



**LAPORTE COUNTY
BOARD OF ZONING APPEALS**

Government Complex 5th Level
809 State Street, Suite 503 A
LaPorte, Indiana 46350-3391
(219) 326-6808 Ext. 2591, 2563 & 2221
Fax: (219) 362-5561

MICHAEL POLAN
Building Commissioner

August 17th, 2021

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **August 17th 2021, at 6:00 p.m.** in the Assembly Room of the County Complex.

MEMBERS PRESENT: Melissa Mullins Mischke Dwayne Hogan
 Greg Szybala Adam Koronka
 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 July 20th, 2021.

Glen Minich made a motion to approve the meeting minutes of July 20th, 2021 as presented.

Dwayne Hogan seconded.

All Approved. Motion passed 5-0.

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 stated he is here on behalf of Mr. and Mrs. Gardner. He was here last month. They are seeking side setback variance. For approximately, seventy to eighty (70 – 80) years the house that existed encroached on the side setbacks. Law has changed over time and over the course of the year plus, his clients have been trying to work with the building department on a

plan for a rehab which essentially turned into a rebuild. The situation they ultimately find themselves in, is the need of relief from the current setback requirements. The thing to note and hang their hats on here, which the sentiment isn't lost on them of trying to control things and not letting things get out of control on the island, is that this isn't the project to dig the task on that. He says that with all due respect, but the footprint of the house is smaller than what existed. The encroachments on the setbacks will be less. They were approximately eleven total feet (11') of clearance last time and this time there will be the full ten feet (10') on one (1) side and a six-foot (6') setback on the other. They are asking for that four-foot (4') of relief. The house is being moved closer to family and away from the neighbor who was here last time and spoke in favor. There has been no remonstrance against this petition; the only remonstrance was in favor. He won't bore them with the entire presentation, but he is open to any questions especially to Mr. Hogan if there is any thing that he could answer for them.

Dwayne Hogan stated he reviewed it and looked it all over. It's very tight quarters with what they are trying to do, but he understands the whole philosophy behind it.

Melissa Mullins Mischke asked Attorney Biege if only Dwayne Hogan needs to vote.

Attorney Biege stated no, a full vote.

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.

Approved. Motion carries 3-2.

2. Petition for Variance of Developmental Standards for Scott Garwood for keeping a shipping container for storing purposes. The property is located at 97 W. Snyder Rd., Westville, IN., New Durham Twp., zoned R1B on 1.17 acres. Parcel 46-09-05-180-002.000-027.

Attorney Biege stated notice is adequate.

Scott Garwood stated his address is 97 W. Snyder Rd., Westville, IN.

Melissa Mullins Mischke asked if he received a notice on this particular storage container.

Scott Garwood stated that is correct.

Melissa Mullins Mischke asked how long he intends to keep the storage container.

Scott Garwood stated he plans to put a pole barn up and either put it inside the pole barn or get rid of it.

Melissa Mullins Mischke asked how long before construction of the pole barn would start.

Scott Garwood stated he has some of the materials. He would like to start this year.

Melissa Mullins Mischke asked if realistically it would be possible to start this year.

Scott Garwood stated yes.

Melissa Mullins Mischke asked if he would start by October.

Scott Garwood stated yes.

Melissa Mullins Mischke stated he also has a camper at this location. Would he be storing the camper inside the pole barn?

Scott Garwood stated yes.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Scott Garwood for keeping a shipping container for storing purposes for no more than two (2) years. The container will then be stored out of eyesight or removed from the property. The property is located at 97 W. Snyder Rd., Westville, IN., New Durham Twp., zoned R1B on 1.17 acres.

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

3. Petition for Variance of Developmental Standards for Michael and Karen

Emerich for construction of a second (2nd) accessory structure. The property is located at 5495 N. Cougar Rd., New Carlisle, IN., Wills Twp., zoned R1B. Parcel 46-08-05-300-010.000-068.

Michael Polan stated the notice missed it by one (1) day due to no fault of their own so it should be held over until next month.

Melissa Mullins Mischke stated they can table it until September.

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

Loop for one (1) pot belly pig and two (2) dwarf goats on less than three (3) acres. The property is located at 4622 E. 200 S., LaPorte, IN., Pleasant Twp., zoned R1B. Parcel 46-11-14-201-009-000-057.

Attorney Biege stated notice is adequate.

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

Melissa Mullins Mischke stated it was a lot of animals before. Are these 4-H animals?

Joseph Loop stated not yet, but his grandkid has talked about it for the goats.

Melissa Mullins Mischke asked if they have looked at this one already.

Joseph Loop stated yes.

Melissa Mullins Mischke stated he removed some roosters and chickens.

Joseph Loop stated he removed all of them.

Melissa Mullins Mischke asked if he cleaned up the property.

Joseph Loop stated yes.

Melissa Mullins Mischke stated there has been a definite improvement of the pens and the housing for the animals.

Adam Koronka stated that from looking at the photographs and the notes from the previous meeting, there was a concern about the encroachment to the field to the south and it looks like since a fence has been built in such a way to where they are no longer encroaching.

Melissa Mullins Mischke agreed.

Remonstrators:

Peter A. Gorka stated he represents the farm behind the homes. He is the representative of the Living Trust. His address is 8910 S. 300 W., Rochester, IN. He has questions about the petition. It appears to him that a petition after the fact seems a bit pretentious at best; the animals are already there. He is bothered if the petition for rezoning goes through for all the animals, then it may make it easier for another petition to rezone so that it can be used for some sort of repair facility. It has been cleaned up, but in the past it was questionable. There were vehicles parked all over the place on the farm property across the street or crowding the home. It could end up on a change on how the property will then be used in accordance with the vehicles.

Melissa Mullins Mischke stated they are not rezoning the property. This is a variance for the property owner. If they wanted to run a business there, they would still have to come before this Board. This is strictly for the animals. If he was present for the last meeting, he would know that it was cleaned up quite a bit and they did remove some of the animals from their request. That is what they are dealing with today, the potbelly pig and the two goats.

Peter Gorka stated he was here previously, so he does understand that it has changed, but he is still a little concerned.

Dwayne Hogan asked if they have any other animals besides the potbelly pig and two goats?

Joseph Loop stated they have three (3) dogs and three (3) rabbits for feeding and that's it.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for Joseph and Stephanie Loop for one (1) pot belly pig, two (2) dwarf goats, and three (3) rabbits on less than three (3) acres. The property is located at 4622 E. 200 S., LaPorte, IN., Pleasant Twp., zoned R1B. Parcel 46-11-14-201-009-000-057.

Adam Koronka seconded.

Approved. Motion carries 3-2

Melissa Mullins Mischke stated the next two (2) petitions will be done together.

5. Petition for Variance of Developmental Standards for Willie C and Visnja Howard (owner) and Williams Orchard for three (3) month placement of a temporary sign on an annual basis (4' x 12') (August to October). The property is located on the east side of N. SR 39 just north of W. 1000 N., LaPorte, IN., Springfield Twp., zoned B3 on 8.1241 acres. Parcel 46-02-11-400-020.000-062.

6. Petition for Variance of Developmental Standards for Ashley Negrete (owner) and Williams Orchard for three (3) month placement of a temporary sign on an annual basis (4' x 12') (August to October). The property is located at 3714 E. Hwy 20., Rolling Prairie, IN., Kankakee Twp., zoned R1B on 2.691 acres. Parcel 46-07-10-402-011.000-052.

Attorney Biege stated notice is adequate for both petitions.

Johnathan Drummond stated his address is 1574 Snead Avenue, Chesterton, IN.

Melissa Mullins Mischke stated this will be temporary signage.

Johnathan Drummond stated they will be.

Melissa Mullins Mischke asked how high the signs are.

Johnathan Drummond stated it depends on the heights of the road at the point and he wants to make something that isn't hard for people to observe the sign. They will be visible. They are nice vinyl temporary signs. They're just there to help people understand where they are going.

Melissa Mullins Mischke asked if they're basically just arrows.

Johnathan Drummond stated the signs will say, "William Orchard Now Open" along with the address.

Remonstrators:

Robert Schultz stated his address is 3740 E US Hwy 20, Rolling Prairie, IN.

Melissa Mullins Mischke stated he is here about Petition #6 in Rolling Prairie.

Robert Schultz stated yes. He wants to know where the sign is going to be.

The Board provided a visual of where it will be located.

Robert Schultz stated so long as it's not in front of his property they can do what they want.

Alicia Clarich stated her address is 3701 E US Hwy 20, Rolling Prairie, IN. She had the same question as Robert Schultz, and she didn't want it in front of her house either.

Jonathan Drummond shows a visual to the remonstrator.

Robert Schultz stated he wanted to let Johnathan Drummond know that if he puts the sign in this year, he won't be able to put it in next year as they are widening the road by twelve feet (12') on each side.

Glen Minich stated that counsel suggested a three (3) year renewable on the annual installment of the sign, and he thinks that is a good idea.

Attorney Biege stated it would prevent them from having to come back every year. If the Board approves, he can draft the Findings of Fact for the Parcels and not necessarily for the location on the Parcels.

Adam Koronka stated the sign material is vinyl. What method of construction will it have? Will it be like a political sign with wire frames or what?

Johnathan Drummond stated he put a wood frame around it, so he took one by six (1' x 6') fencing so it stands up and won't get blown over by the wind.

Adam Koronka asked if there would be any lighting.

Johnathan Drummond stated no.

Greg Szybala asked if it would be a four by twelve (4' x 12') sign in each location.

Johnathan Drummond stated yes.

Greg Szybala stated not to exceed eight feet (8') in height.

Johnathan Drummond stated yes. The intent is to be seen naturally from a car and they may be dependent upon the dips in the road at each location. The sign on 39 drops off so he would need

to see how long of posts he would need for it to be placed adequately. He doesn't want to put the sign twelve feet (12') in the air and be a big production. It's just meant to be a subtle little sign.

Greg Szybala made a motion to approve the Petitions for Variance of Developmental Standards for Willie C and Visnja Howard (owner) and Williams Orchard and for Ashley Negrete (owner) and Williams Orchard for three (3) month placement of a temporary sign on an annual basis (4' x 12') (August to October) for a period of three (3) years renewable. The properties are located on the east side of N. SR 39 just north of W. 1000 N., LaPorte, IN., Springfield Twp., zoned B3 on 8.1241 acres and at 3714 E. Hwy 20., Rolling Prairie, IN., Kankakee Twp., zoned R1B on 2.691 acres.

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

7. Petition for Variance of Developmental Standards for Neil James and Heather Anne Gillbanks for placement of a mobile home for elderly parent. The property is located at 6656 E. 350 S., Walkerton, IN., Lincoln Twp., zoned A on 5.355 acres. Parcel 46-12-19-400-001.000-055.

Attorney Biege stated notice is adequate.

Neil and Heather Gillbanks stated his address is 6656 E. 350 S., Walkerton, IN.

Melissa Mullins Mischke asked if there is an elderly parent on the location currently.

Neil Gillbanks stated not yet. It is for when she comes to visit from Canada. She comes for four to six (4 – 6) weeks.

Greg Szybala asked if it's during the winter.

Neil Gillbanks stated usually. She brings her little dog too.

Greg Szybala asked if it's the mother-in-law.

Heather Gillbanks stated it is Neil's mother.

Melissa Mullins Mischke stated the structure is already there. Are they planning on putting it on a foundation?

Neil Gillbanks stated they found a foundation where they were thinking of putting it and they are going to place it right on that foundation. It's an old foundation.

Melissa Mullins Mischke stated she sees an old foundation. There's a septic and drywell. Is that the foundation to which they are referring?

Neil Gillbanks stated there is the house and two septic systems, one and each end of the house. Then they found the foundation and the septic system is between the house and foundation.

Melissa Mullins Mischke asked if it will be sharing a well or will it have its own.

Neil Gillbanks stated it won't have its own well. They had a new well put in when they bought the property and it's big enough for everything.

Melissa Mullins Mischke asked if they have spoken with the Health Department about the septic tank.

Neil Gillbanks stated it was inspected when they bought the property a few months ago and everything was fine.

Melissa Mullins Mischke stated she hopes his mom is around for a long time, but realistically how long are they looking to have it; is ten (10) years ok?

Neil Gillbanks stated we hope so.

No remonstrators present.

Adam Koronka stated the structure is already backed in and on the foundation. How far are they from realistically having everything finished?

Heather Gillbanks stated they didn't do anything to it because they knew they were coming here. There is not much that needs to be done.

Neil Gillbanks stated they bought the trailer as a FEMA trailer at an auction.

Heather Gillbanks stated it wasn't exactly planned, sorry about that.

Neil Gillbanks stated they have not touched it since it had been delivered.

Adam Koronka stated it is in place.

Neil Gillbanks stated yes.

Adam Koronka asked if any updates or repairs need to be made. He noticed some siding missing.

Neil Gillbanks stated there is siding missing, but it is all inside waiting to be installed. They would do that immediately; they just didn't want to offend anyone by going ahead.

Dwayne Hogan made a motion to approve the Variance of Developmental Standards for Neil James and Heather Anne Gillbanks for placement of a mobile home for elderly parent for three

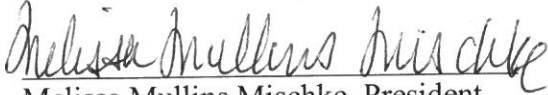
(3) years renewable. The property is located at 6656 E. 350 S., Walkerton, IN., Lincoln Twp., zoned A on 5.355 acres.

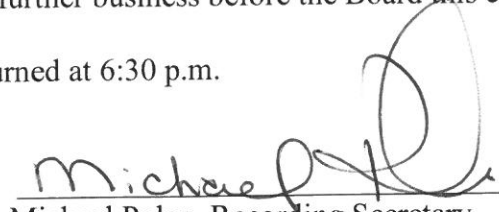
Adam Koronka seconded.

Approved. Motion carries 4-1.

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

There being no further business, meeting adjourned at 6:30 p.m.


Melissa Mullins Mischke, President


Michael Polan, Recording Secretary