



**LAPORTE COUNTY
BOARD OF ZONING APPEALS**

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MICHAEL POLAN
Building Commissioner

February 16th, 2021

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **February 16th, 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: Michael Polan, Recording Secretary, Attorney Doug Biege; Ashley
 Kazmucha, Secretary

The Pledge of Allegiance.

Elections:

Dwayne Hogan nominated Melissa Mullins Mischke for President.

Greg Szybala seconded.

All Approved. Motion passed 5-0.

Glen Minich nominated Dwayne Hogan for Vice President.

Greg Szybala seconded.

All Approved. Motion passed 5-0.

Dwayne Hogan made a motion to retain Attorney Biege as Board Attorney.

Greg Szybala seconded.

All Approved. Motion passed 5-0.

Melissa Mullins Mischke welcomed Michael Polan, the new Building Commissioner, to the meeting as this is his first BZA meeting.

Michael Polan stated thank you.

APPROVAL OF MINUTES:

Melissa Mullins Mischke asked for approval of the meeting minutes of January 19th, 2021.

Dwayne Hogan made a motion to approve the meeting minutes of January 19th, 2021 as presented.

Adam Koronka seconded.

All Approved. Motion passed 5-0.

Petitions:

Dwayne Hogan made a motion to remove Petitions 1, 2, and 3 from the table.

Glen Minich seconded.

All Approved. Motion passed 5-0.

1. 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.

Craig Beckwith stated his address is 227 Grandview Ave., LaPorte, IN.

Melissa Mullins Mischke asked Mr. Beckwith to elaborate on the nature of building the pole barn before the home.

Craig Beckwith stated it is to get things ready to build a home. The way lumber prices are going up that if he puts up a pole barn, he would have a place to store materials inside where they would be protected. He could go ahead and start stocking up on materials in the pole barn so when he gets ready to build the home, he has a lot of materials.

Melissa Mullins Mischke asked what the time frame for building the house would be.

Craig Beckwith stated that within the next year or two (2) after he gets the pole barn built.

Melissa Mullins Mischke asked that if he is approved this evening, when would he start construction on the pole barn.

Craig Beckwith stated contractors are currently tied up currently and he hadn't gotten back with some due to the delay of the variance for three months, but as soon as he finds out something he

would get ahold of them and hoping to build in June or at least prep the property to get it straightened around so they can get in there and do what they need to do.

Melissa Mullins Mischke stated they will start the pole barn in June and then an additional year when it is completed before they start construction on the home.

Craig Beckwith stated he thinks a year or two (2) years max.

Dwayne Hogan asked if he plans to put water and electric in the pole barn.

Craig Beckwith stated no, not at the present. He plans to have a gravel floor and to get the pole barn sealed up good enough to where the weather doesn't get to anything and so it can be locked up.

No remonstrators present.

Glen Minich stated this is a nice rural lot out there. The history was that it used to be one lot, but there was plenty of acreage so it was split. It was a horse property at one time, but there are homes in that area. It's a good use. No reason not to. He can see his problem as they let him start building a pole building that could take a year and then he needs additional time to get somebody to build a home. We have to adjust our time frame that we have thought of in the past at this point to give him time to build the home.

Dwayne Hogan asked if he had a builder picked out for the pole barn already.

Craig Beckwith stated he has two picked out, but he needs to get back with them.

Glen Minich stated they don't have pictures of this. Will he be using 300 S as his frontage and the barn would be in the rear?

Craig Beckwith stated the pole barn would be at the back of the property.

Ashley Kazmucha stated George Kouris typed into the Zoom chat if this could be tabled so they could all be here, but she doesn't think he is here for this petition and relayed that this was Petition 1 for Craig Beckwith.

Craig Beckwith stated the frontage would be on E 300 S.

Dwayne Hogan made a motion to approve 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.

Greg Szybala seconded.

All Approved. Motion passed 5-0.

2. 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.

Ashley Kazmucha stated they are on the zoom, but may be having connection issues.

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

3. 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.

Attorney Biege stated notice is adequate.

Marc Schroeder stated his address is 7867 S. Wellsboro Rd., Union Mills, IN.

Melissa Mullins Mischke stated he wants to split this one (1) parcel into two (2).

Adam Koronka stated that according to the sketch attached to the application there is a white outline in the property and it fills up the lot North to South as he sees it where it may infringe on the setbacks as well. How accurate is this sketch compared to the intended building plan?

Melissa Mullins Mischke asked how close to the boundaries would the structure be?

Marc Schroeder stated it would be about eleven feet (11') on each side, North and South.

Glen Minich asked if it was Ag zoning.

Ashley Kazmucha stated no, it is R1B.

Glen Minich stated his back yard is a farm field.

Ashley Kazmucha stated he is not zoned Ag. He is zoned R1B.

Dwayne Hogan stated if it is anything close to being accurate then it is right on top of the lines.

Melissa Mullins Mischke stated the setback is ten feet (10') in R1B and he's at eleven feet (11'). He would skirt it just barely. Who owns the current existing home and parcel?

Marc Schroeder stated he owns it.

Melissa Mullins Mischke asked if he is related to Aaron Aigner.

Marc Schroeder stated no.

No remonstrators present.

Glen Minich stated this is a well-established neighborhood. Why is he asking to split his property like this? It's not common in that area. He's in an agricultural area close to the Co-op. He is right against a farm field. It is not exactly a place where they look for housing density.

Marc Schroeder stated he has no purpose for the land. He is trying to help a friend out so he can get property and build a house. It's hard to come across property right now and he doesn't use it. He has no reason to not sell it to him or let him build on it.

Glen Minich stated it is not a buildable lot by code. One-hundred feet (100') is not enough frontage for a lot.

Melissa Mullins Mischke stated the point-five-nine (.59) acres instead of one (1) acre is also not to code.

Marc Schroeder stated that is correct. The house was marked out and it seemed suitable for him to put a house there and there were no complaints from anyone surrounding. That's why they decided to move forward with it.

Adam Koronka stated that even though the setbacks are still within code for R1B it is still a concern on the ability to build within that proximity without overlapping onto either property. It may be ok for Mr. Schroeder, but the folks on the lot to the North would be cause for concern on an infringement of plants and their utility building.

Glen Minich stated that most people that buy in that area were not expecting that lot to be split and to have another neighbor. It is definitely going to take away from the value of the house to the North having that density that close where they had space before.

Dwayne Hogan stated he doesn't see it as a hardship; it just helps somebody out.

Glen Minich made a motion to deny 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.

Adam Koronka seconded.

All Approved. Motion passed 5-0.

4. Petition for Variance of Developmental Standards for Tommy Sunn & Paul Jongkind for construction of an in-ground pool to the side of the home located at 255 Bluffside Rd. instead of the rear. There are two residences on the parcel. The property is located at 256 W. Johnson Rd./255 Bluffside Rd., LaPorte, IN., Center Twp., zoned R1B. Parcel 46-06-22-327-006.000-042.

Attorney Biege stated notice is adequate.

Tommy Sunn and Paul Jongkind stated their address is 256 W. Johnson Rd., LaPorte, IN.

Melissa Mullins Mischke asked whose parcel is the pool going to go on.

Tommy Sunn stated it is all one parcel.

Melissa Mullins Mischke stated there are two homes.

Tommy Sunn stated both homes are listed under 256 W. Johnson Rd. at this point. It will be in the back yard of 256 W. Johnson Rd. and the side of 255 Bluffside Rd.

Melissa Mullins Polan asked Michael Polan asked if he has an experience with two separate residence with a pool.

Dwayne Hogan stated one has to be a primary owner. Who is the primary owner of this residence?

Tommy Sunn stated it is joint.

Michael Polan stated Tommy Sunn and Paul Jongkind joint tenants with rights of survivorship. It's not necessarily a common thing. It's an odd shaped lot with two homes on it with one facing Johnson Rd. and one facing Bluffside Rd.

Glen Minich asked Attorney Biege if they need to change the way they do business. It's not uncommon for them to allow a second home on a lot now for an elderly parent or for some other reason, but here there is one lot with two owners. Is this something that will happen in the future.

Melissa Mullins Mischke stated the trust is who owns it.

Glen Minich stated this is something they've never seen before. There are two owners, one lot, and they're looking for a variance on one of the homes. In the past, they have been allowing two homes on one lot, but they never gave the thought that there would be two owners.

Attorney Biege stated the fact that there are two owners is irrelevant. They get two owners all the time with husbands and wives. That part doesn't matter. This lot was grandfathered in. There are more lots like this in the County than they are aware of, but you have to take lots as is and just address the pool issue.

No remonstrators present.

Dwayne Hogan stated that as an observation, whenever they get ready to sell it, whoever decides to get the pool will get the pool. It is not up to them. It's not uncommon to have two owners on one property.

Melissa Mullins Mischke agreed and stated that trust is actually the owner in this situation.

Adam Koronka stated that since there is a pool requirement for a five-foot (5') minimum fence or retractable cover, is that included in the plans?

Tommy Sunn stated it will have a retractable cover. The second smaller home on Bluffside will end up being a pool house and garage in the future.

Glen Minich stated he is not asking for a variance on that, he has to follow the code. It needs either a fence or cover.

Greg Szybala made a motion to approve the Petition for Variance of Developmental Standards for Tommy Sunn & Paul Jongkind for construction of an in-ground pool to the side of the home located at 255 Bluffside Rd. instead of the rear. There are two residences on the parcel. The property is located at 256 W. Johnson Rd./255 Bluffside Rd., LaPorte, IN., Center Twp., zoned R1B. Parcel 46-06-22-327-006.000-042.

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

5. Petition for Variance of Use for Woodruff Karin Trust % Marvin Miller RLC to operate a storage facility. Will retain front office, rear pole building, and build new structures for the business. The property is located at 7657 W. SR 2, LaPorte, IN., New Durham Twp., zoned A on 6.302 acres. Parcel 46-09-14-326-003.000-027.

Attorney Biege stated notice is adequate.

Jack McDonnell for Marvin Miller stated his address is 7657 W. SR 2, LaPorte, IN.

Melissa Mullins Mischke asked if the existing location is being used as a storage facility.

Jack McDonnell stated it is not.

Melissa Mullins Mischke asked what it is being used for now and how do they plan to use it.

Jack McDonnell stated it was the LaPorte Landscape formerly. It is six (6) acres and has a retention pond, an existing pole barn, and an existing front office building that is currently being used. They are looking at developing it into some storage units if possible.

Remonstrators:

Julia Quigley stated her address is 7505 W. SR 2, LaPorte, IN.

Julia Quigley stated they weren't exactly sure what the property was going to be used for. There would be more neighbors participating if they understood that it was for storage facilities. Four (4) of the other neighbors that she spoke to were under the understanding that it was going to be used to store raw materials for the contracting business. They would like to see a site plan to get an idea of lighting and traffic in and out. They would also like time to table this to the next meeting so they can do more research and talk to neighbors. They all bought their homes knowing they would have privacy. Even though it is on Highway 2, they still have the privacy driving by, not traffic stopping. They are concerned about security and privacy. They would also like to research what statistics go hand in hand with storage facility.

Melissa Mullins Mischke asked if the other neighbors she is referring to are adjoining to this property or do they just live nearby.

Julia Quigley stated one neighbors is George Kouris who is on Zoom.

Melissa Mullins Mischke stated if all the adjoining property owners were notified, then they should be on the meeting or be here in person so they can learn more about it.

Julia Quigley stated George Kouris is on the Zoom.

George Kouris stated his address is 7723 W. SR 2, LaPorte, IN.

George Kouris stated he moved in when this place was a nursery next door. They had people constantly stopping at their house on a daily basis asking if they were the owners of that property. They had two policemen walk into their home late at night. They walked right in, unannounced because they were looking for someone. Now they have new neighbors. Agricultural is fine; commercial is not fine. Storage facilities around the country result in twenty-four (24) hour traffic, stolen merchandise being placed in the storage units at late hours of the evening, elevated crime rates in those areas, houses being broken into nearby because of the excess traffic, meth labs going up inside the storage units themselves. If you go online, there are lots of things that are negative about storage units. He doesn't need that type of headache.

Julia Quigley stated that since it is zoned Agriculture that it would be more relative if something agricultural would be put up there.

Jack McDonnell stated he understands the concerns. That's why they are bringing it before the Board. It is more of an exploratory project at this point. There are six (6) acres there. It is set down below the road so it is less visible, especially with the proper landscaping put in. It would be screened and wouldn't be visible. He understands people don't want to be looking at storage units. As far as statistics for crime and all that he is unsure. He used to run a storage unit himself and did not have those issues, especially for a smaller one like this. He understands about the lighting concerns. Lighting would have to be approved through the Building Department to not contaminate or encroach on other peoples' property.

Melissa Mullins Mischke asked how many units they plan to do.

Jack McDonnell stated that there were six (6) buildings of various lengths on the site plan. The plan is not to do all of them at the same time, but to see what would be possible, feasible, and if it's useful.

Melissa Mullins Mischke asked how many individual storage units are they looking at.

Jack McDonnell stated they would be between one hundred to one hundred and fifty (100 – 150) units.

Melissa Mullins Mischke stated she sees the six (6) buildings, but does not see the units.

Jack McDonnell stated that is not noted clearly on the site plan.

Adam Koronka stated it is seven (7) buildings as he sees it.

Jack McDonnell stated that is correct. Looking at the property, Duneland laid out the site plan for them, but he doesn't believe they'd be able to fit one (1) of the buildings in there simply because of topography and they are not looking to change it significantly.

Melissa Mullins Mischke asked where the office would be located in reference to their plan.

Jack McDonnell stated the office would be in the current building and to their concerns, it would be annoying to a house nearby, but they could guarantee that they would put some very clear signage to direct people to the appropriate office so they wouldn't be bothered.

Melissa Mullins Mischke asked what their plan for lighting is. They are up against a residence on the West side. What will be the plan to keep light pollution away from them?

Jack McDonnell stated they do not have a formal lighting plan yet, but especially with how the property is set lower than the other properties, with a little landscaping and lights being directed appropriately there shouldn't be a lot of light pollution.

Melissa Mullins Mischke asked if the storage facility will be gated where only individuals with a pass or code can get in.

Jack McDonnell stated it certainly could be. That is being considered.

Glen Minich stated he is concerned about water retention. They will have a lot of gravel and a lot of roofs. Is there a water retention project in this?

Jack McDonnell stated there is an existing water retention pond and it is noted on the site plan. That would be remaining or slightly expanded.

Melissa Mullins Mischke stated they are going to vote tonight on whether or not this property can be approved for this use. MS4 and water run-off will be handled by the County MS4 office and any of the other permits would go through the Building Department. Their focus tonight is on the use of the property.

Greg Szybala stated the site plan is what is proposed, not written in stone.

Jack McDonnell stated that is correct. This is early stages, but they were looking at even the possibility before they invest a lot of time and money in it.

Melissa Mullins Mischke stated she would like to see something more firm. Seven (7) buildings plus the office or eight (8) building plus the office and they don't know what they are going to do for lighting. They are considering security plans in being place. She would like to see more definitive plans before she were to grant something of this nature.

Dwayne Hogan stated a more detailed plan would be a good idea especially with the traffic flow there too.

Jack McDonnell agreed.

Greg Szybala stated not just the number of buildings, but the number of units within the whole complex.

Dwayne Hogan stated he agreed with the addition of a complete layout.

George Kouris stated he spent eleven (11) years on the BZA in Lowell, IN before he moved to LaPorte. This is another situation where people have bought property with the intent to do something before coming to a Board and asking if it's feasible. It takes the neighbors and a neighborhood situation and turns it upside down. A lot of times this stuff gets rammed through, not in this case, but he is just stating it does happen. Ultimately, the people that are around pay the penalty of having something forced upon them. Please give the neighbors the opportunity to say this is not what they want for this area.

Dwayne Hogan stated he would like to see a detailed plan.

Greg Szybala agreed.

Glen Minich stated the petition is between two different people. They haven't purchased the property. They are asking us before the purchase the property.

Ashley Kazmucha stated it is under land contract right now.

Melissa Mullins Mischke asked if this is currently under land contract; do they own the property yet.

Jack McDonnell stated yes, it is under land contract. This land was not purchased for building storage units. It was purchased for the construction business to house their office there and a few pieces of equipment which is how it is being used now. This was just an idea for using unused land that is overgrown and undeveloped right now and turning it into something useful. It was not bought with that intent.

Melissa Mullins Mischke asked how much time would he need to bring back a detailed plan to the Board and present that to them in terms of more information on security, lighting, layout, number of units, traffic, etc.

Jack McDonnell stated he would think optimistically one (1) month, but realistically two (2) months to get the appropriate people to study that. It is quite a few things that need looked over.

Melissa Mullins Mischke asked if April would give him enough time for that.

Jack McDonnell stated that would be good.

Melissa Mullins Mischke stated that would be April 20th.

Adam Koronka made a motion to table to April the Petition for Variance of Use for Woodruff Karin Trust % Marvin Miller RLC to operate a storage facility. Will retain front office, rear pole building, and build new structures for the business. The property is located at 7657 W. SR 2, LaPorte, IN., New Durham Twp., zoned A on 6.302 acres. Parcel 46-09-14-326-003.000-027.

Dwayne Hogan seconded.

All Approved. Motion passed 5-0.

6. Petition for Special Exception for Timothy J Kolar (seller) and Timothy & Sara Welsh (buyer) to operate a campground. Plans include the addition of cabins, a bath house, a playground, a rope's course, and a water slide. The property is located at 7397 E. Emery Rd., New Carlisle, IN., Hudson Twp., zoned A on 33.7 acres. Parcel 46-04-20-300-018.000-050.

Attorney Biege stated notice is adequate.

Sara and Timothy Welsh stated their address is 20089 Darden Rd., South Bend, IN.

Melissa Mullins Mischke stated they currently live in South Bend. Do they own this property currently?

Timothy Welsh stated no, it is under contract. They do have the intention of using it as their home as well as the camp.

Melissa Mullins Mischke asked about the amount wetlands and if there is peat on the property. How many acres of wetlands are on the property?

Timothy Welsh stated he is not sure of. He knows there are some parts of it, but the total property is about thirty-four (34) acres, but it is rolling as far as hills. He does not have a clear answer for how many acres are considered under wetlands. There are some lower lying areas throughout the rolling property.

Melissa Mullins Mischke stated their plan is to construct zip-lines and playgrounds. Do they have a builder or somebody that specializes in rope lines that you have in mind?

Timothy Welsh stated not at this point. As far as their building phase process, that is quite a bit along in the process. Given approval that may be years in the future as far as construction is concerned.

Melissa Mullins Mischke asked what Phase 1 would be?

Timothy Welsh stated there would be a rustic small ratio as far as children to adults as far as who they are serving. Much of the property has about six (6) buildings and their first phase would be to get those remodeled. For example, there is a pole barn that currently just has a dirt floor for a foundation. That is a space they'd like to turn around and use for multi-purpose such as a cafeteria. That is a part of their building phase that they are not at right now.

Adam Koronka stated that as a Board and the public as well are looking for more description as to the intent of the business. The Board has been contacted a lot regarding this matter. There has been a lot of email traffic that has come through the Building Commissioner's office relative to campground versus children's camp. Going back to the beginning and explaining exactly what the intent of the business is would be a great start.

Timothy Welsh stated their business is incorporated in the State of Indiana since 2017. They are a not for profit 501(c)(3) religious camp ministries. Their intent is not to build an RV campground on that particular space. They want to be able to reach out to the local community and bring in churches, schools, and children for summer camp programming. Their intent is mostly throughout the summer months and bring them in typically throughout the week Monday – Friday and perhaps one night where they would stay over. At this point, they would be at tent camping capacity as far as sleeping arrangements.

Melissa Mullins Mischke asked if they operate another facility like this one in the area.

Timothy Welsh stated no, at this point they use a nearby facility. For example, a church would contract them and they would do the programs. Their intent is to take the next step in their camp by having a place that they can come to instead of them going to others.

Melissa Mullins Mischke asked for more elaboration of the first phase of the project.

Timothy Welsh stated there is currently a two-story home that would serve as their office and residence. There are two larger barns; one is a longer pole barn and the other is a wood frame barn. There are some other existing out buildings as well. Much of those are in some need of repair. They have been through the appraisal and the inspection so they knew what they would be getting in to. Their first phase is to be able to address some glaring problems with them and eventually update them. Not all of them have electric so whatever spaces they are looking to use, that they would be able to survey and see if septic and water is feasible, would be remodeled.

Glen Minich asked how many campers do they expect to have. Do they have a capacity in mind?

Timothy Welsh stated over the summer they would expect one to two hundred (100 – 200) and that would serve for about the three (3) months of operation.

Sara Welsh stated those numbers would not be this year or next year; that would be a few years from now when they would be able to hire staff and house them the way they would want to. There is a longer vision.

Glen Minich asked how many campers will they have on a daily basis; what is the expectation?

Timothy Welsh stated he expect no more than twenty (20); two groups consisting of ten (10) boys and ten (10) girls. No more than about ten (10) to a group.

Adam Koronka stated he is looking at the original sketch on the beacon image. There is a bath house and a water slide adjacent to the small pond that is on the property. Zip lines running through what is currently marked as wetlands and parking to the rear. The rear being the North side of the property. How firm is this in their image right now? Have they gone and considered what the land is capable of accepting in regards to this layout?

Sara Welsh stated they have not.

Adam Koronka stated that by looking at it, the current placement of the bath house is cause for concern as well as the non-permeable surface of the parking lot being close to the land owners to the North that also have mapped out ponds and wetlands. He looked at them personally and does not think they encroach as much as Beacon shows that they do, but they would need to go through some level of due diligence in order to consider that and that may be more MS4 than BZA.

Michael Polan stated MS4 would be concerned with the setbacks in the vicinity to wetlands as well as anything going into the wetland. Any type of fill, construction, anything like that. It's not just MS4, but also Army Corps of Engineers jurisdiction. MS4 serves as the local first contact.

Melissa Mullins Mischke stated to the remonstrators that she is getting ready to ask for remonstrators and she would ideally like to have a consensus of comments and not hear the same concerns repetitively.

Remonstrators:

Ashley Kazmucha read off chats from the Zoom:

“No Campground – We have a petition with 140 signatures opposing this. It's not just the traffic from the campground that is concerning, it is the already overpacked beach and lake. Being a nonprofit, how does the County raise the funds to service the extra needs? We don't even have a fire department here in Hudson Lake. They don't even have the funds to purchase it, yet they have a GoFundMe page to get the loan. How can they maintain a business of this magnitude without the funds to even purchase the place?”

“Chrissy Corley – Local Hudson Lake residents don't want this!”

“These people are scammers looking for a free place to live under the pretense of a church camp.”

Melissa Mullins Mischke stated if anyone has something additional to add other than what they have already heard, please state their name and address for the record.

Ryan Weber stated his address is 8242 N. 700 E., New Carlisle, IN.

Ryan Weber stated he lives right down the road from this property. His question to the Welsh's is if this petition is contingent on them buying the property. What would be the impact of the hunting and recreational shooting in the area next to a children's camp? He submitted most of his questions through email to Ashley Kazmucha. Another question he has is what the limitation or restrictions if this camp is approved. From everything he has read online there are no real limitations or restrictions for a campground. It's under a County petition as they are now and as soon as it is approved, they can do as they want. There are things that can be put in amongst the Board, like rules, but in the grand scheme of things it is open ended. He thinks that is detrimental to the small community they live in. It is detrimental to their property values. They moved there to have a small community. It's a nice rural area. Hearing them answer questions that they don't really have any plans makes it seem like if it is approved, they are being given a key to the kingdom without limitations on anything. It would be reckless for their residents and community to let this go through. If it is going to be a small community camp with five to ten (5 – 10) kids a year, he is not opposed to that, but there are no limitations to this in writing. It's open ended and that scares him on the situation.

Melissa Mullins Mischke stated they did receive multiple emails regarding this and the petition with all the signatures. The Board members all did receive that at some point.

Karen Fitzgerald stated her address is 8267 E. Elm Ln., New Carlisle, IN.

Karen Fitzgerald stated she is concerned of the population; in the summer it gets very crowded with tourists. Concerns about whether the kids will stay on the campground or will be able to go down to the public beach because the beach is so overpopulated now as it is. Those are some of her concerns. She doesn't have an issue with it being a church for kids; she thinks that's is great. She is concerned about the population. She also agrees with Mr. Weber about their taxes and what it will do to the small community.

Sharon Johnson stated her address is 7512 N. Oriole Ln., New Carlisle, IN.

Sharon Johnson stated her family has been out there one hundred (100) years. They have watched the community get more and more crowded. They have all paid their taxes all these years and she is assuming that by them being a non-profit they will try to be tax exempt.

Ryan Weber stated he submitted fifteen (15) questions through email and was advised that they would be discussed.

Melissa Mullins Mischke stated they will address those for him.

Ashley Kazmucha reads more chats from the Zoom:

"Our community just had an incident where a child molester took a group of young girls into his property and took advantage of them. This place is just an open invitation for another monster to have access to our area. We want to protect our children and our grandchildren."

Lucinda Pavolka stated her address is 8105 N. 750 E., New Carlisle, IN.

Lucinda Pavolka asked where would the entrances and exits to the campground be and what changes will they expect on the dirt road and on Emery to allow for this traffic.

Dwayne Hogan asked questions from Ryan Weber's letter. How many people are allowed for said camping at one (1) time?

Melissa Mullins Mischke stated to answer these questions during the initial phase and down the road. How many kids are they talking at the start and then at the optimum capacity that would be between the one hundred to two hundred (100 – 200) mark. What is going to happen in the near future should this get approved?

Sara Welsh stated that this year they would like to do some campfire nights. They are looking to have a couple families out; maybe three to five (3 – 5) families. That would be once a month. That's what they have planned so far. They would like to do a camp day where they invite a couple families. This would have more kids involved with about five to six (5 – 6) families. They

still have a small fan base. This year they don't expect more than thirty (30) people at a time. Moving forward, they would expect less than that for a weekend of camp.

Timothy Welsh stated their business model has smaller groups that way it is more impactful for being able to reach kids. There will be more quality time with them rather than a larger number would allow.

Melissa Mullins Mischke asked Attorney Biege if he could speak to any of the regulations in regards to campgrounds or the 501(c)(3) for tax exemption on the property. She wants to ask questions about counselor qualifications and things of that nature that may be out of their scope.

Attorney Biege stated the County does not have any rules regarding campgrounds nor any regulations or enforcements in that type of business. It's pretty wide open frankly. As far as them being a 501(c)(3), if they submit the property application to the Assessor's office, they will be tax free.

Timothy Welsh stated that they are currently buying this property as Timothy and Sara Welsh. It is not under their business.

Ryan Weber stated tax exemption can be filed later and as Attorney Biege stated, under the County provisions of this campground, there are no regulations. The Welsh's can state what they want, but they can do whatever they want and that's his issue.

Karen Fitzgerald agreed.

Melissa Mullins Mischke stated they understand that. That's why they are asking these questions.

Ryan Weber asked the Board if the Welsh's have submitted a building plan. They speak about it, but when they are asked questions, they don't really have any answers.

Melissa Mullins Mischke stated there are so many questions they have and right now they do not have enough information. There's a lot of, "We'd like to do this," and "We want to fix up some buildings," but there isn't any concrete information that either the Board or the remonstrators are receiving that are making them feel good about this petition and approving it tonight. She would like to see them come back before the Board with something more detailed than a sketched map with a parking lot over what is probably a wetland or near to one. She would like to see more details. What exactly is Phase 1? Are you planning on having individuals that are counselors that are certified from church organization or something that is affiliated with their business that they are not even seeing here? There is not a business name presented. Those are necessary before they can even look at the realistic aspect of that. Then Phase 2 would need developed. When they mentioned campfires, she is immediately nervous because there is peat in that area. It burns. Safety is a real concern. Her red flags are going up all over the place. She does not speak for the entire Board, but her feelings are that if she were to vote on this tonight, she would vote no to it. Or it may be easier for them to table this for a month or four (4) months and get some concrete information before presenting it again to the neighbors, potential neighbors, and the Board.

Dwayne Hogan stated it would be prudent for them to have a very detailed business plan of what they want. They may want to seek the counsel of an attorney even and help them put it together the right way. It would help make it fly a little easier so the legal stuff is put together at the same time.

Adam Koronka stated in research and in some of the conversation tonight, Army Corps of Engineers is relative to the zip line impacting wetlands. In talking about playground equipment certifications for how these will be built. This is not a home recreation. This is for other family's children. All of those things need to be included in that business plan in order to protect the Welsh's as well as the surrounding communities that would be affected by this. It is all in support of having a good business model.

Dwayne Hogan suggested they seek legal counsel on this. That is their recommendation right now.

Melissa Mullins Mischke asked the Welsh's if they are interested in proceeding with a vote this evening or would they desire to be tabled for a period of time so they can straighten out some of these questions and come back with a solid business plan and proposal.

Sara Welsh stated they are looking to buy this personally and they are looking to slowly develop it. She feels like she shouldn't have to ask to buy a home for them to buy personally.

Dwayne Hogan stated it's not a personal home. It's going to be a business plan. They are doing this for a business. There has to be some thought going into this. He thinks legal advice would be best for them.

Ryan Weber stated the petition is to re-zone this prior to the purchase of the home.

Sara Welsh stated it is no re-zoning.

Ryan Weber stated it is a petition to do a variance of the zoning.

Attorney Biege stated point of order. Comments are supposed to be directed to the Board. Each side has had an opportunity to say their piece.

Melissa Mullins Mischke asked if they are willing to work on their business plan and bring it back in a period of time or do they want them to vote.

Sara Welsh stated they have a business plan. She can email it to the Board. They have a business plan.

Melissa Mullins Mischke stated that as a Board member, she has not heard any of their firm business plan. She is in favor of tabling this matter. Or they can out it to a vote if they would like. How would they like to proceed?

Sara Welsh asked if there are any other questions that they are allowed to answer.

Melissa Mullins Mischke said there is a myriad. There are very large amounts of questions they haven't gotten to.

Adam Koronka asked if it would be fair to pass on the questions, not for an immediate response but so they may use them to help build their plan for a more substantial approach to them if it is tabled.

Dwayne Hogan stated the plans should include what they are going to ask for. That's why he suggested legal counsel so they can put it together the right away and let them present it because there a lot of ramifications involved. They are talking about kids. Everything brought up was a valid point including the playground equipment, the wetlands, the camping. They are beating up a horse here for nothing for them to vote on tonight. There is nothing proper for them to look at. It is very inadequate right now.

Adam Koronka and Melissa Mullins Mischke agreed.

Dwayne Hogan stated the vote tonight would go nowhere so if they're smart, they will seek the advice of the Board and go forward.

Adam Koronka stated it is fair for them to understand if they vote tonight and it is denied, it is a year to re-file.

Melissa Mullins Mischke stated the discussion they had was that there are so many concerns and if they had a business plan, they don't feel it has been relayed to them as a Board. If they want them to vote this evening and the petition is approved that is one consideration, but if they vote and it is not approved, they cannot re-apply for one year. The third option would be to table the matter for a month or two (2) until they have a structured business plan that they can present to both the Board and the remonstrators would have additional information as well.

Glen Minich stated it is a good idea. It is a lot to absorb the way they are doing this and if they can get them all the issues the remonstrators have, they could clear a lot of them up. They could identify if there is peat on the property and identify and make a map where no campfires would occur. That is what they are looking for, a more detailed plan of the property. Not so much a business plan, but their plan for the property and the use. Done right, it could be presented well and the remonstrators would understand what they are doing.

Sara Welsh stated they haven't moved forward because they don't own it. They didn't do a lot of detail or people surveying because they are just asking for permission to do what they want to do.

Glen Minich stated it does make it difficult for them, but is something that will have to be done for the Board to be able to approve it for them.

Timothy Welsh stated they want to have it tabled and look to bring it back before the Board and have an opportunity to get information out to the neighbors and anyone else who has concerns.

Melissa Mullins Mischke asked what time frame they would like.

Timothy Welsh stated one (1) month so the next meeting in March.

Melissa Mullins Mischke stated March 16th. Are they sure one (1) month is going to be enough time?

Timothy Welsh stated yes.

Dwayne Hogan made a motion to table to March the Petition for Special Exception for Timothy J Kolar (seller) and Timothy & Sara Welsh (buyer) to operate a campground. Plans include the addition of cabins, a bath house, a playground, a rope's course, and a water slide. The property is located at 7397 E. Emery Rd., New Carlisle, IN., Hudson Twp., zoned A on 33.7 acres. Parcel 46-04-20-300-018.000-050.

Adam Koronka seconded.

All Approved. Motion passed 5-0.

7. Petition for Variance of Developmental Standards for Kenneth & Mary McAtee for placement of a mobile home. Last renewed February 21st, 2017 for three (3) years renewable. The property is located at 7421 E. Point Rd., New Carlisle, IN., Hudson Twp., zoned R1B on .336 acres. Parcel 46-04-29-327-014.000-050.

Attorney Biege stated notice is adequate.

Debbie Jurkowski stated her address is 7401 E. Point Rd., New Carlisle, IN.

Debbie Jurkowski stated she is their daughter and she has come to all of the variance meetings for her parents as they are in their eighty's (80's) so she has been at all of them.

Melissa Mullins Mischke asked when was the first time the mobile home was installed at this address.

Debbie Jurkowski stated 1972.

Melissa Mullins Mischke asked if the mobile home has been upgraded since 1972.

Debbie Jurkowski stated there have been improvements over the course of the years. There is a basement that was added on in the front of it since at least the eighties (80s). A porch has been added on to that. That was done in the early nineties (90s). She doesn't know exact dates.

Melissa Mullins Mischke asked if she lived West of the trailer.

Debbie Jurkowski stated that is correct.

Melissa Mullins Mischke asked if she takes care of her parents.

Debbie Jurkowski stated she does. She helps out. She takes them to all of their doctor's appointments. Her father has had lung cancer twice and had half a lung removed on each side. He has COPD. They do okay. He has gone down in the last ten (10) years, but they do okay.

Melissa Mullins Mischke asked if they currently live in the mobile home.

Debbie Jurkowski stated they are not. Currently, they are in Missouri and stay with family there in the winter times. Family lives right next door that can help them while they are there. Otherwise, they are normally here. They go a couple months in the winter time. It has been longer this duration because of COVID and their fear of traveling home and having to go in public places. They are on a list for the vaccine currently.

Melissa Mullins Mischke asked what their primary residence is.

Debbie Jurkowski stated Indiana is their primary residence.

Remonstrators:

Michael Polan stated that he did have remonstrators call the office. They are not present. They were against.

Melissa Mullins Mischke asked what year is the mobile home.

Debbie Jurkowski stated it is a 1972 and it was put there in 1972. She also believes that the person that called in to the office spoke to her and there was a misunderstanding. She had offered to sign off on the paper. It was suggested to her to certify mail the notices, but she approached her after the fact. She told her what the misunderstanding was and it was cleared up. She said she would be happy to sign off on it. She is just letting the Board know that.

Adam Koronka stated that he reviewed property in person and it is very evident that although it is a mobile home it is no longer mobile as it is attached to a basement and two other structures. It is also in dire need of repair. There are eaves visible as it looks like a tree feel on the East side of the structure closest to Hudson Lake.

Debbie Jurkowski stated that fell in January and they do have to get it fixed.

Adam Koronka stated there are other issued with broken windows and the fireplace that is on the actual mobile home. Although they may be outside of their jurisdiction to some degree, it is cause for concern.

Melissa Mullins Mischke stated they would like to see the property cleaned up.

Debbie Jurkowski stated the damage on the roof was a tree branch. The tree is right next to there and you can see where it broke off. It happened in January. It happened recently and it will be fixed immediately. They do try to upkeep and take care of everything that is done and try to do it in a timely manner.

Glen Minich stated they have been coming back and they have been renewing this. They don't want to displace any seniors. They certainly are concerned. Are they using the fireplace in the mobile home?

Debbie Jurkowski stated no, that has not been used for years. That question was asked the last two times she has come before the Board as well. It has not been used for years. Originally, it was used in the seventies (70s) and eighties (80s) on a regular basis. There was even a wood stove inside in the eighties (80s) that piped out the chimney. It had issues and when the wood stove was removed it was never used again.

Glen Minich stated they are using it for senior dwelling. They don't want to displace them, but they like to say they would not likely allow somebody else to purchase this and dwell in it.

Melissa Mullins Mischke stated absolutely not and is certainly discouraged.

Debbie Jurkowski stated that is never the intent. It is to remain there for them and should something happen to them, then they would never sell that as is with the trailer on it.

Dwayne Hogan asked if she intends to have it cleaned up before they come back home.

Debbie Jurkowski stated the hole from the tree limb, yes. She heard them mention the chimney, but couldn't hear the other things as the feed broke up.

Adam Koronka stated a broken window.

Debbie Jurkowski asked where the broken window is at.

Adam Koronka stated it is facing the road closest to her house. It looks like it may have been taped, but it is definitely spiderwebbed.

Debbie Jurkowski stated they have tried to fix that window. She can try again. If anybody has a recommendation on where she can get it fixed, she would love to hear it. She has had a difficult time trying to fix it and finding somebody who will fix it. She has no problem fixing it, she just needs a person to fix it. She has been to quality glass and other places.

Dwayne Hogan stated he applauds her efforts on taking care of the seniors and they have to keep that in mind. The petition was last renewed three years ago, but he'd like to renew it for a year so they can come back and everything can be fixed before then.

(The last renewal was four (4) years ago. The petition was filed one (1) year late.)

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for Kenneth & Mary McAtee for placement of a mobile home for one (1) year renewable. The property is located at 7421 E. Point Rd., New Carlisle, IN., Hudson Twp., zoned R1B on .336 acres. Parcel 46-04-29-327-014.000-050.

Greg Szybala seconded.

All Approved. Motion passed 5-0.

8. Petition for Variance of Use for Matt Kosco (purchaser) and Lighthouse Church LaPorte County, as successor in interest to Vineyard Church of LaPorte, Inc. to allow packaging of powder products. The property is located at 2699 N. Hwy 39 a/k/a 2710 N. Kuchar Dr., LaPorte, IN., Center Twp., zoned R1B on 3.73 acres. Parcel 46-06-23-152-006-000-042.

Attorney Biege stated notice is adequate.

Dave Ambers stated his address is 601 State Street. He is present with the petitioner and perspective purchaser, Matt Kosco.

Dave Ambers stated Mr. Kosco is in the process in attempting to purchase what has most recently been the church building on Highway 29 just North of the old railroad viaduct. Prior to being a church, it was exactly what he wants to do, a material packaging facility. His client has a business in Illinois that he would like to move here. They package food-grade and medical-grade powders. They have an FDA license that has to be renewed and requires inspections at a minimum of every two (2) years. They would like to move back to this business. They would have approximately one (1) truck per day. There is an old bay for a truck to back into that they are trying to resurrect. It was filled in when they church took over so the truck traffic would be limited to coming right in of Highway 39 and not traverse all of Kuchar Drive. His client is present for any questions they may have.

Adam Koronka stated that with being a powder packaging company, he anticipates some level of abatement regarding air permits, dust collection, and things in order to prevent excursion from the building. What facility changes are expected to go with these changes?

Matt Kosco stated they currently use self-contained dust collectors. The mixing is done and then the filling is done which doesn't yield very much dust, but there may be some in the bag area. The dust collectors collect them. It falls down into a can and the can is put out with the regular dumpster.

Adam Koronka stated they will not have any outside unit or anything like that, but more local.

Matt Kosco stated they do not use that in Chicago where they are at. It has been fine with the environment and the way they do it with the City of Chicago. They like it that way. They don't admit anything into the outside air.

Adam Koronka asked if they have any intended screening methods. Right now, there are codes for buffer zones and walls in order to mask the perimeter of the building since they are bordered by R1B residential.

Matt Kosco stated they don't have any intention of doing that. They don't know if they would need to do that. The FDA when they inspect just want a secure facility. Some people make it secure by putting a fence around the property and locking it, but he doesn't think it is necessary and hasn't been forced upon them at all as long as the building is a secure building. Are they asking about security or a landscape buffer?

Adam Koronka stated a landscape buffer.

Matt Kosco stated there is plenty there already, but he has no problem with landscape buffers. That is no problem.

Adam Koronka asked what the hours of operation would be.

Matt Kosco stated currently, for the last four (4) years, they have operated Monday – Friday 7:30 a.m. to 3:30 p.m. or 7:30 a.m. to 4 p.m. or 8 a.m. to 4:30 p.m. Usually the hours are varied for the workers if they want to go home earlier in the summer they start earlier. They haven't worked weekends in a very long time. Eight (8) hours a day, five (5) days a week is what they run at. They are not a huge operation. It's like a mom and pop. It's a niche market with their topical and medicated powdered.

Adam Koronka asked what their anticipated employment is. How many people does he intend on staffing?

Matt Kosco stated ten to fifteen (10 – 15) employees.

Melissa Mullins Mischke asked if any of the employees are local to LaPorte County.

Matt Kosco stated one (1) of them grew up here, but the QA Manager and Manager would probable come with, but the others he would hire locally as he doesn't think many of the current workers would want to travel from the South side of Chicago to over here.

Melissa Mullins Mischke asked him to repeat the hours of operation.

Matt Kosco stated 8 a.m. to 4:30 p.m., give or take a half-hour on either end.

Melissa Mullins Mischke asked 7:30 a.m. to 4:00 p.m. or 7:30 to 5:00 p.m.?

Matt Kosco stated 7:30 a.m. to 4:00 p.m.

Melissa Mullins Mischke asked if there is an existing sign there that they want to use.

Matt Kosco stated part of the contract stated that they can have the sign that is there and they want to put the name of the company on the corner.

Melissa Mullins Mischke stated they are going to use the existing sign. Is it lit?

Matt Kosco stated yes.

Melissa Mullins Mischke asked what size the sign is.

Matt Kosco stated about four feet by four feet (4' x 4') or five feet by five feet (5' x 5'). It is on a pedestal.

Remonstrators:

Patricia Bell and Terri Yahrmatter stated their address is 2701 N. Kuchar Dr., LaPorte, IN.

Melissa Mullins Mischke asked what her concerns are.

Patricia Bell stated they already talked about the hours of operation and that there will be ten to fifteen (10 – 15) employees, but her concern is if there is a change of heart and they want to increase how much traffic would there be if they went to three (3) shifts or just two (2) shifts. What are any noise levels; the neighborhood is very quiet. There was a proposed one (1) truck a day, but she is assuming that is dropping off the dry powder. What about picking up the packaged items; how many trucks? Depending on the size of the trucks, will the trucks try to use that parking lot for a turnaround and get stuck which end up blocking the road. They said there was a bay off of Highway 39, but is that the only way that they would access from the truck deliveries. There is also a school bus that comes in and picks up two (2) kids in that parking lot. Would that have to change: would other arrangements be needed? How would this affect property values?

Melissa Mullins Mischke stated that with the hours of operation they were given, that takes a third and second shift off the table. Is that true?

Matt Kosco stated he does not see a second or a third shift happening only because they have excess capacity on their equipment right now. He would have to run all three (3) production lines eight (8) hours a day and they're only running approximately one (1) line a day right now. He doesn't see a second and definitely not a third shift, but he doesn't think a second either.

Melissa Mullins Mischke stated just so everyone is clear, should they approve the petition, the hours of operation that they give them right now are the hours of operation that the business can operate. Not outside of those hours. 7:30 a.m. to 4:00 p.m. are going to be the operating hours of the establishment. They would have to come back before the Board to change those hours.

Matt Kosco stated he understands and 7:30 a.m. to 4:00 p.m. is fine.

Melissa Mullins Mischke asked what time frame do they have for deliveries to see if that may work with the school bus.

Matt Kosco stated he doesn't know when the school bus comes, but deliveries are normally scheduled between 9 a.m. to 2 p.m. and that's about it. They don't take much before or after that. Truck drivers sometimes don't stick to the schedule and they might show up a little earlier.

Melissa Mullins Mischke asked how many trucks a day do they expect with deliveries in and out.

Matt Kosco stated when he says one (1) truck a day, for example, last week they had one (1) truck all week. This week they had one (1) truck so far. Next week, they will have a truck every single day and maybe on one (1) or two (2) days there might be two (2) trucks. On average, it's one (1) truck a day.

Melissa Mullins Mischke asked about noise pollution from the plant. How loud is the operation and is it really going to impact the neighbors?

Matt Kosco stated he is in a residential now and he has been there for thirty-two (32) years. Nobody has ever complained about the noise. The plant can't be heard running when it is. The equipment is not loud at all. They do have a compressor that runs, but they plan on putting it on the West side of the building. He doesn't think anybody would hear it. It's a screw type compressor; it is not a very loud one. That's the loudest piece of equipment that they have and it is housed to keep the noise down.

Adam Koronka made a motion to approve the Petition for Variance of Use for Matt Kosco (purchaser) and Lighthouse Church LaPorte County, as successor in interest to Vineyard Church of LaPorte, Inc. to allow packaging of powder products. Hours of Operation are Monday through Friday 7:30 a.m. to 4:00 p.m. They will maintain the existing lit sign for the new business. The property is located at 2699 N. Hwy 39 a/k/a 2710 N. Kuchar Dr., LaPorte, IN., Center Twp., zoned R1B on 3.73 acres. Parcel 46-06-23-152-006-000-042.

Dwayne Hogan seconded.

All Approved. Motion passed 5-0.

2. 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.

Walter Smyers stated his address is 220 Elm St., Michigan City, IN.

Melissa Mullins Mischke asked what is unique to this situation making it necessary for him to dwell in an RV temporarily.

Walter Smyers stated they didn't plan to be out there. They had another place where they were and in the middle of him buying this property and then all the stuff that happened when they started moving over, they lost the place they were at. They put the camper out there which was supposed to be temporary, which would be anyway as they intend on building a house. Under the circumstances, they had to do what they had to do. He is trying really hard to get them in a better place with it than what it is, but it is what it is for the moment.

Melissa Mullins Mischke asked how soon they are planning to build at that location.

Walter Smyers stated that in spring, they hopefully know where they want to build the home and do everything they need to do.

Dwayne Hogan asked how long of a variance is he asking for for the RV; a year or two (2) years?

Walter Smyers stated they were looking for a year at most. Under the circumstances, he does not know how long it will take if he has to come back in a year afterwards. Hopefully they will have a house by then. He's not sure what he's doing, but they're doing the best they can with it.

Remonstrators:

George Shafer stated his address is 9754 N. 500 W., Michigan City, IN.

George Shafer stated he also owns the property right adjacent to the one in question with the trailer, 9722 N. 500 W. Both properties adjoin to the property with the trailer on it.

Melissa Mullins Mischke asked what his concerns were.

George Shafer stated he feels like he is the bad guy here. It is not legal to put a trailer on an empty piece of property and live in it. He believes that's true. Someone in LaPorte County gave Mr. Smyers permission to move onto that property and run a generator since November 10th. He is listening to it and the people living next to him are listening to it. He thinks the right way of doing it was to come and ask for the variance, get the variance, and then move on. The other problem he is having is that even though Mr. Smyers wants to be apart of the neighborhood, he doesn't want to be neighborly. He never walked over to the property because at the end of the driveway are two signs that say, "Warning, No Trespassing," and there is a third sign he hasn't gotten close enough to read. He didn't get an invitation to last month's meeting. Apparently, there was a late paperwork sent in December and last month when he showed up, no one was here. The meeting was cancelled. He has gotten no paperwork from anybody on any of that.

(Mr. Shafer showed up in person at the December meeting and was told by Annemarie Polan before the meeting that they would be tabled. He did receive proper notification and was sent a Zoom invite to the following meeting on February 5th.)

Melissa Mullins Mischke asked if he was moved to this month. We tabled his petition from last month to this month.

George Shafer stated he didn't get a notification. He got it when he got here. He has been given permission to put a trailer and live in it. Someone told him he was allowed to. Somebody from the County told him he was allowed to

Dwayne Hogan asked who was it.

George Shafer stated Janet Cole. He talked to half a dozen people, secretaries, administrators, two commissioners, police, etc. Someone gave him permission verbally to move on then suggested to get a variance. He thinks it's backwards because now he's living next to a gentleman he doesn't know or ever met and he's the bad guy. If the Board members go home tonight, start a lawnmower, and put in their back yard, that's what he has been listening to since November 10th. The people who are buying the home right next to it at 9722, which he owns, had a verbal agreement with him last year that they would purchase the property after January. One of the things he does for his retirement plan is he is a property manager. This is one (1) of the last properties he has and as soon as his trailer pulled into the driveway, he received a text message that said, "O.M.G. Look at this!" and a picture of the trailer. Now instead of the original purchase price he is paying six-thousand dollars (\$6,000) in closing costs and he is putting enough pine trees to cover the view. From her kitchen, she is looking at a trailer camp. He's sorry; he feels bad where people have circumstances where people are out of work or don't have a place to stay, but he is listening to a generator and already out six-thousand dollars (\$6,000). He doesn't know what to do. He needs help and Mr. Smyers needs help as well.

Melissa Mullins Mischke asked Ashley Kazmucha if there was a complaint made which is how the petition came to the Board.

Ashley Kazmucha stated she was out with COVID when this arose, so she knows very little about it.

Michael Polan stated he has a note from the prior Building Commissioner that said that this RV was placed there without a variance. He thinks a citation was issued from his office that required them to then appear and apply for a variance.

Melissa Mullins Mischke stated they use the term trailer interchangeably and it's a possibility that there could have been a miscommunication that they had a trailer and not designated as an RV. All mobile homes require a variance. Last month they denied a variance for a motor home to sit in someone's driveway in Michigan City. They have a hard enough time trying to get mobile homes in mobile home parks let alone RV's in RV campgrounds. It's one of those things that they are not going to get a handle on and if they start now, it will just get more out of control. She is open to hearing what sort of questions the Board has.

Adam Koronka stated that from looking at the photos from the previous Commissioner, he sees that there are drain water caps and those sorts of things managing waste, but how are they managing the waste from residing on the property.

Melissa Mullins Mischke stated disposal is a good point.

Ashley Kazmucha stated the Health Department did go out there and investigated that and stated that they were okay with whatever they were doing.

Melissa Mullins Mischke asked if they have any information documenting that the waste removal procedure is acceptable to them.

Ashley Kazmucha stated there is a complaint summary.

Melissa Mullins Mischke stated apparently the Health Department went out and looked at the removal of waste since it is not in a campground where those types of facilities are provided for you.

George Shafer asked how the waste is being handled. The house at 9722 has a well in the back yard.

Adam Koronka will read the report into the record:

Upon inspection on January 7th, 2021 done by Julia Cuson: Met at site with property owner Larry Poole. He has a camper and a generator on the property. There is no well or septic system on the property. The sewer and water line on the trailer have both been capped. There are no signs of sewage on the ground. Mr. Poole allowed me into the trailer. I only checked the bathroom, which is not in use and is currently being used as storage. Where a couple bags of trash were sitting outside the trailer, Mr. Poole stated that he removes and disposes of the trash bags regularly. I took pictures of the trash bags and capped water and sewer outlets. Did not find any health concerns or environmental disasters on the property at the time of the inspection. Close file.

Adam Koronka stated if they see that there is no evidence at the moment, but they don't have evidence of how waste is being handled.

Dwayne Hogan stated the health concerns are running water and a bathroom. He is curious about that.

Greg Szybala asked Mr. Smyers if he owns the RV and has he purchased the property.

Melissa Mullins Mischke asked if Walter Smyers was present.

Ashley Kazmucha stated he is having connection issues and may not be able to respond currently.

Dwayne Hogan asked if Walter Smyers is there. He asked Attorney Biege what to do if the petitioner has dropped off.

Attorney Biege stated the petitioner has had his opportunity to present his case so to speak. They can go ahead and make a decision if they are so inclined.

Melissa Mullins Mischke stated she is.

Dwayne Hogan asked Walter Smyers if he is there.

Melissa Mullins Mischke stated having heard remonstrance, she will entertain a motion.

Dwayne Hogan made a motion to deny 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 stated he doesn't feel that it has met the health requirements or the living requirements to be there. He will have thirty (30) days to have it removed.

Greg Szybala seconded.

Walter Smyers stated he didn't get a chance to hear anything that was said. His phone is malfunctioning.

Dwayne Hogan stated they understand. They just denied his petition.

Melissa Mullins Mischke stated there is a motion on the floor to deny his petition and give him thirty (30) days to remove the RV.

Walter Smyers asked why was that.

Melissa Mullins Mischke stated it does not meet the health requirements in their opinion.

Walter Smyers asked as far as what.

Melissa Mullins Mischke stated running water and waste disposal. There is a motion and a second on the floor.

Attorney Biege stated point of order. The Board does not need to give explanations to people.

Walter Smyers stated he apologizes, he just missed what was said.

All Approved. Motion passed 5-0.

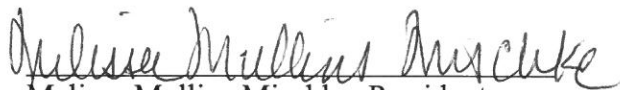
Melissa Mullins Mischke stated he has thirty (30) days to remove the RV from the property.

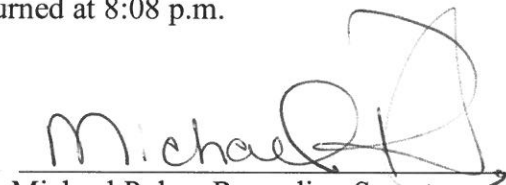
Melissa Mullins Mischke asked if there is any further business before the Board this evening.

Melissa Mullins Mischke asked Attorney Biege that he has been dealing with other Board and Commissions with the Zoom meetings. What are the ramifications in a situation where a petitioner is on electronically and they can't get response from them?

Attorney Biege stated there's not really a rule. The questions is did the petitioner get an opportunity to make the presentation. They are not entitled to a rebuttal although they typically allow them do so. If the petitioner does not have the opportunity to make their presentation to the Board, that's sufficient.

There being no further business, meeting adjourned at 8:08 p.m.


Melissa Mullins Mischke, President


Michael Polan, Recording Secretary