



**LAPORTE COUNTY
BOARD OF ZONING APPEALS**

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**Michael Polan
Building Commissioner**

May 16th, 2023

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **May 16th, 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:

Melissa Mullins Mischke asked for approval of the meeting minutes of April 18th, 2023.

April Daly made a motion to approve the meeting minutes of April 18th, 2023 as presented.

Vern Schafer seconded.

All Approved. Motion carries 5-0

Melissa Mullins Mischke asked if Attorney Voeltz is representing a Petitioner this evening. If so, she wants to move him up the agenda.

Andrew Voeltz stated he is an attorney with Howes and Howes in LaPorte and he is representing a remonstrator.

Melissa Mullins Mischke stated okay. For the public this evening, public comment is during the remonstrance period and they get three (3) minutes. She will be timing it. If they are either for something or against something, when they call for remonstrators, that is when their public comment is and the only time.

Petitions:

1. Petition for Variance of Developmental Standards for Bernard P Siegmund III & Lindsay A Siecker JTWROS for construction of a second accessory structure 30' x 50' for personal use with water and to the side of the home instead of the rear. The property is located at 3304 W. 510 N., LaPorte, IN., Springfield Twp., zoned R1B on 0.664 acres. Parcel 46-06-04-453-012.000-062.

Attorney Biege stated notice is adequate.

Lindsay Siegmund stated her address is 3304 W. 510 N., LaPorte, IN.

Melissa Mullins Mischke asked what it is about the property that makes it unique that they feel they need these exemptions.

Lindsay Siegmund stated they boat and they have a boat that they have to shrink wrap every year. They like to work on it in the winter. She has a tractor in her garage along with a wave runner and a four-wheeler and she can't pull vehicles in so it would be nice to have that.

No remonstrators present.

Vern Schafer stated he is looking at the map and she is talking about the structure being on the east side of her home.

Lindsay Siegmund stated yes, to the east.

Vern Schafer stated access to it would be where.

Lindsay Siegmund stated to the front facing the road.

Vern Schafer asked if they are planning on putting a driveway in to the road.

Lindsay stated not a driveway, no. There wouldn't really be things pulled in very often in and out.

Vern Schafer stated so it probably wouldn't have a drive.

Lindsay Siegmund stated it would be just grass. Maybe a concrete pad right in front, but not anything big. Just to keep from creating mud and stuff like that.

Vern Schafer asked if she could approach and indicate exactly where the structure is going to be on the map.

Lindsay Siegmund approached.

April Daly made a motion to approve the Petition for Variance of Developmental Standards for Bernard P Siegmund III & Lindsay A Siecker JTWROS for construction of a second accessory structure 30' x 50' for personal use with water and to the side of the home instead of the rear.

The property is located at 3304 W. 510 N., LaPorte, IN., Springfield Twp., zoned R1B on 0.664 acres.

Deb Vance seconded.

All Approved. Motion carries 5-0.

2. Petition for Variance for Developmental Standards for Austin Swistek for construction of a pole barn with water on a parcel with 70' of road frontage instead of the 200' minimum required. The property is located south of 1419 S. Holmesville Rd., LaPorte, IN., New Durham Twp., zoned A on 2.54 acres. Parcel 46-09-10-100-030.000-027.

Attorney Biege stated notice remains is adequate.

Austin Swistek stated his address is 1419 S. Holmesville Rd., LaPorte, IN.

Melissa Mullins Mischke asked if he owns the property to the north of it as well.

Austin Swistek stated his parents do.

Vern Schafer stated according to the map, the property is kind of a panhandle.

Melissa Mullins Mischke stated it's a flag.

Vern Schafer stated yes, but he owns the property adjacent to it to the north. Is that correct?

Austin Swistek stated no. His parents own the property to the west so directly in front.

Melissa Mullins Mischke stated 1419 is his parents' home where he currently resides and he wants to build on the vacant parcel.

Vern Schafer stated he's just trying to get a picture in his head.

Melissa Mullins Mischke asked if he wants to build a pole barn before he builds a residence or is the pole barn going to be the residence.

Austin Swistek stated the pole barn is just a pole barn for storage and shop space. They wanted to acquire the property just to have it in the family. He wants to put a structure up just to store some things and put something on the property and make it look presentable.

Melissa Mullins Mischke asked if there will be living space in it.

Austin Swistek stated no, just a shop space with water and a bathroom and shower.

No remonstrators present.

Glen Minich asked Attorney Biege if he had any comment.

Attorney Biege stated no. Typically, if there is a barn with water they put a rental restriction on it, but they don't have any residential in it so it should be fine to proceed if they should so choose.

Glen Minich stated he suspects the lot has been platted a long time. It doesn't pre-exist their code?

Attorney Biege stated it probably does. He knows the Board has an aversion to flag lots. In this case, this looks like the best use of the property because he wouldn't recommend it for residential so they will have some use of the property and it is adjacent to the family property so he thinks they have a lot of reasons why to vary from the no flag lot rule that the Board has observed.

Vern Schafer asked if the access to Holmesville Road has a driveway there currently.

Austin Swistek stated there is an easement that has been put in years ago so that was already there.

Vern Schafer stated there is no current drive there though.

Austin Swistek stated no.

Vern Schafer stated they seem to concern themselves somewhat about road access with several drives in a row and that would be what he would be doing is coming in through the easement.

Austin Swistek stated yes, straight up into the property. It is a straight shot in.

Vern Schafer asked if there is anything about that that they should be discussing.

Attorney Biege stated in this case he doesn't think so. One (1) of the points of the flag lots is to reduce traffic volume and make it easier for the fire department to find the properties, but since this is not a residence, he thinks they can presume there will be much less egress and access to the property. They also own it so even if there was a pre-existing easement, there is an ownership, so they won't have to worry about conflict with neighbors.

Vern Schafer stated in the future, will they be coming back to ask to build a house back there.

Attorney Biege stated they can put a restriction for no future building. They can certainly do that.

Vern Schafer stated thank you.

Glen Minich made a motion to approve the Petition for Variance for Developmental Standards for Austin Swistek for construction of a pole barn with water on a parcel with 70' of road

frontage instead of the 200' minimum required. Not to be used as a residence and no further development or building on the lot. The property is located south of 1419 S. Holmesville Rd., LaPorte, IN., New Durham Twp., zoned A on 2.54 acres.

Vern Schafer seconded.

Approved. Motion carries 4-1.

3. Petition for Variance of Developmental Standards for William and Linda Lowery for keeping two horses without the proper distance for the barns and fenced in areas from any lot lines of adjacent lots. Areas are 25' or less. This property is located at 2757 S. 350 W., LaPorte, IN., Scipio Twp, zoned R1B on 3 acres. Parcel 46-10-16-400-003.000-060.

Attorney Biege stated notice is adequate.

Linda Lowery stated her address is 2757 S. 350 W., LaPorte, IN. She has owned the property for thirty-two (32) years. It is an abandoned railroad right-of-way so it is only one-hundred feet (100') wide. When she purchased the property at that point in time, she purchased from Robert Goodwin who was a Sheriff's Deputy and rode for the Sheriff's Posse and maintained horses on the property at that time. She had every intention prior to the building of the subdivisions, which she moved out there to not be in that situation and she did not want the subdivision there unbeknownst to her that there is some sort of restriction of a hundred feet (100') away from a subdivision. If she had known that, she probably would have objected to the subdivision, but not knowing or being noticed that that could be part of the problem, she was completely unaware of that. So, life goes on. She had kids and didn't have a chance to buy the horses back in the day. Her daughter and her have been in the LaPorte County Draft Horse Association and gone through and provided horses for the 4H Wagon Masters Draft Horse Club for the last twenty (20) years. Her daughter bought horses five (5) years ago and they have boarded the horses prior to this last year starting in August at other places. Boarding is expensive. Knowing that they had the facilities in their barn and not thinking that it should be a problem since it is her property and she has been there, she figured she was grandfathered in, they brought their horses home. The horses were rescued and were in deplorable condition when they got them. Now, they are fat, sassy, and happy. She doesn't see what the problem is with the neighbors. The horses don't cause any noise. They're not running loose like dogs in the neighborhood. They clean up the pasture. They don't have any excessive rodents which she was told was part of the problem. She had five (5) mice in her house last year. With horses, grain, feed, hay, and straw she should have been overwhelmed. In the thirty-two (32) years that she has lived there, the only smell that she has had was from the Minich's farm where they spread cow manure. That is the smell she smells. She is completely beside herself as to why she has to be here.

Melissa Mullins Mischke asked how long did she say the prior owner kept animals on the property.

Linda Lowery stated she is not exactly sure how long he lived there she just knows that he worked for the Sheriff's Department and rode with the Posse. She is thinking maybe five (5) years, but she can't track that back on Beacon any longer so she isn't a hundred percent (100%).

Melissa Mullins Mischke stated remember they will be timing remonstrators at three (3) minutes and if there is something they want to add additional. She doesn't want to hear the same thing over and over for every person that is going to come up so add something additional.

Remonstrators:

Andrew Voeltz stated he is an attorney with Howes and Howes in LaPorte representing remonstrator Dick Jones. While he appreciates what the petitioner has said, the reality is that there are specific requirements that are necessary in order for a variance to be granted and he believes that the petition is deficient on its face. Specifically, concluding Section 28.11 with the five (5) requirements that are there. Then to even to go so far further it would be Section 24.05, but then also specifically he wants to focus on briefly is Section 14.02(c)(4) that "any barn, or stable structure and any outdoor feed (non-grazing) area training or exercising corrals shall be setback at least one hundred feet (100') from any lot line". That is simply impossibly based upon the parameters of what the lot is. He would assume that there are going to be more remonstrators that are going to come up. While he appreciates the fact that it may have been used in the past with regards to Sheriff's Posse horses or anything else like that, the fact of the matter is, there should have been a variance granted back then and just because it was done back then, doesn't mean it can be done now. They simply don't have the lot frontage to allow something like this to happen, especially right up against a subdivision for various reasons with regards to flies, manure, etc. He understands the neighbors are butted up against a number of properties that are farms, but this is completely different. They would ask that this petition be denied.

Harry Fisher stated his address is 2761 S. 350 W., LaPorte, IN. He wanted to say that according to that number four (4) that the attorney mentioned, that the horses are literally in his back yard. They are right on his property line within six feet (6') and the other area where they have them grazing in the back yard with the grass is like a foot (1') from it. They have a patio that they sit out on and they can smell the manure and the flies last fall were pretty bad. The other thing that worries him is that the top of the fence is electrified and it is right there on the line of where his residence is. It makes him very nervous. Other than that, he doesn't know about the complaint about rats as he hasn't seen any of those, however the flies... He has a garage that is probably ten to twelve feet (10' - 12') from where the horses are and he has to put traps in there because it is so bad. Last fall, the flies were so bad that they couldn't sit on the back patio very long. The more it got towards the evening they had to go in.

Rachel Reed stated her address is 713 W. Timothy Dr., LaPorte, IN. She owns the adjoining Lot 25 of Smithfield Park north of Mr. and Mrs. Lowery. Respectfully, they are against the Lowery's variance request. By allowing this variance it can and would de-value their property and neighboring properties adversely. They purchased their property in a subdivision where there are strict covenants and guidelines in place so they wouldn't be subjected to such requests outside of the laws and regulations set forth in LaPorte County. The area in question is zoned residential and not agricultural. Having two (2) large farm animals in a residential area with less-than-ideal

land is unacceptable. The Lowery's property is narrow and deep with the entire back portion being wooded with is one and a half (1½) acres. The so-called horse barn and pasture area where the two (2) horses are kept is extremely small. The area would typically be someone's green area or backyard. There is no green area for the horses or any viable vegetation for them to consume. The property, as a whole, is not well kept or maintained. The appearance alone sometimes is unsightly. The manure and urine smells are pungent and notable and there are areas of buildup. The horse flies are prominent and intrusive during the warm weather. The surrounding lot lines in question are not even close to regulation. Also, in their attempts to more prominently mark their property line and adjoining lot lines, the Lowery's did some clearing in that particular corner where their properties adjoin and in doing so they cut trees and some branches from their property, but discarded them on her property. They are still there and yet to be picked up. By doing so, they showed a lack of respect and regard for their neighboring property owners. In closing, they respectfully ask that they please consider all the remonstrators valid concerns.

Melissa Mullins Mischke stated they do have a letter of remonstrance from a Jeffrey Samm that is not in favor of the petition as well.

Linda Lowery stated Mrs. Reed should address Harry Fisher for the cut down trees and the clearing on the corner of their property as he has done with her property. Boundaries are not well preserved.

Melissa Mullins Mischke stated asking about the area where the horses are, do the animals stay in the west or near the home? It does look very wooded; do they go in the back?

Linda Lowery stated they can't get in the woods yet. They had just set this up after fair last year. Their intention was to go into the woods. She has plenty of room back there. She didn't think that was a problem. Their horses eat hay primarily. Most of them do. They are not the only persons or places that have horses with a ground lot and hay to be fed. As for Mr. Jones' concerns, he has intruded on her property twenty-five feet (25') and has dumped things in her woods so she really doesn't know where there is a real concern there for following rules. Mr. Fisher, they put hotwire up for a reason. It is on the top of a fence. If he has any business walking up and touching the top of her fence, then there is a bigger problem; he is trespassing. She doesn't know what else to say.

Vern Schafer stated he doesn't really have a specific question; he just has a comment. The current zoning does not permit horses there and he is a farmer so he understands animals and flies and everything that goes with them. The problem is that if he is looking at this from the stand point of people getting along and being neighbors, he doesn't see that happening. It appears that he is leaning to rule towards the way it is set up where it is not allowed because of that. He likes people to get along and that's in a perfect world, but he doesn't see this getting better. He wanted to mention that because currently, they can't allow it.

Glen Minich stated they have never been faced with a rule about a hundred feet (100') on a lot like this. It's mostly common that they see the horses' pasture to the lot line. That is the most common occurrence in the County.

Michael Polan stated the horses would be allowed based on the acreage. It's the setbacks that cannot be met which is the purpose for the variance.

Attorney Biege stated the setback is the entire lot width; that's the problem. He also wants to make sure the Board is clear, there is nothing grandfathered in because if there was non-conforming use previously it discontinued so there would be no grandfather clause. Secondly, depending on what the Board decides do, hotwire is not allowed in residential. If they are inclined to deny the request, he would suggest they order the removal.

Melissa Mullins Mischke stated she is highly discouraged about this neighborhood. She knows that the Lowery's do a lot with kids at 4H that don't have the ability to have their own animals and what that does for our youth. They participate and give time and use of animals. On one (1) hand she is really torn on this issue as well. She has to agree with her. From the sounds of this, this is not a good neighborhood for her at all. Her neighbors are not accepting and she certainly hopes they understand the job of this Board is to grant an exception so that is why they are here regardless. She is torn on both sides. She understands having lived near animals that there are smalls and occasional rodents, but she caught five (5) mice in her house and she doesn't have anybody with horses next door to her.

Linda Lowery stated exactly.

Melissa Mullins Mischke stated she is torn on this situation.

Linda Lowery asked if she may say something.

Melissa Mullins Mischke stated she is at the point where they are going to make a vote.

Glen Minich stated he would like to try to make a motion to have Linda be able to keep the horses in the place. He understands the neighbors' concerns and it's always a problem with a mix of residential and agriculture. The only reason the field to the north is residential is because the developer owned it previously, but he sold it for farming purposes so it went back to Ag. He has a question first. One of the big concerns is the flies. Has she considered or ever tried using a product like larvicide to stop fly reproduction in her facility.

Linda Lowery stated they had discussed it, yes. They just didn't because it happened right after fair.

Glen Minich asked if she would be opposed if she were required to use a larvicide or some type of clarified product or something like that.

Linda Lowery stated she would not be opposed to that.

Glen Minich stated largely the problem is with the neighbors to the south. He would make a motion and see how the Board feels.

Melissa Mullins Mischke asked how long would it take them to clear out enough woods so they could be moved east into the wooded area. Is that a possibility?

Linda Lowery stated it is a possibility. The Reed's property is vacant and has been ever since they purchased it; they don't even live there. There is nothing concerning there at that point. They intend to work on that this summer. She can't give an exact date.

Vern Schafer stated he is also concerned about the number of animals. Obviously, if there are a lot of animals there then it causes more problems than just a couple. How many are there right now?

Linda Lowery stated they have two (2) Percheron draft horses.

Vern Schafer stated they are confined up to the west.

Linda Lowery stated that is correct. They are fenced in currently around the barn and the existing pasture that was there when she purchased the property does go out into the woods probably another thirty-feet (30'), but it is old and can't be used so it is a matter of working around that. More has been in that past and when they purchased it, it was a dry lot at that time too.

Vern Schafer made a motion to deny the Petition for Variance of Developmental Standards for William and Linda Lowery for keeping two horses without the proper distance for the barns and fenced in areas from any lot lines of adjacent lots. Areas are 25' or less. This property is located at 2757 S. 350 W., LaPorte, IN., Scipio Twp, zoned R1B on 3 acres.

Motion fails due to lack of a second.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for William and Linda Lowery for keeping two horses without the proper distance for the barns and fenced in areas from any lot lines of adjacent lots. Areas are 25' or less. The fence for the horses on the southern border of the lot be moved twenty-feet (20') from the lot line; the animals are to be put on a larvicide to eliminate the flies; there needs to be development of at least half of the lot to the rear for the horses within eight (8) months; and the removal of the hotwire. This property is located at 2757 S. 350 W., LaPorte, IN., Scipio Twp, zoned R1B on 3 acres.

April Daly seconded.

Approved. Motion carries 4-1.

4. Petition for Variance of Developmental Standards for Carrie E & Scott J Colpitts for construction of a garage in front of the home instead of the rear. The property is located at 681 S. 300 E., LaPorte, IN., Pleasant Twp., zoned A on 2 acres. Parcel 46-11-03-302-010.000-057

Attorney Biege stated notice is adequate.

Scott and Carrie Colpitts stated their address is 681 S. 300 E., LaPorte, IN.

Melissa Mullins Mischke asked how big the garage is going to be.

Scott Colpitts stated the dimension on the garage were like twenty-two feet (22') by thirty-two feet (32').

Melissa Mullins Mischke stated she is definitely sure on the twenty-two feet (22'), but she doesn't see the measurement for the other. He thinks it is thirty-two feet (32')?

Scott Colpitts stated he believes so. The width isn't on the drawing and he apologizes. Going from memory with his contractor though it will be about thirty-two feet (32') with an extension between the garage and the house that will be a covered patio, which is a concrete area with a gabled roof to tie into the side of the garage.

Melissa Mullins Mischke asked what is going on behind the home that they can't put the garage to the rear.

Scott Colpitts stated the reason that they were hoping to do it on the front of the house is that the house sits quite away off the road. It actually sits further back even with the building of the garage; the garage would still be back further than the houses along that stretch of road.

Melissa Mullins Mischke asked how much road frontage does he have.

Scott Colpitts stated he believes there was a variance granted for that back when the house was built. He is not sure of the road frontage.

Ashley Kazmucha stated it is about sixty-five feet (65').

Scott Colpitts stated the driveway is quite long already and the home has a propane tank for heating and that propane tank sits to the right in the back of the house and that is the only place that they would be able to get a driveway to go through to put a garage at the back and it would have to cross that gas line. The house kind of sits over where it jogs over to the left so there is no room to put a driveway on that side and there is also a septic tank over there. With that in mind, the length of the driveway already is quite long and they were hoping to not make the extra expense of taking it back and having to move the propane tank. Honestly, he thinks aesthetically, it would bring his house a little more in line with the houses along that stretch of road. The neighbors on either side of him also have structures in the front of their properties. They are conforming with the neighborhood. It is very agricultural out there and they want to present a decent aesthetic look to the house.

Melissa Mullins Mischke asked what kind of façade are they going to put on the garage.

Scott Colpitts stated it is a vinyl siding and it is going to be shingled roof to match the house. Initially, they wanted to attach it to the house, but that's not possible.

Remonstrators:

Arlene Dilloway stated her address is 677 S. 300 E., LaPorte, IN. In 2004, when the house was constructed, it was constructed because her husband was ill and was constructed for her son to live there. It is very narrow in front. If they go across the front of the property, they would be lucky to put three big cars across the front. For them to build a garage, she has a big oak tree that will interfere with. She also has a pole barn which she has her livestock in. It is going to bring that property so close with chemicals, gasoline and flammables to her property that it is going to be on her line. When the house was built, it was deemed then that they could not build a house in the front because there was not enough space because it was very limited. Another thing is that there is plenty of room in the back. He stated the septic is in the back, but it is not; the septic is at the side of the home and there is plenty of room in the back if they were going to build in the back. Her concern is for the health and well-being of her livestock because of the garage being so close to her property line. She knows her oak tree will cause a problem because it will overhang. When he was giving the dimensions, that lot is very narrow. The only way she was able to put a house on that property at that time was she had assistance from Ray Hamilton and at that time they were definitely told by the Board that they would never allow for any garage or anything to be in the front, it would have to be constructed at the back of the house. This is her concern. She has nothing against her neighbors. She just is concerned about her well-being. In the winter time, they get a lot snow in there. If they take and cut off some of the property in the front, where are they going to put their snow because it is a very narrow property as they can see by the dimensions of it. Not that she is against, her neighbors, but she feels like it will cause problems for her and they have plenty of room in the back of the house.

Melissa Mullins Mischke stated they also have a letter of remonstrance that they received from her basically stating the same thing.

Bob Mcvay stated his address is 695 S. 300 E., LaPorte, IN. He has the residence just to the south of this property. He has lived at the property since 1982. Back when they put the house in the back, they had to get special letters out to the neighbors and he said okay, he would give up and let them put that house back there. Since then, the last three and a half (3½) years have been nothing but trouble there. The people that have moved in now have cleaned it up. He thinks even the garage in front of it would make it look a whole lot better than what it had been. They had a problem where within one (1) year they had police out there twelve (12) times and at least that is gone now. This garage can only make this place look better. He has no problem with the garage going in the front.

Susan Lukac stated her address is 3772 E. 100 S., LaPorte, IN. Her mother lives next door. Bob talks about the house and what it used to be, but Mrs. Colpitts lived there. She was married to her brother. She left and wanted to get a divorce and her brother lived there alone and there were a lot of problems there. Her brother passed away and Mrs. Colpitts latched onto the house and la-dee-da-dee-da. Anyway, she was part of the problem that the house was never maintained years and years ago. As far as snow, her husband does her mom's driveway in the wintertime and they get horrible snow out there. Jane Bernard lives right down the street, she used to be the Animal Shelter Director, and there would be times she would be snowed in. A six-foot (6') drift is no problem out there. If they put a garage there, where are they going to put the extra snow if it

comes from the north? Their garage is going to act like a windbreak and push it all back she believes. That will restrict her mom getting in and out of her property. It's a country setting out there. She believes if they put a garage in the front of that house, it will make it look off because everybody else's property has their garages to the side or rear of their house; her mom has a garage up in front to the side of her house plus a barn plus an out barn. It will look like a sore spot. It will ruin the view of the country. It is beautiful out there and the sunsets. There are fields behind and in front of her mom. It will ruin the breeze and everything. She is against it.

Vern Schafer stated he had mentioned before the propane tank is off to the side and he sees where it is. He knows that the driveway would get longer, but it looks like it would be a better choice to move the propane tank and move the garage back than to put it in front of their house. That is just his personal opinion and listening to the remonstrance that it might be more appealing to the neighbors as well.

Glen Minich stated he is so inclined to agree, especially considering that when the house was put there it was pretty clear that they didn't want anything put in front of it. They wanted the house back that far.

Melissa Mullins Mischke stated she doesn't disagree with him, but she doesn't have those minutes in front of her to confirm that. She doesn't have the minutes from that meeting to see what was actually decided. She was on the Board at that time and she doesn't recall it. She disagrees with the remonstrators; it looks pretty normal for that neighborhood to have buildings in front of the home. She disagrees. Even in the photo she is looking at, the three (3) or four (4) parcels appear to have several buildings to the front of the home and closer to the road. She agrees that if it is possible to move the propane tank then that might be the lesser of all evils.

Deb Vance stated when he was talking about the propane tank, is there any other issues that he may have about putting it back there. Looking at it, it looks like there are a lot of things going on back there.

Scott Colpitts stated the property line on that line of the house is about fifteen feet (15') from the house to Mr. Mcvay's property. He does store a camper back there and it is a tight squeeze. He doesn't want to go onto his property with his camper; he keeps his lawn impeccable. The idea of putting a driveway along that side of the house raises a few concerns. All the utilities for the house go in there not just the gas, but also the electric. It doesn't make sense to relocate the utilities just so he can get a driveway in there. Then he would have the concern of if anybody were to try to come through that area, they could hit the house or go onto Mr. Mcvay's property and damage his lawn. The other part would be that as far as the driveway length goes, that is part of his concern, is the snow. If he wanted to park his car back there, they are talking a lot of snow removal. As his other neighbor previously stated, it is kind of a narrow lot, but there is no issue with snow; she shouldn't be pushing her snow onto his property anyway. There is plenty of room for him to push his snow and they had no issues with it last year. They did mention that they get pretty substantial drifts out there and the property slopes in front of his home and that is about where the garage would be and it would be a windbreak for his house. In addition to that, her livestock, as they can see, is right on the property line. That would be another reason why they want to put the garage up because it's a nuisance to see the garbage that they have piled up along

the property line. As of last fall, they decided to start piling up the manure from the horses kept in that barn. They are in violation of Article 14 as far as where they can collect animal manure. It is thirty feet (30') from his front door and twenty-five feet (25') from his well. They do it on purpose; there is some contention between them, he is sure. The idea of putting the garage there is also to put a barrier between them.

Glen Minich stated she asked a question and he gave them a map saying that their house is twenty-seven feet (27') from the property line basically. That is what it is showing on the drawing for where they are putting the garage. Now he is saying it is fifteen feet (15').

Scott Colpitts stated no. The property line where the house sits would be to the south adjoining the Mcvay's property.

Vern Schafer stated he is saying his house is fifteen feet (15') from the southern property line.

Scott Colpitts stated it's approximate.

Vern Schafer stated his drawing is a little out of scale then.

Scott Colpitts stated yes.

Vern Schafer asked how he is entering the garage.

Scott Colpitts stated he would be coming down the driveway and turning left into it. They have measured with the contractor and he has an eighteen-foot (18') long extended cab pick up truck that they used to mock out whether he could make the turn and whether there was plenty of room.

Vern Schafer stated that's why it is twenty-seven feet (27') from the line.

Scott Colpitts stated yes. Mr. Mcvay has some arbor vitae planted along the property line there and it doesn't intrude on those. They moved it as far away from the north property line as they had to which is ten feet (10'), but they went eleven feet (11') because of the overhang. That is when they mocked it out to make sure they could make the turn with one (1) of the largest vehicles on the road.

Vern Schafer stated it's too bad when they bought the house originally, they didn't push it back a little bit farther.

Scott Colpitts stated he agrees. It is an interesting lot.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Carrie E & Scott J Colpitts for construction of a garage in front of the home instead of the rear. The property is located at 681 S. 300 E., LaPorte, IN., Pleasant Twp., zoned A on 2 acres.

April Daly seconded.

All Approved. Motion carries 5-0.

Melissa Mullins Mischke asked for any old business.

Melissa Mullins Mischke asked for any new business.

Melissa Mullins Mischke stated she would like to consider, unless there is an extenuating circumstance, that they discontinue the use of the virtual meetings.

Deb Vance stated she agrees with her other than she is stuck in Crown Point tonight.

Melissa Mullins Mischke stated right, that is what she is saying. If there is an extenuating circumstance then let them know, but covid is kind of over and she finds it frustrating with the video working and sometimes not working and talking over everybody.

Ashley Kazmucha asked if that is just for Board member or public too.

Melissa Mullins Mischke stated no public. Only Board members if there is an extenuating circumstance.

Ashley Kazmucha stated okay, so she will still make the Zoom.

Glen Minich stated he totally agrees with Melissa. He zoomed in and it wasn't very affective and it's kind of hard to communicate. Unless there is the need for an additional vote, then they don't want to give a hardship to all the people coming. Maybe if they could make a special exception that if they didn't have a voting Board that they would allow them to Zoom.

Ashley Kazmucha stated she still needs to run the Zoom because it is how she records the meetings.

Glen Minich stated okay.

Melissa Mullins Mischke stated that is fine, but she doesn't want to have participants from the public.

Ashley Kazmucha stated okay.

Melissa Mullins Mischke stated they need to come in person like they used to.

Ashley Kazmucha stated she won't release the Zoom link anymore.

Melissa Mullins Mischke asked if they need to make a motion to do that.

Attorney Biege stated yes; let's do it so there is a record of it.

Glen Minich made a motion that Zoom only be allowed when there are not enough members for a quorum.

Vern Schafer seconded.

Melissa Mullins Mischke stated she would third that.

All Approved. Motion carries 5-0.

Michael Polan stated he will have the website updated to reflect that and next month there will not be a link.

Vern Schafer stated the circumstances would have to be made ahead of time, correct. As far as somebody not being there?

Michael Polan stated she is going to be running the meeting anyway.

Ashley Kazmucha stated she will still be sending the Board members the link anyway.

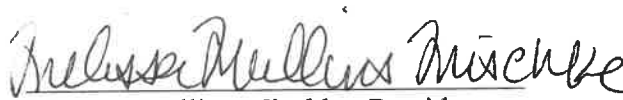
Michael Polan stated there won't be public participants though.

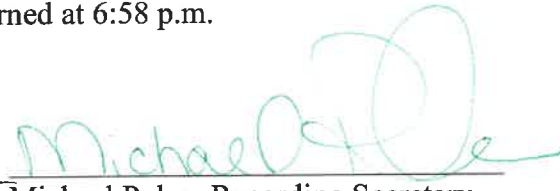
Glen Minich stated it's ideal that Ashley continues the way that she is doing it because they don't know until the last minute and how great it would be to have a member Zoom in if needed and they wouldn't be able to if she didn't continue what she is doing.

Ashley Kazmucha stated okay.

Melissa Mullins Mischke stated sounds good.

There being no further business, meeting adjourned at 6:58 p.m.


Melissa Mullins Mischke, President


Michael Polan, Recording Secretary