



**LAPORTE COUNTY
BOARD OF ZONING APPEALS**

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MICHAEL POLAN
Building Commissioner

March 16th, 2021

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **March 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.

APPROVAL OF MINUTES:

Melissa Mullins Mischke asked for approval of the meeting minutes of February 16th, 2021.

Greg Szybala made a motion to approve the meeting minutes of February 16th, 2021 as presented.

Dwayne Hogan seconded.

All Approved. Motion passed 5-0.

Petitions:

Dwayne Hogan made a motion to amend the agenda. Petition number three has withdrawn and petition number two will be postponed to next month. Petition number six, which is now five, will be moved up to number two as it will be represented by counsel. He made a motion to move Petition for Denny Follis to be moved to number two.

Adam Koronka seconded.

All Approved. Motion passed 5-0.

Dwayne Hogan made a motion to table Petition two for Special Exception for Kingsbury Elevator, Inc. represented by counsel Anthony Novak for chemical manufacturing and storage to

the April 20th meeting. The property is located on S Hwy 35 and E Hupp Rd., LaPorte, IN., Washington Twp., zoned M2 on 13.924 acres. Parcel 46-11-31-352-004.000-066

Adam Koronka seconded.

All Approved. Motion passed 5-0.

1. Petition for Variance of Developmental Standards for Mark A. Hortsman II and Terry L. McCaleb (Prospective Buyers) and Richard J. Bishop (Fee Owner) represented by counsel David Ambers for a residential lot property with one-hundred and thirty-seven feet (137') of road frontage in lieu of two hundred feet (200') of road frontage. The property is located at 1833 N. Forrester Rd., LaPorte, IN., Coolspring Twp., zoned R1A on 20 acres. Parcel 46-05-26-200-028.000-046.

Attorney Biege stated notice is adequate.

David Ambers stated his address is 601 State St., LaPorte, IN. He is joined by Mr. Hortsman and Ms. McCaleb who have signed a contract to purchase property at 1833 N. Forrester Rd, LaPorte, IN.

David Ambers stated the property is zoned R1A. They are anticipating purchasing twenty (20) acres. They are here because when the seller parceled off the surrounding land, there is only one-hundred and thirty-seven feet (137') left for the twenty (20) acre parcel of actual road frontage. The variance they are requesting is for less than two-hundred feet (200') of road frontage as it is one-hundred and thirty-seven feet (137'). He provided a beacon which showed the site his clients want to purchase and the proposed location of the home; it is out in the middle of the twenty (20) acres.

Melissa Mullins Mischke asked if they are going to split off where the home is currently and the north section is where the one-hundred and thirty-seven feet (137') are?

David Ambers stated that is correct. He wrote except on the map. They will line up the rear lines of the other two (2) lots adjacent. The larger lot in the middle is what the seller is keeping. His clients would be buying what is behind and to the north is the one-hundred and thirty-seven strip that leads back to the property.

Adam Koronka asked if the driveway access will be centered down the leg that is left to the north; the one-hundred and thirty-seven-foot (137') frontage.

David Ambers stated it will be right down the center.

Adam Koronka asked if it would be any wider than the standard driveway.

David Ambers stated his clients advised it would be a ten to twelve feet (10' – 12') gravel driveway.

Glen Minich asked how that lot compares to some of the other lots in the area. There are some lots to the west of Forrester Rd. that look like they are every bit as small. It looks like they didn't have two-hundred-foot (200') lots in those sub-divides.

David Ambers stated it does not appear that the lots on the west side of Forrester Rd. are. The seller, Mr. Bishop, parceled off the lots on the east side for his son and they were all two hundred feet (200'), but they didn't have enough frontage to leave two-hundred feet (200') for the twenty (20) acres.

No remonstrators present.

Glen Minich stated there is a preliminary of where the proposed house is and just because it is a narrow lot, it is nice when the home can be seen from the frontage. Is the home really going to be in the center of the lot and not having any line sight to the driveway?

David Ambers stated there may be a line of sight to the house. They have not picked the exact location of the home yet.

Melissa Mullins Mischke stated they are not going to determine that.

Glen Minich stated it's basically a flag lot. When you hide the home deeper within the lot you see the mailbox and the driveway, but you don't know where the home is. It's not a necessity, but it's nice for safety.

Melissa Mullins Mischke and Adam Koronka agreed.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for Mark A. Hortsman II and Terry L. McCaleb (Prospective Buyers) and Richard J. Bishop (Fee Owner) represented by counsel David Ambers for a residential lot property with one-hundred and thirty-seven feet (137') of road frontage in lieu of two hundred feet (200') of road frontage. The property is located at 1833 N. Forrester Rd., LaPorte, IN., Coolspring Twp., zoned R1A on 20 acres.

Adam Koronka seconded.

All Approved. Motion passed 5-0.

5. Petition for Variance of Developmental Standards for Denny Follis represented by Andrew Voeltz for construction of an accessory structure to the side of the home instead of the rear. The property is located at 314 Oak Dr., LaPorte, IN., Center Twp., zoned R1B. Parcel 46-06-27-326-006.000-042.

Attorney Biege stated he is looking at notice and does not see notice to the neighbors Fladeroot.

Andrew Voeltz stated he is looking at the notice that was provided to him regarding the affidavit of adjoining landowners based upon the pro se submission of this that was provided by the real estate office and/or Building Commissioner's office for five (5) individuals that were identified.

Attorney Biege stated that is correct and out of the five (5) individuals he does not see a consent or certified mail on Fladeroot.

Andrew Voeltz asked which one he is referring to.

Attorney Biege state Fladeroot would be number three (3) on the affidavit of adjoining land owners.

Andrew Voeltz stated number three (3) is Daniel S and Barbara A Sanders.

Attorney Biege asked if the land was possibly transferred.

Andrew Voeltz stated not as far as he knows and Anthony Novak represents Daniel S and Barbara A Sanders located at 321 Island Dr.

Anthony Novak stated that is true. He can confirm that they did receive notice and if not, they would boot away that issue.

Attorney Biege stated notice is adequate.

Andrew Voeltz stated he represents Denny M Follis in regards to his petition for variance of developmental standards that was filed on February 12th, 2021. At that point in time, he did file is pro se. Since then, he has retained him and he is seeking to have a variance of developmental standards granted due to the special circumstances on his lot at 314 Oak Dr. He is looking to construct an accessory structure to the side of the home instead of the rear. The map shows the rear of the property is completely consumed by water. He is seeking to construct what he had attached in regards to this accessory structure; a thirty-two feet by twenty-four feet (32' x 24') two (car) garage ten feet (10) from the home with a height of fifteen feet (15') on his property located south of Oak Drive and it would be to the west of his residence. There is currently an existing ten feet by twelve feet (10' x 12') structure that is there that will be moved across the street to the other lot that he owns on the lake side. He would like to then construct this detached structure that would require a variance for because it cannot be placed behind the home. He understands that there are some remonstrators present and they would be seeking granting of this variance request because it is not injurious to the public health, safety, morals, or general welfare of the community. The use and value of the area adjacent to the property involved will not be affected in a substantially adverse manner. Per number three of their analysis is the most important thing here because the strict application of the terms of the JZO would result in difficulties in the use of the property. Referring to Beacon or an aerial view of the property, he is simply unable to construct what he wants to construct toward the rear of the building which is what is required under Article 16 of the JZO. Therefore, he is seeking this variance with regards to developmental standards to allow for construction of that structure to the west of his property

just south of what is on his property as the driveway pad. They would ask that this petition for variance be approved tonight.

Melissa Mullins Mischke asked what the side setback would be.

Andrew Voeltz stated it would be ten feet (10'). If you were out to the property and saw the structure that is abutting the lot line is a ten-foot by twelve-foot (10' x 12') shed that is sitting right on the lot line. With it being a ten-foot (10') setback he is going to make sure that the structure that he is going to build will in fact be ten feet (10') of that lot line and he will not have to worry about any setback coming from Oak Drive or behind his property where there is a pond.

Glen Minich stated that one of remonstrators, who is not present yet, is his son and he lives within close proximity.

Ashley Kazmucha stated he is on the zoom.

Glen Minich stated he has no financial gain or anything so he would ask the attorney about this.

Attorney Biege stated that standard on a conflict of interest has to do with financial gain and not relationships so there would not be a conflict of interest in voting on this.

Glen Minich stated that when this lot was purchased there is a building site to the north, it is a two (2) piece lot. It's straight across the road to the north where there is barren sand in the aerial, but he probably doesn't want to put up a garage and block his view.

Andrew Voeltz stated that he is absolutely correct. He could potentially do that and that is something that Attorney Novak and he discussed as far as potential alternatives here, but it would be his position that he would prefer to keep it on his main lot for lack of a better description. The two lots that are together there, being lot fourteen (14) and fifteen (15) as opposed to placing the structure where it would then face south to Oak Dr. and completely obstruct his view. If it was determined that he could do that, and again Attorney Novak and he had discussed that, they don't believe he would need a variance to do so, but the reality would be that any complaint that any adjacent landowner may have that "their view of the lake is obstructed by placement of the garage on the parcel south of Oak Dr.," if denied, he would be required to construct this structure north of Oak Dr. and the same thing would happen. The reality is that he wouldn't need a variance to do that. He is seeking the variance to do it on his property and after traveling out to the property, if you look line of sight from where the potential remonstrator is, there would continue to be a line of sight to the water of Pine Lake if this variance was granted meaning he would construct it on the south side of Oak Dr. If he puts it to the north, the view will be completely obstructed.

Glen Minich stated he would not totally concur with that. When you look at the pictures, if the garage is constructed and moved slightly to the west, there is a large home across the street that blocks views, but with the ten-foot (10') side setback from that house and the garage there would still be a twenty-foot (20') plus view through that gap.

Nick Minich stated his address is 325 Island Dr., LaPorte, IN.

Nick Minich stated the professionally he reviews zoning for the City of LaPorte so he looks at building sites like this every day. He is very familiar with the zoning ordinance and he wants to preface that. His go to statement is not one that the lawyers are throwing out there, but as more of a practitioner, this is what the BZA is for. The petitioner has the right to present this petition and as neighbors they have the right to state their opinions as far as how they feel regarding how it does or does not meet the intent of the Joint Zoning Ordinance. He fully understands the need for a garage. He is not remonstrating against the fact that he understands the owner of 314 Oak Dr. would like a garage. That's perfectly appropriate. These are the types of variances that he would usually send to the BZA and recommend that is appropriate for this type of use and this type of accessory structure. What he would like to highlight is the fact that he believes the size of the structure is a little bit larger than he thinks is necessary and not necessarily consistent with the character of the primary dwelling and also the neighborhood. He wouldn't necessarily say that a blanket denial of this variance would be what he is looking for personally. His preference would to come to a reasonable accommodation for the size of the structure. The petitioner mentioned a two (2) car garage, but a standard two (2) car garage is usually somewhere between a twenty-feet by twenty-feet (20' x 20') and a twenty-four-feet by twenty-four feet (24' x 24') and this is a thirty-two-foot by twenty-four-foot (32' x 24') structure. According to Beacon, the primary dwelling is seven-hundred and fifty-four square feet (754^{2'}) and the proposed structure is seven-hundred and sixty-eight square feet (768^{2'}). They are talking about an accessory structure larger than the primary dwelling. He would recommend some options if the variance were to be approved; perhaps some reasonable limitations on that structure to improve the possibility on preserving some of those pocket views. When they purchased their home, he is familiar with the zoning ordinance, and they felt confident in the fact that the buildable area on that site when you look at it without a variance is right around seven hundred and fifteen square feet (715^{2'}) so by the time you look at the water front setback or the natural resource setback and ten feet (10') on each side, this property is as it sits legal non-conforming. To do anything on it has to come to the BZA. He is asking for the Board to realize that when they purchased their home, this structure didn't exist. He isn't opposed to the structure in whole, he just asks that the Board has the ability to, if they grant this, to put some restrictions on size and have it more of a standard two (2) car garage size and also ensure that the structure is not taller that the existing and primary structure. That is important to keep that and maintain the character of the neighborhood as well. He fully understands that the petitioner could also build the exact structure they are looking to build on the opposite side of the street without any variances. He completely understands that, but the rationale is that it would block their view and their rationale is that when they purchased their home and they looked at their home value, the pocket views of Pine Lake were something that they took into account and other buys would as well. If they completely lose that, they are going to lose some value in their properties as well. He is not looking for a blanket denial of this petition in any way, shape, or form. He is asking for the Board to consider the possibility of a smaller structure that might fit the lot and the primary dwelling on the property a little bit better.

Melissa Mullins Mischke asked Michael Polan, with MS4 in mind, does he think with the addition of the impervious surface, can the water runoff be contained on this site.

Michael Polan stated this is less than an acre of disturbance. At an MS4 site, the ones they are getting involved in are much bigger. He can understand why the petitioner wants to build this on the side as opposed to behind.

Dwayne Hogan stated it makes sense.

Michael Polan stated he understands the remonstrators point of view discussing the normal average size of a garage and neither party wants to give up their view. As far as storm water runoff from a structure like this, he doesn't think it will be anything critical regarding this decision.

Dwayne Hogan asked Greg Szybala how he feels about it.

Greg Szybala stated it's obvious it won't be able to contain all the water that runs off from the hard surfaces, but his question is that the comment was made that the existing structure, the ten-foot by twelve-foot (10' x 12') shed is going to be moved to the north of the property line on the other side of the street. Will not a variance be required for that?

Attorney Biege stated they are okay; they won't need a variance.

Dwayne Hogan stated he thought it was going to be removed.

Melissa Mullins Mischke asked is the existing small structure is going to be moved to the parcel across the street or is it going to be demolished.

Andrew Voeltz stated his client is on the line so he can hear. The existing structure is ten-foot by twelve-foot (10' x 12') which under Article 16.02 does not require a variance for it to be placed on a property as an "accessory structure". It would be moved from the location where it's at and moved from where it is abutting the lot line over to the property that is lakeside in some location to be determined. He does not know where that is at this point. Denny could weigh in on this. It will be moved; it will not be demolished.

Anthony Novak stated he is an Attorney with Newby, Lewis, Kaminsky, and Jones at 916 Lincolnway, LaPorte, IN. He is representing Dan and Barb Sanders who own 321 Island Dr. which is just across the pond to the south and next door to the Minich's.

Anthony Novak stated he has had multiple conversations with Andrew Voeltz and Nick Minich and they have touched on all the points that they have hit. Just like Nick Minich had indicated, he deals with zoning and variance requests all the time. When he spoke to the Sanders and his initial reaction was that they don't want the structure there at all, they have the more reasonable position as Nick Minich does, which is they recognize that it is a peculiar shaped lot, but that there should be some size restrictions on this overall structure. They think that he could place the structure on the other lot, but that would obstruct his view. They want to be reasonable neighbors and if this variance is going to be granted, they ask that there be some restrictions in place so that it is not so large. They are willing to have a further conversation, but that is the main point that they are basically on board with what Nick Minich had indicated as well.

Adam Koronka stated some of the remonstrators did a great job explaining their concerns and recommendations, but he doesn't think they have a clear understanding of the assumption that it is just a garage. Does Mr. Follis have any other intentions in regards to this building that would require it to be so large.

Andrew Voeltz asked who is speaking.

Adam Koronka recognized himself by name.

Andrew Voeltz stated no. He should have been clearer. The peculiarities of this lot and then the structure that was substantially remodeled, by his client, lead them to the face that he needs more space. He is only looking for a garage and storage area. There is no intention for any type of residential use in the structure.

Ashley Kazmucha stated there is another remonstrator on Zoom.

Jack McDonnell stated his address is 1326 Westminster Ln., Bourbonnais, IL.

Jack McDonnell stated he is in approval of the project and advocating for it. He has been to the property multiple time as the potential builder. He hears everybody's concerns there, but there are a couple points to be made that have already been made and some that haven't. He could build it across the way and the same exact problem would happen that the remonstrators are bringing up. To his knowledge, he could still build it on the lot he is on just as long as it is attached to the house. He believes that to be the case without a variance. Then again, he could be doing this whole process without a variance just by connecting it to the house. What hasn't been brought up is that he has been there multiple times during different seasons and during this winter he encountered the common problem of the narrow road that people park along. Getting cars off the parking on the sides of the street is hugely beneficial to the neighbors on Oak Dr. and a garage would do just that. The aerial image shows he has a gravel parking space there. The line of view is already blocked when cars are pulled up there. He can't say he's been on the remonstrators' property, but from his view from the other side and from google street views there is a very narrow line of view that would be blocked by this building. It is a single-story and downsizing it by six feet (6') would not change the blocking of the view at all. Downsizing wouldn't change anything about what the remonstrators are saying. Denny Follis is also planning on finishing the garage with the exact same materials that he used on the house. It will be a high-quality composite siding and shingled roof. It will look very nice. Just down the road on 386 Oak Dr., Morton Buildings built a very similar and larger garage and that was approved on a very similar situation.

Dwayne Hogan and Adam Koronka stated it is a tough situation.

Melissa Mullins Mischke stated she is pleased that the side setback would be larger. This is the first time she has ever said that out on the island. A ten-foot (10') side setback instead of that structure sitting right on the property line she likes, but it's not their job to come up with a compromise on the building. It's their decision to say yes or no.

Glen Minich stated he doesn't know what to say because they haven't dealt with a case like this where somebody is blocking somebody's view and de-valuing a couple properties. This is a landmark case; it doesn't happen very often. There are only so many inland lots that have those views and there hasn't been many come up.

Melissa Mullins Mischke agreed that this is a petition where they are going to be the bad guy either way.

Dwayne Hogan stated ninety-nine percent (99%) of the time he says thirty-two feet by twenty-four feet (32' x 24') isn't big enough. Always go big, but he can't say go smaller. He understands the view blockages though.

Melissa Mullins Mischke stated she agrees with the storage of the vehicles off the road.

Dwayne Hogan stated there are positives as well as negatives with this one.

Melissa Mullins Mischke agreed.

Glen Minich stated they did ask for a narrower building because if you look at the main photo there is a big home across the street that does block it. Anything you extend beyond that would block it more. He will not make a motion. It is up to the Board to decide whether there is really value that is being taken away and whether it can be avoided.

Dwayne Hogan stated there is value and then there's perceived value.

Andrew Voeltz asked Attorney Biege if the Board has the ability to impose any type of restrictions upon a variance for developmental standards because his research has shown that it is all over the place. In the position that his client is in, he would prefer to have it on his main property. Does the Board have the authority to impose those restrictions as indicated by Mr. Minich, the remonstrator, not Mr. Minich on the Board, with regards to a twenty feet by twenty feet (20' x 20') or a twenty-four feet by twenty-four feet (24' x 24') building.

Attorney Biege stated absolutely. They can limit the size of the building in the variance request. The Board has done so on many occasions.

Greg Szybala stated he would hate to do that without some kind of conversation with the owner.

Dwyane Hogan agreed.

Attorney Biege stated as a Board they are restricted to what they hear here.

Adam Koronka asked Andrew Voeltz if his client is available to speak.

Andrew Voeltz stated he believes he is. He is on the Zoom via telephone, but he is unsure if he can hear them.

Melissa Mullins Mischke asked if we have muted him.

Ashley Kazmucha stated no, he has muted himself.

Melissa Mullins Mischke stated he is currently muted.

Andrew Voeltz asked Denny Follis to respond.

Melissa Mullins Mischke asked if he could unmute himself.

Andrew Voeltz asked for a moment to call his client.

Adam Koronka asked Greg Szybala if they were to ask for a reduced width, would they have a reduced height as well with the current pitch ordinance? If they go down to a twenty-four-foot (24') wide building then they are taking eight-feet (8') off the width and approximately two feet (2') off the height. Both of those would be an advantage to the neighbors while coming up with a compromise with the owner if they are willing.

Dwayne Hogan asked what that would make the new size.

Adam Koronka stated that would be with a twenty-four-foot width.

Melissa Mullins Mischke asked if that would be single car.

Adam Koronka stated it would be double car still. It would just reduce the gap between the pedestrian door. It would be twenty-four feet by twenty-four feet (24' x 24').

Glen Minich stated he was also asking if the height of fifteen feet (15') would be reduced.

Greg Szybala stated approximately by two feet (2').

Dwayne Hogan stated it would be roughly thirteen feet and four inches (13'4").

Glen Minich stated in the direction they are building it with the gable facing north would be positive for those neighbors because it's not a big square structure. They have that lower line on the sides. As long as the building is still built ten feet (10') from the western property line, it opens up that one view for them.

Dwyane Hogan asked Greg Szybala if that structure would fit and be more acceptable.

Jack McDonnell stated that he appreciates the conversation about shrinking the size, but if you are looking at the overhead, even at twenty-four feet (24') wide it will still be the same problem of blocking. There will be such a limited scope of viewing through there, that it is essentially the same problem.

Melissa Mullins Mischke stated they are still waiting on confirmation from Andrew Voeltz on whether or not he has been able to get ahold of his client.

Andrew Voeltz thanked Melissa Mullins Mischke. He was able to get in touch with him. He is having some audio difficulties. He can hear him, but not anybody else. He is trying to unmute himself, but hasn't been able to. His position is that he would not be willing to entertain anything smaller on the residential side of where his lot is and that he will move forward with all of his other options if this variance is denied.

Melissa Mullins Mischke stated she is stepping down as president to make a motion. She made a motion to approve the Petition for Variance of Developmental Standards for Denny Follis represented by Andrew Voeltz for construction of an accessory structure to the side of the home instead of the rear. The property is located at 314 Oak Dr., LaPorte, IN., Center Twp., zoned R1B. Dimensions would be as proposed.

Dwayne Hogan seconded.

Denied. Motion failed 1-4.

3. Petition for Variance of Use for Austin Holland III for buying, repairing, and selling vehicles from auctions in the pole barn. The property is located at 514 E. Short St., Rolling Prairie, IN., Kankakee Twp., zoned R1B on 1.03 acres. Parcel 46-07-11-252-019.000-052.

Attorney Biege stated notice is adequate.

Austin Holland stated his address is 514 E. Short St., Rolling Prairie, IN.

Melissa Mullins Mischke stated he wants to fix cars that he is buying from auction.

Austin Holland stated that what he is looking to do is basically utilize the pole barn building he has in the back. It is a forty-foot by forty-eight-foot (40' x 48') building. The lot in front of it to the east would be like a storage area. They are looking to buy, sell and repair cars out of the building. Their ultimate plan is to get a dealer's license and wholesale cars.

Melissa Mullins Mischke asked if this is in a residential neighborhood.

Austin Holland stated yes. The building directly to the south of his property is Pyramid Equipment which is a commercial property.

Melissa Mullins Mischke asked if there would be vehicles in disrepair outside the building.

Austin Holland stated no, everything is stored indoors. As it goes further, he doesn't want them to think it will be some kind of junkyard. He lives there and as a first-time homeowner and property owner he does take pride in it. He doesn't want a junkyard. He wants to make the building he has in back a little more profitable to him and get more use out of it.

Melissa Mullins Mischke asked how many vehicles he expects to have in the building at one (1) time.

Austin Holland stated at most three to four (3 – 4).

Melissa Mullins Mischke stated at most four (4).

Austin Holland stated yes.

Glen Minich stated this is an odd set up he has here. It looks like the shop access is through his neighbor's property. Is he going to build a drive to the back? Is he looking to have people coming to him at his home?

Austin Holland stated that drive from the neighbor was accessed when they built the building. It has been used here or there, but he would like to put a drive in. Not in regards to just the business, but furthermore for if he sells eventually, he doesn't want the access being there at the neighbors. The drive will be put back to the building for selling reason and for access to the building. They would have access through the front drive of the home, but it would loop back to the business. He submitted other photos that show sign locations, one (1) being a small three-foot by four-foot (3' x 4') sign in the front of the property and another one (1) on the north side of the building.

Greg Szybala stated the intent is to put a new driveway in along the west property line.

Austin Holland stated yes.

Melissa Mullins Mischke asked what kind of hours of operation is he looking at.

Austin Holland stated nine to five (9 a.m. – 5 p.m.) Monday through Saturday.

Melissa Mullins Mischke asked if the sign will be lit and what is the size.

Austin Holland state the sign on the front of the property will be a three-foot by four-foot (3' x 4') unlit sign. The sign on the north side of the building will be lit, but not very bright. It will be an eight-foot by four-foot (8' x 4') sign between the two windows on the north side.

Melissa Mullins Mischke stated a three-foot by four-foot (3' x 4') sign unlit out at the front.

No remonstrators present.

Glen Minich stated to him this is a very big ask in a small subdivision in Rolling Prairie. To let a business like this in where the neighbors are all looking at private residential neighborhood. They have to be thoughtful about this because it's hard to bring a remonstrator via zoom or walking in at this time.

Austin Holland stated he could have mailed the notice to his neighbors, but he personally went and spoke to each one of them because he wanted to make sure everybody was on board and they are all in full support. They have his back on all of it. There is nobody here to say a word for it, but they are all in full-support.

Adam Koronka asked for more details on the photos he provided. Ashley Kazmucha provided three (3) photos to the Board. It is clear what he has going on with the sign in the front and the driveway at least to approach, but there is a blue square that is adjacent to the building. What is the intent there?

Austin Holland stated that is showing where a lot is. If a vehicle was outside, that is where it would be parked at.

Adam Koronka asked about construction to the additional driveway. Would it be similar to what he has up front or something different?

Austin Holland stated it would probably be a gravel drive to start. The front drive is concrete and it would probably be gravel coming off the side.

Adam Koronka asked about fluid from the vehicles. How is that going to be handled?

Austin Holland stated through a recycling company. They store the waste in a fifty-five (55) gallon drum which is then picked up weekly or bi-weekly.

Adam Koronka asked if there is any sort of drain that is installed in the floor of the barn?

Austin Holland stated no.

Adam Koronka asked about the construction of the barn; impermeable surface, gravel, etc.?

Austin Holland stated it is a pole building sitting on six inches (6") of concrete the entire area.

Michael Polan asked if they would have secondary containment for the fluid storage on-site in the event that there was a spill. Would the secondary containment catch that so it would not go into the ground and possibly contaminate well or septic?

Austin Holland stated yes, that could be done.

Ashley Kazmucha stated all notices now have a note on the bottom of them stating please call for the Zoom or any questions and it has her direct line on there.

Dwayne Hogan asked if there were any.

Ashley Kazmucha stated none on this one.

Adam Koronka stated that when he toured the property Sunday, he did see that they started the construction for additional sewer and whatnot in that area and what effects on the drain field may be less that what they were previously.

Dwayne Hogan stated they are starting May.

Glen Minich asked if those people are required to hook on or is it voluntary at this point.

Dwayne Hogan stated he is unsure.

Melissa Mullins Mischke stated she will now entertain a motion at this time.

Dwayne Hogan made a motion to approve the Petition for Variance of Use for Austin Holland III for buying, repairing, and selling vehicles from auctions in the pole barn. There would be a total of four (4) vehicle maximum. Hours of Operation would be nine to five (9 a.m. – 5 p.m.) Monday through Saturday. There will be secondary containment for hazardous waste. Front sign will be three feet by four feet (3' x 4') unlit. Building sign will be eight feet by four feet (8' x 4') lit. The property is located at 514 E. Short St., Rolling Prairie, IN., Kankakee Twp., zoned R1B on 1.03 acres.

Adam Koronka seconded.

All Approved. Motion passed 5-0.

4. Petition for Variance of Use for Jeffrey & Robin Anderson to operate a group home for the elderly in the primary residence; maximum of four (4) patients. The property is located at 8991 E. 150 N., Mill Creek, IN., Wills Twp., zoned A on 3 acres. Parcel 46-08-28-200-017.000-068.

Attorney Biege stated notice is adequate.

Robin and Jeffrey Anderson stated their address is 8991 E. 150 N., Mill Creek, IN.

Melissa Mullins Mischke stated they want to operate a group home for the elderly in their primary residence. Is this like a day service where someone would come to the home?

Robin Anderson stated no. It is a twenty-four seven (24/7) facility. It is more like an assisted living group home where they would live in their home full-time.

Melissa Mullins Mischke asked about their credentials.

Robin Anderson stated she is nurse and her husband is a maintenance supervisor at a nursing facility right now. She has been in the medical field for twenty (20) years. It is something she feels they want to do. To bring people into their home and care for them. They have a four (4) bed facility that they want to utilize. They feel they can give them good care.

No remonstrators present.

Melissa Mullins Mischke stated she likes it. Obviously, there will be more certifications and things to go on that they are not in control of and that's fine, but this is the first step in that if the home suits the need. That will be for someone else to determine.

Adam Koronka stated he did not see wheelchair access or ramps. Will those be installed for internal care transportation and things like that.

Robin Anderson stated yes.

Dwayne Hogan stated it looks beautiful.

Melissa Mullins Mischke stated she likes the area. Most elderly people live in town so it's nice to have somewhere more accessible to residential areas.

Adam Koronka stated it is wide open. It is right on the corner by the cemetery.

Adam Koronka made a motion to approve the Petition for Variance of Use for Jeffrey & Robin Anderson to operate a group home for the elderly in the primary residence; maximum of four (4) patients. The property is located at 8991 E. 150 N., Mill Creek, IN., Wills Twp., zoned A on 3 acres.

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

6. Petition for Variance of Developmental Standards for Andrew W Gilchrist for construction of an accessory structure to the side of the home instead of the rear and placement of a shipping container for storage. The property is located at 3592 N. 500 E., Rolling Prairie, IN., Kankakee Twp., zoned A on 2 acres. Parcel 46-07-14-200-016.000-052.

Attorney Biege stated notice is adequate.

Andrew Gilchrist stated his address is 3592 N. 500 E., Rolling Prairie, IN.

Melissa Mullins Mischke asked if the shipping container is for storage of the construction materials for the garage.

Andrew Gilchrist stated no. It is storage for lawn mowers, a wheelbarrow, and household yard items. They have a ten-foot by twelve-foot (10' x 12') shed next to it. It was there when they moved in, it just became too small. He would have to move several things just to get his tractor out to mow the lawn. They purchase the shipping container so they could have more room. Then they decided to build a garage for the vehicles and that would be strictly for the vehicles, oil changes, and maintenance.

Melissa Mullins Mischke asked if the shipping container is there already.

Andrew Gilchrist stated it is. He was not aware that he needed a variance when they purchased it. He apologizes that they didn't realize that. They are trying to paint the shipping container and make it look more like a structure instead of an eye sore to their neighbors. They come kind of rusty and lettering so they are in the process of painting it to look more appealing to the neighbors.

Melissa Mullins Mischke stated it's wide open there. I'm not sure it can be made more appealing to the neighbors.

Andrew Gilchrist stated the containers are ugly looking and it was rusty when they got it so he didn't want to look at it in the shape that it was in. It's not in bad shape, but it could've looked better and he was sure the neighbors didn't want to look at the either. He was painting it to also preserve it so it lasts longer.

Melissa Mullins Mischke stated she is looking at the drawing and the aerial photo. The new garage will be thirty-five feet (35') from the property line.

Andrew Gilchrist stated yes.

Melissa Mullins Mischke asked if it is twenty-five feet (25') from the shipping container.

Andrew Gilchrist stated yes.

Glen Minich stated his packet included two different pictures and one is labeled new site plan and the other one isn't labeled.

Ashley Kazmucha stated she would to explain that. They had initially filed for it with the placement next to the home and then decided to move it further back so they don't actually need the variance for the garage anymore; it will be placed in the rear. They will need it for the shipping container, but it was already issued and noticed this way.

Andrew Gilchrist stated they had to move the garage back because the electric coming to the house and the phone line coming to the house runs through the driveway and goes into the home on the southwest corner by the deck. They couldn't put the garage next to the house they had to move it back to avoid the utilities.

Adam Koronka stated that looking at the sketch versus what he saw personally and in beacon, was the twenty-five feet (25') from the property line between the shipping container and his neighbor to the north verified?

Andrew Gilchrist stated he went out and measured it himself.

Dwayne Hogan asked the Board if they are opening up a can of worms for shipping containers if they start approving these.

Melissa Mullins Mischke agreed.

Attorney Biege stated he has been representing this Board for over eighteen (18) years. Typically, he has seen variances granted where there is a connection with a farming enterprise or if it is temporary connected with construction. It has not been allowed permanently for storage in the past. They granted one on US 30 that used to be a farming operation with silos and he used the cement structure to attach the boxes to, but it was supposed to be temporary while he was building the house. That is the last one that he remembers the Board granting.

Dwayne Hogan and Melissa Mullins Mischke stated that is the only one they remember.

Greg Szybala stated there were two (2) on a residential piece of property this year or late last year.

Melissa Mullins Mischke stated those were temporary.

Glen Minich stated they were temporary until the construction was complete.

Greg Szybala stated they were existing on the premises then.

Dwayne Hogan stated that is correct.

Glen Minich stated they only allowed one (1) in the last nine (9) years that he knows of. It was the first one and they were just coming into the County and it remains an eye sore to date. It would devalue the property of the adjoining lots when you start doing this.

Melissa Mullins Mischke agreed. It is a wide-open area out there and she would hate to set a precedent where more neighbors would be looking at a storage container. She is not in favor of that. She doesn't know about the size of the garage.

Glen Minich stated that he doesn't believe the people that are putting these in place either understand the cost of actually following the code and installing them correctly. Where that container is sitting on an angle like it is has raised pillars. They have to pour concrete pillars with studs in them and attach them. That's thousands of dollars in construction costs for a one-to-two-thousand-dollar (\$1,000 - \$2,000) container.

Dwayne Hogan stated to be done correctly.

Glen Minich stated to be done correctly. Out there in the open with a big wind, he doesn't know where it could go.

Melissa Mullins Mischke stated a big wind from a tornado.

Dwayne Hogan stated he would rather see a huge pole barn.

Melissa Mullins Mischke stated that is what the petition is for and for placement of the shipping container.

Attorney Biege stated the garage is moot now since they moved it so it's just for the shipping container at this point.

Melissa Mullins Mischke asked if the garage is good now and they're just voting on the shipping container?

Attorney Biege stated yes.

No remonstrators present.

Glen Minich made a motion to deny the Petition for Variance of Developmental Standards for Andrew W Gilchrist for placement of a shipping container for storage. The shipping container must be removed within 30 days. The property is located at 3592 N. 500 E., Rolling Prairie, IN., Kankakee Twp., zoned A on 2 acres.

Dwayne Hogan seconded.

All Denied. Motion passed 5-0.

Andrew Gilchrist asked if he is still ok to get the permit for the garage.

Melissa Mullins Mischke stated yes.

7. Petition for Variance of Developmental Standards for Christine M Maddox for placement of two shipping containers to be used for secure storage of farm supplies, tools, and equipment. The property is located at 4081 N. 350 E., Rolling Prairie, IN., Kankakee Twp., zoned R1B on 25.86 acres. Parcel 46-07-10-476-002.000-052.

Attorney Biege stated notice is adequate.

Christine Maddox stated her address is 4081 N. 350 E., Rolling Prairie, IN.

Richard Percifield stated he is a lawyer and engineer and lives with Christine Maddox at 4081 N. 350 E., Rolling Prairie, IN.

Melissa Mullins Mischke stated their shipping containers are currently on the property.

Christine Maddox stated that is correct. She was understanding that it was agriculture and it was for farm implements.

Richard Percifield stated they are taking over the farming of the land. It has been continuously used for farming since Christine Maddox has owned it since approximately 2000. Since they are taking over the farming of the land, they were in need of secure and vermin proof storage ability of various materials as well as several tools in relationship to the operation of the farm which are highly valuable from a monetary stand point. They are very secluded and cannot be seen from virtually anywhere from either any road except along the right-of-way of the railroad. They are very concerned about the security of several thousand dollars of equipment that they have stored inside of them right now. The intention was to take and have something that could be easily locked and if someone was trying to get in to, they would have to make a significant amount of noise to do so and they wouldn't be able to do so very easily. He was thinking it was reasonable for them to use the shipping containers as an option.

Melissa Mullins Mischke asked how long they have been there.

Richard Percifield stated they have been there since April 2020. They are also placed on foundations. Being an engineer, he is somewhat of a stickler. They have three-foot (3') foundations and are mounted to concrete pillars. They are level top to bottom, front to side, within a quarter of an inch (1/4") of all four (4) corners. They made sure they were adequately supported. All the doors open and close as intended. They are utilizing them as a way to have absolute secure storage. One of their issues were their neighbors to the west have a boarding facility in which they have had a significantly much more traffic on their road. The beacon shows the driveway that they allow their neighbors to use as access to the horse barn. Since they have had access to that they have had significantly more people coming down their driveway and looking around at their property. Before nobody even knew that they were there. Now they have many people that now know they are there and the security of their various equipment is starting to become a more significant concern. With Covid, he has been working from home for the past year almost and has had four (4) people come back looking around because they thought it was a continuation of the farmland. He is concerned than not just them know that this is here. The more and more people that find out that it is nice and secluded, the more that he is worried about the security of the property and the equipment they have stored in those containers.

Melissa Mullins Mischke asked if the VFW is who called in the complaint. It is the one view on the photos that she can definitely see that the containers can be seen.

Richard Percifield stated he does not know whether it was a complaint because somebody made a complaint of it or whether it was a standard audit of property via satellite. He does not know.

Melissa Mullins Mischke stated she appreciated the photos they provided to the Board; the light lends itself to their case that they can't be seen. She certainly has trouble seeing them even though she has day light photos shows them that she can see them a little better.

Christine Maddox stated when she was asking for signatures, the majority of the signatures they obtained personally and she went to each one of the adjoining areas and made sure that they understood what they were doing and wanting to see through in case there were any concerns. The VFW is one of the places she did stop.

Richard Percifield stated they are approximately one-hundred and twenty-five feet (125') off the property line in relationship to the VFW. Everywhere else is immeasurable because it is virtually impossible to see because of the foliage around them.

Dwayne Hogan asked if they reside on the property there.

Richard Percifield stated yes, they do.

Glen Minich asked if this was the only access to their property because when they came back to look at the shipping containers the GPS wouldn't get them there and they don't have a mailbox with the address on that lane going to their property.

Richard Percifield stated that if GPS is used to try to find the property it will put them on 400.

Dwayne Hogan stated that is where he got lost.

Richard Percifield stated there is an address and a mailbox at the end of their long drive that extends out onto 350 E. That is the only entrance and exit from the property.

Michael Polan stated that the site is very off road. We went mud bogging to get back there. There is no way to see those containers or even find it mostly from the road.

Melissa Mullins Mischke stated unless you're at the VFW.

Michael Polan stated that is correct. There is a picnic area at the VFW at the rear of this property and you can see it from there. If there was sufficient vegetation or foliage they probably wouldn't be seen.

Glen Minich asked if Michael Polan could clarify why they are seeing this as far as a complaint from somebody.

Michael Polan stated he believes the VFW called in to let us know about the shipping containers.

Ashley Kazmucha stated they issued a citation.

Richard Percifield stated a citation was issued.

Glen Minich stated they have a picture of the entrance where the orange sign was placed and he did not see a mailbox or anything for their address for emergency services.

Richard Percifield stated there is a mailbox there with an address on the mailbox. The orange sign is on the north side of the driveway. The mailbox is on the south side of the driveway.

No remonstrators present.

Attorney Biege stated he would like to step away as the attorney for the Board and speak as a member of the public. He is a member of the VFW Post in Rolling Prairie. They have a pavilion back there that they may expand in the future. He doesn't have the authority to speak on behalf of the post, but as a member they have talked about maybe they will get to this or that and it all involves the area around the pavilion in the back. If the Post does more to develop it would be so they get more rentals so the Post itself can survive and that would be the area they are going to do it in.

Melissa Mullins Mischke asked if Attorney Biege, in his personal opinion, if proper vegetation or if they were obscured more would satisfy.

Attorney Biege stated he can never take his lawyer hat off completely, but how do you define proper vegetation and what time of year and what type of vegetation.

Dwayne Hogan stated it would only be for the summer time.

Attorney Biege agreed. It may not be able to be seen during the summertime, but all winter they would. They have a lot of weddings and receptions out there. It retracts from the property.

Adam Koronka stated that piggybacking off the non-lawyer perspective from Attorney Biege, he looks at Beacon and if any expansion does occur on the VFW side of the property, there is potential for some of that vegetation to come down. There is quite a bit of it on either side of the property line. It would be more exposed by unintentional purposes.

Dwayne Hogan stated a more proper use with having twenty-five (25) acres a pole barn in a different situation and place would be more appropriate instead of containers.

Melissa Mullins Mischke agreed.

Dwayne Hogan stated there could be a nice big pole barn.

Richard Percifield stated their problem with the pole barn is the fact that it did not give them the adequate security for the times when they have nobody there and there is no way of monitoring what is happening on the property. It would not provide anyone any real significant security in regards to the ability of somebody being able to walk in and take anything they want. This at least made it so they would have to go through steel to make that happen. That was the intention of this.

Adam Koronka stated he is confused; what is the difference between a lockable building that has steel sides versus a lockable shipping container made of steel?

Richard Percifield stated the pole barn buildings are made out of extremely thin steel. The shipping containers can't even be shot through with a nine-millimeter (9mm) bullet. The amount of material you would have to remove and the hardness and thickness of it is significantly more. The security of those is significantly more.

Christine Maddox stated there are no windows.

Richard Percifield stated they also have a significant amount of four-legged vermin that come in and they need some place to store stuff and that was the original intent of this. That's where they're at. If the issue is that they have sight lines from the VFW that can be seen, they are not against taking it and making it so they cannot be seen from the VFW. It could easily be affected for all seasons. Predominantly, it can only be seen is in the dead of winter. They would be willing to put up some type of screening to make it invisible to the VFW. Otherwise, it can't be seen by anybody else.

Adam Koronka stated that they just voted down a shipping container in just the previous petition.

Dwayne Hogan agreed. He would be more inclined to approve a pole barn style. Even if they build a pole barn over those things and made it look better. Anything is better than having shipping containers out there.

Richard Percifield stated they have them spaced apart that they are equally spaced apart such that if they had the opportunity to do that, they could physically make that happen. They are actually in level with each other. They have not been haphazardly placed. They are basically within a quarter inch (¼") of each other from twenty-four feet (24') of spacing between them and they could easily cover them with something.

Dwayne Hogan stated they would entertain the idea of a pole barn then.

Richard Percifield stated he would have a pole barn, but it would be a secure pole barn.

Glen Minich stated that even if these were approved today, he would have to come in and put them in place by the County code, which they are not. They have to be attached to a foundation and secured in place. The cost of doing that is going to be something. They can't just sit on gravel. That's not the code of the County.

Richard Percifield stated they are not sitting on the ground. They have four-foot (4') concrete pillars on each corner anchoring them to the ground. They can, if necessary, bring them up to code fairly easily. If there are other requirements that the County Building Codes would require them to do, that can be affected.

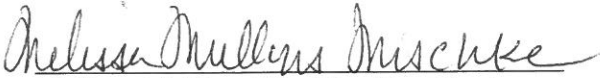
Dwayne Hogan made a motion to deny the Petition for Variance of Developmental Standards for Christine M Maddox for placement of two shipping containers to be used for secure storage of farm supplies, tools, and equipment. The preclusion for filing another variance for one (1) year is to be waived so they may re-file an amended petition. The property is located at 4081 N. 350 E., Rolling Prairie, IN., Kankakee Twp., zoned R1B on 25.86 acres. Parcel 46-07-10-476-002.000-052.

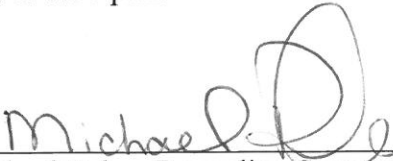
Adam Koronka seconded.

All Denied. Motion passed 5-0.

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

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


Melissa Mullins Mischke, President


Michael Polan, Recording Secretary