

004.000-055; 46-12-08-100-002.000-055; 46-12-08-200-007.000-055.

POSTPONED

2. Petition for Variance of Use for Cecil Pryor III for a residential assisted living with a maximum of four (4) residents. The property is located at 5493 N. Hwy 35, LaPorte, IN., Springfield Twp., zoned R1B on 1.15 acres. Parcel 46-06-06-276-005.000-062.

POSTPONED

3. Petition for Variance of Use for Abraham Aboma for conducting a trucking business, with a pole barn, for the storing the trucks and an office building. The property is located north of 5301 N. 600 W., Michigan City, IN., Springfield Twp., zoned R1B on 4.514 acres. Parcel 46-06-06-302-002.000-062

Attorney Biege stated notice is adequate.

Abraham Aboma stated his address is 808 W Junior Terrace, Apt 306, Chicago, IL 60613. The address location is north of 5301 N 600 W, Michigan City, Springfield Township.

Melissa Mullins Mischke asked about his intent for the trucking company.

Abraham Aboma stated he has two (2) trucks already on the lot. He is here to get the variance because he would need a place to pull off to park so that is what he would do there. He got that place on the roadside so there wouldn't be a lot of noise for the neighbors. The office would be on the side. The trucks would pull up and be in the back.

Melissa Mullins Mischke asked how many trucks total would there be.

Abraham Aboma stated four (4) trucks.

Greg Szybala asked if they are tractor trailers. Are the semis?

Dwayne Hogan stated eighteen (18) wheelers.

Abraham Aboma stated yes.

Melissa Mullins Mischke asked if he intends to work on the trucks at that location.

Abraham Aboma stated no. No mechanics, just storage.

Melissa Mullins Mischke stated they come in during the evening and head back out in the morning.

Abraham Aboma stated yes.

Melissa Mullins Mischke asked what kind of hours of operation will he have.

Abraham Aboma stated they leave around 5 a.m. and get back around 9 p.m. to park.

Remonstrators:

Michael Polan stated he did receive a written remonstrance that was supplied to the Board.

Richard Sosnowski stated his address is 5301 N 600 W, Michigan City, IN. He has several concerns. Most importantly, he is concerned about the noise. It is a dead-end road. It's not even a road actually. He just purchased the property and he had no idea there would be semis running in and out of there at 5 in the morning and 9 at night. He had no idea. There is also a ditch creek that runs through there. A week ago, the creek was being stocked with salmon. He stopped and talked with the DNR and it is an active live ditch that runs through there. He talked to Marty at IDEM who understands his concerns, but they don't police anything until after the fact. Marty said he has nothing to do with zoning or permits and he understands that. He spoke to the drainage board and they understood his concerns also, but there was nothing they could do until there were a lot of residuals that happen with a trucking outfit with heavy equipment and such. He's been in heavy construction his whole life. He understands all that. His wife is disabled. They bought the place because it was secluded and she has a sleep disorder of all things which is the most inconvenient thing. Looking through this from the zoning appeals procedure, he had never gotten any formal notification at all as to where it was going to be. He spoke to Janet twice; she said he should have received something. He did not. He asked about something from the petition as to how many trucks were going to be there and what kind of a site plan. Janet said they didn't have any of those things. He's perplexed.

Melissa Mullins Mischke asked Attorney Biege if he was on the notification list.

Attorney Biege stated he had proof of the attempted certified mail.

Richard Sosnowski asked how they could attempt it and he didn't get it.

Attorney Biege stated he's not the US Postal Service.

Richard Sosnowski stated he should've gotten a green card.

Attorney Biege stated the requirement is that they attempt notice.

Richard Sosnowski stated he understands, it just perplexes him why he didn't get anything because he is there everyday and he didn't get anything on his door that said they tried to get ahold of him. He understands he doesn't have the answer.

Melissa Mullins Mischke stated she is glad he was able to make the meeting so they can at least hear what his plans are, how many trucks, things of that nature, and have his concerns addressed if possible.

Melissa Mullins Mischke asked Attorney Biege about her Beacon print out showing a different owner than Abraham Aboma.

Attorney Biege states they may want to inquire as to when he purchased it. Beacon sometimes runs one (1) cycle behind, so in other words the County records, if there is a transaction during this year sometimes they don't get changed until after March of next year.

Glen Minich stated he just looked on Beacon and he is the owner of record as of September.

Melissa Mullins Mischke stated she had the wrong piece of paperwork. She asked Abraham Aboma to approach and show the board where he intends to put the office and trucks on the aerial.

The Board deliberates with Abraham Aboma.

Glen Minich stated Richard Sosnowski stated there is a stream that runs through the parcel; it is directly through the middle.

Abraham Aboma stated that is not it. It's on the side of the property.

Dwayne Hogan asked what hours of operation is he looking to have.

Abraham Aboma stated office hours would be 9 a.m. to 5 p.m.

The Board continues to deliberate.

Adam Koronka made a motion to deny the Petition for Variance of Use for Abraham Aboma for conducting a trucking business, with a pole barn, for the storing the trucks and an office building. The property is located north of 5301 N. 600 W., Michigan City, IN., Springfield Twp., zoned R1B on 4.514 acres.

Dwayne Hogan seconded.

Approved. Motion carries 5-0.

4. Petition for Variance of Developmental Standards for Shari Nowatzke for placement of self-contained tiny homes with two (2) now and up to the maximum of five (5) tiny homes. The property is located west of 9655 W. 200 N., Michigan City, IN., Coolspring Twp., zoned R1A on 7.34 acres. Parcel 46-05-21-376-013.000-046.

POSTPONED

5. Petition for Variance of Use for LLW, Inc./Robert Gerick (owner) for operating a small business (insurance, real estate, coffee shop, or an apparel store). The property is located at 7421 W. Johnson Rd., Michigan City, IN., Coolspring Twp., zoned R1B on .47 acres. Parcel 46-05-11-405-004.000-046.

Attorney Biege stated notice is adequate.

Robert Gerick stated his address is 3238 S 150 E, LaPorte, IN.

Melissa Mullins Mischke asked when he obtained the property.

Robert Gerick stated late November. It was too late to file for the November meeting so he came to this meeting.

Melissa Mullins Mischke asked what kind of business he wants to put in there? Insurance? Real Estate?

Robert Gerick stated he is looking to have the option available to him. He is zoned R1B right now as they know. At this point, he can only rent it out as a family dwelling of some sort. He would like the option to be able to have a clean type business like a real estate company or an insurance provider to lease that space instead of leasing it as a home or private facility. At some point in the past, he's not sure what it was, but there was a business operating in that facility. The front yard is an asphalt parking lot. One side has entry/exits signs on the inside of the facility. It is in a terrible state of disrepair right now. It was a HUD foreclosure so he can't tell what they did in it, but they will be demolishing some of the unsafe parts of the building. He is looking for that operation. The real estate company he works with stated there is a bit of a need for smaller square footage commercial type space in the area; it's hard to find right now. This could be a nice opportunity for a small business to build up and have an opportunity to rent a space that is affordable.

Dwayne Hogan stated he agrees with that. It is hard to find small good places to have a business, but which business would he put in here of the four (4) mentioned. He couldn't put all four (4) in there.

Robert Gerick stated no, he just wants to market the space available and see what kind of takers there are. He wouldn't know who would respond at this point. Obviously, an insurance company would be ideal for that spot. It is a nice frontage and there is a lot of traffic between Paks Road and 400 N.

Dwayne Hogan stated he understands what he's doing. He's kind of fishing to see what would fit best there, but that could fit a lot of different things there, some of which the County would not approve of. Some would say it could be a good spot for a book store, but they don't need anymore book stores or anything like that in this town.

Robert Gerick asked if there is an exclusion list that has ever been talked about. Sometimes there's a variance or a usage denial of certain businesses.

Melissa Mullins Mischke stated depending on the use, the type of business would warrant different questions from them. In her opinion, there is not enough parking there or egress/ingress of Johnson Road safely for too many vehicles to be there at any given time. That is a safety

concern. If it's going to be an insurance company and there are like two (2) people, that would be different. See, the questions would be different for different businesses and hours of operation would differ depending on the type of business that would be operating.

Attorney Biege stated he sees what Robert Gerick is trying to do, but a zoning appeal or zoning variance deals with a specific item. It sounds like he wants to change the zoning of the property, which he can do with the Plan Commission. B1, 2, and 3 have certain categories as to what business can be conducted there, but the Zoning Board is a specific request type entity.

Robert Gerick asked if he could go ahead and do renovations and come back with a particular tenant that is interested, is that the way to do a usage variance?

Attorney Biege stated yes.

Dwayne Hogan stated with the tenant. It could be an ice cream shop.

Robert Gerick stated correct. That may be simpler.

Attorney Biege stated that's exactly how he can do it with the BZA. Keep in mind, that if that business ceases to operate and they have a different kind of business come in, he'll have to come back in and ask for a variance for that.

Robert Gerick stated he understands. That may be easier than trying to get a zoning change.

Attorney Biege agreed.

Robert Gerick stated he isn't sure how easy it would be to get a zoning change for that building.

Attorney Biege stated it would probably be tough because it's just the one (1) parcel. He sees where he's coming from. There's just no way for him to draft something to give him a variance because the way the statute is set out, they have to go through specific items and those are based on what type of business is there. That's how they make their decision.

Robert Gerick stated they can't do it for an insurance or real estate provider. Those are the two (2) types of businesses. He couldn't get a usage variance for that very specific limited scope?

Attorney Biege stated that is up to the Board, but they could restrict it to in-office operation with limited parking to X. Other than that, they are going to have to be that specific so he will have to be limited as to who he can market it to.

Dwayne Hogan stated they can't just give him carte blanche give him a ticket to say yes, do a business.

Robert Gerick stated he understands what he's doing. If they could grant a very limited scope like that then he could probably find a tenant that would fit, but if not then he could come back

and apply with the specifics that they need. At least that way, he has the ability to fit it out as commercial.

Melissa Mullins Mischke stated it may be within his best interest to repetition with a specific use and a specific business.

Robert Gerick asked if he had a State Farm business ready to lease, is the likelihood that he would have a use variance granted for that type of an example by this Board or not.

Attorney Biege stated he will answer that because the Board cannot. Johnson Road has evolved over the last couple of decades. It's not grandfathered in because whatever business was there has ceased to exist, but from what he has observed from being the BZA Attorney for he doesn't know how long, probably too long, is that he probably has a pretty good shot.

Robert Gerick stated that's all he needed to know. That helps with where and how they will spend the money. Robert Gerick stated he will withdraw rather than have a denial. He will reapply and appreciates the education because it helps him with the direction of the building at this point.

6. Petition for Variance of Developmental Standards for Andrew and Lindsey Cooper for construction of a two-story addition with a side setback of seven feet (7') instead of the required ten feet (10'). The property is located at 350 Oak Drive, LaPorte, IN., Center Twp., zoned R1B. Parcel 46-06-27-327-002.000-042.

Attorney Biege stated on notice the publication is adequate.

Andrew Cooper stated his address is 350 Oak Drive, LaPorte, IN.

Melissa Mullins Mischke asked what needs arises that they need to do this two-story addition that will be closer than ten feet (10').

Andrew Cooper stated his family moved back here in 2018. His wife had grown up here and they had lived in Indianapolis for a while. The house they bought had enough space at the time, but now that their kids are getting older, they both work from home now, the additional space would allow them to have an extra bedroom so they each have their own dedicated working spaces and allow them to add a laundry room which the house currently doesn't have which for a family of five (5) is a nuisance. It will make the amount of time spent in the house more comfortable for them with their current living arrangements.

Melissa Mullins Mischke asked what the side setbacks were when he purchased the property.

Andrew Cooper stated they were the same. The house was constructed there in 2007. The existing house is about seven feet (7') from it. When they finally got the addition staked out, it looks like the furthest corner is going to be about six and a half feet (6'6") from the property line, but that's just where the existing lines lay from where the house already was.

Greg Szybala stated his intent is that the side setbacks will remain the same. He will come off the side of the house.

Andrew Cooper stated yes, they are coming off the corner and extending the wall out further.

No remonstrators present.

Adam Koronka made a motion to approve the Petition for Variance of Developmental Standards for Andrew and Lindsey Cooper for construction of a two-story addition with a side setback of seven feet (7') instead of the required ten feet (10'). The property is located at 350 Oak Drive, LaPorte, IN., Center Twp., zoned R1B.

Dwayne Hogan seconded.

Approved. Motion carries 4-1.

7. Petition for Variance of Developmental Standards for Heather M Sebert and Kevin Ellingson JTWROS for construction of a garage placed in front of the home and to be built before the home. The property is located at 287 E. Murray Rd., LaPorte, IN., Kankakee Twp., zoned R1A. Parcel 46-07-06-300-025.000-052.

Attorney Biege stated notice is adequate.

Kevin Ellingson stated his address is 3020 Mayfield Way, Long Beach, IN.

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

Kevin Ellingson stated they bought the property a year ago New Year's Eve. That's when they closed on the property.

Melissa Mullins Mischke asked if they will be living in the dwelling.

Kevin Ellingson stated yes, both Heather and he will be living there once they can start construction next year.

Melissa Mullins Mischke stated they are going to put the garage up first.

Kevin Ellingson stated correct, to help facilitate some of the material purchases. They all know that in the construction business right now, the prices are very volatile right now. They are wanting to put up the unattached garage while also purchasing some of those things ahead of time to help keep building costs low.

Melissa Mullins Mischke asked if they have a contractor doing the building for them.

Kevin Ellingson stated he is originally from Michigan where he was a contractor for almost twenty (20) years before he got out of the business when the economy did what it did and he changed careers.

Dwayne Hogan stated he will be doing it.

Kevin Ellingson stated the majority of the work, yes. They cut down some trees as well. Some of them were very tall.

Adam Koronka stated he has a good amount of lumber sitting out front right now.

Kevin Ellingson stated they do. They have some people that are going to come take it off their hands.

Melissa Mullins Mischke asked if the garage will have electric, water, and sewer.

Kevin Ellingson stated just electric. It will be more for storage. He has an old car that will be in there and it's more for personal use honestly. The property is very unique. It has a weird triangular shape to it and there are easements on two (2) sides that are fifteen-foot (15') so the lot goes up steep in the back. They're going to put the house back in that back corner.

Melissa Mullins Mischke stated they are only storing building materials and at no time will they be living in the garage.

Kevin Ellingson stated absolutely not. They have a nice leased place in Long Beach that they will be much more comfortable in for the duration of construction.

Melissa Mullins Mischke asked how long does he think construction might take.

Kevin Ellingson stated the garage will probably be two to three (2 – 3) months once the weather breaks.

Melissa Mullins Mischke asked when they anticipate moving into the house.

Kevin Ellingson stated Heather would like to be in by Christmas next year. That's the goal at the end of the day.

Melissa Mullins Mischke stated very good.

Greg Szybala asked if the plans are already picked out.

Kevin Ellingson stated yes. They already have approval from their homeowner's association. He's spoken to some of the neighbors about the garage because he was concerned about it being located in front and he plans on putting some pine trees in front so it is screened from the road. When people drive by, they won't see a side of a garage sticking out. In his past life, he was very attentive with his customers to make sure things looked nice when they're done. It is a very nice

subdivision that they are going to move into and they have some great neighbors. They want to get along, fit in, and enjoy the property out there.

No remonstrators present.

Greg Szybala made a motion to approve the Petition for Variance of Developmental Standards for Heather M Sebert and Kevin Ellingson JTWR0S for construction of a garage placed in front of the home and to be built before the home. The property is located at 287 E. Murray Rd., LaPorte, IN., Kankakee Twp., zoned R1A.

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

8. Petition for Variance of Developmental Standards for Craig De Valle, Living Trust for construction of a home in M1 zoning and nine-hundred and sixty square feet (960²) instead of the minimum required one-thousand square feet (1,000²). The property is located at 566 S. Holmesville Rd., LaPorte, IN., New Durham Twp., zoned M1 on 102.97 acres. Parcel 46-09-04-300-016.000-027.

Attorney Biege stated notice is adequate.

Andy Skwiat stated he is with Marquiss Electric and he is there on behalf of Dr. De Valle. IF the Board approves the request, they would be the builder. They would be the contractor for him so he is present on his behalf.

Melissa Mullins Mischke stated she likes the proposed plan. It's a cool structure, but they can't squeeze the extra square footage in there?

Andy Skwiat stated that they didn't know about the square footage requirement, so Craig De Valle had placed the order for the structure to be fabricated before they knew about the requirement so the structure was in the process of being fabricated. They went to apply for the permit and they found out about the requirement so here he stands before them.

Andy Skwiat supplied building costs of the home to the board.

Andy Skwiat stated the cost presented is without foundation, septic, electric, nothing. He could have built a much bigger house.

Greg Szybala stated they're in the wrong business.

Andy Skwiat stated that even though it is minimal square feet the value is there.

Dwayne Hogan stated it's some pretty serious cash for that.

The Board deliberates about the location of the new home.

Andy Skwiat stated there was an old residence on the property when he purchased it, the old homestead. That was demolished and the new structure will be right where the old residence was; pretty close to it.

Dwayne Hogan stated they see the hole in the pictures.

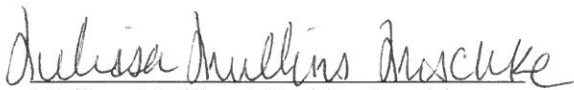
No remonstrators present.

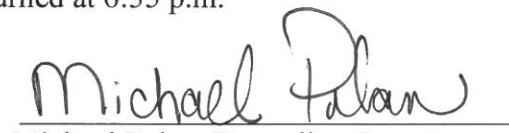
Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for Craig De Valle, Living Trust for construction of a home in M1 zoning and nine-hundred and sixty square feet (960²') instead of the minimum required one-thousand square feet (1,000²'). The property is located at 566 S. Holmesville Rd., LaPorte, IN., New Durham Twp., zoned M1 on 102.97 acres.

Greg Szybala seconded.

All Approved. Motion carries 5-0.

There being no further business, meeting adjourned at 6:35 p.m.


Melissa Mullins Mischke, President


Michael Polan, Recording Secretary