



**LAPORTE COUNTY
BOARD OF ZONING APPEALS**

Government Complex 5th Level
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MICHAEL POLAN
Building Commissioner

June 15th, 2021

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **June 15th, 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 May 18th, 2021.

Greg Szybala made a motion to approve the meeting minutes of May 18th, 2021 as presented.

Adam Koronka seconded.

All Approved. Motion passed 5-0.

Melissa Mullins Mischke stated Petition 2 has been tabled until the July Meeting. Petition 3 has been withdrawn.

Petitions:

DUE TO TECHNICAL DIFFICULTIES WITH ZOOM, THE PETITIONS WERE HEARD OUT OF ORDER.

4. 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 that notice is adequate.

Franklin Craig stated his address is 827 Kingsport Ave., LaPorte, IN.

Crystal Corley stated her address is 7685 N. Hudson Blvd, New Carlisle, IN.

Brandy Wallace stated her address is 55245 Timothy Rd., New Carlisle, IN.

Jack Wallace stated his address is 55245 Timothy Rd., New Carlisle, IN.

Rosie Michiaels with Coldwell Banker stated her address is 245 W. Johnson Rd., LaPorte, IN.

Lyz Lukac with Remax stated she is the buyer's agents and Rosie Michiaels is the listing agent. Her address is 121 Pine Lake Ave., LaPorte, IN.

Melissa Mullins Mischke stated the owner of the mobile home is deceased and the people present are all in a trust if that's fair to say and they are selling it to Mr. Craig.

Brandy Wallace stated yes.

Melissa Mullins Mischke asked how long the mobile home has been at that location.

Brandy Wallace stated since 1978.

Melissa Mullins Mischke asked what year the mobile home is.

Brandy Wallace stated 1973.

Melissa Mullins Mischke asked if they understand that as a rule, variances for mobile homes are granted to the owner only and it is not to be rented, leased, or sold.

Brandy Wallace stated she did not know that. She had called several times to the Building Department to ask and nobody told her anything except that she would need a variance to sell it.

Melissa Mullins Mischke asked if the people present are related to Craig Valentine.

Brandy Wallace stated they are not.

No remonstrators present.

Dwayne Hogan asked if it is the intent to leave the mobile home where it is at or are they going to move it.

Craig Valentine stated leave it where it is at.

Dwayne Hogan asked how long does he want to leave it there; does he want it there permanently or a two-year period?

Craig Valentine stated permanently until he passes.

Greg Szybala asked how long the mobile home has been vacant.

Dwayne Hogan asked if anybody has lived there in the last year and a half at all.

Brandy Wallace stated no, but they have kept it cooled and heated to keep it in good condition. There was also a new furnace, water heater, and holding tank not knowing that they could not sell it. They have kept up with the water and septic inspections. They have kept up with the yard. They have pictures if the Board would like to see. They can offer pictures of the surrounding properties to show that it is kept up immaculately in comparison.

Glen Minich stated it has nothing to do with this mobile home in particular, but the Board has taken a stance that the mobile home should be in mobile home parks where there are warning systems in place and it is a safer environment for them to be. Their stance has been that they have allowed the people that are living in them to continue, but they have not renewed or allowed the use of them on these kinds of lots. They can sell the lot and they can sell the mobile home to somebody that will use it in a mobile home park, but his and the Board's stance has been in the past that they are not putting new people in mobile homes in the county.

Melissa Mullins Mischke stated she agrees. She is glad the realtors are there because she has been on the Board nearly fourteen (14) years and it has always been a complaint that realtors are saying that people can sell a property with a mobile home on it; that there's no problem with it. That really isn't the case though when they are trying to move mobile homes into mobile home parks. They don't want to continue placing them in the County.

Dwayne Hogan stated he has been on the Board almost twenty (20) years so it goes back much further to when Ray Hamilton was present and some other guys that helped lay this out with the Commissioners. It was never the intent to approve them. They have had stream after stream of realtors every other month constantly saying they can just sell it or buy it and they can do that and they don't need a variance. That is not the case. He is not picking on the realtors present, but all the realtors in LaPorte County. They can't just do that.

Rosie Michiaels stated she is the seller's agent and she did call and was told that the new buyer would have to apply for a variance. That is all she was told. She was never told that it could not be sold. She has been a realtor in LaPorte County for twelve (12) years.

Dwayne Hogan stated they can be sold, but it can't be sold to stay there. It can be bought and moved.

Rosie Michiaels stated she called the title company too and was told that there would be no issue.

Melissa Mullins Mischke stated the title company isn't on the Board.

Attorney Biege stated the Board makes the decision. It doesn't matter what anybody else said, the Board makes the decision.

Rosie Michiaels stated she was given bad information.

Melissa Mullins Mischke stated that may be something she wants to share with her group of realtors. Just because she is not getting the answer that she wants to hear doesn't mean it's not the answer that it is. Keep that in mind.

Brandy Wallace stated she called several times as well and nobody told them anything. They have put a lot of time and effort into making it a nice place for somebody to live.

Melissa Mullins Mischke stated she wished they had all researched more before they put in that kind of effort.

Dwayne Hogan asked if they had been there since 1978 and every three (3) years they had gotten a variance for it to be there.

Brandy Wallace stated Barbara Valentine did.

Glen Minich made a motion to deny 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.

Dwayne Hogan seconded.

All Denied. Motion carries 5-0.

6. 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 adequate.

Lawrence Kinser stated his address is 674 Harvest Rd., Valparaiso, IN.

Melissa Mullins Mischke asked to explain the construction of the pole barn.

Lawrence Kinser stated he was doing research on what he could do with the property that he bought a few years ago. At the time, he didn't realize there was so little space on it due to the wetlands and setback lines. He wanted to have extra storage. When in the Building Department

looking to get a permit, he was told he had very little space he could build on and he would be best off asking for a variance for a little more space on the setback line.

Melissa Mullins Mischke asked if that would be on the east side.

Lawrence Kinser stated yes; it's right against the highway.

No remonstrators present.

Adam Koronka asked what the purpose of the pole barn is.

Lawrence Kinser stated it is for extra storage.

Adam Koronka asked if he has adjacent property nearby.

Lawrence Kinser stated no, he lives in Valparaiso.

Adam Koronka asked if he will pull it from Valparaiso.

Lawrence Kinser stated he has a couple of old cars, parts, and other stuff that he would want to put in there. He can work on stuff inside when he can. He is looking at possibly moving into Michigan where he has a place. His son and grandson are in LaPorte so there will be an area where he can put things and come back and visit. It will be a utility space.

Dwayne Hogan asked if there is any intention to build a home there.

Lawrence Kinser stated no.

Dwayne Hogan stated they don't usually make a habit of granting pole barns in an area without residences attached with them somehow.

Glen Minich stated there is too much chance of non-performance by the owner; not that it could be him, but it could be a future owner. He is moving into the "outback". There are people that live there.

Lawrence Kinser stated it is right next to the highway with the noise. It's not really great for a residence, but it's ok for a garage or something like that.

Glen Minich stated it is still a security thing. He won't be there to watch it and he is depending on the County to watch it.

Lawrence Kinser stated he would probably put a fence up around it.

Melissa Mullins Mischke asked how much space actually looks usable on the property. Does he have a rough idea?

Lawrence Kinser stated it is hard to tell. The visual shows a fifty-foot (50') setback from the wetlands which can't be determined accurately.

Melissa Mullins Mischke stated she is concerned about space and preserving the wetland. Once away from the wetland, there is not a whole lot of space.

Lawrence Kinser stated he can't build a whole lot there. It looks usable in areas. It changes from year to year, but he will have a travel trailer and visit his relatives here so he can maintain it.

Melissa Mullins Mischke asked how long he has owned the property.

Lawrence Kinser stated he purchased it in 2007. There was a septic survey done by the previous owner that was filed. He had plans to build on it, but he is unsure what happened with it.

Dwayne Hogan stated the wetland.

Glen Minich stated it may just be a property to enjoy.

Dwayne Hogan stated it has a steep slope, hidden driveways there, and traffic concerns. There is a lot to think about putting it there independently.

Melissa Mullins Mischke stated there are a lot of things to consider.

Glen Minich stated he could stock the pond and fish.

Melissa Mullins Mischke stated there might be room for a lawn chair and a fishing pole. One-point-fourteen (1.14) acres minus the wetland area is not a whole lot to deal with.

Adam Koronka stated there is probably less than a quarter of an acre and so close to the road and wetland that if they were to allow anything they would have to buffer closer to the road which then becomes a safety issue.

Dwayne Hogan agreed.

Adam Koronka stated he understands his intent, but he has concerns.

Adam Koronka made a motion to deny 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.

Dwayne Hogan seconded.

All Denied. Motion carries 5-0.

7. Petition for Variance of Developmental Standards for Joseph Awe (seller) and Dennis Balboa (buyer) to keep the shipping container for storage of building materials. The property is located at 10277 W. 200 S., Westville, IN., New Durham Twp., zoned R1A on 22.055 acres. Parcel 46-09-08-400-012.000-027.

Attorney Biege stated notice is adequate.

Dennis Balboa stated his address is 115 Hillcrest St., Hobart, IN.

Melissa Mullins Mischke asked if Joseph Awe is present.

Dennis Balboa stated when he filed, he was told only one (1) of them needed to be present at the meeting.

Melissa Mullins Mischke asked about the storage container.

Dennis Balboa stated he bought a shipping container and put it on the property and didn't realize it wasn't allowed. He received a tag on it. He is looking to keep it. He is going to use it for building materials and tools. He plans to build a house.

Dwayne Hogan asked how long it has been there.

Dennis Balboa stated about six (6) months.

Melissa Mullins Mischke asked if he is planning to build a house on the same parcel.

Dennis Balboa stated yes. It is in the process of being split right now. There is a total of twenty-two (22) acres and he is taking eight (8). He has the survey nearly complete; there are some minor things left to be taken care of so the property can be separated. From there, he will file for an address and a driveway.

Remonstrators:

Norvin Bruns stated his address is 10527 W. 200 S., Westville, IN. He is right behind the shipping container. His house is on the corner and down in a valley. They have a wetland that isn't necessarily specified, but it is full of life. The shipping container is located along a creek. How long will it be there? Can it be moved around on the property? Will there be any additional containers in the future? He is confused about how the petition says seller and buyer sale; is it being sold? Is there a business opening back there? What are they doing? He was the only one (1) of the neighbors to make it. They are concerned about their property values. A number of shipping containers in their back yard doesn't fit in their beautiful area.

Melissa Mullins Mischke stated she understands Dennis Balboa is purchasing the property as it is with the container on it with the intent of splitting the parcel into two (2) and build a totally separate home on a new parcel with the storage container on it.

Dennis Balboa stated that is correct.

Melissa Mullins Mischke stated hopefully that answered some questions; that was the intent. What time frame is he looking at for building?

Dennis Balboa stated he was going to start this year, but with lumber prices he will more than likely wait until next year. He wanted to do the driveway this year at the very least. That will cost quite a bit of money as it is a long stretch. It's almost a thousand feet (1,000'). There are a lot of other things he can take care of before he starts the building process.

Melissa Mullins Mischke asked if his intent is to leave the container at its' current location right along the water.

Dennis Balboa stated no. It won't move for the time being, but when the house is complete, he plans to sell it to get rid of it. He should be complete in two to three (2 – 3) years. If it takes him longer and he needs to re-file he will do that, but it is not a permanent structure.

Glen Minich asked Attorney Biege if they can give a variance for two (2) years and revisit it.

Attorney Biege stated absolutely.

Glen Minich stated he doesn't want to put the neighbors out for that long of a time. Things change every day. He could see allowing it for two years and if no progress is made to remove it, but the idea is to revisit it at two (2) years so they can hear from the neighbors again if there's a problem.

Greg Szybala stated three (3) years would be a split. It would give him adequate time to get a house built. He then would be able to get it off site after if that was the case.

Glen Minich stated that is the thought, but if something doesn't evolve here and then the neighbors have to have it sitting there.

Greg Szybala stated two (2) or three (3) years would be good.

Glen Minich stated a couple years and then if he starts to build and wants another year he can come back and ask and they can grant another year.

Adam Koronka asked if there are any concerns with the shipping container being well seated being along the adjacent creek.

Dennis Balboa stated it is about one hundred feet (100') from where the house will be built and future pole barn as well. The container is nowhere near any water or wetlands. It's a little exaggerated how the remonstrators had explained it, but it sits up high on a hill. There is no way. The creek is fifteen to twenty feet (15' – 20') below.

Melissa Mullins Mischke asked how much space is there from the edge of the creek.

Dennis Balboa stated at least sixty feet (60').

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Joseph Awe (seller) and Dennis Balboa (buyer) to keep the shipping container for storage of building materials for two (2) years. The property is located at 10277 W. 200 S., Westville, IN., New Durham Twp., zoned R1A on 22.055 acres.

Greg Szybala seconded.

Approved. Motion carries 4-1.

5. 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.

Attorney Biege stated notice is adequate.

David Gonsky stated his address is 9785 N. 650 E., New Carlisle, IN.

Melissa Mullins Mischke stated he wants to build a new home and use the existing home as a guest house.

David Gonsky stated yes. They purchased the property in 2017. He lives there with his wife and two (2) kids. They are from Chicago and spend a lot of time there. During the pandemic they learned a lot more about their land and house; they love it there. One (1) kid is in high school and the other is going into seventh (7th) grade and the existing house is a two and a half (2 ½) bedroom one and a half (1 ½) bath home so when they want to bring friends over and spend time there, they are out of space. He was hoping to build some structure on the land that isn't designed yet, but is asking until 2023 to do so. It will be a small and adequate structure for the land that will support them and allows the kids to have friends over and stay.

Melissa Mullins Mischke asked if it will be in use for a residence full time.

David Gonsky stated not at this time. His kids would have to finish school first.

Melissa Mullins Mischke asked if there is a chance that it would be rented to anyone in the future.

David Gonsky stated no. They had thought about that option and he owns other parcels, but it is not something they want to do. He doesn't want other people there; it is his house.

No remonstrators present.

Dwayne Hogan made a motion to approve 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 home is not to be used as a rental. The property is located at 9785 N. 650 E., New Carlisle, IN., Hudson Twp., zoned A on 25.74 acres.

Greg Szybala seconded.

All Approved. Motion carries 5-0.

8. Petition for Variance of Developmental Standards for Doris J Ayres Trust for construction of a second (2nd) accessory structure with a bathroom, small kitchen (pool house). Not to be used as a dwelling. The property is located at 351 E. 900 N., LaPorte, IN., Galena Twp., zoned R1A. Parcel 46-03-18-300-014.000-048.

Attorney Biege stated notice is adequate. For full disclosure, Brad Adamsky in his office represents the Petitioner as well as the homeowner's association, however his firm has not been involved in the Petition process whatsoever.

Lester Teichner stated his address is 2230 N. Seminary Ave., Chicago, IL.

Melissa Mullins Mischke asked if he owns the parcel.

Lester Teichner stated he has been in ownership of the property since 1986. They have used it every year since then.

Melissa Mullins Mischke stated it is beautiful, she can see why. They want to put in a pool house with a kitchenette.

Lester Teichner stated he does. His daughters have grown up and now have little kids. They thought the pool would be a nice way to keep everybody together.

Dwayne Hogan stated it is a nice way.

Remonstrators:

Joseph Felker stated his address is 366 E. 900 N., LaPorte, IN. He is fully aware of what Lester Teichner is trying to do; however, he is opposed to any type of recreational activity until the early hours of the morning. There are pool parties that go on and the petition tells him that they are wanting to build facilities for pool parties. He objects to that. Also, their road has been paved one time in fifty (50) years. He moved out there in 1976 when he bought the property. There will also be heavy equipment coming in there to do that kind of work. He also wants to know if he is seeking another entrance to that lake.

Melissa Mullins Mischke asked if there will be wild pool parties.

Lester Teichner stated they are not. He can't make it past midnight on a good day.

Melissa Mullins Mischke stated she wants to make sure because the noise can be a concern.

Lester Teichner stated they are very particular about that as well for themselves because they enjoy the property so much. They are not a nuisance to anybody with noise.

Melissa Mullins Mischke asked if there will be a second (2nd) entrance?

Lester Teichner stated they are not planning any other entrance. They have a main entrance into the property and they will be using that. There will be equipment obviously to dig a hole for a pool, but he hopes it is short-lived.

Andres Sandoval stated his address is 353 E. 900 N., LaPorte, IN. He owns Lots four (4) and five (5). He has maintained the road since he moved in three (3) years six (6) months and fifteen (15) days ago. He has been maintaining the entire south of the lake from east to west; the entire landscaping, weekly manicuring, grass cutting, tree maintenance, and leaf removal. He has been keeping the property up to pristine conditions. He wants to work with Lester Teichner, but do it properly. All the traffic that goes through there goes through his property. There are damages to his property constantly. Lester refuses to fix the gate. He would like to fix the gate if he doesn't want to. There are multiple reasons for why it should be denied at this time. There is a second (2nd) road that can be built. There was a second road that was on the plat of survey of the original development. He is willing to work with Lester to get him the other road so he can have some peace and quiet and let his family enjoy their property as well. Nobody told him that he was building anything until today. That is why he is there. He would like to receive some type of drawings of what he is building and what the setbacks are from the wildlife and lake are. He is concerned about the fish and turtles. Currently, the lake is in horrible condition. It hasn't been maintained. He called the control company that puts the weed control and offered to pay to maintain the lake if the association refuses to maintain the lake. There is a second (2nd) road that can be built there and it is needed to get to Lester and Joseph Reyes' homes. The original plat of survey shows the road going through Lots three (3) and five (5) that he owns. None of his traffic goes through Lester's properties. Lester's house is back further and nice and quiet. He gets the heavy traffic. He gets all the contractors and whoever they hire and there is a second (2nd) road that hasn't been maintained for nearly forty (40) years. His surveyor, Charles Hendricks, was out to spot the corners of his two (2) lots and Lester stopped him from surveying his own property. He accusing his family of using it as an AirBNB and rents it. Lester has harassed him ever since he has moved there and hasn't been a good neighbor. When he bought the property, there was a third (3rd) home. He was told before he bought the property that he was able to build another home so that his family could live in the coach house and the main house and he could build a house for himself. He is a developer and contracting. He has been doing it for forty (40) years and he likes to follow the local laws and pulls permits. Lester's neighbor Joseph Reyes built a big structure with no permits.

Melissa Mullins Mischke stated she can appreciate his comments, but what she is hearing is that he has an issue with his homeowner's association and with who is maintaining what. Lester has been there since 1986 and he has been there a long time. He certainly is trying to do things the right way which is why he is before the Board now and not just building without permission.

Andres Sandoval stated he agreed, but there will be heavy traffic and he will sustain the damage. There was an explosion of the electrical transformer. Heavy equipment came in and replaced the transformer. It benefited the association. He fixes all the damages. Nobody seems to reimburse or thank him.

Melissa Mullins Mischke stated that is a situation that he needs to handle with his association.

Andres Sandoval stated he has been trying to speak with Lester, but he refuses to speak with him.

Melissa Mullins Mischke stated that is not something they are going to control on this Board. They are going to control whether he can put a pool in or not and a pool house with a bathroom.

Andres Sandoval he understands, but he likes to have privacy too. He respects Lester's family and he wants him to respect his too. There are liens on the entire property too.

Melissa Mullins Mischke stated he should speak with the association if he is not getting the cooperation that he wants.

Andres Sandoval stated he is willing to work with Lester, but he wants Lester to work with him on what he wants as well.

Attorney Biege stated this is the Board of Zoning Appeals. It does not have jurisdiction of any of the issues he is raising. He is not saying they are not valid for him, but they cannot make a decision based on everything that he is saying as it is irrelevant to the zoning Petition.

Andres Sandoval stated he understands. The road is right at his house and everybody is going right through.

Melissa Mullins Mischke stated that is something he needs to speak with his association board about. They cannot do anything to help him with that.

Andres Sandoval stated he just wants to say that he is against it at this point.

Joseph Felker asked what the zoning R1A means.

Melissa Mullins Mischke stated it is basically zoned residential.

Joseph Felker asked what it was originally zoned.

Melissa Mullins Mischke stated she believes it has been residential.

Joseph Felker stated no, it was agriculture when he moved out there.

Melissa Mullins Mischke stated it has been rezoned residential.

Joseph Felker stated his taxes have went up because of it.

Melissa Mullins Mischke stated this Board has not control over those issues as well.

Joseph Felker stated he understands that, but if this is rezoned again. . .

Melissa Mullins Mischke stated they are not rezoning the property. They are giving him permission to build a pool house or not. It is not being rezoned. She assures him.

Joseph Felker asked if that is a guarantee.

Melissa Mullins Mischke stated that is what this Board does. They grant variance for the zoning that it is in.

Joseph Felker stated ok; if I go from residential to something else then he is coming back to the County.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for Doris J Ayres Trust for construction of a second (2nd) accessory structure with a bathroom, small kitchen (pool house). Not to be used as a dwelling. The property is located at 351 E. 900 N., LaPorte, IN., Galena Twp., zoned R1A.

Adam Koronka seconded.

All Approved. Motion carries 5-0.

1. Petition for Special Exception for Kingsbury Elevator, Inc. represent by counsel Anthony Novak for chemical manufacturing and storage. The property is located at 5621 S Hwy 35, LaPorte, IN., Washington Twp., zoned B2 on 41.279 acres. Parcel 46-11-31-352-005.000-066.

Attorney Biege stated notice is adequate. For disclosure, Kingsbury Elevator is his client. He sent them to Anthony Novak to handle the Petition for Zoning Variance so there would not be a conflict of interest.

Anthony Novak stated he is an attorney with Newby, Lewis, Kaminsky, and Jones, LLP. He is representing the Lindborg's and Kingsbury Elevator tonight. Earlier they mentioned a Petition that may be on the Agenda or off. To clarify, they filed a Petition for Special Exception February 26th on the parcel immediately to the south. They have withdrawn that Petition. The Petition in front of them was filed May 28th and that is what he will be presenting tonight. On Zoom is Ed and Paul Lindborg; they are both officers of Kingsbury. Matt Pearson with the Office of the State Seed and Chemist is also on Zoom. Tonight, they are seeking a Special Exception for chemical storage on property owned by the Lindborg's but used by Kingsbury at 5621 S. Highway 35. It is near the intersection of Highway 35 and Hupp Road. To be clear, the Parcel Id is 46-11-31-352-005.000-066. Specifically, they are asking for a Special Exception so that they can construct a

fertilizer facility. The fertilizer is specifically agricultural ammonia that will be used both by them to distribute to farmers locally and otherwise. The operation is up and running. There are certain facts and circumstances that existed that have led to that which will be explained. The property is located at Kingsbury Industrial Park which may be familiar to some of the Board. It is where the KIP rail connection plan will be going. The railroad will be going right through that property. It is located in KIP it was not zoned industrial which is what began the journey to him being there tonight. Originally, they filed for a Special Exception on the southern parcel zoned M2, but then discovered that based on some setback requirements under the Indiana Agricultural Ammonia Law they had to be a certain distance away, so they moved to another location. He was ready to file a Petition when he did his due diligence and discovered that it was zoned B2. Rather than ask for Variance of Use he sought a rezone and then a Special Exception. The Plan Commission gave a favorable recommendation for rezone on May 25th. June 2nd they went before the Commissioners to have the Ordinance to rezone from B2 to M2 read on first (1st) reading. Fortunately, all three (3) Commissioners were in support and found that due to time constraints with fertilizer, they suspended their rules and adopted the Ordinance on first (1st) and second (2nd) reading. As of June 2nd, the property was rezoned to M2. While his petition makes reference to this being an approval contingent on final rezone, they have actually been rezoned so approval can be given should they so choose. Kingsbury is a full-service grain elevator, feed mill, and trucking company that stores, buys, and sells grain and fertilizer. After consulting with the County Engineer and Attorney Biege, it was determined that what they are trying to do, which is receive agricultural ammonia, which is a fertilizer for farmers, ultimately store and distribute it would fall under chemical manufacturing and storage. That is a broad use in the JZO. They are not doing any sort of manufacturing whatsoever. They are simply doing storage. Agricultural ammonia is regulated by the State of Indiana, specifically through the Office of the Indiana State Chemist and Seed Commissioner. They have to comply with all laws one of which is setback requirements; four hundred feet (400') from a residence, one-thousand feet (1,000') from a public building, and two-thousand feet (2,000') from a hospital and a nursing home. They have been working with the State Chemist and attached to their Petition as Exhibit 2, which is a letter at the top from the Indiana State Chemist and Seed Commissioner, is the approval from the Fertilizer Administrator Matt Pearson and then their application that was approved April 13th. Then the site plan is attached which shows the proposed location of the tanks and the various setback requirements. They are going to meet all the setbacks. In addition to working with the State Chemist, they have other safety precautions that they have to take. For example, with Kingsbury Fire Department, they have worked with Chief Mark Ritter to install a fire hydrant near the storage containers which they have agreed to install and let Kingsbury Volunteer Fire Department use. There is a letter attached as Exhibit 4 from Chief Ritter indicating that it will be the most accessible fire hydrant to the station which will benefit not only his client, but the residents of Washington Township. They have installed a wireless monitoring; details are shown on Exhibit 5. It will cover the tanks and transport loading area which will give real time alerts if there are any sort of leaks wirelessly to the devices that the Kingsbury people have. Finally, the product will be transported on the Canadian National Railroad. CN has required Kingsbury to do the following: Federal Railway Administration Certified DOT training to receive and ship the product; Department of Homeland Security Safety Review which requires additional safety equipment to be purchased for the unloading of tanker rail cars including derailleurs, switch locks, and wheel chocks; inspection and training from the Indiana State Chemist; a procedure checklist for unloading and releasing railcars; paper retention requirements under the Federal Railway

Administration; DOT over-the-road inspection and training; and a detailed safety plan based on an agricultural industry model. They are certainly doing their due diligence in all the safety precautions. While they know they have to be before the Board before final approval, it has been a long road to get this up and running. As mentioned earlier, they are currently in use. He found out about that on May 25th, when he was in front of the Plan Commission that morning, Peter Lindborg called to let him know they were up and running. He told him they should stop. He made a representation May 25th that they should stop, but he doesn't know much substantively about fertilizer and the process with the farmers and how it works. Kingsbury called him the next day to let him know the short window of time in which the product must be applied for the farmers throughout the County. While he instructed them to stop, they told him all of the issues that would happen if they did stop. The product arrived in May, but it was ordered in December believing it would arrive in April. In February they obtained approval for the first location. They filed for Special Exception in February and set for the March 16th meeting. They thought they would be approved well before the product arrived. The location issues were discovered. The product came in April or May and they ultimately had to get it out. Yes, it is up and running, but based on the circumstances he sent a letter to Commissioner Polan to indicate why they are operating, he has the authority to ask them to stop, but to let them continue. Over the last week, Commissioner Polan asked if there was anything that could be done to slow it down and he believes that based on the timing, they have received no shipments since they had a conversation. They will get more shipments, but it will hopefully be after today. He believes that this is a use that is appropriate in the area. They have done their due diligence except for the fact that the timing has led them here. They ask that they grant their request for Special Exception.

Attorney Biege stated for clarification, this is permitted in M2. The definition of chemical is very broad. They decided that would be something they would at least have the BZA to take a look at rather than permitting any chemical operation. That is why there is a Special Exception requirement. The definition is so broad, and it was impossible for them to break it down into fertilizer and non-fertilizer.

Dwayne Hogan stated it is a great idea of keeping the Fire Department involved and in tune with it. It is great for the community in the vicinity of KIP. Make sure the Fire Department gets plenty of training on it.

Greg Szybala asked if the fire hydrant is in place.

Anthony Novak stated he believes so. It was a requirement to have the use.

Dwayne Hogan stated they would need it prior to opening.

Peter Lindborg stated it is installed. They have already done training there.

Greg Szybala stated they have gone ahead and proceeded without it so that's why he is asking.

Dwayne Hogan stated that is a good point.

Glen Minich asked if the State Chemist could make a statement reassuring the safety and protocols that have been put in place.

Adam Koronka stated he has a list of questions for the State Chemist. Having seen the extensive Petition and did his homework and looked at Indiana Code, they are set to set the minimum safety expectations. Based on what Attorney Novak presented, is the detailed safety plan what will fulfill the risk management plan that is required by the EPA.

Matt Pearson stated that is an EPA question. He cannot answer that. It probably does, but that is up to the EPA. They don't require the risk management plan.

Adam Koronka asked what the actual concentration of what they are using. Agricultural ammonia is listed as anything greater than ten percent (10%) ammonia. Most people see anhydrous tanks around the area which means no water, one hundred percent (100%) ammonia. Is that what they are dealing with?

Matt Pearson stated yes, it is NH_3 . That is the chemical formula. It is eighty-two percent (82%) nitrogen which is why they use it.

Adam Koronka stated since it is pure anhydrous, there is a minimum requirement from OSHA for the Lindborg's to train their employees in the event of emergency response and PPE required in order to address anything that would be relative to a risk to the employees as well as the surrounding neighbors. Have all those requirements been filled?

Matt Pearson stated he cannot speak to that. He is with the Indiana State Chemist not OSHA. He is sure Peter and Ed Lindborg can elaborate on that.

Adam Koronka stated OSHA has a section specific to this. The standard is 1910.111 for anhydrous ammonia.

Matt Pearson stated he is not an OSHA expert, but a lot of ag in OSHA is exempt.

Adam Koronka stated on the farm it is, but built to the distribution and manufacturing of, there is a subsection within 1910.111 that is (b)(13)(ii) "*The employer shall insure that unloading operations are performed by reliable persons properly instructed and given the authority to monitor careful compliance with all applicable procedures.*" That is very broad. He wants to make sure the Lindborg's are taking the time to assure their neighbors and their employees are covered in terms of safety requirements.

Ed Lindborg stated they do have a safety guy on staff. He has done all the research and trained a few people that are handling the equipment as far as clothing, PPE, goggles, face masks, etc. It has been done.

Paul Lindborg stated the Indiana State Chemist was on site and helped train their people.

Adam Koronka state he has full support in the intent, he just wants to make sure that everything is covered when it comes to the neighbors and themselves.

Matt Pearson stated the Lindborg's put in the fire hydrant. That is something that helps the neighborhood. They also put in the sniffer system. You can set the limits and it will detect leaks. It will let them know if something is leaking and they can address it before it gets to the neighbors. It is not uncommon this time of year with the temperature change will cause a little bit to leak out and set off the sensor. The nice thing anhydrous ammonia is that a nose can smell it at very, very small quantities; five parts per million (5ppm). OSHA deems that it can be worked in for eight (8) hours at fifty parts per million (50 ppm). There will be a large warning if they smell something, but it is not harmful.

Adam Koronka made a motion to approve the Petition for Special Exception for Kingsbury Elevator, Inc. represent by counsel Anthony Novak for chemical manufacturing and storage. The property is located at 5621 S Hwy 35, LaPorte, IN., Washington Twp., zoned B2 on 41.279 acres.

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

9. Petition for Variance of Developmental Standards for Jonathan Goldsmith and Ginny Beth Sykes Trust for a bathroom in an existing pole barn and to convert the existing two-car garage into a guest house/third (3rd) accessory dwelling. The property is located at 5511 N. 125 W., LaPorte, IN., Springfield Twp., zoned A on 5 acres. Parcel 46-06-02-200-019.000-062.

Attorney Biege stated notice is adequate.

Jonathan Goldsmith stated his address is 4520 N. Dover St., Chicago, IL. They have had the property over twenty-five (25) years and they have been spending more time out there. They have a pizzeria in Chicago, Spacca Napoli, and his wife is a fine artist working in Chicago. Her work can be seen at the airport in the American Airline terminal. She is a painter and sculptor. They have the garage that they want to convert into a guest house for their friends or family to come up. They have no interest in having any tenants or a rental. He sees enough people over the course of the day. The barn was used as a studio when they purchased the property, and the tenants was Michael Zieve. There is a cottage as well. Michael Zieve did the mural at the Rolling Prairie Post Office. The purpose of the barn would be for his wife to paint. The purpose of the garage is to convert that so his daughter may stay there if she visits with friends. They want to enjoy their property.

No remonstrators present.

Glen Minich asked how old the pole barn is; is it pole barn constructed?

Jonathan Goldsmith stated he would guess the forty's (40s) or so. When he looked in the main house, the toilets dated back to then. It was a working barn for years. Currently, it has two old Kubota's and a new Kubota. The upstairs is holding some timber from some trees they had milled a few years back. And bats.

Glen Minich stated it is listed as a pole barn, but does it have a foundation? Is it stick built?

Jonathan Goldsmith stated he is not sure on what a pole barn is, but it is two (2) levels. The ground level is a concrete foundation. The drive that they have goes up to the lower level where the equipment is. There are stairs within to the main level that is in the berm of the hill. There is a concrete foundation.

Glen Minich stated a pole barn from 1940 wouldn't typically have any poles left in it; they would be rotted off in the ground. He is going to fix it up and unforeseen to the next owner if it is done properly.

Attorney Biege stated they want a bathroom. None of that is really relevant. Any inspection would be up to the Building Commissioner. They are only going to decide if they can have water in there and the purpose of that requirement is to prevent people from living in their barn. That's the only reason that they have to ask.

Glen Minich asked if the building will be brought up to current code.

Jonathan Goldsmith stated yes, that is their intention.

Michael Polan stated that any permits that are applied through his office will automatically generate an inspector to go out and make sure that the project is up to code and safe.

Jonathan Goldsmith stated he has also developed over the years in Chicago, and he always went through the proper procedures with the building department.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for Jonathan Goldsmith and Ginny Beth Sykes Trust for a bathroom in an existing pole barn and to convert the existing two-car garage into a guest house/third (3rd) accessory dwelling not to be rented or used for any purpose other than theirs. The property is located at 5511 N. 125 W., LaPorte, IN., Springfield Twp., zoned A on 5 acres.

Greg Szybala seconded.

All Approved. Motion carries 5-0.

10. Petition for Special Exception for Timothy and Sara Welsh to operate a religious summer camp for youth. Including: cabins, bath house/pavilion, emergency access drive, playground, water slide, high ropes course, low ropes course, wetland boardwalk, parking lot, fire pit, cross, viewing pier, additional well and septic. The property is located at

7397 E. Emery Rd., New Carlisle, IN., Hudson Twp., zoned A on 33.7 acres. Parcel 46-04-20-300-018.000-050.

Attorney Biege stated notice is adequate.

Tim and Sara Welsh stated their address is 7397 E. Emery Rd., New Carlisle, IN. Their developer Steve Ruby is also present. They met with the BZA in February for the first time. They are glad to be back. It was a great learning experience for them. What they failed to do at that point was introduce the Board to their business as well. Their business is called Core 2:15. They are an Indiana incorporated business. They have been operating since 2017. In 2018, they obtained 501(c)(3) nonprofit status. Up until now, they reached out to partnering groups like churches and other facilities that would host them. At that time, they did not have physical property. Currently, they are doing the same thing as well as using their home as an office as well. Their intent is to be able to use their property for camp use. Their camp ministry is incorporated. Sara and he are both co-directors. They do have an advisory board that is made up of five (5) members that assists them in their decision-making processes. The mission is to exist to guide youth in discovering God and developing their gifts in an outdoor setting. They feel like this particular place is perfectly situated for something like that. Their values include both trying to connect and trying to bring people together. They believe everyone is different that they want to be able to learn and develop their own skill, abilities, and talents. They believe that everyone has the ability to have a new life in Jesus Christ and they want to share that in an educational way both in growth and development. The religious aspect for them is a relationship type of thing, but it is also learning about the outdoor world that is there. They want all of their participants to get back to who God has created them to be. Everyone is made in God's image. They are both unique when they were created and they want to equip them. They want to continually develop who they are. Their focus is to help them identify their gifts. They want to enrich the youth and their families in their community. All staffs and activities are subject to training and industry standards. Typically, all the information that they are going to be able to do is in accordance and used by the American Camping Association. Moving forward, he may designate it as the ACA. Property and buildings will all meet and exceed codes. That is their eventual goal to have ACA camp accreditation and that is a standard in that industry in programs, activities, facilities, staff training. He is the one (1) advocating this, but he can't find a reason why this would not be something good for their own community in the area. All activities are on site and supervised. There are counselors and staff programs for certain areas of activities. Their ratio is very small at six to one (6:1) qualified counselors to participants. They are not a recreational RV campground. They are a private youth summer camp ministry. Anyone coming on to the property has already scheduled an event with them or signed up over the course of that camp week. It is not open to the public. They had a soil scientist out last week which led to a slight variation of their site plan. There is no drastic change, but Larry Huber came out to address any areas of concern including wetlands and campfires. They will have one (1) bonfire that will be in a designated area that would be contained. It will be constructed to be safe. They adjusted their emergency access drive. They have two (2) points of access and can supply them a visual with the new site plan. They have spoken with the New Carlisle Fire Department. Once, to introduce themselves and where they are located and how they could best be served should there be an emergency. They also submitted a letter from the Fire Department related to bonfires. During the February meeting, there was a concern for peat and if it was flammable. They came

out to the site and now know how to address any issues should they arise. He is there to answer any questions the Board or remonstrators may have.

Melissa Mullins Mischke stated she is encouraged by the amount of information that they received as a Board. In February, it sounded like a free for all campground. The more specific information that they have provided could help clarify to remonstrators what kind of activities are going to go on there.

Remonstrator:

Sharon Johnson stated her address is 11447 S. Campbell Ave., Chicago, IL. Her family has owned a cottage out in Hudson Lake for one hundred (100) years. They have seen the place grown. They have seen changes good and bad; a lot bad, but changes. It is a volunteer fire department. They would have to be called there all the time. It's hard enough for them to get where they're going to when they have to call the people, get them to come in, and then go to the fires. They have not addressed anything about additional traffic or problems. Hudson Lake is already very crowded and getting more crowded all the time. They had said in the February meeting that they wouldn't be using Hudson Lake, but she finds that hard to believe. They are in wetlands and problems. One (1) of the gentlemen that was going to be present, but couldn't make it, knows about bogs, wetlands, and the swamps. She doesn't think they are going to be mindful of nature and everything that is out there now. Those are some of her main concerns.

Steve Forbes stated his address is 7661 E. Lake Park Ave., New Carlisle, IN. He didn't make the February meeting. Are they going to change the ownership to a nonprofit?

Melissa Mullins Mischke stated they purchased it and they do have a nonprofit.

Steve Forbes stated it is listed under their names not the nonprofit.

Melissa Mullins Mischke stated they can ask them about it.

Steve Forbes stated if it is a nonprofit, there goes the tax money that Hudson Lake would get based on their taxes this year. They would lose any revenue from the tax bills that they are currently paying.

Melissa Mullins Mischke stated potentially.

Crystal Corley stated her address is 7685 N. Hudson Blvd., New Carlisle, IN. They are already posting online about having get togethers and have put a welcome sign out front.

Melissa Mullins Mischke stated they have been working on this project for a while now. They are aware of it.

Cecil Frazee stated his address is 7502 N. Oriole Ln., New Carlisle, IN. He lives next to wetlands. He loves wetlands. He knows how important they are to everything that they exist for the animals as well as the human beings. He is unsure how much wetlands are there, but a

tremendous amount and that is his biggest concern. He is also concerned with how the water flows to the wetlands and how this would affect them. The most important thing for him is the wetlands and it should be to everybody else as well. It filters all the water for everybody.

Melissa Mullins Mischke stated on their submitted plan there is a pretty healthy setback from all the wetlands. They are fifty feet (50') from everything and very little activity surrounding the wetlands. It is nice to see that they are preserving that as much as possible. Most of the activity of the camping will be down on the south end. Yes, there is a significant amount of wetlands, but they are doing their part to protect them. Is there anything they specifically want to respond to regarding the remonstrators?

Sara Welsh stated there are three and a half (3 ½) acres of wetlands. There is one (1) section that they are excited to be able to teach people about. They want to be able to introduce people to what they will be able to find in the wetlands. They agree that wetlands are important, and they want to be able to preserve them as well. They are thrilled to have the wetlands and used them for educational purposes.

Melissa Mullins Mischke asked if the ownership of the property is in their personal names.

Tim Welsh stated it is. They got their new licenses from the BMV to change over to the new address and that allowed them to homestead. They are a homestead. They asked the assessor about property values and to their knowledge and the assessors the Special Exception will not affect anyone's property values. They do want the camp to purchase the land, but he's not sure if that is what the Board is trying to determine now or their tax exemption status.

Melissa Mullins Mischke stated they are not currently tax exempt by being the owners.

Tim Welsh stated correct.

Melissa Mullins Mischke stated the property is going to be taxed as a business or personal property as opposed to being 501(c)(3) so there will be tax money coming in.

Dwayne Hogan stated their presentation tonight is one hundred and ten percent (110%) better with forethought. They supplied pamphlets, a site plan, a plan and came through on everything the Board had asked for. He is not sure whether they sought legal counsel or not, but they should be applauded for what they did. They put a lot of effort into it.

Tim Welsh asked if they had any site plan questions.

Adam Koronka stated they made it difficult to have any questions.

Tim Welsh stated he would love it if they did. For anyone who hasn't seen the site plan, they are not looking to drastically change any of the wetlands. They have a proposed boardwalk that would go across it so they could interact with it. They are looking to protect and preserve something that they believe is valuable. He has soil samples as well.

Dwayne Hogan stated to keep close to the fire departments there. Get them in for tours and allow them to see what is going on. Offer it as a training ground for them with a mock drill so whoever will be responding will be knowledgeable.

Tim Welsh stated their intention is to do that annually.

Dwayne Hogan stated that is a good idea as well as their fire inspections and extinguishers.

Sara Welsh stated they have been providing the calendar of events so they know when they will be participating in campfire nights or camp activities.

Glen Minich made a motion to approve the Petition for Special Exception for Timothy and Sara Welsh to operate a religious summer camp for youth. Including: cabins, bath house/pavilion, emergency access drive, playground, water slide, high ropes course, low ropes course, wetland boardwalk, parking lot, fire pit, cross, viewing pier, additional well and septic. The property is located at 7397 E. Emery Rd., New Carlisle, IN., Hudson Twp., zoned A on 33.7 acres.

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

11. Petition for Variance of Developmental Standards for David L Wagner for a shipping container for personal storage. The property is located at 4977 W. 150 N., LaPorte, IN., Center Twp., zoned R1A. Parcel 46-06-29-100-021.000-042.

Attorney Biege stated notice is adequate.

David Wagner stated his address is 4977 W. 150 N., LaPorte, IN.

Melissa Mullins Mischke asked if he has a storage container that is already there.

David Wagner stated it is. He didn't realize that it was a controlled item until after he had gotten it and painted it to match the house. He was notified that he would have to get a variance after he got it. That's what he is doing there. He is in the process of moving. He has two (2) trailers that are on wheels that he has filled up with his overflow from his house and he had to have some more space to put his personal belongings in to. This is a temporary situation, and a temporary variance is what he is asking for.

Dwayne Hogan asked for how long.

David Wagner stated the people that are buying his house have given him five (5) years to get himself out, but that is probably too long.

Melissa Mullins Mischke asked how many storage containers are there.

David Wagner stated two (2).

Melissa Mullins Mischke stated it is a moving truck trailer with two containers attached. Is there electric going to the containers?

David Wagner stated there is electric nearby that he just had installed.

Adam Koronka stated he had electric installed nearby.

David Wagner stated yes, NIPSCO ran electric line back there. His buyers have given him permission to use the land for five (5) years. He is going to be tired of starting the generator every time he wants some electric. They provided electric back there for low cost.

Adam Koronka asked if he is living in the containers.

David Wagner stated no. He is living in the house currently but will be moving out very soon. He is going to the campground in KOA in Granger.

Melissa Mullins Mischke asked if the storage containers will be going with him to the campground.

David Wagner stated they will go away, but it is up to the Board to tell him when that needs to happen.

Dwayne Hogan asked how many years he is asking for.

David Wagner stated two (2) years would be great. Hopefully, he can find a place to land by then.

Remonstrators:

Gerry Biller stated his address is 4985 W. 150 N., LaPorte, IN. He owns the adjacent property. He is in support of the Petition.

Adam Koronka stated he is running the generator in order to get electric.

David Wagner stated he was, but now he has permanent electric.

Glen Minich stated the new owners installed that for him.

Adam Koronka stated for what purpose.

David Wagner stated he had it installed. He is still the owner of the land.

Dwayne Hogan asked what he is doing with the electric.

David Wagner stated he has a little shop in one of the shipping containers.

Melissa Mullins Mischke stated they are not being used strictly for storage.

David Wagner stated one (1) is, it has his personal belongings. The other has all the contents from his garage, all his tools and equipment.

Dwayne Hogan asked what kind of shop does he run.

David Wagner stated he does not run a shop. He just recently passed the eighty (80) yard line and he has to have something to do.

Melissa Mullins Mischke stated she applauds that.

Dwayne Hogan stated that's a good shop.

Adam Koronka state he is glad he asked.

Glen Minich stated they have run into a few of these that need forgiveness for what they have done which is fine. The public should know that shipping containers are not to just be moved onto properties and expected to be left there. The County has taken a stance that they are not a preferred method of storage in LaPorte County.

Melissa Mullins Mischke stated they are definitely not encouraged.

Greg Szybala made a motion to approve the Petition for Variance of Developmental Standards for David L Wagner for a shipping container for personal storage for a period of no more than two (2) years and to be properly installed per LaPorte County Code. The property is located at 4977 W. 150 N., LaPorte, IN., Center Twp., zoned R1A.

Glen Minich seconded.

Approved. Motion carries 4-1.

12. Petition for Variance of Developmental Standards for Peter and Barbara Gawron for keeping a camper on property for weekend use to maintain property from April to October. The property is located west of 7299 E. Hudson Pointe Ln., New Carlisle, IN., Hudson Twp., zoned R1B. Parcel 46-04-29-376-026.000-050.

Attorney Biege stated notice is adequate.

Barbara and Peter Gawron stated their address is 11739 Will Cook Rd., Palos Park, IL.

Melissa Mullins Mischke stated they are here because the camper was tagged; is that correct?

Barbara Gawron stated yes.

Melissa Mullins Mischke stated they have received letter of remonstrance for this petition that were in favor of keeping the camper. Anyone interested in seeing those can contact the Building Department.

Dwayne Hogan asked if there was anything received against it.

Ashley Kazmucha stated she did not receive anything in writing that was against it.

Melissa Mullins Mischke asked why they need to keep the camper on the property for.

Barbara Gawron stated it is just for weekend use. LaPorte County Ordinance 9820 Paragraph 157-063 states it can be kept up to four (4) days and that's all they want to do. There was some miscommunication; their HOA told them in May that they could keep it on there. The President of the HOA told them they could keep it on there. As soon as there was a complaint, they came to the County, and they want to comply. They just need it for the weekend. They sometimes only come out there Saturday – Sunday or Friday – Sunday. They have paid up Mini Mountain. They have been there two and a half (2 ½) years. That is where they pump and dump.

Attorney Biege asked if they are going to leave it there.

Barbara Gawron stated no.

Attorney Biege stated if it is under four (4) days then they don't need a variance.

Glen Minich asked does the code allow for a continually use that lets it be brought in for multiple four (4) day terms?

Attorney Biege stated yes.

Glen Minich stated that sounds like a campground.

Barbara Gawron stated it is just on the weekends to maintain the property.

Attorney Biege stated there is a remonstrator and they may have a different story of what the facts are.

Remonstrators:

Georgette Joyce stated her address is 7299 E. Hudson Point Ln., New Carlisle, IN. She is the lot right next door. She is not sure who sent in letter saying that it was ok to do it, but she has a plat of the Lot and how it all sets. She is right next door to it and all the other lots are distanced from it. The lots on the end are over six hundred feet (600') away and the houses face away from the lot. She is the only person that looks at it. Everybody else is to the east of it and they have to drive back and into the subdivision to see it. They are a part of a homeowner's association. The HOA does not permit the camper to sit there. It is an incorrect statement they made that the President said it was ok.

Melissa Mullins Mischke stated the Board does not have anything to do with the homeowner's association and their decision has nothing to do with what they have in place.

Georgette Joyce stated she pays a lot in property taxes; close to ten thousand dollars (\$10,000). She is on the lake. She expects to be on the lake and have a beautiful view not be next to a camper. Their taxes are under a thousand dollars (\$1,000). It is a safety issue as well. The appearance is also an issue. They had a shed built some years back and now there is a rowboat and paddle boat next to the shed as well as a riding mower. There is a clothesline across two (2) trees that looks more like a campsite. They have a fire pit and a wooden table. When she tells people where she lives, they respond, "oh, you live next to the camper." There is also a safety issue; some years back they were burning on the lot without proper attention and there is an uninhabited island that connects to all this, and they set it on fire. It took the Fire Department a couple days, and they were fined. The following year, they were still leaving smoldering campfires and heading back to Illinois. The HOA contacted the Fire Chief and a note was sent out to all the owners in the subdivision reminding them about the importance of extinguishing the fires. There was a dead tree limb and they were shooting it with a firearm to try to get the tree limb down. Right now, there is a dead tree limb that is protruding out onto the lake. They cut some of it, but it is still sitting there. She has not had any good feelings about this and them being allowed to come in and do this regularly. The lot is maintained by a neighbor who mows it once a week as well as hers and some of the other neighbors for free use of their piers. He does the leaves in the fall as well. She is against the Petition. She wants peace of mind and to be safe.

Barbara Gawron stated the man that maintains the property was in the hospital two (2) weeks ago. They ask him not to do the property. He has a history of stroke and heart failure, but he is such a sweet little old man that he feels like he wants to do it. They still come out there to weed, take care of the plants, and the garbage that blows up on their end of the lake. She agrees with the fire; that happened in 2006 when they were first out there. They have not had an issue since then. There was one (1) other issue, but as soon as there is an issue, they address it. She didn't realize the clothing line was an issue; she will be happy to take it down. If the paddle boat is an issue, their neighbor down the block will be happy to put it on his property.

Dwayne Hogan asked if they drive the camper back and forth.

Barbara Gawron stated they go to Mini Mountain. They drop it off there and pump and dump it there. If they come out Friday night, they will pick it up there and drop it off. They are not doing this every weekend. They have children, family, and elderly parents. They are not out there every weekend. They are both not residents of Indiana so the people who wrote in letters were actual residents that live there and pass by it every day. They have to visibly pass by it every day.

Attorney Biege stated the code section Barbara Gawron read presumes it is a residential lot not a vacant lot. He is not sure that code section completely complies here. He read the recreation vehicles and equipment section in the JZO and it does not reference any of this. They don't have a lot of guidance here.

Glen Minich stated they do not want to promote this. In allowing this they would be promoting any residential lot to have somebody move in and use their camper. It's actually de-valuating her property by having a transient trailer next door.

Barbara Gawron stated they were originally going to build. When they dredged the property along with Georgette and the Rickerts, they accepted on their property. As a result, they cannot get a septic permit; because of the dredging they have to wait so many years. They were hopeful that when the sewers come in, which they were told was in five (5) years, that they could build a house at that time. The original intent was to build. They were going to build a home with a modular company and were told they couldn't do it. They are sitting on property right now waiting for the sewer to come in so that they can build.

Attorney Biege stated as the enforcement arm for the Zoning Board and the Planning Commission, over the years they have run across on more than one occasion, when in a subdivision, somebody is in a motor home and neighbors complain that they area living there. They say they are not. They drive it around the block and park it again. To prove somebody is living in an RV is a difficult thing to do from an evidentiary standpoint. Permitted or not, people living in RVs has been an enforcement issue in the County for many years and it has been a problem.

Glen Minich asked Attorney Biege what he suggests.

Attorney Biege stated he's not sure. The Board needs to decide if it wants to allow this. If it allows it, it may be more difficult to enforce other situations where people are arguably living in RVs.

Melissa Mullins Mischke stated the only thing she sees in favor of that is that it is not stored there all the time. It's only there when they are on the property.

Barbara Gawron stated they should have received a letter from Mini Mountain.

Melissa Mullins Mischke stated they did. It's a different situation than somebody driving around the block and saying they aren't living there.

Dwayne Hogan stated a couple times a month is one (1) thing.

Glen Minich stated or like the first (1st) Petitioner who wanted to build a shed on his. He may decide to put a camper on it four (4) days a week.

Dwayne Hogan stated they said it will fit a fishing pole and a chair. And a tent.

Glen Minich stated it is beautiful and lovely, but he wouldn't want it next to him either. It's a residential lot. The people around are expecting to have a home built on it not allowing a camper to be put on it.

Adam Koronka stated Hudson Lake is in a bad way right now when it comes to sewer and using the properties. There is a residential ordinance that they read earlier.

Attorney Biege stated it is not in the Zoning Ordinance so he would presume it is in the Junk Car Ordinance.

Melissa Mullins Mischke stated she thinks it is.

Adam Koronka stated the only way to maybe accept it from where it is different from anything else is to make a motion that also references the terms of the use of that Junk Car Ordinance to where it is gone, moved, and stored somewhere else and comes back for no longer than four (4) days. It gives them the opportunity to use their land that they have.

Melissa Mullins Mischke stated she doesn't want to keep people from enjoying their property than the person next door either.

Dwayne Hogan stated hopefully in a year or two (2) they get the sewer taken care of out there and they can put something out there.

Glen Minich stated at the very least there should be a limit on the amount of time that they are going to allow this.

Adam Koronka stated four (4) days.

Glen Minich stated a term of years, not indefinitely.

Adam Koronka stated a term for the number of consecutive days for the term of the number of consecutive years until they have to come back and see them again.

Glen Minich stated he is doing nothing more than what they just said they weren't going to allow with the mobile homes on residential lots.

Melissa Mullins Mischke stated it is on a parcel-by-parcel basis sometimes. Not every blanket motion fits every need. She doesn't understand how they can put a time limit on it if they don't know how long before the water it resolved.

Attorney Biege stated there have been meetings on Hudson Lake in regard to the sewer. That is not a done deal by any stretch.

Dwayne Hogan stated it might not be as soon as they think.

Melissa Mullins Mischke stated it never is.

Dwayne Hogan stated he understands both concerns. Do they only use it April to October?

Barbara Gawron stated yes, but not every weekend.

Dwayne Hogan asked if it is a couple time a month.

Barbara Gawron stated yes. This month it will be once.

Glen Minich stated the pictures look like an RV commercial. Ashley's pictures aren't helping.

Adam Koronka stated from what he saw from Ashley Kazmucha's pictures and when he visited is that the property is kept up and immaculate.

Glen Minich stated they have to feel for the other residents. Even though there is only one (1) in immediate proximity it is a subdivision and there are other people that are affected.

Adam Koronka stated there's nothing they can do about the homeowner's association.

Glen Minich stated they don't weigh that. That's for the homeowner's association to get legal.

Barbara Gawron stated one (1) of the letters of remonstrance was from the HOA secretary.

Glen Minich stated the Board could allow it and the HOA could make a legal move and would be disallowed by the court.

Melissa Mullins Mischke stated potentially.

Attorney Biege state theoretically, the homeowner's association has bilaws that he hasn't seen so he could not say if they could be enforced or not, but the adjoining lot property owner could have a private action and nuisance if they wanted to take action. He cannot give an opinion on the success or possibility there, but the cause of action exists.

Adam Koronka made a motion to approve the Petition for Variance of Developmental Standards for Peter and Barbara Gawron for keeping a camper on property for weekend use not to exceed four (4) days consecutively to maintain property from April to October for a period up to three (3) years renewable. The property is located west of 7299 E. Hudson Pointe Ln., New Carlisle, IN., Hudson Twp., zoned R1B.

Dwayne Hogan seconded.

Ashley Kazmucha read the roll.

Melissa Mullins Mischke stated nay.

Dwayne Hogan stated aye.

Glen Minich stated nay.

Adam Koronka stated aye.

Greg Szybala state nay.

Denied. Motion fails 3-2.

13. Petition for Variance of Developmental Standards for Sara Amor for raising twelve (12) chickens and four (4) ducks. The property is located at 4253 W. Schultz Rd., LaPorte, IN., Center Twp., zoned R1B on 1.03 acres. Parcel 46-06-17-200-006.000-042.

Attorney Biege stated notice is adequate.

Sara Amor stated her address is 4253 W. Schultz Rd., LaPorte, IN.

Melissa Mullins Mischke asked if the animals are already on the property.

Sara Amor stated yes.

Melissa Mullins Mischke stated she has twelve (12) chickens and four (4) ducks currently.

Sara Amor stated yes.

Melissa Mullins Mischke asked if there were any rooster.

Sara Amor stated they do not. They do not have anything that is developing saddle feathers and nothing is crowing. She does have a friend that is willing to take them if that does happen. She wasn't sure she was going to be able to keep them after the debacle so she has a friend that will take them all if she is told she can't keep them.

Melissa Mullins Mischke asked how many male and female ducks are there.

Sara Amor stated they all sounds like girls. One (1) may be a male, but he doesn't crow or do anything obnoxious either.

Melissa Mullins Mischke asked if there was any mating.

Sara Amor state she does not think so. They are young and she hasn't had an issue. If they do she is not planning on incubating the eggs. There wouldn't be anything to hatch.

Dwayne Hogan asked how long she plans on keeping them for.

Sara Amor stated as long as they live.

Greg Szybala stated they are not all named. They are named, but their names change depending on the child and the day.

Melissa Mullins Mischke asked what is done with the waste material.

Sara Amor stated they have a firepit in the middle of their yard and currently it is being burned.

Melissa Mullins Mischke stated they might want to find a better method of disposal. Do they have a garden?

Sara Amor stated she does. She could use it for gardening material, bury it, or burn it. They have had the firepit there for seven (7) years.

Melissa Mullins Mischke stated burning chicken poop sounds horrible.

Sara Amor stated when she read up on it, she was surprised too.

Remonstrators:

Judith Hammons stated her address is 4277 W. Schultz Rd., LaPorte, IN. Sara's property surrounds two-thirds ($\frac{2}{3}$) of her property. She has three-point-thirteen (3.13) acres and Sara has one (1) acre. They have over a dozen complaints with the current animals before the chicken and ducks over the dogs and their care. Animal Control and LaPorte County Sheriffs has been out over a dozen times. They have had numerous last warnings about the conditions, how the dogs are not being taken care of, and the detriment to the neighborhood. Everything from the dogs being on the roof of the house which is actually legal since it is on their property, but it's part of how they escape. She has been attacked by their dogs. The dogs run loose. The last report with the Sheriff's Department took the officer twenty (20) minutes at 1:30 a.m. in the driveway blaring sirens to get their attention to get the wild pack of dogs to shut up and be taken in the house. They have inadequate fencing and care for the animals. There have also been complaints file about them being out in extreme heat and cold without food, water, and shelter. Not all of the complaints were filed by her. Other neighbors have also filed complaints, but didn't feel comfortable showing up tonight, but they want something done about it. She is not sure if Animal Control has contacted the Board about this situation. There have been numerous complaints. They have a kennel license and didn't have to get rezoned for that. They run an asphalt business where they put tankers and dump trucks in the driveway. They have been warned numerous times about that; that is still going on. They don't seem to take anything seriously by the Zoning Board. Give them an inch, and they'll take a mile. She doesn't have the right to sit outside, have a cup of coffee, ready a newspaper or talk to her husband without the fear of being attacked or the dogs barking so loud that she can't even hear the TV in the house on a nice day with the windows open. She doesn't know how much more she has to put up with. The animals are within fifteen feet (15') of her property. If they are going to have animals, they should move them near their house, not fifteen feet (15') from her property. Put up a privacy fence. The dog fecal has not been picked up in three (3) years; it reeks. There was a truckload of junk and mattresses removed recently since they filed the petition. Is it going to go right back to that situation?

Judith Hammons indicates on an aerial which property is hers in relation to Sara Amor's.

Glen Minich asked if there is a building in the back.

Judith Hammons stated there is a barn in the back. There is a home and a thirty-four-foot by fifty-six-foot (34' x 56') barn in the back. There is a pipeline that goes through the rear. Technically, they can't put anything there. There is no structure there for the animals other than a twelve-foot by ten-foot (12' x 10') cheap wire enclosure. The predators could destroy those. If this is going to be granted, she asks that it be moved away from her property at least one-hundred feet (100') and they put up a privacy fence to cut down on the barking and odor. She doesn't believe the animals will survive with the predators in the type of situation and it is sad that predators will get to them. They will eventually as there is no storm shelter for them or for when it gets very cold this upcoming winter. She doesn't want to see the children find the animals dead. She understands they are for the children, but the State of Indiana doesn't recognize that for children or adults. Moral support animals are not recognized by the State of Indiana.

Dwayne Hogan asked how long they have had the chickens.

Sara Amor stated they got them as little ducklings in April.

Dwayne Hogan stated this year.

Sara Amor stated yes.

Melissa Mullins Mischke asked how many dogs they have.

Sara Amor stated seven (7).

Melissa Mullins Mischke asked if they have a current kennel license.

Sara Amor stated they do.

Melissa Mullins Mischke asked what breed of dogs they are.

Sara Amor stated they are German Shepherd-Husky.

Melissa Mullins Mischke asked if they escape the property.

Sara Amor stated they have not in a very long time. When they were puppies, they did. They were ornery. They are in the fenced in area which they made small to keep them close to them in their home because Mrs. Hammons son threatened to shoot them, but not just shoot them, but shoot onto her property.

Melissa Mullins Mischke asked if they are aggressive now.

Sara Amore stated no. Her five (5) and six (6) year old's help take care of the dogs all the time. They go in the dog area and play with them. Sometimes they take them in the front yard and the kids will play ball with them. They haven't had any issues with anybody getting bit.

Melissa Mullins Mischke asked about the dogs with other people outside of the home.

Sara Amor stated they don't really like unknown people. That's why they are in their fenced in area and they have wireless collars that are a secondary deterrent if they were to get out.

Melissa Mullins Mischke asked when the last time they got loose was.

Sara Amor stated over a year ago. Mrs. Hammons is correct that they have gotten out and police reports were made. From her understanding, the police reports have not been substantiated and Mrs. Hammons was ticketed for constantly calling and they had video of her on a blowhorn irritating the dogs and thus ticketed.

Melissa Mullins Mischke asked how she feels about moving the animals further into their yard.

Sara Amor stated she has no problem moving. Mrs. Hammons has a six-foot (6') fence and they have a fence and they're also on shock collars. That's why there hasn't been an issue for over a year with the dogs. As far as the birds are concerned, they can go anywhere, but if they are out free ranging, she can't say they will stay one-hundred feet (100') from her property because they're chickens.

Melissa Mullins Mischke stated she understands that. There were concerns about odor in the yard.

Sara Amor stated they use a mixture in the dog area about once a week when the cleanup of dawn dish soap, ammonia, vinegar, and baking powder and it works very well.

Melissa Mullins Mischke asked how inclined she is to put up a safety fence.

Sara Amor stated absolutely, yes. If for nothing else other than her neighbor then can't take pictures of her bedroom window. That feels very invasive to her. There were some pictures of the downstairs area with the dogs' house there and that is her bedroom. Mrs. Hammons has been zooming in on her bedroom window.

Melissa Mullins Mischke stated the photos they received were taken by the County.

Sara Amor stated they won't have that one (1) then, but the Building Department has it.

Melissa Mullins Mischke stated if there are dogs and animal reports of aggressive behavior or that sort of thing, she is inclined to hold off on a vote and do research with the Animal Shelter and see if they have any input on it or if the Sheriff's Department would. Aggressive dogs will be harmful to chickens as well.

Sara Amor stated that is why the chickens are far back. She doesn't want them to get hurt either. Mrs. Hammons feral cats come on the property so she has to protect them from the cats, coyotes, and everything else which is why they have their own run that is three-hundred and sixty-four

square feet (364²) and the coop too. They only free range when she is home and she does not let the dogs out when the chickens are free ranging because she doesn't want issues with that. They take turns. Fortunately, she is home all summer until she goes back to work in the fall. She is a school nurse, so she is home except for when she is coaching little league, taking her kids to dance or basketball. They are in and out all day and the animals are in and out all day.

Adam Koronka stated they could make a motion to table it, but how does that prompt the further investigation.

Glen Minich stated on such a small residential lot, the animals shouldn't be free ranged. Even in an agricultural environment, when people free range the animal and environment need protected. They bought a nice portable shed for the animals, but they make free range pens that they can keep moving because they don't want to get rid of the vegetation. The vegetation is very important on their lot, but they don't want the animals just defecating in one area. With the neighbors, they really need contained. At this point, even if they make a motion to get more input from Animal Control that they certainly do not want to see the animals free range because it is upsetting the neighbors too.

Melissa Mullins Mischke stated she is not so concerned about chickens perse but is concerned about the animals overall with the remonstrator.

Sara Amor stated the remonstrator has failed to mention the multiple feral cats and her own animals as well. She has her own lot mess as well which she filed a complaint regarding.

Glen Minich stated he likes the idea to look into it further. The animals are there for emotional support and they need to make sure that they have good advice moving forward.

Adam Koronka made a motion to table to the July Meeting to allow the Board to further investigate with Animal Control and Sheriff's Department the Petition for Variance of Developmental Standards for Sara Amor for raising twelve (12) chickens and four (4) ducks. The property is located at 4253 W. Schultz Rd., LaPorte, IN., Center Twp., zoned R1B on 1.03 acres.

Glen Minich seconded.

14. Petition for Variance of Developmental Standards for Roger and Barbara Pinks for one (1) horse and one (1) goat on less than three (3) acres and an electric fence. The property is located at 5888 W. 370 N., LaPorte, IN., Center Twp., zoned R1B on a total of 1.568 acres. Parcels 46-06-18-152-006.000-042 & 46-06-18-152-004.000-042.

Attorney Biege stated notice is adequate.

Barbara and Adrian Pinks stated her address is 5888 W. 370 N., LaPorte, IN.

Melissa Mullins Mischke asked if they already have the horse and goat.

Barbara Pinks stated yes.

Dwayne Hogan asked how long.

Barbara Pink stated ten (10) years. When they moved into their home, the neighbors directly across from them had horses. They did not realize that they maybe weren't allowed to have them.

Attorney Biege stated they are grandfathered in.

Melissa Mullins Mischke stated they don't need to hear their petition at all.

Attorney Biege stated they cannot expand the non-confirming use. So if one (1) passes they are stuck and they will have to come back.

Melissa Mullins Mischke stated the electric fence is the issue.

Ashley Kazmucha stated there was a complaint they had an electric fence. They were made to turn it off and apply for a variance for it.

Attorney Biege asked where it states they cannot have an electric fence in the code.

Ashley Kazmucha stated she was told they couldn't have one.

Attorney Biege stated they can have one. There is no restriction on electric fences.

Ashley Kazmucha asked in residential zoning.

Attorney Biege stated unless she knows it's in the code somewhere that he doesn't. He is not aware of any.

Ashley Kazmucha stated she did not send the complaint letter.

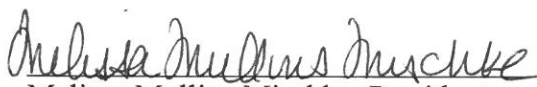
Attorney Biege stated he thinks they're fine.

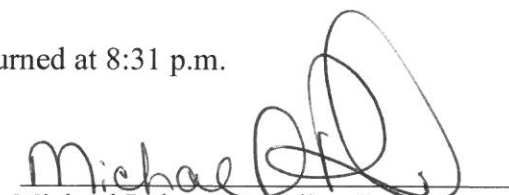
Melissa Mullins Mischke stated they are good.

Per Article 16.05 (b) Fences in Residential Districts (4) Fences shall not contain barbed wire, electric current or charge of electricity. Any decision made on the fencing of this property will now be handled personally by the Building Commissioner.

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

There being no further business, meeting adjourned at 8:31 p.m.


Melissa Mullins Mischke, President


Michael Polan, Recording Secretary