

The subject property is located at 914 E. 1000 N., LaPorte, IN., Galena Twp., zoned A on 30 acres total. Parcels 46-03-18-200-002.000-048 & 46-03-18-200-003.000-048.

Attorney Biege stated notice is adequate.

Stephen Nightingale stated his address is 998 E. 1000 N., LaPorte, IN. His home is immediately adjacent to Mr. Daniel Versaw's property at 914 E. 1000 N. and both of their lands are zoned Agriculture. He rises to appeal the enforcement official's determination that the land disturbance on Mr. Versaw's property does not require a special exemption from the Board of Zoning Appeals under the LaPorte County Joint Zoning Ordinance. His appeal is based on Article 2 Section 7 (a) of the Joint Zoning Ordinance which states, "This ordinance is an inclusive type of ordinance and not an exclusive type. Therefore, if any certain use or uses, or any departure from developmental standards, are not specifically and expressly permitted by any provision that is anywhere in the Joint Zoning Ordinance, then those certain uses and/or departure from developmental standards are not permitted anywhere within the County of LaPorte." If they violate that rule and the enforcement official or someone else discovers them doing so, they are subject under Article 26 Section 4 of the Joint Zoning Ordinance to a fine of up to two thousand five hundred dollars (\$2,500) per day. For example, if they have been violating it from December 6, 2021 to November 21, 2023. . .

Melissa Mullins Mischke stated Mr. Nightingale, if she might. . .

Stephen Nightingale asked if she would like him to slow down.

Melissa Mullins Mischke stated no, she wants him to wait for a moment while she speaks. Is there a request that is a variance in this petition? It seems to her that this is an administrative appeal.

Stephen Nightingale stated that is correct.

Melissa Mullins Mischke stated this Board does not. . .

Stephen Nightingale stated oh, it does.

Melissa Mullins Mischke stated they do not. They do not override a decision made by another individual. They can only override decisions made by their Board.

Stephen Nightingale stated he finds different wording in the Joint Zoning Ordinance and he requests permission to read through. . .

Melissa Mullins Mischke stated she is sorry he feels that way. She feels that this is an administrative appeal.

Stephen Nightingale stated if it is an administrative appeal and that is the decision, then he has exhausted his administrative appeal at this level and then they move up to. . .

Melissa Mullins Mischke stated if that's the way he wants to go, yes.

Stephen Nightingale stated he would just state for the record that he very strongly disagrees with her interpretation of the Joint Zoning Ordinance.

Melissa Mullins Mischke stated so noted. Thank you.

Stephen Nightingale stated that didn't take long.

2. Petition for Variance of Use for OLO Auction Holdings, LLC to utilize buildings on the property as storage, see attachments. The property is located at 11201 S. 1025 W., Wanatah, IN., Clinton Twp., zoned R1B on 5 acres. Parcel 46-13-32-226-003.000-044.

Attorney Biege stated notice is adequate.

Jonathan Kraft stated his address is 27 S. 117 E., Valparaiso, IN.

Melissa Mullins Mischke asked if the other gentleman will be speaking as well.

Andrew Lucas stated he will not be speaking unless Mr. Kraft needs him to. His address is 105 Lincolnway, Valparaiso, IN. They have copies of the power point for the Board.

Jonathan Kraft stated good evening. He will go through the power point and go through everything that they are requesting here tonight. If they would like to go to Page 2, Basis of Petition is to get a use variance so OLO Auction Holdings, LLC can use the property for inventory storage, equipment storage, and a three (3) day online only auction. This is a new petition, not the same as the previous one (1) as they are seeking different relief. The prior requested a warehouse to now it is storage. There is also a change in conditions. The are property improvements, change in turn arounds and driveways, outdoor storage of items, change in use of property and they have three (3) of the five (5) remonstrators agree with the new petition that they have done. The other two (2) he will talk about a little bit later. They have tried to reach out to all of them, but he has not had any conversations with them unfortunately. Background: the property is 11201 S. 1025 W., Wanatah. The property is zoned R1B with a parcel number of 46-13-32-226-003.000-044. Last time, there may have been some confusion on the lineage of the property and ownership and how the property ha been used for continuous use. The property was originally built by Kankakee Valley REMC in 1985; that is when they build the first building. It was continuously used by KV REMC until December 15, 2006 when it was sold to Todd Anson. Mr. Anson ran the company Flat Rock which was an industrial rigging company and he was in the facility until June of 2017. At the end of June of 2017, he sold it to KLM Enterprises on land contract and they are a hydro vac truck company. They owned it on contract and then subleased part of the building to Dallas Services which was a landscaping company. KLM eventually went bankrupt and out of the bankruptcy, Mr. Anson purchased the property back from receivership March of this year. Following that, his company purchased the property from Mr. Anson on April 25, 2023 and a month after that Dallas Services was evicted at that time. Up to then, there was always continual use of that property since 1985. Also, for all of the previous owners and tenants that have been on the property, no variance was ever required of any of those tenants or

previous owners. Who are they? Who is OLO? OLO stands for On-Line Only Auction Holdings, LLC. He owns Kraft Auction Service and OLO is the holding company that owns the property. Their business is actually headquartered at their facility at 48 N. 450 E., Valparaiso, which is about five (5) minutes from this building and why it makes it a great addition to them. He wants to skip right to the point of previous neighbor concerns and how they have met with them and tried to come up with solutions for all of them. Customer traffic and effects on the neighbors was a big push back last time. A lot of the issues that came up and arose because of confusion and not understanding exactly what they were doing. After he was able to meet with all of them and sat at their kitchen tables and went through all of it and they were able to figure out and come to common grounds. When they really understood what they did, it became a lot easier for everybody. Later in here, he will mention that in the original filings, they have fifteen (15) affidavits from neighbors supporting them now and everything that they are doing. First thing, the address was a big thing because they come in on 1025 and they are coming up and down that street. They were able to change all of their advertising which is not on the website anymore as they had taken the property down, but they were able to change it to the 1100 address so they are coming off of 421 and they are not seeing the traffic up and down 1025. Can he stop anyone from driving up and down 1025? No, he cannot, but he can have most of the flow coming in the other way and that is what they have been able to do and keep people coming in off 421 using the shared easement with the baseball field. The baseball field was a concern for grandparents with kids there and everything else with it. He has a seven (7) and eight (8) year old who play baseball at Morgan Township and he one hundred percent (100%) gets where they are coming from. So, things that they have come up with as solutions as talking through it a little bit more: baseball season is April, May, and June; they are done and that is their window of time. Baseball practice starts at five (5) o'clock. They close at five (5) o'clock so they really don't have an overlap with them. Now, they do have games on Saturdays and they are open one (1) Saturday a month from 9 a.m. to 2 p.m. and they have put in that they would be happy to change that day if there is a traffic issue. They really don't know what that is going to be because they have never had an overlap with that. He will also say that he has reached out to the organizer of the baseball field, both via phone and email, and he has not gotten a response because he wanted to exactly have a better plan before he came here today, but he couldn't get a response so he couldn't have a better plan than that at this point. The overlap between their business and the baseball field will not be as big of a concern as people think because they are closed by the time they start playing baseball there. They would also add speed limit signs to the road just to give a little more notice to that. None of the previous tenants of the past forty (40) years have ever been asked to use that easement in any different way. When Kankakee Valley REMC was there, that was a lot of traffic. When the landscaper was coming out, that was a lot of traffic. He's not saying it isn't a concern, but they were never given any requirements too at that point, but he has kids and he knows kids that play at Clinton Township baseball field and he wants to make it safe for everybody too. There was a concern about customers turning around in neighbors' driveways. He has a picture of it in the next slide, but they added a sign on 1025 that says do not turn around in neighbors' driveways. They hope everyone reads it, but because of the address changing to 1100, they really don't feel they will have that problem anymore. The one (1) that had the biggest issue with it was the Koontz family that is just north of it because their road looks like it goes all the way back to theirs, but they have that figured out. He has spoken to Mrs. Koontz and asked if she would like another sign by the corner of her house, then she would do that, but she doesn't think she would need it because now that they are coming back there, she hasn't had any

issues. The other issue was the arbor vitae from their property were hanging over her fence and she would like them trimmed so they are actually going there tomorrow to trim the arbor vitae's. So, whatever makes it all work for her, they did. Outdoor item storage, as somebody on the Board was concerned with items being parked in grass last time. For the vehicles that were parked in the grass, that is actually gravel base there, but since the property had been unmaintained there for quite a while, they have to add more gravel back in there so they can actually see it so they were never really parked on the grass. The previous tenant, Dallas Services, all of his employees parked in the center grass and also the remonstrator who had an issue with it, if they look on the GIS map, he has a truck parked in the grass that is parked at his house so he thinks that is causing a funny look when his truck is parked at the corner of the road every day. Anyway, to solve that, they will be taking all of the items that were in the center and they are going to put them in the southeast corner because that is where Dallas Services had all of their miscellaneous items set over there so they will be moved there. As shown in the picture on the slide, they put vinyl slats across the whole fence so it can't be seen on the other side now so it won't bother the neighbors anymore. They did that already and the signs for no turn arounds and enter from 1100 are also on the fence. Those were the big changes. They have met with a lot of the neighbors and sat down with them to discuss their concerns. Some remonstrators had concerns and others did not have concerns at all and was just a nice way to meet all of his neighbors. Three (3) of the five (5) remonstrators he was able to meet with and all three (3) of them signed in support of an affidavit. The two (2) that did not he went to their home and left a letter in their mailbox. The went through legal counsel of one (1) of the remonstrators who is present today and is going to remonstrate again. He has asked what the issue is, but has received no answer. If he doesn't know what the issue is then he can't fix the problem. He wants to be a good neighbor at the end of the day, but if he doesn't know what the issue is then he can't fix it. In total, they had ten (1) surrounding properties support them which was a total of fifteen (15) signatures between husbands and wives signing; he got one (1) from each of those. He also gave them his personal cell phone number so if they ever have a problem or issue, to give him a call and he would be happy to fix any issues they might have. The next slide shows a map of all of the neighbors that did sign on. Out of all of them that he met with, they all signed on except one (1) which was the Mendez family and it wasn't that they weren't in support, Pete Mendez is present today, but they didn't feel comfortable signing at that time. Which is fine, but everyone else that he met with signed. The next slide is property improvements. He wants to go through what the property looked like prior to them purchasing it and everything they have done to make it a better facility for everyone there because it definitely did not look like how it is shown in the picture when they purchased it because one (1) of the concerns with the baseball field was a safety hazard next door which they talked about. It used to be that the gate on 1100 never closed. It was broken and it was wide open. The old GIS pictures show on the southeast corner there was a giant pit there. The vac truck company actually dug a pit out and was dumping their trucks there and cleaning them out there. Todd Anson then left a giant piece of concrete with rebar sticking out of it which were unsafe hazards for the kids. It was a playground if they went over there. Those are all gone and they filled in the whole back with clean fill that was there, they got rid of the concrete, they fixed the fence so the gate actually works now and it is an electric gate that goes in and out. The gate that was on 1025 was actually the original KV REMC gate which was dilapidated and was an old hangover gate so they removed that and put in a new gate and fixed it up. The septic system was not functioning so they fixed that. They replaced the unsightly gate and fixed the 1100 gate. They painted exterior doors and fixed roof leaks. They updated

lighting and added a security system. They are doing regular maintenance that wasn't done before because the previous tenant wasn't paying rent because the person they were renting from was in bankruptcy so it was left in shambles and they spent a lot of money getting it fixed back up. Next, is how the facility will be used. Inventory storage will be utilized as their Valpo location does larger live auctions. They sell a lot of collector cars and they do an antique tractor sale now and they need a place to put those until they can sell them. Parts of the buildings will just be filled with cars, tractors, and other high valued assets that they are holding onto until their live auction. Equipment storage will be used during the winter months to park some of their equipment inside that they don't want to leave outside for that. They will also park some of their enclosed trailers on the property for storage. Then there will be the three (3) day online auction. He believes again that there was some confusion or a misconception of the auction and how that all works and what they do. With their monthly online auction, they hold it March through December and it is the first Monday, Tuesday, Wednesday of every month currently. It is a three (3) day online only auction. The whole auction takes place on their website very similar to an eBay style auction. The majority of all consignments are brought to the facility by their staff. If they have a mother or father that passed away and they have a whole house full of stuff and they ask him to come get the stuff, they show up, pick it all up, and take it back. Usually, in most households they have two, three, four thousand dollars (\$2-, \$3-, \$4,000) worth of stuff in it and not enough to justify its' own auction, but if he puts four (4) or five (5) of them together then it would be enough for its' own auction which is what their monthly consignment sale is. It is a mixture of those type of estates. Do they allow outside consignments? Yes, but very limited. Usually, in a regular sale, they will have about ten to fifteen (10 – 15) individuals who might bring stuff from the outside and their days to bring it is about a three to four (3 – 4) day window of where they are told they can come in and set up. It is all scheduled with them. It is not people randomly dropping off whenever they want. It is scheduled because they only get so much table space and then they bring it in and set it all up. Buyers only come to pick up their stuff on the Wednesday, Thursday, Friday, and Saturday of that week of the auction. They are able to pick up from 9 a.m. to 4:30 p.m. and on Saturday they are only to pick up from 9 a.m. to 2 p.m. Again, with the baseball overlap, if the 9 a.m. to 2 p.m. window will not work and they need to move it to a Monday then that would be fine in April, May, June while they are playing baseball. They are definitely open to doing that, but until they see what April looks like they don't really know at the end of the day. All the other items that people don't pick up; they ship out. They have an in-house shipping department. They would be surprised what people buy and why they ship it he is unsure, but they pay for it so they just continue to do it. Some history on their monthly online only is that they used to do a bi-weekly live auction every other Wednesday night at their Valpo location and then in 2020 when Covid hit they converted to all online only auctions at that point and that is how the monthly consignment sale was created. The auctions consist of a variety of estate and personal property items from local sellers combined into one (1) sale. Their staff is the staff that is on-site that organizes all of it, sets it up on tables, photographs it, catalogs it, and puts it on their website. Like he said, it is a times auction like an eBay style auction. Really, now that they are getting back into live auctions and the growth of their business, they need this facility to help them continue to grow. Valpo is now getting more back into live auctions, but they need a place to continue to do these auctions because there is a need truly in their community. Today, he was with a lady who is ninety (90) years old and she has no outlet and no one to help her and they show up and take it and sell it for her. If they don't have a place like this to do it then they have no solutions for those sellers. Honestly, this facility is a better fit for the online auction

compared to Valpo is because with the U-shape coming in and out, they can control traffic a lot easier. Plus, there are about twenty (20) or so overhead doors there so people can back up to pick up their stuff and get out a lot quicker compared to Valpo. It is also a lot safer turning off of 421 than of US 30 like their Valpo location. The next slide shows a picture of what the inside of the building looks like. There are tables all lined up with items on them with box lots underneath and furniture against the wall. The photo is actually from their Valpo location that he took for their next auction, but he wanted to give them an idea of what the inside of one (1) of their buildings looked like when it is all set up. Next slide, talks about economic impact. Being in Wanatah in Clinton Township, this building and facility, will be one (1) of the largest sales tax revenue generators. If all numbers hold true, they will do north of three million dollars (\$3,000,000) in sales out of the facility next year which is two hundred thousand dollars (\$200,000) a year in sales tax revenue for the State through Clinton Township. Employee taxes generated by all the staff that they have working there plus the property tax revenue because the previous wasn't paying taxes and all of his were made current when they purchased the property. The next slide lists the variance elements and goes over various points of the elements that they meet. The next and final slide is about the immediate past tenant and how they used the facility compared to how they will. They were a full-service landscaping and snow removal company. They had a variety of trucks and trailers parked on it.

Melissa Mullins Mischke asked if he would mind that she interrupts for a moment.

Jonathan Kraft stated yes, she's good.

Melissa Mullins Mischke stated she doesn't think they need to go into the past on this.

Jonathan Kraft stated that's fine. The next slide after that is a picture of his family featuring his dad, who started the business, himself, and his two (2) baseball players who are future auctioneers. They actually have another property in LaPorte County. His real estates are in kind of funny names, but it is Next Gen Auctioneers and it is for them to do it. They are auctioneers and they love it. Jack sells at the end of every auction now so it is getting fun. Anyway, he is open to any questions.

Melissa Mullins Mischke stated thank you.

Jonathan Kraft stated thank you.

Remonstrators:

Pete Mendez handed out documents to the Board.

Pete Mendez stated he lives down the street. What he is handing the Board is a remonstrance and two neighbors signed it as well. The other document is something that does not allow the business there at all according to what he understands there. They know what that is all about. His address is 11025 S. 1025 W., Wanatah. He is remonstrating against this because as a residence there he sees children playing there in the ball field and in and around the about area almost all the time. He lives right next to the baseball field. Number two (2), they don't have any

sidewalks on 1100 nor do they have any on Condon Street. They have people that jog, they walk, they use their golf carts, they ride their horses on that street all the time. They don't need the extra traffic. Especially extra traffic that is going to be coming in from Michigan City or Michigan State or Ohio, Illinois, or who knows where because some of the items that they sell people may want even from California. They are going to come to pick up these items in their back yard. How is that fair to them? They don't mind if they want to move there; they'd love to have them, but to come just to pick up items in their back yards? They don't want that. They don't need that. The piece of paper he gave them, if they notice, explains that it is not permitted in their area, period. There is a typo on (a) on the affidavit that they have. It says that they are going to put the address to direct the traffic to 1100. It says that they are going to put it on 1100. That is a typo he is assuming. If they are telling them they are going to put the address on Condon Street on the front of the property, that means that all the traffic is going to be expected there. They expect it there and that's why they are going to put the sign there to divert it to 1100. That is a right-of-way not a regular street. Sticking it there would have to be allowed by the County or by the Township. He doesn't think they are going to do that. It is not a street; it's a right-of-way. The change of address, maybe the government can do that or the Post Office has to do that. He talked to the President of the Union of the Post Office and they said they don't do that. Once the address is issued, the address stays. Whether the government can do that or not, he does not know. Again, it is not a street, it is a right-of way.

Melissa Mullins Mischke stated Mr. Mendez, his three (3) minute timer has gone off if he can please wrap up his thoughts. Everyone gets three (3) minutes.

Pete Mendez stated sorry, he has so much stuff. On one (1) of their things it says that items are going to be set outside for sale. So, they will be selling it. It says that they will be bringing them in through the week, not once a month.

Melissa Mullins Mischke stated thank you very much.

Pete Mendez stated okay. He had more to say, but he doesn't think they need that in their area. The gentleman is a nice gentleman, but he doesn't think they need that.

Dave Ambers stated he has been sick so he is going to have his paralegal hand out his exhibits so he doesn't get anybody sick for Thanksgiving. Or at least he won't be able to take the blame.

Melissa Mullins Mischke stated they appreciate that. Thank you.

Dave Ambers stated he is an attorney with an address at 601 State St, Ste B, LaPorte, IN. He is here on behalf of Rebecca Hall who resides at 11232 S. 1025 W., Wanatah. Before he gets into the meat of his argument, he thinks they have a defective notice situation here that should probably be addressed. The petition that was filed by the petitioner states that they request a variance to utilize buildings on the property as storage. See attachments. Nowhere in their attachments did they talk about online auction, three (3) days, or any other days. Now they come in here and spend the majority of their time on an online auction facility which is what they heard the last time. Therefore, he checked with Mr. Biege about the notice that the published and it does not mention a three (3) day online auction or any form of online auction. So, he thinks the

notice in this petition is defective and that it should either be tabled or denied based upon that. In addition, if they look at the handout that Daniel has provided them. On Page 1 at the top, Section 28.07 (e)(2) stated that when a petition before them is denied, it cannot come back before them for twelve (12) months. This petition was previously denied in September. It is his understanding they have been allowing a new petition for a substantially different use. They just stood there and asked for the same use; an online auction facility. Auction houses aren't allowed in residential areas. They have a defective notice and a violation of their own Ordinance that says they can't come back for a year so he doesn't even understand why they are here tonight. If they flip to Page 2, warehouses, which is what they put in their notice, are allowed in the Airport District. Page 3, shows that self-store facilities are allowed in Industrial Districts. It doesn't appear to be self-storage so they are back to the warehouses which is permitted in Industrial Districts. This property is zoned residential. If they go to Page 4, the definition of a warehouse is, "a building used for long-term and short-term storage and wholesale distribution of manufactures products, supplies, equipment, and material for "just in time" delivery to a manufacturing facility." None of that is what they just described of what they want to do at that facility. They want to run an auction. He also, apologizes for his phone going off earlier. That was his blood sugar monitor; he ate before he came.

Melissa Mullins Mischke stated his timer has gone off if he could wrap up his thoughts, she would appreciate it.

Dave Ambers stated if they flip to Page 6, there is a variety of requirements for warehouse and storage facilities that have not been met. If they jump to Page 8, warehouses again are allowed in an Economic Opportunity Overlay District which this is not. Finally on Page 9, warehouses require one (1) space per fifteen hundred square feet (1,500²) of gross floor area. They have not met the statutory requirements nor shown them how the petition does not violate the four standards and they found that last time that the approval would be injurious to the public health, safety, morals, and general welfare of the community. They found the use and value of the area adjacent to the property would be affected in a substantially adverse manner. They found the strict application of the terms of the zoning ordinance would not constitute an unnecessary hardship if applied to the property in which the variance of use is sought. They found the approval did interfere substantially with the Comprehensive Land Development Plan. They don't have to find all four (4) of them; they only have to find one (1). They found in September that they did not meet any of the four (4) steps towards the requirements. They filed the same petition. They called it warehousing which they called it last time in their slides. Then they sit here and describe to them an online auction facility and how great it will be for them and the three million dollars (\$3,000,000) of stuff they are going to get commission on. Do what you did in September. Please deny this variance. Thank you.

Melissa Mullins Mischke stated thank you.

Evelyn Eads stated her address is 11241 S. 1025 W., Wanatah. They are directly south of the Kraft Auction fence and they didn't have a chance to meet with Mr. Kraft because they were not home at the time; they were out and away. Anyhow, they are asking that they just don't rezone the property for business is because if Kraft Auction decides to move out in six (6) months or five (5) years or ten (10) days or ten (10) years they don't want other businesses to come in there

like hazardous waste or a shooting range or anything along those lines to where it would decrease their property value should they ever decide to sell their home. It is nothing personal again Mr. Kraft Auctions and stuff. They have seen the improvements and they appreciate everything that they have done, but they are looking further down the road. They just don't want a shooting range to come in or hazardous material storage to come in or anything like that. They are just asking that they don't rezone it for business.

Attorney Biege stated Madam President if he might, this is not a rezone just so Ms. Eads knows. This is a variance for this specific business. Anybody that wants to come in later will have to come back here later.

Evelyn Eads stated okay.

Attorney Biege stated hopefully she can sleep better at night knowing that.

Vern Schafer stated the last time they listened to this, they were talking about the continuous use since REMC moved out and there was some question about whether there was continuous use of this building for that purpose. Basically, they are asking for storage.

Jonathan Kraft stated yes.

Vern Schafer stated then he is a little cloudy on online auctions. Do people come and view this stuff personally or do they just see the pictures?

Jonathan Kraft stated there is limited viewing that they have so they will have an open house if people want to come look at it and it is the days just prior to the auction. Again, those hours can also be adjusted to whatever it may be. He would also like to apologize that he was not here in September. He thinks a lot of this could have been cleared up then, but unfortunately, he has a pre-commitment with his wife in a different state and he couldn't make it. Again, when he met with all the neighbors at their tables, this was the biggest confusion.

Vern Schafer stated the problem that they had originally was that this was kind of a grandfathered thing with REMC being there first a long time ago and building the building, but now all of a sudden there is a building there that they are trying to repurpose. He doesn't think most people had a problem with it being used as storage, but if it is commerce then it becomes a bit of an issue with traffic. He understands that now. The other question he has is about changing the address. Are they changing the address?

Jonathan Kraft stated they would like to go through that process if they can, but in the marketing and advertising, if they go on Google and search this address it shows the 1100 address. At the end of the day, the biggest deal is changing it on Google because that is where everyone goes to find it.

Vern Schafer stated he also knows that all he has on that property on the north-south road is an easement. He doesn't really have the frontage.

Jonathan Kraft stated he talked to the Planning Commissioner about this and how he referred to it is that if they have a house that shares an easement road, they don't own frontage, but they still have an address on that road and that's exactly how he looked at it when they spoke.

Vern Schafer stated those are the extent of his questions.

Ashley Kazmucha stated she is the one (1) that assigns the addresses and send them out to the Post Office and she would not give that parcel an address on the other road because it already does have frontage on 1025.

Melissa Mullins Mischke asked if Attorney Biege would like to advise them on the petition itself.

Attorney Biege stated Mr. Ambers made his record. They checked with him before the petition was filed and he thinks there was enough a difference between the original petition and this one (1) to allow them to re-file.

Melissa Mullins Mischke asked if he feels like their advertisement was adequate to the request.

Attorney Biege stated it was. Mr. Ambers is absolutely entitled to make his record which is what he did. He would also like to comment on the address. There is a distinction between the location address and the mailing address and both are okay.

Melissa Mullins Mischke stated she still has concerns about the amount of traffic. That is really her issue. She lives in Wanatah. She is from there. She knows that neighborhood and she is concerned about the amount of traffic. She knows he said people come in, but it was kind of skimmed over in the presentation a little bit and the viewing days.

Glen Minich stated he excluded it.

Jonathan Kraft stated he isn't going to lie; it wasn't in there. Again, the majority of everyone just buys online and it's just the pick-up days where the traffic takes place. If they came to their Valpo sale in two (2) weeks. . .

Melissa Mullins Mischke stated he can't guarantee that.

Jonathan Kraft stated no, he can't, but they also cannot say. . .

Melissa Mullins Mischke stated they can't say that it will be that heavy traffic all the time.

Jonathan Kraft stated no.

Melissa Mullins Mischke stated that really is her concern.

Jonathan Kraft stated it is limited to those days. What he would also say that on the street there are other businesses. Three (3) houses down there is a commercial business and no one has had

any issue with the traffic that they bring. Nobody has ever brought up issues of traffic of the other businesses before because none of them have ever been before them. Kankakee Valley REMC had a lot of traffic and that facility was open twenty-four (24) hours a day when it was there. One (1) of the remonstrators from last time that he had met with, when she came up, she said she had lived there for like sixty (60) years. Her husband actually worked at Kankakee Valley REMC and she loved it because her husband could go walk right across the street to work, but she said twenty-four (24) hours a day there were trucks coming in and out. They are not that anymore. It is an improvement over that. He understands Pete's concerns; they don't want a business there. He gets it, but he's sorry; it's a twenty-six thousand square foot (26,000²) building on five (5) acres that has been continuously used as a business for over forty (40) years. That's really what it is. He has tried to do the best that he could with everyone. Obviously, there are some differences and that just is what it is. He has tried talking to Mr. Ambers clients and they wouldn't talk back so he doesn't know how to fix any of their concerns. At the end of the day, that building was there when they moved in and they knew it was across the street from them.

Melissa Mullins Mischke stated thank you.

Glen Minich stated he doesn't really have a question, but he wanted to make the same point that Vern did. Updating this and doing commerce is different than REMC. REMC was just employees that were coming and going; the public wasn't coming and going into that facility.

Jonathan Kraft stated he doesn't know if people were paying bills there at that time.

Glen Minich stated no.

Jonathan Kraft stated he didn't know.

Vern Schafer stated it was just a warehouse.

Glen Minich stated that changes it and that's why the idea of buyers viewing and limited pick-up time makes sense to keep everything down.

Jonathan Kraft stated if they had to limit when the buyers come down to two (2) days to preview or any actual stipulations that are put into a format and he knows what to work with and they see how it goes, they can do that. He is being one hundred percent (100%) honest, when they got turned down the last time, they already had an auction set up for two (2) weeks after that because they had been using the building and he's not going to lie to them, they did an auction because there was no other way to get rid of the stuff. The neighbors when he was meeting with them, he asked if they were aware of the auction the did last week and none of them know because everything had changed to the 1100. That's why the Koontz family didn't want him to put a sign at the property because they said they didn't have any issue that last time. That's why they signed on and agreed.

Melissa Mullins Mischke stated thank you. Does Glen have any further thoughts?

Glen Minich stated he thinks certainly too, the Saturday pick-up should be changed to 9 a.m. to 2 p.m. on Monday especially April through June.

Jonathan Kraft stated yes. What he has been told by many of the neighbors is that when they do have baseball games there that there are cars parked all up 1100 and all over.

Melissa Mullins Mischke stated they are going to talk about what his business is going to do, not what everybody in the neighborhood is doing. She wants to keep his comments strictly to what the intention is for this property.

Jonathan Kraft stated that is what he is saying that getting the cars in on that Saturday would be difficult because all of the cars parked along there.

Vern Schafer stated they can't use that as an in and out time.

Jonathan Kraft stated that is what he was saying. Also, a couple neighbors had asked when they talked about the parking issues, maybe his property could be some assistance to their parking issues that they are having too, but until the baseball field talks to him, he is unsure.

Glen Minich made a motion to approve the Petition for Variance of Use for OLO Auction Holdings, LLC to utilize buildings on the property as storage, see attachments. After auction, pick-ups are permitted Wednesday, Thursday, Friday 9 a.m. - 4:30 p.m., Saturday 9 a.m. - 2 p.m. No Saturday pick-ups April - June; Monday instead 9 a.m. - 2 p.m. No buyer's previewing of auction items; online preview only. Limited public drop-off is during a three (3) day period before the auction. The property is located at 11201 S. 1025 W., Wanatah, IN., Clinton Twp., zoned R1B on 5 acres.

Deb Vance seconded.

Approved. Motion carries 3-1.

3. Petition for Variance of Use for Dennis and Dawn Gardner for a firearm shop for cleaning, repairs, and transfers with parts sales and custom work. This property is located at 3171 S. Wozniak Rd., LaPorte, IN., New Durham Twp., zoned A. Parcel 46-09-23-126-014.000-027.

Attorney Biege stated notice is adequate.

Dennis Gardner stated his address is 3171 S. Wozniak Rd., LaPorte, IN.

Melissa Mullins Mischke asked Dennis to tell them about his intentions with the shop.

Dennis Gardner stated he restores firearms. At least that is his plan. He paints them. He repairs them. He wants to sell parts online. It's just him only as far as working. It is his own building on his own property already. He wants to sell parts and do firearm transfers strictly by appointment only. There won't be any semis or any traffic or anything like that. It will be very little traffic

and it will only be open three (3) days a week Monday through Wednesday. At least that's what the plan is. It will be a lot of online. This is an as he goes type of thing.

Melissa Mullins Mischke asked if he is going to sell firearms out of there.

Dennis Gardner stated probably yes, ma'am if his FFL goes through which he needs the variance to even attempt.

Melissa Mullins Mischke states she wants to make sure that everybody knows that they are not the only decision on whether or not he can open this shop. There are additional steps he will need to take in order to do this.

Dennis Gardner stated yes, there are a lot of extra steps. He has been dealing with an ATF agent and this is where he is at.

Melissa Mullins Mischke stated that is really for everybody else's edification that they are not the main decider on this.

Dennis Gardner stated correct.

Melissa Mullins Mischke stated so he said appointment only Monday through Wednesday.

Dennis Gardner stated right. Monday through Wednesday he was going to be open and then transfers if somebody bought a gun from wherever and they wanted it transferred then they would come and set up an appointment and when he received it, they would come there and he would do the background check and so forth. It wouldn't be like fifty (50) people; it's not that type of a business. It's more that he wants to get his own thing going and it's just him doing all the work and supplemental income out of his own shop at home.

Melissa Mullins Mischke asked if there will be shooting on the property.

Dennis Gardner stated no, there will not be any shooting. The only shooting that has ever been done on the property is himself and it is very little, but he has been shooting there for many years and there is still shooting going on besides him.

No remonstrators present.

Vern Schafer stated that he is going to repair firearms and also sell firearms; that was his plan.

Dennis Gardner stated yes. He wants to do transfers selling firearms. He is not going to be selling firearms like a store; at least not now. That would be somewhere who even knows if he does.

Vern Schafer stated that is beyond their scope. He was just curious about that.

Dennis Gardner stated yes, not off hand. It's more of a workshop and he wants to be able to manufacture the Type 7 FFL which allows him to get online and go to a manufacturer like the one (1) he wants to deal with in the future if this all comes about and he can do it. It will be in Florida and they manufacture it. His shipping and handling will be done by UPS or US Mail. It's just a Mom-and-Pop place that provides a little extra income and it is something that he enjoys doing. It started as a hobby and he loves doing it so he wants to take it to the next level if possible.

Deb Vance made a motion to approve the Petition for Variance of Use for Dennis and Dawn Gardner for a firearm shop for cleaning, repairs, and transfers with parts sales and custom work. Business days are Monday – Wednesday by appointment only. This property is located at 3171 S. Wozniak Rd., LaPorte, IN., New Durham Twp., zoned A.

Dennis Gardner stated at this time that is exactly what he is looking for.

Melissa Mullins Mischke stated if he wants to make them more days or different hours then he should let them know now.

Dennis Gardner stated no. He decided that a long time ago that he wanted the off days because he still would be doing his own little stuff. He just wanted people to come to his place.

Glen Minich stated maybe they should have an ending time because it is kind of a residential area so no customers after five (5) o'clock or something like that. Is that alright?

Deb Vance amended her motion to approve the Petition for Variance of Use for Dennis and Dawn Gardner for a firearm shop for cleaning, repairs, and transfers with parts sales and custom work. Business days are Monday – Wednesday by appointment only and no customers after 5 p.m. This property is located at 3171 S. Wozniak Rd., LaPorte, IN., New Durham Twp., zoned A.

Vern Schafer seconded.

Approved. Motion carries 4-0

Melissa Mullins Mischke stated good luck. He has a long process ahead of him. They wish him well.

Dennis Gardner stated yes, he does. Thank you very much.

4. Petition for Variance of Use for Ralph Bradley to operate a garden center. This property is located at 9777 N. 375 W., Michigan City, IN., Springfield Twp., zoned R1B on 17.213 acres. Parcel 46-02-16-126-018.000-062.

Melissa Mullins Mischke stated Petition #4 has been tabled until January.

5. Petition for Variance of Use for Ryan and Brittany Rotzien to operate a daycare for up to 15 children. This property is located at 8451 W. Hwy 6, Westville, IN., New Durham Twp., zoned A on 2.0593 acres. Parcel 46-09-34-400-001.000-027.

Attorney Biege stated notice is adequate.

Brittany Rotzien stated her address is 8451 W. US Hwy 6, Westville, IN.

Melissa Mullins Mischke asked what the run down is on the plans for the daycare.

Brittany Rotzien stated she plans on watching children from 6 a.m. to 5:30 – 6 p.m. Monday through Friday. She intends to watch fifteen (15) children.

Melissa Mullins Mischke asked what kind of age ranges are they looking at.

Brittany Rotzien stated three (3) to four (4) months to school aged children.

Melissa Mullins Mischke asked if they will have school bus pickup and drop off at her location.

Brittany Rotzien stated just drop off.

Melissa Mullins Mischke asked she is planning on employing staff.

Brittany Rotzien stated she does have people that do help. Her husband is also home; he works every third day so he is also there.

Melissa Mullins Mischke asked if she has been in touch with the State to find out the requirements there.

Brittan Rotzien stated yes. The only thing that she is having an issue with is that LaPorte County she assumed doesn't offer business permits so she needs a letter stating that she can do it through the County. It won't be a facility; it's just an in-home daycare. Fifteen (15) is the max number, but she wouldn't necessarily have fifteen (15) kids at all time or every day.

No remonstrators present.

Vern Schafer stated they don't grant permits to start daycare centers, but what they are basically doing is allowing them to seek that out and make it available. That's all they can do is provide them with that if they pass this variance. He is correct on that he assumes.

Melissa Mullins Mischke stated they are giving permission to operate a business out of the home on certain days and hours.

Michael Polan stated right. Anything she would need in addition to that in writing for her other requirements he could probably provide.

Melissa Mullins Mischke stated she wants to make clear to everyone again, just like the previous variance, there is a lot more steps to go through. This is just the beginning hurdle for them.

Brittan Rotzien stated correct.

Vern Schafer made a motion to approve the Petition for Variance of Use for Ryan and Brittany Rotzien to operate a daycare for up to 15 children. This property is located at 8451W. Hwy 6, Westville, IN., New Durham Twp., zoned A on 2.0593 acres.

Glen Minich seconded.

Approved. Motion carries 3-1.

Brittany Rotzien asked who she should speak to now.

Melissa Mullins Mischke stated she can speak with the Building Commissioner.

6. Petition for Variance of Use for Steve and Cheryl Pickett for campground designation to allow building the following: commercial septic system; bathhouse with sinks/showers/toilets and utility shed; 8 glamping sites to be converted to cabins; additional barn for storage and meeting pavilion. This property is located at 8819 N. 600 W., Michigan City, IN., Springfield Twp., zoned R1B on 37 acres. Parcel 46-02-19-100-006.000-062.

Attorney Biege stated notice is adequate.

Steve Pickett stated his address is 8819 N. 600 W., Michigan City, IN. He has a presentation, but in the interest of time he is going to go through it a little quicker. The next slide shows a satellite view of the property. They will look at that a little more detailed in a minute. Next slide, is the current structure on site which are the house and the barn. Next slide, is directly behind the house and barn; it is the meadow area. Next slide shows critters they have encountered while they have been there. That is one (1) of the things they have been looking at is for it to be a nature retreat style thing. Obviously, there is plenty there. Next slide shows the road that goes through the property that will be listed on the property. Next slide shows a satellite view of the house and barn right there off Meer Road and there are seven (7) different targets on the property; those were soil samples that they had done to test for septic systems. There are three (3) right off the road behind the house, three (3) scattered around the meadow, and the other one is back where the map shows six hundred and sixty-nine feet (669') to the right side of the picture. Next slide or Page 8 is the overall plan. Starting at the left of the slide and going to the right, the blue area is the current septic system for the house. The yellow right behind that is the house; the other yellow off to the right is the current barn. What they are asking for is a storage barn where the orangish area is there. Where the three (3) targets are together would be a proposed commercial septic system. The white squares are the cabins. His lovely assistant will indicate to them on the screen. There are the cabins around the property. The commercial septic system in the middle would service the four (4) cabins there, the meeting pavilion, and the bathhouse which are the green and light blue of the upper right there of the meadow area. Then the cabins that are back

further and off up to the north would be off grid cabins. The one (1) in the back there has been obviously tested for septic. At this point, they may keep it off grid and add septic back there at some point. The next slide shows the kind of thing they are thinking for the glamping site. It is the style of what they are talking about. It would be a tent with a bed, not the typical tent camping. For those of them who don't know, glamping is glamorous camping; this is why they call it that. Next slide shows the proposed cabins that they would go to. That is one (1) of the styles of cabins they are talking about. The next slide is another style which would be a similar type thing to the glamping where there is an enclosure that would be the bedroom and there would be a substantial portion outside for outside living. The next slide shows the kind of fire pit type of a thing that they would have at the sites. The next slide shows where they are located in relationship to Michigan City. On the next slide, one (1) of the concerns was traffic flow. They would bring in people from the 20/35 area and 94 and have them come up the red portion, which is Meer Road, up to the property. They would expect the maximum of about eight to ten (8 – 10) cars per weekend during the high season which is summer and even less in the winter. They would expect they won't have that many people booking throughout the winter. The next slide shows their property at the corner of the rail road tracks and depicts the location of the Ambler Flatwoods. They have two (2) current parking lots. They are getting ready to open. They just put in another lot up closer to their property on the other side of the road. That lot has five (5) spots in it. The one (1) further down Meer Road, this past Sunday, he saw twelve (12) cars there. So, their traffic flow would be considerably less than what Ambler Flatwoods is already bringing to the area. It would be unnoticeable compared to what they are expanding and they are adding more cars. Another thing is that Ambler Flatwoods would be bringing in people from the public. It is a public access site. They are going to do a more private thing. It will be vetted through a management company so the people coming in are renting. They will be paying to be there. There will be monitoring. It won't be just anybody can come in and do anything they want. That was the last slide.

Melissa Mullins Mischke asked if he lives there currently.

Steve Pickett stated they currently live in Illinois. Their plan is to move there. His youngest son is eighteen (18) and a senior in high school. When he graduates then they are free so they will relocate. So, their plan is to move there.

Melissa Mullins Mischke stated for the record, you're never free. She just wants to throw that out there.

Steve Pickett stated she did not need to say that, but thank you.

Melissa Mullins Mischke stated she gets moving away to another State though.

Steve Pickett stated both of them grew up in Indiana. He grew up in Grant County. His wife grew up in Tipton for the first few years so they liked the idea of coming back to Indiana.

Melissa Mullins Mischke asked if they have spoken with the Shirley Heinze Land Trust about their plans since they are in such proximity to them.

Steve Pickett stated he has reached out to them multiple times. He had a little bit of conversation here with them last time they were here.

Melissa Mullins Mischke stated she thought maybe they had spoken.

Steve Pickett stated yes and they have talked on the phone briefly, but not a lot about this. He would like to work with them and figure out how they can be more of a partner with them on what they are doing. They have talked to the State Foresters and they are looking at the invasive properties that are on their property, on Shirley Heinze's property, and trying to keep in step on that of eliminating them or at least keeping them at bay and keeping the environment up with what they are doing with their standards and with what the State Forester is doing. One (1), of the things that they are also doing is they are participating in the Seed Program selling acorns to the State so they can do the nursery and stuff. That is the kind of thing that they are looking at in addition to the cabins. They are looking to do more than just the campground designation. He would say it is probably more like a nature preserve.

Melissa Mullins Mischke stated she feels like the last time they were here it was preserving, conservation, and things of that nature.

Steve Pickett stated the campground was more of a legal cover all designation as opposed to them wanting to have a campground.

Melissa Mullins Mischke if there will be a person on site during camping season that would manage and run the campground.

Steve Pickett stated yes. There is always access to reaching them no matter what is going on, but there will be someone there during the time that people are on site.

Glen Minich asked if the property is fenced.

Steve Pickett stated it is not currently fenced. It is partially marked. They spoke about that last time. He would like to avoid fencing because of the wildlife. There are a lot of deer that go through there from Ambler Flatwoods across their property. Obviously, that is not a huge barrier to deer, but it does impede the flow. That is something they would be willing to talk about.

Michael Polan stated he has been to that property and he has walked all through there and he thinks the last time he was there he did come across signage that said it was the end of the property and not to cross. There was signage indicating not to go passed.

Steve Pickett stated the road on their property, the previous owner owned the property adjacent and the road went from Meer Road through their property, into the other property, and back out to Meer Road so there is a chain that could easily be moved across there with the sign. He has done the purple paint through most of the west part and the south part of the property and they can continue that on around.

Melissa Mullins Mischke stated to remember they are going to have three (3) minutes.

Remonstrators:

Marshall Shanks stated his address is 9033 Meer Rd., Michigan City, IN. Last time he was here, he was objecting to Steve and Cheryl doing it. He didn't know a lot about them. Since the last time they were here, he has met with them many times and talked with them. He feels their intentions are true with what they say they are going to do. He doesn't have any objections to them. He thinks they are good church people who are just trying to get people to come down and experience nature with their families that don't get the opportunity. That's all.

Richard Hartman stated his address is 5766 W. 900 N., Michigan City, IN. Their property surrounds his. Originally, it was thirty-eight (38) acres and Mr. McMillin subdivided five (5) acres with all the buildings and sold it to him. He has lived there for forty-one (41) years. According to an article on Google, Steve moved out of the State in 1986. He hasn't been a LaPorte County resident for thirty-seven (37) years. They have been there. They pay their property taxes. They pay LaPorte County taxes. They pay Indiana State taxes. He has obtained thirty-eight (38) signature that said they moved out in the country because they want peace and quiet. All that they are offering is already available. They're not offering anything new. And eight (1/8) of a mile away is 4411 Suites. In 2019, Golden Sands closed their business. In 2020, investors came in and spent one-point-five million dollars (\$1,500,000) and they have twenty-seven (27) one (1), two (2), and three (3) bedroom suites. They have two (2) electric charging stations. They have firepits. They have everything that if somebody wanted to do nature, they could do it. The wildlife they talk about it? There are five hundred and twenty-one (521) acres. Animals go all over the place; it's not just to their place. It's not good for LaPorte County residents. They have Serenity Springs and the Brewery Lodge and Supper Club. Serenity has thirty (30) cabins on eighty-five (85) acres. They have been there for twenty-four (24) years. They have the Brewery Lodge that has twelve (12) suites on forty (40) acres; he bought it about four (4) years ago and made a bunch of changes with a big concrete thing the size of a basketball court for weddings and everything. He also owns Zorn Brewery and they offer tours for other business in the County and stuff. The bottom line is, they all moved out there and it's zoned residential. If they were offering something that nobody else had that would be one (1) thing. He would also like to show them paperwork on some of the other businesses they have.

Richard Hartman gave the Board some documents.

Richard Hartman stated it's not all about being for green. They have a real estate company LLC. They have a management company that takes care of it.

Melissa Mullins Mischke asked if he could wrap up his thoughts because that was his three (3) minute timer.

Richard Hartman stated the third business is Empowered to Connect. That is a faith-based international corporation. They take kids that have mental problem whether they don't like to be touched, they don't like to be looked at, they have anger issues and they have violence issues; they are going to bring those kids to their neighborhood if that goes through.

Melissa Mullins Mischke hold up a petition with signatures.

Melissa Mullins Mischke asked if this is the petition that he was talking about earlier.

Richard Hartman stated yes.

Melissa Mullins Mischke stated she is going to enter it into the record. There are about thirty-five (35) or so signatures on it and they are against the petition, correct?

Richard Hartman stated thirty-eight (38) actually. Yes.

Roman Patro stated his address is 8657 N. Meer Rd., Michigan City, IN. He is not against any business, but he wishes he could have a nice solid fence along his property because there will be lots of different people coming in and out. He has a four (4) and nine (9) year old and he also has a nice pond. He doesn't want anybody to come in. Purple paint won't be enough. That is his only concern. They can do whatever they want, but he needs a nice solid fence if they want to bring strangers basically to his property next door.

Melissa Mullins Mischke stated she understands. Thank you.

Cheryl Pickett stated her address is 8819 N. 600 W., Michigan City, IN.

Deb Vance asked if they could tell them how many sites or cabins, they plan on having.

Cheryl Pickett stated eight (8), but with a meeting pavilion where they can meet under an open-air shelter. There will also be a bathhouse for showers that they would have everything else attached to septic systems at the cabin level. With the off-grid, it would all be within the required building codes.

Glen Minich stated he still thinks the fencing is an issue like the one (1) gentleman said. He thinks there has to be some sort of fencing in on this plan.

Steve Pickett stated there is currently the Ambler Flatwoods behind them and across the road. They do have on the other property an old wire fence that is there that is about waist high; it's just the old farm wire type thing, but the rest of the area is without fencing. The Ambler Flatwoods trails come right up by their property within fifty feet (50') of their corner in the rear.

Melissa Mullins Mischke stated with respect, they are trying to figure out how to keep their individuals on their property and keep the neighbors safe. What they do at Ambler Flatwoods is not in question here.

Cheryl Pickett asked if fencing or posting every twenty-feet be sufficient?

Melissa Mullins Mischke stated no. They have discussed the posting of it before and the purple paint and that is not adequate to keep everyone safe both the people on their property and the

people out of their property off their property. It is to keep everybody safe. That is something they discussed at the last meeting.

Cheryl Pickett stated they can add the fencing as an amendment to the appeal, but within the building code requirements.

Richard Hartman comments from the audience.

Melissa Mullins Mischke stated he had his moment to remonstrate. No more, thank you.

Glen Minich stated he brought up a question that he was going to ask too, which was as far as there being quiet hour times or what will be allowed out there.

Cheryl Pickett stated their expectation would be that there would be quiet time from 10 p.m. to 6 a.m. Obviously, hikers like to get up early, but they are still pretty quiet. The expectation is that it is a nature retreat. If they do have any issues with the noise, they will have somebody on site to be able to handle that. Within the rental agreement, it will require and allow for them to remove them immediately if there are issues. It would be the same as if somebody had an issue within a hotel room where there could be too much loud noise going on. Authorities can be brought and they can be removed immediately. It is not like a normal rental agreement where they have a year lease or something where they have to go through an eviction process. This will be specifically stated under that type of removal requirement and that will be included in all of the documentation that their property managers would have signed and agreed to before somebody would even be on the property.

Vern Schafer stated his concern is that people move to the country for privacy and this isn't zoned agricultural, it is zoned residential. That becomes a bit of an issue with him because he respects the fact that people moved there because they wanted to be in a residential area, but they wanted privacy. When they invite people in from out of state or wherever to camp there, they don't know those boundaries. That becomes a bit of an issue. He is mulling this over in his head; they have a nice presentation and it all looks good on paper, but whether it works in the real world he does not know. That is his concern.

Steve Pickett stated on the map, most of the cabins will be in the central area so they won't be close to the property lines. There is one (1) cabin in the back on both properties with the Ambler Flatwoods and Mr. Hartman, but there wouldn't be cabins around the outside so most of the people would be towards the inside of the property and he doesn't believe that they would know that they were there.

Vern Schafer stated he thinks that most people are respectful of those kinds of things and he agrees with them there, but also the fact that there are no defined boundaries as the wildlife needs to move in and out, but the biggest wildlife problem is the people. They have to know their boundaries and without a fence it doesn't fly with him.

Cheryl Pickett stated the concerns are absolutely valid. The traffic that comes in with Ambler Flatwoods on a weekly basis and definitely on the weekends is heightened especially during the

same seasons that they would be having. Those are people that would be coming from all over the area for hiking and no one even knows who they are that are on the land. Here, at least they would know who they are and what they are doing. They would be doing credit check et cetera with them and being consistent.

Steve Pickett stated their thinking is that those people are already walking around the edges of their property on the public access site.

Cheryl Pickett stated they think the fencing would solve that. Would that resolve some of the concerns they have?

Richard Hartman comments from the audience.

Melissa Mullins Mischke stated sir, she explained at the beginning that three (3) minutes is their remonstrance time and he had his three (3) minutes and now he is interrupting. If he cannot sit there, then she will ask him to leave the meeting and she doesn't want to do that. Thank you. If there are no other questions from the Board, she will entertain a motion. There will be no further comments.

Glen Minich made a motion to approve the Petition for Variance of Use for Steve and Cheryl Pickett for campground designation to allow building the following: commercial septic system; bathhouse with sinks/showers/toilets and utility shed; 8 glamping sites to be converted to cabins; additional barn for storage and meeting pavilion. The property needs to be fenced with a 4' woven wire fence or similar with private property signs on the fence every 100'. Quiet time 10 p.m. – 6 a.m. There will be security on-site. This property is located at 8819 N. 600 W., Michigan City, IN., Springfield Twp., zoned R1B on 37 acres.

Deb Vance seconded.

Denied. Motion fails 2-2.

7. Petition for Variance of Developmental Standards for Jaclynn Pantell for construction of a second accessory pole barn with a side setback of 3' instead of the minimum 10' required. This property is located at 4 Water St., Union Mills, IN., Noble Twp., zoned R1B. Parcel 46-14-08-426-001.000-056.

Attorney Biege stated notice is adequate.

James Pantell stated his address is 4 Water St., Union Mills, IN.

Melissa Mullins Mischke stated they are looking over his drawing. They appreciate him providing such a nice sketch. This is one (1) of the problems out in Union Mills, right? The lots are small. What kind of things are they going to put in it? Is it strictly for storage?

James Pantell stated yes, he has a couple of old cars and he has a tractor and needs a place to store them. He would be able to move them over ten feet (10'), but they have flower gardens

there and it's his wife's grandmother's house and she put them in twenty (20) years ago before she passed so he would be hard pressed to tear those out without issues.

Glen Minich stated there is a letter from a neighbor too.

Vern Schafer asked if he can approach and indicate on the aerial where he is talking about.

James Pantell approaches and indicates on the drawing where the structure will be.

James Pantell stated yes.

Vern Schafer asked if everybody saw that? It is behind the pool approximately what he is talking about.

No remonstrators present.

Glen Minich stated the one (1) picture shows where it's at. Are the trees going to be removed or is it not going quite back to the trees.

Vern Schafer stated it is closer to the pool.

James Pantell stated it is about fifteen feet (15') farther away. The property line is a little bit behind the trees.

Melissa Mullins Mischke stated thirty by forty (30' x 40'). Is that what they are looking at size wise?

James Pantell stated yes.

Melissa Mullins Mischke stated that is plenty big.

Vern Schafer asked if he is planning on a driveway or access or anything like that or is it just access from their yard.

James Pantell stated he has a yard down the side of his fence that he can get to it.

Glen Minich stated they do have a note from Jeff Sellers saying that he does not have a concern with the pole barn being close to his property.

James Pantell stated he is to the north and the only one (1) really affected by it.

Glen Minich stated he is the closest one (1).

Vern Schafer made a motion to approve the Petition for Variance of Developmental Standards for Jaclynn Pantell for construction of a second accessory pole barn with a side setback of 3'

instead of the minimum 10' required. This property is located at 4 Water St., Union Mills, IN., Noble Twp., zoned R1B.

Glen Minich seconded.

Melissa Mullins Mischke clarified that this is for personal storage and not to be used as a rental.

James Pantell stated no.

All Approved. Motion carries 4-0.

8. Petition for Variance of Developmental Standards for Robert & Hilary Bruce for construction of two (2) guest houses, one being 456²' and the other is 348²', all on one (1) property instead of 1 Dwelling and a minimum of 1,000²'. This property is located south of 2525 N. 100 W., LaPorte, IN., Center Twp., zoned R1B on 57.76 acres. Parcel 46-06-24-301-005.000-042.

Attorney Biege stated notice is adequate.

Hilary Bruce stated her address is 2525 N. 100 W., LaPorte, IN.

Melissa Mullins Mischke asked what the structures are going to be used for?

Hilary Bruce stated guest housing for her family.

Melissa Mullins Mischke asked if they will be renting them out at all.

Hilary Burce stated no, ma'am.

Melissa Mullins Mischke asked if they are going to use the same septic.

Hilary Burce stated no. They are going to have a new septic installed and dig a new well. They are using Mark Hill Construction to do that for them.

Deb Vance asked what their square footage minimum is.

Melissa Mullins Mischke stated a thousand square feet (1,000²). What are they doing?

Hilary Bruce stated these can be constructed in like three (3) or four (4) months so if this were to be approved, they could have them up and ready for next summer. If they build a house, they have to go through all the architecture plans and all of that and it will take much, much longer.

Melissa Mullins Mischke asked if these are considered tiny homes.

Hilary Bruce stated yes. Theses are two (2) tiny houses.

Melissa Mullins Mischke asked if they are moveable or are they going to be on stable foundation.

Hilary Bruce stated they will not be moveable. They will be on a foundation. They come in and all they have to do is put the foundation down and then they bring them in with a crane and put them on there. The trailers will leave that brings them.

Hilary Bruce stated she did bring along a brochure so they can see what they will look like.

Melissa Mullins Mischke asked if they are going to back in the woods area.

Hilary Bruce stated if they look on the overhead map, they are right behind the tennis court.

Vern Schafer asked if these are for use year-round.

Hilary Bruce stated yes, but mostly in the summer. They are there year-round though.

Vern Schafer stated there will be plumbing and stuff in there that will need to be heated.

Hilary Bruce stated there will be heat and air conditioning. One (1) of them will have a kitchen and the other probably won't.

Vern Schafer stated she must like her relatives.

Hilary Bruce stated yes.

Vern Schafer stated or she doesn't want them in her house.

Hilary Bruce stated if her son had his twelve (12) friends there like he did this past weekend, then it would be for her.

No remonstrators present.

Vern Schafer made a motion to approve the Petition for Variance of Developmental Standards for Robert & Hilary Bruce for construction of two (2) guest houses, one being 456²' and the other is 348²', all on one (1) property instead of 1 Dwelling and a minimum of 1,000²' for personal use only not to be used as rentals. This property is located south of 2525 N. 100 W., LaPorte, IN., Center Twp., zoned R1B on 57.76 acres.

Glen Minich seconded.

Approved. Motion carries 3-1.

9. Petition for Variance of Use for 421 Westville LLC to operate an RV park. This property is located south of 5102 S. Hwy 421, Westville, IN., New Durham Twp., zoned R1B on 3 acres. Parcel 46-09-32-200-004.000-027.

Attorney Biege stated notice is adequate.

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

Melissa Mullins Mischke asked if he is cleaning it up.

Bob Kiger stated yes. They just bought it. They are.

Melissa Mullins Mischke stated he wants to put RVs in there.

Bob Kiger stated yes because of the prison project. They have been in contact with the general contractor for the prison and they need housing for their workers so it'd be a five (5) year project for the State so they will need housing for the union carpenters and different trades that come in. They are putting in all new sewer lines as they are connected to Westville Water and Sewer. They are putting all new sewer lines, water lines, and electric lines. They have been in contact with NIPSCO and everybody else already. That's all figured out and getting worked on.

Glen Minich stated he knows the prison construction is going to go on for a while, but what is the long-term thought.

Bob Kiger stated this will last at least five (5) years so that will be discussed in four (4) years, but he doesn't have a long-term plan, but all the infrastructure will be brought up to date and code because it does have a lift station there so they are connected into that. Passed five (5) years he is not sure.

Remonstrators:

John and Chyanne Ferguson stated their address is 5102 S. US Hwy 421, Westville, IN.

Melissa Mullins Mischke asked what their concerns are.

John Ferguson stated they just bought the house so the value he believes would go down because of that. Then, when he approached him, Bob said that with the contract for the prison, there is only about five (5) or so years. The issue that he has is that it is a mobile home facility not a campground and then the actual security of their homestead. They don't know who is coming in there. Bob kept pushing union, but he is union as well and they don't know where these guys are from. They could be from anywhere and there could be a lot of problems. That is his issue. Dumping and other issues like that are also concerning. Pulling out onto 421 is always a nightmare and that can be anywhere, but if they start getting bigger trucks and more traffic then that is an issue. With this being a campground, he doesn't see a security force there for that being said. That is part of his issue there in that area.

Melissa Mullins Mischke asked if there are any plans for additional security there. She knows the Michigan City Campground north of there has security arms and such.

Bob Kiger asked if they have security there. Oh, the gates, yes. They do have two (2) entrances and exits off 421, but they will be working ten to eleven (10 – 11) hour days and hopefully they won't be a problem, but he is only four (4) miles away if there is one (1). They will have his phone number. They didn't have any concerns about security quite honestly. Again, he spoke to that gentleman and his wife before and they do live right next door. They are going to clean it up. Obviously, it's a mess right now.

Melissa Mullins Mischke stated in her opinion, she's not a licensed realtor or assessor, but it might be a better-looking project than what is there right now. Certainly.

Bob Kiger stated he spoke to the neighbor and he's not putting him on the spot, but they are taking down some trees that were damaged and stuff like that so they are going to clean it up. He did walk over and talk to them two (2) or three (3) weeks ago.

Melissa Mullins Mischke stated if they give them a variance for the campground and in five (5) years the work is over, they don't have any plans yet? They don't know what the long-term is?

Bob Kiger stated honestly, they do not. It's a four to five (4 – 5) year project and then they will see after that. If they do another addition or whatever, they don't know with the State. He's not saying the State would, but they personally don't plan on doing anything. Their plans are for the housing for the union workers.

Melissa Mullins Mischke asked if there will be a screening process for campers. What are his thoughts?

Bob Kiger stated they will be union workers. These are workers that will come in and they do transient works.

Melissa Mullins Mischke stated he can't limit it to just them right, or is he just limiting it to just those workers that are working on that project.

Bob Kiger stated yes. It is not an off the street campground. That is correct; it is just for the workers.

Glen Minich asked if he would be opposed to having a five (5) year variance. That's not a problem, is it?

Attorney Biege stated no. Or they could grant the variance and make them come back in five (5) years and describe the plan.

Glen Minich stated that might relieve the neighbors some. The workers are going to be in the area.

Attorney Biege stated New Durham right up the road is doing exactly this. Actually, they are adding spaces he thinks.

Bib Kiger stated he got a variance for it recently.

Attorney Biege stated there have been a lot of inquiries because this isn't the only project they have going on. They have a lot getting built in this County and there is a shortage.

Bob Kiger stated that is his only concern of limiting it to five (5) years, saying just this project, because there are other projects that are in demand for this type of thing.

Glen Minich stated he thinks at that point, it should be looked at again.

Attorney Biege stated he suggests that if they choose to grant the variance then set a follow up in five (5) years so he can apprise the BZA. Since there is not a long-term plan, he can present it again and then if gets extended for another five (5) years or whatever it is, but that way the BZA has some oversight for what his long-term is.

Bob Kiger stated like Mr. Biege said, if the prison project lasts six (6) years he doesn't want to get cut off, but he would be willing to come back in five (5) years.

Attorney Biege stated they have done that on many projects. It's kind of a check in to give a status on what's happening.

Bib Kiger stated he totally agrees.

Glen Minich asked what he thinks about fencing on this.

Bob Kiger stated because there are corn fields behind, a tree row fence between the neighbors which they had talked about keeping and may add more to along their side of the property and their south side of their property is field. It's all cornfield already or at least they planted corn this year. They aren't planning on putting fencing in because he is putting enough money into the infrastructure already so he is trying to keep the cost low for that reason because it is farm field on two (2) sides.

Glen Minich stated he has limited space there and it's hard getting in and out anyway, they don't want one (1) more thing blocking them. It would be difficult.

Deb Vance stated they will have thirty-six (36) spots.

Bob Kiger stated Tony Hendricks designed it so it would be thirty-five to forty (35 – 40) max depending how far they extend it on the south side within the property. They will have up to forty (40) at the most if that.

Vern Schafer stated he will be providing sewer and hookups and concrete pads, but no RVs. They will be bringing their own.

Bob Kiger stated yes, correct. They are not providing them.

Vern Schafer stated this is not a mobile home park.

Bob Kiger stated no, sir. This is strictly for fifth wheel mobile homes, trailers, or whatever they live in.

Glen Minich stated he will have to fulfill all of the guideline the State has for this type of thing.

Bob Kiger stated yes, correct.

Glen Minich stated sirens or whatever is prescribed by them.

Attorney Biege stated let's be clear, for an RV Park right because there is a different set of rules for a mobile home park.

Bob Kiger stated so it's not mobile homes, it's just the RV's which is still a mobile home.

Melissa Mullins Mischke stated of sorts.

Bob Kiger stated to answer the question, water, and sewer and electric to them. No LP gas or natural gas will be there.

Glen Minich made a motion to approve the Petition for Variance of Use for 421 Westville LLC to operate an RV park for five (5) years renewable. This property is located south of 5102 S. Hwy 421, Westville, IN., New Durham Twp., zoned R1B on 3 acres.

Vern Schafer asked if that is from today.

Glen Minich stated no.

Vern Schafer stated the first of the year.

Bob Kiger stated April. May he speak? It will take them three to four (3 – 4) months to do the infrastructure so they would think sometime in April.

Attorney Biege stated they could do from completion of construction.

Glen Minich amended his motion to approve the Petition for Variance of Use for 421 Westville LLC to operate an RV park for five (5) years renewable starting upon completion of construction. This property is located south of 5102 S. Hwy 421, Westville, IN., New Durham Twp., zoned R1B on 3 acres.

Vern Schafer seconded.

All Approved. Motion carries 4-0.

10. Petition for Variance of Developmental Standards for Glen T & Michelle D Welton (seller) and Kevin Vance Welton (buyer) to split a property. Parent parcel will retain 2.3 acres and 280' of frontage. New parcel will have 1 acre and no road frontage, but will have access via an established easement and to build a home. This property is located at 7793 S. Sand Rd., Union Mills, IN., Noble Twp., zoned R1B on 3.366 acres. Parcel 46-14-08-401-010.000-056.

Attorney Biege stated notice is adequate.

Glen Welton stated his address is 7793 S. Sand Rd., Union Mills, IN.

Glen Minich stated they are asking for a split of his property. Does he want to give them some explanation on what he is wanting to do?

Glen Welton stated his wife and him would like to sell one (1) acre of property to his brother so he can put in a brand-new modular house.

Glen Minich stated that would be Kevin Vance Welton.

Glen Welton stated yes.

Vern Schafer asked if he would be granting him an easement on the side of his property.

Glen Welton stated there is already an easement on the north side of their property.

Glen Minich stated there is an easement already there.

Glen Welton stated yes. Would he like to see it?

Glen Minich stated he would like to see a description of it more than a picture of it.

Attorney Biege stated there is one (1) in the packet. It's included in the warranty deed that is in the back. They should have it.

Glen Minich stated it looks good.

Attorney Biege stated he has no way of knowing just from the description, but there is an easement there.

Glen Minich stated they have had this neighborhood come to them several times in the last few years. It is quite the development out there he would call it.

Glen Welton stated oh yes.

Vern Schafer stated he has a driveway right now to his property that is not on the easement right.

Glen Welton stated correct, yes.

Vern Schafer stated the easement would just service the property to the rear.

Glen Welton stated yes and it also services three (3) more houses behind his property.

Glen Minich stated he uses the road for his home.

Glen Welton stated no, they don't use the road; they have their own driveway.

Glen Minich stated okay.

Vern Schafer stated on the deed it doesn't give a specific width of that easement; it just says an easement for ingress and egress. It is not defined.

Glen Welton stated it is thirty feet (30') wide.

Vern Schafer stated it is thirty feet (30').

Glen Welton stated yes.

Vern Schafer stated the rule on zoning is because they want to make sure there are not too many driveways coming onto the roads and of course there is an established easement there. He isn't sure how much it gets used, but it's already a driveway right?

Glen Welton stated yes.

Michael Polan stated he walked the easement; it is paved. It looks like a regular road, but it is a private road and it's already used by the houses in the back so this would just be one (1) more person using it.

No remonstrators present.

Vern Schafer made a motion to approve the Petition for Variance of Developmental Standards for Glen T & Michelle D Welton (seller) and Kevin Vance Welton (buyer) to split a property. Parent parcel will retain 2.3 acres and 280' of frontage. New parcel will have 1 acre and no road frontage, but will have access via an established easement and to build a home. There is to be no further subdivision of the lots. This property is located at 7793 S. Sand Rd., Union Mills, IN., Noble Twp., zoned R1B on 3.366 acres.

Deb Vance seconded.

All Approved. Motion carries 4-0.

11. Petition for Special Exception for Emory Investments LLC for de-packing of hand sanitizer, removing liquid from plastic package. Processing in general. Please see

attached. This property is located at 3522 S. SR 104, LaPorte, IN., Pleasant Twp., zoned M1 on 29 acres. Parcel 46-11-23-476-004.000-057.

Attorney Biege stated notice is adequate.

Dennis Zeedyk stated his address is 2010 Michigan Avee., LaPorte, IN. He has been a LaPorte resident since 2007 and they have been operating on-site in Stilwell since January of 2012. They are here because they were told by BZA to apply for a special variance versus the current industrial zoning that they have now. They don't believe they need an additional variance as they are properly zoned for manufacturing. A little bit of what they do is they bring in a multitude of various raw ingredients. They bring in feed ingredients via rail and approximately four hundred and fifty (450) railcars per year. Jam from Zentis in Plymouth which is approximately four hundred and fifty thousand (450,000) pounds per month. Fish oils pills, which they actually extract the fish oils from the pills. They de-package and process ketchup, mayonnaise, used cooking oil, and hand sanitizer. It's all for de-packaging and re-packaging most of which goes into the agricultural sector for feed. They do not handle any petroleum products. Again, they don't believe the special variance applies to them. They are currently working with IDEM to properly classify hand sanitizer. They actually have a meeting with them on December 14th. As they may know, during the Covid times, there was a huge amount of hand sanitizer that was produced to handle Covid and it is now expiring. They are part of the solution for this large amount of hand sanitizer that is in the United States. They bring it in, they extract the jugs from the cardboard. They bale the cardboard and it goes to recycling. They shred the jugs and recover the liquid which goes to Logansport Cement Kiln for line flush and ultimately for burning. Then the plastic is either recycled, incinerated, or goes to a landfill. Also, here joining him is Jacob Zatorski, their environmental consultant who can handle any technical or regulatory questions.

Melissa Mullins Mischke asked how many facilities like this does he operate.

Dennis Zeedyk stated they have three-point-five (3.5) facilities. They have a facility in Defiance, Ohio that just does glycerin processing which is a byproduct of bio-diesel production. They have a facility in Keokuk, Iowa which does exactly the same as the one (1) in Ohio which is just glycerin processing there. The facility here, they do railcar transloading, waste, human food, and animal feed applications, and de-packaging. They also have a joint venture in Georgia that again handles just glycerin processing.

Remonstrators:

Cherie Schrader stated her address is 6 S. Floral Ave, LaPorte, IN. Her concern is that they are processing chemicals in their back yard. It sounds good that they are reproducing the sanitizer, but it highly explosive. It is where her neighbors live. It is where she lives. PFAS (*per- and polyfluoroalkyl substances*) have been determined to be extremely hazardous even in small amounts. This same location, the EPA had an emergency clean up that none of them actually knew about which has her concerned moving forward. She also is concerned about the transportation of the sanitizer to Stillwell if it was transferred legally and properly. If it wasn't then her concern is what else is not happening along the lines. Do they have State and Federal permits for air quality and waste water? Can they provide a copy of permits and are they in

compliance with all of their permits? Other questions would be what safe guards are in place to protect the neighbors from the air and ground water pollution? Who will test their well water that they drink to make sure there aren't negative impacts on their drinking water including all of the children in their family. Were the chemicals transferred here legally up to code? Also, this isn't an industrial park; it's a residential area where families and neighbors live and they like to breathe their air, drink their water, and grow food in their ground. During the summer, she isn't sure what they are doing over there, but there is a taste and smell that gets on them. They can taste it and smell it. It's almost like a soap or a candle. She is unsure what that is, but it is concerning to her as well. She has questions, but she doesn't know if she should ask it here.

Melissa Mullins Mischke stated she can ask it.

Cherie Schrader stated when there are variances or when the EPA happened, how can they get informed or do only certain people get notified?

Melissa Mullins Mischke stated she can get in touch with the EPA. They might also want to check with IDEM, Indiana Department of Environmental Management. She noticed that they have some of their emergency response people here. If any one (1) of them could come up and maybe talk a little bit about what happened. There was a fire here in LaPorte for hand sanitizer. Yes, she's looking at Matt. There was a hand sanitizer fire that was kind of large and then there was another incident out in the Stillwell area.

Matt Deckard stated his address is 1482 W. 500 S., LaPorte, IN. He doesn't really want to speak on the City of LaPorte fire. They were only covering them during that and he was not actually at that facility when it was, so it wouldn't be appropriate to talk about that. However, he has been on two (2) large scale and one (1) more minor incident out at the Stillwell facility. He would call them large scale incidents just because of the amount of the fire departments, the amount of water, and the County resources they used to go out there and extinguish those fires at two (2) different large-scale fires and one (1) smaller one (1) that was outside the facility. Their concern as the first responders is the flammability of the hand sanitizer and the plastic bottles and what is left in those afterwards and the large amount of outside storage of that. They have had some damages to their equipment and other departments around the area that they have had to make different claims to insurance to get that stuff replaced. They do not have the budget to replace that stuff so unfortunately, they have had multiple insurance claims this year to replace some of that stuff per the manufacturer's recommendation. Those are some of their few concerns.

Melissa Mullins Mischke stated thank you so much.

Jim Zatorski stated he is the Managing Director of HS&E Compliance Resources. Just to be clear, when they received the letter from the Building Commissioner, it was referencing an Ordinance in the City that basically prohibited the handling of hazardous waste and there is some other industrial waste. What that issue here is really applicability. What they are doing at that location is they are doing what a lot of other locations do where they bring the material in and they reuse it. The hand sanitizer that comes in gets used as a lubricant. It is not being dealt with as a waste and that is very consistent with the RCRA regulations. If they look at the Federal and State rule, they are very clear that for something to be a hazardous waste, it has to be a solid

waste. By definition, that doesn't mean something that is solid. What it means is that it has to be inherently waste-like. If it is reused in an industrial process then it is not considered a hazardous waste and that is consistent across the Country; that is a federal regulation. As Dennis pointed out, they are meeting with IDEM because of the issue with how they apply that to all the hand sanitizer, which as an industry they were out like everybody making this because of the crisis. That isn't why they are here. They all recognize the issue of Covid, but this material actually goes into the treatment of bio-systems for waste water. It is used as an effective lubricant. In industry, a lot of time, solvents and stuff that are considered waste go into things like de-greasers and parts and that is at the hierarchy of what EPA looks at for waste minimization. So, they are meeting with IDEM right now. IDEM came on the site and looked at it and said it was a big issue with where it is going and they need to figure it out. Their request would be, from an applicability standpoint, allow that meeting to happen because he is not sure what they would be voting on here. They don't need a variance. They operate in an area that is zoned properly for industry and they are not processing hazardous waste; they are reusing it. That is a phone call away to IDEM to understand. He thinks that meeting is on December 15th and until that is resolved and they would gladly come back with that resolution and if it is determined that it is a waste activity then as appropriate, they would sit in front of this group and try to file for a variance, but right now, the reuse exclusion is used throughout the Country and it is something that has withstood law for many years. He would ask that they take that into account because they are getting into a legal issue here. As far as the chemicals, because there are concerns, the chemicals are flammable; they are not explosive, but there is a tremendous amount of process safety work that is going on at that facility. They do care about that. They have had some incidents and Dennis has talked about them. They have also agreed with the State of Indiana. They have been on-site and they brought them back voluntarily and they are taking what is called a process safety approach. That's not a catch word; that is a series of layers or protection of rules to make sure that the facility is safe. They have also re-engineered the cutting systems so there is not a burn by nitrogen purging the whole location. They do continue to take a look at that, but when it comes to how it applied to an Ordinance, there is really nothing to applied. They were asked to be here and that is why they are here. That is their position.

Melissa Mullins Mischke stated thank you.

Vern Schafer stated he has a question for their legal counsel before the next remonstrator. Number one (1), he is not a chemist, but obviously this is zoned light industrial. Is the variance being sought because this needs to be more than light industrial?

Attorney Biege stated to be clear, they are talking about a Special Exception. He has M1 as the zoning there. This is kind of like the battery facility. They have not run across this before. The processing is hand sanitizer and has caused multiple fires, a significant cost to their volunteer fire departments, which he is unsure if the petitioner is aware, but he has met with heads of the fire departments as well as twelve (12) other individuals there and they have a concern. They're not trying to shut anything down.

Vern Schafer stated it may be more of a question for IDEM than everybody else.

Attorney Biege stated no, they have a local issue in that this facility has caught on fire several times and it is costing the County money. They have to address that in some way. IDEM has been there. He thinks EPA has been there. Their task is not our task. This is our way to locally address this issue in that we don't have anything in the zoning code. They have no category for this type of facility. His thought was that they take an approach to this similar to what they took for the battery facility because none of them are chemists, but when he has a meeting in his office with a dozen local officials concerned about the safety and the cost of this process, they not only need to educate themselves, but work with these folks to make it safer. That is why they are here. The Board will decide what they want to decide, but right now, which he is drafting something now, not after the fact and not to be punitive to these folks, but they have nothing on the books. If we have a fire, they can't go in and re-inspect. There is nothing on the book to do that. So, these are concerns and Randy Novak and Adam Koronka from the Council are here now if they would like to speak to it. He suggested Mike send the letter, but the goal was to have a collaborative process to where they could make this safe and the elected officials and appointed officials are comfortable number one (1). Number two (2), they are killing our volunteer fire department. They can explain it, but because of the way they have to put the fires out. They have to buy new hoses and new equipment and it is very expensive. Now, they got through this with the battery facility because they put some conditions on that approval to make sure that the local departments, in that instance, were trained to fight battery fires, but here he doesn't know that we, as a County, know how to handle this.

Jim Zatorski stated he knows the LPC. He was one (1) of the owners of Alexander Chemical before it got sold. He knows Roger Wolfe and Jeff Hamilton.

Attorney Biege stated okay, but he understands that IDEM doesn't talk to them at the County level.

Jim Zatorski stated he also thinks it's very important that some of the things that go on in industry is if they would like for them to work with someone independently or that is appointed that comes on site. They are trying to be as transparent as they can. This is a big issue with IDEM because it is definitional. That's just an argument based on the letter they got. Everything they are talking about; they agree with them. They are trying to do that and they know this isn't a game of trying for them. This is serious business and it's what they do. He would like to open that kind of dialogue rather than. . . There is nothing from an ordinance standpoint. They look at the same thing and they don't know what to do with this one. Just from a standpoint of what to appeal. They could write an ordinance and they will be pre-existing anyway and that doesn't help them with the community.

Attorney Biege stated right, he agrees.

Jim Zatorski stated that's what they want to build.

Attorney Biege stated they have something new they haven't encountered before. He doesn't know if they were aware of the battery facility going in, but they had a lot of people that were against it. It's not in yet, but it is a new type of battery electrical storage facility. They had a lot of people concerned about safety, the environment, and the whole nine (9) yards. They have

something new. His suggestion is that they have an interactive process to figure out how to address the concerns and different aspects of the community so that everybody is comfortable.

Jim Zatorski stated to him that is a remedy, but they also, just talking forward, that is not a short term remedy. They need to do something long term.

Attorney Biege stated yes.

Jim Zatorski stated it is very difficult to build up relationships so they are also here saying if they can allow them that bit of help, they want to be compatible with what they are doing there. Having an opportunity to explain the engineering and what they are doing. . . None of them want to live near a facility that has caught on fire. None of them want to be a volunteer fireman and go through this. They share the same concerns and he isn't going to give them a cliché about what all they are doing. They really need to start something back there at ground zero. In the meantime, they will have some clarification from IDEM. It could very well be at the end of the month; they are back in front of them and maybe they have looked at this even though they don't have time to regulate it. It will all be considered hazardous waste and then they will be sitting there trying to submit a variance, but they're not there yet. Actually, the Commissioner of IDEM met with them and said that they realize they have huge hand sanitizer problem in this Country and they do. It is reuse and they are not the only area that is dealing with this in the Country. They can share that with them because there has to be common ground on how it gets dealt with.

Melissa Mullins Mischke stated she doesn't think anybody disputes that they're not the only one (1), but they have definitely have had two (2) incidents pretty close to each other in their area that is an issue.

Attorney Biege stated they are the only one (1) in the area that he knows of. When he suggested that Mike send the letter, his thought was that he was hopeful to have this conversation that the variance request would go in and it would be tabled to give them all time to work on it. He is pointing at the guy who is the head of the Fire Chief's Association sitting in the back. He shook his head so that's pretty good.

Jim Zatorski stated he has trained fifty thousand (50,000) fireman and he has done this for forty (40) years. It's what he does for a living and he has never been in a community where he didn't feel like he was welcomed when it was transparent and honest. Dennis and he have known each other for a long time and that's what they can offer them is transparency and credibility. For the sake of the community, if that requires someone also being in the process, he would like to get to that point.

Melissa Mullins Mischke stated she would like to include Cherie Schrader so she is involved in the discussions as well. She would also like to hear what Adam has to say.

Adam Koronka stated his address is 2202 Mustang Dr., LaPorte, IN. He is a member of the LaPorte County Council. He was also a member of the BZA for a couple years and being the one (1) member that had industrial experience and he looks at the code and although there has been discussion and debate regarding hazardous waste, there is also the section regarding chemical

manufacturing and storage which also still requires a special exception. Although they are re-processing and re-packaging an existing material, it still falls somewhat under a manufacturing definition and he would consider that when it comes to what they are doing next. Also, being employed by a large manufacturing firm that has some pretty interesting materials under their roof, the company he works for regularly has tours with the local fire departments to assess the different hazards and what kind of setup they have in order to avoid any kind of fire type hazard with these special materials. That would definitely be encouraged in this situation as well as the right engineering applications of things like explosion proof electrical fittings that are designed for use around flammable materials and spark resistant alloys when they are used for things like bearings and moving components on machines such as what appears to be a bottle chopper to capture the resins and what not from the containers. The idea of tabling based off this IDEM discussion is probably worthwhile, but he would also consider it when it comes to the local fire departments assessing it when they are not trying douse it with water and there are lots of flames around them. As well as maybe anything related to NFPA or OSHA relating to how to handle those sorts of processes in a manufacturing environment like spark resistance, electrical safety, and things like that. Those are his thoughts.

Glen Minich stated the issue that Ms. Schrader brought up was what is being disperse through the air. These things are alcohol based and he is sure they are evaporating into their air. Do they need to look at that in the facility as far as containing?

Attorney Biege stated he thinks they are going more for their feel than they need to tonight because he's not sure what part IDEM has, EPA has, and what they have locally. He doesn't know if they are going to need to hire somebody to tell them.

Glen Minich stated he just wants to make sure that the air concern gets looked at.

Attorney Biege stated they were dealing with something they did not understand with the electrical facility so they had an expert tell them how to put the fires out and what equipment they would need. They have an expert coming in, just as an example, he is coming in to inspect every five (5) years at the cost of the company. They have it all setup. By the time they were done, they had a room full of remonstrators and everybody was okay with it by the time they finished. We need to do that here, interactively, with the company representatives, and get something to where they have addressed all the safety concerns, and that is when they come back to the Board because right now, they are just guessing.

Vern Schafer asked what currently is going on at the facility right now. Are operation shut down?

Attorney Biege stated he doesn't think so.

Vern Schafer stated are they still operating as normal, ongoing. He would suggest they move quickly on this to get some answers.

Michael Polan stated he can give some clarification. Ultimately, it was his decision to require them to appear here. They seem to perhaps disagree that they could require that because the

material that they are dealing with is not hazardous waste. However, he met with our legal counsel as well as other concerned parties in the county, he looked at the code, and he felt there was enough to bring them here. That is one (1) issue whether that can be appealed or not. There was more of a purpose for it. He wanted to start a dialogue. He wanted to see what was going on in that place. He wanted to give this Board an opportunity to ask questions and have oversight and even impose conditions if the Special Exception was approved which was how they treat all special exceptions and why they exist so there is a precedent for it. It also gives the petitioners the chance to come up, answer questions, introduce themselves, have the dialogue and there has been some conversation tonight, but there is something missing that he wants to hear and he wants it to be out in the public. He wants to know what has been done since the last fire. This has been told to him; he went to the facility and they were very nice. They welcomed him and he took a tour of it, but he wants the statements to be made publicly. What equipment has been taken out of service and what was done? Then they can continue their Q and A. He believes Randy has something to say.

Randy Novak stated he is a member of LaPorte County Council, LaPorte County Fire Chief's Association, a retired Michigan City Fire Department employee of thirty-three (33) years, and Fire Chief and Fire Inspector. Their concern is that it was brought to their attention by the volunteer departments that they have in the community because they might not realize it, which is nothing against them as they are all proactive for business in LaPorte County, but when they have a fire and they lose a set of turn out gear because it gets contaminated. . . They need to understand that nowadays turn out gear is good for ten (10) years and then it is disposed of. Everything if it gets contaminated has to be disposed of or it has to be professionally cleaned, but he doesn't know if it could. It is three thousand dollars (\$3,000) a set. These departments don't have three thousand dollars (\$3,000) to keep buying sets of turn out gear. The fire department that responded to the initial fire, Pleasant Township, he thinks they are on their second fire and they are on their second sets of turn out gear that they are having to buy. They cannot turn it into their insurance company or else their insurance company is going to cancel them. That is the issue that they are facing with it. Not to mention that safety of the fire fighters and the people in the community with what is going on. Typically, in a city like Michigan City or LaPorte City, the fire department is in there constantly. They are on tours and they are seeing things, doing things, they are seeing what is going on, making recommendations, and talking with them. In the County, they don't have that. The volunteers don't have Fire Inspectors to be able to do this kind of stuff. That is why he agrees with Doug. He thinks that if they could set up a meeting maybe in the next couple weeks, they can have some serious dialogue with them and get a better understanding. There could be some things that they could recommend that they could do to make things better for the neighbors and the fire department and see if they can work it out better and table it until next month and go from there.

Melissa Mullins Mischke stated it will probably be longer than next month, but yes.

Vern Schafer stated certainly, if they are doing this process at other facilities like in Keokuk or wherever they are at, then there must be some kind of a protocol on what happens if there is a catastrophe or a fire. There has to be some way to train people on how to handle this stuff.

Randy Novak stated a lot of it might be on them just like with the battery thing that Doug talks about. It is the unknown. In other words, nobody knows exactly how the process is or how it is set up. He would strongly encourage that they get this meeting set up as soon as possible.

Attorney Biege stated he agrees. LaPorte County, outside of the Zoning Board, needs some registration requirements for new businesses so they know who is where and what they are doing and if it is something new, then they understand how to handle it. That is another subject outside of here that he is working out, but for these folks, he thinks an interactive process with some conditions is all they will need.

Jim Zatorski stated they have a local emergency planning commission that was set up by federal government to do exactly this. They have tried to bring people in and sometimes it's a matter of availability, especially with volunteers. That's just not an excuse, but a reality. They mentioned with the battery system, an inspector and mutual person that is funded by the company; they are open to all of that. They don't want to come in there feeling like they are enemies. They do have a track record that they are not proud of a little bit; they have put a lot of money into it. As far as the questions about NFPA, it is NFPA 77E and they nitrogen purge the system without oxygen they shouldn't have a fire and they would be glad to show that to people. A fire occurs when there is flammable materials and oxygen. If they remove oxygen then nothing burns. The fire departments know that so now the system is all purged. They continue to go forward. . .

Melissa Mullins Mischke stated she is going to stop him right there.

Jim Zatorski stated he was going to say they probably need to spend a little more time communicating.

Melissa Mullins Mischke stated she doesn't think they are going to make that decision right now as a Board and she certainly doesn't need to be patronized with the in and outs of fire suppression or what burns so she appreciates that. She does think it is unfortunate that the County had to request for them to come in front of the Board for a zoning special exception instead of them coming to the County after a fire. Again, knowing that they had one (1) in the City of LaPorte that burned extensively and also one (1) out at this location again. She is glad that moving forward they will all be on the same page and have some interaction with each other.

Vern Schafer made a motion to table the Petition for Special Exception for Emory Investments LLC for de-packing of hand sanitizer, removing liquid from plastic package. Processing in general. Please see attached. This property is located at 3522 S. SR 104, LaPorte, IN., Pleasant Twp., zoned M1 on 29 acres. A meeting between County Officials and the company to work on training and possible problems that they would occur during this manufacturing process should be set up in the meantime.

Deb Vance seconded.

All Approved. Motion carries 4-0.

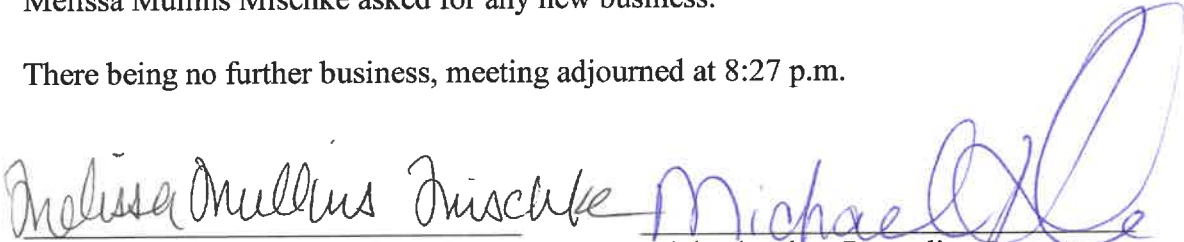
Michael Polan stated he thinks the petitioner wanted to address something specific, but it would be up to Melissa.

Melissa Mullins Mischke stated she thinks there is plenty of time to answer all of those questions. It is not going to solve the problems of the world tonight. Thank you.

Melissa Mullins Mischke asked for any old business.

Melissa Mullins Mischke asked for any new business.

There being no further business, meeting adjourned at 8:27 p.m.



Melissa Mullins Mischke Michael Polan
 Melissa Mullins Mischke, President Michael Polan, Recording Secretary