



LAPORTE COUNTY BOARD OF ZONING APPEALS

Government Complex 5th Level
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MICHAEL POLAN
Building Commissioner

April 20th, 2021

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **April 20th, 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 March 16th, 2021.

Dwayne Hogan made a motion to approve the meeting minutes of March 16th, 2021 as presented.

Glen Minich seconded.

All Approved. Motion passed 5-0.

Petitions:

1. Petition for Variance of Developmental Standards for Andrew Tourney and Todd Connor represented by counsel Andrew Voeltz to construct four (4) small pre-fabricated office/meditation/napping structures on Parcel II of the property to host small group retreats. The property is located behind 3634 N 700 W., LaPorte, IN., Coolspring Twp., zoned R1B on 23.74 acres. Parcel 46-05-14-276-011.000-046.

Attorney Biege stated notice is adequate.

Andrew Voeltz stated he is an attorney with Howes & Howes representing Andrew Tourney and Todd Connor with regards to their petition for a variance of developmental standards pursuant to Section twenty-eight point eleven (28.11) of the LaPorte County JZO. They filed the petition concerning specifically parcel two (2) of the property that is owned by Mr. Connor and Mr.

Tourney. Looking at Beacon, it is the twenty-three point seventy-four (23.74) acre parcel located to the north of what is referred to as County Road 3 W. 350 N. They are seeking a variance to allow placement of these structures that he has previously submitted to the BZA in the form of a power point showing that they are in excess of the one hundred and forty-four square feet (144²) limit that would then require a variance to allow these to be placed as “accessory structures”. They are designed in order to be meditation, napping, and office space. They are structures for use of parties that are zoned to use this parcel or development area to undertake work or whatever else. There would be no sanitation. There are no sewer lines being run to it or septic, but rather just the four structures placed in the wooded area located on parcel two (2) which is west of the actual structure known as Emerson House. They are seeking a variance in order to allow the placement of these things for their clients to continue to develop what they are doing out there with Emerson House and the property being a destination for people from LaPorte County and beyond. They can come to Emerson House and take advantage of what it is, the landscape, etc. and allow them to complete their professional and personal goals. They ask that the petition for variance be granted. They are aware there are some remonstrators that are present and represented by counsel, but please keep the petition for the variance which is very much directed towards exactly what it is and not any of the peripheral concerns. After speaking with his clients earlier, they are certainly willing and able to address any concerns that some neighbors may have. They are asking for a favorable recommendation and an approval of this variance.

Dwayne Hogan asked if there would be no water.

Andrew Voeltz stated that is correct. The structures would be the only thing going out there. His client Todd Connor is available on Zoom to answer any questions if he needs to, but the direction and plans that he was given showed that the only thing that will be ran out there is electric.

Remonstrators:

Anthony Novak stated he is an attorney with Newby, Lewis, Kaminsky, and Jones and he is there tonight on behalf of Keith and Susan Casey. They have property just north of the property where the Emerson House is at 3756 N. 700 W. Their residence borders the entire northern lot line of this twenty-five (25) or so acres. They also own a rental property immediately next door in their LLC, Dynafuture LLC; that address is 3718 N. 700 W. The main objection that his clients have tonight is that this appears to be an expansion of use simply disguised or set up as a developmental standards variance for structures. Going back to 2017, the petitioners were in front of the Board for a use variance and they asked for a use variance simply on the one-point-fifty-seven (1.57) acre parcel that fronts 700 W. At that time, the use variance they requested had a lot of conversation, but it was settled on small group leadership retreats. It did not state at that time that they planned to use and market that property as a wedding venue. While they were approved for the use that seemed simple and quiet, they now have a use where weddings have larger groups of people and can be more boisterous. Because it is now marketed as a wedding venue in a residential setting, his clients believe that the small napping structures will be used for those weddings which they don't necessarily that use approval for on this parcel and don't wish for them to have that; they would like to keep the use of this are residential in nature. Simply put, they ask that since this appears to be an expansion of use that it be denied or in the alternative

that they have to get a use variance for this parcel. Another suggestion, would be to clarify the intentions of what they are trying to do, limit the amount of structure that they are trying to place on the property, or to have them located as close to the Emerson House as possible. His clients are in the audience if the Board has specific questions for them.

Brad Neulieb stated his address is 7045 W. 350 N., LaPorte, IN.

Brad Neulieb stated he is to the south of the parcel. He can see where this is going. They are planning four structures now, but will turn into how many two (2) years from now. They won't even have any sewage out there. Where are the people going to go to the bathroom when they wake up? There have been instances where the music is so loud at eleven o'clock at night (11 p.m.) that they cannot have their windows open and it disturbs their sleep. Ms. Shroyer is in a worse position than he is because her home is right at their back yard. When the music is thumping and the DJ is going with everything else... Does the Board want this in their back yard? Think about it that way. If they want it in their back yard, so be it; have them move there. This is way out of hand. It is one thing that will lead to another. He has been dealing with this for a while. The first time they submitted for a variance, only one home got a letter. Nobody else got letters. *(The property cards provided by real estate for the first variance were for the parcel containing Emerson House whose adjoining land owners did not include the same people as the adjoining landowners for this variance. Original notice was adequate.)* That may be how it got through the first time. He doesn't know, maybe not. He is concerned that if they are granted four (4) structures, they will get eight (8) in there and so on and so forth. He doesn't think the use of that land is fitting. He didn't move to the country to hear that in his back yard. It's not why his neighbors are living there either. Some of them just put a lot of money into their home and now they have to deal with this. There is also a rental property, but who's to know if they can rent the property out knowing that that is going on. A small gathering is one thing, but a loud wedding with DJ music is unacceptable. What is the noise ordinance for LaPorte County; how many feet does it become a nuisance?

Attorney Biege stated there is no noise ordinance for LaPorte County right now.

Brad Neulieb asked if he is sure about that.

Attorney Biege stated there wasn't as of a year and a half ago.

Brad Neulieb stated it was posted in 2017.

Attorney Biege stated no. He was the County Attorney then. They tried, but got shut down.

Brad Neulieb stated what he is saying is that they can do whatever and there are no consequences.

Attorney Biege stated he just said there is no noise ordinance in place.

Brad Neulieb stated that he's telling him that they can do whatever. LaPorte County Sherriff's will be awful busy if this happens because he can see where it's going. There aren't a lot of

homes it affects, but it does affect people. Whether it affects one (1) or a thousand (1,000) it still affects people. It affects their way of life and their home.

Glen Minich asked if they have seen the packet and how secluded they plan on putting these structures.

Brad Neulieb stated there is no seclusion for loud music. A napping or meditation center? This will be a place for people to go from the wedding to crash. They will be places where they go to crash overnight or whatever.

Glen Minich stated he is just asking if they have seen how remote they will be.

Brad Neulieb stated they have not been allowed to see any of it.

Glen Minich offered his power point print out to Brad Neulieb so he may peruse it with the neighbors. Sometimes things aren't put before people and this doesn't look like it will be that infringing and Mr. Connor can certainly talk about it, but these are just four (4) small retreat centers that they are putting in the middle of the twenty-three (23) acre parcel.

Brad Neulieb asked if he is saying that he would allow it. He would be ok with it behind him?

Glen Minich stated no, he isn't saying anything yet. He hasn't heard from Mr. Connor yet. He wanted the neighbors to see what is proposed is what he was saying. It looks pretty benign to him by looking at it. He certainly wouldn't want them to be piping music though.

Brad Neulieb stated they have already put material back there because they are expecting the variance to go through. Are they up against a wall; is it a moot point here?

Melissa Mullins Mischke stated right now they are just listening to his concerns. They are not at a point where they will answer his questions. They are just listening to his concerns and those of his neighbors.

Brad Neulieb stated thank you; he appreciates it.

Melissa Mullins Mischke asked the Board if they have questions for Mr. Connor.

Glen Minich stated he should be given a chance to speak.

Attorney Biege stated he is represented by counsel. The Board should address his attorney.

Melissa Mullins Mischke asked Andrew Voeltz if he has any response to the concerns that have been brought up.

Andrew Voeltz stated he would respond generally with something to "I know where this is going," or "no seclusion for the loud noise." Andrew Voeltz asked Todd Connor is he is able to address the neighbors concerns in regards to the statement, "I know where this is going," because

they have had conversations about this that perhaps he could fill the Board in. This is not something that the Board has come into contact before in the past when they talk about mini homes and stuff like that. They are not talking about that at all here, correct?

Todd Connor stated that is correct. To the neighbors: they absolutely want to have an ongoing conversation with the neighbors. They are super sensitive to any complaints of noise. They bought this property because they wanted to host small group retreats and that got very derailed with COVID and frankly, what the market wants is small group weddings. There was an incident last year that got out of hand. Noise at night is not acceptable for them. They have become a lot more explicit and strict in regards to that when people have inquired for that. They are limiting capacity and use now. Their goal is to get to a place where they can be hosting small group retreats. Part of their limitation and what they have learned is that there does need to be some additional constructional capacity. What they are trying to do with these structures would be work from home environments. Some of the rentals that they did get where small group retreats do want to convene is that they want this outdoor space. They've put almost three-hundred thousand dollars (\$300,000) into the property. They have tried to make it high luxury; they continue to aspire for that. Anything that is loud and disruptive is not at all what they want and they want to be allies and make sure that that doesn't happen. They have also been trying to run a business and find their place in the market which has been difficult with COVID and everything else. He hears the concerns from the neighbors and they share them. Whatever they're trying to do on this property is to get into a place where they can get out of the wedding business and get into more retreats. Even the weddings they have are boutique, bespoke, and held during the weekend; they are structured to be a four-day experience not a one-day thing. The weddings are cultivated, curated, and planned in advanced. They haven't been perfect, but it hasn't been loud parties every weekend either. They share a desire to get the property to be a luxury retreat venue that it can be and should be. They want to make some improvements towards that end.

Melissa Mullins Mischke asked with this luxury high end structure out in the woods away from everything, there are no plans for restroom facilities?

Todd Connor stated no.

Melissa Mullins Mischke asked how they plan to address that. She envisions public indecency and people going to the bathroom in the woods.

Andrew Voeltz stated that these structures would be an opportunity to the people that would be using Emerson House structure as it sits off of N. 700 W. to escape where they're out for break-outs or whatever else. They are in the middle of the parcel, but they are not a far distance from the facilities that are already in place with regards to toiletry facilities.

Melissa Mullins Mischke stated the ultimate plan would be that the only guests at these structures would be ones currently at the Emerson House.

Andrew Voeltz stated that is correct. These are to be used for break-outs, meditation, napping, etc. but will be limited to the people using Emerson House. They will not be available to

anybody that is not already engaged in a contractual relationship with the actual, physical Emerson House.

Todd Connor stated that is correct.

Brad Neulieb asked if the units will look like the picture provided to him and the Board.

Melissa Mullins Mischke stated that is the concept.

Brad Neulieb stated they said no plumbing, but there is a sink in the picture.

Todd Connor stated that is a design rendering, but they do not come pre-plumbed or anything.

Glen Minich stated there is also a picture of one that is stripped down with nothing in it. They can put whatever interior they want in it and they are saying they aren't going to put water out there so there won't be a need for that.

Greg Szybala asked if all the bathroom facilities are inside Emerson House.

Todd Connor stated that is correct. The house itself has seven (7) bedrooms and eight (8) bathrooms. They are also looking to add another bathroom during an interior renovation, but there is a lower-level spa that has a steam room, shower facility, a bathroom and there are two (2) other bathrooms with common access. Five (5) bathrooms are attached to bedrooms. The property was run previously as a spa; sort of like a retreat/bed and breakfast type venue. The infrastructure was built for that purpose and they are trying to support whole group rentals and one (1) of the limitations is needing space to spread out. The house, while a lot of space, is spoken for mostly with bedrooms.

Greg Szybala asked if there are any plans for additional parking.

Todd Connor stated they expanded the parking lot and it now has a capacity for thirty-four (34) cars. The previous owner had even looked at cabin capacity and might have even had an approval for that. They acquired the property in 2017. The prior owner did have plans for cabins and additional facilities.

Andrew Voeltz stated to be clear, that is not their intention.

Todd Connor stated it is not, but just to say there may be precedence with the Board, but that is not their intention with the structures.

Adam Koronka stated the rendering shows a kitchenette on one side and a bedroom on the other. Being that this is a split structure with two rooms, what is the intent with both rooms?

Todd Connor stated the rendering shows a kitchenette, but that is not their intention. There are other uses that are highlighted on there. Their intention is to operate a couple of them as lounges. They would be like a mini living room/sitting area. There is the option to split them with a wall

in the middle; they may do that in two of them. Frankly, some of this will be experimented with how people are using them. One of the popular things this year was co-working. People wanted to bring their families out, whoever had to work via zoom wanted to go somewhere else and that was a challenge for the people at the house. They see an opportunity for that and private spaces to be used as a small lounge. Mostly what they are focused on is designing the outdoor environment so there is a common fire pit between the houses and an outdoor design that is intimate space for people to convene and be outdoors. The structures are relatively inexpensive because they want the flexibility to see how they get adapted and used and they may do things on a seasonal basis to see how people get acclimated to them. From a design grand standpoint, the opportunity to create them as really cool little spaces is a brand asset for them. That is a conceptual thought for people, but the utility of them is great. They will see how people will use them, but they want them as lounges and spaces that people can sit and work or sit together or meditate. That is why they allude to multiple uses because it will depend on how they are used. They want them to be luxury in terms of aspiration for the branding and for how they will be designed.

Adam Koronka stated they have a large flat roof with very little pitch. This past winter there wasn't a whole lot of snow, but have they considered the fact that they do occasionally get some hefty winters here.

Todd Connor stated that is a good concern. They talked to the company that fabricates them about structural supports for that reason and what will be in place. They would love any additional expertise on that.

Dwayne Hogan stated he applauds the concept and the idea is nice, but a part of him doesn't see where it's going to go with not having facilities for wanting to have a cocktail, drink or a bathroom or something out there not having water. They will be going back and forth from the house to the pod; he doesn't see it.

Dwayne Hogan made a motion to deny the Petition for Variance of Developmental Standards for Andrew Tourney and Todd Connor represented by counsel Andrew Voeltz to construct four (4) small pre-fabricated office/meditation/napping structures on Parcel II of the property to host small group retreats. The property is located behind 3634 N 700 W., LaPorte, IN., Coolspring Twp., zoned R1B on 23.74 acres.

Greg Szybala seconded.

All Denied. Motion passed 5-0.

2. Petition for Special Exception for Kingsbury Elevator, Inc. represent by counsel Anthony Novak for chemical manufacturing and storage. 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.

Attorney Biege stated that by agreement of the remonstrator and the petitioner the petition has been tabled to next month.

3. Petition for Variance of Developmental Standards for Alexander Paul Sammann and Mary Bennett Sammann represented by Anthony Novak to build a structure on the property with a front yard setback of fifteen feet (15') rather than the twenty-five feet (25') setback required in an R1B zoning. The property is located across from 3531 Lakeshore Dr., Michigan City, IN., Michigan Twp., zoned R1B. Parcel 46-01-12-407-009.000-021.

Attorney Biege stated notice is adequate.

Anthony Novak stated he is here tonight on behalf of the Sammanns. Alex Sammann is available if there are any specific questions, but he will be making the presentation. They own vacant land in Duneland Beach. Their primary residence is right nearby. This is a separate property. On the petition, the outline of their property is shown on Exhibit A. It is three platted lots in Duneland Beach that had been combined years ago; about point-three (.3) acres. Their plan is to build a single family detached dwelling on the lot. Exhibit B Page 2 is a conceptual rendering of what they plan to build. There is a full kitchen, living room, two (2) bedrooms, four (4) parking stalls; a traditional single-family dwelling. They are seeking a developmental standards variance under Section four-point-zero-four (4.04) so they can build the structure with a fifteen-foot (15') setback rather than the twenty-five-foot (25') setback required in R1B. The first page of Exhibit B, while a little small, shows where Michinda Ct. is and that will be where the front of the structure faces and shows the fifteen-foot (15') setback instead of the twenty-five feet (25'). The reason for this is that there is a large dune in the rear of the property that the Sammanns desire to both preserve as much as possible and to prevent them from incurring quite substantial costs in doing retaining walls. That is why they are trying to build it closer to the roadway. It looks like the elevation goes up about forty or fifty feet (40' – 50') from front to back showing the size of the dune. Although the structure will be closer to the road, the road that the property is on is a dead end. It is closer to a single lane as well so there is very little traffic. There is a residence next door that also is about ten to fifteen feet (10' – 15') off the roadway. It would be somewhat consistent with the area. Beyond this variance, they will meet all other setbacks as the parcel itself has plenty of room. In conclusion, they are simply asking for that developmental standards to have fifteen feet (15') instead of twenty-five feet (25').

No remonstrators present.

Michael Polan stated he did supply a picture to the Board showing the adjacent parcel and its' setback in relation to where they want to build.

Glen Minich stated he doesn't really have questions. He looked at beacon and looked out at the site and first thought why would anybody need a variance for something like this and then you see the mountain. He understands; to make the lot usable and affordable it makes sense. There has to be some change in the neighboring porches, but they're every bit as close and it is a dead-end road. There is only more residence beyond that.

Greg Szybala stated there's nothing like those Northwest Indiana mountains.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for Alexander Paul Sammann and Mary Bennett Sammann represented by Anthony Novak to build a structure on the property with a front yard setback of fifteen feet (15') rather than the twenty-five feet (25') setback required in an R1B zoning. The property is located across from 3531 Lakeshore Dr., Michigan City, IN., Michigan Twp., zoned R1B.

Greg Szybala seconded.

All Approved. Motion passed 5-0.

4. Petition for Variance of Developmental Standards for Nikolas Pavlakovic and Hannah Spradlin for a chicken coop with five (5) hens. The property is located at 201 W. Curtis Dr., LaPorte, IN., Scipio Twp., zoned R1A. Parcel 46-10-13-427-014.000-060.

Attorney Biege stated notice is adequate.

Nikolas Pavlakovic and Hannah Spradlin stated their address is 201 W. Curtis Dr., LaPorte, IN.

Melissa Mullins Mischke stated they want to put a chicken coop in the back yard with some hens. Are they anticipating 4H projects or do they want eggs for the home?

Nikolas Pavlakovic stated there would be five (5) hens for personal use and personal eggs.

No remonstrators present.

Glen Minich stated the coop will be in the far corner of their property away from their home. It is as close to the neighbors as it is to them. Is there a reason they are looking to put it so far back?

Nikolas Pavlakovic stated there is no specific reason. It just seemed like a good placement to them. They did plan to put it about six to ten feet (6' – 10') from each north and east fence line so it would not be right up against it. He has reached to those two neighbors when he obtained their signatures and spoke to them and they were both fine with it and didn't have any concerns with it being in that specific spot.

Melissa Mullins Mischke asked how they are planning to dispose of the waste from the hens.

Nikolas Pavlakovic stated they are going to personally clean the coop daily and intend to dispose of the waste on another property they own that is wooded and away from public. It will not affect any water ways or anything like that. Unless the Board has a specific way that they would like it to be handled.

Glen Minich stated gardening.

Melissa Mullins Mischke stated she would like to see it on a garden, but no, they don't.

Nikolas Pavlakovic stated he figured he would get it off the property so the neighbors don't have to smell it.

Melissa Mullins Mischke stated that is an excellent idea.

Adam Koronka stated he noticed they have a gate that seems to be coming off the hinges off the front fence. Is this planned to be a separate self-contained coop and roaming area or will they run free during the day in the back yard; if so, he would recommend upgrades to the fence.

Nikolas Pavlakovic stated he will be fixing the fence soon. The plan is for them to have their own coop and roaming area that is a separately fenced off and sectioned run. They did plan to have them free roam in the yard in their fenced in area when they are home only, but if they are not home then they will be in their own coop and fenced in area. The fence will be taken care of though.

Adam Koronka stated he doesn't live far from there and he recommends it with the number of cats roaming the area.

Nikolas Pavlakovic agreed. There are a lot.

Adam Koronka made a motion to approve the Petition for Variance of Developmental Standards for Nikolas Pavlakovic and Hannah Spradlin for a chicken coop with five (5) hens. The property is located at 201 W. Curtis Dr., LaPorte, IN., Scipio Twp., zoned R1A.

Glen Minich seconded.

All Approved. Motion passed 5-0.

Melissa Mullins Mischke stated to look into netting for their run so hawks don't get them.

5. Petition for Variance of Developmental Standards for Mary Jo Salgado to raise chickens (no roosters) and goats. The property is located at 2958 S. 75 W., LaPorte, IN., Scipio Twp., zoned R1A. Parcel 46-10-13-300-172.000-060.

Attorney Biege stated notice is adequate.

Mary Jo Salgado stated her address is 2958 S. 75 W., LaPorte, IN 46350.

Melissa Mullins Mischke asked how many chickens is she asking for.

Mary Jo Salgado stated no more than eight (8). That should be more than enough.

Melissa Mullins Mischke stated eight (8) hens. How many goats.

Mary Jo Salgado stated probably around two (2).

Melissa Mullins Mischke asked what size the property is.

Mary Jo Salgado stated two (2) acres.

Dwayne Hogan asked if this is for raising or for 4-H.

Mary Jo Salgado stated it is for eggs for themselves, family, and friends. It is a healthier way of eating. She grew up with farm fresh eggs.

Melissa Mullins Mischke stated it looks like they already have a structure for chickens.

Mary Jo Salgado stated they do, but they won't be getting the chickens this year because they plan on moving the fence. They wanted to take care of this now so when they are ready, they can get the chickens.

No remonstrators present.

Melissa Mullins Mischke asked what they plan to do with the waste.

Mary Jo Salgado stated she started a compost box because the previous owners of the home had chickens there. She figured it would be good for the yard and garden. She also has land in Knox that is wooded that can be used for disposal.

Adam Koronka asked if the current fenced in area is going to be for just two (2) goats.

Mary Jo Salgado stated she is unsure what the limit is, but they figured no more than two (2). Her husband said one (1), but she stated it would be lonely so they'd need two (2).

Dwayne Hogan asked if they would be two (2) males or two (2) females.

Mary Jo Salgado stated he husband plans to butcher them. His family eats goat.

Melissa Mullins Mischke asked if they plan to breed them.

Mary Jo Salgado stated no.

Melissa Mullins Mischke asked if they will be going in the fenced in area.

Mary Jo Salgado stated yes.

Adam Koronka asked if there will be a separate coop for the chickens.

Mary Jo Salgado stated there is already a chicken coop inside the gated area that can be closed off.

Melissa Mullins Mischke stated this isn't in the subdivision and it is close to it, but it's on the edge of it on the side of 75 W. that she doesn't think it will be intrusive to all of the neighbors.

Glen Minich agreed. These are larger two (2) acre lots. Some of the homes along here the High School Building Trades helped build. Were there any complaints that brought this to their attention?

Michael Polan stated no.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Mary Jo Salgado to raise eight (8) chickens (no roosters) and two (2) goats. The property is located at 2958 S. 75 W., LaPorte, IN., Scipio Twp., zoned R1A.

Dwayne Hogan seconded.

All Approved. Motion passed 5-0.

6. Petition for Variance of Developmental Standards for Lorette Young (owner) and Adam Scott (buyer) for construction of a home on a lot with one hundred and forty-six feet (146') of road frontage instead of the minimum two-hundred feet (200') required. The property is located south of 6249 S. 625 W., Union Mills, IN., New Durham Twp., zoned A on 3.5 acres. Parcel 46-09-36-400-044.000-027.

Attorney Biege stated notice is adequate.

Melissa Mullins Mischke stated this petition will be moved to the end of the agenda in case they show up.

7. Petition for Variance of Developmental Standards for Christine M Maddox for placement of two shipping containers to be enclosed in a pole barn to be used for farming storage. 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.

Michael Polan stated this petition was partially denied, but the restriction was waived for reappearing with a better plan to conceal the containers.

Attorney Biege stated there are some sheets from the adjoining land owners, but the sheets look exactly the same the last time they petitioned. Did they get them resigned?

Christine Maddox stated she went to every home with the exception of the Railroad which they had to send in. They went to each home again and obtained signatures.

Attorney Biege stated he is missing Hancock, Schultz, Atherton, and Grott.

Christine Maddox stated they have signatures for all of them with them. They are dated 4/13 and 4/14.

Attorney Biege stated Schultz's name is written on the sheet, but there is no signature.

Richard Percifield asked what the address was.

Attorney Biege stated Robert B and Janet C Schultz, PO Box 287, Rolling Prairie, IN.

Christine Maddox stated she doesn't believe they had that one as listed.

Attorney Biege stated it was listed with the petition. The name is written on the signature page, but there is no signature.

Richard Percifield stated they have a copy of the signature pages they used. They are all signed except for the Pennsylvania Line.

Attorney Biege stated they have Schultz's name written down, but there is no signature on the page that he is looking at.

Christine Maddox asked if there is a way that they can send a copy of the page. They have one with the Schultz signature on it.

Attorney Biege stated yes. They can approve pending submission of Schultz's signature.

Christine Maddox stated they have the signature. She doesn't know why the Attorney does not have the page, but they do have it with them.

Melissa Mullins Mischke asked if they will vote tonight pending the signature page be given to the attorney.

Attorney Biege stated there is another issue. The publication was published on April 15th. There is a legal requirement that it be ten (10) days prior to the hearing. They were only five (5) days.

Christine Maddox stated she called earlier on Monday to make sure that that was okay and as she understood that would be alright.

Melissa Mullins Mischke stated no. That is not something that office would have told you. That is a firm rule; ten (10) days. The Board can table them until next month and that would be the May 18th meeting.

Christine Maddox asked if she would need to obtain the signatures again and republish.

Attorney Biege stated no. As long as they submit the missing page, they made the announcement of when the next meeting is and that should be sufficient.

8. Petition for Variance of Developmental Standards for Jesse Kidd for a second (2nd) accessory structure and to the side of the home instead of the rear. The property is

located at 9233 W. 375 S., LaPorte, IN., New Durham Twp., zoned A on 1.02 acres.
Parcel 46-09-21-400-006.000-027.

Attorney Biege stated notice is adequate.

Jesse Kidd stated his address is 9233 W. 375 S., LaPorte, IN.

Jesse Kidd stated the structure will be twelve-feet by twenty-eight feet (12' x 28'). They will use it for storage and his wife and mother-in-law may do craft work in the building and hopefully clear up some of the clutter in the house.

Dwayne Hogan asked if it is big enough.

Jesse Kidd stated he hopes so.

Melissa Mullins Mischke stated she's glad to hear Dwayne Hogan say that for once. A she-shed should be big enough. Will there be electric?

Jesse Kidd stated there will be electric.

Dwayne Hogan asked if there will be water.

Jesse Kidd stated no.

No remonstrators present.

Adam Koronka asked what the additional fence is for. According to the sketch there is a new fenced in area to the back of the building.

Jesse Kidd stated it's for their puppies.

Melissa Mullins Mischke stated they want to be close to the crafters.

Glen Minich stated they are not asking for any other variance so will the side yard setback be thirty feet (30')? It's a small lot and there's not a lot of room there.

Jesse Kidd asked if it needs to be thirty feet from the side yard.

Glen Minich stated yes in Ag zoning it should be thirty feet (30') from the side yard. Is that correct?

Michael Polan stated this is residential use so it would be residential setbacks.

Glen Minich stated that has been an argument of the Board for some time. It is zoned Ag; it's in Ag zoning. A farmer would expect that to be the case. The drawing submitted is a little vague.

Adam Koronka stated according to Beacon, there is sixty-five feet (65') from the property line to the house.

Glen Minich asked how far it needs to be from the house.

Ashley Kazmucha stated ten feet (10').

Glen Minich stated it is twelve feet (12') wide. That's twenty-two feet (22') accounted for leaving a remainder of forty-three feet (43'). Are they going to build it ten feet (10') from the house?

Jesse Kidd stated he can.

Brenda Cates stated she is his mother-in-law and her address is 9233W. 375 S., LaPorte.

Brenda Cates stated the structure is more than ten feet (10') from the house and it is twelve feet (12') from the property line. It is way more than ten feet (10') from the house because the twenty-eight feet (28') is going long ways parallel to the house. She did the drawing.

Attorney Biege stated their side yard setback defaults to the Ag setback, but the rear setback does not default to Ag. It goes to three feet (3'). The code refers to anything residential in Ag refers to Section 16 which is the standard residential setbacks. So, to the rear they are fine; to the side they need the thirty feet (30').

Per Section 16.02(c)(4) In A, R1A, and R1B districts, accessory buildings in the rear yard shall be setback a minimum of 10 feet from the side and rear lot lines. A side setback of ten feet (10') is acceptable.

Glen Minich stated there is room for thirty feet (30'), they will just need to move it. They didn't ask for a variance on it and thirty feet (30') is the answer so they will need do the setback, the structure, and roughly twenty feet (20') to the house.

Brenda Cates stated as long as there is twenty feet (20') between the house and the structure they will be ok.

Glen Minich stated as long as they are thirty feet (30') from the eastern property line they are fine.

Jesse Kidd stated that is fine.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for Jesse Kidd for a second (2nd) accessory structure and to the side of the home instead of the rear. The structure must have a thirty-foot (30') side setback. The property is located at 9233 W. 375 S., LaPorte, IN., New Durham Twp., zoned A on 1.02 acres.

Greg Szybala seconded.

All Approved. Motion carries 5-0.

9. Petition for Variance of Developmental Standards for Bobby and Elizabeth Greene for placement of a shipping container/second (2nd) accessory for storage; will be transformed to match the home. The property is located at 5747 W. 250 N., LaPorte, IN., Center Twp., zoned R1A. Parcel 46-06-19-151-043.000-042.

Attorney Biege stated notice is adequate.

Bob Greene stated his address is 5747 W. 250 N., LaPorte, IN.

Melissa Mullins Mischke asked if the storage container is already on site.

Bob Greene stated yes.

Melissa Mullins Mischke asked how long it has been there.

Bob Greene stated it has been in the driveway about a year and a half. He used as storage for remodeling in the house. He pulled all the furniture out of a room, remodel, and then put the furniture back in.

Melissa Mullins Mischke stated he is going to transform the structure to match the home. How will he be doing that.

Bob Greene stated he will put boards on the outside of it and then side it to match the house.

Melissa Mullins Mischke asked where it will ultimately end up on the property.

Bob Green stated it will be in the northeast corner of his property.

No remonstrators present.

Melissa Mullins Mischke stated they have recently denied several of these containers. They're easy to get and set in place, but they have concerns about them being anchored properly and being secured, but she doesn't know if this is something they have talked about as a County how they will handle all of these structures. They are trying to get away from mobile homes that aren't in mobile home parks. To her, this is the mobile home of storing stuff. And they have denied them in the past.

Greg Szybala stated he pulled into the driveway when Bob Greene was pulling out of the driveway. They walked and talked their way through the plans. What he is planning on doing seems very reasonable. He will make it look like it's not what it is and place it in the vary back of the back yard. They also spoke about requirements for anchoring and everything.

Glen Minich asked if he is going to put a pitched roof on it.

Bob Greene stated he hadn't thought of it, but that may help the looks of it even so he'd be up for that.

Melissa Mullins Mischke stated she is concerned that if they try one (1) as an experiment and it back fires.

Glen Minich stated what they are saying is interesting and everything, but why not just put four (4) posts in the ground, put your boards around it, and a pitched roof.

Bob Greene stated because he already has the container. He could probably sell it and get the money and do that. It's just his friend has a vehicle to move the container back there and set it in place. It would just save him time and be that much easier to do that.

Dwayne Hogan stated it would be secure too.

Bob Greene stated it is water tight as well.

Glen Minich stated he agrees with Melissa Mullins Mischke. He could do it, but they have been denying these things. They don't think they belong in residential areas.

Glen Minich made a motion to deny the Petition for Variance of Developmental Standards for Bobby and Elizabeth Greene for placement of a shipping container/second (2nd) accessory for storage; will be transformed to match the home. The property is located at 5747 W. 250 N., LaPorte, IN., Center Twp., zoned R1A.

Adam Koronka seconded.

Denied. Motion carries 4-1.

10. Petition for Variance of Use for Sebert Wilmer L Etal Trustee Tr Dated 8/28/87 C/O Tribeca Business Management (seller) and 200 Lincoln Street LLC (buyer) to operate and indoor/outdoor storage facility (multiple buildings) and office suites (contained on one – two buildings). The property is located east of 1011 E. Hwy 20, LaPorte, IN., Kankakee Twp., zoned A on 7.454 acres. Parcel 46-07-08-100-019.000-052.

Attorney Biege stated notice is adequate.

Kyle Kerr stated his address is 209 Northview Dr., Valparaiso, IN.

Kyle Kerr stated he submitted a phase packet of what they would like to do with the property. They have not purchased it yet.

Melissa Mullins Mischke asked if he is the seller or buyer.

Kyle Kerr stated the buyer.

Melissa Mullins Mischke asked what the general lay out would be for storage indoor and outdoor.

Kyle Kerr stated they would like to do indoor and outdoor storage primarily for residential use. The contractor's suites are something they would like the option to do, but they don't know how the market will be there. The phase layout stated there are four (4) south buildings that are going to be utilized basically as a fence on the front part of the lot and the remaining part will be fenced in. At first there will be two entrances. The proposed plan was one (1) to the east and one (1) to the center. They will be steering clear of the electrical lines that run along the property. They would avoid those so there would be enough room for vehicles to turn and avoid those.

Glen Minich asked if there are electrical lines on the road he is referring to.

Kyle Kerr stated no, they are along the northern side of the property and they run roughly two-hundred and sixty-five feet (265') from the front lot line.

Melissa Mullins Mischke asked how many structures there will be.

Kyle Kerr stated in the proposed plan they have eleven (11) residential storage buildings in the center and four (4) additional buildings in the front. Then they have an office building that could be contractor's suites, but they will personally utilize the front office in the first bay. Everything behind that will be able to be rented if possible, otherwise they will be indoor storage.

Melissa Mullins Mischke asked about the structure in the northeast corner.

Kyle Kerr stated that is a proposed building. He was unsure how many phases the Board would like to see for the future because this will not be built all at once. They are labeled for construction phases and a correlating document that explains it all. In the back part, they would like to use that for outdoor parking.

Melissa Mullins Mischke asked if that would be for storage of RV's and boats.

Kyle Kerr stated yes.

Dwayne Hogan stated the worst thing is the road.

Melissa Mullins Mischke stated yes, but the state highway would take care of that.

Kyle Kerr stated he has communicated with INDOT about the project. They gave him the permit application form and everything that he needed.

Melissa Mullins Mischke stated to remember their decision is not based off that.

No remonstrators present.

Joe Shaffer stated his address is 5111 N. Fail Rd., LaPorte, IN.

Joe Shaffer stated he owns the property next door along with Dawn Haines. They have seventeen-point-two (17.2) acres there. He has a lot of concerns with this. He just received his notice so he didn't have a lot of time to absorb it, but now that he hears potentially fifteen to sixteen (15 – 16) buildings he is worried. They bought their property as a residence. They have lived there nearly fifteen (15) years. They bought it because it is secluded and quiet. One (1) issue with putting all the buildings along there would be the intersection of Fail Rd. and U.S. 20. It is a continual demolition derby for lack of a better term. They have a shooting range on their property that they utilize. They hunt on the property. Putting all the buildings on there would have a substantial water runoff. On the back side of the property that abuts his woods, in his woods there is a huge valley about five to six (5 – 6) acres of his own property. Adjacent to the north of him has a similar topography. Potentially, run off from this could flood his property and his neighbors. Run off from the buildings and if it is paved would be immense. He bought a place that is dry. He currently has it up for sale and he spoke to a couple realtors today. They said if he sells it, he has to disclose that this may be potentially going in there. Their opinion was that it ruins his value as far as seclusion and that is why they bought the property. It is very quiet and secluded. He is talking about having contractors in there. That is traffic in and out all the time. Even the general idea of storage units; people store and they come to get their stuff. It's just a whole bunch of unknowns for him. The realtors told him that the property is currently up for sale right now and told him even now that if it goes through that he needs to disclose that. Every person he has had come look at this property is coming from out of state; they're coming from Illinois like clockwork. The first thing they comment on is how quiet and secluded it is and how the storage facility will destroy that and kill the value of his half million-dollar (\$500,000) property. It could potentially kill it; there's a lot of unknowns and unanswered questions at best. If he is looking at commercial, three (3) miles up the road east or west are commercial properties that are available. It would be better suited and it would be up against his valley. There is a sign right where he is talking about building; it's a great big sign that says Lake Michigan Watershed Area. He contacted the Army Corps of Engineers and stated that until it's wet, they can't do anything. But once it's wet, he can't afford the lawyers to try to block this at that point in time. It's way too late then.

Michael Polan stated regarding the gentleman's comment about the Army Corps of Engineers just meant that there are not wetlands delineated or present that he would have to deal with. However, if this proposed development were to be over an acre of land disturbance, that would require a Rule 5 Permit along with a Storm Water Management Plan. He did step down from MS4; he is no longer apart of that department so he doesn't know if he has applied with them for an MS4 permit.

Kyle Kerr stated he has not; he was not aware that he had to. They are graveling not paving though. They will have gutters on the buildings. The front buildings will be pitched as well as the remaining ones. As far as the contractor's suites, that is all up in the air. They are primarily wanting to do this for the residential storage and the only office space would be them personally and it would be normal hours. It would be secured and gated. The gate would probably be shut

down if it is just residential at nine or ten (9 p.m. – 10 p.m.) so people wouldn't be able to utilize it and then it would open back up the next day. The water runoff would be handled by a French drain system and then be directed into two swales on either side, but definitely where it can take the water because there will be runoff especially with the snow when it melts.

Michael Polan stated this development would definitely create additional run off. Will this be all gravel with no pavement at all?

Kyle Kerr stated the pavement will at the turn offs from U.S. 20 in the front area and then the majority of the aisles between the buildings will be gravel.

Michael Polan asked if he could give the Board an idea approximate acreage of disturbance for the project.

Kyle Kerr stated roughly between four and five (4 – 5) acres. That is just an assumption. He doesn't have an exact figure in front of him. If they had to do less, that is perfectly fine too if they put requirements on it.

Michael Polan stated any action by this Board would not negate the need for an MS4 permit. Part of the MS4 permits, which is the Storm Water Department, would be to have an adequate storm water management plan to deal with the runoff. It would need to be professionally designed storage to make sure that there is enough holding capacity to take care of the storm water that has to go somewhere.

Glen Minich stated they do a lot of these variance, but in this case, he feels like it would be better served with a re-zone than a variance just because they are changing so much of what is out there. There are traffic problems, the Ag zoning, etc.; giving a variance on this property is really changing the dynamics of that area. That is his biggest problem.

Attorney Biege stated that goes to whether or not they think if it's appropriate for a variance. The other argument applies that they don't want spot zoning all over the County; they want to keep it consistent. Whether they approve the variance or not, that's another story, but he thinks it is appropriate for a variance because they've worked very hard to have consistent zoning districts throughout the County. His point is well taken though.

Melissa Mullins Mischke stated she has concerns. It's not a very put together plan.

Dwayne Hogan stated there a lot of "what if's".

Melissa Mullins Mischke stated they talked about the one structure being proposed. She feels like she is missing something on the presentation on the whole package and how much research they have done on things like the water runoff. She understands INDOT has sent them the application, but if they were familiar with the area, they would know that Fail Rd. and U.S. 20 is a bad spot for accidents and be looking to address the egress and ingress of the property. She doesn't feel like that has been addressed from what she has seen so far.

Glen Minich stated the soil types in that area tend to be pretty heavy and it is going to take a lot of water retention in his estimation. He isn't an MS4 guy, but they have to contain the water; it can't go to the neighbor. It will take a pretty big reservoir of some type.

Adam Koronka stated it appears that although they are looking for a variance just to build this in Ag zoning, the minimum requirements from Article 14 for self-storage doesn't seem to be met either. The entirety of the property seems to be used for parking and storage units, but the minimum setbacks off of U.S. 20 right-of-way need to be met and that's forty feet (40'). To the point of storm water, there is a lot of impermeable surface with those buildings. It's going to be quite a chunk of that land that will require a retention pond of some sort. He's not an expert, but he has been around enough of them. It's going to be something else that needs to be delved into before they come back for a variance or a re-zone.

Melissa Mullins Mischke stated she is inclined to table this to allow them extra time to get his ducks in a row.

Attorney Biege stated he gently suggests that he obtain counsel to help him get this put together. They know what the Board is looking for.

Dwayne Hogan agreed. It would be very advantageous for them.

Adam Koronka stated that according to Beacon versus the application the Parcel ID is marked wrong on the application. Beacon lists it as 46-07-08-100-019.000-052 and the application lists 46-07-08-100-024.000-052. The one (1) on the application lines up with the parcel to the west of this property in Beacon.

Subsequently corrected on the application.

Glen Minich stated by tabling they would allow them to come in at another point rather than denying it.

Melissa Mullins Mischke stated yes, she would rather do it that way.

Glen Minich made a motion to table the Petition for Variance of Use for Sebert Wilmer L Etal Trustee Tr Dated 8/28/87 C/O Tribeca Business Management (seller) and 200 Lincoln Street LLC (buyer) to operate and indoor/outdoor storage facility (multiple buildings) and office suites (contained on one – two buildings). The property is located east of 1011 E. Hwy 20, LaPorte, IN., Kankakee Twp., zoned A on 7.454 acres.

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

6. Petition for Variance of Developmental Standards for Lorette Young (owner) and Adam Scott (buyer) for construction of a home on a lot with one hundred and forty-six feet (146') of road frontage instead of the minimum two-hundred feet (200') required.

The property is located south of 6249 S. 625 W., Union Mills, IN., New Durham Twp., zoned A on 3.5 acres. Parcel 46-09-36-400-044.000-027.

Dwayne Hogan made a motion to table to the May 18th meeting the Petition for Variance of Developmental Standards for Lorette Young (owner) and Adam Scott (buyer) for construction of a home on a lot with one hundred and forty-six feet (146') of road frontage instead of the minimum two-hundred feet (200') required. The property is located south of 6249 S. 625 W., Union Mills, IN., New Durham Twp., zoned A on 3.5 acres.


Greg Szybala seconded.

All Approved. Motion carries 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 7:37 p.m.


Melissa Mullins Mischke, President


Michael Polan, Recording Secretary