



LAPORTE COUNTY  
**BOARD OF ZONING APPEALS**

Government Complex, 5th Level  
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**Michael Polan**  
Building Commissioner

April 18<sup>th</sup>, 2023

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **April 18<sup>th</sup>, 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.

**APPROVAL OF MINUTES:**

Glen Minich asked for approval of the meeting minutes of March 21<sup>st</sup>, 2023.

April Daly made a motion to approve the meeting minutes of March 21<sup>st</sup>, 2023 as presented.

Glen Minich seconded.

All Approved. Motion carries 5-0

**Petitions:**

**1. Petition for Variance of Developmental Standards for Michael V & Samantha K Balich represented by Andrew Voeltz of Howes & Howes, LLP for fifty-four feet by one hundred four feet (54' x 104') accessory structure (pole barn). This accessory structure would be in addition to the two (2) accessory structures currently on the property and located on the northwest corner of the Property. The property is located at 2666 N. Kuchar Dr., LaPorte, IN., Center Twp., zoned R1B on 2.01 acres. Parcel 46-06-23-153-016.000-042.**

Attorney Biege stated notice is adequate.

Andrew Voeltz stated he is there on a petition for a Variance for Developmental Standards for his clients Michael V and Samantha K Balich with an area that is commonly known at 2701 N.

Kuchar Drive, but also 2666 N. Kuchar Drive. There is a little bit of misidentification on both Beacon and the County's website with regards to what the physical address of the property is. The second to last page of the packet he just handed out shows the property is located just off of Kuchar Drive. There are two (2) pre-existing structures that were there when his client purchased the property. His proposal is to construct a fifty-four-foot by one-hundred and four-foot (54' x 104') accessory structure i.e., a pole barn that would be in addition to the two (2) structures that are already on the property. Adjacent landowners have all been notified. They had originally been before the Board back in March and now they are here again in April. They believe that specifically pursuant to the terms of the JZO that the approval would not be injurious to the public health, safety, morals, or general welfare of the community. The use and the value of the area adjacent to the property involved will not be affected in a substantially adverse manner and the strict application of the terms of the zoning ordinance would result in practical difficulties and use of the property. The variance shall be necessary for the preservation and enjoyment of a substantial right similar to that of other properties in the same zoning district. It is zoned R1B, but if they are familiar with the area, it is strange in regard to some of the adjacent properties; some of them are zoned Ag and one (1) is zoned manufacturing he believes and one of the properties to the north and the northwest was a former church that is now being used for manufacturing. Notice has gone out to adjacent landowners. Unfortunately, his client is out of town so he is not able to be there, but he has the ability to answer some questions otherwise he could get him on the phone if need be. They would request that the Board would grant this petition for Variance of Developmental Standards and allow the Balich's to construct this structure on the northwest side of the property obviously respecting any setbacks or anything like that that is there. There was also a depiction of what the structure is going to look like from a ground level. He intends to use this for his own personal use to store his off-road vehicles, boats, water toys, etc. This is not a commercial operation.

**Remonstrators:**

Michael O'Keefe stated his mom, Joyce O'Keefe, lives at 2657 N. Kuchar Drive in that subdivision. He is her power of attorney, if need be, but he is speaking on her behalf. His address is the same as his mother's, but he resides in Lawton, MI. Last month, they were never given proper time on when the first meeting was held. They received it four (4) days before the meeting. They didn't even attempt to mail it six (6) days before the meeting. They have also never received anything about this meeting today. The property is not being used for private use. They are renting out the buildings now because when they left last month, they ran into the guy that is renting one (1) of the buildings and he was complaining about the drive and the condition the road is in. It is a private road and it is not maintained. He isn't going to use it for private use; he is going to rent it out. They object to it and they could have a petition from other residents saying that they object to it too.

Andrew Voeltz stated to address the comments made by the remonstrator. Firstly, they obviously had notice of this hearing in that they are here today. Secondly, any allegations or assertions that his clients are using the property for commercial use are completely unfounded. There is no evidence that there is a rental agreement. There is no evidence that has been introduced with regards to rental agreements. He understands that they are not in a court of law here, but

everything that the remonstrator has said is hearsay. With regards to a private road, he isn't sure which road the remonstrators are referring to because Kuchar Drive is maintained by the County.

Melissa Mullins Mischke asked Michael Polan if he is aware if it is a part of the County Road inventory.

Michael Polan stated no.

Melissa Mullins Mischke stated okay. It will be for personal storage, no rental.

Andrew Voeltz stated none whatsoever and he was very clear with his client about that that if there was any indication that there was going to be something for his new structure that was going to be in any way, shape, or form some type of commercial venture that there was no way this was going to fly because that is completely against what R1B is. The reality is there is not a dwelling structure on the property and there never has been, but they are trying to use this property so he doesn't have to stack everything where he is off Dogwood Drive. He can get it under cover and get it protected.

Melissa Mullins Mischke stated to be clear, the new structure is going to go in the northwest corner.

Andrew Voeltz stated as evidenced by the second to last page of the submission, there was an estimated outline of where the structure will wind up being. There is an unimproved gravel strip that runs west off of Kuchar Drive towards the northwest corner and then there is a line of trees off the northwest corner. The accessory structure would be between the trees, between the road, and setback as far as it needs to be from all of the adjacent landowners and property lines.

Vern Schafer stated it should not be used as a commercial building and has to be personal use only. No rental agreements.

Andrew Voeltz asked Attorney Biege if that is possible to be put in the variance not to be used that way.

Attorney Biege state yes, those comments would be apart of a motion and then he could include it in the findings.

Vern Schafer made a motion to approve the Petition for Variance of Developmental Standards for Michael V & Samantha K Balich represented by Andrew Voeltz of Howes & Howes, LLP for fifty-four feet by one hundred four feet (54' x 104') accessory structure (pole barn). This accessory structure would be in addition to the two (2) accessory structures currently on the property and located on the northwest corner of the Property. Not to be used as a rental or commercial use; personal use only. The property is located at 2666 N. Kuchar Dr., LaPorte, IN., Center Twp., zoned R1B on 2.01 acres.

Deb Vance seconded.

Approved. Motion carries 4-1.

**2. 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.

Attorney Biege stated notice remains is adequate.

Andriy Prots stated his address is 7952 W. 900 S., Union Mills, IN.

Melissa Mullins Mischke stated he wants to run a car lot there at the northwest corner.

Andriy Prots stated yes.

Melissa Mullins Mischke thanked him for providing a picture for them today. How many cars does he think he would have at any given time.

Andriy Prots stated about twenty (20).

Melissa Mullins Mischke asked what kind of price range will there be on the cars so she can get an idea of what type of cars.

Andriy Prots stated about ten to fifteen thousand dollars (\$10,000 - \$15,000).

Melissa Mullins Mischke asked what kind of hours of operation is he looking at.

Andriy Prots stated eight to five (8 am – 5 pm) and Saturday eight to one (8 am – 1 pm).

Melissa Mullins Mischke stated Monday through Friday eight to five (8 am – 5 pm) and Saturday eight to one (8 am – 1 pm).

Andriy Prots stated yes.

Melissa Mullins Mischke stated she sees there is a sign on the drawing. How large of a sign?

Andriy Prots stated he didn't measure the sign. It already exists there so they were going to re-finish the one (1) existing sign. He thinks it is three feet by three feet (3' x 3'). Maybe four feet by three feet (4' x 3').

Melissa Mullins Mischke stated he is going to use the existing sign that is there.

Andriy Prots stated yes.

Melissa Mullins Mischke asked the Board if last month was a publication issue or if they wanted more information.

Glen Minich stated last month there was no drawing.

Vern Schafer stated they asked if the sign was to be lit.

Melissa Mullins Mischke stated she thinks that sign lights up.

Andriy Prots stated yes, it will be with the lights.

Vern Schafer stated he appreciates that he sent more detailed information. He counted spots for twenty-eight (28) cars and seven (7) customers on his drawing.

Andriy Prots stated it is enough space for what he is showing, but he is not sure if he will ever be full with the cars. Twenty (20) or maybe fifteen (15), that is where they are going to start with.

Vern Schafer stated he mentioned last month that cars would be running and ready for sale.

Andriy Prots stated for sure.

Vern Schafer asked if he plans on putting a fence around the entire property where the grey line on the drawing is. Does that indicate a fence?

Andriy Prots stated yes. He will eventually do a fence, but he is trying to pave it first, remodel the office, and put some lights around.

Vern Schafer stated the lot to the north of the buildings would have to be paved as it is grass right now.

Andriy Prots stated yes, it is grass. Where it says grass on the drawing will still be grass so more towards the road will be paved.

Vern Schafer stated as the map is drawn, the north of to the side. Can he come up and clarify that for him?

*Andriy Prots indicated directions on the map.*

Vern Scahfer stated he indicated that the cars parked to the north of the building along State Road 39 is sod and he will be paving that or gravel. Eventually, where the grey line is on the map would be a fence with gates.

Andriy Prots stated they are going to put the fence and gates on both sides. There will be two (2) gates on each side and it will be done before they start bringing the cars.

Vern Scahfer stated if for nothing else than for security he would think. That clarifies his question.

No remonstrators present.

April Daly made a motion to approve the Petition for Special Exception for Andriy Prots for operation of a used car lot. Business hours are Monday – Friday 8 am -5 pm, Saturday 8 am – 1 pm. No more than 20 cars at one (1) time are allowed. Use of the existing lighted sign is permitted. The property is located at 2005 W. Hwy 6, LaPorte, IN., Scipio Twp., zoned B2 on 1.6816 acres.

Vern Schafer seconded.

All Approved. Motion carries 5-0.

**3. Petition for Variance of Use for Nicholas Krcilek** to operate a sawmill. The property is located at 2401 E. 300 S., LaPorte, IN., Pleasant Twp., zoned A on 38 acres. Parcel 46-11-16-300-006.000-057.

Attorney Biege stated notice is adequate.

Nicholas Krcilek stated his address is 2401 E. 300 S., LaPorte, IN.

Andrew Ward stated his address is 3655 N. 525 W., LaPorte, IN.

Nicholas Krcilek stated Andrew is his business partner.

Melissa Mullins Mischke stated they want to run a sawmill?

Nicholas Krcilek stated yes.

Melissa Mullins Mischke asked what the plan for it is.

Nicholas Krcilek stated right now it is just a hobby, but they want to turn it into a weekend gig where they mill lumber and then market it online primarily through FaceBook, Etsy, Ebay, and places like that.

Melissa Mullins Mischke stated they won't actually have people coming and browsing; they would just come for pickup.

Nichols Krcilek stated yes, but only by appointment.

Vern Schafer stated this is on an existing farm stead and feed lot or something like that.

Nicholas Krcilek stated yes.

Vern Schafer asked if there is concrete.

Nicholas Krcilek stated yes.

Melissa Mullins Mischke stated so only on the weekend, Saturday and Sunday by appointment only? Friday, Saturday, Sunday? What kind of hours.

Nicholas Krcilek stated the hours for pick up would primarily be by appointment so whenever the customer would be available.

Melissa Mullins Mischke stated so all the time.

Andrew Ward stated they both have day jobs.

Nicholas Krcilek stated they both work full-time so it would be in the evenings and weekends preferable.

No remonstrators present.

Vern Schafer stated there is currently no residence on the property.

Nicholas Krcilek stated not on that parcel, no.

Vern Schafer stated there is a parcel right directly south that is a home there.

Nicholas Krcilek stated yes, he lives there.

Vern Schafer stated then he has pretty close access to the business.

Melissa Mullins Mischke stated he doesn't mind.

Vern Schafer stated the entrance for this sawmill comes in from where?

Nicholas Krcilek stated 300 South. There is a gravel laneway.

Glen Minich made a motion to approve the Petition for Variance of Use for Nicholas Krcilek to operate a sawmill. The property is located at 2401 E. 300 S., LaPorte, IN., Pleasant Twp., zoned A on 38 acres.

April Daly seconded.

All Approved. Motion carries 5-0.

Melissa Mullins Mischke stated they will be moving Petition #4 to the end.

**5. 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 23'. This 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.

Kathryn O'Leary stated her address is 6231 W. 250 N., LaPorte, IN.

Melissa Mullins Mischke asked what is unique about the property that has their structure located in the front.

Ryan Whittenburg stated the only flat part of his property is in the front of his house. The rest of it drops off and slopes.

Melissa Mullins Mischke stated that is where his wetlands are at as well.

Ryan Whittenburg stated yes. Everything slopes and drains into the back yard. He got a new septic drain field that was put in the back that pretty much got rid of any chance of even putting anything in the area. That was his only back yard spot.

Melissa Mullins Mischke stated they talked to him before.

Ryan Whittenburg stated yes.

Vern Schafer stated on the map, where he is proposing the building is in the front of the home.

Ryan Whittenburg stated yes.

Vern Schafer stated he was here previously in February.

Ryan Whittenburg stated yes, it was further over and closer to the road by ten feet (10').

Vern Schafer stated he has moved it closer to his home.

Ryan Whittenburg stated he has moved it as close to his home as he could get. His well cap is ten feet (10') from the back edge of the structure.

Vern Schafer stated this will be just for storage.

Ryan Whittenburg stated yes, it is just for storage. He has a camper, several motorcycles, jet skis, and he would like to get them out of the weather.

Vern Schafer asked what the size of the building is.

Ryan Whittenburg stated it is thirty-six by forty (36' x 40').

**Remonstrators:**



Linda Switt stated her address is 2732 N. Jongkind Park Rd., LaPorte, IN. She owns the two (2) acres next to his property where the large structure would be. She also owns a hundred acres directly across that she has been working with the DNR and the USDA in making it a habitat for wildlife and she is very concerned about this large building and the noise and dirt and the site next to the two (2) acres particularly. She has also driven around the area and she can't find any place that has a barn in front of their house.

Mark Shebel stated his address is 6143 W. 250 N., LaPorte, IN. He is a neighbor. If they are familiar with the area from 500 W to Goldring, it is not very flat. Ryan has one (1) spot there that is real convenient for him. He has seen other out buildings that are in front. He was a carpenter in LaPorte County for twenty-five (25) years. He knows about obstacles like retaining, grading, and the whole nine (9) yards and septic, utilities, etc. Nowhere along that road is there any out buildings or a home that is closer than twenty feet (20') to the road. That's all he has to say.

Melissa Mullins Mischke stated there is a slight bend there as well which is one (1) of her concerns as far as a building that close to the road and seeing around it from a safety perspective.

Glen Minich stated he doesn't have any questions. They denied this and it hasn't moved enough. They haven't really changed the site. He knows that there is some fall away on the lot, but it is a huge lot and there is plenty of room in the back for a building.

Holly Welsh stated her address is 6053 W. 250 N., LaPorte, IN. Her property backs up to the back portion of their property and it is a big lot. It is four (4) acres. When it was being purchased by them, they had gone to look at it as well. Even though it is large in the back, the terrain is not really buildable unfortunately. She knows it was just stated that there aren't any barns that were put in front of the home, but actually her barn was giving a variance to be built in front of her home and they were not given any trouble in doing that. That property because of where the septic is and because of the terrain in the back, she doesn't feel like there is any place else for it to go. Also, they do have DNR that is helping protect their property and they are utilizing the back of their property now in a way that the people before hadn't. They are taking care of it and using it for the septic in their back yard. They wouldn't be able to put a barn back there. The space there they have moved it back as far as they can. The home doesn't have a garage. The property next to it is actually slightly encroaching on their property so a place where a garage could have gone is the neighbors garage. It is unfortunate, but when you purchase acreage in the County if any of them live in the County, one (1) of the reason they do that is to have a little bit more freedom to build the necessary structures to take care of your property. They are trying to do that and right now, in her opinion, they have an RV in their front yard, other equipment and she would much rather see that in a barn than in the front yard. To her, having it there, while it is a little frustrating because it closer to the road, which she knows they wouldn't want it any closer to the road if they had any other choice, but she doesn't think there is another option. Personally, having it in that barn will look a heck of a lot better than having everything parked outside. They gave them a variance, when they needed it because they had to put theirs because of the terrain of the property, closer to the road and closer to their neighbor. She feels like they aren't asking for anything out of the ordinary. There are also lots of other things nearby on other peoples' properties if they drive by are much uglier than a brand-new beautiful barn.

Ryan Whittenburg stated with everything being said he thinks that the approval of this variance is not injurious to any of the above and surrounding property values should increase with the improvement to his property. The topography of his property is the reason why he is there. There is really nowhere else he can put it. He has thousand and thousands of dollars' worth of equipment out in the weather right now. He has no garage there; he needs a shelter for his stuff.

Glen Minich stated he was just out there. It is built on a hill, but then it is flat behind all that and they are trying to put the garage in the front. The lot that they are trying to put the garage is on a lift, but then it all flattens out.

Melissa Mullins Mischke asked if he has a garden.

Ryan Whittenburg stated the previous owner did, but it's on a pretty good slope.

Melissa Mullins Mischke stated his house does have a walkout in the back. A basement walkout.

Ryan Whittenburg stated yes, there is a door in the basement that walks out.

Deb Vance made a motion to approve 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 23'. This property is located at 6231 W. 250 N., LaPorte, IN., Coolspring Twp. zoned R1A on 4 acres.

April Daly seconded.

Denied. Motion fails 2-3.

Attorney Biege stated motion fails.

**6. Petition for Variance of Developmental Standards for David A Gonsky to add water to a pole barn for a bathroom and bar area. The property is located at 9785 N. 650 E., New Carlisle, IN., Hudson Twp., zoned A on 25.74 acres. Parcel 46-04-18-200-015.000-050.**

Attorney Biege stated notice is adequate.

David Gonsky stated his address is 1633 N. Hudson Ave., Chicago, IL. He owns the property 9785 N. 650 E., New Carlisle, IN since 2017. They have a barn and he wants it into a rec area or pool house if they put a pool in for his kids and his family. Hence, they want to bring the water there for the bathroom and sink.

Melissa Mullins Mischke asked if this a vacation spot for them.

David Gonsky stated yes. He would like to get there permanently, but his kids are young and that's where he is tonight at a school event. Yes, it is a vacation place for them.

Melissa Mullins Mischke stated there is a residence on this parcel.

David Gonsky stated yes. They just obtained a building permit to do a little work there as well.

Melissa Mullins Mischke asked if anybody is living there currently.

David Gonsky stated no. No one is living there.

No remonstrators present.

Vern Schafer asked if he is going to use the existing structure to remodel or is he going to add a pole barn.

David Gonsky stated they have an existing barn that they are going to remodel and upgrade.

Vern Schafer stated this is all subject to septic permitting and everything else. Has he obtained those? It's not their job to give him permit for septic and water, but has he looked into that.

David Gonsky stated he spoke to his builder today and they are not adding any bedrooms so he didn't think it was an issue, but for the house, they do plan on expanding their septic. So yes, they will be seeking that separately.

Melissa Mullins Mischke stated the barn will have a separate septic from the house.

David Gonsky stated no, it will be combined.

Attorney Biege stated it is not the Board's concern.

Glen Minich stated the pictures they have of the property show a wood sided barn and an old steel sided barn. Which one (1) are they planning on remodeling?

David Gonsky stated the wood one (1). It is a beautiful barn.

Vern Schafer stated this obviously is not a rental venture, this is for personal use only. Is that correct?

David Gonsky stated his wife would never permit it. It is personal use only.

Attorney Biege stated he would suggest to the Board that if they are inclined to make a motion, put a restriction that it cannot be used as a living space. That is the only reason why they have to come to the Board to ask for water because they had people living all sorts of places before.

David Gonsky stated he has no issue with that. That is not their intention.

April Daly made a motion to approve the Petition for Variance of Developmental Standards for David A Gonsky to add water to a pole barn for a bathroom and bar area. Not to be used as a

dwelling. The property is located at 9785 N. 650 E., New Carlisle, IN., Hudson Twp., zoned A on 25.74 acres.

Glen Minich seconded.

All Approved. Motion carries 5-0.

**7. Petition for Variance of Developmental Standards for Ryan Vespo** for construction of a 2nd accessory structure with a side setback of 2' instead of the minimum required 10'. The property is located at 133 Grand Ave., LaPorte, IN., Scipio Twp., zoned R1B. Parcel 46-10-03-477-014.000-060.

Attorney Biege stated notice is adequate.

Ryan Vespo stated his address is 133 Grand Ave., LaPorte, IN.

Melissa Mullins Mischke asked what the need for an additional accessory structure.

Ryan Vespo stated it's for personal use. They have a one (1) car garage so there would probably be parking in there and then for storage.

Glen Minich stated the property is fenced. Is the fence on the property line?

Ryan Vespo stated yes. The east side of the fence, so the back of the house, that is ten feet (10') away from the actual property line because there is a ten-foot (10') wide utility easement there that was platted in the original subdivision.

Glen Minich asked on which side.

Ryan Vespo stated the east side. The back of the house.

Vern Schafer stated they are looking at the map.

Glen Minich asked if he is going to take the fence down.

Ryan Vespo stated no, the fence would stay in place.

Glen Minich stated it would be hard to build.

No remonstrators present.

Glen Minich stated he thinks it is too close to the side. Two feet (2') is too tight. They can't even build it and then all the roof rain runoff is going to go . . . Which way is the barn gable?

Ryan Vespo stated the back over there, the eaves and overhangs are actually on the north and south side.

Glen Minich stated so all the water will run on the neighbor.

Ryan Vespo stated no because there is still one-foot (1') after that, after an overhang.

Glen Minich stated a forty by forty-eight- foot (40' x 48') building and all the water is going to fall on one-foot (1').

Vern Schafer stated the building is gabled from east to west, right?

Ryan Vespo stated yes.

Vern Schafer stated the water will run out right onto the neighbor.

Ryan Vespo stated they plan on putting gutters on there too so the water would run away from the building so it wouldn't be right on the property.

Vern Schafer asked what is preventing him from moving it a little bit farther north.

Ryan Vespo stated the property itself. He has a septic field which is shown on the drawing. With where it is currently going right now, it puts him at twelve feet (12') away from it and he needs ten feet (10') from what the County had told him. If he moves any closer, he would be getting too close to that and then he would have to shorten up the size of the building. They eventually, later on, wanted to add on to the house so they would probably end up having to get a new septic field also which then makes it a little hard to get everything to fit in there with how the property is.

Glen Minich stated he thinks it infringes on the neighbor being only two feet (2') from it and not having a plan for the water on the roof.

Melissa Mullins Mischke stated it is definitely a consideration. They want everyone to keep their rain water on their property.

Ryan Vespo stated that's why they planned on putting gutters so it wouldn't go straight on to their property.

Vern Schafer stated gutters have down spouts.

Ryan Vespo stated right.

Vern Schafer stated they would have to be spouted and there's not much space. He is ten feet (10') from one (1) side and the other side is on his property, but he is two feet (2') from the neighbor.

Glen Minich stated they don't know where the neighbor's septic is either because it's their ground.

Melissa Mullins Mischke stated the Board doesn't care about that. Have they considered making the barn slightly smaller so that it could be moved a little north?

Ryan Vespo stated they thought about it, but because they plan on staying there, they thought of having a camper later on down the road that could be stored in there also. They are trying to think of future use also. They are trying to keep it as tight to there as they can. They were also looking into doing a rainwater collection down the future so that is also a possibility later on too where it would be collected in a bin and then used for gardening or something. They haven't looked into those yet.

Melissa Mullins Mischke stated with a structure that size they will definitely need more than one (1) bin.

Glen Minich made a motion to deny the Petition for Variance of Developmental Standards for Ryan Vespo for construction of a 2nd accessory structure with a side setback of 2' instead of the minimum required 10'. The property is located at 133 Grand Ave., LaPorte, IN., Scipio Twp., zoned R1B.

Vern Schafer seconded.

All Approved. Motion carries 5-0.

**4. Petition for Variance of Developmental Standards for George William & Michelle L Wilmsen** for construction of an addition to a non-conforming structure and addition will have a 38' setback from wetlands instead of 50' and a 45' waterway setback instead of 50'. This property is located at 150 Dogwood Dr., LaPorte, IN., Center Twp, zoned R1B. Parcel 46-06-28-427-007.000-042.

Attorney Biege stated notice is almost good. What he means by that is when they filed their petition, the real estate office could not find the owner so he got online and found out it was the school corporation. This enterprising gentleman found somebody from the school corporation so they are present so that notice provision is satisfied.

Jennifer Farlie stated her address is 4788 E. 200 S., LaPorte, IN.

Melissa Mullins Mischke asked if she is with the school.

Jennifer Farlie stated she is. She is with the School Board.

George Wilmsen stated his address is 150 Dogwood Dr., LaPorte, IN.

Melissa Mullins Mischke asked what makes the property unique that they have to have this non-conforming structure.

George Wilmsen stated he is a lifelong resident of LaPorte. His wife and he raised their three (3) children in LaPorte. They lived right across the street from Critchfield School and they would always walk their dogs on the lake and around and there was this house, 150 Dogwood, and his wife, who always wanted to live on the lake, would say as they passed this house that if it ever went for sale that she would really love to try to buy it. He said he didn't think that would ever happen, but lo and behold he got home on a Thursday from school in July 2021 and she told him to get his stuff together because they were going to go see a house. He asked what and she said the house on the lake they always walk past. Within a week, they had bought that house and sold their house and had to get rid of twenty-six (26) years' worth of stuff from their house because they had to downsize a bit. To live in the house, it's a two-story structure and he is not a spring chicken anymore; he is fifty-five (55) years old and they would like to live there the rest of their life, but to be able to do that they need to have a first-floor bedroom and bathroom. The addition that they are asking is closer than fifty feet (50') from the lake and the wetlands, but the addition only goes four feet (4') past their existing house and is actually two feet (2') less than what the deck was that they removed in that part would be. That's what makes it really special. They would love to live there for the rest of their life and go from there. He appreciated them considering this variance.

Melissa Mullins Mischke asked Jennifer Farlie asked if she was here in favor of it or against it.

Jennifer Farlie stated on behalf of the School Corporation, they give consent.

Melissa Mullins Mischke asked if there are any other remonstrators for or against this petition.

Attorney Biege stated he takes issue with the fifty-five (55) year old comment.

Melissa Mullins Mischke stated she does too.

No remonstrators present.

Glen Minich stated he is always against an awful lot of these, but it's always the side setback or rear setback. Just like they said on the last one (1) , when they put all their water on their neighbor it's one (1) thing, but all this water goes into the lake so it doesn't matter. It is poor soil. He walked to the property and it won't block anybody's views whatsoever.

Melissa Mullins Mischke stated normally she's not for these things either, but it's the same as the deck.

Glen Minich stated it's not uncommon for people to encroach on the lake more. It's just the side setback that bother him. So many places on the island people walk or drive and they can't even see the lake anymore and that drives him crazy, but this doesn't do that. He's good with it.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for George William & Michelle L Wilmsen for construction of an addition to a non-conforming structure and addition will have a 38' setback from wetlands instead of 50' and a 45' waterway

setback instead of 50'. This property is located at 150 Dogwood Dr., LaPorte, IN., Center Twp, zoned R1B.

Vern Schafer seconded.

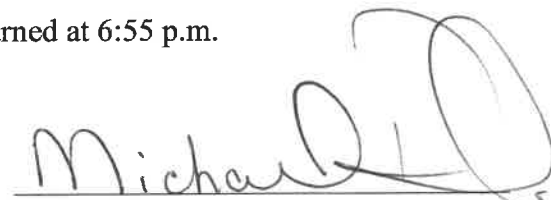
All Approved. Motion carries 5-0.

Melissa Mullins Mischke asked for any old business.

Melissa Mullins Mischke asked for any new business.

There being no further business, meeting adjourned at 6:55 p.m.

  
Melissa Mullins Mischke, President

  
Michael Polan, Recording Secretary