



**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

September 21st, 2021

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **September 21st, 2021, at 6:00 p.m.** in the Assembly Room of the County Complex.

MEMBERS PRESENT: Melissa Mullins Mischke 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 August 17th, 2021.

Glen Minich made a motion to approve the meeting minutes of August 17th, 2021 as presented.

Adam Koronka seconded.

All Approved. Motion passed 4-0.

Melissa Mullins Mischke stated they are going to move Petition #6, which is a Petition for Special Exception for Patrick Deacon on behalf of Amberlake Sportsman Club from #6 to #3 this evening.

Petitions:

1. 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.

Glen Minich made a motion to remove the Petition from the table.

Greg Szybala seconded.

All approved. Motion carries 4-0.

Attorney Biege stated that notice is adequate.

Mike Emerich stated his address is 5495 N. Cougar Rd., New Carlisle, IN.

Melissa Mullins Mischke asked about the second accessory structure. What is the use of the building?

Mike Emerich stated they have too much stuff and they have a couple of old cars they're going to store in there.

Melissa Mullins Mischke asked if there would be living quarters.

Mike Emerich stated no. They won't even be heating the building.

Melissa Mullins Mischke stated it is for personal storage.

Mike Emerich stated yes.

No remonstrators present.

Adam Koronka asked if they will have any electrical service or lighting.

Mike Emerich stated eventually yes, but just lights and to power the garage door.

Glen Minich asked what size the structure is.

Mike Emerich stated thirty feet by forty feet (30' x 40').

Adam Koronka made a motion to approve the 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.

Glen Minich seconded.

All approved. Motion carries 4-0.

2. Petition for Variance of Developmental Standards for Bradley R Kerrick for a second (2nd) accessory structure (32' x 12') to the side of the home instead of the rear and two (2) goats, one (1) goose, and one (1) cow on less than three (3) acres. The property is located at 7916 N. Pine Ln., New Carlisle, IN., Hudson Twp., zoned R1B. Parcel 46-04-29-226-019.000-050.

Attorney Biege stated notice is adequate.

Bradley Kerrick stated his address is 7916 N. Pine Ln., New Carlisle, IN.

Melissa Mullins Mischke asked about the vacate.

Bradley Kerrick stated he had to vacate half of an undeveloped roadway to give himself the clearance he needed to have the shed. He didn't know that he had to be ten feet (10') off the property line when he bought the pre-built shed, so he put it on the property line and then he vacated fifteen feet (15'). He is now fifteen feet (15') off the property line from the other half of the undeveloped roadway.

Melissa Mullins Mischke asked if the animals he has are existing here currently.

Bradley Kerrick stated yes.

Melissa Mullins Mischke asked how large of a plot he has.

Bradley Kerrick stated he is a little over two-and-a-half (2 ½) acres roughly.

Melissa Mullins Mischke asked what he does with the waste material from the animals.

Bradley Kerrick stated every two (2) weeks he takes them to Jim Parlin who uses them in his garden.

Remonstrators:

Dave Ambers stated he is there on behalf of neighbors Billy and Diane Obanion who live across the right-of-way from Mr. Kerrick. It is time for this silliness to stop. Mr. Kerrick needs to follow the rules first, not do something then come in and beg for permission. The Plan Commission approved a vacation of one-half (½) of the unimproved right-of-way to accommodate the mini barn which is far from a mini barn. His clients use that right-of-way to access the rear of their property. Now he has put up a gate that appears to be over a portion of the non-vacated portion of the roadway. Mr. Mrozinski promised he would have the County Surveyor go out and mark both the vacated and unvacated portions of this roadway, but now Mr. Friedman advises him that Mr. Hendricks thinks they should hire a private surveyor. This mess keeps getting worse and it seems to him that it ought to be the County Surveyor's job to locate a County Road. Be that as it may, the roadway should have never been vacated. The structure can be moved; it is not on a foundation. It was placed, at least partially, in a public right-of-way when he put it there and now, he wants permission from the Board to leave it there since he has gotten one-half (½) of the roadway vacated which he has never heard of. Farm animals in a residential area such as his cow, two (2) goats and a duck ought to go immediately. Sooner or later, the Zoning Ordinance has to be enforced and now is a good time to start with someone who clearly just keeps doing what he wishes and not checking the zoning code or obtaining permission first.

Michael Polan stated he is present on Zoom and can answer any questions directed to him.

Attorney Biege stated he has two (2) letters. One (1) is from Dale Elkins in support and a letter from Kelly Property Investments against.

Coral Laun stated her mailing address is PO Box 344, Kingsford Heights, IN. She owns property immediately next to Mr. Kerrick between Mr. Kerrick and Obanion. She is in a precarious pickle with the fussing about the little calf with an injured hip. Bradley Kerrick took on the calf in order to help heal it. He has his two (2) goats and one (1) goose. He has a small area that was fenced just for these animals. If anybody has ever been out in Hudson Lake, they will find people that have many pigs on their lots. There are people marching their horses down the road leaving their number two's all over the place, but because the calf is bothering the Obanion's who have to drive by hers and Mr. Kerrick's property to get to their property, they antagonize every which way right now. They are trying to take over her property that she has owned since 1975. It's not Brad Kerrick who lives out there that is the instigator. She wanted to make that clear. She would be glad to answer any questions the Board may have.

Melissa Mullins Mischke asked Bradley Kerrick what his intentions are with the calf.

Bradley Kerrick stated he got the calf when it was two (2) days old from Mrozinke's Farm, which is a big farm in the area. They had twins. The mom rejected the one (1), kicked him, and broke his leg. He took him in just to recover his leg and get him healed up. He will grow him out and have him butchered in May or June when he is of size. He is roughly four-hundred pounds (400 lbs.) right now. He still has a small limp which is why he hasn't opened up the area yet to give him a little more area to roam. He has him on sweet feed, whole corn, and full bales of pure alfalfa to try to strengthen him up a bit. The goats are pygmy dwarfs and Nigerian Dwarfs. He got those as pets. They are very small and smaller than a yellow Lab dog. The smell that the Obanion's were complaining about is false; there is no smell at all. Michael Polan was out to the property, and he can verify that. It doesn't smell anywhere near his house. Ms. Laun can testify to that as well. The animals aren't making noise. They're not loud. They are taken care of. As far as the shed, it is in his property line. When he bought the property, Billy Obanion decided to take his bobcat and pull his entire fence line out on his side of the property even though he didn't own it. He owns it all the way from the front to the back, property stakes and all. There is no way for them to say that he is over the property line because if he hadn't torn out his fence, they would be able to see that his shed was inside the property line.

Melissa Mullins Mischke stated it is fair to say that the shed he is asking a variance for is already in place.

Bradley Kerrick stated that is true. It was in place inside of his property line. Mr. Ambers is saying it is on the roadway, but if they saw where the fence was along with Michael Polan who came out and verified, there is still a piece of fence that was around the one (1) tree and post where the Obanion's ripped his fence out. His shed is actually on his property. He needed the extra ten feet (10') so he gained fifteen feet (15') just to be off the property line to be of code. Also, as Ms. Laun stated, they built their house on her land. They also have their septic on her property. As far as Ordinance goes, he doesn't know how the Obanion's can be pointing fingers at him like he is doing something wrong. He has gotten orange stickers on his house. He has come in and taken care of them. He got the vacate. He applied for the variance. He has done

everything that he was asked to do. The Obanion's have not gotten anything as far as following Ordinance and he believes that if he has to follow them, then they should as well. If they can't come off the property line ten feet (10') like they demanded him to by vacating a road, then their house should be condemned.

Melissa Mullins Mischke stated they should just focus on his Petition this evening.

Bradley Kerrick stated he agrees.

Melissa Mullins Mischke asked if he initiated the road vacation.

Bradley Kerrick stated he did. He got a sticker on his shed so he went to the Building Commissioner's Office and asked for their advice. They advised him to vacate the road. He knocked on the Obanion's door and asked them if they would like him to vacate the whole thing and give them free land, but Bill Obanion declined. He came in and they vacated half the roadway. He gained ownership of it and it gives him plenty clearance for the shed. He put it side by side with his garage because his backyard is a bunch of big hills. He doesn't have another flat area in his yard where he can put it so that is why he put it next to the garage. It has a log splitter, a lawn mower, etc. It's not used for farm animals or to live in.

Melissa Mullins Mischke asked if it has electric or water.

Bradley Kerrick stated no. He will eventually add a solar panel up and put solar powered lights out to run inside, but there is no electric in there now.

Adam Koronka asked what the current grazing area is for the goats and cow.

Bradley Kerrick stated it is twenty-four feet by sixteen feet (24' x 16') because the cow has an injured leg still. He has talked to the farmers, and they suggested not opening up the back yard to the cow until he is not limping around on it. He is still limping pretty good. He had a broken leg and he's about four (4) months old. He is still in recovery mode. He is getting better day by day, but eventually he will open up his side yard furthest away from Obanion which is already mostly fenced in. Now, he has a twelve-foot by ten-foot (12' x 10') shed that he can go in and out of and the sixteen-foot by twenty-four-foot (16' x 24') run where he is kept now to keep him from going up and down the hilly yard. He has a broken leg and if he re-breaks the leg it will have to be casted. When he got him at two (2) days old, if kept him in a confined area, he won't have the chance of reinjuring it and it will heal a lot faster. That is the only reason he is in there. He has a picture if they want to see him in there.

Adam Koronka stated Michael Polan provided pictures.

Glen Minich asked if he plans on opening more area for the goats later on and if it will be fenced the same way it is now.

Bradley Kerrick stated in the backyard he was going to run 'T' post and cattle fence for the cow once he is able to let him have more room to free range. It would be on the right-hand side in the

backyard of his property on the opposite side of Obanion's. The pen is about seven-hundred feet (700') from their house. There is no way they can say they smell cows or anything like that. When he moved in, the Obanion's were raising hogs in his back yard. He doesn't understand how this is an issue. Dale Elkins, who also neighbors Obanion, that everyone in their block has had pigs, goats, chickens, horses and it has never been an issue. The neighbor across the street has chickens. Bill Obanion had hound dogs and pigs raised in his back yard when he first moved in. He had a bunch of hogs. He doesn't understand how being on the opposite side of his property, he is going to make a big deal over four (4) small animals. It doesn't make any sense at all.

Glen Minich asked if the goats are male or female.

Brad Kerrick stated he has one (1) male and one (1) female. The female cannot breed as she has a bad milk bag. They're just pets.

Glen Minich stated a male goat does emit some smells.

Bradley Kerrick stated he will be honest, Coral Laun has been to his house along with Michael Polan and nothing can be smelled.

Glen Minich asked Attorney Biege how they vacated half of a roadway because normally when they vacate it is split in half and given to each adjoining owner.

Attorney Biege stated right, but they only had the request for the one (1). The Commissioner's just did the Petitioner's area.

Glen Minich asked about the gate. The neighbor has a problem with the gate. Does he think that the gate is infringing on part of the unimproved roadway?

Bradley Kerrick stated it's not at all. Michael Polan came out and said his gate is actually two feet (2') inside his property from the fence he had. His shed is actually two feet (2') inside his property line so he lined the inside part of the gate up with the shed and the gate is fifteen feet eight inches (15'8") long and he gained an additional fifteen feet (15') plus the two feet (2') inside the property line. He has about seventeen feet (17'). Michael Polan can testify to that. The gate itself, even if it was not there, and he moved it over six inches (6"), there are trees right in the middle of the way which they wouldn't be able to cut down as they're County property. They wouldn't be able to drive on that anyway.

Michael Polan stated when he was out there, it appears that the gate is set approximately four inches (4") inside the property line. It measures fifteen feet eight inches (15'8") and he would estimate it could be approximately four inches (4") over. However, he does concur that there are trees all the way down at the edge of that gate. The four inches (4") that it may be encroaching would not give the Obanion's room to traverse that area to get to their property.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Bradley R Kerrick for a second (2nd) accessory structure (32' x 12') to the side of the home

instead of the rear and two (2) goats, one (1) goose, and one (1) cow (cow for eight months) on less than three (3) acres. The property is located at 7916 N. Pine Ln., New Carlisle, IN., Hudson Twp., zoned R1B.

Adam Koronka seconded.

All Approved. Motion carries 4-0.

6. Petition for Special Exception for Patrick Deacon on behalf of Amberlake Sportsman's Club LLC represented by counsel Gregory H. Hofer and Mladenka Rodriguez for a conservation club on S. 725 E., Mill Creek (34.67 acres) and 7154 E. 100 S., Mill Creek (39.9 acres); four (4) rental cabins on the property at 7154 E. 100 S., Mill Creek (39.9 acres); four (4) rental cabins on the property at E. 100 S., Mill Creek (70 acres); four (4) rental cabins on the property at S. 775 E., Mill Creek (20.6 acres). The main property is located at 7154 E. 100 S., Mill Creek, IN., Lincoln Twp., zoned A on a contiguous total of 165.17 acres. Parcels 46-12-05-300-009.000-055; 46-12-08-100-004.000-055; 46-12-08-100-002.000-055; 46-12-08-200-007.000-055.

Attorney Biege stated notice is adequate.

Mladenka Rodriguez stated she is there on behalf of Amberlake Sportman's Club. Her office is at 609 Michigan Ave, LaPorte, IN. Patrick Deacon is accompanying her.

Melissa Mullins Mischke asked if there is going to be a bar and restaurant at any of these locations. It is not included in her petition however she did see some communications from adjoining property owners so she would like to get that cleared up first.

Mladenka Rodriguez stated Mr. Deacon's intention is to eventually include potentially a restaurant and bar as a part of the conservation club. The conservation club is not a hunting club. There may be fishing potentially in addition to the bar and restaurant, but it is a membership-based club.

Attorney Biege stated he is looking at the Petition as well as the published notice and there is no mention of a bar/restaurant.

Mladenka Rodriguez stated she assumed it would be discussed as a part of the conservation club.

Melissa Mullins Mischke stated it would have to be explicitly in the Petition.

Attorney Biege stated he would have to look at it. This is a Special Exception, which the Board knows is already allowed, but it is categorized as something the Zoning Board must look at. He would have to check the zoning to see if they would need a variance for that. Either way, they didn't notice anybody, and they didn't publish for a bar/restaurant so they may have to come back for that.

Mladenka Rodriguez stated that is correct. She only included conservation club. Should she go ahead and file an amendment?

Attorney Biege stated they should go ahead and get this part done tonight and take a look and see if they will need to come back or not.

Melissa Mullins Mischke asked for the grand scheme.

Mladenka Rodriguez stated there will be a conservation club on about seventy-five (75) acres; it's about two (2) parcels of property. The intention of the conservation club is to enhance the property. It is her understanding from Mr. Deacon that the property had not been maintained for approximately ten (10) years or so. His intention is to have this club so that people can enjoy the landscape that is there. There will be a restaurant and bar that he is contemplating, and he is hoping to consult with a biologist about potentially having fishing as well for members. It is a membership-based club so the intention is that he will allow neighboring property owners to become members as well as others that want to enjoy the landscape. He also has the rental cabins that will be on the approximately one-hundred-and-thirty (130) acres located at 7154 E. 100 S, E. 100 S., and S. 775 E. all in Mill Creek. The rental cabins he intends to have primarily his employees rent those out and then potentially open the doors later for others to rent those as well. It is their position that this will enhance the area. They do not believe that it will be injurious to the public health, safety, or morals because there will not be the hunting component. He also believes that the conservation club and cabins will be consistent with the character of the property. Beyond that, they have already discussed to have a septic system in place and any necessary lighting, sidewalks, and parking for the conservation club.

Melissa Mullins Mischke asked if they are looking for septic for the cabins. What is the plan for the rentals?

Patrick Deacon stated the cabins would have septic holding tanks not fields as the water table is too high for that. They would have to put in a mound system or consult with an engineer on how best to deal with the conservation club as there would be more people there and more usage.

Melissa Mullins Mischke asked if they have spoken with the Health Department yet?

Patrick Deacon stated no. He would have Hendricks put together an engineering plan for the whole development.

Adam Koronka stated the Petition calls out four (4) cabins for each of three (3) properties, but are there any plans in terms of layout or is that going to be included with the design from the engineering study.

Mladenka Rodriguez stated the specific locations are included on Exhibit A which is the site plan. He has the approximate cabin locations within each of those parcels listed on that exhibit. Exhibit B also has a proposed cabin structure that he is in talks with the company to potentially have included on the property as the rental cabins.

Melissa Mullins Mischke asked how many employees they are talking about at a single time.

Patrick Deacon stated there are only twelve (12). They are one (1) bedroom cabins with sleeping lofts for children.

Melissa Mullins Mischke stated so roughly twelve employees.

Patrick Deacon stated they have one hundred (100) employees in Chicago and they would be using them.

Melissa Mullins Mischke stated their employees would be traveling back and forth. Will they have local people employed?

Patrick Deacon stated yes, they will have to. They are going to have cleaning people coming in and taking care of the cabins and such. With the conservation club, they will need waitresses and such.

Melissa Mullins Mischke asked what kind of time frame they are looking at between the twelve cabins being there for employees and then renting them out.

Patrick Deacon stated approximately one (1) year. They are log cabin kits.

Melissa Mullins Mischke asked how long before they start renting to the public.

Patrick Deacon stated whenever the employees are not going to use them, they will make them available.

Mladenka Rodriguez clarified that in terms of notice, the notice of public hearing that she filed did include the bar and restaurant, but it was not in her filed petition.

Attorney Biege stated it's in the published notice, but it wasn't asked for in the Petition.

Mladenka Rodriguez stated that is correct; she just wanted to clarify for the record.

Greg Szybala stated they are looking at the plans for the cabins and the clubhouse.

Mladenka Rodriguez stated those are tentative plans. If they are approved the Special Exception, he will have further conversations about the build and the exact cabin to be used.

Remonstrators:

Steve Hollifield stated his address is 6782 E. 100 S., Mill Creek, IN. His farm is approximately a quarter mile west of this location. He has a couple issues with this. One, the lake for brief history was a very contentious sticking point in the formation of the Fish Lake Conservancy District. He served on the district for the first six (6) years when Judge Gilmore created it. Sediment from this lake was going into Fish Lake causing a problem. They pay an enormous amount of taxes for

Fish Lake. This will also affect Mr. Minich as it will eventually get into the Kankakee River Basin and the Kankakee River. They will start paying more taxes to maintain that for farmland. If they put more and more boats out there, it will stir the sediment up. It is a muck bottom lake that was originally a peat moss and before that it was a Cranberry Bog at the turn of the century before any of them were there. It is not very deep. The septic that they intend to add he has a concern with depending on where they locate it. Most of the area is a swampy, marshy, area and to the south is a dairy farm. He has livestock and if they have more and more people adding to this, the septic, where they put it, more sediment stirring up going down, they will pay more and more taxes to maintain Fish Lake and the river basin and everything else.

Dante Kobek stated his address is 938 S. 725 E., Mill Creek, IN. He has noticed a couple of discrepancies in the agenda for tonight. It says that the Amberlake Sportman's Club wants to put the conservation club on S. 775 E., but the other stuff says that it's on 725 E.

Melissa Mullins Mischke stated there are multiple locations, but further down it says that the main property is at 7154 E. 100 S.

Dante Kobek stated it says *a conservation club on S. 775 E., Mill Creek 34.67 acres.*

Attorney Biege stated if you read it, it's an AND, and there are semicolons, so they are all considered as one (1).

Dante Kobek stated there is not a S. 775 E. as it should be S. 725 E.

Melissa Mullins Mischke encouraged Dante Kobek to move passed the small details.

Dante Kobek stated it's not a problem there's a discrepancy on there.

Attorney Biege stated it is a typo on the agenda. Their Petition is correct.

Dante Kobek stated ok, that's fine. He has a petition that has been signed by some of the local neighbors if they are interested. Initially, their concern is with the conservation club house. It is going to be approximately twenty-five- hundred square feet (2,500²). That's about a forty-foot by sixty-four-foot (40' x 64') building. It is a pretty good size club house. The location they have indicated does not have the setbacks or parking for a hundred people or more. His experience with conservation clubs is that they always have something going on there. There would be a Labor Day party, 4th of July, Memorial Day, Fish Fry, Corn Roast, Wedding Receptions, Graduation parties, Bar Mitzvah's, etc. Who knows? There could be a hundred people there or more. It would definitely have an impact. It is a hundred yards from his house to where they have it indicated on the map. He doesn't know where they live, but he wouldn't think they would want to have something like that a hundred yards from their house. A conservation club is basically a big party house. They don't have anything indicated for parking, septic, or well. They are adamantly opposed to the club house. It looks like there about four (4) different parcels involved, but the conservation club is liquor. They'll put a bar in there with the restaurant and could be open until two (2) in the morning. They could have all kinds of stuff going on there that would disturb the peace. They are opposed to that. This is right off of the LaPorte County Board of

Zoning Appeals procedure for variance and for business use which he presumes the club house will be and the cabins for that matter: *If the request is for business use: hours and parking are primary consideration. Traffic patterns, whether or not there will be congestion traffic will be reviewed. Any type of exterior lighting.* They don't have any of that information. Business use, hours, parking are primary considerations on the County website. As far as the cabins, there seems to be some issues with the septic in that area. The water table is so high they will not be able to use traditional septic and he doesn't think the project can be approved without looking at the septic and having proper approvals. The septic has to be approved first. This would probably go down to Indianapolis. The site plan must be cited with the Petition and the placement of any building or other structures site plan should also include septic and well location and they don't. Boundaries with approximate measurements should also be listed. The approval of this variance will be injurious to the public health, safety, morals, and general welfare of the community. He doesn't want to sit on his back porch and listen to a polka band and a big party over there. This is out in a rural area and sound carries. They have small gatherings over there, which is not a big deal, but he can hear them from sitting in his back yard and it's detrimental to the whole area. The use and value of the area adjacent involved will be affected in a substantially adverse manner. Special Exception use will be injurious to the use and enjoyment of other property in the immediate vicinity. Really, his biggest concern is the Natural Resource Protection Article 22 in the LaPorte County JZO. This should be a federally protected marsh/wetland. Due to the EPA Clean Water Act this is federally protected wetland and should be treated as such. *The La Porte County region has been significantly impacted and fragmented by human activity. Channelization of the Kankakee River and its tributaries drained the Kankakee River Basin, didn't work out. Expanding population, industrial and agricultural activity, historical pollution and development pressures continue to threaten the viability of La Porte County's natural resources. Piecemeal or cumulative losses have the potential, over time, to destroy remaining wetlands and other natural resources. The wetlands and other natural resources of the County are indispensable and fragile ecosystems with significant development constraints due to flooding, erosion and soil limitations. In their natural state, wetlands and other natural resources function to serve people and nature. . . The uncontrolled use and development of natural resources in La Porte County affects public health and general welfare. Therefore, it is in the best interest of La Porte County to provide for the wise, regulated use of its shared natural resources. This is to protect the rights of the residents of La Porte County to enjoy clean air, pure water and the natural, scenic, historic and aesthetic values of the environment; to restrict degradation of natural resources and to provide for their protection.* These are very limited resources that they have here in LaPorte County, and they are valuable. They shouldn't be trampled on. *Protect land and water resource areas, including . . . streams, wetlands, woodlands, prime wildlife habitats, and areas constituting high ecological . . . value that exist on developed or undeveloped land. Direct growth away from areas with sensitive natural resources and toward those areas most suitable for development in terms of available infrastructure.* He has another forty (40) acre corn field he could put those cabins on that would not affect the habitat at all. If he'd just move them over to the corn field on 775 all these issues here would be not a problem.

Melissa Mullins Mischke stated she will give him three (3) minutes remaining for his comments.

Dante Kobek stated that's fine. The duties and responsibilities of an Enforcement Official.

Melissa Mullins Mischke stated the Board is not an Enforcement Official.

Dante Kobek stated *the applicant shall retain a qualified ecological engineering consultant to perform a Natural Resources Due Diligence Inventory, including a wetland delineation. . . The availability of alternative locations for the proposed use which are not subject to degradation of natural resources; The compatibility of the proposed use with existing and anticipated development.* They are basically opposed to the whole project. It threatens the natural resources that they have there. The Cranberry Lake is a wonderful natural resource and they would like to see it preserved in that way.

Deborah Lane stated her address is 364 S. 750 E., Mill Creek, IN. She had her son use his GPS to go to the address from Chesterton. That GPS that he has, which he tried several different addresses, runs everybody by her house. She has two (2) mini's, two (2) ponies, and two (2) horses. They are in front and back. Several times already, people in the area, have come up to her fence in her yard and want to touch her horses. Her horses are very gentle and that's not a problem, but she also has six (6) grandchildren that visit her and some of them don't understand stranger danger. Their parents have lived out in the country forever and country children don't know stranger like they should. The six (6) year old went running up to the car because the people that got out of the car were playing with the horses. They are putting her and her grandchildren in jeopardy. Are they going to maintain the road on a normal basis as well? She is one of the last ones to be plowed. What about the extra traffic? Will they rent these in the winter because there's heat? There is ice that goes down that road from the traffic going by. She doesn't want it not only because of what Dante Kobek said, but she is looking at the traffic and the safety of her animals and her grandchildren.

Dante Kobek stated his address is 5050 S. Huron St., Englewood, CO. He also resides at 938 S. 725 E., Mill Creek for a part of the year.

Melissa Mullins Mischke asked if he is a full-time resident in Colorado.

Dante Kobek stated yes. He is opposed to this. It's one (1) large parcel owned by one (1) person who is talking about putting thirteen (13) buildings on it. Thirteen (13) additional buildings on one (1) parcel with no plan for septic, lighting, parking. It seems like no plan other than the ruse of a conservation building. To him it doesn't seem like conservation; it seems like just a business opportunity with a bar and grill added after the fact on a secondary notice. There's a lot of wildlife there. His Dad brought up a lot of different points about the Clean Water Act. The original taxpayer money that went into Fish Lake to make it what it is that has created this environment around the lake where there is this vast array of forest, birds, wildlife, and all sorts of creatures frequenting the area. This project is poised to do, under the ruse of a conservation club, would destroy that environment and create a null/void for any osprey, bald eagles, or whatever might come into that lake feed. He doesn't agree. He stands opposed.

Mladenka Rodriguez stated there was a mention of the potential for resources to be trampled. She wants to emphasize that her client plans to consult with a Biologist as she previously mentioned to make sure that the lake, the fish within the lake, and other resources are not

harmed. He talked about potentially fishing. It's a potential because, again, he does not want to hurt the resources or trample the resources. His plan is to get professional opinions on the potential impact on the environment. His goal is to enhance the land that he owns and not hurt the environment. In terms of parking and the septic systems, she knows that is not included in the site plan that was submitted as Exhibit A. Her client's intention is to get the professional opinion of Hendricks and others on the proper installation, so the environment is least impacted.

Melissa Mullins Mischke stated that is definitely one (1) of her concerns. She doesn't feel like it is a complete presentation to them as far as a wetland delineation included so she can't say that their structure locations or even think about parking because it is not indicated because they don't know where the wetlands are according to what she has seen. She does not feel like it's a complete presentation. Maybe they put the cart before the horse on this one because if they had gone to the Health Department, they might have spoken to them about the types of septic and things like that because that's what our Health Department does. They would tell them if they need a mound system or if holding tanks are appropriate. That is her concern with what she has received this evening. She doesn't feel like parking or exterior lighting has been addressed. The environment is a concern to her so the wetland delineation and not just where they are thinking of putting buildings, but actually having a bit of preliminary engineering done to know what they will have and where is important. It is a concern for her.

Patrick Deacon stated as far as the cabins are concerned, they will have tanks and holding tanks.

Melissa Mullins Mischke stated that's what they think they are going to do.

Patrick Deacon stated that is what he is going to do.

Melissa Mullins Mischke stated the conservation building itself does not have anything for drives, parking, ingress/egress, lighting; there is just a square that says proposed location. She doesn't know what that means as far as how many parking spots they will put in there. Where is it fitting in with the wetland delineation?

Patrick Deacon stated that is correct. That is why they are going to consult with Hendricks in order to get the best use without impact.

Melissa Mullins Mischke stated she won't speak for the whole Board, but she definitely will not vote in favor of something she doesn't have enough information in front of her to do so. That is the point she is trying to make.

Patrick Deacon stated as far as wetlands there are only two (2) spots on the property when he consulted with Janet before they bought the property and the wetlands are surrounding the two (2) ponds that are there and that's it.

Greg Szybala stated this project is a development. It is not a primary residence development, but it is a development and to do a development properly in this County you have to propose what your intentions are, show what they are, and jump through quite a few more hoops in what they are providing them in way of information here. That is part of the problem they are having with

this. They are not seeing what they should be seeing. They say they are going to put holding tanks in, but the County will dictate what you are going to put in. As far as it being developed, there should be some wetland delineation on this drawing or sketch if that's the case. If there is none, then it wouldn't show it. If there is some, then it needs to show it and they need to be able to see that as well.

Attorney Biege suggested that they voluntarily table the Petition until such time that they can get proper information. If they force a vote and get no, they cannot come back for a year.

Patrick Deacon stated that is fine.

Attorney Biege stated it will be up to his counsel.

Mladenka Rodriguez stated they would move to table it.

Melissa Mullins Mischke stated that would be an outstanding motion.

Adam Koronka made a motion to table the Petition for Special Exception for Patrick Deacon on behalf of Amberlake Sportsman's Club LLC represented by counsel Gregory H. Hofer and Mladenka Rodriguez for a conservation club on S. 725 E., Mill Creek (34.67 acres) and 7154 E. 100 S., Mill Creek (39.9 acres); four (4) rental cabins on the property at 7154 E. 100 S., Mill Creek (39.9 acres); four (4) rental cabins on the property at E. 100 S., Mill Creek (70 acres); four (4) rental cabins on the property at S. 775 E., Mill Creek (20.6 acres). The main property is located at 7154 E. 100 S., Mill Creek, IN., Lincoln Twp., zoned A on a contiguous total of 165.17 acres.

Greg Szaybala seconded.

All Approved. Motion carries 4-0.

Attorney Biege stated technically they do not have to re-notice, but they have a lot of folks really interested in this so when they do come back, he would suggest re-noticing.

Mladenka Rodriguez stated she would issue notice again.

3. Petition for Variance of Developmental Standards for John A Schultz for construction of a 40' x 24' (under 1000²' minimum required) primary residence and to keep the existing mobile home (to aid a family member). The property is located at 5045 N. 325 W., LaPorte, IN., Springfield Twp., zoned R1B on 1.096 acres. Parcel 46-06-04-476-003.000-062.

Attorney Biege stated notice is adequate.

John and Jill Schultz stated their address is 433 Firefly Dr., Trail Creek, IN. That is their current residence.

Melissa Mullins Mischke asked if there is a mobile home there at that location.

John Schultz stated yes.

Melissa Mullins Mischke asked who lives in the mobile home currently.

John Schultz stated he is giving his nephew the opportunity to raise his recently custody granted daughter. He is giving him room to raise his kid in a safe, decent, nice neighborhood and sound environment rather than having to move from place to place.

Melissa Mullins Mischke stated since he is such a nice uncle, he is going to build a new structure for him to live in.

John Schultz stated yes. He had marked off on the property approximately where the structure would be. He and his wife plan to sell their home in Trail Creek in the spring and that's when all the goodies will start happening out there.

Melissa Mullins Mischke asked if it will be a stick-built home or are they looking at modulars.

John Schultz stated he is looking at an Amish structure. He understands that it falls short a few feet of the square foot necessary, which the plans aren't in iron yet so if it means putting in a laundry room or something to make up the square feet or whatever the codes are.

Melissa Mullins Mischke stated his wife would like a laundry room.

John Schultz stated I think so. He has a clothesline out there.

Melissa Mullins Mischke stated he should definitely go with the laundry room.

John Schultz stated they were even thinking about an artisan well.

Greg Szybala stated to do himself a favor and listen to her.

Melissa Mullins Mischke stated definitely go with the laundry room.

John Schultz stated it was his aunt's and she passed away in January. She had deeded the property to him. It was his grandparents' place. He grew up there. He has two (2) sets of friends. The ones he had in his neighborhood and the ones that he had in his grandparents' neighborhood. The neighborhood so far has been really receptive to the clean-up efforts that they have been doing to it. Nice is nice.

Melissa Mullins Mischke asked what year the mobile home is.

John Schultz stated it is a 1964. Ironically, so is he. If possible, in the very near future, they would like to do some renovations and remodeling to that structure as well following whatever is necessary. They are new to the code thing too, so he just knows he is willing to invest a couple

hundred thousand dollars into the property over the next couple of years. Everybody in the neighborhood would benefit from that as well as him being able to reside on his grandparents' property in his retirement.

Greg Szybala asked what he meant by an Amish structure.

John Schultz stated over by Evergreen Plaza there is an outbuilding store across the road and there is a huge two (2) story with a copper top roof on it that is sitting there now. It measures twenty-four feet by thirty-two feet (24' x 32'), but they said they could make it twenty-four feet by forty feet (24' x 40') for them and it would be brought in and set on an approved structure foundation and then he would have the plumbers, electricians, drywallers, and everybody come in and make the inside of it a house.

Melissa Mullins Mischke stated should they approve the request; he will need to get in touch with Michael Polan and the Building Department about what is acceptable for the mobile home. She sees people attaching all kinds of things to it that may or may not be in his best interest. He may want to talk with them about how much he wants to invest in something like that.

No remonstrators present.

Attorney Biege stated he does have correspondence from a Charles Bower he thinks of 5095 N. 325 W. on the northern border, and he objects to the mobile home remaining.

Melissa Mullins Mischke stated he is asking for the mobile home to remain for his nephew.

Attorney Biege stated he doesn't want the mobile home to stay.

Glen Minich asked if the mobile home was getting regular approval to be there when his aunt owned it.

John Schultz stated that as far as he knew, she had a lifetime variance for her with the property.

Glen Minich stated that is what he is wondering because they have started doing that and whenever they do give an approval on a mobile home quite often, they ask that it be removed at the end of the lifetime of the person that has the exemption for it. He is wondering if they need to dig into any documentation that they have.

Attorney Biege stated if the Petitioner does not present the Board with Findings of Fact giving authority for that to remain, then that should have been removed upon her death. That is historically what the Board has done.

Glen Minich stated correct.

Melissa Mullins Mischke stated Glen Minich thinks they should research it more to see if that was the situation.

Attorney Biege stated how? When did the aunt pass away?

John Schultz stated January 31st of this year.

Greg Szybala asked if he knew the last time she came in for that variance.

Glen Minich stated it was a lifetime.

John Schultz stated Howard Conley had written it up at that time.

Attorney Biege stated he is a Trustee, right?

John Schultz stated yes.

Attorney Biege stated they don't have the authority to do that. People have to come here. Howard Conley can't do that.

John Schultz stated he just saw a paper floating around in all her stuff and it had his name on it. He was the one that recommended him to come to the BZA.

Attorney Biege stated he is right on that. He's just saying a Trustee doesn't have the authority to do that. Is the new structure going to be less than a thousand square feet (1,000²)?

John Schultz stated yes, technically if he doesn't put on a laundry room.

Melissa Mullins Mischke stated put on that laundry room.

John Schultz stated he could make it a thousand square feet (1,000²) then.

Attorney Biege stated he is trying to clarify what variances he is asking for so just tell him.

John Schultz stated there is also an upstairs. Does that count as far as dwelling?

Greg Szybala stated yes.

John Schultz stated the place will be twenty-four feet by forty feet (24' x 40') and the upstairs will have two (2) rooms twenty-four feet by twenty-eight feet (24' x 28').

Attorney Biege stated he will be over a thousand square feet (1,000²) and he should be fine with that.

Glen Minich stated so they are just talking about being able to keep a mobile home and add the second residence.

Attorney Biege stated lot size too because there are one-point-zero-nine-six (1.096) acres. There's enough road frontage.

Melissa Mullins Mischke asked if it would be a second residence.

Attorney Biege stated lot size, second (2nd) residence, and whether or not the mobile home can remain.

Melissa Mullins Mischke stated the lot size is ok. It should just be the second (2nd) residence.

John Schultz asked if in that event, if it was ordered to remove the mobile home, would there be anyway that he could get a variance for a small unit put where it's at so that his nephew and his daughter can continue to live there.

Melissa Mullins Mischke stated that would also be a petition in front of them.

John Schultz stated he doesn't know where they're at with the mobile home.

Melissa Mullins Mischke stated they don't either.

Greg Szybala asked how long he thinks he would need the mobile home.

John Schultz stated realistically two (2) years if it were to be removed. That would give them enough time to get their ducks in a row. They would get their home put up and allow time to put up a structure for his nephew.

Melissa Mullins Mischke stated that is something they could work with.

Adam Koronka stated he met his nephew over the weekend.

John Schultz stated not to blame the football thing on him.

Adam Koronka stated your nephew did speak to him. He noticed that in the area where they are placing the home is currently a decrepit school bus that looks to be touching the ground and not by the wheels. That will be removed when the home is placed?

John Schultz stated the bus is sitting behind where the house would sit, but the intention is to get it off the ground, slide it back, and incorporate it into a tractor shed and use it for a storage shed depending on whether he can do that or not.

Adam Koronka stated it appears next to the garage there is also a motor home in use full-time there.

John Schultz stated it is plugged in to keep the electric on.

Jill Schultz stated they use the motor home when they go out there to work because it has air conditioning. They don't stay out there over night or anything. They just use it as a place to take breaks and eat lunch while they're doing the work out there on the property.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for John A Schultz for construction of a new primary residence and to keep the existing mobile home for up to two (2) years then removed from the property. The property is located at 5045 N. 325 W., LaPorte, IN., Springfield Twp., zoned R1B on 1.096 acres.

Greg Szybala seconded.

All Approved. Motion carries 4-0

4. Petition for Variance of Developmental Standards for Daniel Kilgore and Leslie Bardusk-Anderson for construction of a second (2nd) dwelling, in order to care for an elderly parent. The property is located at 4221 W. Hwy 20, LaPorte, IN., Springfield Twp., zoned R1B on 5.11 acres. Parcel 46-06-05-226-001.000-062.

Attorney Biege stated the notice was published on September 16th which is less than ten (10) days as is required. He suggests having it set over until next month.

Adam Koronka made a motion to table the Petition for Variance of Developmental Standards for Daniel Kilgore and Leslie Bardusk-Anderson for construction of a second (2nd) dwelling, in order to care for an elderly parent. The property is located at 4221 W. Hwy 20, LaPorte, IN., Springfield Twp., zoned R1B on 5.11 acres.

Greg Szybala seconded.

All Approved. Motion carries 4-0.

5. Petition for Variance of Developmental Standards for Mark Singer to split an eleven (11) acre parcel. One (1) will have thirty feet (30') of road frontage and will be about two-point-thirty-two 2.32 acres and the other will have approximately two-hundred and twenty-eight feet (228') of road frontage and with about eight-point-sixty-eight (8.68) acres. To build a sixty-foot by forty-foot (60' x 40') pole barn with a forty-foot by thirty-foot (40' x 30') residence on one (1) side and a forty-foot by fifty-foot (40' x 50') residence on the other side and each connected with a ten-foot (10') breezeway for two (2) families. This home is also to care for an elderly parent. The property is located at 5806 S. Wozniak Rd., Westville, IN., New Durham Twp., zoned A on 11 acres. Parcel 46-09-35-326-003.000-027.

Attorney Biege stated notice is adequate.

Mark Singer stated his address is 5806 S. Wozniak Rd., Westville, IN.

Sherry Martinek stated her address is 5806 S. Wozniak Rd., Westville, IN.

Melissa Mullins Mischke stated they are basically going to try to take a lollipop out of there for one (1) parcel. Is that true?

Glen Minich stated they do not have a clear picture of what they are trying to do.

The Board deliberated with Mark Singer about the site plan and where the proposed structure will be.

Greg Szybala asked if there will be three (3) driveways.

Mark Singer stated no, just two (2) driveways.

Mark Singer stated the existing driveway was approved in 2017 for the existing homes. The new driveway will be solely for the new residence that they are here for today.

Greg Szybala stated so the thirty-foot (30') easement has no purpose for frontage.

Glen Minich stated it is for a separate lot. He is not putting two homes on one (1) lot.

Greg Szybala stated he is using the neighbor's driveway to access his property.

Adam Koronka stated they are looking at the home he is using the current driveway from is listed as Charlene M Singer.

Mark Singer stated that is his mom.

Melissa Mullins Mischke stated she would have encouraged a drawing for this Petition.

Attorney Biege stated if the Board chooses to grant this, there needs to be a drawing. There is no way he can write Findings.

Adam Koronka stated he can picture everything structurally and spatially where it belongs, but where he falls into confusion is the understanding of what they are allowed to with the driveways because they are crossing from one (1) owned property to another in order to access this new lot that they are going to create.

Melissa Mullins Mischke disagreed. It had nothing to do with the new parcel. There is a shared driveway and there is nothing they can do about that. The new proposed home will have its' own driveway.

Adam Koronka asked if it is okay to continue that way with a shared driveway.

Greg Szybala stated it will have two-hundred and twenty-eight feet (228') of frontage.

Melissa Mullins Mischke stated she doesn't like the road frontage either.

Attorney Biege deliberated with Mark Singer about the site plan.

Attorney Biege stated it makes a flag lot. The Board historically has not loved flag lots. Not saying never, but it's what they're doing.

Melissa Mullins Mischke stated she needs to see a sketch of what they actually want to do. They need to identify what goes with what for the record. She has a really hard time trying to approve it when all she's going to say is what her verbal description of it is. If she were the only one (1) with a problem with it, that would be one (1) thing, but there are several of them that are unsure without a drawing.

Mark Singer stated he doesn't understand what more he needs to do. He is happy to do whatever homework he needs to do for the Board.

Melissa Mullins Mischke stated for instance, she drew on her map just listening to his conversation that the new house is going to be up front. Later, it was determined that it is going to be in the back as a flag lot so they will have it open up into the back from thirty feet (30').

Glen Minich stated the remaining house will be a flag lot. A flag lot will be made of the original; house.

Mark Singer stated correct.

Greg Szybala stated they are all looking to receive a sketch that shows the new structure, setbacks, dimensions, and the road frontage to help them understand what is going on here.

Attorney Biege stated it needs to show where the new property line is going to be and where the new house is going to be. That way the Board can visualize where the split is and where the new house is going and how it will be accessed from the road.

Mark Singer stated there is already a driveway in place.

Melissa Mullins Mischke stated they would like a drawing of that.

Attorney Biege stated they will come back, and they will just make a motion to put it on the table.

Adam Koronka made a motion to table the Petition for Variance of Developmental Standards for Mark Singer to split an eleven (11) acre parcel. One (1) will have thirty feet (30') of road frontage and will be about two-point-thirty-two 2.32 acres and the other will have approximately two-hundred and twenty-eight feet (228') of road frontage and with about eight-point-sixty-eight (8.68) acres. To build a sixty-foot by forty-foot (60' x 40') pole barn with a forty-foot by thirty-foot (40' x 30') residence on one (1) side and a forty-foot by fifty-foot (40' x 50') residence on the other side and each connected with a ten-foot (10') breezeway for two (2) families. This home is also to care for an elderly parent. The property is located at 5806 S. Wozniak Rd., Westville, IN., New Durham Twp., zoned A on 11 acres.

Greg Szybala seconded.

All Approved. Motion carries 4-0.

7. Petition for Variance of Developmental Standards for Richard and Susan Glassman for construction of an addition to the pole barn with guest quarters. The property is located north of 51 W. 650 N., LaPorte, IN., Springfield Twp., zoned A on .947 acres. Parcel 46-02-36-200-009.000-062.

Attorney Biege stated notice is adequate.

Richard Glassman stated his address is 51 W. 650 N., LaPorte, IN.

Melissa Mullins Mischke asked if there is an existing residence.

Richard Glassman stated yes.

Melissa Mullins Mischke asked if the guest quarters will be for family.

Richard Glassman stated it will be for family. He has two (2) married children, two (2) grandkids, cross your fingers for more, and he has a three (3) bedroom house. They just don't have room, so they thought about putting a two (2) bedroom and a bath out there so family could go out there.

Greg Szybala stated that would get them out of the house too.

Richard Glassman stated or us.

Melissa Mullins Mischke asked if he owned two (2) parcels next to each other.

Richard Glassman stated yes.

Melissa Mullins Mischke stated the pole barn is on one (1) and the home is on another, but it's all the same.

Richard Glassman stated one (1) of these days he will combine them.

Melissa Mullins Mischke asked if he has existing septic, electric, or water out in the pole building.

Richard Glassman stated there is not. They will have to add septic. They have already had the soil boring done to find out that it is acceptable.

No remonstrators present.

Glen Minich asked if it makes any difference to the Board being it is a separate lot.

Melissa Mullins Mischke stated it is the same address. The two (2) parcels have the same address.

Attorney Biege stated it is still treated as one (1) property.

Glen Minich stated it looks like a good use. Better than bringing a motor home in.

Greg Szybala made a motion to approve the Petition for Variance of Developmental Standards for Richard and Susan Glassman for construction of an addition to the pole barn with guest quarters with water. The property is located north of 51 W. 650 N., LaPorte, IN., Springfield Twp., zoned A on .947 acres.

Adam Koronka seconded.

All Approved. Motion carries 4-0.

8. Petition for Variance of Developmental Standards for Chad and Deborah Wallace to split a two-point-twenty-seven (2.27) acre parcel with one (1) parcel having seventy feet (70') of road frontage (less than the two-hundred-foot minimum required) and the other parcel will have three-hundred and thirty feet (330') for main parcel road frontage. The property is located at 7399 W. 800 S., Union Mills, IN., Clinton Twp., zoned A on 2.776 acres. Parcel 46-13-11-400-006.000-044.

Attorney Biege stated he checked the publication on this Petition, and he is sorry for them to sit here so long, but it was less than ten (10) days. They published on September 16th.

Chad Wallace stated when he mentioned the date on the other lady whose was also on the 16th, he looked at his and it said the same, but in his paperwork, it stated the multiple ways to let the people know.

Attorney Biege stated it isn't either/or, it has to be both. It is Indiana Code. It is jurisdictional, the Board doesn't have jurisdiction to hear it.

Chad Wallace asked even if he did it in person and they signed the paperwork?

Attorney Biege stated the publication requirement is independent of what is done with the adjoining property owners. If there was a way to get around it, he would because it would make their lives easier.

Chad Wallace asked even if he told him how pretty his hair was or something.

Attorney Biege stated that's pushing it, buddy.

Adam Koronka stated please make sure that makes it onto the record.

Attorney Biege stated truly, if there was a way to get around it their lives would be easier, but he would suggest they table it and set it over to next month.

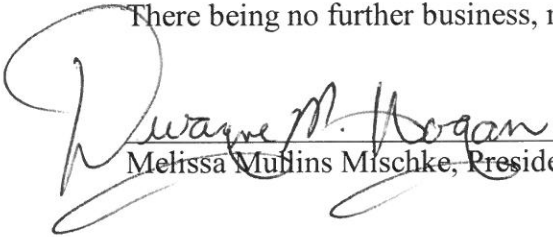
Adam Koronka made a motion to table the Petition for Variance of Developmental Standards for Chad and Deborah Wallace to split a two-point-twenty-seven (2.27) acre parcel with one (1) parcel having seventy feet (70') of road frontage (less than the two-hundred-foot minimum required) and the other parcel will have three-hundred and thirty feet (330') for main parcel road frontage. The property is located at 7399 W. 800 S., Union Mills, IN., Clinton Twp., zoned A on 2.776 acres.

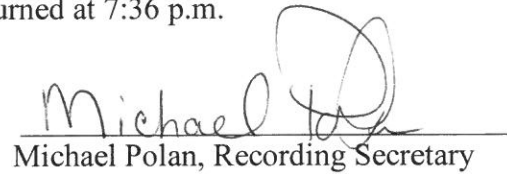
Glen Minich seconded.

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 7:36 p.m.


Melissa Mullins Mischke, President


Michael Polan, Recording Secretary