



# LAPORTE COUNTY BOARD OF ZONING APPEALS

Government Complex 5th Level  
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**MICHAEL POLAN**  
Building Commissioner

July 20<sup>th</sup>, 2021

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **July 20<sup>th</sup>, 2021, at 6:00 p.m.** in the Assembly Room of the County Complex.

MEMBERS PRESENT:      Melissa Mullins Mischke                      Adam Koronka  
   Greg Szybala    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 June 15<sup>th</sup>, 2021.

Glen Minich made a motion to approve the meeting minutes of June 15<sup>th</sup>, 2021 as presented.

Adam Koronka seconded.

All Approved. Motion passed 4-0.

Adam Koronka made a motion to move Petition #10 to Position #3.

Glen Minich seconded.

All Passed. Motion carries 4-0.

## **Petitions:**

**1. Petition for Variance of Developmental Standards for John and Kimberly Gardner represented by counsel Chris Willoughby** for construction of a new home with a side setback of six feet (6') instead of the ten-foot (10') minimum required. The property is located at 340 Island Drive, LaPorte, IN., Center Twp., zoned R1B. Parcel 46-06-27-331-011.000-042.

Attorney Biege stated that notice is adequate.

Chris Willoughby with Braje, Nelson, & Janes, LLP stated he is present on behalf of John and Kimberly Gardner. John Gardner is present in case there are any specific questions in regard to the details of the project. The request and petition are pretty straight forward. The properties on and around the island are somewhat unique. Over time for various reasons, either initial construction changes of standards or other reasons, many are out of compliance. When the Gardner's purchased the property as it exists now, or until last week as there has been some demolition since. The side setbacks were already out of compliance. The one (1) side was less than six feet (6') and the other was approximately three feet (3') and change. Since then, the project has been in planning for some time and they had initiated some discussions when Annemarie Polan was still on board about trying to maximize what they can do, but stay within the constraints of the zoning laws. What has been determined here is a rebuild rather than a rehab to deal with structural issues with the foundation. They do have signed consents from the adjacent adjoining neighbors to the property. The plan is to go from the current non-conforming side setbacks to one (1) non-conforming side. There will be ten feet (10') on the west side which is attached to the neighbor that had the shortest setback. The other side is approximately six feet (6'). Not many projects that he has been involved with dealing with side setbacks, especially on the island, result in more side setbacks when they are doing what they are doing especially in a rebuild. That will be the net effect here; there will be an increase in the setbacks, but one (1) side. In full disclosure, it is the Slater side who is family to the owners. As indicated, all sides have consented. The other owner is present this evening, but he has given signed consent acknowledging the petition. For them to ultimately consider and grant the petition, they have some standards they must meet such as that the approval will not be injurious to public health, safety, morals, and general welfare; the property values in the area adjacent will not be affected in a substantially adverse manner; the strict application of the zoning terms will result in practical difficulties in use of the property. Ultimately, this is going to be an improvement. It will be done and the building will be in compliance with the building code and zoning code. They are seeking the variance to allow the project that is contemplated. It is unique because it is already non-conforming. They have to address a dilapidated and outdated home and fix it. Either if they were to go in, the house would be non-conforming and have setbacks that are not in compliance with the code. Based on their submissions as well as the plans that they have they respectfully ask that they approve the variance as submitted and allow for them to have a side setback of six feet (6') which is less than the ten feet (10') required. They are available for any questions they may have.

Adam Koronka stated he looked through the petition and he makes a great point with regard to it being zoned R1B, but it really does fit the model of R1E. As he looked through everything set up there, at this point if they were to treat it as R1E he would only have two (2) concerns. One (1) is that R1E allows seven-foot (7') side setbacks so is there anything that would prevent moving the home one foot (1') to the west or over one foot (1') to put it in compliance with R1E?

Chris Willoughby stated it isn't zoned that so they are trying to come into compliance. He would have to defer. It is not their preference to say that they can't, but they have spent a lot of time, money, and effort to put this plan in place. The strength of it is that they have consent of the neighbors with full disclosure. While he thinks it should be zoned differently, but the County redid the code years ago and this zoning district was subsequently added and they can't spot zone

because the proper thing to do would ask for a re-zoning so here they are. He will never say never, but it is not their preference.

Adam Koronka stated, as an engineer by trade, is there anything that is physically or a building code or anything with ground water that is physically preventing it.

Chris Willoughby stated that their engineer has indicated that it needs to go where it is.

Adam Koronka stated ok. The plan for the new home includes just the home. When looking at impermeable surfaces, they are coming close to the forty-five percent (45%). Anything more than nine hundred and twenty-two square feet (922<sup>2</sup>) of coverage for a parking pad or driveway is going to put them over the forty-five percent (45%). Is there any design for the driveway at this point?

Chris Willoughby stated it isn't before the Board today. If that issue does arise, that may bring them back before the Board in terms of having to ask for another variance which isn't ideal.

John Garner stated his address is 1263 Abbey Oaks Drive, Lemont, IL. Does the layout the Board have show the driveway on it?

Adam Koronka stated no, it has the home and references to the boundaries of the property.

Chris Willoughby stated that isn't as important for what they are asking for, but his point is well taken. If there are because at some point, they still have to go to the Building Commission to get a permit and they find that they are out of compliance or that a variance will be necessary, they might find themselves back before them. Currently, they have the plan for the home. There are other plans and they recognize that they will be subject to what Mr. Polan and Ashley Kazmucha direct them in terms of the future and final plans for the home.

Glen Minich stated they hear the argument all the time that because it's a waterfront that it should be R1E, but the island has never been in that designation partially because it is a different situation. It is a County property. It is picturesque place and when they crowd the homes to where nobody can see the lake, they are taking away the aesthetics of the island and what it always was and what it is. He doesn't like to hear the argument given by counsel that they should be using R1E standards because it is not, in his estimation, what it is supposed to be out there.

Adam Koronka stated in this particular case, it looks to be that the plan that they have submitted is actually better than what the previous home was. Right now, it's even better because it's just a tree in the middle of a lot.

Glen Minich stated aesthetically, in this case, it is on a rise and there isn't a view of the lake on that lot anyway. The other properties they have developed are gorgeous with the lake view and everything else.

Chris Willoughby stated he doesn't disagree with them at all. In his private practice, the R1E has proven to be troublesome and because they are trying to mesh different County municipalities.

They don't all mesh in that. In referencing what it could or should be is because many homes are probably close to that designation than not which makes it unique which makes them have to seek the variance. Their point is well taken because the island is precious and a mix of people that have been there forever and there are some original homes out there that are probably a good check and balance. They are not advocating or asking for a re-zone.

Melissa Mullins Mischke stated the size of the lot hasn't changed from the date of purchase to today. The side setbacks were ten feet (10'). That hasn't changed. It might be an improvement from what was there, but it's still not meeting the requirement. If they don't get a handle on the setback requirements, on the island especially, they never will. She is tired of hearing that it's a special situation. No; the setbacks apply to those properties just like they do everywhere else in the County. If they don't get a handle on them now and stop saying this one is special and their dream home, they will grant them the six feet (6') they will never get a handle on it as a County.

Chris Willoughby stated he certainly understands and appreciate her statements. When you look at the plans and what is contemplated here versus some of the others that have gone there, it is certainly more in line with tradition versus not. What makes it special or unique in this case is that it is improving the current setbacks. The current foundation is what they could have done and built in that and had something that was less in line with the policies here. It is rare that they also get consents from those around them. They are not asking for any height variances as point out. It is not the best property there in terms of lake views or hindering anybody else and their vacant lots across the street in which both of those parties have consented. From the plans and in their experience, his clients are certainly not maximizing what they could otherwise do or what has been done in and around the area.

**Remonstrators:**

James Van Kley stated his address is 336 Island Dr, LaPorte, IN. It is on the west side of the proposed variance. They are giving him ten feet (10'), but if it needs to be reduced to nine feet (9'), he has ten feet (10') anyway from his house. They aren't crowding the property at all so if they want to make it only nine feet (9') that would be fine. They told him they would do ten feet (10'), but if nine feet (9') makes it better for the east side then. He is in support of what they are asking for tonight.

Adam Koronka made a motion to approve the Petition for Variance of Developmental Standards for John and Kimberly Gardner represented by counsel Chris Willoughby for construction of a new home with a side setback of six feet (6') instead of the ten-foot (10') minimum required. The property is located at 340 Island Drive, LaPorte, IN., Center Twp., zoned R1B.

Greg Szybala seconded.

Motion died 2-2.

Attorney Biege stated because it is a tie it doesn't pass because they need three (3) members even though they have one (1) not present.

Melissa Mullins Mischke asked if it is denied.

Attorney Biege stated no. Do they want to set it over to next month?

Chris Willoughby stated they don't have a choice. They have taken a vote. The only other option to the extent that it is appropriate would be to change the setback on one side or the other and going back and making sure that it works. The interest is to move the project forward if they can. In terms of whether there is a condition to change that setback from six feet (6') to something more palatable that is up for consideration as well. Otherwise, they have no choice unless the Board is going to reconsider.

Attorney Biege stated they could make an amended motion and alter the request, that is a possibility.

Chris Willoughby stated if something is going to change to move closer to Mr. Van Kley's side that will at least put it in line with the seven feet (7') if an when that ever changes, then they will be closer to compliance and then they don't lose that. Is that something that is palatable? He is not putting them in the R1E; he can't speak to future administrations.

Melissa Mullins Mischke stated she is inclined to hold it over until next month for a new vote. She is not going to change her vote. They will be held over until the August 17<sup>th</sup> meeting and they will be first on the agenda.

**2. 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.

Andrew Voeltz of Howes & Howes, LLP stated he is representing Sara Amor for a petition for variance for developmental standards regarding her property located at 4253 W. Schultz Rd., LaPorte, IN. She had originally filed the petition for variance and was heard at the June meeting. This is regarding her property that is zoned R1B on one-point-zero-three (1.03) acres. She is asking for a variance pursuant to section 14.02 of the JZO with regards to the number of animals that she may have on her property, specifically twelve (12) chickens and four (4) ducks. They respectfully request that this petition for variance be granted as there is no reason why it shouldn't regardless of whatever any remonstrators that come before the Board say because the approval will not be injurious to the public health, safety, morals, or general welfare of the community. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner. Pursuant to subsection C. the strict application to the terms of the Zoning Ordinance would result in a practical difficulty for the use of the property. His understanding is that members of the Board have been to the property to view and be hands on with what is out there. He has been out there and seen it. Her petition is well grounded. They ask that it be granted.

**Remonstrators:**

Randall Veatch stated his address is 4177 W. Schultz Rd, LaPorte, IN. He is two (2) houses down from Sara's home. As he went through the information he was given, he was surprised that this item was tabled to begin with. The amount of small livestock requested to keep would require the property to have eight hundred and seventy-one square feet (871<sup>2'</sup>) per bird according to the code. That equated to thirteen-thousand nine hundred and thirty-nine square feet (13,939<sup>2'</sup>) for all sixteen (16) birds. From watching and listening to the last meeting, the property is one-point-zero-three (1.03) acres. Article 14 calls for three (3) acres minimum. A couple of minutes into the last meeting in June, Ms. Amor made what he believes to be the most powerful to everything being addressed tonight; she said she "*had a friend that could take all of them in.*" He believes "*them*" is referring to the birds. This eliminates the stockpiling of manure needing a two-hundred- and fifty-foot (250') setback. The accessory structure that needs a one-hundred-foot (100') setback. This is on property that is approximately one-hundred and fifty feet (150') wide by three-hundred feet (300') deep. He will get back to that. It is also mentioned by the remonstrator Mrs. Hammons if they had considered moving the structure and fenced run away from her property at the very least to save her from the noise and smells. He sees that distancing from her property for her rights to make it an encroachment on the neighbors to the east where he lives. That is not a plan; that is an escape. One of the BZA members, Mr. Minich, addressed the free ranging and fencing area needed to be portable. As of Monday night, the coop and run are sitting where it's at and has been since it was installed. The statement was made about the need of vegetation in the coop to help with the cleanliness of raising the chickens and the ducks. This has been in place since April and nothing has been moved. He did see for the first time on Sunday, July 18<sup>th</sup>, that someone was actually visiting the coop area. He would hope that they are doing it more frequently. He doesn't know; he is in his home on weekends and at lunch time. He has seen one (1) person at the coop. He's not saying that they aren't there more, just that he doesn't see it. The property has approximately forty-five-thousand square feet (445,000<sup>2'</sup>). The house and drive remove eleven-thousand square feet (11,000<sup>2'</sup>) leaving a total of thirty-three thousand nine-hundred and eighty square feet (33,980<sup>2'</sup>). The seven German Shepherds brought up at the last meeting need somewhere to do what big dogs do; big dogs do a lot of doo-doo's. He gave the dogs point-one (0.1) acres for a total of thirteen-thousand four-hundred and ninety-two square feet (13,492<sup>2'</sup>). Nowhere in the code book does it say how much space should be given to a domesticated animal. That is an oversight that he thinks needs to be addressed within the code; very few of them are in there. Once the area is subtracted out for the dogs, they are left with three-thousand four-hundred and eighty-eight square feet (3,488<sup>2'</sup>). They needed thirteen-thousand nine-hundred and thirty-nine square feet (13,939<sup>2'</sup>) for the chickens and the ducks. They are short over ten thousand square feet (10,000<sup>2'</sup>). That means they are missing a quarter (¼) of an acre because she has one-point-zero-three (1.03) acres. A proposal to move it down towards his property puts it on the side of the hill. They have been out to the property and have seen that hill that she would have to move it on if she does move it east. If it rains on that, the water goes down to his neighbors and then onto his property. The distances from the neighbors, it goes over one-hundred and fifty-six feet (156'). The chicken coop where it is now is around one-hundred and twenty-five feet (125'). Where is the crap? It's supposed to be two-hundred and fifty feet (250') from his property. He doesn't even have two-hundred and fifty feet (250') between him with taking the neighbors out of there. All of his distances were determined using Beacon and all numbers were found in the code book. The only number he came up was the amount of land needed for a domesticated dog. He has a smaller dog than a German Shepherd

and if he put it on point-one (0.1) acre he would feel he was abusing the animal personally. The present coop, according to Ms. Amor at last month's meeting, was three-hundred and seventy-five square feet (375<sup>2</sup>). He thinks it is actually three-hundred and sixty-four square feet (364<sup>2</sup>), but for the benefit of the doubt let's call it three-hundred and ninety square feet (390<sup>2</sup>). That doesn't even qualify for one (1) chicken; one (1) chicken needs eight-hundred and seventy-one square feet (871<sup>2</sup>). Her total coop and run according to her is roughly four-hundred square feet (400<sup>2</sup>). Attorney Voeltz stated people may come up and talk a bunch of smoke, but it's in the code book.

Judith Hammons stated her address is 4277 W. Schultz Rd., LaPorte, IN. Her property surrounds two-thirds ( $\frac{2}{3}$ ) of Ms. Amor's property. They have a kennel license. They are allowed up to fifteen (15) dogs. They have a kennel license without zoning. They were allowed to have a kennel license without zoning.

Melissa Mullins Mischke stated that is the point of the kennel license. They don't re-zone for kennel license.

Judith Hammons stated they don't re-zone for kennel licenses anymore; when did that end?

Melissa Mullins Mischke stated it has been some time. The Joint Zoning Ordinance doesn't call for spot re-zoning so in the fifteen (15) years that she has been on the Board they have not done it.

Judith Hammons stated that's wonderful. Is there a minimum of how many acres you have to have?

Melissa Mullins Mischke stated they have to work through the Animal Shelter for a kennel license.

Judith Hammons stated she was not aware of that since when she had hers, she had to be zoned for it. With the kennel license that allows her up to fifteen (15) dogs and she currently has sixteen (16) livestock. It was said the property was one hundred and fifty feet by three-hundred feet (150' x 300'), but they are only utilizing one-hundred and fifty feet by one-hundred and fifty feet (150' x 150') which is the back yard. There are thirty-one (31) animals on a half ( $\frac{1}{2}$ ) acre. All the animals are on dirt. They are not on concrete. When they are cleaned up, you cannot remove the urine and ammonia smell. It reeks. And that's when they do clean it up. There have been so many complaints. She was promised they would be pulled from the Sheriff's Department.

Melissa Mullins Mischke stated they have spoken with the Animal Shelter.

Judith Hammons asked if they had spoken with the Sheriff's Department.

Melissa Mullins Mischke stated she personally has not.

Judith Hammons stated there are numerous complaints of the dogs barking, being up on the roof, being loose. If she asks them to move them, then it affects Mr. and Mrs. Ginther. If she doesn't ask them to move them, they are fifteen feet (15') from her property currently and thirty-five feet (35') from her kitchen window. It reeks. They have to be moved, but then it affect the Ginther's or the other neighbors. One (1) of them is going to get stuck with this. It is too many animals on too little ground. Do they want a kennel license or do they want to raise poultry; what's it going to be? They're on a spot not much bigger than this room with thirty-one (31) animals. That's a lot. She asks that it be cut down.

Attorney Biege stated he looked in the JZO and kennels are permitted in Ag, B2, or Industrial only; not residential. A kennel is defined as four (4) dogs, cats, or other household domestic animals. That is the limit. That's how they define a kennel.

Andrew Voeltz stated the petition that is on the record tonight has nothing to do with a kennel. It has to do with ducks and chickens.

Attorney Biege stated if there is a violation of the zoning code and it is before the BZA, the BZA can address it.

Andrew Voeltz stated he understands that, but the petitions on the record tonight is for ducks and chickens.

Melissa Mullins Mischke stated the dogs were part of the reason they tabled last month.

Attorney Biege stated the rules concerning kennels come into play because the dogs are in the petition.

Andrew Voeltz stated he understands, but it's not part of the petition. It is part of the property. The petition specifically addressed the fact of duck and chickens. He understands that there may be dogs that are associated with that, but that is not what is the underlying part of the petition.

Attorney Biege stated he understands that, but he is pointing out to the Board there is a zoning violation in addition to this request. The Board can take that into consideration when making its' decision.

Andrew Voeltz stated absolutely, he just wanted to clarify.

Christy Satoski stated her address is 2778 E. 300 S., LaPorte, IN. She is the Assistant Director for the Animal Shelter.

Melissa Mullins Mischke asked if she had visited the property.

Christy Satoski stated she did. She was at the property approximately four and a half (4 ½) weeks ago. At the time when she was there, she was viewing the chickens and ducks. There was absolutely no problem. They had adequate food, water, and shelter. Their setup was gross. There was absolutely no smell to the property whatsoever. As far as they are concerned, there has been



no problem whatsoever with that property. There were issues with the dogs awhile ago, but Ms. Amor has made sure that all of those have been addressed. At this time, they did not see any problems.

Melissa Mullins Mischke asked if the Animal Shelter has issued a kennel license to this location.

Christy Satoski stated absolutely.

Adam Koronka stated from the issues that she saw previously that have been addressed, can she speak to those at all?

Christy Satoski stated they had received two (2) complaints in reference to dogs running loose and one (1) was for housing of the animals. Those issues have been addressed. They have not been to the property in nine (9) months in reference to any issues with the dogs.

Glen Minich stated in regards to the animal waste or any problems that may occur because of it, what did she see out there? Originally, they were told they were burning the waste and they asked them to stop that. What were her recommendations of handling the waste?

Christy Satoski stated when she was there, there was no indication of anything being burned. If it was, it was hidden very well and there was not a stench at all at this property.

Andrew Voeltz stated they have heard from a professional that has been on the scene as recently as four and a half (4 ½) weeks ago that there was no stench, no issues, an issued kennel license, and there is no indication of animal waste being burned. With regards to the remonstrator that came up, he is not an adjacent land owner. The reason why they are here in the first place is that the Joint Zoning Ordinance specifically provides for the avenue and the opportunity to apply for a variance because of specific and unique conditions that apply to the property. Yes, it is one-point-zero-three (1.03) acres. They heard some statements in regards to square feet, etcetera, etcetera, but at the end of the day it goes back to what is under the JZO. That is why they are here. The members of this Board have been out there and they have seen it. They have seen the chicken run, they have seen the coop, and they have heard the statements from the professional at the Animal Shelter. There are no issues. Again, the reason why they're here is because they have to be here to apply for a variance and that is what they're doing. They have petitioned for a variance and they would ask that the variance be granted.

Glen Minich asked Attorney Biege where they are at with the kennel license. Once the department issues it, do they have anything to say about it?

Attorney Biege stated no, they don't care what the department did. Whether there is a license or not, it is considered a kennel and there's more animals than is allowed. That is what the zoning code says. When he says animals, that mean dogs, cats, and other domesticated animals.

Melissa Mullins Mischke stated she does have chicken and she would like to see the run moved around. Right now, it looks like it is stationary and it does look like it has been cleaned since the

last time they saw photographs of it. That is a personal preference; it's going to make your chickens and grass happier. That is her concern.

Andrew Voeltz stated his understanding is that the run is mobile. They are able to rotate it.

Melissa Mullins Mischke stated it may be now, but it wasn't before.

Andrew Voeltz stated it may have not been in the past, but based upon conversation with his client, it is movable meaning that it can be rotated. She needed to do that based on 4-H guidelines and advice given by the Board.

Melissa Mullins Mischke stated it may also help with the situation with the neighbor. They can keep moving it around and keep it away from them as much as possible. That might certainly help that situation along should they grant the petition.

Glen Minich stated when this first all started, does Ms. Amor still contend that the ducks are there for emotional support for her daughter?

Andrew Voeltz stated he could have her approach the podium and address that. He spoke with her this evening and he has spoken with her children. The children have all named the dogs and ducks, as indicated in her previous testimony and a letter of positive remonstrance sent in. This is a grey area and he doesn't know if it is something that the Board can consider, but they are considered by her family as support animals whether or not that has any legal standing, he is unsure. That being said, that is what they believe what they are. Again, this is the situation as a person that walks into a restaurant with a dog where they are not pet friendly, but they say the dog is an emotional support animal. Under federal law, they cannot question it. With that being said, they don't wear little vests either saying emotional support animal.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Sara Amor for raising nor more than twelve (12) chickens and four (4) ducks for one (1) year to be reviewed at that time. The property is located at 4253 W. Schultz Rd., LaPorte, IN., Center Twp., zoned R1B on 1.03 acres.

Adam Koronka seconded.

Approved. Motion carries 3-1.

**10. Petition for Special Exception for Dan Keupker (Property Owner) and Tillman Infrastructure, LLC/AT&T(Lessee's)** for the construction of a 250' self support telecommunications tower, with a 60' x 60' fenced compound, a 5'6" x 19' concrete pad, a generator, a WUC cabinet, (3) antennas, 6 radios, and an equipment platform. The property is located at 5776 E. Oak Knoll Rd., Rolling Prairie, IN., Wills Twp., zoned A on 11.77 acres. Parcel 46-07-12-200-008.000-068.

Attorney Biege stated notice is adequate.

Tony Phillips with Fullerton Engineering stated his address is 1100 E. Woodfield Rd., Schaumburg, IL. He is representing Tillman Infrastructure and AT&T. They are proposing a two-hundred and fifty-foot (250') self-support lattice tower with the primary carrier being AT&T. In the packet submitted there was an included coverage map which shows a big gap in coverage. This would fill that gap in coverage which is important for hand off for cell phones to work properly. It is a multi-carrier tower. It has space for three (3) other additional carriers such as Verizon, T-Mobile, Dish Network, etc. The new care player in the industry could also collocate on that tower; there is room on the ground in the equipment area. They have a fall letter from the tower company that states if it did fall over it would collapse upon itself. Wireless telecommunications is critical infrastructure now. People are getting rid of their land lines so they are very much dependent on their cell phone for emergencies or any type of communications. From his understanding there is a new 911 center being proposed for the area which this tower is in conjunction with the federal government for a program called First Net. It is a first responder's network. It is a dedicated frequency that if there is any type of a disaster and everyone is on their phone at the same time and they get a busy signal, it is a dedicated frequency for first responders that they could get through. That will be on the tower along with 5G and the latest technology. It will be an unmanned facility and there will be no traffic once it is constructed. It will maybe be services once a month by a tech in a small vehicle, but other than that it needs no water or sewer. It will just sit there and provide infrastructure.

Melissa Mullins Mischke asked what the next nearest tower that AT&T has?

Tony Phillips stated it is about four (4) miles or so. It is pretty far. There is a sheet in his packet that shows where the nearest towers are and they are about four to five (4 – 5) miles which is a good distance. There is a definite gap in coverage there. Towers used to be farther apart and they were ok far apart which was fine for voice only transmission, but now there is so much wireless data and internet and driverless cars and that type of stuff, which he isn't a big fan of, but it is needed. Municipalities use it as well as fire and police. It is very important.

No remonstrators present.

Adam Koronka asked what the remainder of the property will be used for.

Tony Phillips stated he is unsure. They are currently farming on it and he imagines they will continue to do so and work around the tower.

Adam Koronka made a motion to approve the Petition for Special Exception for Dan Keupker (Property Owner) and Tillman Infrastructure, LLC/AT&T(Lessee's) for the construction of a 250' self support telecommunications tower, with a 60' x 60' fenced compound, a 5'6" x 19' concrete pad, a generator, a WUC cabinet, (3) antennas, 6 radios, and an equipment platform. The property is located at 5776 E. Oak Knoll Rd., Rolling Prairie, IN., Wills Twp., zoned A on 11.77 acres.

Greg Szybala seconded.

All Approved. Motion carries 4-0

**3. Petition for Variance of Developmental Standards for William and Denise Cook** for construction of a second (2nd) accessory structure (24' x 24') and lean to (24' x 8'). There are currently six (6) existing structures less than 144<sup>2</sup>'. The property is located at 3577 N. Wozniak Rd., Michigan City, IN., Coolspring Twp., zoned R1B on 1.379 acres. Parcel 46-05-14-252-008.000-046.

Attorney Biege stated notice is adequate.

William Cook stated his address is 115 Judson Rd., LaPorte, IN.

Melissa Mullins Mischke asked if he owns the property in question.

William Cook stated yes.

Melissa Mullins Mischke stated he has so many accessory structures. Why does he need additional ones?

William Cook stated he bought the property a year ago in March in an auction so he could build a house there. When he bought the property, all the structures were there at the time. There was also a mobile home on the structure and other sheds on the property. He has a habit; he is a collector. He has a lot of junk. He bought it ahead of knowing that he would have to rid himself because he lives in an area where he feels that when he puts his house for sale, it will sell quickly and he didn't want to be left with his pants down trying to get out of the place. He has the other structures and he has stuff in them. Part of the home he is going to build will be built out of a log cabin and he is going to saw the log cabin and the skins and he needs a place to store the skins. That is why he wants the dry building to further his plans.

Melissa Mullins Mischke asked if there are any plans to combine some of the sheds.

William Cook stated he will after he gets in there, he intends to clean up the whole situation. He will probably leave some of them. Two (2) of the sheds are pump houses and they have complete basements under them.

Melissa Mullins Mischke asked if those are the two (2) back in the corner.

William Cook stated no. There is one (1) back in the corner and one (1) up front closer to Wozniak Rd. He would probably keep those because they are solid buildings. The other metal building in the corner has his lawn tractor stored in it for when he mows out there. The other structure up by the front by the existing garage will be removed because the house will go there.

Melissa Mullins Mischke stated this building will be used for storage of his building materials for his cabin.

William Cook stated yes and a lot of his stuff he can't part with.

Melissa Mullins Mischke stated she understands that. Will there be water or electric?

William Cook stated no. Some day he might run a line out there, but he doubts it. It is more of a storage shed than anything else because when he builds his house it will be in his plans to have a pretty good garage.

Attorney Biege stated if there is any chance that he thinks he might in the future to ask for it now. Otherwise, he will have to come back and ask for a variance for water.

William Cook stated he won't put water in there.

Melissa Mullins Mischke asked about electric.

Attorney Biege stated electric doesn't matter.

No remonstrators present.

Glen Minich asked if he is living on the property currently.

William Cook stated no.

Greg Szybala made a motion to approve the Petition for Variance of Developmental Standards for William and Denise Cook for construction of a second (2nd) accessory structure (24' x 24') and lean to (24' x 8'). There are currently six (6) existing structures less than 144<sup>2</sup>'. The property is located at 3577 N. Wozniak Rd., Michigan City, IN., Coolspring Twp., zoned R1B on 1.379 acres.

Glen Minich seconded.

All Approved. Motion carries 4-0.

**4. Petition for Variance of Developmental Standards for Deborah Ramey** for construction of a fourth (4th) accessory structure (pole barn) for residential use. The property is located at 9235 E. 75 S., Mill Creek, IN., Lincoln Twp., zoned A on 2 acres. Parcel 46-12-03-300-020.000-055.

Attorney Biege stated notice is adequate.

Deborah Ramey stated her address is 9235 E. 75 S., Mill Creek, IN.

Melissa Mullins Mischke asked why she needs another structure.

Deborah Ramey stated she recently got married and they are combining two households and there is not enough room as it stands right now for that combining.

Melissa Mullins Mischke stated it's most of his stuff going out there, right?

Deborah Ramey stated yes.

Melissa Mullins Mischke asked if there will be water in the building.

Deborah Ramey stated no.

No remonstrators present.

Glen Minich stated the reason this is always here is because they don't like too many barns in neighborhoods that may devalue property, but it doesn't apply here because it is an open country property.

Melissa Mullins Mischke stated since Dwayne Hogan isn't present, she has to ask, are they sure it's big enough?

Deborah Ramey stated they are hoping it is.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Deborah Ramey for construction of a fourth (4th) accessory structure (pole barn) for residential use. The property is located at 9235 E. 75 S., Mill Creek, IN., Lincoln Twp., zoned A on 2 acres.

Adam Koronka seconded.

All Approved. Motion carries 4-0.

**5. Petition for Special Exception for Samantha Albertson** for keeping of six (6) chickens and five (5) ducks. The property is located at 1382 S. Marquette St., LaPorte, IN., Scipio Twp., zoned R1B. Parcel 46-10-10-202-019.000-060.

Attorney Biege stated notice is adequate.

Samantha Albertson stated her address is 1382 S. Marquette St., LaPorte, IN.

Melissa Mullins Mischke asked what got her interested in needing six (6) chickens and five (5) ducks.

Samantha Albertson stated the chickens belong to her sister who just sold her house and moved in with her. The ducks are for her children; they wanted them so they're raising birds now.

Melissa Mullins Mischke asked how big the run is.

Samantha Albertson stated she hasn't measured it.

Melissa Mullins Mischke stated parts of it look pretty good sized.

Samantha Albertson stated it is very large. They did calculate how it says in the rule on the internet how much they need for each chicken and it was large enough, but she does not have an exact number.

Melissa Mullins Mischke stated it looks like a nice setup in her opinion.

Greg Szybala stated it looks like the way it should be done.

Melissa Mullins Mischke agreed. She likes the cover as well.

No remonstrators present.

Glen Minich asked if there are any roosters.

Samantha Albertson stated no, there are no more roosters.

Glen Minich asked if this was brought before them because of a complaint.

Samantha Albertson stated yes.

Melissa Mullins Mischke stated there are no roosters and the complaining neighbor isn't here.

Adam Koronka stated it is in line with what they were doing before. What are they doing with waste?

Samantha Albertson stated they do not have a whole lot, but she does have a compost in the back of her yard.

Adam Koronka asked if she has any other animals.

Samantha Albertson stated she has two (2) dogs.

Adam Koronka made a motion to approve the Petition for Special Exception for Samantha Albertson for keeping of six (6) chickens and five (5) ducks. The property is located at 1382 S. Marquette St., LaPorte, IN., Scipio Twp., zoned R1B.

Greg Szybala seconded.

All Approved. Motion carries 4-0.

**6. Petition for Variance of Developmental Standards for Ronald and Nancy Osborn** for a second (2nd) accessory structure for residential use (14' x 24'). The property is located at 6378 N. 900 E., New Carlisle, IN., Hudson Twp., zoned A on 2.1 acres. Parcel 46-04-33-400-015.000-050.

Attorney Biege stated notice is adequate.

Phillip Osborn stated his address is 6378 N. 900 E., New Carlisle, IN.

Melissa Mullins Mischke stated he already has a shed and garage. What are they going to put in this structure?

Phillip Osborn stated it will be a workshop with some storage.

Melissa Mullins Mischke asked if anyone will be living in there.

Phillip Osborn stated no.

Melissa Mullins Mischke asked if there will be water in there.

Phillip Osborn stated no water. There will be electric, but no water.

Melissa Mullins Mischke asked if it is big enough.

Phillip Osborn stated he thinks it is.

Melissa Mullins Mischke stated he has a storage container.

Phillip Osborn stated he does. It is getting moved. He didn't know they couldn't have it, but he is in the process of moving it to a different property he owns in St. Joe County.

Melissa Mullins Mischke stated okay, very nice.

No remonstrators present.

Greg Szybala made a motion to approve the Petition for Variance of Developmental Standards for Ronald and Nancy Osborn for a second (2nd) accessory structure for residential use (14' x 24'). The property is located at 6378 N. 900 E., New Carlisle, IN., Hudson Twp., zoned A on 2.1 acres.

Glen Minich seconded.

All Approved. Motion carries 4-0.

**7. Petition for Variance of Developmental Standards for Roger and Sharon Vink** for construction of a third (3rd) accessory structure and 55% lot coverage instead of the maximum 45%. The property is located at 2465 N. 400 W., LaPorte, IN., Center Twp., zoned R1B. Parcel 46-06-21-300-025.000-042.

Attorney Biege stated notice is adequate.

Roger Vink stated his address is 2465 N. 400 W., LaPorte, IN.



Melissa Mullins Mischke stated he has a beautiful home. What is the extra storage structure for?

Roger Vink stated he has a lot of things to store.

Melissa Mullins Mischke asked if there will be any water in the structure.

Roger Vink stated no.

Melissa Mullins Mischke asked if there will be any living space.

Roger Vink stated no.

Adam Koronka stated when the question of the lot coverage came up, is that when he came to the Building Department about the shed?

Michael Polan stated he didn't notice it until they physically went to the property.

Adam Koronka stated he walked the property some and there is a lot of gravel work that isn't apparent on Beacon which he would consider a permeable surface, not impermeable. Did they calculate based off of Beacon or measurement taken on the site.

Ashley Kazmucha stated she believes it was measured on Beacon.

Adam Koronka stated they may not need a variance for the lot coverage.

Melissa Mullins Mischke agreed that it is difficult to tell material from an aerial photo.

Adam Koronka stated he couldn't tell gravel from concrete and he was there.

Melissa Mullins Mischke stated they should include it just to be safe.

No remonstrators present.

Attorney Biege asked if there are building dimensions.

Adam Koronka stated forty-five feet by fourteen feet (45' x 15').

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Roger and Sharon Vink for construction of a third (3rd) accessory structure and 55% lot coverage instead of the maximum 45%. The property is located at 2465 N. 400 W., LaPorte, IN., Center Twp., zoned R1B.

Adam Koronka seconded.

All Approved. Motion carries 4-0.

**8. Petition for Variance of Developmental Standards for James Pape** to keep a shipping container on property for storage (truck trailer). The property is located at 8824 N. 500 W., Michigan City, IN., Springfield Twp., zoned R1B on 7.62 acres. Parcel 46-02-19-200-033.000-062.

Attorney Biege stated notice is adequate.

James Pape stated his address is 303 Grayson Rd., LaPorte, IN.

Melissa Mullins Mischke asked if he lives at this residence.

James Pape stated they stay there on and off between the two (2). He is planning on moving out there. They are in the works of it.

Melissa Mullins Mischke asked what the time frame is for moving there.

James Pape stated he bought the place in 2018 and thought he'd be there in 2019. He still isn't. There was a catastrophe at his house on the island that set him way back. They ended up staying out there and now he's trying to finish up the house on the island. They have been in both. He's been out there working and trying to take care of the property. There are a lot of tree issues having to bring some down and some fell. He would like to keep it. He didn't know it was a big deal and that the County didn't like the storage trailers. When he bought the property, it was a getaway from the island. It's peaceful out there and there's no problems. He had the trailer delivered and dropped off up front. They couldn't get it to the back where he wanted to put it. Somebody came to look at it and where he wanted it placed. It is an eye sore where it is at. He has since power washed it because he plans to paint all the building out there one color. It is a trailer; it is not a drop on the ground container and it will stay on wheels. He has a recessed retention wall he will back it into which will be out of the line of sight. It will be behind the front garage next to another garage. On the Beacon aerial, there are boats parked next to the garage and it will be two (2) spots over. There will be enough room to put a vehicle between that and the yellow back building.

Melissa Mullins Mischke asked if the home on site is a mobile home.

James Pape stated yes.

Melissa Mullins Mischke asked if it was on there when he purchased it.

James Pape yes.

Melissa Mullins Mischke asked if he knows what year it is.

James Pape stated 1960.

Glen Minich asked if he was ever told that he needed a variance to be able to have a mobile home.

James Pape told him it was grandfathered in when he did the closing. It has been there forever.

Melissa Mullins Mischke stated it's never been replaced.

Attorney Biege asked when he bought the property.

James Pape stated 2018.

Melissa Mullins Mischke asked if it is grandfathered in because they haven't replaced it.

James Pape stated it has been set there. That is what they told him. He wouldn't have bought it if it was going to have an issue.

Melissa Mullins Mischke stated that if he replaces it, he will need a variance. There was a whole thing last month with the realtors.

James Pape said he wanted to, but with everything else he didn't have the extra money to do it.

Melissa Mullins Mischke stated the trailer is big. It's not a storage container; it's a truck trailer. It's massive.

James Pape stated it is forty-three feet (43') he believes.

Melissa Mullins Mischke asked if he's going to get it moved back any further.

James Pape stated he will. He has it marked where it is going to go. It will be set down next to the garage and be painted. Somebody would have to break their neck to really look for it. It will be setback at least seventy-five yards (75 yds.) from the road. It will be blocked by the trailer, a garage, another garage in the back. The tree line is twenty-five yards (25 yds.) away from the adjoining neighbor.

Adam Koronka stated there is an aesthetics concern, but there is a building code concern with containers being mounted properly, meeting code in terms of a foundation, or being hidden within a building. Being a trailer, he can't see how this could be mounted to the ground so it is a structure.

Melissa Mullins Mischke stated it probably wouldn't.

James Pape stated he doesn't want to make a permanent structure. He wants to make it look decent and have it set there so he can put his things in it. He had a business and a lot of tools that he doesn't want to give away. For him to start clearing out his property so they can get moved out there, this is needed.

Melissa Mullins Mischke asked how long he will need it for. Can they give a time limit that he will have it out there?

James Pape stated he would like to keep it as long as he can.

Melissa Mullins Mischke can they put a time frame until he can build another structure.

James Pape stated he would like five (5) years if he's being realistic. He'd love to say he could take a year, but he thought he would have been out of the house by now.

Melissa Mullins Mischke stated she appreciates his honesty.

James Pape stated it is something that he needs, but if he has to get rid of it then he will. He had no clue it wasn't allowed. He wouldn't have gotten it if he knew.

Glen Minich asked if he planned on building a new home on the property.

James Pape stated not for many years. He's going to settle down, rent his property on the lake, see how he likes it back there and if they like it, he will build back farther. He doubts he will leave the mobile home there. He will probably put up a fence so he doesn't have to look at it either.

Greg Szybala asked if they have code that covers mounting a trailer like this as opposed to a shipping container.

Michael Polan stated Article 16.09, but it mostly applies to Ag and this is zoned R1B.

Attorney Biege stated Ag would be concrete.

Greg Szybala stated his question is primarily about the code as far as how a shipping container has to be anchored to the ground. Do they have that same situation with a trailer? Is it addressed?

Michael Polan stated it would be considered as parked since it is mobile on wheels or even stored which isn't allowed, which is why he is here.

Attorney Biege stated even in non-residential there is a restriction on thirty (30) days for the trailer to be parked there.

No remonstrators present.

Melissa Mullins Mischke stated she does not like the trailer at all.

Glen Minich asked Attorney Biege what they are going to do. They can't allow the realtors of LaPorte to be selling people trailers on properties and then expecting them to have a lifetime exemption to live in one.

Melissa Mullins Mischke stated the issue is the mobile home age.

Attorney Biege stated their issue is the trailer tonight.

Michael Polan stated that with the age of this specific trailer it is possible that one (1) is a lifetime or grandfathered.

Melissa Mullins Mischke stated she thinks it is grandfathered until it is updated or moved out.

Glen Minich stated of the lifetime of the previous resident, not the next one (1), and the next one (1).

Melissa Mullins Mischke asked Michael Polan to look into it for them.

Glen Minich stated Attorney Biege just told them when they see a breach of the Ordinance, they can't just not look at it.

Melissa Mullins Mischke stated that can be addressed after the meeting.

James Pape stated he has quite a bit of money invested in the trailer. He re-studded the interior. He has a lot of money in this thing.

Melissa Mullins Mischke stated she does not like the looks of the trailer.

Adam Koronka asked if you mean the shipping trailer because Mr. Pape is referring to the mobile home.

James Pape stated he was talking about his mobile home.

Melissa Mullins Mischke stated she was talking about the truck trailer. She is trying to get them back on track. She doesn't like the looks of it for five (5) years.

James Pape stated it would be out of sight. It's not buried in the woods, but it will be totally out of sight.

Adam Koronka stated when you move it out of sight and it doesn't move for a number of years, he is concerned about the ability to move it out afterwards because he could end up with collapsed tire chucks.

James Pape stated it will move. He had to make it so it could move. It's a trailer and you can bolt tires on it. He is a mechanic and when he got it, he had to drill out the brakes because they were already released, but had seized up while being stored. It would have been moved in the back already, but there was a tree that he had fallen when he brought it out there. He left it in the front now so he could clean it and paint it. It is clean now. Can he get it for a couple years and then revisit it in the future? He could say a year, but he's one man and he's trying to do a couple things.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for James Pape to keep a shipping container on property for storage (truck trailer) for two (2) years. The truck trailer must be moved into place within three (3) months. The property is located at 8824 N. 500 W., Michigan City, IN., Springfield Twp., zoned R1B on 7.62 acres.

Greg Szybala seconded.

All Approved. Motion carries 3-1.

**9. Petition for Special Exception for Billy and Melissa Vance** for keeping of five (5) cows on two (2) acres. Minimum acreage is three (3) acres for animals and five (5) acres for five (5) cows. The property is located at 9988 S. 475 W., Union Mills, IN., Noble Twp., zoned A on 2 acres. Parcel 46-14-20-300-003.000-056.

Attorney Biege stated notice is adequate.

Bill and Melissa Vance stated their address is 9988 S. 475 W., Union Mills, IN.

Melissa Mullins Mischke asked if there was a complaint about their animals.

Bill Vance stated yes.

Melissa Mullins stated he has two (2) acres and five (5) cows.

Bill Vance stated yes. He has two (2) dogs as well. No roosters. No ducks.

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

Bill Vance stated he takes it to a farmer friend and the rest goes on his garden.

Adam Koronka asked how big the penned area is.

Bill Vance stated about a quarter ( $\frac{1}{4}$ ) acre maybe? He hasn't really measure to be honest.

Melissa Mullins Mischke stated it might be a little less than a quarter ( $\frac{1}{4}$ ) acre.

Bill Vance stated it is a decent size. They have plenty of room. They have a new carport. His other building blew away so he got a new carport for their shelter. He will have the box backed in before winter. Most of them will be butchered before winter anyway.

Melissa Vance stated they have neighbors that adjoin their property. They are surrounded by corn fields. When they got their signatures, all their neighbors were for them and couldn't believe they had to get a variance.

Bill Vance stated they take good care of the cows and the ground.

Greg Szybala asked if they plan to have more than five (5) cows ever at one time.

Melissa Vance stated no.

Greg Szybala asked if they are strictly for personal use.

Bill Vance stated yes.

Glen Minich stated they are young animals. Are they going to be finished out to bull size?

Bill Vance stated yes. Three (3) of them are larger and there are two (2) young calves.

Melissa Mullins Mischke asked if they are going to rotate them.

Bill Vance stated yes, they will rotate them.

No remonstrators present.

Adam Koronka stated he was impressed with the enclosure. It is very clean and well kept. It is obvious that the animals are well cared for.

Glen Minich asked if they have raised animals for very long.

Bill Vance stated yes, since he was a kid. His parents raised a few cows.

Glen Minich stated he doesn't think it will be a problem or anything, but did he haul in the sandy soil type that is in the carport area?

Bill Vance stated no, that is from them laying under there.

Glen Minich stated it is sandy soil. If he is going to do this long term, he might want to look into getting an enclosed building with some concrete because the ground will seal up with all the waste and it won't remain this pristine.

Bill Vance stated he would like to do that in a few years.

Greg Szybala stated Glen Minich speaks from experience.

Glen Minich stated they can really muck things up.

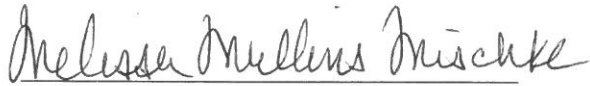
Adam Koronka made a motion to approve the Petition for Special Exception for Billy and Melissa Vance for keeping of five (5) cows on two (2) acres. Minimum acreage is three (3) acres for animals and five (5) acres for five (5) cows. The property is located at 9988 S. 475 W., Union Mills, IN., Noble Twp., zoned A on 2 acres.

Glen Minich seconded.

All Approved. Motion carries 4-0.

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

There being no further business, meeting adjourned at 7:37 p.m.



Melissa Mullins Mischke, President



Michael Polan, Recording Secretary