



**LAPORTE COUNTY
BOARD OF ZONING APPEALS**

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

**Michael Polan
Building Commissioner**

October 17th, 2023

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **October 17th, 2023, at 6:00 p.m.** in the Assembly Room of the County Complex.

MEMBERS PRESENT: Melissa Mullins Mischke Glen Minich
 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 September 19th, 2023.

Glen Minich made a motion to approve the meeting minutes as presented.

Vern Schafer seconded.

All Approved. Motion carries 4-0

Melissa Mullins Mischke stated public comment is in the form of remonstrance. If they are here to remonstrate either for or against a petition then that is their time to do it during the remonstrance portion. There is no other public comment.

Petitions:

- 1. Petition for Variance of Developmental Standards for H Sean & Tiffany H Mitchell** for construction of a guest home. This property is located at 4343 W. 300 N., LaPorte, IN., Center Twp., zoned R1B on 40 acres. Parcel 46-06-17-400-002.000-042.

Attorney Biege stated notice is adequate.

Sean Mitchell stated his address is 4343 W. 300 N., LaPorte, IN.

Melissa Mullins Mischke asked what is unique to this situation where he needs a guest home.

Sean Mitchell stated he is assuming because it would be considered a second residence on one (1) parcel of land. It is going to be a guest home. His in-laws live in Vegas, but they come home for a couple months in the summer. They will be selling their home on Johnson Road and they just wanted a place for them to have some privacy and not be in the home with them.

Melissa Mullins Mischke asked if they have already started construction.

Sean Mitchell stated no.

No remonstrators present.

Vern Schafer asked if there are any existing structures on the property that he will be getting rid of to put this on.

Sean Mitchell stated there isn't, but there is a small pole barn shelter that houses a well. That well is still in use so they would be moving the small structure which is roughly eight by ten (8' x 10') and then the proposed building would be over the top of that.

Vern Schafer stated that well would provide water to the new structure.

Sean Mitchell stated it would.

Vern Schafer stated okay.

Melissa Mullins Mischke stated she isn't going to lie; she is looking at the plans and it looks amazing. She feels like that she doesn't like her in-laws that well. Sorry.

Sean Mitchell stated for the record, he doesn't like his that well either.

Vern Schafer stated it's on the record now, you know.

Glen Minich stated they don't plan on renting it while they are not there or anything?

Sean Mitchell stated no.

Glen Minich asked Attorney Biege about the second driveway. He knows there will need to be a permit, but two (2) drives are not actually legal on one (1) lot. Will they have to give a variance for a second driveway?

Attorney Biege stated the Building Department has rules and regulation before they issue a driveway permit.

Sean Mitchell stated the driveway is already there. It was there when they purchased the property years ago so there are really two (2) drives that exist today.

Michael Polan stated they won't need a driveway permit from the Building Department.

Vern Schafer made a motion to approve the Petition for Variance of Developmental Standards for H Sean & Tiffany H Mitchell for construction of a guest home not to be used as a rental. This property is located at 4343 W. 300 N., LaPorte, IN., Center Twp., zoned R1B on 40 acres.

Glen Minich seconded.

All Approved. Motion carries 4-0.

2. Petition for Variance of Developmental Standards for Karl & Cherie Schweitzer to store a camper on a property without a home and to stay in on the weekend only while home is being built and temporary placement of a shipping container for building purposes. The property is located at 5690 N. 150 E., LaPorte, IN., Kankakee Twp., zoned A on 5 acres. Parcel 46-07-05-100-012.000-052.

Attorney Biege stated notice is adequate.

Karl Schweitzer stated his address is 314 Julie Ln., Hampshire, IL 60140

Melissa Mullins Mischke asked what the plan and run down for the property is. What is he anticipating happening?

Karl Schweitzer stated they bought the property. It is completely raw and fully wooded. They probably saw the overhead shots of the lot. They have been spending their weekends and vacation time working on clearing the lot to be able to build a house. They did have a camper on the site that they were using when they would come out on the weekends to spend the night and so on and so forth. That was why they were requesting the variance. Going in, he had no idea that there was an ordinance against it. After he received the notice and filed for the variance, he spent some time looking at past meeting minutes to try to get an understanding of the process and he has come to understand why they have the positions they do on not allowing people to stay in campers and he appreciates that. Him standing there and saying they won't stay in it during the winter time, well how would they know. So, they have gone ahead and moved the camper off the property to Mini Mountain. He has the paperwork stating that. They did that today. So, he is rescinding his request for variance on a camper to use on the property.

Melissa Mullins Mischke stated okay. He does have a storage container on the property.

Karl Schweitzer stated yes. He has a tractor and a UTV that he uses while they are clearing the property for the home. At first, they didn't have anything on there, but the mice were eating the wiring on the equipment. It was the most logical thing in his mind to bring on the property to store those pieces of equipment. Once the house is built, it is truly temporary and he wouldn't have a use for it; he would return it to his work.

Melissa Mullins Mischke asked how long does he think it will be before they can get started on the home.

Karl Schweitzer stated his goal is that by this time next year they will be going for occupancy. Things have gotten a little weird with construction between labor, materials, and availability of certain things. Could it go longer? Of course, it could, but his goal is by this time next year to have occupancy. Right now, they are look at the preliminary plans. He has already made a couple changes to those for the house. He has a geo tech. Now that he has cleared most of the house where the foot print is going to be he has to have a geo tech come out so they can do foundation drawings and whatnot. He is not quite ready to get a construction permit yet, but he hopes to do that before the end of the year.

No remonstrators present.

Vern Schafer stated this is currently zoned agriculture, correct. There is nothing on the property except woods.

Karl Schweitzer stated its bare; just woods and brush.

Vern Schafer asked how many acres it is.

Karl Schweitzer stated five (5).

Glen Minich asked what the width of the lot is.

Karl Schweitzer stated it is one hundred and eighty-five feet (185').

Glen Minich state nobody is asking for a variance for that.

Karl Schweitzer stated he called about that when he started learning about this process and he heard about the two hundred-foot (200') road frontage requirement. He made a phone call about it when the lot was created it was prior to the change and it used to be a hundred and seventy feet (170').

Ashley Kazmucha stated it is a lot of record.

Vern Schafer asked if that is one (1) of the reasons for the variance because of the width of the lot.

Glen Minich stated no.

Vern Schafer asked if it because of the camper and the shipping container.

Melissa Mullins Mischke stated correct. And now that he has amended it, it is just the shipping container.

Glen Minich stated the only question is how long does he want to keep the shipping container there.

Karl Schweitzer stated once the house is done then the shipping container goes away. He wants to be able to go for occupancy by this time next year pending any delays in construction or materials or anything like that.

Melissa Mullins Mischke asked what they think.

Vern Schafer stated he doesn't particularly have a problem with this personally. Is she asking for a motion?

Melissa Mullins Mischke stated yes.

Vern Schafer stated he will need to word this the way he needs to and then they can take it from there.

Karl Schweitzer stated he would like to add that the storage container cannot be seen from the street. It's not something that somebody driving by will see on the property. There are too much woods in front of it to see it.

Vern Schafer made a motion to approve the Petition for Variance of Developmental Standards for Karl & Cherie Schweitzer for temporary placement of a shipping container for building purposes to be removed after construction no later than eighteen months. The property is located at 5690 N. 150 E., LaPorte, IN., Kankakee Twp., zoned A on 5 acres

Deb Vance seconded.

All Approved. Motion carries 4-0.

3. Petition for Variance of Developmental Standards for Antonio G & Linda Carotenuto for construction of a pole barn with a height of 23' instead of the maximum 18' for personal use. This property is located at 3456 E. 100 S., LaPorte, IN., Pleasant Twp., zoned R1A. Parcel 46-11-10-100-054.000-057.

Attorney Biege stated notice is adequate.

Antonio Carotenuto stated his address is 3456 E. 100 S., LaPorte, IN.

Melissa Mullins Mischke asked about the construction that he wants to do.

Antonio Carotenuto stated it is a pole barn twenty by thirty (20' x 30'). It will be twenty feet (20') wide and thirty feet (30') long so it's smaller than the normal type of pole barn. They decided that since they are going to build it smaller, they would build it just a little taller and take advantage that way instead of having a bigger thing in the yard.

Melissa Mullins Mischke asked if he has a motorhome or something tall that they need to store in there.

Antonio Carotenuto stated no, not really. On the property, there is a friend of his son with a trailer that is covered and he needs to get it out of there, but if he had something that was taller then he is sure they could stick it in there, but that isn't their purpose or plan.

Melissa Mullins Mischke stated okay.

No remonstrators present.

Vern Schafer stated he has a question. Can he approach and indicate on the submitted picture which direction is which? Is the house north of the proposed structure?

Antonio Carotenuto stated yes.

Vern Schafer stated the building will be behind the pool. Will there be separate access with a drive or anything?

Antonio Carotenuto stated no.

Vern Schafer stated he will just have a building set there.

Antonio Carotenuto stated yes. They should see what the rain can do with all the sand.

Glen Minich asked how close it is to the rear property line.

Antonio Carotenuto stated based on what he has it is about twenty feet (20').

Vern Schafer stated the drawing shows a twenty-five-foot (25') estimate on the drawing.

Glen Minich stated it is an agricultural area right there.

Michael Polan stated residential use so the residential setbacks apply. It is zoned R1A so R1A setbacks apply.

Antonio Carotenuto stated teach him what that means.

Michael Polan stated different zonings have different setbacks. They wanted to make sure that he was going to be within the setbacks that are required.

Antonio Carotenuto stated so like a border distance.

Michael Polan stated yes.

Vern Schafer stated if it's been approved and this is for height then what is the difference as far as run off.

Glen Minich stated they have to look at stuff like this because if it was in the wrong spot, it could be blocking somebody's view.

Vern Schafer stated he understands that.

Glen Minich asked if he plans on putting rain gutters on the building.

Antonion Carotenuto stated he didn't think about it. If it needs it then sure, but he was just thinking a typical pole barn.

Glen Minich stated he is getting close to the neighbor's field. It's not that big, but he should absorb his own water rather than put it on his neighbor.

Antonio Carotenuto stated then that is what they will do. Besides he could put in in a barrel and use it for other stuff. That wouldn't hurt right?

Glen Minich stated a barrel won't hold it okay.

Antonion Carotenuto stated he is talking about the rain off the roof, right?

Glen Minich stated yes. That's his only comment. It should have a rain gutter and the water should be directed onto his own lot.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Antonio G & Linda Carotenuto for construction of a pole barn with a height of 23' instead of the maximum 18' for personal use. Rain gutters must be installed and the water be directed onto their own property. This property is located at 3456 E. 100 S., LaPorte, IN., Pleasant Twp., zoned R1A.

Vern Schafer seconded.

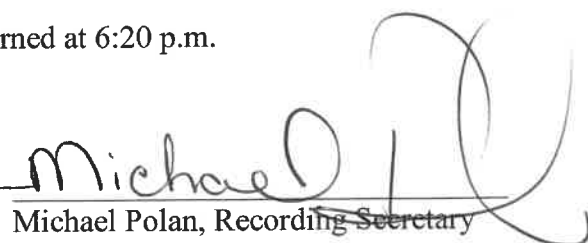
Approved. Motion carries 4-0

Melissa Mullins Mischke asked for any old business.

Melissa Mullins Mischke asked for any new business.

There being no further business, meeting adjourned at 6:20 p.m.


Melissa Mullins Mischke, President


Michael Polan, Recording Secretary