



LAPORTE COUNTY BOARD OF ZONING APPEALS

Government Complex 5th Level
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MICHAEL POLAN
Building Commissioner

May 18th, 2021

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **May 18th, 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

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 April 20th, 2021.

Dwayne Hogan made a motion to approve the meeting minutes of April 20th, 2021 as presented.

Adam Koronka seconded.

All Approved. Motion passed 4-0.

Melissa Mullins Mischke stated Petitions 1, 3, and 5 are being tabled and will not be heard.

Dwayne Hogan made a motion to move Petition 12 for Seven D Real Estate Management (owner) and Jesus Diaz and Juana Pelayo to the top of the Agenda as there is counsel present for the petition.

Adam Koronka seconded.

All Approved. Motion passed 4-0.

Petitions:

- 1. 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.

Tabled to the June 15th Meeting.

12. Petition for Variance of Use for Seven D Real Estate Management Inc (owner) and Jesus Diaz and Juana Pelayo (renters) to operate rodeo events from May through September. The property is located at 3477 S. 150 W., LaPorte, IN., Scipio Twp., zoned R1A on 35.6689 acres. Parcel 46-10-23-400-003.000-060.

Petitioners not yet present. Will be recalled.

Audience member questioned when they will be heard.

Dwayne Hogan stated they will have to fall back in line somewhere.

Melissa Mullins Mischke stated they will be heard as number 12. Remonstrance tonight is at the time of the petition. They do not get to ask questions after they have made a vote or at the end of the meeting. Remonstrance and public comment are only during that particular petition.

2. 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.

Attorney Biege stated notice is adequate.

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

Melissa Mullins Mischke stated they want to enclose their two storage containers in a building.

Christine Maddox stated that is correct.

Melissa Mullins Mischke asked if everything will be enclosed in the structure. Will there be a roof?

Christine Maddox stated yes. They utilize the structures for the ability to lock them and they are safe. They have farming equipment and the containers provide a very secure safe storage for them. They wanted to utilize them and either completely enclose or a three (3) sided structure so they can still get the tractor in and out.

Richard Percifield stated that was their original intent that they were going to do anyway. They approached the Board for a building permit because the permits are actually parallel and level with each other.

No remonstrators present.

Attorney Biege stated that they won't need a variance if both containers are enclosed by four (4) walls and a roof. They need a variance if they are doing three (3) walls. There is the difference.

Richard Percifield stated the three (3) walls were going to be the one wall facing to the west which can't be seen by anybody.

Attorney Biege stated some areas of the code are static.

Richard Percifield stated they were looking at possibly keeping the west wall open at this point in time considering the cost of lumber at this time and covering what they absolutely had to.

Attorney Biege stated any variance that the Board would examine would be for the three (3) sided structure. The four (4) sided structure would be permitted.

Adam Koronka asked if it is worthwhile to where if they asked for a variance for a three (3) sided and decided to do four (4) instead, there would be nothing else to be done after that point. They can choose either way.

Attorney Biege stated that is correct.

Melissa Mullins Mischke asked if they are going with the three (3) walls or four (4).

Christine Maddox stated three (3) as it allows them the maximum flexibility.

Glen Minich stated they don't have any pictures of the structure they plan to build. Do they have a width, length, or height?

Christine Maddox stated they thought they were to obtain the variance before they supplied any of that information.

Melissa Mullins Mischke stated they will give that to the Building Department when they apply for a permit.

Richard Percifield stated the basic structure will be approximately thirty-two feet (32') wide. The length of it will be forty feet (40'). The absolute height will be whatever a four-twelve (4/12) pitch roof is on top of that forty-two feet (42') of width total which would be well under the requirements for a variance for a height of a building in that area. They are one-hundred fifty feet (150') away from the property line to the east. They will be moving the containers a little further west to take advantage of some more level ground to the front in case they need to take and add on to the front of it to add more level support for the building and structure itself. That is their intention at this time.

Adam Koronka asked if the opening to the containers would remain to the west and the bulk of their property.

Richard Percifield stated yes. From that point there is well over one-thousand feet (1,000') to the nearest property and another five-hundred (500') to the road; none of which can be seen because of topography.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for Christine M Maddox for placement of two shipping containers to be enclosed in a pole barn, three (3) or four (4) sided, 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.

Adam Koronka seconded.

All Approved. Motion passed 4-0.

3. 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 an 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.

Tabled to the June 15th Meeting.

4. Petition for Variance of Developmental Standards for Eric D Corona to keep chickens on the property (rear of home). The property is located at 4118 W. Erin Dr., LaPorte, IN., Center Twp., zoned R1B. Parcel 46-06-08-400-062.000-042.

Attorney Biege stated notice is adequate.

Eric Corona stated his address is 4118 W. Erin Dr., LaPorte, IN.

Eric Corona stated he has had the chickens a little over a year. They just moved into the property two (2) months ago. They were living on 39 in the rural part of time and didn't think they would be moving in a year. They have been blessed enough to purchase their first home and when they moved, they knew chickens weren't allowed in that zoning, but they figured they weren't a nuisance and didn't pose a threat to the neighborhood. They don't have a rooster. They don't make any noise aside from when they lay eggs. The loudest a chicken can get when laying an egg is comparable to a dog barking. They are only active during the day and if they were loud, it would only be during the day where they can say a dog outside is as loud as his chickens.

Melissa Mullins Mischke asked how many hens he has.

Eric Corona stated he has ten (10) hens.

Melissa Mullins Mischke asked how large of an area there is for their run.

Eric Corona stated the run is twenty feet by ten feet (20' x 10') and they have a chicken coop inside the run that is five feet by six feet (5' x 6').

Melissa Mullins Mischke asked what they do with the manure.

Eric Corona stated he changes it out every three to four (3 – 4) weeks depending on the time of the year and dispose of it at LaPorte County. They use a part of it for compost as well.

Melissa Mullins Mischke asked if he takes it to the yard waste.

Eric Corona stated yes.

No remonstrators present.

Melissa Mullins Mischke stated they did receive one (1) letter of written remonstrance. They are not going to read it, but if anyone is interested in reading the remonstrance on Petition 4, they may contact the Building Department and they can provide that. It was a negative remonstrance.

Adam Koronka asked how long the fence has been in place. It looks brand new.

Eric Corona stated it was ordered a week and a half after they moved in, but with covid everything is on backorder so it was just installed a week and a half ago.

Dwayne Hogan stated it looks nice.

Attorney Biege stated the remonstrance is asking for enforcement of the subdivision covenants, but that is not a consideration for the Board.

Melissa Mullins Mischke asked if they free range during the day.

Eric Corona stated no.

Adam Koronka asked if they are free within the fenced yard during the day.

Eric Corona stated they are not free within his fenced yard. They are free within the run.

Glen Minich asked how close the neighbor was that had the remonstrance. Was he a close proximity neighbor?

Ashley Kazmucha stated he is on the western corner.

Adam Koronka made a motion to approve the Petition for Variance of Developmental Standards for Eric D Corona to keep ten (10) chickens, no roosters on the property (rear of home). The property is located at 4118 W. Erin Dr., LaPorte, IN., Center Twp., zoned R1B. Parcel 46-06-08-400-062.000-042.

Dwayne Hogan seconded.

All Approved. Motion passed 4-0.

Melissa Mullins Mischke stated she is asking again for Petition 12 Variance of Use for Seven D Real Estate Management. Is anybody present?

12. Petition for Variance of Use for Seven D Real Estate Management Inc (owner) and Jesus Diaz and Juana Pelayo (renters) to operate rodeo events from May through September. The property is located at 3477 S. 150 W., LaPorte, IN., Scipio Twp., zoned R1A on 35.6689 acres. Parcel 46-10-23-400-003.000-060

Attorney Biege stated there weren't any return certified mail cards, but they do have proof of mailing and the Board's in interpretation of that in the past has been notice is adequate.

Jesus Diaz stated his address is 4852 S. Leamington Avenue, Chicago, IL.

Melissa Mullins Mischke stated there are a lot of people here that are really interested in the rodeo. What do they envision this operation to entail? How long have they been at this location?

Jesus Diaz stated they have been at that location about five (5) years or so. They have always had animals at the farm like horses, cows, and bulls.

Melissa Mullins Mischke asked what hours of operation they are looking to run this facility.

Jesus Diaz stated two o'clock to nine o'clock (2 p.m. – 9 p.m.). That would be the time that they would be asking for.

Melissa Mullins Mischke asked during what days of the week?

Jesus Diaz stated Saturdays or Sundays and only from May to September.

Melissa Mullins Mischke asked Saturday and Sunday or just one (1).

Jesus Diaz stated either or, but typically Sunday would be the day.

Dwayne Hogan asked if it would be every Sunday or once a month.

Jesus Diaz stated the plan is to have three (3) a year; one (1) in May or one (1) in June, one (1) in July, one (1) in August. Anywhere between three or four (3 – 4) he would imagine.

Dwayne Hogan asked if they have had events out there already.

Jesus Diaz stated at this location no, but at other locations yes.

Melissa Mullins Mischke asked if the other locations are in LaPorte County.

Jesus Diaz stated no; California, Illinois, and Colorado. The one (1) in Illinois is at the McHenry County Fairgrounds. They have it on May 30th. They have everything ready for that event. They have sheriffs, security, all the paperwork, restrooms, security guards and emergency services. They have a list of all that they have. They have been doing this for a few years now. Everything is accounted for in terms of logistics, security, and the timeline.

Dwayne Hogan asked if there is an advantage of having it at the fairgrounds versus a private residence.

Jesus Diaz stated that everything is already there permanently. The ring is there permanently. They have stands that are there permanently as well. If they were to do it at the fairgrounds, they would have to take their setup and ring for the bulls and put it there ahead of time and then take it down afterwards whereas the ring is there permanently with three- foot (3') cemented footings. It is safer for the spectators and one of the things he wanted to highlight.

Melissa Mullins Mischke stated the requirement for bulls with the footings and so forth to keep them contained is a little more than what the County Fairgrounds has to offer currently.

Jesus Diaz stated that is correct because the force of an animal. He has been to the fairgrounds here and it is something they put up the day of and take down the day after. At their location, everything is there permanently and is secure.

Dwayne Hogan asked if he has a business plan for this type of event.

Jesus Diaz stated they have a blueprint of the layout of the property for the events. Where the restrooms would go, where the food would go, where the liquor sales would go, where the bulls would be located. Everything is accounted for on the plan.

Melissa Mullins Mischke stated that to clarify, if they were to sell alcohol that would have to be approved from the State.

Jesus Diaz stated of course, he wouldn't just do it without approval. They want to do everything the right way with proper documentation. The property sits on thirty-eight (38) acres. Traffic is not something they believe will impact harshly. They have a cleaning crew that will clean up after the event. It will not leave the neighborhood or the place looking trashy after an event.

Dwayne Hogan asked about bonding and insurance.

Jesus Diaz stated they typically buy insurance for up to three-million dollars (\$3,000,000) for the day of the event. He does have a receipt and proof of that for the event they have planned at the end of the May. That is something that they do for every event; in case of any liability, they are insured.

Adam Koronka asked what a typical event look like from two – nine (2 p.m. – 9 p.m.).

Jesus Diaz stated door would open at two (2 p.m.). People would come in gradually until around five o'clock (5 p.m.). The rodeo would start at five o'clock (5 p.m.) and end around eight o'clock (8 p.m.). People would leave between eight or nine o'clock (8 p.m. – 9 p.m.). He says between eight or nine (8 p.m. – 9 p.m.) because they would look to have the permit until nine (9 p.m.) so they could have a little bit of music after that. Some people come for the rodeo and leave. Some people stay a little bit longer and then by nine (9 p.m.) everybody should be out of there. It's not like a football game where it ends and the stadium is empty in two (2) minutes. Here it is more of a process.

Glen Minich asked if there would be other vendors at the event.

Jesus Diaz stated yes. They would rent the space for anybody willing to sell food, drinks, or retail items like cowboy merchandise.

Glen Minich stated he is trying to get an idea of the event size. How many attendees are they expecting? They have quite a bit of stands that they have already put in place.

Jesus Diaz stated the capacity for the stands is about a thousand (1,000). That would be without any restrictions or anything like that. That would be a successful event in their account. He would say anywhere between six hundred and one-thousand (600 -1,000) people depending on the weather.

Dwayne Hogan asked if they intend on using LaPorte County Sheriffs for security.

Jesus Diaz stated part of what they do currently is utilize whatever county they are in. He has a contract with McHenry County Sherriff's for their event on the 30th. Depending on the size, he can get a good idea of what the response is going to be and he can accommodate to say that if the County says five-hundred (500) people would need five (5) Sheriff's then they would do that. They would rather be safe than sorry. They don't mind doing that because it will be better for the outcome of any event.

Melissa Mullins Mischke asked about traffic control.

Jesus Diaz stated they hire security guards on top of the Sheriff's and the security guard team assists in traffic control.

Melissa Mullins Mischke stated they will have Sheriff's deputies and their own security.

Jesus Diaz stated that is correct.

Melissa Mullins Mischke stated they have received a large number of written remonstrance. She will not read those into the record. If they are interested in reading the remonstrance feel free to contact the Building Department at the County.

Remonstrators:

Attorney Joseph C. Sventanoff stated he is with the law firm Kopka Pinkus Dolin. They are located at 9801 Connecticut Dr., Crown Point, IN. They are representing Lou DeYoung who is the owner of 786 Lot 44 West Eagle Flight Lane, LaPorte, IN in the Scipio Sunrise Development. He is the declarant developer of the Scipio Sunrise Homeowners Association Incorporated. They are here remonstrating again the petition that the Board just heard from the Petitioners. The development was created in 2013. Scipio Sunrise Development is an upscale housing development featuring at least eighty-nine (89) one (1) acre homesites with a stock pond and green space located at the northwest corner of County Road 400 S and 75 W in LaPorte, IN. The declarant has a total of eighty-nine (89) residential lots where by approximately forty (40) of these lots are either sold to private individuals or have been built upon. The zoning classification for this real estate development is R1A single-family and the entire area in and around this proposed thirty-six (36) acre rodeo project is R1A single-family as well. Discussing the use variance that has been presented here tonight, there are five (5) criteria in which the petitioners have to meet. They have discussed none of the criteria in which they have the burden of meeting tonight. First, the granting of this variance will be injurious to the public health, safety, and welfare or general morals of the community. The approximately forty (40) lots homeowners and/or land owners within the Scipio Sunrise Development have made significant investment within this development in LaPorte County. The thirty-six (36) acre proposed rodeo project will bring unwanted noise through public address systems, animals, crowd noise, and unwanted smells from cows, bulls, trash, etc. and a significant increase in traffic into this area which is directly injurious to the public health, safety, and welfare and morals at the community at large and specifically the Scipio Sunrise Development and all residential developments in and around that area. The second factor, the use and the value of the area adjacent to the property involved will be affected substantially in an adverse manor. Again, forty (40) lots are owned or developed within this development that are directly owned by private individuals. Another forty-nine (49) which are owned by the developer himself. Most of these residents have invested their life savings into the biggest investment of their life ever. This rodeo will have a negative impact to the homes and their financial investment within this community. Additionally, they would believe that LaPorte County would want this development to grow into a substantial development fully developed eighty-nine (89) acres because they would be bringing three hundred to five hundred-thousand-dollar (\$300,000 - \$500,000) homes into a development which would increase the County tax base. Instead, if they bring a rodeo in, they will negatively impact those home values, lot values, and any residents in and around that area. Again, the thirty-six (36) acre proposed rodeo project will bring unwanted noise as he stated previously and as is tendered in the written remonstrance itself before the Board. Third, the need for the variance does not arise from a condition particular to the property and is due to the general conditions of the neighborhood. The Scipio Sunrise Development and all the residential developments in and around are zoned R1A single-family. There is no need for this variance because only single-family developments were anticipated in this area and no condition peculiar to the rodeo project exists, which would allow for this criteria to be satisfied. Fourth, the strict application of the terms of the zoning ordinance would not constitute an undue hardship if applied to the property for which the variance is sought. The strict application of the terms of the zoning ordinance does not constitute an undue hardship to this rodeo project, as the intent of the Scipio Sunrise Development and all residential developments in and around are zoned R1A single-family. Finally, the granting of the variance does interfere substantially with the Master/Comprehensive Plan. The zoning map for Scipio Township and the Master/Comprehensive Plan shows these

areas as either currently existing or projected to R1A single-family developments, so granting a thirty-six (36) acre proposed rodeo project would substantially interfere with the Master/Comprehensive Plan. As indicated, most if not all the criteria set forth in the petition for variance for use form adopted, implemented, and used by the Board of Zoning Appeals for LaPorte County, Indiana, and as cited under Article 28; Sub-Section 8.1; entitled; "Variance" of the LaPorte County Joint Zoning Ordinance are not satisfied by this petition and thus the evidence and the law demonstrate that the variance should be denied. This denial will actually serve the residents within the Scipio Sunrise Development and all residential developments in and around that area from having to contend with a thirty-six (36) acre rodeo project.

Attorney Svetanoff provided the Board with pictures.

Attorney Svetanoff stated the first picture is taken from the front gate of the actual proposed rodeo project. As they can see, there has been substantial erection of certain bleachers in and around this property. This is believed to be done in anticipation of this rodeo project being approved by the Board of Zoning Appeals. It is quite presumptuous to have erected all of the bleachers and seating without having the proper approvals from the Board of Zoning Appeals before going ahead and erecting them. Secondly, this is just another view of this grandstand. The Petitioner already said that the seating would be enough for one thousand (1,000) people. That is quite a lot and quite unbelievable. That shows the traffic that will be brought into this area into what was considered to be a residential zoned district. As they can see from all the people in attendance, which he would estimate ninety-five percent (95%) of them are here for this petition. Again, the erection of this mega complex without having the proper approvals in place again is quite presumptuous. They ask at this time that the Board simply deny this request outright. Thank you for your time and thank you for your service.

Melissa Mullins Mischke stated she will ask for additional remonstrance, but everyone should understand that if they should have information that is different than what they have already heard or new information that was not presented in written remonstrance or in front of the Board this evening already.

Attorney Biege suggested a show of hands against so the Board has an idea about how many people are against it.

Melissa Mullins Mischke asked how many people are against the petition by a show of hands. Remonstrance will be limited to three (3) minutes per person and only something new.

Dr. Joseph Sarro stated his address is 4302 S. 75 W., LaPorte, IN. He currently owns property directly neighboring the site where the proposed rodeo is. He doesn't have a lot to add because a lot of his points were the same as the lawyers. He wanted to mention that last year in the area when there was construction on the highways, they had several traffic detours going through their roads. There were several accidents and one (1) of them caused a fatality which is only a quarter (¼) of a mile away from where the rodeo is. Other than that, he does believe property values based on research he has done will decrease within a three (3) mile radius. He read a report where appraisers believed that livestock operations can decrease property values within a three (3) mile radius and those closest can decrease up to fourteen percent (14%). That and the

safety of bulls neighboring his house is a major concern to him and his wife. Everything else he had was eloquently stated by the lawyer.

Jill Sarro stated her address is 4302 S. 75 W., LaPorte, IN. Her property is directly bordering the proposed rodeo. Something that has not been brought up is that Luhr County Park is directly across from this proposed site. She is a runner and she runs that block all the time. There are bike riders and walkers. It does not seem like the area where they would want to have so much traffic.

Attorney Biege stated they did receive remonstrance from Jeremy Sobecki who is the Parks Director for LaPorte County. That is on record for the park.

Michelle Copeland stated her address is 1555 W. 400 S., LaPorte, IN. In addition to everything else that has been said, she did reach out to some of her former Portage friends that now have a rodeo on 700 N. First, it started out small with a rodeo here or there. Now, it is every weekend through the late hours. She sees this growing. Right now, the plan might be four (4) rodeos, but going forward it will keep growing and that is a concern. She reached out to some of the people that had posted on a thread in one of the Portage pages and they all said that they live two (2) miles away; they can't listen to their tv in their house, the noise and litter is obnoxious, and everything spirals out of control. They also built their home in the country to enjoy country living. That seems like a moot point, but it's not. They have invested a lot of money into their home and their property and they want to enjoy it on the summer nights. Last year or the year before, there was some type of event there and it was very loud. She wondered who was having a concert. Her children were confused as well. It was very late and she can only imagine the ongoing noise pollution, light pollution, and traffic. They ride their bicycles to Luhr Park all the time. They do pick up litter on 400 S. with the Girl Scouts Troop. They are very involved in the community and Luhr Park is such an asset to them and it is being threatened to be taken away.

Lisa Taylor stated her address is 985 W. Spring Creek Trail, LaPorte, IN. She wanted to address how it was stated that they would need to get a separate variance or license to sell alcohol, but due to the nature of the event she would find it extremely likely that people would BYOB in a flask or something. Based on the nature of a rodeo, people are not generally politely sitting and watching. It is a very rowdy event. She would assume that an event of that nature would bring more drinking and driving to their little neighborhood that they bought because they liked how it was as it existed when they bought it.

Diane Cook stated her address is 1733 W. 400 S., LaPorte, IN. Their reply was very similar to Attorney Svetanoff and he made some great points. One thing that is obvious and not within the five (5) guidelines of the variance process, but obviously the property owners who are commercial real estate developers and the renter, who does not live in the community, have chosen to use this parcel of land for a commercial operation. It is zoned as a residential. It has never been zoned commercially. She's not sure why they're even entertaining the thought that they should be allowed to have commercial activity there. They should have purchased a commercial property and they should have operated within the law as a commercial entity. As Ms. Copeland just said, this is a start; a foot in the door. They have an organization that runs these events nationwide. They would be very naïve to think that this would be a couple event a couple times during the summer that will be tightly controlled.

Kaelynn Deckard stated her address is 1482 W. 500 S., LaPorte, IN. She is also the Scipio Township Trustee. Her only questions would be about the intersection of 400 S. and 150 W. There is only a stop sign going south. There have been several accidents at that intersection so she is concerned about the traffic going east and west. There was a fatality not that long ago. They have lots of farm equipment going there. How are they going to stop that? Secondly, they say they will use LaPorte County Sheriffs, but what about EMS? What will they use on the EMS side?

Gary Buckingham stated his address is 3992 Scipio Dr., LaPorte, IN. He has been to a rodeo and in a rodeo. They don't want this in their community especially bordering their subdivision. There's the rodeo, a fence line, and the subdivision. It is that close.

Dwayne Hogan stated the question raised about the EMS is an excellent point brought up. In an event like this, they can only draw the conclusion that something could happen if there are close to one thousand (1,000) people there; a diabetic or somebody gets hurt and fall on the bleachers. Also, did they build the structures themselves or did they have it done.

Jesus Diaz stated for EMS, paramedics are apart of the show. They have an ambulance on site because a rodeo can be dangerous and not just for the riders. In terms of the bleachers, they were bought from a high school. They were already assembled. Everything was pre-fabricated. It wasn't anything that they built. They were just placed there.

Melissa Mullins Mischke asked if they acquired the bleachers.

Jesus Diaz stated they bought the bleachers.

Dwayne Hogan asked about the concrete work and fencing; when they did it, did they obtain building permit from the County for it.

Jesus Diaz stated no.

The County does not require permits for fencing or concrete flat work.

Melissa Mullins Mischke stated she would like to see this at the County Fairgrounds; however she understands that the equipment may not meet their exact needs, it is something they could work with the County Fair Board and get facilities that would provide them with what they need to do. And again, not have conflict with the neighborhood. Food trucks and things like that could still be apart of it. LaPorte County Sheriffs Department has been securing that area for years so security is easier to contain. Traffic control is easier to maintain. She disagrees with the notion that if you live in the country and they want to be there and not smell animals. That's where they should be out in the country. She disagrees on the noise and the smells. She would personally like to see this more in the County Fairgrounds and it could be something really good for the area if it's in the right location.

Adam Koronka stated that upon reviewing the property and having spent a lot of time at the fairgrounds, it is very evident that they have spent a lot of resources in order to create the structures they have. He easily sees over one hundred thousand dollars (\$100,000) worth of steel fence with a wide buffer to a substantial electric fence in order to prevent any kind of issues there. He even saw recent repairs because it looks like a large tree fell on one section and needed repaired because there are animals on the facility. All those are great, but seem to be a bit presumptuous of having done all the prior to coming to the Board.

Jesus Diaz stated the wiring on the fence was done before they moved in by prior owners.

Adam Koronka asked if that included the steel fencing.

Jesus Diaz stated not the fence around the perimeter, but everything else was existing. He added the pipe fencing.

Adam Koronka stated that when it comes to the Fairgrounds there would definitely have to be some level of investment there to accommodate this sort of business.

Dwayne Hogan stated especially up to a thousand (1,000) people.

Adam Koronka agreed. And the fact that they took an Ag property and turned it into what would be in a business type district.

Glen Minich stated the property is zoned R1A and certainly the development of the community has gone that direction, but the two properties that are adjacent to each other have been in continuously used as agricultural land. The previous owner had livestock on the land and they have livestock on the land as well. They're not doing anything wrong there, but he believes this isn't a good fit at this time. There are too many people against it. It would be a high traffic issue. They will still get good use out of the property, but he doesn't think it's a good use with all the R1A around it.

Adam Koronka asked for clarification. The petition states it is R1A. Beacon says agricultural.

The property is zoned R1A, but is classified as agricultural.

Glen Minich stated it doesn't make a difference because as long as it is continuous agricultural use then it is taxed as agricultural and its use can be agricultural. It is proposed zoning is R1A whether it is or not.

Adam Koronka made a motion to deny the Petition for Variance of Use for Seven D Real Estate Management Inc (owner) and Jesus Diaz and Juana Pelayo (renters) to operate rodeo events from May through September. The property is located at 3477 S. 150 W., LaPorte, IN., Scipio Twp., zoned R1A on 35.6689 acres.

Glen Minich seconded.

Attorney Biege suggested a voice vote since they could not be heard over the audience.

Ashley Kazmucha read the roll.

Melissa Mullins Mischke stated nay.

Adam Koronka stated nay.

Glen Minich stated nay.

Dwayne Hogan stated nay.

All Denied. Motion carries 4-0.

5. Petition for Variance of Developmental Standards for Branden and Tara Nimtz for construction of a home with ninety feet (90') of road frontage instead of the minimum required two hundred feet (200'). The property is located next to and west of 10851 W. 300 S., Westville, IN., New Durham Twp., zoned A on 15.58 acres. Parcel 46-09-17-300-014.000-027.

Tabled to the June 15th Meeting.

6. Petition for Variance of Developmental Standards for Gregory, Donna, and Verla McConnell JTWROS for temporary placement of an RV and for construction of a second (2nd) accessory dwelling to the side of the home (to care for a special needs/disabled brother). The property is located at 4823 N. 200 E., LaPorte, IN., Kankakee Twp., zoned R1A on 2 acres. Parcel 46-07-09-100-012.000-052.

Attorney Biege stated notice is adequate.

Gregory McConnell stated his address is 4823 N. 200 E., LaPorte, IN. He lives there with his wife Donna McConnell and his mother Verla McConnell.

Melissa Mullins Mischke asked about the need for the camper.

Gregory McConnell stated his brother is currently living in it. They didn't know that they had to have a variance to do that. Once they were notified of that, he went up and filed immediately. It is giving his brother is own space. He is capable of living on his own per se, but he has some mental defects that he sees counseling for and he is also bipolar and is medicated. They make sure that he is fed. Sometimes when he feels like he doesn't fit in, he chooses to live on the street. This is a safe place for him to live and feel like he's got his own space, but is still under their watch and care.

Melissa Mullins Mischke stated their intent is to build a second (2nd) structure for him to stay in.

Gregory McConnell stated the pole barn, yes. They do a lot of large family get togethers of fifty to one hundred (50 – 100) people and that is the big reason for the pole barn. He is also very active in his church and wants to do things inside with his kids and his church family. His brother's living space will also be in a section of the pole barn. He has discussed with the county what the requirements for that are.

Dwayne Hogan asked how long he has lived in the camper.

Gregory McConnell stated they moved into the house in October of last year. He got into the trailer around February or March. He was refusing to come there and live in the trailer and he was living on the street temporarily in Valpo for a period of time and they finally convinced him to come and try it. He did and it wasn't as bad as he thought it would be.

Remonstrators:

Dave Salisbury stated his address 4801 N. 200 E., LaPorte, IN. He lives right across from it. This is the first he has heard of this. He did see them put the camper in there. That camper is directly across the road from him. Basically, what he is there for is to find out where they are going to build this house. The property is very narrow. It's not very deep. It's long and narrow.

Melissa Mullins Mischke stated to the rear of the property, but in the middle, there is a tree stand in there; a grove of trees.

Dave Salisbury stated no.

Melissa Mullins Mischke stated there is the house, the trees, it will be in the rear of their property behind that.

Dave Salisbury stated it won't be where the camper is sitting right now.

Melissa Mullins Mischke stated no.

Dave Salisbury stated he saw stakes out there.

Ashley Kazmucha stated yes, it will be there.

Dave Salisbury stated it is going to be super close to the County Road and it is right across from him. That's why he's there. He understands the situation, but he's never met them or anything. They would like to know what's going on. His in-laws live right there and they own an additional eighteen (18) acres as well.

Adam Koronka asked if he lived directly across from where the current camper is currently.

Dave Salisbury stated yes. He saw them put the camper in. He came home and it was there. There was a house trailer there years ago. He signed the variance for the house trailer, there was

a septic, a well, and electric. Years ago, it was there. There is no information other than what he just heard.

Melissa Mullins Mischke stated the site where the camper is currently is where the pole barn is going.

Gregory McConnell stated very close to it yes. The stakes that Mr. Salisbury sees are where the pole barn is going to be built. He checked with the county and it meets all county regulations. He has the road frontage to have it on, it is back from the road far enough, and it meets the side setbacks.

Dwayne Hogan asked what the size of the building is.

Gregory McConnell stated forty feet by eighty feet (40' x 80').

Melissa Mullins Mischke stated it will be a pole barn for storage and living space.

Gregory McConnell stated yes and for family social get togethers. It will be very nice.

Dwayne Hogan stated it will have water, electric, and sewer to it.

Gregory McConnell stated yes. He already has a septic inspection on the septic that is currently on the property there. The well is there, but hasn't been tested yet. The electric is there, the power is turned on, and it being used for the camper.

Adam Koronka asked what is happening with the grey water coming out of the camper.

Gregory McConnell stated he is not using the camper. He comes into the house to go and shower. There is no grey water there. He takes bottles of water to make coffee for himself.

Dwayne Hogan asked when he wants to start building this pole barn.

Gregory McConnell stated he already put fifteen hundred dollars (\$1,500) with Jaguar Builders. The tentative date to start is August 4th.

Adam Koronka asked if they expect to be done by fall.

Gregory McConnell stated they hope to be.

Donna McConnell stated the camper is just temporary.

Dwayne Hogan asked if the camper will go once the building is up.

Gregory McConnell stated yes. The neighbor stated there was a house trailer there and the nearest he can tell is the camper is pretty close to where the house trailer was set.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Gregory, Donna, and Verla McConnell JTWROS for temporary placement of an RV and for construction of a second (2nd) accessory structure with living quarters and water and septic to the side of the home (to care for a special needs/disabled brother). The property is located at 4823 N. 200 E., LaPorte, IN., Kankakee Twp., zoned R1A on 2 acres.

Dwayne Hogan seconded.

All Approved. Motion carries 4-0.

7. Petition for Variance of Use for Roger L and Vicki L Kerr for a home décor warehouse (no retail; by appointment only). The property is located at 11193 W. Division Rd., Westville, IN., Coolspring Twp., zoned A on 40 acres. Parcel 46-05-31-400-005.000-046.

Attorney Biege stated notice is adequate.

Roger Kerr stated his address is 11193 W. Division Rd., Westville, IN. It is basically his wife and daughters. They had a pop-up vintage market in Michigan for almost seven (7) years now. Last year with Covid and everything, Michigan shut down. It was a one (1) weekend a month business. They couldn't continue that anymore so they tried doing by appointment only there and people want to come, but then they don't show up. The rent was getting to be too much since they weren't doing business and they moved out of there. They had everything in storage. They put up an Ag building that had his shop in it for working on their stuff. They we're going to warehouse the things there.

Melissa Mullins Mischke asked what hours of operation are they looking for.

Roger Kerr stated pick up will be Friday, Saturday, and Sunday ten to four (10 a.m. – 4 p.m.) by appointment. They will space it out so there won't be a lot of traffic and people can pick up things after they buy them online.

Melissa Mullins Mischke asked if those are the only hours they want to work.

Roger Kerr stated yes.

Melissa Mullins Mischke asked if they will have a sign.

Roger Kerr stated just a sign pointing to the property; a small yard sign.

Melissa Mullins Mischke asked how large.

Roger Kerr stated two feet by two feet (2' x 2') on two little metal stakes. It has an arrow to point to the building. Division Road ends into their driveway and when they reach the home the road to the building veers off to the right.

Melissa Mullins Mischke stated a two-foot by three-foot sign and no larger.

No remonstrators present.

Dwayne Hogan made a motion to approve the Petition for Variance of Use for Roger L and Vicki L Kerr for a home décor warehouse (no retail; by appointment only). Hours of Operation are Friday – Sunday 10 a.m. – 4 p.m. and by appointment only for special occasions. The sign is not to exceed three feet by two feet (3' x 2'). The property is located at 11193 W. Division Rd., Westville, IN., Coolspring Twp., zoned A on 40 acres.

Adam Koronka seconded.

All Approved. Motion carries 4-0.

8. Petition for Variance of Developmental Standards for Betty Schlundt Trust c/o Paul Schlundt for continued placement of a mobile home. Last variance granted July 17, 2018 for three (3) years renewable. The property is located at 2351 W. 400 S., LaPorte, IN., Scipio Twp., zoned A on 71.61 acres. Parcel 46-10-22-400-001.000.060.

Attorney Biege stated notice is adequate.

Paul Schlundt stated his address is 83 W. 850 N., Valparaiso, IN.

Melissa Mullins Mischke asked who is staying in the mobile home.

Paul Schlundt stated it is his nephew. He has lived there for a number of years. He was helping to take care of the property for his mom and checked on her when she was alive.

Melissa Mullins Mischke asked if he still needs help with the property.

Paul Schlundt stated yes. He lives there with his girlfriend who has MS. They have actually been looking for a house, but with her condition it's hard. It's a special house because she is wheelchair bound. His daughter lives there as well and she is in high school.

Melissa Mullins Mischke stated it is always very well maintained and neat.

No remonstrators present.

Paul Schlundt stated if he could get a longer variance, he would consider putting a newer mobile home there that may be for a longer period of time. He is looking at options. With the prices of houses these days, houses sell before they go on the market.

Melissa Mullins Mischke stated if he were to replace it, that would be an area where they replace it to a mobile home park.

Glen Minich stated they could put a modular home with a fixed foundation.

Paul Schlundt stated he is just looking at options. They have been looking at what options they can do with his nephew because he can't really afford a house. They have been trying to figure out what to do.

Glen Minich stated the mobile home they have is in excellent shape. The Boards isn't going to displace people in them, but they aren't going to encourage them.

Paul Schlundt stated he's just looking at what his options are out there. They're just trying to decide.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for Betty Schlundt Trust c/o Paul Schlundt for continued placement of a mobile home for three (3) years renewable. The property is located at 2351 W. 400 S., LaPorte, IN., Scipio Twp., zoned A on 71.61 acres.

Glen Minich seconded.

All Approved. Motion carries 4-0.

9. Petition for Variance of Developmental Standards for Joseph and Stephanie

Loop for the keeping of twenty (20) chickens, four (4) roosters, two (2) goats, and two (2) potbelly pigs. The property is located at 4622 E. 200 S., LaPorte, IN., Pleasant Twp., zoned R1B. Parcel 46-11-14-201-009.000-057.

Attorney Biege stated notice is adequate.

Joseph Loop stated his address is 4622 E. 200 S., LaPorte, IN.

Melissa Mullins Mischke stated she almost said "and a partridge in a pear tree" at the end there. She got on a roll. This is a pretty small parcel for this number of the animals. Where are they going to be housed?

Joseph Loop stated he has a pen for the chickens on the back corner. The pigs and goats are about twenty feet (20') from the house in the middle of the property.

Adam Koronka asked if they are already present.

Joseph Loop stated yes.

Dwayne Hogan asked how long they have been there.

Joseph Loop stated they have had the potbelly pig for five (5) years. The chickens they have had about a year. The goats they got two (2) months ago.

Melissa Mullins Mischke asked how many hen and roosters he has.

Joseph Loop stated they have twenty (20) hens and two (2) roosters.

Melissa Mullins Mischke stated the petition is for the current animals.

Joseph Loop stated yes.

Melissa Mullins Mischke asked what they do with the waste material.

Joseph Loop stated his son has a friend that does farming right around the corner on 500. He uses it in the field. His parents also use it for their garden.

Glen Minich asked where the septic is located on the property.

Joseph Loop indicated between the home and the pool.

Remonstrators:

Steve Hollifield stated his address is 6782 E. 100 S., Mill Creek, IN. He has farmed the property behind these houses for over thirty (30) years. The landowner is here with him. Over the course of the years, they have problems with people encroaching. Mr. Loop and his friend drove out into his hay field. He spoke to the Building Inspector. They are taking pictures of this property. It is a junk yard. He raises livestock for a living; there is not enough free space on that property for a gerbil to run. The animals have been there for quite some time. He urges before they do anything to drive out there and look at the property. They are making the hay next week and they can come on the back of their property to see what it looks like. The Health Department has been notified of it. The small animal shelter should also go out there and assess how the animals are being treated. There is no adequate shelter for those animals, in his opinion. The only fence on the property currently is a property fence to the west that someone put up for privacy so they didn't have to look at the junk yard. There are probably at least a dozen vehicles there if not a business being run out of the garage.

Peter Gorka stated he is the administrator for the Peter A Gorka Sr Living Trust. The property behind Mr. and Mrs. Loop's residential property is farm ground that is owned in joint with Gail E Gorka Clark of Greenleaf, ID. He is representing both of their interests in the farm property. He is opposed to changing anything or a variance of the residential basis for that area. He doesn't have a problem with him having a reasonable amount of livestock on his property as long as he is able to keep it on his property. He is concerned if he puts up a semi-permanent enclosure of some sort, whether it be fencing or whatever, that the south most portion of that enclosure doesn't encroach on his farm ground. It is cash rented to Mr. Hollifield. That is his biggest concern. Getting a variance of any kind for that property; how will that affect the way is that property is being maintained at this time. That is a concern for him with his adjacent farm ground. He was distressed to see engine blocks in various stages of dismantling. He could see the tops of pistons so there wasn't a head on that block anymore. He is concerned about that spilling over even farther.

Adam Koronka asked if he has reviewed the code when it comes to animals in residential lot sizes and small agricultural lots of any kind.

Joseph Loop stated he has not.

Adam Koronka stated that going through the math, excluding the roosters, take the roosters out of the equation because there is no allowance for them on anything smaller than three (3) acres in agricultural. He would be required an acre of property as opposed to his current .49 acres. Are there any plans to open up the property at all, meaning remove the excess materials and structures that he has right now?

Joseph Loop stated he has cleaned it up since the last time he spoke with Steve Hollifield. He confronted him about the stuff on the property and he has cleaned it up since then. The engines they were referring to are gone.

Adam Koronka stated he personally went by the property on Sunday and saw a number of vehicles on the back side looking passed the house on the west side of the property.

Joseph Loop stated there are three (3) vehicles back there. One is an old pick up he bought. The other is his nieces; she will be getting her license soon. The other one is his daughters that needs an engine which he has, he just needs to put it in. The vehicles in the front, all his kids drive. There are six (6) people in his house that drive.

Melissa Mullins Mischke stated she is concerned about the amount of space each animal has. It seems like a lot of animals on that small of a lot. She has three (3) acres and her personal opinion is that she would hard be pressed to have space for enough for chicken, goats, and pigs. She doesn't know how the family enjoys the pool in the back yard if it's still there. There's just not enough space and she can't imagine that it smells very good back there either.

Joseph Loop stated the grandkid and kids love the animals.

Melissa Mullins Mischke stated she understands that.

Glen Minich stated the animals in all the pictures look well taken care of. It's a matter of the size and the space that they have available to them. He asked where the septic system is because a septic system has to have grass growing on it for it to function properly. It won't respire the moisture the way it's supposed to. That is something that needs to be gotten control of especially a home with that many people living in it.

Joseph Loop stated there is grass where the septic is.

Glen Minich stated they may ask him to cull the herd a little bit because it is an awful lot for the back yard.

Joseph Loop asked if it would be ok if they cut down on the chickens, down to five (5) or so. Or none at all.

Melissa Mullins Mischke asked where the chickens are right now.

Joseph Loop stated they are behind the pool.

Melissa Mullins Mischke asked if they free range during the day.

Joseph Loop stated no, they have a fence with a top on it.

Glen Minich stated the animals look like they're in good condition. The question is run off and space. Are there any fly problems; they're keeping the waste out?

Joseph Loop stated yes.

Glen Minich stated there can't be any roosters. He loves a rooster in the morning, but most people like to sleep in on Saturdays.

Melissa Mullins Mischke stated all week, right?

Glen Minich stated the rooster will have to be removed.

Melissa Mullins Mischke asked if they have plans to put up a fence on the rear of the property next to the hay field. Something that will keep them contained.

Joseph Loop stated he wasn't going to, but if it's something that he needs to have done, he will.

Melissa Mullins Mischke stated they need to look at the requirements of a fence too because there needs to be setbacks from the fence to the property line and things of that nature as well. She is not sure with his current configuration if that is something they can do.

There is not a fencing setback requirement, just height.

Joseph Loop stated he didn't want to put a fence back there.

Adam Koronka stated that when you compare the representation of the property line and what is shown on Beacon there is about a twenty-two-foot (22') encroachment into the adjacent property.

Melissa Mullins Mischke stated she disagrees on that. Beacon is a representation on parcel, but is not always accurate.

Ashley Kazmucha stated she did specifically speak to Donna Bell about this. Those lines are actually more or less correct and actually when she looked at where the line should be, it is encroaching more than it shows on Beacon.

Attorney Biege stated he will need a variance not only to go below three (3) acres, but he will need a variance for space limitation on the animals. If you add up all the animals it needs a minimum of one (1) acre.

Dwayne Hogan stated it's just too many animals in a little space.

Melissa Mullins Mischke stated they have the solution; he needs a bigger place.

Adam Koronka made a motion to deny the Petition for Variance of Developmental Standards for Joseph and Stephanie Loop for the keeping of twenty (20) chickens, four (4) roosters, two (2) goats, and two (2) potbelly pigs. Animals to be removed within thirty (30) days. The property is located at 4622 E. 200 S., LaPorte, IN., Pleasant Twp., zoned R1B.

Dwayne Hogan seconded.

Glen Minich stated he would rather see some improvement rather than just the elimination. He's sure they are family pets at this point. Again, there has to be drastic improvement for the Board to allow.

Adam Koronka stated similar to what they saw earlier tonight. They added a full ground to six-foot (6') panel fence around the perimeter of the property. It full encased the areas in which the animals were being kept. In that case, it was just a bunch of hens. Here there is something a little more substantial, but what is brought into the property be more appropriate in terms of volume. The Joint Zoning Ordinance provides guidance in terms of if they have land of certain size, what the minimum allowance is per animal. If this were to come back in front of them, the volume would need to be reduced including the rooster. The roosters are probably an absolute no go. He can't see a way that that would happen on this size property.

Dwayne Hogan stated he agreed and to let his second stand. Instead, of having them eliminate everything altogether, fix it up, go back and review the ordinance the way it was supposed to be. Clean up the property in the back and put the fence in the right way and then approach it from a positive attitude again.

Attorney Biege stated that the motion could include to reduce the amount of time before they can re-petition rather than the one (1) year.

Adam Koronka stated three (3) months. It gives them three (3) months before they can come back and petition, but gives them an aggressive timeline in order to clean up the back property and address the number of animals and how they are going to be housed.

Dwayne Hogan stated that sounds fair.

Adam Koronka stated that means that instead of waiting a year they can come back before the Board in August.

Attorney Biege stated that it's not consistent telling them to remove the animals within thirty (30) days yet allowing them to re-petition within three (3) months.

Melissa Mullins Mischke stated they should wait until he re-petitions within ninety (90) days.

Adam Koronka agreed.

Glen Minich stated that's a good deal.

Adam Koronka amended his petition to deny the Petition for Variance of Developmental Standards for Joseph and Stephanie Loop for the keeping of twenty (20) chickens, four (4) roosters, two (2) goats, and two (2) potbelly pigs. Animals to be removed within ninety (90) days OR to re-petition with a more appropriate number of animals and revision to the property in order to properly house them. The property is located at 4622 E. 200 S., LaPorte, IN., Pleasant Twp., zoned R1B.

Dwayne Hogan seconded.

Glen Minich stated that's very good.

Melissa Mullins Mischke stated fewer animals and better pens.

Glen Minich stated it will take an impervious place for the animals to be where they can clean up the waste. They can't just have them on that small of a space on the earth. It's all going to be absorbed; they need a hard surface. They need a barn. They need a plan to keep them like that.

All Denied. Motion carries 4-0.

Melissa Mullins Mischke stated their petition has been denied and within three (3) months they can come back and re-petition with fewer animals and better containment, better pens.

10. Petition for Variance of Developmental Standards for Charles F Kraft for an existing property with a lot size of 11,000²' instead of 24,000²', a house size of 850²' instead of 1,000²', and a front setback of 10' instead of 25'. The home is existing. The property is located at 7664 N. Balsam Ln., New Carlisle, IN., Hudson Twp., zoned R1B. Parcel 46-04-29-179-012.000-050.

Attorney Biege stated notice is adequate.

Charles Kraft stated his address is 7664 N. Balsam Ln., New Carlisle, IN.

Melissa Mullins Mischke stated that attached to his petition was a letter that went to his neighbors for a variance to receive a permit for a septic holding tank. Is that what he is trying to do here?

Charles Kraft stated yes.

Brad Thompson stated his address is 7403 E. Lakeshore Dr., New Carlisle, IN. It is his second home. He is a neighbor of Chuck's and he is here to help out because he is going to have a hard time trying to explain this. There is a lot of history and a lot of emotion behind this. He has a presentation that he made. (*Presentations given to the Board members.*) He has also added a document with eleven (11) people in support of Chuck. In 1997, Chuck got a variance to build a shed. He built a house and he started living there in 2000. In 2013, he went to the BZA for a variance to install a septic, then was given ninety (90) days to leave the house. Chuck has been staying at his house since then. He started looking into the history and it is a bit of a disaster. On Chuck's behalf, he apologizes to the Board and the neighbors. In 2020, he hired Attorney Anthony Novak just to look and see what needs to be done and to get a better understanding of the situation so he can do it the proper way. He would need to get three (3) variances for his house. It's too close to the road, it's too small, and the lot is too small. That is what they are here for today. He also spoke to the supervisor of the LaPorte County Health Department last year, Amanda Lahners. She said that she would issue a permit for a septic tank if he got the variances. There is also a court filing to disconnect the water. That would need to be changed as well, but it all starts with these three (3) variances. They would have to get the variance, then they would have to get a home permit, and get the filing to disconnect the water would have to be changed so he could put water in obviously and hook up a well. Then he'd have to put in a holding tank for the septic. It's not actually a septic. They're right around the lake there so they put a number of holding tanks in for houses that are being built in that area. He made a picture using Beacon and put sixteen (16) houses that are representative of the little neighborhood right by the lake and a couple houses back. There are neighbors supporting him from six (6) different homes in that area that signed the support page. There's also a few that are not supportive as well. OF the sixteen (16) homes he compiled only two (2) homes with a lot size that is twenty-four thousand square feet (24,000²) or more. Seven (7) out of the sixteen (16) homes are less than one thousand square feet (1,000²). Half of the homes have less than the twenty-five-foot (25') setback. What he is asking for isn't much different from the rest of the neighborhood in that area. He also added the names of the people supporting him and there are a few people that are outside of the area that are supporting him as well. Finally, the way Chuck has gone about this with a lack of knowledge of and a lack of money has been a disaster. They really apologize for this. He has explained all this to Chuck and he understands and feels bad about it. The reason that they have come tonight is because he is seventy-nine (79) and this has always been his dream. He has been a good friend for almost twenty (20) years that he has been going out there. It's a nice area with nice people and good neighbors. He has the means and ability to make sure that everything is done right and he commits to doing that.

Remonstrators:

John Matwyshyn stated his address is 8352 E. Emery Rd., New Carlisle, IN. He is not in that particular neighborhood, but it is nearby. What drew his attention to this particular variance petition is that the property is chronically tax delinquent. He is in endanger of losing of it in a tax sale at any moment. The last time he was paid up was four (4) years ago. At this moment, he owes approximately seventeen hundred dollars (\$1,700) on a property that has a tax liability of fifteen hundred dollars (\$1,500) a year. He is vastly in arrears and it could go in the next tax sale.

Phyllis Schuster called the following morning and said the tax payments have not been posted yet, but Mr. Kraft is up to date on his taxes.

Tina Zambon stated her address is 7645 N. Balsam Ln., New Carlisle, IN. She primarily lives in Chicago. Her second (2nd) home is right across from Chuck for the last thirty (30) years. He has done things not using the permit system and he stated that he has a stipulation where he can't have water. If he can't have water, why would he need a septic system. She wants to deny the petition.

Kathy Aurenz stated her address is 7765 N. Spruce Ln., New Carlisle, IN. She is on the Hudson Township Board. This has been an ongoing saga. She assumes that they have the court order that was entered in back in 2015.

Melissa Mullins Mischke stated they don't have a copy of the court order. She doesn't need it, but please give it to Attorney Biege.

Kathy Aurenz stated at that time he was given ninety (90) days to move out of the property which was generous as far as they know. There has been a port-a-potty there for many years. The court order said he had to turn off the water. He has not done so. He will not let anybody in to examine the property to show them that the water has been disconnected. He has been seen out there with hoses. People come out of there having taken a shower. Where is the grey water going to? He put up a fence on the property saying it's on his property, but it's on the south side and on County property. He just does not obey the rules. This has been going on since 1995. He is right one the water. There is no room for a septic holding tank. He tried to sneak in a septic system back in September or October and he got caught. This really needs to be denied.

Attorney Biege stated LaPorte County spent significant resources in trying to enforce their ordinance with Mr. Kraft. Melissa Mullins Mischke may have forgotten he has been the BZA Attorney for the last fifteen (15) years.

Melissa Mullins Mischke stated she thinks she made the motion.

Attorney Biege stated Mr. Kraft said he didn't have any water there yet there was a bathroom in there and it was just a shed he visited which wouldn't usually have a shower. He was ordered and stipulated to disconnect the water. This lawsuit went on for quite a while. There has been misrepresentation after misrepresentation. It went on unnecessarily long because he would tell them one (1) thing and do another. They ended up with the stipulation in 2015. At some point, nobody approached him for any further enforcement action, but the County did expend significant resources in making sure the zoning codes were followed. This is not a house. It's a shed. That's what it was then and that's what it is now. He can't get any water there. There's no room for a septic. That was checked out before. This would not be a septic system; it would be a holding tank to be pumped. The Board needs to be aware of his conduct in the past.

Melissa Mullins Mischke stated as she said in 2013, the water is a resource that they want to try to keep as clean as possible. Even a port-a-potty that close to the water edge was in her opinion not in the best interest of conserving the water.

Dwayne Hogan stated he remembers the conversation.

Adam Koronka stated that on the notice that went to the neighbors, there was a statement of a promise from the Health Department would allow a permit if they granted it, but there is no evidence of said agreement. It is hearsay.

Melissa Mullins Mischke agreed.

Attorney Biege stated unless there has been some significant change, it was not doable when he worked on this case in 2015.

Dwayne Hogan stated he feels deeply terrible about it. It's a dream; it's his home and he wants to be there. But if they pass it, they are responsible for putting him in some place and putting him in danger and the danger of everything else too.

Brad Thompson stated the port-a-potty is not a danger to the water there. It is chained and not dug in where it is going into the soil. It is contained.

Melissa Mullins Mischke stated that's his opinion.

Brad Thompson stated he had permission to put it out there.

Melissa Mullins Mischke stated that in 2013 when he had ninety (90) days to vacate, the port-a-potty had to be removed as well. She made the motion.

Attorney Biege stated there is no way the Board will illegally allow someone to live in a residence with a port-a-potty. It's an impossibility.

Melissa Mullins Mischke stated not without running water or a toilet.

Brad Thompson stated he knew he had to leave, but he thought he read through it pretty quick.

Melissa Mullins Mischke stated she was adamant about it.

Attorney Biege stated he was never given permission to put it back.

Brad Thompson stated he may have misread that because he thought he went through it carefully. As far as the holding tank, other people are putting holding tanks in that are on the lake. He did ask Amanda Lahners if he could get some kind of document or something, but it is a catch twenty-two (22).

Melissa Mullins Mischke stated that he indicated that she said if it passed Board approval. . .

Brad Thompson stated he talked to her himself. He did hire an attorney and he looked into things and he said that the proper way to go about this would be to get the three (3) variances. Chuck

has cost himself a lot of money to pay fifteen hundred dollar (\$1,500) a year in tax on a property like that is nuts and he's never been able to get any discounts for being a senior or anything else. By not following the proper rules he has ended up spending a whole lot more money. It is absurd what he has done. It's not been smart and Chuck is paying a big price for it, but he gets it.

Dwayne Hogan stated there are veteran advocacy programs that could help too as well and he doesn't see any reach out for it.

Adam Koronka made a motion to deny the Petition for Variance of Developmental Standards for Charles F Kraft for an existing property with a lot size of 11,000²' instead of 24,000²', a house size of 850²' instead of 1,000²', and a front setback of 10' instead of 25'. The home is existing. The property is located at 7664 N. Balsam Ln., New Carlisle, IN., Hudson Twp., zoned R1B.

Dwayne Hogan seconded.

All Denied. Motion carries 4-0.

11. Petition for Variance of Developmental Standards for Barbara A Valentine (owner/deceased) and Franklin W Craig (buyer) for continued placement of a mobile home. The property is located at 8348 E. Emery Rd., New Carlisle, IN., Hudson Twp., zoned R1B. Parcel 46-04-28-127-005.000-050.

Attorney Biege stated notice is inadequate. Publication is fine but the receipts are not filled out to show who they were sent to.

Petitioner stated they have proof on their phone and they will go get their phone from their vehicle.

13. Petition for Variance of Developmental Standards for David Gonsky to construct a home and keep the existing home as a guest house; starting project by May 2023. The property is located at 9785 N. 650 E., New Carlisle, IN., Hudson Twp., zoned A on 25.74 acres. Parcel 46-04-18-200-015.000-050.

Petitioner is not present.

Dwayne Hogan made a motion to table to the June 15th meeting the Petition for Variance of Developmental Standards for David Gonsky to construct a home and keep the existing home as a guest house; starting project by May 2023. The property is located at 9785 N. 650 E., New Carlisle, IN., Hudson Twp., zoned A on 25.74 acres.

Adam Koronka seconded.

All Approved. Motion carries 4-0.

14. Petition for Variance of Developmental Standards for Lawrence Kinser for construction of a twenty-four-foot by thirty-two-foot (24' x 32') pole barn without a

home and a north side setback of ten feet (10') instead of the required thirty feet (30') and forty feet (40') from the center line of the road instead of the required sixty feet (60'). The property is located north of 292 N. 700 W., LaPorte, IN., Coolspring Twp., zoned A on 1.148 acres. Parcel 46-05-35-400-019.000-046.

Attorney Biege stated notice is inadequate. The receipts are also not filled out. They have the receipt with the correct city, but he doesn't have the address. The Board will have to decide if that is close enough. Ashley Kazmucha also tells all the petitioners to write down who they are sending it to and they don't.

Adam Koronka asked Attorney Biege for the tracking number.

Melissa Mullins Mischke asked Attorney Biege if he wanted them to look up the tracking number online.

Attorney Biege stated it is up to the Board, but at some point, the petitioners are going to have to do the work themselves.

Melissa Mullins Mischke agreed. They should not have to look it up. They are going to postpone this petition.

Dwayne Hogan made a motion to table to the June 15th meeting the Petition for Variance of Developmental Standards for Lawrence Kinser for construction of a twenty-four-foot by thirty-two-foot (24' x 32') pole barn without a home and a north side setback of ten feet (10') instead of the required thirty feet (30') and forty feet (40') from the center line of the road instead of the required sixty feet (60'). The property is located north of 292 N. 700 W., LaPorte, IN., Coolspring Twp., zoned A on 1.148 acres.

Adam Koronka stated Mr. Kinser should go through the USPS and get the documentation from the tracking number from those receipts.

Adam Koronka seconded.

All Approved. Motion carries 4-0.

11. Petition for Variance of Developmental Standards for Barbara A Valentine (owner/deceased) and Franklin W Craig (buyer) for continued placement of a mobile home. The property is located at 8348 E. Emery Rd., New Carlisle, IN., Hudson Twp., zoned R1B. Parcel 46-04-28-127-005.000-050.

Attorney Biege recommended that the petition be set over until next month so they can get online to print off the proof of notification.

Dwayne Hogan made a motion to table to the June 15th meeting the Petition for Variance of Developmental Standards for Barbara A Valentine (owner/deceased) and Franklin W Craig

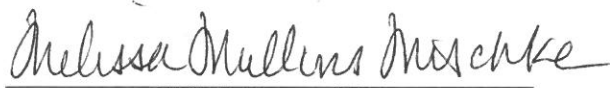
(buyer) for continued placement of a mobile home. The property is located at 8348 E. Emery Rd., New Carlisle, IN., Hudson Twp., zoned R1B.

Glen Minich seconded.

All Approved. Motion carries 4-0.0

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

There being no further business, meeting adjourned at 8:02 p.m.



Melissa Mullins Mischke, President



Michael Polan, Recording Secretary