



**LAPORTE COUNTY  
BOARD OF ZONING APPEALS**

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

October 19<sup>th</sup>, 2021

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **October 19<sup>th</sup>, 2021, at 6:00 p.m.** in the Assembly Room of the County Complex.

MEMBERS PRESENT:      Dwayne Hogan                      Greg Szybala  
   Glen Minich                              Adam Koronka

PRESENT:                      Michael Polan, Recording Secretary, Attorney Doug Biege; Ashley Kazmucha, Secretary

The Pledge of Allegiance.

**APPROVAL OF MINUTES:**

Dwayne Hogan asked for approval of the meeting minutes of September 21<sup>st</sup>, 2021.

Greg Szybala made a motion to approve the meeting minutes of September 21<sup>st</sup>, 2021 as presented.

Glen Minich seconded.

All Approved. Motion passed 4-0.

Dwayne Hogan stated Petition #1 and #7 have been postponed.

**Petitions:**

**1. 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.

## POSTPONED

**2. 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 notice is adequate. They had previously postponed because the publication needed more time.

Leslie Bardusk-Anderson stated her address is 2803 Greenwood Ave., Trail Creek, IN.

Dwane Hogan asked what she wants to do.

Leslie Bardusk-Anderson stated she and her husband want to put a modular house, twelve-hundred-square-feet (1,200<sup>2</sup>) or less, to help care for her elderly stepfather. He doesn't take care of himself very well and he's getting older. Her mom passed away, so she is all he has.

Dwayne Hogan asked if it will be a stick-built building or prefab.

Leslie Bardusk-Anderson stated it will be prefab. They looked at some already in Goshen to see how they were built because they didn't want it to be junky.

No remonstrators present.

Glen Minich asked where the modular will be placed.

Leslie Bardusk-Anderson stated it is going to be by the pine trees that are in the front. Her stepdad's house sits far back, and they posted the orange notice on the pine trees. They want to put it just in front of that by the garage.

Dwayne Hogan asked to the right of the garage.

Leslie Bardusk-Anderson stated that is correct.

Adam Koronka stated in the packet there is a quick sketch on the Beacon view. What size do they plan on purchasing?

Leslie Bardusk-Anderson stated the ones that they looked at were twelve-hundred-square-feet (1,200<sup>2</sup>) and she doesn't see them going any larger than fourteen-hundred-square-feet (1,400<sup>2</sup>) because there is only two (2) of them. They don't need anything huge. There's not going to be a basement. It will be put on a slab and that's it.

Adam Koronka made a motion to approve 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. Parcel 46-06-05-226-001.000-062.

Greg Szybala seconded.

All Approved. Motion carries 4-0.

**3. 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.

Dwayne Hogan asked what he is hoping to do this evening.

Mark Singer stated he is hoping for the footage that would be left on the passage to the 5806 house. Instead of the sixty feet (60') he is asking for thirty feet (30') given verses the sixty feet (60') and he remain with the other thirty feet (30').

Glen Minich stated this was real confusing last month.

Dwayne Hogan asked if it was tabled for the confusion.

Sherry Martinek stated they wanted her to do a drawing.

*Board deliberates amongst themselves.*

Adam Koronka stated he is trying to make sense of their drawing compared to Beacon.

Dwayne Hogan asked if there are eleven (11) acres total.

Mark Singer stated that is correct.

Dwayne Hogan stated it is going to be primarily to care for an elderly parent.

Mark Singer stated that is correct. He lost his father a year ago and his mom cannot be by herself.

Dwayne Hogan stated it boils down to the frontage left over.

No remonstrators present.

Glen Minich stated it's kind of creating a compound.

Mark Singer stated a safe one.

Glen Minich asked what the total road frontage on all three (3) properties is. Is the total road frontage only two-hundred and twenty-eight feet (228')?

Dwayne Hogan stated one will have thirty feet with two-point-three-two (2.32) acres. Then one will have two-hundred and twenty-eight feet (228') of road frontage with about eight-point-six (8.6) acres to build the sixty-foot by forty-foot (60' x 40') pole barn. Will there be water and electric in the pole barn?

Mark Singer stated yes.

Dwayne Hogan stated there will be a residence on each side with a ten-foot (10') breezeway for the two (2) families is how it's going to look.

Mark Singer stated that is correct.

Greg Szybala asked if there are going to be three (3) families there.

Mark Singer stated no.

Greg Szybala stated they are going to split it into two different parcels with two (2) families on the one parcel and one (1) family on the other.

Sherry Martinek stated sharing the main garage and living quarters on each side.

Michael Polan asked if one (1) of the homes is going to be put up for sale.

Mark Singer stated yes. They are going to be selling the 5806.

Michael Polan asked if the home on the smaller parcel will stay as is.

Sherry Martinek stated the smaller home will stay as is and is being sold as is. His mother lives there and they are combining on the same property.

Michael Polan stated both houses will be sold and all of them will move into the new proposed structure.

Mark Singer stated that is correct.

Dwayne Hogan stated they're trying to straighten out the road frontage and basically see what's left.

Adam Koronka stated they are looking at just a frontage concern at this point. It's a complicated lot so he would like to submit a motion.

Adam Koronka made a motion to approve 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. Parcel 46-09-35-326-003.000-027.

*Motion dies due to lack of a second.*

Glen Minich made a motion to deny 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. Parcel 46-09-35-326-003.000-027.

Greg Szybala seconded.

Mark Singer asked why.

Glen Minich stated they are creating a flag lot by doing what they are doing here. A parcel with only thirty feet (30') of frontage has absolutely no control over their drive, site lines, etc. They don't do these.

Mark Singer stated the existing driveway was granted via variance in 2012. Everybody on the panel agreed that the driveway was grandfathered in. The driveway would be shared with 5806 and 5804. Once the properties are sold, a new dwelling would be put on the property that they are talking about. If everything is recorded, they can go back and listen to the recording. Everything was granted.

Glen Minich stated they had a certain amount of frontage here for access to the property for himself and future owners and now they are eliminating it. Now all the house in the back would have is a thirty-foot (30') driveway.

Mark Singer stated they are confusing him. The thirty-foot driveway is present right now. How does that factor?

Glen Minich stated the home used to have access to all of the frontage, but now they are eliminating it down to thirty feet (30'). That is a flag lot. They don't normally grant those.

Mark Singer asked if he should seek counsel out because he can't stop here. It has to happen for him and his mother.

Dwayne Hogan stated before they go any further, they are going to take their vote and then give a recommendation.

Denied. Motion carries 3-1.

Dwayne Hogan stated he suggests he get legal counsel.

Mark Singer stated he appreciates Adam Koronka.

**4. 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 notice is adequate.

Chad Wallace stated his address is 7399 W. 800 S., Union Mills, IN.

Dwayne Hogan asked what he wants to do.

Chad Wallace stated he wants to split a property. He has been operating an auto repair business on the back side of this property. He got a variance in approximately 2012 for the business as well as a business sign.

Dwayne Hogan stated he wants to split the property and do what.

Chad Wallace stated the property frontage is four-hundred feet (400') for the entire parcel. The current driveway is on the far left and he would like to split is approximately seventy-feet (70'). That incorporates the driveway plus the two (2) rows of pine trees and the two hundred (200) amp electric service he just had put in that is separate for the business. It will incorporate the buried cable that goes back to the building. The building also has a septic and four inch (4") well.

Dwayne Hogan stated it is independent.

Chad Wallace stated completely. It is an approximate six-thousand-square-foot (6,000<sup>2</sup>) building. It is stick built; it is not a pole barn. It is fully insulated and heated. There is new siding and windows. It is a nice building.

No remonstrators present.

Adam Koronka asked how they would go forward with trying to sell one of the properties in the future. There is an automotive business that is wrapping around a residence or vice versa a residence that is right up tight to a business and they are two separate properties and have the ability to be sold as such. That is the concern in front of them at this point.

Chad Wallace stated if they drive up and down Lincolnway, there are businesses along that entire road, any main road of any town will have businesses with homes right next to them or behind them. People live next to grocery stores, auto repair stores, parts store, hair salons, etc. Whatever it is, there are homes next to all of them and people live there. If a person doesn't want to live next to a given business, then of course they're not going to move in, rent, or buy that home. They would look elsewhere.

Glen Minich asked if he owned the home also.

Chad Wallace stated yes. He lives there.

Greg Szybala made a motion to approve 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. Parcel 46-13-11-400-006.000-044.

Adam Koronka seconded.

All Approved. Motion carries 4-0

**5. Petition for Variance of Developmental Standards for Kim Haddad** for construction of a second (2nd) dwelling (1850<sup>2</sup>) to take care of elderly parents. The property is located at 11302 W. 700 S., Westville, IN., Clinton Twp., zoned A on 2.127 acres. Parcel 46-13-07-200-011.000-044.

Attorney Biege stated notice is adequate.

Kim Haddad-Snyder stated her address is 714 Luke Dr., Westville, IN.

Dwayne Hogan asked what she wants to do tonight.



Kim Haddad-Snyder stated they want to build or place a modular home in the back acre of the land that she owns on 11302 W. 700 S. for their care as they approach those years. Her daughter lives in the existing home.

Dwayne Hogan stated there's a total of six-and-a-half (6.5) acres there.

Kim Haddad-Snyder stated no. It's a little over two (2) acres.

Greg Szybala stated he sees two-point-one-two-seven (2.127).

Kim Haddad-Snyder stated they did own the land behind it which was another six (6), but she sold it.

Dwayne Hogan thanked them for the correction. He was looking at the wrong one.

No remonstrators present.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Kim Haddad for construction of a second (2nd) dwelling (1850<sup>2</sup>) to take care of elderly parents. The property is located at 11302 W. 700 S., Westville, IN., Clinton Twp., zoned A on 2.127 acres. Parcel 46-13-07-200-011.000-044.

Adam Koronka seconded.

All Approved. Motion carries 4-0.

**6. Petition for Variance of Developmental Standards for Edward and Debra Kammath (seller) and Leah Rice (buyer)** to split parcel into two (2) parcels. One (1) parcel will be two (2) acres and two hundred feet (200') of road frontage and the other with four-point-five-nine-three (4.593) acres and with approximately one hundred and seventeen feet (117') of road frontage instead of the required two hundred feet (200'). The property is located between 5952 and 5852 W. Hwy 6, Union Mills, IN., Noble Twp., zoned A on 6.593 acres. Parcel 46-14-06-100-012.000-056.

Attorney Biege stated notice is adequate.

Leah Rice stated her address is 8122 W. 1250 S., Wanatah, IN.

Dwayne Hogan asked what she wishes to do this evening.

Leah Rice stated they want to split the land. Edward and Deb are planning on keeping the other property. They are just wanting to buy two acres with the two hundred feet (200') of land frontage.

Adam Koronka asked if they are trying to buy the south portion of the property.



Leah Rice stated no, it is the northeast square. It would be two (2) acres.

Michael Polan stated one parcel would be one-hundred and seventeen feet (117') of road frontage.

Adam Koronka stated that seems a little confusing. There is a strip of property that is owned by the State of Indiana along the highway there and that is at the northeast corner of the property.

Leah Rice stated that is correct, but that would be considered their frontage as well. There is nothing there.

Dwayne Hogan stated it is connecting and adjoining.

Adam Koronka stated it's like they have extra for an easement, but it is listed weird on Beacon.

Dwayne Hogan stated it could be for future access.

Greg Szybala stated widening.

Adam Koronka stated it is only one-hundred and fifty feet (150') long.

Glen Minich stated it could be for a deceleration lane in the future. He doesn't understand where the split is.

Leah Rice stated where 6 is, the side that has all the pine trees on it, it would be the exact same kind of property as the house with the pine trees. That is what their two (2) acres would look like, and it would abut them.

Greg Szybala stated it will be adjacent to that property.

Leah Rice stated that is correct.

Attorney Biege suggests she draw it on Glen's map in the camera for the record.

*Leah Rice explains the site plan to the Board.*

Ashley Kazmucha stated it is one-hundred and sixty feet (160').

Attorney Biege stated the road frontage they are proposing is partially owned by the State of Indiana. He would not recommend them grant the petition unless there is an easement across that property. It is doubtful, but there is a risk that the State of Indiana could assert their rights it would create a landlocked parcel.

Leah Rice stated they would put their driveway to the west, not on the strip owned by the State of Indiana. They wouldn't touch it; they would just need it considered their frontage.

Attorney Biege stated that is the problem. They don't "consider" frontages. It is either a frontage or it's not. Essentially they are asking for fifty feet (50') of road frontage.

Dwayne Hogan stated that's what it boils down to. The State could still do whatever they want with that one-fifty (150').

Greg Szybala asked how wide the strip is.

Adam Koronka stated it is twelve feet by one-hundred and sixty feet (12' x 160'). It is a sliver.

Attorney Biege asked Leah Rice if the State of Indiana wants to sell it. It looks like a remnant from something else and they might want to just get rid of it.

Leah Rice stated she sent the variance notice to the State of Indiana.

Attorney Biege stated that his experience has been that if the State has a remaining strip, a lot of times they just want to just get rid of it and it would make this a lot easier for her. It would make this approval a lot easier because she's not looking at fifty feet (50'), she would be looking at one-hundred and seventeen feet (117'). Just a thought.

No remonstrators present.

Adam Koronka asked Attorney Biege if they are able to make a motion and vote on a motion with the requirement that some action be taken with the exempt property from the state.

Attorney Biege stated they can, but there is no enforceability to it. Essentially, if they are going to decide tonight, they are deciding if they are going to give her a fifty-foot (50') access.

Glen Minich stated she doesn't really need a variance otherwise.

Attorney Biege stated he is not suggesting they vote a certain way, but if they were to vote it down, they could allow her to come back with no limit because that would give her a chance to talk to the State of Indiana too and she wouldn't have to wait a year.

Glen Minich stated rather than table it, he is suggesting they vote whichever way they vote.

Attorney Biege stated yes. His dealings with the State of Indiana can be quick or really slow. Sometimes it needs to be appraised and have to jump through some hoops. He suggests if they do that to get a lawyer to help them with it.

Dwayne Hogan stated it is a process. Definitely get counsel.

Attorney Biege stated if they table it tonight, it could be sitting there for a year.

Dwayne Hogan stated if they vote it down, she can come back after an unspecified time.

Attorney Biege stated they could make it a condition of the denial that way they aren't holding her up when she gets it.

Glen Minich made a motion to deny the Petition for Variance of Developmental Standards for Edward and Debra Kammath (seller) and Leah Rice (buyer) to split parcel into two (2) parcels. One (1) parcel will be two (2) acres and two hundred feet (200') of road frontage and the other with four-point-five-nine-three (4.593) acres and with approximately one hundred and seventeen feet (117') of road frontage instead of the required two hundred feet (200'). The petitioner may repetition after sixty (60) days. The property is located between 5952 and 5852 W. Hwy 6, Union Mills, IN., Noble Twp., zoned A on 6.593 acres. Parcel 46-14-06-100-012.000-056.

*Motion dies due to lack of a second.*

Adam Koronka made a motion to approve the Petition for Variance of Developmental Standards for Edward and Debra Kammath (seller) and Leah Rice (buyer) to split parcel into two (2) parcels. One (1) parcel will be two (2) acres and fifty feet (50') of road frontage instead of the required two hundred feet (200') and the other with four-point-five-nine-three (4.593) acres and with approximately one hundred and seventeen feet (117') of road frontage instead of the required two hundred feet (200'). Petitioner must follow up with the State of Indiana about acquiring the land to take road frontage from fifty feet (50') to two hundred feet (200'), otherwise motion is null and void. The property is located between 5952 and 5852 W. Hwy 6, Union Mills, IN., Noble Twp., zoned A on 6.593 acres. Parcel 46-14-06-100-012.000-056.

Greg Szybala seconded.

All Approved. Motion carries 4-0.

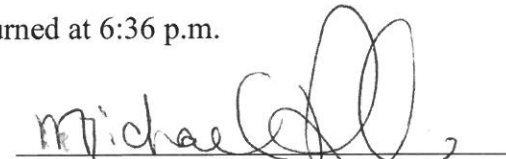
**7. Petition for Variance of Developmental Standards for Shellie Criggley** for moving parents' mobile home to property, to care for them as they are elderly. This would be a second (2nd) dwelling for temporary use. The property is located at 773 W. 350 N., LaPorte, IN., Center Twp., zoned A on 2.752 acres. Parcel 46-06-13-100-055.000-042.

**POSTPONED**

Dwayne Hogan asked if there is any further business before the Board this evening.

There being no further business, meeting adjourned at 6:36 p.m.

  
Melissa Mullins Mischke, President

  
Michael Polan, Recording Secretary