



# LAPORTE COUNTY BOARD OF ZONING APPEALS

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Michael Polan  
Building Commissioner

August 16<sup>th</sup>, 2022

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **August 16<sup>th</sup>, 2022, at 6:00 p.m.** in the Assembly Room of the County Complex.

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

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

The Pledge of Allegiance.

## **APPROVAL OF MINUTES:**

Melissa Mullins Mischke asked for approval of the meeting minutes of July 19<sup>th</sup>, 2022.

Dwayne Hogan made a motion to approve the meeting minutes of July 19<sup>th</sup>, 2022 as presented.

Adam Koronka seconded.

All Approved. Motion carries 5-0.

## **Petitions:**

**1. Petition for Special Exception for Open Road Renewables, LLC and Monroe Power, LLC** represented by counsel Anthony Novak of Newby, Lewis, Kaminski, and Jones, LLP for creation of a "utility substation", specifically a battery energy storage system ("BESS") facility. The property is located east of 6044 S SR 104, Walkerton, IN., Lincoln Twp., zoned A on a total 71.15 acres. Parcels 46-12-30-100-010.000-055 and 46-12-30-100-008.000-055.

Attorney Biege stated notice is adequate.

Dwayne Hogan made a motion to remove the petition from the table to be put back on the agenda for Board's inquiries only.

Adam Koronka seconded.

All Approved. Motion carries 5-0.

Anthony Novak stated he is an attorney with Newby, Lewis, Kaminski, and Jones, LLP here in LaPorte across the street. He is here tonight on behalf of applicants Open Road Renewables LLC and Monroe Power LLC here in the flesh tonight as is the president of the entities Cyrus Tashakkori. Again, they are here on their petition for an application for Special Exception for a utility substation to put in what is called a battery energy storage system, which he will refer to as a BESS facility. One (1) matter of housekeeping, on Friday, August 12<sup>th</sup> Monroe Power actually purchased the property so there is no longer an owner that is consenting; they now officially own the property. They were last in front of them on May 17<sup>th</sup> and at that time he would summarize two (2) main concerns. One (1) from Representative Pressel asking what may happen if the State of Indiana in 2023's legislative session after the BZA approves this, but before they apply for a building permit, what if they pass legislation in that time frame. Number two (2) he is paraphrasing from Doug, but how will the County be able to ultimately be able to ensure that this facility is built and subsequently maintained to the appropriate State or National standard. That is what he would summarize the two (2) main issues. So, although this hasn't been before the Board in three (3) months they have been working just about every day over the last three (3) months to address these key stakeholders and those concerns and they believe they have satisfied all these concerns. They have done so by presenting five (5) additional condition to this approval in addition to the five (5) that they already presented on May 17<sup>th</sup> for a total of ten (10) conditions that they would self-impose as a condition to receive a permit from the County Building Department to move forward. Those five (5) additional conditions which are listed as Conditions 6-10 in the Informational Packet that they had submitted to the County and it has been online for weeks now for the public to view are as follows: (6) they will be subject to any changes in Indiana Legislation or Regulation governing BESS facilities through December 1<sup>st</sup>, 2023 so the end of next year to get passed through the end of the next legislative session; (7) they will not apply for a Building Permit until the earliest of January 1<sup>st</sup>, 2024 or when the Indiana Legislature passes legislation or regulations addressing BESS facilities; (8) the design and subsequent installation of this facility will comply with the most current version of NFPA which stands for National Fire Protection Association 855 which is the standard for the installation of stationary energy systems, Standard 855 which governs these facilities, that the most current version of Standard 855 will govern the issuance of this permit, but if at the time the permit is issued the State of Indiana has adopted something similar or legislation or other codes that apply at the time of issuance then they will comply with that. With that, they have supplied a paper version and an electronic version of NFPA 855 to the County at their cost. Speaking to things to their cost is (9) at the time they apply for the permit, they will provide the Building Department of up to thirty thousand dollars (\$30,000) for them to hire their own independent consultant or expert, if they desire, to review their compliance with NFPA 855, Indiana Legislation or Regulation governing BESS facilities, or any other regulations that legally apply to BESS facilities. That will be at the time that they apply for the permit so that they can actually do their due diligence. Finally, (10) how would they be able to figure out how this complies thereafter? They will provide the Building Department funding of up to ten thousand dollars (\$10,000) annually throughout the life of the project for them to hire their own independent consultant to make sure that each year the facility complies with NFPA 855 or the

Indiana Legislation that was adopted at the time they applied for the permit. With that they respectfully request that they would approve their request with the ten (10) conditions as presented. They are certainly here to answer any questions they may have.

Attorney Biege stated he has a comment. If the Board chooses to approve, and he is not suggesting either way, they are planning on applying for the Building Permit July 2024?

Anthony Novak stated they would not apply until at least January 1<sup>st</sup>, 2024.

Attorney Biege stated okay, so that should include an extension on the approval until that date because typically building permits are good for a year.

Melissa Mullins Mischke stated they have received a letter from LaPorte County Hazmat that is favorable for this project as well.

Dwayne Hogan stated he has no further questions. They have answered everything.

Melissa Mullins Mischke stated she doesn't either. They have gone above and beyond what they initially asked for too.

Dwayne Hogan made a motion to approve the Petition for Special Exception for Open Road Renewables, LLC and Monroe Power, LLC represented by counsel Anthony Novak of Newby, Lewis, Kaminski, and Jones, LLP for creation of a "utility substation", specifically a battery energy storage system ("BESS") facility. The project is approved with all ten (10) of the conditions as stated and the time frame to apply for a permit is extended until January 2024. The property is located east of 6044 S SR 104, Walkerton, IN., Lincoln Twp., zoned A on a total 71.15 acres.

Adam Koronka seconded.

All Approved. Motion carries 5-0.

**2. Petition for Variance of Developmental Standards for Keith W Blower** for temporary placement of an RV to live in during construction of the primary home. The property is located at 1156 E. 600 N., LaPorte, IN., Kankakee Twp, zoned A on 2.643 acres. Parcel 46-07-05-100-032.000-052.

*Petitioner not in attendance and moved to the end of the agenda.*

**3. Petition for Variance of Developmental Standards for Wayne A Brewer** for continued placement of a mobile home for an elderly. This property is located at 7598 N. 500 E., Rolling Prairie, IN., Galena Twp., zoned A on 2 acres. Parcel 46-03-26-200-022.000-048.

Attorney Biege stated notice is adequate.

Wayne Brewer stated his address is 7598 N. 500 E., Rolling Prairie, IN.

Melissa Mullins Mischke asked who is going to live in the mobile home.

Wayne Brewer stated his mother.

Melissa Mullins Mischke asked how long has she been there.

Wayne Brewer stated about thirty-nine (39) years.

Melissa Mullins Mischke asked if she is there because they help her with health concerns. Do they help take care of her?

Wayne Brewer stated health wise she's eighty-eight and doing well except she has a touch of dementia. She doesn't drive so they take her shopping and take her anywhere she needs to go, but she is still able to do all of her own cooking and things like that. It's just her short-term memory is starting to slowly dwindle away.

Melissa Mullins Mischke asked how old the mobile home is that's there.

Wayne Brewer stated he thinks it is around a 2000.

No remonstrators present.

Glen Minich stated everything looks neat and clean and they are always happy when somebody is taking care of a parent.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Wayne A Brewer for continued placement of a mobile home for an elderly parent for three (3) years renewable. This property is located at 7598 N. 500 E., Rolling Prairie, IN., Galena Twp., zoned A on 2 acres.

Adam Koronka seconded.

All Approved. Motion carries 5-0.

**4. Petition for Variance of Developmental Standards for Andriy Prots** for construction of a pole barn with living space before the primary home and to live in during construction of the home and to keep the guest quarters in the pole barn for personal use after the home is built. This property is located at 8925 W. 800 S., Westville, IN., Clinton Twp, zoned A on 6.323 acres. Parcel 46-13-10-300-021.000-044.

Attorney Biege stated notice is adequate.

Andriy Prots stated his address is 8925 W. 800 S., Westville, IN.

Melissa Mullins Mischke asked how long he thinks construction will take for the home.

Andriy Prots stated two (2) years.

Adam Koronka stated he is looking at the site layout for the construction and he sees the house and the plan for the septic tank and drain field, but he doesn't see anything for the pole barn itself.

Andriy Prots stated when they make the plans for the house the architect planned it for the house only, but by that time he didn't have the plans for the pole barn so he doesn't know if it will need to be bigger or standard, but they can go back and change the septic. If it needs to have a second one or bigger, he doesn't know yet.

Adam Koronka stated that will come from the Health Department most likely.

Melissa Mullins Mischke stated absolutely.

Andriy Prots stated he just doesn't know yet what is needed or what they required. If he needs to change something then he will; to bigger or double if need be.

Dwayne Hogan asked if he is planning on keeping the pole barn after the house is built.

Andriy Prots stated yes.

Dwayne Hogan stated not to rent or anything, right?

Andriy Prots stated no. Just for the guests if needed. Otherwise it will be a gym or something. Not for rent. Definitely not.

Melissa Mullins Mischke stated there will to be no renting of it if they chose to approve. There is absolutely no renting.

Andriy Prots stated never, no.

No remonstrators present.

Adam Koronka made a motion to approve the Petition for Variance of Developmental Standards for Andriy Prots for construction of a pole barn with living space before the primary home and to live in during construction of the home and to keep the guest quarters in the pole barn for personal use after the home is built. This property is located at 8925 W. 800 S., Westville, IN., Clinton Twp, zoned A on 6.323 acres.

Dwayne Hogan seconded.

Approved. Motion carries 4-1.

**5. Petition for Variance of Developmental Standards for James P Heimbuch & Bruce Heimbuch** for continued placement of a mobile home. Last variance granted 5/19/2020 for two (2) years renewable. This property is located at 8170 E. Ivy Blvd., New Carlisle, IN., Hudson Twp. zoned R1B. Parcel 46-04-28-160-005.000-050.

Attorney Biege stated notice is adequate.

James Heimbuch stated his address is 8170 E. Ivy Blvd, New Carlisle, IN.

Melissa Mullins Mischke stated it feels like he was just there.

James Heimbuch stated he knows it. He actually missed the first appointment. He didn't get it in the mail or something. He doesn't know what happened.

Melissa Mullins Mischke asked in 2020 did she tell him it was going to be his responsibility to come back up in two (2) years.

James Heimbuch stated yes. He called Ashley and she said she would mail him something, but he doesn't know what happened.

Melissa Mullins Mischke stated they like them to remember that they need to do it. It's not their responsibility. Who is living in the mobile home?

James Heimbuch stated just him. His granddaughter moved out.

Melissa Mullins Mischke asked what year it is.

James Heimbuch stated it is a 1972.

Dwayne Hogan asked if he has done any maintenance on it in the last couple of years.

James Heimbuch stated just lawn type stuff, not much. He doesn't want to invest too much into it. He doesn't have any real issues with it. Everything seems like it is working fine.

Glen Minich stated Dwayne's point is that he is in a community of quite a few homes and it is important, especially when being granted a variance to be there in a trailer, to maintain the community and keep it up a little bit more.

Dwayne Hogan stated exactly.

Glen Minich stated that's why they gave two (2) years last time hoping that they would see some more upkeep. He thinks, in general, it is neater than they have seen in the past. It just has some issues with the plant growth on it.

James Heimbuch stated he can cut some of it down. He actually likes it that way, but if they would rather it be removed, he can.

Dwayne Hogan stated just so it is cleaned up and presentable for the neighborhood.

James Heimbuch stated he understands what he is saying.

Melissa Mulling Mischke stated skirting is required by the County. She won't say that is all skirting, but the lattice that is down isn't. Just make sure everything is put back up and in a tidier manner.

James Heimbuch stated okay.

Melissa Mullins Mischke stated one (1) of the photos they see is a window air conditioner on what looks like a porch area.

James Heimbuch stated his granddaughter brought that home.

Melissa Mullins Mischke stated she would like to see that area addressed.

James Heimbuch stated okay. He usually covers it all up with a tarp, but then he likes to have it air out so it doesn't all rust up and stuff. He can rearrange that and clean it up.

No remonstrators present.

Adam Koronka made a motion to approve the Petition for Variance of Developmental Standards for James P Heimbuch & Bruce Heimbuch for continued placement of a mobile home for one (1) year renewable. This property is located at 8170 E. Ivy Blvd., New Carlisle, IN., Hudson Twp. zoned R1B.

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

**6. Petition for Variance of Developmental Standards for Jacilynn Ferris** for construction of an attached garage 2' from side property line instead of the minimum 10'. The property is located at 7104 N. Chicago Rd., New Carlisle, IN., Hudson Twp., zoned R1B. Parcel 46-04-28-381-003.000-050.

Attorney Biege stated notice is adequate.

Jacilynn Ferris stated her address is 7104 N. Chicago Rd., New Carlisle, IN.

Melissa Mullins Mischke asked what the setback of the existing structure is.



Jacilynn Ferris stated her dad is going to be general contracting for her so he can probably help out with specifics.

Roger Brown stated his address is 17044 Stonegate Ct., Granger, IN. The existing home without a garage is currently thirteen feet (13') from the property line to the home. They have provided pictures and surveyed it. They obtained all the signatures from the neighbors as well.

Jacilynn Ferris stated they are excited they are going to fix it up.

Roger Brown stated the home to the right is currently on the property line. The garage that they are suggesting they would like to build doesn't actually come up next to that home. The space is offset so that the garage is in front of that house. There is an existing driveway and an existing foundation wall. They may need to be secured to make that more buildable, but that is already in place and that is two feet (2') from the property line and they are hoping that they might be able to use that driveway to build a garage.

Melissa Mullins Mischke stated it will be on top of the concrete slab that is there for the driveway.

Jacilynn Ferris stated yes.

Roger Brown stated fortunately, the neighbors are really excited about it. It will look like a brand new home which is going to improve the neighborhood as well. If they have a questions, they will be happy to answer.

Dwayne Hogan asked when they plan on starting it.

Jacilynn Ferris stated they can't pull permits until after this meeting so it will depend on contractor availability.

Roger Brown stated he is actually a licensed builder in the State of Michigan and obviously to be a licensed builder in the State of Indiana, they may have heard of Legacy Homes, that is his son and he took over his small company and blew it up. He has a lot of experience and they have a lot of contacts to do this right and build a beautiful home.

Melissa Mullins Mischke stated her only concern is from a safety perspective trying to get emergency vehicles to the back yard.

Jacilynn Ferris stated she had a conversation with Bill Gumm, former Fire Chief of New Carlisle, and took him out to the property and explained what they were doing and he said it would be no problem. If there would be a fire it would be a non-issue. She did take that initiative.

Roger Brown stated the two (2) structures, the existing home that is there on the property line and what they are proposing as a garage, the fact that they are offset provides the access that they need.



No remonstrators present.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for Jacilynn Ferris for construction of an attached garage 2' from side property line instead of the minimum 10'. The property is located at 7104 N. Chicago Rd., New Carlisle, IN., Hudson Twp., zoned R1B.

Adam Koronka seconded.

Approved. Motion carries 4-1.

**7. Petition for Variance of Developmental Standards for Shawn Herzog and Ashley Kwilin** for construction of a pole barn with living quarters to live in during construction of the primary home and to keep as guest quarters after the primary home is built. The property is located at 4412 W. 800 S., Union Mills, IN., Noble Twp, zoned R1B on 8.244 acres. Parcel 46-14-17-200-020.000-056.

Attorney Biege stated notice is adequate.

Ashley Kwilin and Shawn Herzog stated their address is 4412 W. 800 S., Union Mills, IN.

Melissa Mullins Mischke asked how soon would they be starting construction of the pole barn should they get approved.

Shawn Herzog stated tomorrow. Once the permits are pulled, they are going to get right on it.

Melissa Mullins Mischke asked if they have anything that shows what the proposed structures are going to look like, the exterior.

Ashley Kwilin stated not exterior. They have the floor plan which she thinks they have.

Melissa Mullins Mischke stated she likes this property.

April Daly stated it is beautiful.

Melissa Mullins Mischke asked how long they anticipate before they start construction on the residence.

Shawn Herzog stated probably in the spring.

Dwayne Hogan asked what size the pole barn will be.

Ashley Kwilin stated sixty-four feet by fifty-five feet (64' x 55').

Melissa Mullins Mischke stated she loves this piece of property. It is a beautiful location.

No remonstrators present.

Dwayne Hogan stated he thinks it looks good as long it is big enough.

Melissa Mullins Mischke stated if they approve the petition tonight and the pole barn is built, they have lived in it and now there is residence space available, that is not to be rented at any time.

Adam Koronka made a motion to approve the Petition for Variance of Developmental Standards for Shawn Herzog and Ashley Kwilin for construction of a pole barn with living quarters to live in during construction of the primary home and to keep as guest quarters after the primary home is built. The property is located at 4412 W. 800 S., Union Mills, IN., Noble Twp, zoned R1B on 8.244 acres.

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

**8. Petition for Variance of Use for Charles Kotaska** for a small engine repair business. The property is located at 2341 N. 450 E., Rolling Prairie, IN., Kankakee Twp, zoned A on 2 acres. Parcel 46-07-23-400-010.000-052.

Attorney Biege stated notice is adequate.

Charles Kotaska stated his address is 2341 N. 450 E., Rolling Prairie, IN.

Melissa Mullins Mischke asked how many people he expects there in a week to drop off.

Charles Kotaska stated usually at most maybe one (1) or two (2) a day dropping off.

Melissa Mullins Mischke stated the hours of operation and days of the week are from nine a.m. to ten p.m. (9 a.m. – 10 p.m.) seven (7) days a week. She is concerned because ten o'clock (10 p.m.) seems kind of late for that.

Charles Kotaska stated he stays open for people that work late.

Melissa Mullins Mischke asked if it would be fair to say that he will actually be out there physically working until ten o'clock (10 p.m.).

Charles Kotaska stated he works in his garage all night sometimes.

Melissa Mullins Mischke stated she is also concerned about stuff on the property.

Charles Kotaska stated he owns a lot of stuff.

Melissa Mullins Mischke stated she thinks there is a lot of stuff on his property and having a small engine repair business would add to the amount of things that are there. From the photos she has seen it kind of looks like the beginning of a junk yard.

Charles Kotaska stated he has a lot of vehicles.

Melissa Mullins Mischke stated there are a lot of vehicles out there.

Charles Kotaska stated he owns them all.

Melissa Mullins Mischke asked if they are all registered.

Charles Kotaska stated no. He can't register more than twelve (12) vehicles in a year.

Melissa Mullins Mischke stated okay. That is her concern is adding more to what already might be a bit of an eyesore in her opinion. That is her main concern. And ten o'clock (10 p.m.) with noise around the neighbors. She understands he might be doing it currently, but putting in a business is definitely going to increase traffic to his property and that could be a concern for neighbors that just maybe knew that he was tinkering on things before, but now that he is running a business it is more visible.

Charles Kotaska asked what time the Noise Ordinance is at.

Melissa Mullins Mischke stated it had nothing to do with the Noise Ordinance.

Charles Kotaska stated to be honest, he doesn't make that much noise working on them. His garage is closed and the most they are going to hear it is in his house and they won't even hear it there.

**Remonstrators:**

Jasmine Buss stated her address is 2303 N. 450 E., Rolling Prairie, IN. She has an overview site of the properties if they would like to see it.

Melissa Mullins Mischke stated they have photos.

Jasmine Buss stated the overview is from before they moved in, but it shows the separation of properties. There are also some other photos. When Mr. Kotaska moved in about two and a half (2½) years ago, he moved into a quiet residential neighborhood of really beautiful homes. Everybody keeps up their properties. He is stating that he wants to have a small engine repair business, but he is also advertised for savage and he has boats and cars. He told them when he moved in that he was just going to ship out parts throughout the United States, but it has actually turned into a junk yard. The noise levels are through the roof. He does leave his garage door open; it's just a single car garage, but he does leave it open. Other people can contest to that. When he first applied for this license, he caught her at the fence line and he threatened her. He said that if they fight this thing that it will only get worse than what it is right now. He also said

that it's about to get real, real soon. They really don't want this business in their neighborhood. She doesn't really have anything against him, but she just doesn't want that business there.

Brad Childress stated his address is 2333 N 450. E., Rolling Prairie, IN. He thinks that main thing here is that he is applying for a variance to operate a small engine repair service. He must consider cars and trucks are small engines along with snowmobiles because that is what he works on and that is what he is going to continue to work on. The real problem that they are having with him is not only the fact that the police have been called several times, but he has four hundred-foot (400') burnouts in front of their houses where they brake lock the truck or car, spin the tires, and burn out for four hundred feet (400') in front of their houses. The noise from gun fire, cars, quads, snowmobiles, and truck engines all operating at full throttle across that property down a dirt path, which is now basically a race track, stirs up so much dust that it comes over the trees and ruins the neighbor's property or anything they can do on their properties. They can't enjoy their back yards. The noise is clear down to his house which is three (3) doors down. The noise is so loud from the gun fire and from the cars and the vehicles that they can't enjoy their property. In conclusion, the bottom line is if they decide not to allow the variance, he will likely continue to operate the business, but he would ask that they have a motion to make him remove all small engines which includes cars and trucks. Also, quads, boats, and campers from the property as well. That way he cannot go back to operating his small engine business which is really The Sled Shed and Salvage business that is advertised on both Google and Facebook complete with operating hours. That is the business he is now asking to have a variance for to be in their neighborhood. They don't want him in their neighborhood. Thank you for your time and consideration.

Wayne Kirkham stated his address is 2451 N. 450 E., Rolling Prairie, IN. He is the property directly north of Mr. Kotaska's. He knows he probably can't play it here, but his wife and he were sitting on their front porch about two (2) weeks ago and he thinks at the time he had gotten into it with Jasmine so he was in a rant. They could hear him sitting on their front porch trying to enjoy their coffee so he went to the back porch and he started video recording him. It is a terrible video. There is a lot of vulgarity in it. He has threatened to burn them down.

Melissa Mullins Mischke stated she doesn't think that they need to hear the video at this time.

Wayne Kirkham stated if anybody wants to hear it afterwards, he will be glad to play it.

Patti Nocek stated she lives at 2555 N. 450 E., Rolling Prairie, IN. She would like to paint a picture of their neighborhood for them. She has watched these meetings for several years and she has seen at least a hundred times persons come in front of them just like tonight where someone from somewhere purchases a couple of acres in the country and away they go. A deluge of practices generally not allowed via the LaPorte County Zoning Ordinance. True the picture of their neighborhood is different than in town, the honey wagons run up and down the road non-stop at certain times of the year. The farmers get their equipment before daylight and come back after dark several times a year planting. Down the road from them is, if not the largest CAFO, one (1) of them at 200 North so they have the milk trucks up and down and then of course after the honey wagons, they spread their manure, they have the manure smell in their neighborhood. Nobody is complaining here about that. They live in Ag and they respect the farm land. They

don't have any problems like that. A small-engine repair business in their neighborhood? They say no. Snowmobile salvage business in their neighborhood? They say no. Please don't allow an advertised salvage business to do business in their neighborhood. Thank you.

Melissa Mullins Mischke asked in respect to the salvage, is there any truth to the equipment, vehicles, and things that are out there are there for salvage and that that is a business that he is operating already.

Charles Kotaska stated every vehicle that is on his property runs and drives.

Melissa Mullins Mischke asked if there is any truth to him using salvage parts and operating a business as salvage.

Charles Kotaska stated he sells used snowmobile parts.

Melissa Mullins Mischke asked if he is advertising that business.

Charles Koataska stated yes, he is on Google. The boats and all that stuff that are all there are all legal. Everything has a plate on it except for a few of his vehicles which he can't plate more than twelve (12) vehicles a year.

April Daly asked who lives there.

Charles Kotaska stated he lives there.

April Daly asked who is in the campers.

Charles Kotaska stated he has a couple of his friends that come and stay on the weekends.

April Daly asked if there is running water.

Charles Kotaska stated there is no water ran to it.

April Daly asked about sewage.

Charles Kotaska stated there isn't any sewage.

April Daly asked where human waste goes.

Charles Kotaska stated they come up to his house and use the bathroom.

April Daly asked if he still has all the animal there.

Charles Kotaska stated no. He has two (2) dogs.

April Daly stated the chickens, roosters, ducks, guineas, turkeys, geese?

Charles Kotaska stated they are all gone.

April Daly asked if he thinks it looks nice. Does he think it looks well kept?

Charles Kotaska stated the front yard looks good. It's just the back yard which is not street view. He understands it should be looking better, but he has been slowly progressing. They can ask the neighbors. He has slowly been cleaning up; it's just hard doing everything all at once.

April Daly stated it looks like he put a lot of vehicles there in that very short period of time.

Charles Kotaska stated he has had the vehicles there for about two (2) years now.

April Daly stated when looking at pictures from before and after it is significantly different.

Charles Kotaska stated it's just vehicles in different areas. He has bought a lot of vehicles. He isn't going to sit here and say he didn't. He owns a lot of stuff. He is a man of many things. He likes his vehicles. He likes things with toys. He likes things with motors. He can't help himself. There are a couple vehicles there that are there right now that aren't going to be there soon. They are getting ready to go. He is trying to get his truck fixed; he has a bad axle on it and has to fix that before he can even tow anything.

April Daly stated it looks bad. It looks really bad.

Charles Kotaska stated it does, but it looked a lot worse.

Melissa Mullins Mischke stated that's encouraging.

Charles Kotaska stated he probably had twenty (20) sleds in the front yard that aren't there anymore. He has been slowly cleaning it up. It's just hard doing it all at once and when he's only one (1) person it has been hard to do it.

Glen Minich asked how long he has lived on the property.

Charles Kotaska stated about two to two and a half (2 – 2½) years.

Glen Minich asked if the aerial provided earlier is a fair portrayal of what the property looked like before he bought it.

Charles Kotaska stated it might have been. The grass was four-foot (4') tall when he moved in. He also had kids that ride four (4) wheelers around his yard so he can understand there being dust flying.

Glen Minich made a motion to deny the Petition for Variance of Use for Charles Kotaska for a small engine repair business. The property is located at 2341 N. 450 E., Rolling Prairie, IN., Kankakee Twp, zoned A on 2 acres.

Dwayne Hogan seconded.

Dwayne Hogan stated he would like to amend the motion. There needs to be some major clean up here. All the stuff that doesn't work and doesn't run needs to be removed.

Charles Kotaska stated no. He's not getting rid of all of his stuff.

Dwayne Hogan stated the yard needs cleaned up and looking presentable again.

Charles Kotaska stated he's not getting rid of his stuff. They can do whatever they have to do, file whatever they need to do, but he is not getting rid of his stuff.

All Approved. Motion carries 5-0.

Melissa Mullins Mischke stated his business has been denied.

Charles Kotaska stated he doesn't care. He'll still be running it.

**9. Petition for Variance of Developmental Standards for Robert E (deceased) & Ruth A Nehemiah** to store an RV on a vacant lot across from the residence. The property is located east of 250 Bluffside Rd., LaPorte, IN., Center Twp, zoned R1B. Parcel 46-06-22-328-009.000-042.

Attorney Biege stated notice is adequate.

Ruth Nehemiah stated her address is 250 W. Johnson Rd., LaPorte, IN. She owns a vacant lot behind her residence that goes out to the lake. She has an RV and she doesn't have any room on her residential lot to park it so she has been parking it on the vacant lot that she owns. There were arbor vitae trees there and it was up against the trees. She has been parking it there for three (3) or four (4) years anyway and she found out she needs a variance to do that. So, she would very much appreciate it if she could get a variance to park her RV there.

Melissa Mullins Mischke stated her house is across the street.

Ruth Nehemiah stated it is across from Bluffside. She is on Johnson and then Bluffside runs between the properties.

Melissa Mullins Mischke stated that is probably the issue since she is not able to store it behind her house.

Ruth Nehemiah stated right. Her residential lot is completely fenced and there is really no room. It is not a level lot. She has different levels on it.

Melissa Mullins Mischke asked how often she uses the RV.



Ruth Nehemiah stated not often. They are rehabbing it and redoing it a bit.

Melissa Mullins Mischke stated while she is storing it there, that is all that's happening is storage? No one is coming out and staying in it?

Ruth Nehemiah stated no, no one stays in it. She has a grandson that lives with her and he goes in and listens to music inside and tries to fix it up a bit.

No remonstrators present.

Glen Minich stated they had a printed remonstrance of this from several neighbors that was sent to them.

Melissa Mullins Mischke thanks Glen for reminding her. It was sitting there staring her in the face.

Glen Minich stated it is on file and they can read it in the Office. There is some question to whether the trailer is being used there from time to time because of an extension cord that has been run across the road.

Ruth Nehemiah stated she had taken care of that. She had a switch at the house that turns off the electricity from where she plugs it in and she understood when she saw what they said that they were worried about children so she removed it.

Melissa Mullins Mischke stated she definitely sees the issue.

Ruth Nehemiah stated right, so that is taken care of.

Dwayne Hogan stated he has a concern that if everybody wanted to put a trailer on a vacant lot that they own then they wouldn't need trailer parks anymore then.

Glen Minich stated there was another question about RV trailers not being allowed on lake frontage property.

Attorney Biege stated that is correct.

Glen Minich stated there's not much question here. Although it is her backyard, it is her neighbors behind her in pristine homes and their code specifically says that they are not supposed to allow an RV like this on a lake front lot and that's what this is even though it's her backyard. It is convenient for her to store it there, but it's just not acceptable.

Ruth Nehemiah stated it wasn't a problem for three (3) or four (4) years and she didn't understand. Her neighbors, the Brumley's, are building a house and they asked if they could take two (2) trees down that were separating their properties and she said sure because they were going to put in a seawall. Well, whoever did, took out the trees took out the trees all the way

down the line so it was more visible then for the other neighbors. The seawall is about in and the Brumley's have said that they are going to put in arbor vitae's where they were.

Melissa Mullins Mischke stated unfortunately, that cat is already out of the bag. They can't stuff back in there.

Dwayne Hogan made a motion to deny the Petition for Variance of Developmental Standards for Robert E (deceased) & Ruth A Nehemiah to store an RV on a vacant lot across from the residence. The property is located east of 250 Bluffside Rd., LaPorte, IN., Center Twp, zoned R1B.

Adam Koronka seconded.

All Approved. Motion carries 5-0.

**10. Petition for Variance of Developmental Standards Elaine Wallis** for continuation of keeping a mobile home to live in. The property is located at 8451 N. 500 W., Michigan City, IN., Springfield Twp, zoned R1B on 9.83 acres. Parcel 46-02-20-300-004.000-062.

Attorney Biege stated notice is adequate.

Elaine Wallis stated her address is 8451 N. 500 W., Michigan City, IN.

Melissa Mullins Mischke asked how long she has been in the mobile home at this location.

Elaine Wallis stated around fifteen (15) years now,

Melissa Mullins Mischke asked when the last time she had a variance for the mobile home was.

Elaine Wallis stated three (3) years ago.

Melissa Mullins Mischke asked who lives in the mobile home. Just her?

Elaine Wallis stated her daughter lives with her and basically takes care of things and her.

**Remonstrators:**

Arthur Przeczek stated his address is 8389 N. 500 W., Michigan City, IN. He is a next-door neighbor. It is an adjoining property. There are two (2) reasons that he is here. He is sure that they have the pictures from the inspectors, but this property has always been immaculately kept. He is sure they are aware of that. With that being said, his mother is about the same age, and he finds it a little strange that, understanding that an ordinance is an ordinance, but couldn't there be a permanent waiver? There is another thing that he would like to address, the difference between the property at 8451 and the property at 8401 which is closer to his home.

*He provided the Board with pictures of the property at 8401.*

Melissa Mullins Mischke stated they are familiar with it

Arthur Przeczek stated he does have a self-serving purpose for being here because he thinks listening to the meeting and the concerns that they had, perhaps there should be an ordinance against keeping garbage and junk cars in front of their house.

Melissa Mullins Mischke stated there actually is an ordinance in place.

Arthur Przeczek stated his neighbor at 8405 just sold his house. He put it on the market last spring for a quarter of a million dollars (\$250,000) which might have been a little high, but it is a nice house with an in-ground pool. In the end, he sold it for one hundred and ninety-five thousand dollars (\$195,000) this summer. One (1) of the reasons were what is shown in the pictures he provided. He isn't selling so he isn't concerned, but maybe in the future they could come up with something.

Attorney Biege stated this Board is not an enforcement entity. They can't do anything about it.

Arthur Przeczek stated he understands that and he respects that. He is just voicing his concern.

Attorney Biege stated he gets it, but they have other petitions and he is trying to keep them in line with what they have to do tonight.

Melissa Mullins Mischke stated she does appreciate his comments. It's very nice to hear someone in favor of a petition.

Arthur Przeczek stated if they could expand it as much as they can it would be okay.

Melissa Mullins Mischke stated she agrees with him. It is very well maintained and taken care of. It's very beautiful.

Elaine Wallis stated thank you.

Adam Koronka asked as a Board, in past years have they extended the renewal date much passed three years.

Glen Minich stated sometimes more.

Melissa Mullins Mischke stated occasionally. She wouldn't say it's the rule.

Dwayne Hogan stated on occasion.

Ashley Kazmucha stated they granted a lifetime earlier this year.

Melissa Mullins Mischke stated it's not the rule.

Glen Minich stated part of the problem is that they want this to be her permanent home, but they don't want this to be a permanent thing in that community; having a trailer. That's why they have term limits and they want to see these renewed. Things change. They have to consider it more temporary housing than they do a fixed foundation home.

Melissa Mullins Mischke stated she agreed.

Adam Koronka stated the variances are not transferrable upon sale.

Melissa Mullins Mischke stated correct. That's a whole other story.

Elaine Wallis stated she would like to make a comment. At her age, there is no way she could afford to put a permanent home there for one (1) thing.

Melissa Mullins Mischke stated they definitely understand that.

Elaine Wallis stated for another thing, it's being kept up a lot better than some of the other properties right next door or down the road.

Melissa Mullins Mischke stated there is no argument there.

Elain Wallis stated she doesn't know what she would do if it was denied to have it. She is paying taxes the same as a home.

Dwayne Hogan stated she is okay.

Melissa Mullins Mischke stated they are just trying to figure out how long they are going to give her.

Elaine Wallis stated okay.

Adam Koronka made a motion to approve the Petition for Variance of Developmental Standards Elaine Wallis for continuation of keeping a mobile home to live in for five (5) years renewable. The property is located at 8451 N. 500 W., Michigan City, IN., Springfield Twp, zoned R1B on 9.83 acres.

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

Melissa Mullins Mischke stated in five (5) years it will be her responsibility to come back to the Board. Ashley might be able to send her a notice, but she will need to come back.

Elaine Wallis stated she hopefully she won't have to use any more than a cane, but she'll see what happens in five (5) years. Thank you.

**11. Petition for Variance of Developmental Standards Brett R Carney (owner) & Eric Stulc (buyer)** for construction of a home with 155' of road frontage instead of the 200' minimum required. The property is located south of 4101 N. 525 W., LaPorte, IN., Center Twp, zoned R1B on 8.91 acres. Parcel 46-06-07-476-009.000-042.

Attorney Biege stated notice is adequate.

Eric Stulc stated his address is 5125 W. Concord Dr., LaPorte, IN.

Melissa Mullins Mischke asked what his plans are.

Eric Stulc stated he lives in the Woods of Concord subdivision. This is a property that comes off of the cul-de-sac in his subdivision and it also has frontage about a hundred and sixty-five feet (165') off of 525. He moved into his residence in 2004 and through his neighbor Mr. Nyby he sold it to Brett Carney. He has been back in that area since about 2004 with his dogs hiking with permission from those two (2) landowners so he is very familiar with the area and when it came for sale he was interested. They have a contingent agreement based on this variance. He plans to build a residence back there.

Melissa Mullins Mischke asked if his proposed entrance be off of 525 for the residence.

Eric Stulc stated initially, that would be the longer drive. He has done some figures on it and it would be over a thousand feet (1,000') where if he came in off of Meritage it would be approximately three hundred and forty feet (340').

Melissa Mullins Mischke asked if he has done any research with the County on driveway permits. Her concern is that Meritage is not a County owned road.

Eric Stulc stated he did do a little research and just six (6) months ago, coming in off Meritage, they granted the landowner to the East access through there. He is aware based on his purchase that if he was to complete that purchase, it would be with an easement through his property.

Melissa Mullins Mischke stated okay. She knows they had this issue before so she wanted to make sure they understood that that is not the preferred entrance. She hates the words easement because it makes everything messy, but it's understandable. If he is going to put his proposed house on the East side of the property then it makes sense for a drive.

Dwayne Hogan stated it is much shorter.

Eric Stulc stated it is much shorter and the easement does allow for access, utilities, and drainage. That's a nice building site in there. There is a lot of area for flat ground.

**Remonstrators:**

James Staples stated his address is 4101 N. 525 W., LaPorte, IN. His property was cut off of this property that he is talking about. He built there in 1968. He has taken care of this property that he is talking about; mowed and also had chemicals put on that property. It's a beautiful piece of property. He has come to him and talked to him about it. Him, his wife, his two (2) next door neighbors, and another neighbor have no objections of him building there. He seems like an awful nice guy. He hasn't met his wife, but he is a super nice guy and he would love to have him as a neighbor.

Melissa Mullins Mischke stated wonderful, thank you.

Glen Minich asked if he has any thought on dividing this parcel anytime in the future.

Eric Stulc stated that is not his intent whatsoever.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards Brett R Carney (owner) & Eric Stulc (buyer) for construction of a home with 155' of road frontage instead of the 200' minimum required. The property is located south of 4101 N. 525 W., LaPorte, IN., Center Twp, zoned R1B on 8.91 acres.

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

Eric Stulc stated thank you and for the record, thank you to James Staples for the kind words.

James Staples stated you're welcome, neighbor.

Melissa Mullins Mischke stated they don't get enough of that on this Board.

Adam Koronka stated they got two (2) in a row.

**2. Petition for Variance of Developmental Standards for Keith W Blower** for temporary placement of an RV to live in during construction of the primary home. The property is located at 1156 E. 600 N., LaPorte, IN., Kankakee Twp, zoned A on 2.643 acres. Parcel 46-07-05-100-032.000-052.


Dwayne Hogan made a motion to table until the September Meeting the Petition for Variance of Developmental Standards for Keith W Blower for temporary placement of an RV to live in during construction of the primary home. The property is located at 1156 E. 600 N., LaPorte, IN., Kankakee Twp, zoned A on 2.643 acres.

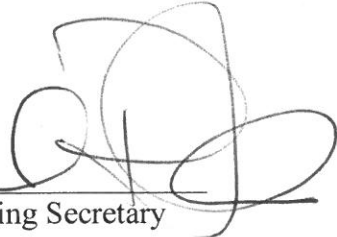
Adam Koronka seconded.

All Approved. Motion carries 5-0.

Melissa Mullins Mischke asked for any other business.

There being no further business, meeting adjourned at 7:07 p.m.

  
Melissa Mullins Mischke, President

  
Michael Polan, Recording Secretary