



**LAPORTE COUNTY  
BOARD OF ZONING APPEALS**

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

June 21<sup>st</sup>, 2022

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **June 21<sup>st</sup>, 2022, at 6:00 p.m.** in the Assembly Room of the County Complex.

MEMBERS PRESENT:      Melissa Mullins Mischke      Dwayne Hogan  
                                 Glen Minich                                   Adam Koronka

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

The Pledge of Allegiance.

Melissa Mullins Mischke stated please turn the volume off on your cellphones. Remonstrance is their opportunity for public comment. There will be no other comments unless they are here to remonstrate for or against a petition.

**APPROVAL OF MINUTES:**

Melissa Mullins Mischke asked for approval of the meeting minutes of May 17<sup>th</sup>, 2022.

Adam Koronka made a motion to approve the meeting minutes of May 17<sup>th</sup>, 2022 as presented.

Dwayne Hogan seconded.

All Approved. Motion carries 4-0.

**Petitions:**

**1. Petition for Variance of Developmental Standards for Kevin Schascheck** for construction of an addition with a 5' side setback instead of the 10' required and a front setback of 20' instead of the 25' required. This property is located at 1318 Shady Ln., Walkerton, IN., Lincoln Twp. zoned R1B. Parcel 46-12-20-255-031.000-055.

Attorney Biege stated notice is adequate.

Kevin Schascheck stated his address is 1318 Shady Lane, Walkerton, IN.

Melissa Mullins Mischke asked what is unique to his property that requires these setbacks.

Kevin Schascheck stated currently the house doesn't have a garage. They live there full time. With the addition of the garage, he is looking to add this to the front and side of the house and he thinks it is the best fit for use of the property. He has looked at other configurations and this is the one (1) that makes the most sense.

No remonstrators present.

Adam Koronka stated with the addition of the garage, how much affect is it going to have on living space? Addition, removal, replacement and that sort of thing.

Kevin Schascheck stated there would be an addition to living space. Currently the house is approximately a little over nine hundred square feet (900<sup>2</sup>). The addition by putting the garage where it is, there would also be a room addition to the rear that would give them an additional bedroom and bathroom. It would turn it from a two (2) bedroom to a three (3) bedroom house and an additional square footage living space.

Adam Koronka asked how many square feet are they adding.

Kevin Schascheck stated they are looking at adding four hundred square feet (400<sup>2</sup>) to the back side and then roughly another one hundred and fifty square feet (150<sup>2</sup>) to the front.

Adam Koronka made a motion to approve the Petition for Variance of Developmental Standards for Kevin Schascheck for construction of an addition with a 5' side setback instead of the 10' required and a front setback of 20' instead of the 25' required. This property is located at 1318 Shady Ln., Walkerton, IN., Lincoln Twp. zoned R1B.

Dwayne Hogan seconded.

All Approved. Motion carries 4-0.

**2. Petition for Variance of Developmental Standards for Tim Kolar (lessor) and White Oak Farm Properties LLC (lessee)** for an off premise directional sign. The property is located at 6713 N 525 W., Michigan City, IN., Springfield Twp., zoned R1B on 23 acres. Parcel 46-02-31-226-003.000-062.

Attorney Biege stated notice was adequate.

Rebecca and Greg Engstrom stated their address is 5766 Warnke Rd., Michigan City, IN.

Melissa Mullins Mischke asked what party they are representing.

Greg Engstrom stated White Oak.

Melissa Mullins Mischke stated Tim Kolar isn't here.

Rebecca Engstrom stated no. He already signed the paperwork.

Melissa Mullins Mischke asked how large of a sign they are intending to put up.

Rebecca Engstrom stated it is a smaller directional sign. It's called a trailblazer sign. They have been working with INDOT and they want to put the signage on 94. So, they need the sign on 94, again on 20, and then on 525 they have to have a trailblazer sign. If they don't get the trailblazer sign, they can't get the ones on 94 and 20 to direct their clients and their guests to the venue.

Dwayne Hogan asked what the size of it is.

Rebecca Engstrom stated it's about eight feet (8') tall. There are photos in the petition with the actual dimensions.

Adam Koronka stated it is twenty-four by eighteen (24" x 18") on a blue background on a thirty by thirty (30" x 30") panel.

No remonstrators present.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for Tim Kolar (lessor) and White Oak Farm Properties LLC (lessee) for an off premise directional sign maximum 30" x 30" panel 24" x 18" sign unlit. The property is located at 6713 N 525 W., Michigan City, IN., Springfield Twp., zoned R1B on 23 acres.

Adam Koronka seconded.

All Approved. Motion carries 4-0.

**3. Petition for Variance of Developmental Standards for Dennis Stewart** for construction of a pole barn in the front of the home instead of the rear. Also, with a height of 24' instead of the maximum 18'. The property is located at 4335 N. US 35, LaPorte, IN., Center Twp., zoned R1B on 2.005 acres. Parcel 46-06-09-301-003.000-042.

Attorney Biege stated notice is adequate.

Dennis Stewart stated his address is 4335 N US 35, LaPorte, IN.

Melissa Mullins Mischke asked what is unique to this barn on his property that they need to make the height taller than the requirement.

Dennis Stewart stated there was some confusion on how they judge the height. It was told to him that it is halfway between the eave and the peak and it's not the actual peak so he was a little confused on what that measurement was. It's supposed to be a maximum of eighteen feet (18'), but he's not sure. He needs a sixteen-foot (16') eave height to get a large motor home in there and a hoist.

Dwayne Hogan stated yes, he would need sixteen-foot (16').

Adam Koronka asked what the nature of the hoist is. Is it for a business?

Dennis Stewart stated no, it's for personal use.

Melissa Mullins Mischke stated the reason he is not going to the northwest is because of the septic field being in that area.

Dennis Stewart stated yes.

Dwayne Hogan asked what the overall size of the pole barn.

Dennis Stewart stated forty by sixty (40' x 60').

Dwayne Hogan stated he thinks that's big enough with at least eighteen feet (18') with the RV.

Dennis Stewart asked how is the eighteen feet (18') measured? Can he get clarification on that?

Ashley Kazmucha stated the Department recently found research that it is the halfway point between the wall height and the peak.

Dwayne Hogan stated the wall height and peak of the angle.

Ashley Kazmucha stated yes. It is the center point is the measurement that is the max.

Dennis Stewart asked why they would care about the center point and not the overall height if that's the requirement?

Dwayne Hogan stated the bottom would be the bottom of the truss then right.

Michael Polan stated roughly. Once they found how that works in the code, they have created a handout that they can pass out to the public so it will be easier to understand.

Dwayne Hogan stated without the variance the max is eighteen feet (18').

**Remonstrators:**

Debra Wells stated her address is 4363 N 400 W, LaPorte, IN. Her property is right next to Dennis' and where he is building this shed is right by her driveway and the way the angle of their road is, it is not a straight shot. They have problems now turning off of 35 onto their road for cars not seeing what is going on. They even have their own problems backing out of their drive and she's not sure what obstruction the shed is going to cause for people off of 35 to turn in or for them getting out of their drive to see the traffic that is actually turning onto 35.



Melissa Mullins Mischke asked if she is on 400.

Debra Wells stated yes.

Newell Fredline stated his address is 4385 N US 35, LaPorte, IN. His concern is the location of the building Dennis plans to put up. They have eight (8) school busses that use that highway and that road every day. Being that close to the highway is going to make it almost impossible for the bus drivers to see the oncoming traffic whether they are getting onto 35 or trying to cross it. He has two (2) acres there. He doesn't know why he can't set it back.

Melissa Mullins Mischke asked to talk about the reasons the barn isn't going behind the house. They know the septic is to the northwest.

Dennis Stewart stated the underground utilities for the electric and natural gas run across the best possible place for it. Behind that is a tremendous elevation change that would require extensive dirt work and a retaining wall to keep the remaining part of the hill from sliding off. It's just not cost prohibitive to do it that way. As far as the building being close to 35, it is twenty-five feet (25') off of 400 to the center of a five-foot (5') tall berm and then another ten feet (10') passed that to the side of the building would be. He doesn't know how it would be an obstruction or they wouldn't be able to see traffic. It is fifty feet (50') away from 35.

Glen Minich stated he can see the remonstrators' point. It is going to be blocking the view of 400 quite a bit. The way it's angled it's kind of hard when it comes up to a road that isn't flat against the highway.

Adam Koronka stated it depends. The sketch shows a partial plat so it doesn't show the entire plat so they don't really understand how far off of 35 it is. How far off of 35 is the nearest point of the building?

Dennis Stewart stated it is more than fifty feet (50') at least. Maybe sixty-five feet (65').

Michael Polan stated they went to the site to take pictures and do an inspection. Where it is marked at the physical location does not quite match up to what is on the drawing. They used what was physically on the site as well as paced it off. He checked the line of sight from the stop sign on 400 to make sure cars pulling up to the stop sign would have an unobstructed view of traffic on 35.

Dwayne Hogan stated they do.

Michael Polan stated they do if they are coming up to the stop sign to turn onto 35. That was the only line of sight he checked though.

Dwayne Hogan stated that makes more sense now; that's why it doesn't match up.

Adam Koronka stated Ashley just gave him an approximation of the location from what they witnessed.

*Adam Koronka shows the visual to the other members.*

Melissa Mullins Mischke asked if he saw that at the site.

Adam Koronka stated yes. Are there any other variances on the property for the shipping container that is currently on the west end of the property.

Michael Polan stated not that he is aware of and they did not discover it until they went to the property to check it out. The homeowner came out while they were there. They asked him about it and he said he was using it for building materials for the project. He would add that there is a fairly large berm along 400 which could also be considered as obstructing the line of sight, but there is plenty of room passed that pulling up to the stop sign to see around the berm. His understanding is that the proposed structure would sit even further back than the berm.

Dennis Stewart stated the berm is roughly one hundred and twenty feet (120') long by four and a half feet (4½') tall. It was put there solely to keep people from driving through the yard turning off of 35 onto 400. It is a deterrent.

Melissa Mullins Mischke asked if they are going to require him to come back for a variance on the storage container.

Michael Polan stated that is up to them and they could ask how long it will remain there if it's temporary.

Dennis Stewart stated as soon as the barn is built the container will go away.

Melissa Mullins Mischke stated her concern is that it wasn't published with the petition. The notice is not out for everyone that he wants to keep the storage container for a period of time and put the building there.

Dennis Stewart stated he wasn't aware that there had to be one (1).

Melissa Mullins Mischke stated indeed, there is. Do they want to table this petition until next month when he can readvertise for the storage container and for the height and location of the structure all at one time or re-file for the second petition?

Attorney Biege stated he could re-file for the second petition, but they can still decide on this one (1) if they want.

Glen Minich asked if there is any thought of removing that berm. Did he put that there?

Dennis Stewart stated yes.

Glen Minich stated it could be lowered substantially so a car could have a better line of site coming off 400 to Highway 35.

Dennis Stewart stated there is no line of sight issue with the berm. It is far enough off of the road.

Michael Polan stated he went to where the stop sign is and they could see. The third car back at the stop sign won't be able to see around the berm, but if they pull up to the stop sign facing straight on to 35, they can see. Also, in Section 16.09 in the JZO it does list semi-trucks, shipping containers and construction equipment and it refers to them being allowed to remain on any property during construction while in use for a construction permit.

Dwayne Hogan stated for consistency purposes, they have always required that shipping containers have a variance. It keeps it tighter.

Melissa Mullins Mischke stated she has not approved one (1) without a variance.

Dwayne Hogan stated they should keep the variance standard for that. They don't want to open up the door for them.

Adam Koronka recommended that they table based on clarification of placement of the actual building relative to the sight lines for 35 in order to have more information and judge based on the concern for the intersection.

Adam Koronka made a motion to table to the July Meeting the Petition for Variance of Developmental Standards for Dennis Stewart for construction of a pole barn in the front of the home instead of the rear. Also, with a height of 24' instead of the maximum 18'. The property is located at 4335 N. US 35, LaPorte, IN., Center Twp., zoned R1B on 2.005 acres.

Dwayne Hogan seconded.

All Approved. Motion carries 4-0.

Adam Koronka stated for clarification, what he is asking for is where are the actual sight corners and publish that to a drawing so they have something clearer to judge from when it comes to the actual intersection of 35 and 400. That seems to be the biggest sticking point right now that they are trying to mull over.

Dennis Stewart asked if they are going to send somebody out to do that or does he have to provide something to them.

Adam Koronka stated for legality's sake, what do they need to have?

Dennis Stewart stated he thought pictures were taken when Michael Polan was there.

Melissa Mullins Mischke stated they are probably going to get in touch with Sheriff Boyd too and see what kind of accidents have occurred in the area.

Michael Polan stated he recommends that he provides an updated site plan to his office, contact Ashley in the office, and they need to take care of the publication for the shipping container at the same time. There are a couple things they need to go over. Contact the office and they will walk him through getting the publication and also an updated site plan from him so the Board has a better idea of sight lines and where the actual placement of the building is. Also, make sure that it is still physically marked on the site where the foot print of the structure is.

**4. Petition for Variance of Developmental Standards for Dennis Traub Jr., Lisa M Traub, and Lynn Latchford** for splitting property into 2 parcels (7.9 ac and 2.5 ac). One parcel will have 143' of road frontage and the other 200' of road frontage. This property is located between 119 and 121 N. 600 E., LaPorte, IN., Wills Twp. zoned A on 10.4 acres. Parcel 46-08-31-300-020.000-068.

Attorney Biege stated notice is adequate.

Dennis Traub Jr. stated his address is 8 N. Depot Street, PO Box 333, Rolling Prairie, IN.

Lynn Latchford stated her address is 3801 S. Roadruck Dr., Knox, IN.

Melissa Mullins Mischke asked what brings up the need to split the parcel into two.

Lynn Latchford stated her side would be for her and her dad and she has family out there also for him when she is not there.

Melissa Mullins Mischke asked if it would be the same for Dennis Traub and his wife.

Dennis Traub Jr. stated for his wife and their children, yes.

No remonstrators present.

Melissa Mullins Mischke asked if they would have individual driveways.

Dennis Traub Jr. stated yes.

Melissa Mullins Mischke stated if they approve the petition they need to get in touch with their fire department and make sure that their addresses are clearly labeled on each one since the second home will be set back quite a bit.

Dennis Traub Jr. stated they are going to put the driveways on opposite sides of the property.

Dwayne Hogan stated that does help.

Melissa Mullins Mischke stated very good. Just make sure they are clearly marked and they know they are back there.

Adam Koronka stated it seems straight forward.

Adam Koronka made a motion to approve the Petition for Variance of Developmental Standards for Dennis Traub Jr., Lisa M Traub, and Lynn Latchford for splitting property into 2 parcels (7.9 ac and 2.5 ac). One parcel will have 143' of road frontage and the other 200' of road frontage. This property is located between 119 and 121 N. 600 E., LaPorte, IN., Wills Twp. zoned A on 10.4 acres.

Dwayne Hogan seconded.

All Approved. Motion carries 4-0.

**5. Petition for Variance of Use for Ivan Fedore (seller) and Michelle LeSueur (buyer)** for conversion of the existing church building to a bed and breakfast and a writer's retreat. It is owner occupied. The property is located at 1748 E. 1000 N., LaPorte, IN., Galena Twp., zoned A on 0.5 acres. Parcel 46-03-17-200-006.000-048.

Attorney Biege stated notice is adequate.

Michelle LeSueur and Scott McKenna stated their address is 452 N. Western Ave., Chicago, IL.

Melissa Mullins Mischke stated it reads that it is owner occupied. Who is the owner that is living in it?

Michelle LeSueur stated they would both be moving into it.

Melissa Mullins Mischke stated they aren't living there currently.

Michelle LeSueur stated no, they are not.

Melissa Mullins Mischke asked about the plans for the bed and breakfast and writer's retreat.

Michelle LeSueur stated there are two (2) buildings on the property. There is a six (6) bedroom house though for six (6) bedrooms, it is not large. Then there is the church property which has the chapel and six (6) classrooms, a kitchen, four (4) bathrooms currently, and a community dining area so it is primarily cosmetic. They want to turn the chapel area into a bed and breakfast primarily for people to come and write.

Melissa Mullins Mischke stated she is looking at the address to get a look at where the cemetery is located in relationship to this.

Michelle LeSueur stated it is adjacent to the property. It was probably combined with the chapel at some point, but it is immediately adjacent to the land. It is essentially landlocked. She has spoken with members who oversee the cemetery who may be present that can share their thoughts on this. They have been working with them to ensure that they have full access.

Melissa Mullins Mischke stated currently, access to the cemetery is through their property.

Michelle LeSueur stated absolutely.

Melissa Mullins Mischke asked if they have thought about any kind of access.

Michelle LeSueur stated they have discussed it in full. They will provide an easement for them to ensure that they have access. They feel very strongly that they should codify it to ensure that whoever owns the property moving forward that the cemetery is protected. They want to also give part of the land to the cemetery because the cemetery actually needs a little bit more than what they currently have.

Melissa Mullins Mischke stated she likes to hear that. She hates the word easement. It's like a bad word.

Michelle LeSueur stated the easement has to happen because the building needs it, but there is land that the cemetery needs to operate.

Melissa Mullins Mischke stated there is a long-term goal to alleviate the need for the easement.

Michelle LeSueur stated the access will probably always need to be shared with the chapel property, but the cemetery in conducting burials needs some additional land and the main property does not need that land.

No remonstrators present.

Larry Cadwell stated his address is 3303 E. 800 N., Rolling Prairie, IN. He is the Chairman of the Board of Heckman Cemetery. They did meet with Michelle who agreed to grant a permanent access easement on the east side and approximately eighty-five hundred square feet (8,500<sup>2</sup>) of property that has been used for at least seventy (70) years and probably much longer as part of the cemetery for maintenance, burials, and cemetery visitors. Making that a permanent part of their cemetery is to their advantage and they are in favor of the proposal.

Melissa Mullins Mischke stated they do have a written remonstrance from Edward Ransom and is available in the Building Department if anyone would like to read it. It appears to be not in favor of the bed and breakfast retreat.

Dwayne Hogan stated they answered pretty much everything with making sure the cemetery is going to be protected for the future use. That was the first concern somebody would have; what are they going to do later? That was his concern.

Melissa Mullins Mischke asked if they are going to need a sign?

Michelle LeSueur stated there is currently a sign outside for the chapel so if they did have a sign, they would use that one. It's a six (6) room chapel; they're not doing anything elaborate. To alleviate some concerns, she did receive an email from Warren Ransom who wanted to ensure that the septic was okay. They found that the septic is nearing the end of its useful life so it will



be replaced and will accommodate both buildings as is. They will probably have less use than the chapel did.

Melissa Mullins Mischke asked if they are working with the Health Department on the septic.

Michelle LeSueur stated they are.

Melissa Mullins Mischke stated Glen Minich wants some wordage in motion that the requirement for the easement for the cemetery.

Dwayne Hogan stated for it to stay there.

Glen Minich stated for the easement to be given to the cemetery.

Adam Koronka stated one of the concerns was probably with that corner. How many tenants, boarders, and added traffic will they have coming in and out of the driveway.

Michelle LeSueur stated the idea is for them to live in the house and primarily rent out the chapel. There is potential at some point there would be some overflow into the house, but she would anticipate six (6) cars and six (6) groups on occasion.

Melissa Mullins Mischke stated not more than the church would have had normally.

Michelle LeSueur stated probably not.

Scott McKenna stated there aren't that many parking spots anyway.

Adam Koronka made a motion to approve the Petition for Variance of Use for Ivan Fedore (seller) and Michelle LeSueur (buyer) for conversion of the existing church building to a bed and breakfast and a writer's retreat. It is owner occupied. There must be an easement for continued use of the driveway for access to the Heckman Cemetery. The property is located at 1748 E. 1000 N., LaPorte, IN., Galena Twp., zoned A on 0.5 acres.

Dwayne Hogan seconded.

All Approved. Motion carries 4-0.

**6. Petition for Variance of Developmental Standards for Alila Hollander** for construction of a 30' x 40' pole barn (1,200 sq ft) prior to construction of primary residence. Will serve as workshop and storage for construction of primary residence estimated to begin in 2023. This property is located at 9489 N. 600 W., Michigan City, IN., Springfield Twp., zoned R1B on 10 acres. Parcel 46-02-18-300-011.000-062.

Ashley Kazmucha stated she is getting her notice in late so it needs to be tabled.

Melissa Mullins Mischke asked if she needs tabled for thirty (30) days or the end of the meeting.



Ashley Kazmucha stated next month.

Dwayne Hogan made a motion to table to the July Meeting the Petition for Variance of Developmental Standards for Alila Hollander for construction of a 30' x 40' pole barn (1,200 sq ft) prior to construction of primary residence. Will serve as workshop and storage for construction of primary residence estimated to begin in 2023. This property is located at 9489 N. 600 W., Michigan City, IN., Springfield Twp., zoned R1B on 10 acres.

Adam Koronka seconded.

All Approved. Motion carries 4-0.

**7. Petition for Special Exception for Edward Lake** for raising and keeping twenty (20) chickens maximum. The property is located at 7241 W. 400 N., Michigan City, IN., Coolspring Twp, zoned R1B on 0.866 acres. Parcel 46-05-11-477-006.000-046.

Attorney Biege stated notice is adequate. When people approach for their petitions, please approach him before the podium.

Edward Lake stated his address is 7241 W. 400 N., Michigan City, IN.

Melissa Mullins Mischke asked why he needed twenty (20) chickens. What's the plan?

Edward Lake stated when they filled out the form, the woman in the office asked what the maximum number of chickens they would like and they just threw that number out. He doesn't think they would be starting off with that many at all. She put that out there and he did not have a good estimate at that time.

Melissa Mullins Mischke asked if he's had an idea of how many chickens he would like to start at.

Edward Lake stated maybe a dozen.

Melissa Mullins Mischke asked if they will be all hens.

Edward Lake stated they are planning on doing mostly egg laying hens.

Melissa Mullins Mischke stated they definitely don't want a rooster for that. Does he have children that do 4-H or anything?

Edward Lake stated hopefully pretty soon. They just moved to the area and that is what they are planning to do.

Dwayne Hogan stated it was nice when he was out walking the property the other day. He spoke to his wife and she showed him the location of where they will be which is far enough in the

back and out of the way. He wants to applaud him for asking first to have chickens before just putting chickens out there and asking later. It was done the right way.

Melissa Mullins Mischke stated they get that a lot. Is the run going to movable or stable in one (1) location?

Edward Lake stated he would prefer to have a movable chicken coop, if possible, primarily keeping it further in the back.

Melissa Mullins Mischke asked if he would have netting covering over it protecting them.

Edward Lake stated yes. They definitely need that because there are hawks in the area.

No remonstrators present.

Adam Koronka stated twenty (20) chickens requires less than half an acre.

Melissa Mullins Mischke stated she agrees with a maximum of twenty (20) chickens. That's a lot of chickens though.

Dwayne Hogan stated twelve (12) is a good number to start with.

Melissa Mullins Mischke stated she agrees.

Adam Koronka stated the only other advice he would advise is coming out of the code being about a movable coop and keeping it off the septic field.

Dwayne Hogan stated they have plenty of room back there when they walk from side to side.

Dwayne Hogan made a motion to approve the Petition for Special Exception for Edward Lake for raising and keeping twenty (20) chickens maximum. The property is located at 7241 W. 400 N., Michigan City, IN., Coolspring Twp, zoned R1B on 0.866 acres.

Adam Koronka seconded.

All Approved. Motion carries 4-0.

Melissa Mullins Mischke asked if those are considered urban chickens.

Dwayne Hogan stated yes.

**8. Petition for Special Exception for Gaven Carlson and Brittney Murphy** for keeping and raising a maximum 10 chickens. The property is located at 7678 W. Brookside Court, Michigan City, IN., Coolspring Twp, zoned R1B. Parcel 46-05-11-126-028.000-046.

Attorney Biege stated notice is adequate.

Brittney Murphy and Gaven Carlson stated their address is 7678 W. Brookside Court, Michigan City, IN.

Melissa Mullins Mischke asked what the purpose of the chickens are.

Brittney Murphy stated the chickens are a small hobby flock for the purpose of food stability and health. They started off with a larger number chickens because when they ordered they try to sex them, but they're not always sexed so they did end up with a rooster. He has been relocated and the flock has been downsized to six (6) hens.

Melissa Mullins Mischke stated they have six (6) currently.

Brittney Murphy stated yes.

Melissa Mullins Mischke stated they weren't aware they needed a variance for chickens.

Brittney Murphy stated no. They're first-time homeowners.

Melissa Mullins Mischke asked if they have children that do 4-H as well?

Brittney Murphy stated they have children. Her daughter is in part of her 4-H Program at Discovery Charter School.

Melissa Mullins Mischke asked if she shows chickens.

Brittney Murphy stated not yet.

Melissa Mullins Mischke asked if that is something she might want to do.

Brittney Murphy stated yes. They just now started laying so they are just maturing.

**Remonstrators:**

Steve Florer stated his address is 4955 N Brookside Dr., Michigan City, IN. These are good kids. They get it. Subsidizing income and children in 4-H, they get it. It was a little hectic over there; they were all out in the open. They have since fenced in. What really bothered them was a rooster, but they have since confined them and tightened it up a little bit. He doesn't want goats out there, but they're good kids. They take care of the yard. Recently, he and his wife were talking about possibly refinancing and selling their home. He is sixty-six (66). He isn't sure if he is going to leave. It's harder to find a home than to stay in the one (1) you have. The realtor told him that the chickens have an adverse effect on their real estate if there were farm animals in the neighborhood. It's a really nice neighborhood and it well kept. He's not beating the bush on this. He will leave that to the Board and whoever else comes up and speaks to decide the fate of the chickens. When they moved into the neighborhood, they did know the ordinance. When you

spend two hundred thousand dollars (\$200,000) on something, you want to know what you can do and that's something that should be considered.

Melissa Mullins Mischke asked if it's better now without the rooster and the chickens being contained. He stated they were kind of all free for all with chickens all over.

Steve Florer stated they weren't all over. They had a fence. He would sit in his family room and look out on the chickens running through the yard. As he explained to them coming up to this today is that he inadvertently started this mess. He called to find out what the code was. He was asked what the property was and his property and next thing they have an orange sticker. He apologizes for starting the mess, but here they are. It is cleaned up. The rooster is gone. Anything else?

Melissa Mullins Mischke stated no, thank you.

Nevin McFarland stated his address is 7656 W. Brookside Ct, Michigan City, IN.

Melissa Mullins Mischke asked what his concerns are.

Nevin McFarland stated he has no concerns except maybe a little about property values, but as far as the chickens, no. They have a nice run for them and a nice coop for them. They're both good kids Carlson and Murphy; they're nice people. The chickens don't run wild anymore and he doesn't see any sense in why not, so long as they keep it in good shape and they don't expand to any other animals. It's okay and he lives right next door.

Steve Florer asked if this variance carries over to future residents or does it end with these residents.

Melissa Mullins Mischke stated it is tied to the homeowner. She has heard a lot about goats. She doesn't see anything about goats on her paperwork. Are there plans to put any other animals or livestock?

Brittney Murphy stated no. They have three (3) big dogs and that's it. They have Bernese Mountain dogs.

Melissa Mullins Mischke asked if they will be adding more.

Brittney Murphy stated no.

Dwayne Hogan stated that explains when he was knocking on their door the other day and the dogs were going crazy. That was him out there in the front and he didn't go any further either. He didn't dare look over that fence; he didn't know where they were.

Melissa Mullins Mischke asked what they do with the waste material from the chickens.

Brittney Murphy stated they have a small compost behind the coop. That's where they put the shavings from the coop.

Adam Koronka stated they are currently down to six (6). Is six (6) a workable number? He sees ten (10) listed, but it seems like everybody is happy with where it's at and the state it's at right now.

Brittney Murphy stated they have no plans to get any more. Chickens pretty much max out for laying at five (5) years old. If that were the case, they would probably look at to get a couple chicks to replace them once they stopped laying and were no longer alive, but other than that no.

Glen Minich made a motion to approve the Petition for Special Exception for Gaven Carlson and Brittney Murphy for keeping and raising a maximum 10 hens and no goats. The property is located at 7678 W. Brookside Court, Michigan City, IN., Coolspring Twp, zoned R1B.

Dwayne Hogan seconded.

All Approved. Motion carries 4-0.

**9. Petition for Variance of Developmental Standards for Robert W and Amanda L Mary** to keep 10 hens on less than three (3) acres. The property is located at 5123 W. Indian Trl., LaPorte, IN., Springfield Twp and zoned R1B. Parcel 46-06-06-426-012.000-062.

Attorney Biege stated notice is adequate.

Robert and Amanda Mary stated their address is 5123 W. Indian Trl., LaPorte, IN.

Melissa Mullins Mischke asked how much acreage they have there.

Amanda Mary stated they have less than an acre. It's about a half an acre.

Dwayne Hogan stated there was a petition sent to them with remonstrators with people names on it saying that they are not in favor of it at all.

Melissa Mullins Mischke stated it's against the covenants she believes.

Dwayne Hogan stated yes, that's what it says. It's against the covenants out there. There are several signatures on it; a total of eighteen signatures which is pretty much the whole neighborhood they are in.

Melissa Mullins Mischke asked if they have ten (10) hens currently? No roosters?

Robert Mary stated he thinks this started off because they went to Tractor Supply and bought a few chicks and they got some roosters.

Melissa Mullins Mischke stated that happened to her as well.

Robert Mary stated they spoke to the neighbors directly next to them on both sides and at that time they shared that it didn't really bother them. That was about three (3) years ago, but I guess times change and it began to bother some of the neighbors. After one (1) of their neighbors contacted them and strongly told them he didn't like the chickens and roosters; they got rid of the roosters the next day. They also downsized the chickens. They have ten (10) hens left.

Melissa Mullins Mischke asked if they have children that do 4-H that show chickens.

Amanda Mary stated they are not currently doing that yet, but that could definitely happen.

Dwayne Hogan asked how long they have had the chickens.

Robert Mary stated since 2019 and before the Covid pandemic. They have had them for three (3) years. He apologizes. He initially tried reading the ordinances online for LaPorte County and he saw that chickens were considered domestic animals like dogs and cats so he thought they were good to go. However, that's what he gets for trying to read through it.

Amanda Mary stated no one has ever had a problem. They keep their coops very clean and their hens are very well taken care of.

Dwayne Hogan stated they do have a very nice setup back there.

Melissa Mullins Mischke stated it is a nice coop.

Dwayne Hogan stated he was walking around with her husband the other day who showed him around and it looked pretty nice.

**Remonstrators:**

Harry Hoener stated his address is 5357 N. Verma Dr., LaPorte, IN. His friends call him Skip, his friends that aren't friends call him other names. He's lived in the subdivision since 1976. The covenants that were presented to them at that time in the recorded plat of subdivision of Indian Estates states that there should not be any livestock or poultry contained on the property. They haven't heard the roosters crowing in the last couple weeks, but they explained that. His feeling is that it is a recorded subdivision and they should honor the covenants that are hereby always extended into consecutive ten (10) year periods. He can't understand because it is a recorded document that has the covenants, conditions, and restrictions; it is a public notice. He thinks that they should always follow the restrictions of the covenants. That's his point. Their lot is also point-four-five (.45) of an acre; it's one hundred by two hundred feet (100' x 200').

Melissa Mullins Mischke asked if they have someone that enforces their ordinance for the subdivision.



Harry Hoener stated in the past he has gone to neighbors, and it has been years since they have had this issue, but he would go to the neighbors that had chickens and asked if they knew the covenants didn't allow chickens and they always took care of it and removed them. That hasn't happened this time. He hasn't talked to them; he doesn't know them, but he heard the rooster up until a little while ago.

Melissa Mullins Mischke stated generally speaking, enforcing covenants is civil and not something that Board is going to take into consideration for this decision. Just so they are aware. Those covenants may be enforceable on their side, but don't have a role in their decision-making.

Harry Hoener stated he understands.

Thomas Fletcher stated his address is 5233 N. Verma Dr., LaPorte, IN. His concern is that if this variance is granted, other homeowners within the subdivision would also be looking for variance to add chickens. Then all of a sudden, they have a chicken farm in their subdivision. From his understanding, there are several other chickens in the area and that's not what they moved into forty (40) years ago when he moved out there. That wasn't what they agreed to move into. Somebody also mentioned the septic system. They have septic problems in their area as is because of the clay base. Any new septic systems going in there are all going into the mound system which means there's something wrong in the percolation of the property. With all the chicken waste going through it is not good.

Ross Carter stated his address is 5101 W Indian Trl., LaPorte, IN. He lives next door to the Mary's. They have been doing this for about three (3) years now. There was a discussion at that time. He had a party. Some neighbors came and they did complain. Upon that, he did speak to Mrs. Mary and asked if they applied for any application to do the chickens and her reply was that her husband looked into the ordinance and he figured that they could do what they were doing. He never had any issues, but as time went on, they added more houses for the chickens and now there is a coop. Roosters and fourteen to fifteen (14 – 15) chickens. Upon that, he went to the neighbors again and took a survey and they kept telling him there was an ordinance or covenants. He called and they said they didn't receive anything from Mr. Mary for the chickens. He put together the petition with more than eighteen names on it; out of whole street of eleven houses he got seventy percent (70%) and two (2) neutrals. There may be one (1) that agrees, but he does have the block. The rest of the neighbors that signed are in conjunction around the whole block so he got feedback. He did send each neighbor an invitation along with their variance so that there would be no bias in this situation so each one (1) had a chance could come. There are neighbors present and if the Board would allow instead of them each coming up if they can do a show of hands because they all agree with what everybody said about the septic, the selling, and the acreage. He should've known that Lot 3 wasn't that big, it was misleading. They also don't have a privacy fence. If they have a fence then he wouldn't have to deal with it. The other thing he has to deal with is the chickens and everything else ruining the fence line which is going to start concaving in. He does have a CDC recommendation that has put out a statement on June 9<sup>th</sup> that states that there is an active investigation about a reported two hundred and nineteen (219) illnesses, twenty-seven (27) hospitalizations, and one (1) death in thirty-eight (38) States regarding salmonella. They are saying that these backyard chickens, which is comprised of nine



to ten thousand square feet (9,000<sup>2'</sup> – 10,000<sup>2'</sup>), are over a septic with a swimming pool and dogs. He did another survey between chicken coops and dogs' poop. The common name between them is salmonella. They do have an amount of dogs, approximately five to six (5 – 6), that are allowed to roam with the chickens. He also protests about where he is in his back area is where he does his cooking with his grill in the back. In the last year or two (2), he has experienced more rodents and more foxes. They may have a coop, but they don't have a gate around the coop. They don't even have a fence around that area. It's nine-thousand square feet (9,000<sup>2'</sup>) without a fence around it so they are roaming the whole yard. There are rodents that do live there, but they sleep on a better mattress than he does; they're bringing the chickens' feathers to nest in his grill and around his property. He can't get rid of that. There's nothing he can do about that. As they said, they have lived there for seventeen (17) years and he's been there twenty-one (21) years. The other neighbors have been there for thirty to forty (30 – 40) years under the provision of the covenants. When they signed the deed to buy into that area, they should respectfully abide by the covenants. As they said, it may not be any good and they may have to go to the civil court, but they do ask that the Board does recognize their covenants and their petition and delay their request. They do have neighbors present that could raise their hands instead of having to come up.

Melissa Mullins Mischke stated she would like to see a raise of hands for everyone against it.

*Nine (9) people raised their hands.*

Melissa Mullins Mischke asked who is in favor of the chickens.

*Four (4) people raised their hands.*

Joan Petoskey stated her address is 5141 W. Indian Trl., LaPorte, IN. She is Amanda's neighbor. They love their chickens. They enjoy watching them. She has shared eggs with them. She has a beautiful coop for the chickens that is better than what some children live in. As far as the ordinance goes, she has been in the neighborhood this July 4<sup>th</sup> for forty-eight (48) years. When they moved in, there was supposed to be horse trails and a play ground for the children to play. When that never materialized, she asked Mr. Verma about it who said horses come down the street every once in a while. Amanda's chickens are her pets; she loves them and takes very good care of them. In the winter time, they insulate and run heat. She sees no problem in her keeping her chickens. The neighbor next to her is fine with the chickens staying and the neighbor across from her had to work tonight, but was also in favor of keeping the chickens.

Robert Mary stated they can understand their neighbors' concerns. In regards to the salmonella, they take a common-sense approach to raising their back yard chickens. They keep the coop clean and the run clean which is covered. They make sure that the food is locked away so rodents can't get to it. Are there field mice? He doesn't know where you can go that they will not have field mice? Is there an increase in field mice? He hasn't seen it, but he can't answer for his neighbors. Again, in regards to the salmonella, when they deal with the chickens they clean the eggs, wash their hands if they're not wearing gloves, boots specifically to deal with the coop, and when they give away the eggs, they make sure they are washed. They give eggs to Joan who was just up and Mr. Carter. There have been no cases of salmonella because they care for themselves

as well as their neighbors. As far as the property values, he did a little bit of research before he got the chickens to see if it would diminish the value of his property and it goes back and forth. There are arguments on both sides and there's nothing really conclusive however, what it boils down to is whether or not the coop looks good or not. If it is falling apart or actually taking care of the needs of the chickens. From the pictures, they can see they sent a little bit of money on theirs. Unfortunately, they should have done their research or filed for the variance beforehand and they wouldn't be here today, but they try to keep the peace with the neighbors. They will stick with anything that the Board deems necessary. They do love their chickens and they do everything that they can to take care of their chickens that take care of them. Their yard is fenced in. The hens do not jump the fence; they do not go into anyone else's yard. It was stated the coop is not fenced in, but it is. There is a run that they can be housed in when they are not home so they don't have run of the property.

Melissa Mullins Mischke asked if they've had problems with foxes or other animals getting into their coop in the past.

Amanda Mary stated they did three (3) years ago with a raccoon, but since the coop is now critter proof. She would put a no kill trap to make sure that there isn't anything and she has never had a fox. She's never even had a raccoon in over three (3) years. They don't have any problems with that.

Melissa Mullins Mischke asked what they do with the waste.

Amanda Mary stated they have a compost and a lot of friends with gardens that use it.

Robert Mary stated they have a waiting list.

Glen Minich stated what a nice neighborhood to live in; nobody is attacking anybody personally here. This is just a problem in the neighborhood, but the chickens are allowed to walk over a large majority of their back yard and they're not supposed to be over a septic system. Would the answer be to enclose it more to not let the chickens roam through the whole back yard and make sure they're in a smaller area?

Amanda Mary stated they do have a run off the coop that is fairly sized.

Glen Minich stated perhaps that would suffice for the neighbors as a recommendation in the motion that they cannot be out of their own fenced area, not the whole back yard, and discuss how many square feet that would be so it wouldn't include the septic system.

Robert Mary stated the coop is not over the septic. It is all in the back of the property.

Glen Minich stated but they are traveling over it. A chicken isn't going to be that invasive, but if they isolate the birds more to the center of their lot would be accepted more.

Melissa Mullins Mischke stated she agrees with Glen. Keeping them in a more contained run would keep them away from up where the neighbors' homes are at and where their activities are at.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Robert W and Amanda L Mary to keep 10 hens on less than three (3) acres. The hens need to be contained in their own fenced area that is no larger than two (2) times the coop itself and must be excluded from any septic field. The property is located at 5123 W. Indian Trl., LaPorte, IN., Springfield Twp and zoned R1B.

Adam Koronka seconded.

All Approved. Motion carries 4-0.

**10. Petition for Variance of Developmental Standards for Terry & Donna Bottomlee and Joe Ramirez** for splitting property with the 1 side having 100' of road frontage and the other 85' (100' will be approx. 3.37 ac. and the 85' will be approx. 1.21 ac) and to keep the mobile home on the east side. This property is located at 9415 W. Hwy 2, LaPorte, IN., New Durham Twp, zoned A on 4.576 acres. Parcel 46-09-16-400-023.000-027.

Attorney Biege stated notice is adequate.

Terry Bottomlee stated his address is 9415 W. Hwy 2, LaPorte, IN.

Joe Ramirez stated his address is 9411 W. Hwy 2, LaPorte, IN.

Dwayne Hogan asked what it is they plan on doing here.

Joe Ramirez stated he recently moved back from Ohio and moved into his parents' old modular home that is on his brother's property. It has been there over thirty (30) years since about 1985. His wife and he have remodeled the whole thing and would now like to split the property down the driveway to help his brother with property taxes and such.

Melissa Mullins Mischke asked what year the mobile home is.

Joe Ramirez stated he thinks they put it on there in 1985.

Melissa Mullins Mischke stated it definitely looks well maintained.

Joe Ramirez stated they have done a lot of work to it.

Melissa Mullins Mischke asked if he put it there in the 80's as well.

Joe Ramirez stated it was his parents' home. His father placed it there when he retired.

Glen Minich stated why do they want to split.

Dwayne Hogan stated for relief from taxes if he understood that correctly.

Joe Ramirez stated that is correct because currently he just pays taxes for the mobile home. His brother pays all the property taxes. Eventually, he will sell him that parcel of land so it will alleviate some of the property tax that he is paying now.

Melissa Mullins Mischke asked if they wanted to leave it the way it is and just help him out with the property taxes.

Terry Bottomlee stated he would like to keep his property separate and keep it for him and his wife until they pass away and then will it to his brother. Right now, he wants his property and his brother's to be separate.

Melissa Mullins Mischke asked Attorney Biege for feedback.

Attorney Biege stated he doesn't see any legal issues. It's sheerly a Board decision.

Glen Minich asked if it is actually a mobile home. Is it on a foundation?

Joe Ramirez stated it is on a concrete slab. It was called a modular when his parents bought it.

Melissa Mullins Mischke stated a module and mobile home are technically different.

Adam Koronka stated he didn't see any skirting when he was on the property talking to Mr. Bottomlee the day before.

Attorney Biege stated a modular would not be subject to the Board's moratorium on mobile home.

Adam Koronka asked if there are any wheel or anything under the home. It's just sitting on a slab attached to the foundation.

Joe Ramirez stated yes. The frame is attached to the foundation. It can't be moved.

Adam Koronka stated it's not mobile

Ashley Kazmucha stated the office would consider that a permanent structure.

Attorney Biege asked what they plan on doing about the driveway.

Joe Ramirez stated they are going to share the driveway.

Adam Koronka stated both address numbers are clearly posted.

Melissa Mullins Mischke stated she doesn't see a benefit to this.

Adam Koronka stated he spoke about it the day before with Terry. He is trying to connect the two (2) discussions. The whole property as it stands right now is what he is eventually leaving everything to Mr. Ramirez, correct?

Terry Bottomlee stated that he probably will.

Joe Ramirez stated he probably will? There you have it. We're brothers.

Terry Bottomlee stated you have to take my dog too.

Joe Ramirez stated he has to keep his dog too.

No remonstrators present.

Melissa Mullins Mischke stated if this is absolutely what they want to do it's going to be six (6) in one (1), half a dozen in the other, but if this is how they want to proceed.

Adam Koronka made a motion to approve the Petition for Variance of Developmental Standards for Terry & Donna Bottomlee and Joe Ramirez for splitting property with the 1 side having 100' of road frontage and the other 85' (100' will be approx. 3.37 ac. and the 85' will be approx. 1.21 ac). This property is located at 9415 W. Hwy 2, LaPorte, IN., New Durham Twp, zoned A on 4.576 acres.

Dwayne Hogan seconded.

All approved. Motion carries 4-0.

**11. Petition for Variance of Developmental Standards for Lashanda Moon** for keeping and raising 20 chickens and 16 goats/sheep for milk and meat. This property is located at 1713 E. 800 N., LaPorte, IN., Galena Twp, zoned A on 2 acres. Parcel 46-03-20-400-022.000-048.

Attorney Biege stated they have receipts without names on any of them. It is up to the Board whether they will accept that. He cannot provide assurance that they were sent to any particular individuals or property owners.

Melissa Mullins Mischke stated hopefully some of their neighbors can come back on July 19<sup>th</sup> when they are going to hear it again to make sure that they have proper publication for everyone.

Attorney Biege stated so they understand, when they send out the notices, they get a green card back where somebody signs it.

Lashanda Moon stated she didn't get anything back.

Attorney Biege stated maybe it is too early, he doesn't know, but they should talk to the Post Office because they have to be able to verify that they notified their neighbors and that's how they do it.

Dwayne Hogan made a motion to table to the July Meeting the Petition for Variance of Developmental Standards for Lashanda Moon for keeping and raising 20 chickens and 16 goats/sheep for milk and meat. This property is located at 1713 E. 800 N., LaPorte, IN., Galena Twp, zoned A on 2 acres.

Adam Koronka seconded.

All approved. Motion carries 4-0.

**12. Petition for Variance of Developmental Standards for Edward Aaron (owner) and Diane Aaron** for separating off 2 acres from the 26.62 acre parcel using an easement for egress and building a home and pole barn (being built first). No road frontage. This property is located at 5835 W. 500 N., LaPorte, IN., Springfield Twp, zoned R1B on 26.62 acres. Parcel 46-06-06-302-009.000-062.

Attorney Biege stated notice is adequate.

Diane and Kevin Aaron stated their address is 5835 W. 500 N, LaPorte, IN.

Dwayne Hogan stated there is zero road frontage there.

Kevin Aaron stated yes. There is a twenty-five-foot (25') utility easement with a driveway down it.

Adam Koronka stated it is a long drive back.

Kevin Aaron stated yes about a third of a mile back. They are going to be in the front two (2) acres of that driveway.

Dwayne Hogan stated there's a total of twenty-six acres total?

Diane Aaron stated twenty-six-point-six (26.6).

Attorney Biege asked if they have obtained the easement yet.

Kevin Aaron stated the easement was obtained by his father fifteen (15) years ago.

Attorney Biege stated it is pre-existing.

Kevin Aaron stated the bigger blue prints show there is a strip of property that does touch 500 N.

Melissa Mullins Mischke stated they would like to see those. They are a little confused.

*Board and Kevin Aaron discuss the blueprints amongst themselves.*

Kevin Aaron stated his father's property goes off 500 along the easement. They are looking at the first two (2) acres without the driveway. They are not going to purchase the driveway. They are going to leave the driveway with his father. His will come right off the corner after they obtain a use for it. It will come right off the easement as close to the property line as possible. The other two (2) houses have rights to the driveway, but his father owns the driveway. He doesn't want to get involved in all of that legality so they are going to buy on the east side of the driveway only. They will be using fifteen feet (15') of his driveway which he will grant them. That is all they will be using of his driveway.

Glen Minich asked why do they keep doing subdivides.

Kevin Aaron stated the main reason for this is because his father is eighty-five (85) years old and he lives there part time and in Chesterton the rest of the time. They have been taking care of the property for him; mowing grass, cleaning, whatever needs to be done. So he is willing to give them two (2) acres for a barn and house so they can continue to maintain it and they don't have to commute back and forth.

Attorney Biege asked what's back there.

Kevin Aaron stated there's his father house and garage, Chris Kaufman's house, Sue Kaufman's house.

Attorney Biege asked if they have easements?

Diane Aaron stated they are all using the same easement.

Attorney Biege stated there will be four (4) people using the easement.

Kevin Aaron stated yes.

Dwayne Hogan asked who maintains it.

Kevin Aaron stated they do.

Dwayne Hogan asked who maintains it when they're not there.

Kevin Aaron stated Chris Kaufman.

Attorney Biege asked if there was a maintenance agreement with the easement.

Kevin Aaron stated yes.

Attorney Biege asked if he has a copy of the easement.



Kevin Aaron stated no because when he went to the Recorder's Office, she couldn't get the information off of the paperwork before they had this blueprint stating where it's at.

Dwayne Hogan stated if something happens and they don't own it anymore, it's so convoluted it wouldn't be funny. All four (4) landlords wouldn't know who owned it.

Diane Aaron stated Sue Kaufman has been with that property for over forty (40) years.

Attorney Biege stated what if there was a fire.

Dwayne Hogan stated fire, ambulance, anything.

Attorney Biege stated that's what a subdivision is for.

Dwayne Hogan stated that's what that would be.

Glen Minich stated it needs to be subdivided.

Melissa Mullins Mischke asked if it would be a minor sub.

Attorney Biege stated no. There isn't enough access to do a subdivision.

Dwayne Hogan stated not without road frontage.

Attorney Biege stated they could do it without road frontage, but he doesn't think it's enough for County specs on the road. It might be. It looks like a run around a subdivision.

Dwayne Hogan stated that's exactly what this is.

Attorney Biege stated if they're before the Plan Commission they would require them to have a subdivision.

Adam Koronka asked if there is a road that continues on passed 5837. The road goes around his father's then looks to turn north again after the last house. Does it?

Kevin Aaron stated no. It goes straight to the two (2) houses and stops there.

Adam Koronka stated he is just trying to follow the different property lines. Mr. Kaufman owns four (4) parcels along the pond. Then there is the parcel they are talking about splitting off from that is the large parcel adjacent to it.

Glen Minich asked when those were created. They all pre-date their ordinance. 1995 was the one (1) they found.

Attorney Biege stated they do, but this request is subject to the current ordinance.

Dwayne Hogan stated it's a subdivision.

Attorney Biege stated there may be a way to do this as an administrative subdivision or small subdivision. There is more than one (1) way to skin this cat.

Dwayne Hogan agreed.

Melissa Mulling Mischke stated this isn't the best way to do it.

Attorney Biege stated a denial would not prevent them from getting something in front of the Plan Commission.

Dwayne Hogan stated they need legal counsel and to work with a surveyor to come up with a plan and idea. There's a lot there, it could be done there, but it has to be done right. The right counsel to help steer them would help a lot.

Attorney Biege stated he thinks they can accomplish what they want, but go about it a different way. Historically, the Board is not crazy about mutual easements, multiple easements along the same line, but with a small subdivision and a proper road, it can be done.

Diane Aaron asked what they're next step should be. Get a surveyor and a lawyer?

Dwayne Hogan state yes.

Kevin Aaron asked if that would be a County standard road all the way back.

Attorney Biege stated get a surveyor or lawyer; talk to them about it. There's more than one (1) way to tackle this. This is probably the worst way to do it.

Kevin Aaron stated they thought they were going the simplest way. Have to start somewhere.

Attorney Biege stated if this Board denies it, it does not preclude them from going to the Plan Commission. There is no time limitation; they don't have to wait.

No remonstrators present.

Adam Koronka made a motion to deny the Petition for Variance of Developmental Standards for Edward Aaron (owner) and Diane Aaron for separating off 2 acres from the 26.62 acre parcel using an easement for egress and building a home and pole barn (being built first). No road frontage. This property is located at 5835 W. 500 N., LaPorte, IN., Springfield Twp, zoned R1B on 26.62 acres.

Dwayne Hogan seconded.

All Approved. Motion carries 4-0.

**13. Petition for Variance of Developmental Standards for Jon and Kathryn Mack (seller) and Nina and Jordan Bridegroom (buyer)** for construction of a home without 200' of road frontage and only 120' of road frontage. This property is located west of 4588 W. 1375 S., Hanna, IN., Hanna Twp, zoned A on 16.68 acres. Parcel 46-18-08-300-026.000-049.

Attorney Biege stated notice is adequate.

Jon Mack stated his address is 16 N. Thompson St., Hanna, IN.

Nina and Jordan Bridegroom stated their address is 253 Erie St., Valparaiso, IN.

Melissa Mullins Mischke asked if Jon owns the property.

Jon Mack stated yes, he and his wife own it.

Melissa Mullins Mischke stated they had a previous variance for this.

Jon Mack stated they did. They appeared back before this Board back in April of 2010. At that time, they were petitioning to sell two (2) acres from the existing parcel then that was eighteen-point-seven-four (18.74) acres. The problem that it would leave them was that it did not leave two hundred feet (200') of road frontage which could have hampered their ability to build their own home on the property in the future so they requested the variance. The total road frontage on the property is one hundred and thirty-seven-point-three-three feet (137.33'). Their request then before they actually parted with the two (2) acre parcel was that it wasn't going to prevent them from building there. At that time, the Board did grant the variance.

Melissa Mullins Mischke asked if there is a drawing showing how they want to split the parcel currently.

Jon Mack stated they're not actually splitting the parcel. Parcel One (1) is the sixteen-point-six-eight (16.68) acres they currently to sell to the Bridegroom's. His wife and he decided that they haven't built within the twelve (12) years since they requested that variance and the likelihood that they ever would is slim so they decided it was within their best interest to part with the property. They have the same wishes that they did to build a single-family residence on the sixteen-point-six-eight (16.68) parcel. They are just anxious to see something happening with that as long the same lines as they have planned.

Melissa Mullins Mischke asked Jordan Bridegroom if he has a drawing of where he wants to place the residence.

Jordan Bridegroom stated no. It's going to be up on the hill on the back side of the property towards the railroad. There is a spot where the field rises.

*Jordan Bridegroom physically marked a location on a map.*

Melissa Mullins Mischke asked what kind of time frame are they looking to start building.

Jordan Bridegroom stated no sooner than next year. It's not the ideal time to be building properties.

Melissa Mullins Mischke stated she understands that.

No remonstrators present.

Jon Mack stated he would like to add in for the Boards consideration, the access to the property. They had previously talked about the drive being limited to the one hundred and seven-foot (107') section on 1375. They would still like to consider using the thirty-feet (30') off 450. He did take some pictures and thinks it is a better safety position to enter and exit that location.

Melissa Mullins Mischke stated because of the railroad tracks; she doesn't disagree with him.

Jon Mack stated the one hundred and seven-foot (107') is several feet tall. Even if a driveway is cut down through there, the vision will be restricted in both directions and for people that are traveling the road, the drive will be obscured.

Melissa Mullins Mischke stated she agreed. It's definitely going to be a safety issue. The concern of the Board is that they are going to require no further subdividing of the parcel.

Jon Mack stated that's what was in the variance before.

Melissa Mullins Mischke stated she thinks that the thirty-foot (30') driveway may work; he would need to speak to the County. Definitely no further subdividing though.

Adam Koronka stated between the proximity of the tracks, that bank, and the extra access they have it covered from his perspective.

Adam Koronka made a motion to approve the Petition for Variance of Developmental Standards for Jon and Kathryn Mack (seller) and Nina and Jordan Bridegroom (buyer) for construction of a home without 200' of road frontage and only 120' of road frontage. There is to be no further division of the property and no primary access to the home from 1375 S. This property is located west of 4588 W. 1375 S., Hanna, IN., Hanna Twp, zoned A on 16.68 acres.

Dwayne Hogan seconded.

All Approved. Motion carries 4-0.

Melissa Mullins Mischke asked for any other business.

Michael Polan stated a previous Petitioner contacted the Office. The petitioner is the fence on Johnson Road.

Melissa Mullins Mischke asked with the dogs.

Michael Polan stated yes. Rachel Farias. She had stated that they were having problems moving the posts and asked if she could amend the plan to cutting the fence down to three and a half feet (3½') with the chain link above it.

Dwayne Hogan stated they already have new construction started there.

Michael Polan stated correct. Their communication with her was that he would bring this back to the Board and he would contact her with whatever the Board decision is. Then they have a separate contact going out which is a letter about the new construction saying they need a permit.

Dwayne Hogan stated he agreed.

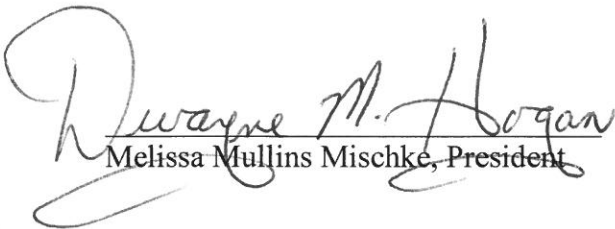
Melissa Mullins Mischke asked if they need to make a vote.

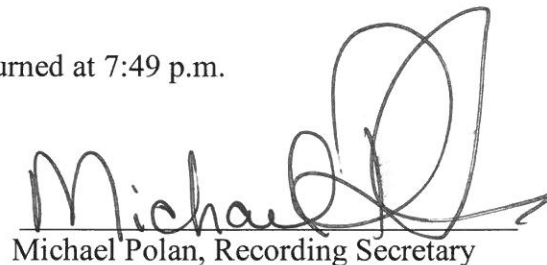
Attorney Biege stated it is within his discretion, but he's just checking.

Michael Polan stated the direction from the Board to him is no on the request for an amendment and they have to stick to moving it back to the second post.

The Board agreed.

There being no further business, meeting adjourned at 7:49 p.m.

  
Melissa Mullins Mischke, President

  
Michael Polan, Recording Secretary