



LAPORTE COUNTY BOARD OF ZONING APPEALS

Government Complex, 5th Level
809 State Street, Suite 503 A
LaPorte, Indiana 46350-3391
(219) 326-6808, Ext. 2591, 2563 & 2221
Fax: (219) 362-5561

Michael Polan
Building Commissioner

November 15th, 2022

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **November 15th, 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; Janet Cole,
 Administrative Specialist; Ashley Kazmucha, Administrative Coordinator

The Pledge of Allegiance.

APPROVAL OF MINUTES:

Melissa Mullins Mischke asked for approval of the meeting minutes of October 18th, 2022.

Adam Koronka made a motion to approve the meeting minutes of October 18th, 2022 as presented.

Dwayne Hogan seconded.

All Approved. Motion carries 5-0

Petitions:

1. Petition for Variance of Developmental Standards for Kevin M & Heather M Ellingson for a second accessory structure pole barn with water for personal use. This property is located at 1576 N. 400 W., LaPorte IN., Center Twp, zoned R1B. Parcel 46-06-29-200-021.000-042.

Attorney Biege stated notice is adequate.

Kevin Ellingson stated his address is 1576 N. 400 W., LaPorte, IN. They recently purchased the home in June. There is one (1) accessory structure there which his wife calls her she shed for her pool house so he needs a man shed for thing they have that they would like to store inside so that is the reason for the second (2nd) accessory structure on the south end of the property.

Melissa Mullins Mischke asked how large it will be.

Kevin Ellingson stated approximately thirty by forty (30' x 40').

Dwayne Hogan stated that would be a pretty good size.

Melissa Mullins Mischke asked if that is a good size for a man shed.

Kevin Ellingson stated yes. That should work for now until his wife takes over part of it.

Dwayne Hogan stated forty by forty (40' x 40').

Kevin Ellingson stated it might change in size slightly, but not much if it does.

Melissa Mullins Mischke stated he wants water to the building. Is he going to have electric.

Kevin Ellingson stated yes, there will be electric. The water is to wash cars and things that he has like old cars that he likes to keep clean.

Melissa Mullins Mischke stated it is primarily just for personal storage.

Kevin Ellingson stated yes, for storage. He has a trailer that he would like to keep inside instead of sitting outside; it's a small enclosed trailer.

Dwayne Hogan asked if he has any intentions to rent it out or live in it.

Kevin Ellingson stated absolutely not. They are empty nesters for a reason.

Melissa Mullins Mischke stated that's nice.

No remonstrators present.

Dwayne Hogan made a motion to approve the Variance of Developmental Standards for Kevin M & Heather M Ellingson for a second accessory structure pole barn with water for personal use. This property is located at 1576 N. 400 W., LaPorte IN., Center Twp, zoned R1B.

Adam Koronka seconded.

All Approved. Motion carries 5-0.

2. Petition for Variance of Use for James Henson to operate a metal fabrication shop out of the garage. This property is located at 1402 S. State Road 39, LaPorte, IN., Scipio Twp. zoned R1B. Parcel 46-10-10-277-028.000-060.

Petition moved to the end as the Petitioner is not present.

3. Petition for Variance of Developmental Standards for Frank A Lazarro (owner) and Kerry Durkin (buyer) for construction of a garage (24' x 35') without a house on the property. This property is located west of 1606 N. Longshore Dr., Walkerton, IN., Lincoln Twp., zoned R1B. Parcel 46-12-17-227-032.000-055.

Attorney Biege stated notice is adequate.

Kerry Durkin stated his address is 211 Water Street, Thornton, IL.

Melissa Mullins Mischke asked if there will be a house constructed.

Kerry Durkin stated at some point that is the plan. They have a summer home that is a hundred and thirty-three feet (133') away from the property. It has an out building on it currently that is twelve by twenty (12' x 20') that doesn't meet their needs. He wants to put his pontoon boat in something and this garage would be thirty-five feet (35') long to get the pontoon boat and the trailer in it. It sits in the yard all winter if he doesn't do that.

Melissa Mullins Mischke stated it will be for personal storage.

Kerry Durkin stated yes.

Melissa Mullins Mischke stated no living space.

Kerry Durkin stated no.

Dwayne Hogan stated no renting or secondary stuff like that.

Kerry Durkin stated no. It will store boats.

Dwayne Hogan asked if he will be adding water to it.

Kerry Durkin stated he doesn't have an intention. Their intention long term is to put a house on the property because it is a small lot; it's only eighty by a hundred (80' x 100'). He can put a house big enough. The cottage he has is less than seven hundred square feet (700²) so ultimately, he and his wife would go there because she would like to have bedroom that she could walk around the bed in. The kids could then take over the existing cottage when they come up and visit.

No remonstrators present.

Michael Polan stated they did receive a letter of remonstrance.

Melissa Mullins Mischke stated they do have one (1) letter of remonstrance. It will be in the Building Commissioner's Office and it is against. Actually, it's more like they have questions

and concerns about stormwater and things. If anyone would like to see it, it is available in the Building Commissioner's Office.

Adam Koronka made a motion to approve the Petition for Variance of Developmental Standards for Frank A Lazarro (owner) and Kerry Durkin (buyer) for construction of a garage (24' x 35') without a house on the property. This property is located west of 1606 N. Longshore Dr., Walkerton, IN., Lincoln Twp., zoned R1B.

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

4. Petition for Variance of Developmental Standards for Peter W VanTholen Living Trust for construction of a studio addition to current garage to live in during primary home reconstruction and to keep as guest quarters upon completion of the primary home. This property is located at 4721 E. 900 N., Rolling Prairie, IN., Galena Twp, zoned A on 14.21 acres. Parcel 46-03-14-400-004.000-048.

Attorney Biege stated notice is adequate.

Due to technical difficulties, the Petitioners could not be heard through Zoom on the recording.

Adam Koronka asked about the Beacon wetlands overly on the property, the pictures show that there seems to be high water on the property. He would expect that they would have to do some kind of due diligence before they do anything.

Dwayne Hogan stated obviously they would have to.

Petitioners' response incomprehensible.

Michael Polan asked how far away the building site is from the wetlands.

Peter VanTholen stated about three hundred feet (300').

Adam Koronka stated from looking at all the photos and the work that has been done so far, he thinks ultimately the most difficult part would be passing the Board of Health stuff when it comes to the septic and the well.

Dwayne Hogan agreed.

Melissa Mullins Mischke stated that will be the Health Departments issue. They don't have any control over that.

Dwayne Hogan stated they want to keep this as guest quarters when they are done. They have no intentions of renting it or anything do they?

Peter VanTholen stated no. *Incomprehensible.*

Melissa Mullins Mischke stated they can make a vote contingent, but it doesn't really matter the Health Department will be the deciding factor.

Attorney Biege stated they don't need to make any contingency. They are an independent entity either way.

Dwayne Hogan asked when they plan on starting this.

Petition incomprehensible.

Melissa Mullins Mischke asked how long do they anticipate construction will take on the addition.

Petitioner incomprehensible.

Melissa Mullins Mischke asked how long it will take for reconstruction of the whole home.

Peter VanTholen stated probably about a year and a half to two (2) years.

Dwayne Hogan stated he will need at least that.

Melissa Mullins Mischke asked if they have a contractor that is doing the work for them.

Peter VanTholen stated not yet.

Dwayne Hogan asked Michael Polan if they are forgetting anything. It's a little convoluted here. Are there any delineated wetlands on this property.

Adam Koronka stated looking at the overlay on Beacon there are some.

Melissa Mullins Mischke stated that's from National Wetlands Inventory; it is not a wetlands delineation.

Michael Polan stated they had indicated that the building site would be about three hundred feet (300'). Their requirement setback would be fifty feet (50').

No remonstrators present.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for Peter W VanTholen Living Trust for construction of a studio addition to current garage to live in during primary home reconstruction and to keep as guest quarters upon completion of the

primary home. This property is located at 4721 E. 900 N., Rolling Prairie, IN., Galena Twp, zoned A on 14.21 acres.

Adam Koronka seconded.

Approved. Motion carries 4-1.

5. Petition for Variance of Developmental Standards for Daniel D, Tyler E, Ian D, Bryce C, and Seth F Warkentien for construction of a cabin 416²' instead of the 1,000²' minimum and on a parcel without road frontage (access easement). This property is located behind 5738 W. 150 N., LaPorte, IN., Center Twp. zoned A on 33.742 acres. Parcel 46-06-30-300-014.000-042.

Attorney Biege stated notice is adequate.

Daniel Warkentien stated his address is 1119 N. Grant St., Lebanon, IN. This is for construction of a cabin. He has owned the property for twenty-two (22) years and his dream is to retire and build a weekend cabin. He has camped out there and that sort of thing, but to get some of his buddies to go up there and spend the weekend. It will be a log cabin. There will be no water, no sewage, and no electric. They have a self-composting toilet they would use. They would bring in some water and use solar panels for electricity. It would just be a weekend place. There is a wetland close by; he measured back from it fifty feet (50'). He actually has more training in wetlands as he is a retired science teacher. He has marked that back.

No remonstrators present.

Melissa Mullins Mischke stated she did receive a letter of remonstrance. It's seeking information for clarification. If anybody would like to see that, it will be in the Building Commissioner's Office.

Daniel Warkentien asked if he could see it.

Dwayne Hogan stated it would be in Michael Polan's Office afterwards. He could look at it afterwards.

Melissa Mullins Mischke stated she was going to send her kid out there to learn how to do some stuff.

Dwayne Hogan stated to work on the land.

Adam Koronka made a motion to approve the Petition for Variance of Developmental Standards for Daniel D, Tyler E, Ian D, Bryce C, and Seth F Warkentien for construction of a cabin 416²' instead of the 1,000²' minimum and on a parcel without road frontage (access easement). This property is located behind 5738 W. 150 N., LaPorte, IN., Center Twp. zoned A on 33.742 acres.

April Daly seconded.

All Approved. Motion carries 5-0.

6. Petition for Variance of Variance of Use for Mossimoto Properties LLC (seller) and Dan Klister (buyer) for operation of a unique rental retreat with seven (7) cabins. The property is located west of 3985 E. 1000 N., LaPorte, IN., Galena Twp., zoned A on 20 acres. Parcel 46-03-10-400-022.000-048.

Melissa Mullins Mischke stated number six (#6) is off of the agenda this evening until next month.

7. Petition for Variance of Developmental Standards for Billy R Adams II for residing in a R.V. while cleaning up property and home due to fire with the possibility changing to a mobile home. The property is located at 504 E. 200 N., LaPorte, IN., Kankakee Twp., zoned R1B on 5 acres. Parcel 46-07-30-201-008.000-052.

Attorney Biege stated notice is adequate.

Billy Adams stated his address is 504 E. 200 N., LaPorte.

Melissa Mullins Mischke asked when the fire occurred.

Billy Adams stated almost a year ago on Thanksgiving.

Melissa Mullins Mischke asked if the house is a total loss.

Billy Adams stated no.

Dwayne Hogan asked what his intentions are.

Billy Adams stated in the spring time he would like to start rebuilding.

Dwayne Hogan asked about the meantime.

Billy Adams stated living in an RV or a mobile home.

Adam Koronka stated the mobile home is not to replace the main house; it is to replace the RV for temporary instance.

Melissa Mullins Mischke stated there is quite a bit of clutter in the yard. Is that something they could address.

Billy Adams stated it is scrap that he has been cleaning up and taking in.

Dwayne Hogan stated it isn't a total loss for the house.

Billy Adams stated no. The main damage is to the back addition which it was like a three (3) season room.

Melissa Mullins Mischke stated personally, she is not in favor of living in an RV. She would be in favor of a mobile home temporarily if that's possible. Once they open up RV living to one (1) person then that opens it up to the whole County and that's something they do not want to do.

Billy Adams stated he owns his property and it's paid for.

Melissa Mullins Mischke stated she understands that.

Dwayne Hogan stated they are not going to open that up though.

Billy Adams stated it would take some time to get a mobile home there.

Melissa Mullins Mischke stated she understands that.

Adam Koronka asked how long he is expecting it to take to refinish the house.

Billy Adams stated he wouldn't be starting until the spring time so it'll be about a year and he will be doing the work himself.

No remonstrators present.

Dwayne Hogan asked if he plans on doing all the work on the house himself.

Billy Adams stated yes.

Dwayne Hogan asked how long it would anticipate him to do this.

Billy Adams stated about a year. Money wise will be the biggest problem.

Michael Polan stated they do have letters of remonstrance.

Melissa Mullins Mischke asked if they are positive or negative.

Michael Polan stated he thinks they were emailed out, but he will bring up the hard copies.

Dwayne Hogan asked if there would be any other contingency plan if they did not allow the trailer.

Billy Adams stated no.

Dwayne Hogan stated there is nothing else they could do to fix it up.

Billy Adams stated he is just starting a job this week so he doesn't have a pot to piss in or a window to throw it out of.

Dwayne Hogan asked where he is living now.

Billy Adams stated in the RV on the property.

Dwayne Hogan asked how long he has been there.

Billy Adams stated about three (3) months.

Dwayne Hogan stated they are living in the Class A RV.

Billy Adams stated yes.

Adam Koronka asked how many are in the RV right now.

Billy Adams stated five (5) of them.

Dwayne Hogan asked if they are utilizing both RVs to live in right now.

Billy Adams stated no, just one (1).

Michael Polan stated there was a three (3) month hardship on the RV granted by his office prior to the filing for the variance.

April Daly stated three (3) months from a year ago.

Billy Adams stated he didn't live there. He was in a hotel quite a while and that burned up all the money he had.

April Daly asked if there was insurance on the property.

Billy Adams stated the insurance paid the property off and that was it basically.

Melissa Mullins Mischke stated her concern is safety over winter in an RV. Heating and things like that with five (5) people are her concern in addition to RVs.

Billy Adams stated it has everything required. It has heat, electricity, water.

Melissa Mullins Mischke asked how they are hooking up electric and water and sewage to it.

Billy Adams stated he is using a generator for water and he has a good septic system on the property.

Melissa Mullins Mischke stated the RV is going directly to the septic.

Billy Adams stated yes.

Melissa Mullins Mischke asked if the Health Department has looked at that.

Billy Adams stated they were out there, yes.

Glen Minich had comments but was incomprehensible through Zoom.

Adam Koronka stated in his two (2) years on this Board his first meeting was one (1) where they had to pull an RV because it was folks that had their extended family living in it through the winter just because of safety. They are not designed for some of the cold months that we see here through the winter. At the very least, they need to consider going to a mobile home.

Melissa Mullins Mischke agreed.

Billy Adams asked if they would give him a couple months to get a mobile home set up.

Adam Koronka stated they have to allow some grace period to get that set up. It's at the liberty of the Board once they make the motion and vote.

Dwayne Hogan stated he is not in favor of the RV. As Glen stated, as the Board stated, and as they have done in the past, it is not acceptable for this County or their residents.

Melissa Mullins Mischke stated she has family that their full-time residence is an RV three hundred and sixty-five (365) days. They come back to Indiana and they go from campground to campground, but they are already gone because it is too cold and it's a two (2) year old RV. That is her main concern.

Dwayne Hogan stated he's trying to think how to word this because he doesn't want the RV at all and he is unsure about how they will put the mobile home in there and make it work even temporarily.

Attorney Biege stated maybe take it in two (2) pieces; a motion on each one (1).

Melissa Mullins Mischke stated okay.

Dwayne Hogan stated he will take a shot at the first part of it then. That's not a bad idea for the reference of that.

Dwayne Hogan made a motion to deny the Petition for Variance of Developmental Standards for Billy R Adams II for residing in a R.V. while cleaning up property and home due to fire. The property is located at 504 E. 200 N., LaPorte, IN., Kankakee Twp., zoned R1B on 5 acres.

Dwayne Hogan stated it is unhealthy and does not meet the criteria of what the Board has done in the past.

Adam Koronka asked what kind of time frame to vacate.

Dwayne Hogan stated that would be apart of the next motion. He doesn't know what would be an appropriate time frame because it will have to be removed and done before he put something else in there in its place and he doesn't know what that time frame should be. He could seek counsel for a recommendation on that given the time of the year and the weather and everything he's going to have to do. He has to find one (1), get one (1). It's not acceptable the way it is not, but maybe an alternative site altogether to live until spring time might be a suggestion.

Attorney Biege stated he doesn't know if campgrounds are open or not.

Dwayne Hogan stated he isn't sure unless they're full time with all the water being wrapped up in heat, they are closed down now.

Adam Koronka stated there is one (1) in Michigan City that is open through the year. He had a former employee that lived in one (1) full time out there.

Dwayne Hogan stated he could be seeking a residency there at least until spring time. This property where it's at should just be denied.

Melissa Mullins Mischke asked if Michael Polan has a recommendation on time frame.

Michael Polan stated normally he goes with sixty (60) days.

Melissa Mullins Mischke stated they would probably need more than sixty (60).

Michael Polan stated he would normally go with sixty (60). He had a case last year and it was an RV case. The guy was snowed in and he had to call in for extensions. If they do impose a time frame and there ends up being extenuation circumstances, they can handle that within the office. They can work with counsel on that.

Dwayne Hogan stated that would be the limit. November, December, and January are the hardest months that could possibly hit and they are coming. To even work outside, the request is just not reasonable for this type of work. His best suggestion would be to seek living quarters elsewhere.

Billy Adams asked if he could close off part of the house that is damaged and reside in the rest of it that's not.

Dwayne Hogan asked if there is working water, electric, and sewer in the house.

Billy Adams stated there is. He needs to get some water lines replaced because some of them burnt as they were run through the attic, but he does have a cousin that is a plumber that could help him get that done right away.

Dwayne Hogan asked if he can retrofit some partition on the house that caught fire to make it livable to get through the winter.

Billy Adams stated yes.

Dwayne Hogans stated that would be better than being outside. Does the furnace and everything still work in it.

Billy Adams stated yes.

Melissa Mullins Mischke asked if the Fire Department would check that out, generally speaking.

Dwayne Hogan stated they could upon request to make sure it would pass everything.

Attorney Biege stated either that or the Building Commissioner and inspector can make sure that everything is up to code at least on the part that is repaired.

Dwayne Hogan stated he would rather see them inside a hardcore residency that being outside.

Michael Polan stated their inspectors can check out the work performed to move in and if it is sufficient enough, they could maybe issue a temporary C/O.

Melissa Mullins Mischke stated she likes that idea better.

Dwayne Hogan agreed. At least they will be inside.

Attorney Biege stated the decision for the Board would be the amount of time they are going to leave him in the RV to make the repairs to house and he wouldn't recommend going any further than that.

Dwayne Hogan stated that is a very good suggestion. Can he get that all done within the ninety (90) day period.

Billy Adams stated yes.

Dwayne Hogan amended his petition to deny the Petition for Variance of Developmental Standards for Billy R Adams II for residing in a R.V. while cleaning up property and home due to fire. Will remove RV after ninety (90) days. The property is located at 504 E. 200 N., LaPorte, IN., Kankakee Twp., zoned R1B on 5 acres.

Billy Adams stated he will have to patch part of the roof; will he need to pull permits for that.

Dwayne Hogan stated he will have to talk to the Building Commissioner's Office.

Melissa Mullins Mischke stated to just work with the Building Commissioner if that is what the decision is.

Attorney Biege stated he wants to repeat the motion back to them to make sure because it is a simple motion. It is a simply motion. There is stuff behind it, but that's all on Mike. They are going to deny the request for variance on the RV and give him ninety (90) days to remove it.

Dwayne Hogan stated basically true.

Melissa Mullins Mischke stated yes.

Adam Koronka seconded.

All Approved. Motion carries 5-0.

2. Petition for Variance of Use for James Henson to operate a metal fabrication shop out of the garage. This property is located at 1402 S. State Road 39, LaPorte, IN., Scipio Twp. zoned R1B. Parcel 46-10-10-277-028.000-060.

Petitioner not present.


Adam Koronka made a motion to table the Petition for Variance of Use for James Henson to operate a metal fabrication shop out of the garage. This property is located at 1402 S. State Road 39, LaPorte, IN., Scipio Twp. zoned R1B.

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

Melissa Mullins Mischke asked for any other business.

There being no further business, meeting adjourned at 6:38 p.m.


Melissa Mullins Mischke, President


Michael Polan, Recording Secretary