



**LAPORTE COUNTY
BOARD OF ZONING APPEALS**

Government Complex, 5th Level
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Michael Polan
Building Commissioner

February 21st, 2023

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **February 21st, 2023, at 6:00 p.m.** in the Assembly Room of the County Complex.

MEMBERS PRESENT: Melissa Mullins Mischke Glen Minich
 April Daly Deb Vance
 Vern Schafer

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

The Pledge of Allegiance.

ELECTIONS:

Michael Polan asked for a nomination for President.

April Daly made a motion to nominate Melissa Mullins Mischke for President and Glen Minich for Vice-President.

Glen Minich seconded the nomination for Melissa Mullins Mischke.

Melissa Mullins Mischke seconded the nomination for Glen Minich.

Michael Polan asked for any other nomination.

All Approved. Motions carry 5-0.

APPROVAL OF MINUTES:

Melissa Mullins Mischke asked for approval of the meeting minutes of December 20th, 2022.

Glen Minich made a motion to approve the meeting minutes of December 20th, 2022 as presented.

April Daly seconded.

All Approved. Motion carries 5-0

Petitions:

7. Petition for Special Exception for Andriy Prots for operation of a used car lot. The property is located at 2005 W. Hwy 6, LaPorte, IN., Scipio Twp., zoned B2 on 1.6816 acres. Parcel 46-10-35-300-003.000-060.

Melissa Mullins Mischke stated Petition #7 will be tabled until the March meeting.

1. Petition for Variance of Use for Nowak Farms (Robert Nowak) represented by Andrew Voeltz of Howes & Howes, LLP for running three businesses in existing building (ATF transfers only) (Light machining work) (Auditing & Consulting). This property is located at 6036 N. Nowak Rd., LaPorte, IN., Springfield Twp., zoned R1B on 38.2 acres. Parcel 46-02-32-300-007.000-062.

Melissa Mullins Mischke asked for a motion for Petition #1 to be removed from the table.

April Daly made a motion to remove the petition from the table.

Glen Minich seconded.

All Approved. Motion carries 5-0.

Attorney Biege state notice is adequate.

Andrew Voeltz stated he is there representing Nowak Farms with regards to their petition that was filed in December of 2022 that had been tabled until this meeting. He does need to make some clarification with regards to the actual language of the petition in that the property is not currently zoned R1B, it is actual zoned agricultural so he needed to correct that. What they have here is a situation where a family owns the property through an LLC which is pretty much irrelevant, but they are asking for a variance or special exception to operate three (3) businesses in the existing building that is already there at 6036 N. Nowak Rd. in the form of ATF transfers with regards to Shoot to Thrill Customs LLC which is the paperwork he just handed to the Board, light machining work, and then Nexos Compliance Auditing LLC. As he looks through the JZO, he finds it interesting that it doesn't even really address what his clients' concerns are. That being said, he knows there has been some "in-fighting" with the family, but they are asking for a variance even though based upon the letter that was issued by Janet Cole approximately eight (8) years ago, in the case that there was no variance needed for Shoot to Thrill Customs. When they look at what the highest, best use of the property is, which is not zoned R1B, but zoned Ag, it is all allowed. He can't see where anything would require a Special Exception or a Variance. That being said, they are going through the motions to make sure that everything is done properly. They would ask that the petition for Variance of Use filed by Nowak Farms back on December 1, 2022 with the amendment made that the property is not in fact zoned as R1B,

but zoned as Ag, but is, in fact, thirty-eight-point-two (38.2) acres and that they would be allowed to run those three (3) businesses out of there in the existing building as they have been for the period of the last seven to eight (7 – 8) years at this point concerning Shoot to Thrill Customs LLC, which is ATF transfers only which is specifically referenced in the letter that was written. That does not require a variance. Light machining work and then auditing and consulting. He would answer any questions the Board may have.

Michael Polan stated he is looking over the property and it appears to him that it is zoned R1B, but the class is agricultural – cash grain/general farm. The class is Ag, but the zoning appears to be R1B as shown on Beacon.

Michael Polan and Andrew Voeltz discuss amongst themselves.

Melissa Mullins Mischke asked if they are clear on the zoning issue.

Andrew Voeltz stated apparently as was indicated by Building Commissioner Polan, the overlay is R1B although the class is Ag so there was a little bit of confusion there. That being said, there are no issues with regard to the petition because again, as they see from the letter that was issued by the Building Commissioner's Office almost eight (8) years ago, there is no need for a variance for Shoot to Thrill, but then R1B shows a variance is necessary to allow "light machining work", but again it is in a building that has already been in existence. This is not something new. They would just simply ask that the Board would grant this request for the petition with regards to a variance of use and he will withdraw with regards to agricultural and go with R1B because it is lower. Ag wouldn't matter. If R1B is what is on the table, which according to the petition, it is, they would ask for a petition of variance of use to allow for running three (3) businesses in the existing building regarding ATF transfers for Shoot to Thrill Customs, light machining work for Nowak Precision, and auditing and consulting.

Attorney Biege stated this is a muddy record. The cleanest way to do it, if the Board were so inclined, make a motion to grant the variance. He's not sure they need to, but they want to make sure the record is clean as to the property use. Even though, it may not be legally required, he would recommend if they were so inclined, make a motion to grant the variances, or decline them. They can always appeal, but let's make sure the Boards decision is clear.

Andrew Voeltz thanked Attorney Biege. That was the basis for this to continue tonight as opposed to it being tabled or removed is that he wanted to make for his clients the record clear that even if a variance isn't required, it would still be granted based upon the Board's motion. He doesn't believe it is required, but that is why they here tonight to indicate that, as Attorney Biege stated it is kind of muddy, so they just want to make everything clear moving forward. Whatever the family decides to do with regard to LLCs and whatever else, that is irrelevant when it comes to their determination here. They are simply asking for a variance, whether or not it is needed, to be granted. Again, it's muddy. When things get muddy, that's when he petitions and asks for things from a Board to make the decision because he doesn't want to go through an appeals process.

Glen Minich asked Attorney Biege when they normally do this, they are approached by the three (3) business owners as renters of the facility from the Nowak's, the Nowak's, as this is presented, don't actually run the businesses do they?

Attorney Biege stated he doesn't know, but they way to petition is presented, it looks like they are.

Andrew Voeltz stated there are entities that are run by Nowak individuals, but the underlying owner of the property, as pursuant to the Beacon report and everything else, is Nowak Farms LLC. They may be running underneath that LLC. If they need to re-file the petition with the specific names, which they have already mentioned with regard to Shoot to Thrill Customs and some machining operations, especially considering that they notice that went out with everything else that has been going on out there, Nowak Farms LLC at the then end of the day, is the owner of the property. They are requesting a variance to operate these three (3) underlying businesses underneath their property. They are the proper petitioner in his mind. Again, he has a representative present from both Nowak Farms, Shoot to Thrill, et cetera that could make statements or otherwise introduce into evidence some testimony with regards to what their intentions are. At then end of the day though, he doesn't think he has ever encountered a situation where an underlying LLC is the proper entity to bring a variance because at the end of the day it is the owner of the property that is subject to the variance.

Attorney Biege stated in the past they have seen that they have more than one (1) petitioner for a property purchase, but not necessarily for the property rental. He thinks that if the variance is granted to, then the only thing that would apply is subsequent tenants, notwithstanding any restrictions.

Glen Minich stated he agrees, but he thinks the only thing they can do is they can act on the petitions by saying if the Nowak's are able to rent space to three (3) businesses. He doesn't think they should even make a reference to what the businesses are.

Attorney Biege stated they can do that; that's fine.

Andrew Voeltz stated he doesn't disagree with that. He thinks they are on the same page. He doesn't want to get in the weeds with it because he doesn't think it is appropriate. He hit the nail on the head; it's the variance that is requested and whatever happens underneath that makes no difference. They have identified what those uses are going to be and that's the reason for the variance, but to go further in the weeds on that with regards to what in fact they are doing or whatever else is far outside the scope of what the BZA's ability is to either grant or deny a request because then they are talking about civil litigation and he doesn't even want to get into that.

Vern Schafer stated there had been some opposition to this petition in the form of a letter that was rescinded. Is there any other opposition to this as far as he is concerned?

Melissa Mullins Mischke stated she will be calling for remonstrators soon.

Vern Schafer stated okay. He is new and he wasn't aware.

Andrew Voeltz stated he appreciated that as he has been in consultation with counsel on the other side and there has been a family settlement agreement that has been worked out. He doesn't necessarily get into the weeds with here at this point.

No remonstrators present.

Glen Minich made a motion to approve the Petition for Variance of Use for Nowak Farms (Robert Nowak) represented by Andrew Voeltz of Howes & Howes, LLP to rent space for three businesses in existing building. This property is located at 6036 N. Nowak Rd., LaPorte, IN., Springfield Twp., zoned R1B on 38.2 acres.

April Daly seconded.

Approved. Motion carries 4-1.

2. Petition for Variance of Developmental Standards for Hay Hooks Farm LLC to convert an existing pole barn into guest quarters for personal use. The property is located at 10477 N. 350 W., Michigan City, IN., Springfield Twp., zoned R1B on 71.253 acres. Parcel 46-02-09-400-010.000-062.

Attorney Biege stated notice is adequate.

Melissa Siler stated her address is 10477 N. 350 W., Michigan City, IN.

Mike Smith stated he is with Smith Brothers Construction located at 1205 A Street, LaPorte, IN.

Melissa Mullins Mischke asked what the plans for the existing pole barn are.

Melissa Siler stated they are putting an in-ground pool in so they want to use the existing barn for a pool house and for home office space. Both her husband and she work from home.

No remonstrators present.

Melissa Mullins Mischke stated she feels kind of sad. The previous vice-president used to always ask if the structure was going to be big enough. She feels like fifteen (15) years, she has in her head, "Is this barn going to be big enough?"

Attorney Biege asked if they are adding water to the barn or if it is existing?

Mike Smith stated there is existing.

Melissa Mullins Mischke asked when they started re-construction on the pole barn.

Melissa Siler stated he started the outside work about a month ago.

Mike Smith stated that is correct.

Melissa Mullins Mischke asked if this will be guest quarters for family to come and stay or will it be strictly for working from home and the pool.

Melissa Siler stated predominantly working from home and the pool. If they had family members in town for a short period of time, they may use air mattresses on the ground for that overflow. They have three (3) kids so sometimes they can have extra guests.

Melissa Mullins Mischke stated if they do approve this petition there will be no renting and will be strictly for personal use.

Melissa Siler stated yes, strictly personal.

Glen Minich asked if any inspections have been done during the process.

Michael Polan stated permits have been pulled. As far as inspections, have any been called for yet?

Ashley Kazmucha stated the pole barn was already there, they are just redoing the roof and the siding right now. Then they will get a remodel permit pending this. She believes Scott was out there.

Michael Polan stated okay.

Glen Minich stated he wanted to make sure the Building Department could catch up on any problem that would be in the frame work of the building.

Michael Polan stated absolutely.

April Daly made a motion to approve the Petition for Variance of Developmental Standards for Hay Hooks Farm LLC to convert an existing pole barn into guest quarters for personal use, no rentals, and for a pool. The property is located at 10477 N. 350 W., Michigan City, IN., Springfield Twp., zoned R1B on 71.253 acres.

Glen Minich seconded.

All Approved. Motion carries 5-0.

3. Petition for Variance of Developmental Standards for Charles and Roseleen Strother to make legal a pole barn with existing living quarters put in by previous owners. Current owner's parents reside in it. This property is located at 759 W. 900 N., LaPorte, IN., Springfield Twp., zoned A on 13.0824 acres. Parcel 46-02-13-300-016.000-062.

Attorney Biege stated notice is adequate.

Charles and Roseleen Strother stated their address is 759 W. 900 N., LaPorte, IN.

Melissa Mullins Mischke stated their mother is living in the structure.

Charles Strother stated both of his parents.

Melissa Mullins Mischke asked how long they have owned the property.

Charles Strother stated five (5) years.

Melissa Mullins Mischke asked how long the shipping container has been on the property.

Charles Strother stated for probably four (4) years.

No remonstrators present.

Glen Minich asked Mr. Polan if he is confident that they can catch up and do an inspection on this barn since it has never been inspected.

Michael Polan stated he is not. Whoever built it did not apply for a permit through his office and no inspections were performed. No certificate of occupancy was issued.

Charles Strother stated they were completely unaware of that when they purchased the property. It was an estate. The gentleman has passed away and he was notorious for that kind of behavior. There were many instances that they have gone through at this property and they have permitted everything they have done. They permitted their pool. They permitted the septic. They permitted a new well. They were never told along the way that it had not been legal. They purchased it with an appraisal. They are re-financing and that's where they were made aware of it is the current appraiser told them about it. They had no idea.

Roseleen Strother stated when they purchased it, somebody was living in the pole barn in the apartment. They had assumed it was legal.

Melissa Mullins Mischke asked how old their parents are.

Charles Strother stated in their late 70's. His dad is going to be seventy-seven (77) and his mom is seventy-four (74).

Melissa Mullins Mischke asked if they care for them.

Roseleen Strother stated yes.

Charles Strother stated they are independent, but he provides for them, yes.

Roseleen Strother stated his mother had an ankle replacement which is why they moved in with us because that pole barn has no thresholds in it and the apartment has no stairs. She was on a mini-scooter and they had to move in with them.

Melissa Mullins Mischke stated should they approve the petition, do they understand that once their parents are no longer using it they will not be allowed to rent it out or any renting of the apartment going forward. It can be for personal use, but not for rental.

Charles Strother stated yes.

Roseleen Strother asked what would happen when they sell the property.

Melissa Mullins Mischke stated the variance would go with the property at this point.

Attorney Biege stated let's be clear, they are asking for a variance to have the living quarters, but that's as far as they can go then. The fact that it was constructed without a permit is a different subject. If the Board grants them to let it exist, then financing and title work issues surrounding the non-permitted structure will remain.

Charles Strother stated he doesn't understand what that means.

Attorney Biege stated they will give them permission to have the living quarters, but they're not going to say it is inspected and safe because they don't know.

Charles Strother stated he understands. So, in other words he is saying the value of it isn't considered in an appraisal, it's not as though somebody can't appraise it.

Attorney Biege stated that is up to the appraisers, but his experience has been if there is an appraisal without a certificate of occupancy it will affect the value of that asset.

Charles Strother asked if the County is too far behind to inspect it.

Attorney Biege stated he doesn't know if it is or not.

Charles Strother stated they just said that.

Michael Polan stated he can explain. To piggyback on what Doug said, some lenders won't lend if there is not a certificate of occupancy. He will not issue a certificate of occupancy if they haven't seen framing, haven't seen behind the walls, they can't confirm that there is fire block or where it's supposed to be and that the wiring is done the way it's supposed to be. That's the issue. Like the attorney said, it is a separate issue from the variance request that is in front of this Board.

Roseleen Strother asked if they will have to file another variance or petition for that.

Attorney Biege stated no. When they talk about building permits and certificate of occupancy, that is building safety. They don't have the authority to waive that.

Charles Strother stated they are saying they won't inspect it, right?

Michael Polan stated the only way for him to confirm that there is fire block and everything behind the walls that is supposed to be there is to tear the walls out.

Ashley Kazmucha stated they would have to get a remodel permit and we would have to inspect everything from the start.

Roseleen Strothers stated okay.

Attorney Biege stated it has been done before with the inspections. Michael Polan's mom did it when she was Building Commissioner. So, it can be done. It's not easy, but it can be done, but that's not for this forum.

Charles Strother stated he has another question. They have been taxed on the value of this for the last five (5) years.

Melissa Mullins Mischke stated they have nothing to do with the taxing. Attorney Biege, can they make a motion contingent on certificate of occupancy and inspection if that's what the Board chooses to do.

Attorney Biege stated they can.

Glen Minich stated with Melissa making it contingent that everything is okay, he is okay with a third party doing an inspection on it and then passing it on to the Building Department. Is that okay? That will give them some options.

Charles Strother asked if that is like a home inspector?

Glen Minich stated it would have to be more thorough than that.

Attorney Biege stated that would be a subject between them and the Building Commissioner. They have to make sure he is happy with the construction. There are going to be some areas that they might need to tear out and redo, but he doesn't think they can do that. He recommends they have a meeting with him and discuss it and find out what needs to be done with whoever they are going to hire.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Charles and Roseleen Strother to make legal a pole barn with existing living quarters put in by previous owners. Current owner's parents reside in it contingent on it being inspected and a Certificate of Occupancy being issued by the Building Inspector. This property is located at 759 W. 900 N., LaPorte, IN., Springfield Twp., zoned A on 13.0824 acres.

April Daly seconded.

All Approved. Motion carries 5-0.

4. Petition for Variance of Developmental Standards for Jordan & Nina Bridegroom (seller) & Jeffrey & Marcia Briggs (buyer) for construction on a parcel with less than 200' of road frontage and construction of an accessory building prior to the construction of the residence. This property is located next to 13978 S. 450 W., Hanna, IN., Hanna Twp, zoned A on 16.68 acres. Parcel 46-18-08-300-026.000-049.

Attorney Biege stated notice is adequate.

Jeffrey and Marcia Brigg stated their address is 110 City View Drive, Valparaiso, IN.

Melissa Mullins Mischke stated they haven't owned this property too long, right.

Jeffrey Briggs stated they don't own it.

Melissa Mullins Mischke stated they are the buyer. She feels like they have previously granted a variance for this property. What brings them back in front of them then.

Jeffrey Briggs stated they said the new owners had to go before the Board and do the same thing.

Marcia Briggs stated the people they are buying it from did this back in August and then chose to sell it instead of doing anything.

Melissa Mullins Mischke stated okay.

Remonstrators:

Harold Michaels stated his address is 4588 W. 1375 S., Hanna, IN. His property is attached to the northeast corner of theirs on 1375. Last year when they were here with Jordan and Jon Mack sold it to them, there were some variance put in place that they would not parcel the land out and that there would be no driveway on to 1375. That was his only concern that those variances would stay in place. Especially, the no driveway off of 1375.

Melissa Mullins Mischke stated to clarify, when they previously granted this variance they driveway was coming off of 450 W. as opposed to 1375 because there is a big hill right there by the track and they want to make sure there is no further subdivision of the parcel. They are requesting that the driveway come off 450 instead of 1375 and no further subdividing of the property.

Jeffrey Briggs stated they didn't know about that.

Marcia Briggs stated they knew about the no subdividing, but the didn't know about the driveway.

Melissa Mullins Mischke asked if they are good with the driveway coming off 450.

Jeffrey Briggs stated they are not a hundred percent (100%) sure. They were thinking about doing it on the other side.

Melissa Mullins Mischke stated they definitely, as a Board, felt that it was not a safe entrance and exit to the property because of the railroad track and hill there. That was one (1) of the stipulations they made previously.

Jeffrey Briggs stated okay.

Vern Schafer asked how wide the access easement it.

Melissa Mullins Mischke stated she does not know how wide that is off the top of her head.

Jeffrey Briggs stated it is thirty feet (30').

Vern Schafer asked if the adjacent property is okay with them having an entrance there.

Melissa Mullins Mischke stated it is not an easement; that is actually their property.

Vern Schafer stated he was just curious about how wide it was. That is according to the survey, right?

Jeffrey Briggs stated yes.

April Daly made a motion to approve the Petition for Variance of Developmental Standards for Jordan & Nina Bridegroom (seller) & Jeffrey & Marcia Briggs (buyer) for construction on a parcel with less than 200' of road frontage and construction of an accessory building prior to the construction of the residence. There is to be no driveway off 1375 and no further subdivision. This property is located next to 13978 S. 450 W., Hanna, IN., Hanna Twp, zoned A on 16.68 acres

Deb Vance seconded.

All Approved. Motion carries 5-0.

5. Petition for Variance of Developmental Standards for Jerome and Deborah Gann for construction of a 2nd accessory structure pole barn for personal use (14' x 30'). This property is located at 7174 W. Red Apple Dr., Michigan City, IN., Coolspring Twp. zoned R1B. Parcels 46-05-02-478-005.000-046.

Attorney Biege stated notice is adequate.

Jerome and Deborah Gann stated their address is 7174 W. Red Apple Dr., Michigan City, IN.

Melissa Mullins Mischke asked if they have started construction on this pole barn.

Jerome Gann stated no.

Melissa Mullins Mischke asked where is it going to be located on their property.

Jerome Gann stated it will be twenty-five feet (25') from the east.

Melissa Mullins Mischke asked if he would like to come up and mark on her map for her.

Jerome Gann shows her the site plans.

Melissa Mullins Mischke asked what they are going to put in there? All the stuff that is in the back yard?

Jerome Gann stated it is mostly to get them out of the weather when they do work on something. All the stuff that was there is piled up. They had a fire and it burned the building and all the equipment that was sitting there.

Melissa Mullins Mischke stated it's just personal storage.

Jerome Gann stated yes.

Melissa Mullins Mischke asked if there will be water and electric to it.

Jerome Gann stated no. An extension cord if they ever needed anything.

Melissa Mullins Mischke stated if it were her mother, she wishes she would build a big barn so she can put stuff in it.

Jerome Gann stated he does a lot of other work and she wants him to cut back.

No remonstrators present.

Jerome Gann asked if he can go bigger.

Melissa Mullins Mischke stated he's been talking to Dwayne.

April Daly made a motion to approve the Petition for Variance of Developmental Standards for Jerome and Deborah Gann for construction of a 2nd accessory structure pole barn for personal use (14' x 30') without water. This property is located at 7174 W. Red Apple Dr., Michigan City, IN., Coolspring Twp. zoned R1B

Vern Schafer seconded.

All Approved. Motion carries 5-0.

6. Petition for Variance of Use for Gerald and Patricia Yocom to operate an embroidery business out of the home. The property is located at 6313 W. 450 S., LaPorte, IN., New Durham Twp., zoned A on 3 acres. Parcel 46-09-25-300-003.000-027.

Attorney Biege stated notice is adequate.

Gerald and Patricia Yocom stated their address is 6313 W. 450 S., LaPorte, IN.

Melissa Mullins Mischke stated Patricia is the brains of the operation isn't she.

Patricia Yocom stated she likes to think so.

Melissa Mullins Mischke stated they are going to run an embroidery business out of her home.

Patricia Yocom stated yes, she has been.

Melissa Mullins Mischke asked if there was a parking issue because usually it's drop off and pick up.

Patricia Yocom stated no. No customers come to her home.

Melissa Mullins Mischke asked if she does any alterations.

Patricia Yocom stated no. They don't have a sewing machine.

Melissa Mullins Mischke asked what kind of business hours there are.

Patricia Yocom stated Monday through Friday eight to four (8 am – 4 pm).

Melissa Mullins Mischke asked if they do appointments on the weekends.

Patricia Yocom stated no. They do contract embroidery which their only customer is off the west coast so all of her work goes to California, Arizona, Nevada, etc.

Melissa Mullins Mischke asked if there are a lot of FedEx and UPS trucks coming in.

Patricia Yocom stated there is one (1) truck a day. For sure one (1) truck from UPS. Occasionally maybe two (2) or three (3) times a week from FedEx.

Melissa Mullins Mischke stated that doesn't sound too bad. Do they have a sign?

Patricia Yocom stated they have a sign on the garage just because she had it when she was in Michigan City and it was in the way all the time so they stuck it up there to get it out of their way and they thought it looked good.

Melissa Mullins Mischke asked how big she thinks it is.

Patricia Yocom stated four by three (4' x 3').

Gerald Yocom stated if the sign is a problem, they can take it down.

Melissa Mullins Mischke stated no, they just have to include it all when they do the approval for their variance.

Remonstrators:

Lynda Kleine stated her address is 6282 W. 450 S., LaPorte, IN. The property operates out of a basement of a house and it is on a ninety degree (90°) curve. Last summer, her husband counted the deliveries and it was between seventeen and twenty (17 – 20) a week. They have the occasional semis and box trucks. She has been doing this for about ten or twelve (10 – 12) years now without a variance. Does the County require an insurance or anything?

Attorney Biege stated he wants to be clear that she has hired employees and that's why she is here. If she didn't have employees, this would be considered a home occupation anyway so she could do it without being here. Because she has employees, that's why she has to come here.

Melissa Mullins Mischke asked how many employees there are.

Patricia Yocom stated they have five (5) part-time employees.

Melissa Mullins Mischke asked if they get big semis and things.

Patricia Yocom stated no. They tried to do freight when they first started, but it just didn't work. There were probably like two (2) back in 2013 maybe, but they did it a couple times and it didn't work for them. They have two (2) trucks a day. She doesn't think they have fifteen (15) trucks a week; that would be a lot.

Gerald Yocom stated they could be circling.

Patricia Yocom stated they could be.

Vern Schafer stated when they are talking about truck traffic and whatever, is there access for turnaround or anything else if a truck comes in and unloads on their property, can they turn around safely?

Patricia Yocom stated they have probably seen pictures, right? She doesn't know what kind of driveway it would be called, but it comes in on one (1) side and goes out the other so no trucks have to turn. They enter on one (1) side and exit on the other.

Glen Minich made a motion to approve the **Petition for Variance of Use for Gerald and Patricia Yocom** to operate an embroidery business out of the home. Hours of Operation are Monday – Friday, 8 am – 4 pm. The sign will be a 3’ x 4’ non-lit. The property is located at 6313 W. 450 S., LaPorte, IN., New Durham Twp., zoned A on 3 acres.

April Daly seconded.

All Approved. Motion carries 5-0.

7. Petition for Special Exception for Andriy Prots for operation of a used car lot. The property is located at 2005 W. Hwy 6, LaPorte, IN., Scipio Twp., zoned B2 on 1.6816 acres. Parcel 46-10-35-300-003.000-060.

Melissa Mullins Mischke stated this was tabled until the meeting next month.

8. Petition for Variance of Developmental Standards for Ryan Whittenburg and Kathryn OLeary JTWROS for construction of a pole barn for personal use in front of the home with a front setback of 13’. The property is located at 6231 W. 250 N., LaPorte, IN., Coolspring Twp., zoned R1A on 4 acres. Parcel 46-05-24-400-005.000-046.

Attorney Biege stated notice is adequate.

Ryan Whittenburg stated his address is 6231 W. 250 N., LaPorte, IN.

Melissa Mullins Mischke stated it looks like the property slopes to the rear.

Ryan Whittenburg stated yes, everywhere. The edges and the rear are pretty sloped.

Melissa Mullins Mischke asked how big of a pole barn he is thinking.

Ryan Whittenburg stated thirty by forty (30’ x 40’).

Melissa Mullins Mischke stated where is he looking to place it.

Ryan Whittenburg stated kind of where the car is on the photo.

Melissa Mullins Mischke asked how tall it will be.

Ryan Whittenburg stated fourteen feet (14’) on the sides.

Melissa Mullins Mischke asked about the peak height.

Ryan Whittenburg stated he isn’t sure what the peak is. Maybe another three to four feet (3’ – 4’).

Melissa Mullins Mischke asked what they are going to store in there.

Ryan Whittenburg stated he plans on keeping his RV in there in the winter time and then parking cars in there and maybe putting a lift in there to do work on the cars.

Remonstrators:

Mark Shebel stated his address is 6143 W. 250 N., LaPorte, IN.

Melissa Mullins Mischke asked what his concerns are.

Mark Shebel stated there are rules and standards that the County has and he thinks it is in the best interest of neighbors that the setback for a residential house is fifty feet (50').

Melissa Mullins Mischke stated twenty-five feet (25').

Mark Shebel asked if there is something about an out-building in front of the house.

Melissa Mullins Mischke stated that is why they are here.

Mark Shebel stated with those two (2), he isn't sure what the setback will be from the road.

Melissa Mullins Mischke stated it isn't going to be twenty-five feet (25').

Glen Minich stated it will be thirteen feet (13').

Mark Shebel stated with that in front of the house it seems like a no brainer to him. He is concerned about it.

Linda Switt stated her address is 2732 N. Jongkind Park Rd., LaPorte, IN. She owns the two (2) acres next to the proposed structure. She also owns the land across from the structure and she is concerned with the two (2) acres as a potential homesite that this would devalue her property.

Melissa Mullins Mischke stated she doesn't like having a building up that close to the road with the line of sight.

Vern Schafer asked if there is any way to get the building farther from the road.

Ryan Whittenburg stated the only way for him to get further from the road would be the removal of several mature trees as well as quite a bit of grading which would cost quite a bit of money. It would almost double the price of what it would cost him now.

Michael Polan stated just for information purposes, the setback of thirteen feet (13') is from the property line not from the road.

Glen Minich made a motion to deny the Petition for Variance of Developmental Standards for Ryan Whittenburg and Kathryn OLeary JTWROS for construction of a pole barn for personal use in front of the home with a front setback of 13'. The property is located at 6231 W. 250 N., LaPorte, IN., Coolspring Twp., zoned R1A on 4 acres.

Vern Schafer seconded.

All Approved. Motion carries 5-0.

9. Petition for Variance of Special Exception for Matthew Oswald (owner) & Robert Marino (Buyer) for keeping and raising a maximum 30 chickens and 10 goats and/or sheep for personal use. The property is located at 2584 N. 50 W., LaPorte, IN., Center Twp., zoned R1B on 2.441 acres. Parcel 46-06-24-326-005.000-042.

Attorney Biege stated notice is adequate.

Robert Marino stated his address is 18711 Park View Dr., New Buffalo, MI.

Melissa Mullins Mischke asked if he has these chickens in New Buffalo.

Robert Marino stated he does not.

Melissa Mullins Mischke stated thirty (30) chickens, she has five (5) for the record, it's a lot. What are they going to do with the manure. Even on two (2) acres that is a lot of waste from just the chickens.

Robert Marino stated they were told they had to get the variance because under three acres they would have to get a variance and there was no way that they were going to have thirty (30) chickens right off the bat. They will be new at this, but they were instructed to put up to a certain amount because once the variance is in place they cannot go above that. They don't really plans on having thirty (30) chickens right off the bat so it will be more of what they can do on one (1) acre versus what they can on another acre. This is contingent on them purchasing the house.

Melissa Mullins Mischke stated she is looking at their ordinance.

Robert Marino stated they could be in or out. He knows everybody has been waiting all night for this one.

Melissa Mullins Mischke stated they are actual chicken friendly. The ordinance stated they could do up to fifty (50) chickens per acre.

Robert Marino stated correct and he thinks it was ten (10) goats per acres.

Melissa Mullins Mischke stated she was involved with the writing of this, but she doesn't think they intended for them to be together.

Robert Marino stated because it's per acre, one (1) acre would be dedicated to the chickens and the other acre for the other animals.

Melissa Mullins Mischke stated there are a lot of neighbors out there and she doesn't know how they're going to do with that many. How many roosters?

Robert Marino stated none. The guy next to them has a few. They hear them all day. They don't plan on doing this right off the bat, but they opted to just do the one (1) variance instead of having to keep getting variance after variance.

Melissa Mullins Mischke stated no roosters ever.

Robert Marino stated no. They would have to come back for that.

Melissa Mullins Mischke asked if he will have a coop and a run with it.

Robert Marino stated correct.

Melissa Mullins Mischke asked if it will be a movable coop and run.

Robert Marino stated they could make it that if that is necessary.

Melissa Mullins Mischke stated she is asking what his plans are.

Robert Marino stated he would prefer them have their own place.

Melissa Mullins Mischke asked if they will be free range.

Robert Marino asked to define to free range because he has been told they have to be really careful of some predators. They would hopefully build one (1) that would have some sort of enclosure to get some decent range to move around, but if the preference would be to just have one (1) solid place where it wouldn't have to be moved at all.

Melissa Mullins Mischke asked if he would let them out in the morning.

Robert Marino stated right, but they would keep them mostly protected because if they see the plot, there is a huge grove of walnut trees behind it so he is sure there are a lot of predators that would love to feast.

Melissa Mullins Mischke asked about the addition of sheep or goats. Those goats are going to be in competition with his chickens. He is going to have zero (0) grass.

Robert Marino stated right.

Melissa Mullins Mischke asked if he is going to co-mingle everything.

Robert Marino stated the outside of the property is fenced on three (3) sides with a split rail and then the property to the north has a chain link or some sort of similar fence.

Glen Minich stated normally when they get a petition like this, they would ask them to show them what they are doing. He just has a picture of the lot. He is going to need to restrict those animals away from his neighbors and the animals, particularly the goats, cannot be on the septic field. There isn't a drawing of the septic field. For his knowledge, at the very least, he needs him to draw where he would like to put them on the property.

Robert Marino approached the Board and drew where the septic field is and where he plans to locate the animals.

Robert Marino stated they look to do pretty much all of their goats and chickens towards the back of the property. If they needed to utilize up front they could if it would please the Board or anybody else, if they needed to move the chickens closer, they could. Again, that would depend on where the septic field is.

Glen Minich stated LaPorte County actually has a rule that there has to be an alternative site so it's not a good idea to be near the septic field.

Melissa Mullins Mischke stated to recap his drawing, the majority of his animal activity would be to the west side of the property, but they don't know where the septic is.

Robert Marino stated the septic tank is right off the back of the concrete slab in the back.

Melissa Mullins Mischke stated it is pretty close to the house. And the field?

Robert Marino stated he is not sure exactly where it runs. He is assuming it would be straight west which is why the pool is moved off the center.

Vern Schafer stated his experience with goats is that they don't stay very well. He doesn't know if without some kind of rendering of what his plan is here how unattractive it might be to have a fenced in area for goats that will actually keep them in. That would be his only concern at this moment. The chickens he doesn't think are a huge issue, but goats are naughty guys.

Robert Marino stated they would have to enclose with some sort of internal fence to keep them confined.

Vern Schafer stated the other thing is they like to get on top of things.

Robert Marino stated yes, they do.

Vern Schafer stated it could be an issue with neighbors or traffic if they get out.

Remonstrators:

Bruce Shelley stated his address is 2606 N 50 W, LaPorte, IN. It is north of the said property for sale.

Melissa Mullins Mischke asked if he has chickens.

Bruce Shelley stated no.

Melissa Mullins Mischke asked who has the rooster.

Bruce Shelley stated his next-door neighbor to the right of him, but he has a big tall fence and you get kind of used to them. His main concern is for health reasons. He has lived on his property for thirty-eight and a half (38½) years and in his opinion, that is way too many chickens and other animals for that amount of property. Some of them probably know, goats roam and it takes a lot of area to roam. His wife, in the past has had histoplasmosis and that is from chicken poop. When they first moved into their property, they were doing some digging in the back yard and the previous owners had chickens back there and she got pretty sick. It effects the lungs and breathing. As they all know, chickens bring in flies, lice, and other rodents including coyotes. Not to mention the smell, chickens also get lice, mites, ticks, and worms. Chicken manure has to be put in a compost heap somewhere to deposit it all until it ages. If the wind is blowing in the right direction towards his property, they wouldn't want to be outside as they spend a lot of time outdoors. Noise can also be a real problem with chickens and goats. Plus, his property value will go down. He is on a fixed income so that's a big deal there. Another big concern he has is if they let them have the variance then other property owner's may want to do the same.

Jeff Plante stated his address is 2551 N. 50 W., LaPorte, IN. He is one (1) house northeast of the house that the individuals are interested in purchasing. In the area, there are a few individuals that have chickens, a rooster, maybe ducks, but they are very limited. Everybody in the neighborhood is fine with that. They think that this for the piece of property in question, there is also a swimming pool that the previous owners put in. That is another concern with the chickens and goats in the back yard with a pool. To him, that creates a health situation for everyone or for people that would come over. The chickens that they have in the area occasionally walk and want to come out. They have been out by the roads and that. There is a fence around the property, but that wouldn't be adequate to hold the chickens in or the goats themselves. It's a vinyl fence and the gaps are fairly large. It's not that tall; the goats or sheep could very easily go over the fence itself. A few animals wouldn't be a problem. We have them there and everyone gets along with it and everybody understands. It's kind of neat every once in a while the rooster will wake you up when you don't want to, but that's fine; they like that. They feel the amount, even if they only start out at five (5), but looking down the road at ten (10), twenty (20), that seems to be an awful large quantity for that piece of property.

Melissa Mullins Mischke stated when he says a few, in his opinion how many would he say is acceptable.

Jeff Plante stated he's thinking that most of them in the area, maybe four (4) or five (5). He doesn't know for sure, it is just what he has seen. It's not everybody; there are probably three (3) or four (4) houses in the area, but everybody is decent with it. It's just like to dogs or cats in the

area. Everybody is pretty respectful of everybody else. Once in a while, the critters get loose and they try to help them get back to their rightful owners. In this case, it seems to be way too many for the property that is involved in this case.

Robert Marino stated he is actually a physician and he can absolutely attest to the gentleman's issue with his wife's histoplasmosis and stuff so he is absolutely fine with withdrawing the variance request.

Melissa Mullins Mischke stated completely withdrawing.

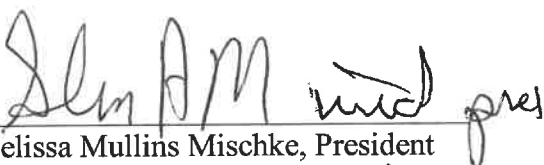
Robert Marino stated yes, he is. When he heard about the health issues that she had and some of the concerns the neighbors had, they did this because they were looking to purchase property and this is one (1) of the things that they wanted to do, but they would only move forward with the purchasing of the house, of course if the variance went through, but there's no reason to purchase the house if they won't be able to do what they are required to do. One (1) of the steps was this, which is fine and if all the neighbors were fine with it then it would have been fine with his wife Julie and himself, but if there were some minor concerns that would be something they might want to work through, but if there truly is a medical concern, then him being a physician and his wife being a nurse, then they are absolutely fine withdrawing the petition.

Melissa Mullins Mischke stated okay.

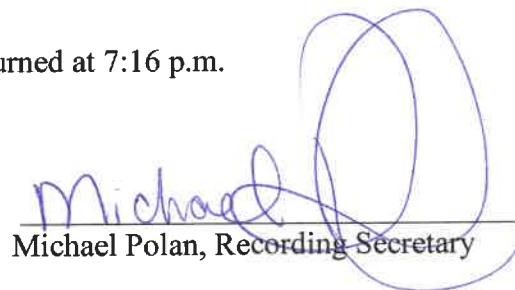
Melissa Mullins Mischke asked for any old business.

Melissa Mullins Mischke asked for any new business.

There being no further business, meeting adjourned at 7:16 p.m.


Melissa Mullins Mischke, President

Glen A. Minich


Michael Polan, Recording Secretary