



LAPORTE COUNTY  
**BOARD OF ZONING APPEALS**

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

June 20<sup>th</sup>, 2023

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **June 20<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:**

Melissa Mullins Mischke asked for approval of the meeting minutes of May 16<sup>th</sup>, 2023.

Glen Minich made a motion to approve the meeting minutes of May 16<sup>th</sup>, 2023 as presented.

April Daly seconded.

All Approved. Motion carries 5-0

**Petitions:**

**1. Petition for Variance of Developmental Standards for EZ Liquid Solutions, Inc. represented by Anthony Novak of Newby, Lewis, Kaminski & Jones, LLP to store waste outdoors. The property is located at 7528 S. 1st Line Rd., LaPorte, IN., Union Twp., zoned M1 on 8.184 acres. Parcel 46-15-08-300-004.000-064.**

Attorney Biege stated notice is adequate.

Anthony Novak stated he is an attorney with Newby, Lewis, Kaminski & Jones in LaPorte at 916 Lincolnway. As was introduced, they represent EZ Liquid Solutions who is the applicant tonight. They also represent Kingsbury Utility Corporation who is the owner of the property. Here with him tonight is Jerry Jackson who is the wastewater operator with Kingsbury Utility who will discuss a little bit more of the substance of what EZ Liquids is trying to do here. He will

introduce a little bit and then turn it over to Jerry. This application relates to property owned by KUC in the Kingsbury Industrial Park at 7528 S. 1<sup>st</sup> Line Rd. The property is zoned M1 Light Industrial and is highlighted on Exhibit 1 in blue to their petition. KUC currently operates a wastewater treatment plant on the property in compliance with the JZO. KUC's owner, Jeff Johnson, is going to form this new entity that he wholly owns known EZ Liquids Solutions which will lease a portion of KUC's property. As indicated in their petition EZ Liquid Solutions desire is to operate on that leased property pending IDEM permit approval for a dewatering and a solid waste processing plant that will dewater septage, biosolids, and grease and then store the resulting solids until land application in the spring and the fall. The water from that process would then be treated at the KUC water plant. While the intended use is permitted there, they are requesting a developmental standards variance. Under Article 14 there are some specific use requirements that apply; specifically, they are requesting a developmental standards variance from Article 14.170(a)(1) to permit those solids to be stored outdoors rather than an enclosed structure. The location of where EZ Liquids will be operating and where the solids will be stored is shown on Exhibit 2 and 3 of their petition. If they see on the aerial they will see that almost the majority of the surrounding land looks like it is vacant like nothing is there. The majority of that land is owned by the State for the DNR. He did a rough look on Beacon and it looks like the nearest residence is four thousand to five thousand feet (4,000' – 5,000') south of this property. At this point, he would like to turn it over to Jerry so he can give a little more detail on what is going to happen.

Jerry Jackson stated he is the wastewater operator for Kingsbury Utility Corp. His address is 1122 S. Meadowbrook Ct., Westville, IN. The new proposed operation will be very similar to the old one so he will run really quick through the old one. They receive septage, contents of the septic tank, biosolids and the solids that are from wastewater treatment is blended with a polymer so the water runs off it and they pump it out into a geo-bag which is just a perforated bag that sits out on a concrete pad. The water runs off that and then there is a large tube essentially of the solids that sits on site at least ninety (90) days, but in practice it's almost one hundred and eighty (180) because of winter and logistics of farming. It air dries so they meet the State of Indiana bacteriological standard. After it is air dried, the solids are land applied on local farm fields there in the industrial park and then incorporated and chiseled in. That is pretty much the process from start to finish. The change here is the geo bags are fairly expensive and unwieldy to use so Kingsbury wants to switch to a mechanical dewatering system. They will add the polymer, but it goes through a machine that lets the water come off and they will get dry solids out the end instead of putting it in a bag. The solids would then be wind rowed on that same concrete pad they now have the bags and they would go through the same process. They would be stored out there at least ninety (90) days to air dry, disinfect, and then be land applied on the existing sites. Part of this comes about because Kingsbury has grown enough that they are pushing the limits of the bags and this would be a much more efficient operation and they wouldn't be spending a thousand dollars (\$1,000) every time they need a new bag. They are rather remote. They put the sewage treatment plant for the industrial park in the right spot so there are very few neighbors to impact with the project. He can answer questions if there are any.

No remonstrators present.

April Daly asked what kind of grease.

Jerry Jackson stated it is one hundred percent (100%) restaurant grease. It's from the grease traps they have out in back of the kitchen. It comes from local restaurants and a couple casinos.

Glen Minich stated IDEM has oversight of the whole site and project.

Jerry Jackson stated absolutely. They are permitting this. This is one of the items they called out in the permitting process that they had to go through the zoning process.

Glen Minich stated previously, it was stored in bags; will the rain make any difference as far as drying the solids? The rain that is added back in will just dry back off he is guessing.

Jerry Jackson stated it will. They will put it in wind rows so water will tend to run off. The concrete pad it is on is all sloped to drains so if there is run off from the solids it goes down the drain to the wastewater treatment plant so they capture any runoff from the process.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for EZ Liquid Solutions, Inc. represented by Anthony Novak of Newby, Lewis, Kaminski & Jones, LLP to store waste outdoors. The property is located at 7528 S. 1st Line Rd., LaPorte, IN., Union Twp., zoned M1 on 8.184 acres.

April Daly seconded.

All Approved. Motion carries 5-0.

**2. Petition for Variance for Developmental Standards for Heather C Kienitz Smith & Jeremy Smith** for construction of a third accessory structure in front of the home instead of the rear. The property is located at 2755 N. Goldring Rd., LaPorte, IN., Coolspring Twp., zoned R1A on 6.1783 acres. Parcel 46-05-24-176-012.000-046.

Attorney Biege stated notice remains is adequate.

Jeremy Smith stated his address is 2755 N. Goldring Rd., LaPorte, IN.

Melissa Mullins Mischke asked what brings up the need for a second structure.

Jeremy Smith stated he has a very expensive truck that sits outside that gets ate up by the snow and the sun and it doesn't fit in the current garage as the doors aren't tall enough. He is not familiar with the information that they have in front of them, but there was an old granary that got dilapidated over time and they couldn't save it so they tore it down.

Vern Schafer asked if that is the building in the picture he has. Can he please approach and indicate if so.

*Jeremy Smith approached the Board.*

Jeremy Smith stated yes, the front looked a lot better than the back. The whole back of the roof was ripped up. He cut a tree down when they moved in and it was actually a mulberry tree that grew up and was growing through the side of the road.

Vern Schafer stated he tore the building down or he is going to and is going to replace it.

Jeremy Smith stated it is gone. He would like to replace it with a new structure.

Melissa Mullins Mischke asked the size of the new structure.

Jeremy Smith stated twenty-four wide by thirty deep (24' x 30').

No remonstrators present.

Glen Minich asked what it will look like.

Jeremy Smith stated it is from Amish Structures so it will be almost like a pole barn looking metal building with a gravel driveway and gravel floor.

Glen Minich asked if it will be painted to match the floor.

Jeremy Smith stated yes. He believed the colors are tan and an off white for the trim to match the house and the garage as much as they could based on the options that the company offers.

Vern Schafer made a motion to approve the Petition for Variance for Developmental Standards for Heather C Kienitz Smith & Jeremy Smith for construction of a second accessory structure in front of the home instead of the rear. The property is located at 2755 N. Goldring Rd., LaPorte, IN., Coolspring Twp., zoned R1A on 6.1783 acres.

Deb Vance seconded.

All Approved. Motion carries 5-0.

**3. Petition for Variance of Developmental Standards for Carol J Hoenig & Daniele M Davis & Kristina Gurnicz** for construction of a second accessory structure with a setback of 10' from rear property line along a road. The property is located at 2632 S. US Hwy 35, LaPorte, IN., Scipio Twp., zoned R1A. Parcel 46-10-13-428-009.000-060.

Attorney Biege stated notice is adequate.

Kristina Gurnicz stated her address is 2632 S. US Hwy 35, LaPorte, IN.

Melissa Mullins Mischke asked what they are going to use the structure for.

Kristina Gurnicz stated they are requesting a second structure that will be at the rear of the property which will be a garage/pool house that will enclose their yard into a court yard. There will be access off the subdivision behind them so it should be aesthetically seamless.

Melissa Mullins Mischke asked if they are technically in the subdivision as well.

Kristina Gurnicz stated she believes it is part of their legal description, but they don't usually arrive that way. This will be a new entrance for them.

No remonstrators present.

Vern Schafer stated he knows where they are going to put the building. It appears that their frontage is on State Road 35, is that correct.

Kristina Gurnicz stated yes.

Vern Schafer stated the street behind her, does she have a driveway permit for that property? Is she going to try to enter the property from that street?

Kristina Gurnicz stated there is an existing driveway; it's not paved, but it's always been there since they owned the property.

Vern Schafer stated there has never been a building there though.

Kristina Gurnicz stated not there, but they can see the attached storage and that is where the driveway approaches so they can access the storage from that road.

Vern Schafer stated he made a couple of notations. There is a narrow strip that they own on the south side of the property and that is not part of the property that they are concerned with, but they are ten feet (10') from the road behind them. He knows they are trying to probably keep this close to the pool, but if they combine the narrow strip with the property, could they move the property slightly to the south?

Kristina Gurnicz stated they definitely have options if that is something that is recommended. They were trying to make it within the courtyard so it would be less obtrusive. They have flexibility there though.

Vern Schafer stated the narrow strip of property that is adjacent to them that they own can't be done anything with anyway. It's kind of a buffer between them and the neighbor.

Kristina Gurnicz stated yes.

Vern Schafer stated that was just a comment. It could make things a little less crowded for them, but that was just a thought.

Kristina Gurnicz stated they are trying to avoid the septic field that is kind of in that area as well.

Vern Schafer stated he sees that in the drawing as well.

Melissa Mullins Mischke stated if they want to use it as a pool house then they want to keep it close to the pool.

Kristina Gurnicz stated they do have options if needed.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Carol J Hoenig & Daniele M Davis & Kristina Gurnicz for construction of a second accessory structure with a setback of 10' from rear property line along a road. The property is located at 2632 S. US Hwy 35, LaPorte, IN., Scipio Twp., zoned R1A.

Deb Vance seconded.

All Approved. Motion carries 5-0.

**4. Petition for Variance of Developmental Standards for Lawrence & Connie Wysocki** for construction of an 8' fence along eastern property line instead of the 6'6" maximum allowed. This property is located at 201 East Dr., Walkerton, IN., Lincoln Twp, zoned R1B. Parcel 46-12-16-305-023.000-055.

Attorney Biege stated notice is adequate.

Connie and Lawrence Wysocki stated their address is 201 East Dr., Walkerton, IN.

Melissa Mullins Mischke asked what brings them to the eight-foot (8') fence rather than six-foot-six-inches (6'6").

Connie Wysocki stated neighbor issues.

Melissa Mullins Mischke asked if they planned on doing that size all the way up.

Lawrence Wysocki stated eventually.

Melissa Mullins Mischke stated they want to start and do it in sections.

Lawrence Wysocki stated correct.

Connie Wysocki stated they have to stay so far off the main street anyway about twenty-five feet (25').

No remonstrators present.

Melissa Mullins Mischke asked if there is wood in the back of the property. Do they just store wood? Chop it and store it?

Lawrence Wysocki stated yes, they heat with wood.

Connie Wysocki stated it is all cleaned up now.

Melissa Mullins Mischke stated right, that's what they do all summer.

Vern Schafer stated the ordinance is for a six-foot-six (6'6") fence and that is the reason they are asking for a variance. Is there a particular reason they want it to be eight-foot (8') instead of six-foot-six (6'6")?

Lawrence Wysocki stated their property is higher than the neighbors which is downhill and he can still see over and vice versa.

Glen Minich stated good fences, good neighbors.

Vern Schafer stated they are talking doing a portion of this and maybe some later. Are they granting the variance for the entire line between them and the adjacent lots for eight-foot (8') or what?

Attorney Biege stated it's up to them.

Vern Schafer stated whatever we want right. What are their intentions?

Connie Wysocki stated in time they would like to keep the fence even to make it look right, but the property adjoined to theirs has never been taken care of in the last fifteen (15) years they have lived there. They take care of that property. She has never seen anybody there in all the years.

April Daly made a motion to approve the Petition for Variance of Developmental Standards for Lawrence & Connie Wysocki for construction of an 8' fence along eastern property line instead of the 6'6" maximum allowed. This property is located at 201 East Dr., Walkerton, IN., Lincoln Twp, zoned R1B.

Vern Scahfer seconded.

All Approved. Motion carries 5-0.

**5. Petition for Variance of Variance of Use for Jacqueline Cooke** for operation of an online auction. The property is located at 8732 S. 800 W., Wanatah, IN., Clinton Twp., zoned A on 2 acres. Parcel 46-13-15-400-010.000-044.

Attorney Biege stated notice is adequate.

Jacqueline Cooke stated her address is 8732 S. 800 W., Wanatah, IN.

Melissa Mullins Mischke asked for more information on the online auction.

Jacqueline Cooke stated they would like to have online auctions. Business hours would be a preview one to two (1 – 2) days prior to the online auction and pick-up one to two (1 – 2) days after the online auction between the hours of 9 am and 6 pm or by appointment. Consignments would be accepted by appointment. They have adequate parking; there is a large parking area with adequate space for turn around and could accommodate up to ten (10) cars at a time. As for signage, there are yard signs that would be removable and they would be placed out on the preview days, the online auction day, and the pick-up days and there will be a sign on the building.

Melissa Mullins Mischke stated they're not going to have multiple people there at once since it's going to be online, so they will only show up when they come to pick-up their items.

Jacqueline Cooke stated yes, or when they come to look around to preview.

Melissa Mullins Mischke asked what days she would have auctions.

Jacqueline stated most likely on Wednesdays. Pick-up days would be Thursday – Friday.

Melissa Mullins Mischke stated they're really looking at Monday – Saturday 9 am – 6 pm.

Jacqueline Cooke stated yes.

Vern Schafer asked what kind of items she would be selling in the online auction and what size of items.

Jacqueline Cooke stated mostly household items and consignments. There may be some larger items like sinks or small equipment like lawn mowers.

Vern Schafer stated when the stuff comes onto the property for the auction, where is it stored?

Jacqueline Cooke stated they have a large building that it would be stored in and then there is some space outside for some outside items as well.

Glen Minich asked if she could draw on the aerial picture where the items will be stored outside for when the attorney drafts this. They won't be putting things on the whole lot certainly.

*Jacqueline Cooke approached the Board.*

Jacqueline Cooke stated there is actually a building that is not shown on the aerial where the items would be stored and then any outside stuff would be in the driveway area along the sides. There is another barn that is not in the picture that it would be stored in and then out in front of it.

Melissa Mullins Mischke asked if that would include parking in that same space.



Jacqueline Cooke stated the parking is to the right in front of the other building and then all the way out to the road.

Glen Minich stated they will limit this to in the building and if the picture is right, then only north of the current house driveway.

**Remonstrators:**

Jerry Bennet state his address is 8776 S. 800 W., Wanatah, IN. Their property is adjacent to them. They have a few concerns. Number one (1) would be with traffic increased on the county road with pick-ups and deliveries with delivery trucks and so forth. It's zoned agricultural and they're on the family farm. Was the new building designed for Ag or small business? Is there a difference when there is a barn built? Do they have to state whether it's for agriculture or small business? Last year, he thinks they may have had a couple yards sales or online, he doesn't know, but last year there were several incidents where people drove up their driveway passed their house to the back to his barn and turn around and come out. One time, and elderly couple stopped and wanted to know if they could try out the recliner before they paid for it. Sure, if he had one. He just assumed it was a garage sale. Those are the things that they are concerned about with the increased traffic and so forth. If there are larger items, which he understands there is stuff in the barn that can't be seen, but if there are larger items that are setting out, would any of that devalue his property with it sitting out and having something like that.

Vern Schafer stated if an item doesn't sell do they leave it for the next one (1) and then the next one (1) and where does it accumulate, especially if it is an outside item. Does it stay there until they sell? What is their plan here?

Jacqueline Cooke stated they would maybe put it in one (1) more auction and if it doesn't sell at that one (1) then they would dispose of it.

Melissa Mullins Mischke stated the signage would definitely help the neighbors. They will know where to go to look at items.

Jacqueline Cooke stated yes.

Vern Schafer stated he has visited the area around and looked at it. It does look a bit congested if there are several people unloading things or if they are parking. There is not a whole lot of parking available the way it looks to him unless they are parking on the County Road. There is not much space there for that along with an accumulation of items. That is one (1) of his concerns.

Glen Minich stated if the Board chooses to do this, he thinks this is a good petition that perhaps if they were to grant a variance that they would grant it for a year and see how it works out. The neighbors can all see how it works out and it won't be a lifelong commitment. They can come back in a year to see if there are any problems and go from there.

Glen Minich made a motion to approve the Petition for Variance of Variance of Use for Jacqueline Cooke for operation of an online auction for one (1) year. Business Hours: Monday – Saturday 9am – 6 pm. A 2' x 2' sign will be posted during auction times. They will be using the current buildings and only the property to the north of the driveway for items. Items must be removed after the second auction if not sold. The property is located at 8732 S. 800 W., Wanatah, IN., Clinton Twp., zoned A on 2 acres.

Deb Vance seconded.

Approved. Motion carries 4-1.

**6. Petition for Special Exception for 421 Westville LLC** for construction and operation of a mini storage facility to be constructed in phases. The property is located south of 3437 S. Hwy 421, Westville, IN., New Durham Twp., zoned B2 on 6.3263 acres. Parcel 46-09-21-100-014.000-027.

Attorney Biege stated notice is adequate.

Bob Kiger stated his address is 754 S Forrester Rd., LaPorte, IN.

Melissa Mullins Mischke asked how many storage units are they looking at.

Bob Kiger stated the plan that was given to the Board was kind of an autofill to see what they could put in there. Obviously, it's not going to be exact; they are possibly going to acquire some land just to the north of it also. They are working with Tony Hendricks for the drainage and all that stuff so they don't dump it on anybody else's property.

Melissa Mullins Mischke stated very good.

Bob Kiger stated the drawing was an autofill to see what they could put there. Once they get their blessing, they will turn it over to Hendricks and they will design it to make sure it fits and does everything properly. They had some discussion. For the mini-storage part they need a special exception. Just to clarify, some of them will be conditioned and some won't be. The conditioned ones will have to be accessed from inside the building to get to the units. The other ones will be standard nine by seven (9' x 7') outside garage doors. They might do possibly some outdoor parking for motorhomes and boats, but they're not sure yet. He isn't sure what he would need for that.

Attorney Biege stated they should be okay on the motorhomes and boats.

Melissa Mullins Mischke asked about lighting.

Bob Kiger stated for sure it will be on the buildings. They are also considering fencing and all that. It hasn't been one hundred percent (100%) decided yet, but yes, there will be minimum outdoor lighting whether it's on poles or on the buildings. Everything except the QSR in the

front which would be blacktop, would be all crushed concrete so there is drainage there to help get the water where it needs to go.

Melissa Mullins Mischke asked if it will be open twenty-four (24) hours.

Bob Kiger stated he is not a hundred percent (100%) sure yet. They are thinking about putting remote gates on it so they do have access. If they do that, then yes, they will have access to it with a key card. Honestly, they haven't gotten that far yet. They wanted to hopefully get the blessing from the Board and then get everything designed by Hendricks & Associates for water and all that and go from there.

Mark Parkman stated his address is 4052 S. 1100 W., Westville, IN. He has met with Bob and Joann at the site and they have said that the drawing that they sent them wasn't accurate and that's good. His concern is that he owns the farm right behind it. There is no retention. The way it was presented to him was an issue. Working with Hendricks, who does a good job and does his stuff will be good. That's his only concern. He thinks it's good that it's going in and that's fine. He has no problem with that.

Melissa Mullins Mischke stated he doesn't want them flooding out his crops.

Mark Parkman stated he does not.

Vern Schafer asked if they need to see another plan before they move on this.

Attorney Biege stated let's be clear on what he is asking for because outside storage is permitted. The special exception has to do with indoor storage. Any drainage would be checked by the Building Commissioner before a building permit is issued.

Melissa Mullins Mischke stated right.

Vern Schafer stated the drainage will have to be cleared before that.

Attorney Biege stated correct.

Vern Schafer stated all retention will have to be designed into that then.

Attorney Biege stated right. He thinks Tony used the one hundred (100) year standard, but he isn't sure. That's pretty standard nowadays. Twenty (20) years ago it wasn't, but today it is.

Mark Parkman stated Tony used two (2) one hundred (100) year storms of a twenty-four (24) hour period.

Attorney Biege stated okay.

Gregory McNair stated he is from Azure LLC at 9851 W. 375 S., Westville, IN. It is the property directly to the south of the subject. He didn't get a chance to meet with Bob, but he did get the

certified letter about it. His concern is mostly if this is a proper use of a pretty valuable corridor for the County. This is where 2 and 421 join. They have been dealing with Westville a lot about what the future of Westville is going to be. To be completely honest, their vision is a higher-level retail and mixed-use development going in there and something that would hopefully tie in with the University. There is already a large storage facility just to the north of this. There is also a fairly large storage facility that Mark owns just to the south of this. That's just his concern; is this a proper use of that corridor.

Deb Vance made a motion to approve the Petition for Special Exception for 421 Westville LLC for construction and operation of a mini storage facility to be constructed in phases. The property is located south of 3437 S. Hwy 421, Westville, IN., New Durham Twp., zoned B2 on 6.3263 acres.

April Daly seconded.

Approved. Motion carries 4-1.

**7. Petition for Variance of Developmental Standards for Kevin & Dominique Gaughan** for construction of a third accessory structure to be used for personal storage. The property is located at 3445 W. Waverly Rd., LaPorte, IN., Center Twp., zoned R1B on 3.388 acres. Parcel 46-06-28-401-003.000-042.

Attorney Biege stated notice is adequate.

Kevin Gaughan stated his address is 3445 W. Waverly Rd., LaPorte, IN.

Melissa Mullins Mischke asked what will be in the structure.

Kevin Gaughan stated he has an old jeep that is going to go in there. And since it is a bigger yard than he thought when he bought the place probably a zero-turn at some point. Besides that, maybe a couple hand tools and things like that around the house and personal storage type stuff.

Melissa Mullins Mischke stated no living quarters.

Kevin Gaughan stated nope.

Melissa Mullins Mischke stated the size is thirty-six by forty (36' x 40').

Kevin Gaughan stated it will be a poured concrete slab and built with stainless steel to match the house.

Glen Minich stated where's Dwayne when you need him.

Melissa Mullins Mischke stated they miss Dwayne; he used to ask everybody if the structure is big enough for them. Is he sure? Now is the time.

Kevin Gaughan stated it is as big as he can get away with without his wife being upset. He is all set. He will make it work.

Melissa Mullins Mischke stated good man.

Kevin Gaughan stated it's so her car doesn't get left outside.

Melissa Mullins Mischke stated thank you for providing more detailed wetland information.

No remonstrators present.

April Daly made a motion to approve the Petition for Variance of Developmental Standards for Kevin & Dominique Gaughan for construction of a third accessory structure to be used for personal storage. The property is located at 3445 W. Waverly Rd., LaPorte, IN., Center Twp., zoned R1B on 3.388 acres.

Vern Schafer seconded.

All Approved. Motion carries 5-0.

**8. Petition for Variance of Use for JACA Company LLC (Lessor) & Trail Creek Renewables LLC (Lessee)** for operation of a manure processing facility which will produce natural gas for utility use and remaining manure product is given back to nearby dairy farms. Project will utilize 8 acres max. The property is located south of 4204 E. 200 N., Rolling Prairie, IN., Kankakee Twp., zoned A on 120 acres. Parcel 46-07-26-100-003.000-052.

Attorney Biege stated notice is adequate.

C.W. Alexander stated he is representing Trail Creek Renewables LLC located at 2000 PGA Boulevard, Suite 4440, Palm Beach Gardens, FL. It is a renewable natural gas facility. The intention is to process one hundred percent (100%) dedicated to dairy manure for approximately four (4) different dairy farmers in the area. The goal is to essentially bring in the manure, "rent" it from them he will say, squeeze the gas out in simple terms, and they give it back to them in the same form less the gas. It essentially remains as a fertilizer and there is no real change in that outside of a few little sulfur compounds that get out with the gas, but essentially, they just process it. This essentially goes into a couple of tanks which is heated up to about one hundred degrees Fahrenheit (100°F), which isn't very hot and not much hotter than it is outside today, and the gas over the course of about twenty-one (21) days evolves, comes off, and goes into a gas bubble which they would see at the top of the tank which then comes off, gets compressed, and they clean out the sulfur compounds, CO<sub>2</sub>, oxygen, and any water that is remaining. They then send that to a sales pipeline, which in this case is directly north and are likely considering going into the NIPSCO pipeline that is about one and a half (1½) miles north of the proposed location. They are seeking to get a variance of use in Agriculture to be able to put this in place. It's a long-term project and they plan to run this for a lot of years. They have a current site lease agreement with the JACA Co. LLC to put that on that property for long-term.

Melissa Mullins Mischke asked if they have any other locations close to here.

C.W. Alexander stated this is the only one (1) that they have in Indiana. He is a developer and they have two (2) other ones going in, one (1) in Bailey, Michigan and another one (1) in Mendon, Michigan as well. They are going up. It's kind of a pig in the python in this industry and in Indiana and in Michigan it is important to get these projects up and running as soon as possible. The California legislation and CARB (California Air Resources Board) standards that are the driver behind a lot of this has changes that are occurring and so they want to get this project into place before it may not be potentially grandfathered in to happen in the state of Indiana. It is important to get these pieces into place so that they can start constructing a facility subject to the air permitting and other permitting through IDEM, they still have to have approval through this Board.

No remonstrators present.

April Daly asked what kind of new laws or requirements are going to be coming forward that he is concerned about.

C.W. Alexander stated CARB legislation right now is considering different proposed changes to their legislation. That legislation only exists until 2030 and after that it is a big question mark so for even someone like him, there is a risk that in 2031 the carbon related credits will go away. It is important to get up and running to be able to ultimately make money from the renewable natural gas so that it pays off the plant. They expect that to continue one and otherwise and they also expect that a lot of the other states may start to implement their own carbon credit programs. Oregon has already done it. Washington is looking at it. State of New York has already proclaimed changes. State of Michigan has started to look at those things as well. They expect that to move along over time, but in the short run CARB legislation is such that they are considering making changes to it which may or may not include being able to get credits associated with anything east of Colorado. Their goal is obviously to get clean in California, but not get everywhere else clean, but themselves. They are looking at that closely and seeing who it will benefit. Those changes are being considered. They may decide to ramp up the compliance requirements that they want to accelerate their own initiative which would actually move forward these projects in a bigger way in some of the other states. That is an uncertainty right now, but what they do now is right now that haven't made a decision around that so the opportunity is now to be able to put things in place to at least grandfather through to 2025 which as they expect would be the likely point at which if it was to get grandfathered, that is when it would get cut off.

Glen Minich stated when they grant a variance like this, there is a certain time frame that is set that the project is supposed to go. How long does he need this variance to run?

C.W. Alexander stated fifty (50) years.

Glen Minich stated no, until he is up and running and built.

C.W. Alexander stated right now they are hoping to start next spring. It takes twelve to fourteen (12 – 14) months to build. There are all sorts of things that could delay that. He is giving complete transparency, but they are hoping to be up and running mid 2025 worst case.

Attorney Biege stated they have the requirement that a building permit be obtained within a year of the grant.

Glen Minich stated that is what he is saying. He wants to make sure that they could extend it perhaps three (3) years for this because they will have to find their credits to get the whole thing to work.

Michael Polan stated the permitting process from the agencies too which are not fast.

Vern Schafer asked if there is a statute of limitations on their variance.

Glen Minich stated that's what Doug was saying.

Vern Schafer stated if they start the process, then the variance goes on, correct?

Attorney Biege stated yes. They have to obtain the building permit within a year.

Vern Scahfer stated as long as they understand that, then he doesn't have a problem with that.

Glen Minich stated they are saying they are going to extend that for a period of three years. He will have three years to get the permit.

C.W. Alexander stated that is more than enough time.

Melissa Mullins Mischke asked if that was a motion.

Glen Minich stated this is only a positive thing for the area farmers. It's a positive thing for the people of LaPorte County. It cleans the air. They don't smell. There is revenue that is drawn so it is all good.

C.W. Alexander stated for information purposes, this also will have sand recovery associated with this as well. Today, most dairy farmers just keep spreading sand forever onto their land which is no necessarily a positive thing over the long time, so they will have a sand separation thickening facility there so they will recover ninety-five to ninety-nine percent (95% - 99%) of the sand will keep moving in circle so they won't have that sand factor.

Vern Schafer asked if the sand will go back to the dairy farms for their free stalls.

C.W. Alexander stated yes exactly, for bedding. They use sand for bedding for dairy cows.

Glen Minich made a motion to approve the Petition for Variance of Use for JACA Company LLC (Lessor) & Trail Creek Renewables LLC (Lessee) for operation of a manure processing

facility which will produce natural gas for utility use and remaining manure product is given back to nearby dairy farms. Project will utilize 8 acres max. The permit must be issued within three years. The property is located south of 4204 E. 200 N., Rolling Prairie, IN., Kankakee Twp., zoned A on 120 acres.

Vern Schafer seconded.

All Approved. Motion carries 5-0.

**9. Petition for Variance of Use for Developmental Standards for Melissa A Young** for construction of an attached garage with a 5' side setback instead of the 10' requirement. The property is located at 206 Holly Dr., Walkerton, IN., Lincoln Twp., zoned R1B. Parcel 46-12-20-158-011.000-055.

Attorney Biege stated notice is adequate.

Melissa Young stated her address is 206 Holly Dr., Walkerton, IN.

Melissa Mullins Mischke stated they are going to add an attached garage.

Melissa Young stated yes, to the house. And instead of ten feet (10'), they need five feet (5') from the fence.

Melissa Mullins Mischke asked how big the garage they are adding on it.

Melissa Young stated she thinks it's on the paperwork her brother drew. She thinks it is twenty-four feet by twenty-eight feet (24' x 28'). With a wheelchair, she needs a little more room to get the wheelchair out and to open the car door. That's the only reason really. It would make her life a little easier.

No remonstrators present.

Glen Minich asked if she would access to the back of her lot after she puts this garage in. How much room is on the other side?

Melissa Young stated she doesn't know how much room, but a car can fit through there on the other side of the house.

Glen Minich stated that's good.

Melissa Young stated they were wondering that too so they wanted to make sure they could get through on the other side. And the septic is in front.

Vern Schafer stated the proposed garage is going to be on the east side of the house.

Melissa Young stated yes.



Vern Schaffer stated the small building behind the home, is that a garage right now?

Melissa Young stated that was a shed that they knocked down. That is where the garage is going. There was a little old shed there. That is gone; they demolished it. That is where they are putting it to attach to the house so she can wheel in from the house in the winter so she doesn't have to be outside.

Vern Schafer stated there's only going to be five feet (5') from the property line.

Melissa Young stated next door, yes instead of ten feet (10'). They aren't touching their fence, it's just five feet (5').

Vern Schafer asked what is on the property adjacent to her.

Melissa Young stated it is an empty lot.

Glen Minich stated it is a big lot.

Melissa Young stated it's just empty. There is a home further down from that lot, but there is nothing next to the fence there.

Vern Schafer stated she could buy the adjacent lot.

Melissa Young stated no, somebody owns it.

Glen Minich stated the homeowner of the home to the east owns it. It's a small lot, there isn't much else she could do to get a garage.

Vern Schafer made a motion to approve the Petition for Variance of Use for Developmental Standards for Melissa A Young for construction of an attached garage with a 5' side setback instead of the 10' requirement. The property is located at 206 Holly Dr., Walkerton, IN., Lincoln Twp., zoned R1B.

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.

Michael Polan stated thank you for having the thought and extending the time to obtain permits up to three (3) years on that one petition. That was good thinking because with the other agencies permitting and construction of a pipeline and all the other things that need to come together for what they are going to do isn't going to happen in a year.

Attorney Biege stated he would like to compliment the President on the momentum of our meeting tonight.

Michael Polan seconded.

There being no further business, meeting adjourned at 6:52 p.m.

  
Melissa Mullins Mischke, President

  
Michael Polan, Recording Secretary