2. It is higher in Industrial, but this isn't Industrial.

Melissa Mullins Mischke stated the highest they can go is six feet (6') or six and a half feet (6½').

Attorney Biege stated six and a half feet (6½').

Glen Minich asked what kind of fencing they were thinking about.

James Howard stated a steel fence similar to a barn siding.

Erica Howard stated they don't want it to be chain-link or something that can be seen through. They want it to be a solid barrier if that's allowed to help with sound.

Glen Minich stated they are screening them off from residential areas and it will look industrial.

Melissa Mullins Mischke stated it might look like a junk yard back there.

Erica Howard stated they will do what they want to do. However high and how it should look. They don't want it to look like a junk yard. The storage is out of control right now. They had the space and their friends wanted to use it, but they don't want to make it look bad.

Melissa Mullins Mischke stated she would like to see a green buffer; a landscaped buffer that will fit in more with the residential area.

James Howard asked if there was a height limit on trees or bushes.

Annemarie Polan stated six feet (6').

Adam Koronka stated he sees the need for some type of visual screen, but away from the sheet steel wall and more towards a vinyl privacy fence. Something that looks more residential that would still help them accomplish what they need by hiding the inventory and storage and look aesthetically good. A wooden fence or vinyl privacy fence would be appealing.

Glen Minich asked if this would be just on 421 or Holmesville as well as it faces residential too.

Adam Koronka asked what the other properties are.

Annemarie Polan stated it's residential; she had supplied that chart to the Board that called for a six-foot (6') tall wall or a berm.

**Remonstrators:**

Kelly Hibner stated her address is 844 N. Holmesville Rd., Michigan City, IN.

Kelly Hibner stated her maiden name is Lernihan. Her father owns the property and she lives there. She is directly next door to James and Erica Howard's business. She doesn't have any concerns. She doesn't have a problem with what they're doing. James Howard is very aware and courteous. He tries to keep stuff cleaned up. She appreciates that and they have encountered no problems as long as they have been next door.

Melissa Mullins Mischke stated they talked about residential looking siding and keeping two (2) of the storage containers.

James Howard asked if it is possible to keep four (4) or is two (2) the limit.

Attorney Biege stated he asked for two (2), that's what you get. That's what was advertised for. You would have to re-notice for the additional two (2).

Glen Minich stated they will barely be screened by the fence too.

Melissa Mullins Mischke asked about the Hours of Operation.

James Howard stated seven to seven (7 a.m. – 7 p.m.), seven (7) days a week.

Melissa Mullins Mischke asked if they want a sign.

Erica Howard stated there is an existing sign. It's not lit. It's from the previous business.

Melissa Mullins Mischke asked if she wanted a different sign or to have this one lit.

Erica Howard stated they want to keep this one and they don't need it lit.

Melissa Mullins Mischke asked what size the sign is.

James Howard stated it's around four- by six-foot (4' x 6') sign.

Melissa Mullins Mischke stated we'll say a four-foot by eight-foot (4' x 8') unlit sign.

Adam Koronka made a motion to approve the Petition for Variance of Use for James & Cheri Phillips (owner) and James & Erica Howard (buyers) to operate a sign business and to retain the (4' x 8') unlit sign and maintain two (2) shipping containers for storage already on site. Hours of Operation are 7 a.m. to 7 p.m. Sunday through Saturday. There will need to be residential fencing installed. The property is located at 999 N Hwy 421, Michigan City, IN., Coolspring Twp., zoned B2 on 2 acres. Parcel 46-05-33-100-001.000-046.

Dwayne Hogan seconded.

All Approved. Motion passed 5-0.

**2. Petition for Variance of Developmental Standards for Craig Beckwith and Ellen Thomas** for construction of a forty-foot by sixty-foot (40' x 60') pole barn without a home on the property. The property is located on the corner lot next to 3061 E. 300 S., LaPorte, IN., Pleasant Twp., zoned R1A on 2 acres. Parcel 46-11-15-351-003.000-057.

Dwayne Hogan made a motion to table to February the Petition for Variance of Developmental Standards for Craig Beckwith and Ellen Thomas for construction of a forty-foot by sixty-foot (40' x 60') pole barn without a home on the property. The property is located on the corner lot next to 3061 E. 300 S., LaPorte, IN., Pleasant Twp., zoned R1A on 2 acres. Parcel 46-11-15-351-003.000-057.

Glen Minich seconded.

All Approved. Motion passed 5-0.

Melissa Mullins Mischke asked if there is any further business before the Board this evening.

Attorney Biege stated this is Annemarie Polan's last BZA meeting. He cannot convey to the Board what a fantastic job she has done over the years and what a pleasure she has been to work with for over a decade. Thank you for your service.


Greg Szybala stated that as a member of the BZA it is really appreciated what she has shown him and taught him about how it all works. As a builder in LaPorte County, it has been a real pleasure working with her and the Building Department. They have been really beneficial to what goes on here.

Annemarie Polan thanked Greg Szybala and Attorney Biege.

Dwayne Hogan stated he cannot echo the comments he just heard enough as he had told and mentioned them to her earlier. He wants her to not be a stranger and to enjoy her retirement.

Annemarie Polan stated she wants to live his life now. It has been a pleasure working with all of them and she doesn't know if she could have made it all these years without Attorney Biege by her side. He has been her security blanket and he has been great. She will miss them and stay in contact.

There being no further business, meeting adjourned at 7:30 p.m.

  
Melissa Mullins Mischke, President

  
Annemarie Polan, Recording Secretary