

TABLED

Melissa Mullins Mischke stated she understands that Petition #2 has requested to continue tabling, but she will need a motion to table that until next month.

Glen Minich made a motion to table to January 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.

Vern Schafer seconded.

All Approved. Motion carries 4-0.

3. Petition for Variance of Developmental Standards for Kimberly D Emerick (owner) and Jacob M Emerick (buyer) for construction of a home on a parcel without road frontage. Access is through an existing easement. This property is located behind 8673 W. 300 N., Michigan City, IN., Coolspring Twp., zoned R1A on 4.633 acres. Parcel 46-05-15-300-027.000-046.

Attorney Biege stated notice is adequate.

Kimberly and Jacob Emerick stated their address is 3108 N. 850 W., Michigan City, IN.

Melissa Mullins Mischke stated she has this beautiful chunk of land that is landlocked. They have an easement and want to build a house out there.

Kimberly Emerick stated yes.

Melissa Mullins Mischke asked what kind of questions does the Board have.

Vern Schafer stated according to the photo he has from Beacon the easement comes in off of 300 N.

Kimberly Emerick stated right.

Vern Schafer stated that is a legal easement, correct.

Kimberly Emerick stated yes. It was in her dad's will.

No remonstrators present.

Glen Minich stated because it's kind of a family that this is this way and it was put in place. Maybe it wasn't the perfect way, but he will make a motion.

Glen Minich made a motion to approve Petition for Variance of Developmental Standards for Kimberly D Emerick (owner) and Jacob M Emerick (buyer) for construction of a home on a parcel without road frontage. Access is through an existing easement. No further subdivision of the parcel. This property is located behind 8673 W. 300 N., Michigan City, IN., Coolspring Twp., zoned R1A on 4.633 acres. Parcel 46-05-15-300-027.000-046.

Vern Schafer seconded.

Melissa Mullins Mischke stated if they approve the petition, she wants to make sure they talk with their Coolspring Fire Department and make sure they get an address sign up so they can find them back there in case of an emergency.

Kimberly Emerick asked who they go to, to get the address. Ashley?

Melissa Mullins Mischke stated the Building Commissioner's Office.

All Approved. Motion carries 4-0.

4. Petition for Variance of Developmental Standards for Cody A Banks to convert the current garage to a guest home. This property is located at 4655 W. Volk Rd., Hanna, IN., Hanna Twp., zoned A on 1.558 acres. Parcel 46-18-08-100-015.000-049.

Attorney Biege stated notice is adequate.

Cody Banks stated his address is 4655 W. Volk Rd., Hanna, IN.

Melissa Mullins Mischke stated it's a big garage, right.

Cody Banks stated yes.

Melissa Mullins Mischke stated there is a residence next to it. Is he living there?

Cody Banks stated yes. That is his home. This is just a second place.

Melissa Mullins Mischke asked if he is sure he doesn't need all that garage space for a garage?

Cody Banks stated he would only be converting eight hundred (800) of the three thousand square feet (3,000²) to secondary dwelling.

No remonstrators present.

Glen Minich asked what he plans to be in the building? They don't normally do guest houses for rent.

Cody Banks stated no. It would be a retirement space for his mother.

Glen Minich stated oh, wonderful.

Melissa Mullins Mischke stated it would be awful close to rent to where he is living. In proximity, they are really tight.

Vern Schafer made a motion to approve the Petition for Variance of Developmental Standards for Cody A Banks to convert the current garage to a guest home. Not to be used as a rental; for personal use only. This property is located at 4655 W. Volk Rd., Hanna, IN., Hanna Twp., zoned A on 1.558 acres.

Deb Vance seconded.

All Approved. Motion carries 4-0.

5. Petition for Variance of Use for Adam Jakich for outdoor boat storage. This property is located at 7353 W. State Road 2, LaPorte, IN., New Durham Twp., zoned A on 4 acres. Parcel 46-09-14-200-013.000-027.

Attorney Biege stated notice is adequate.

Adam Jakich stated his address is 7353 W. State Road 2, LaPorte, IN.

Melissa Mullins Mischke asked him to give them a rundown on his plan so everybody can hear it.

Adam Jakich stated currently, he stores boats for friends. He is eventually going to apply for an LLC and start a boat business for maintenance and storage. He doesn't plan on storing on that property. He wants to get a bigger property to do it. That's about it. Right now, he is basically just storing for friends and he does repairs there at the property in the barns.

Melissa Mullins Mischke asked what part of the property does he plan on doing the boat storage on.

Adam Jakich stated they are stored in front of the agriculture and behind the trees on his property in the back corner.

Melissa Mullins Mischke stated the rear northwest corner.

Vern Schafer asked how many boats is he looking at.

Adam Jakich stated he currently has eighteen (18) pontoon and two (2) boats.

Vern Schafer stated right now, he is not operating a business like a marina for storing boats and charging rent for this.

Adam Jakich stated no.

Vern Schafer stated he hopes the water doesn't get high enough that they can float out of there.

Melissa Mullins Mischke stated that would be terrible.

Remonstrators:

George Carberry stated he is an attorney with the law firm of Burke, Costanza, and Carberry with offices at 156 Washington St., Valparaiso, IN. He is there on behalf of Marks Family Farms LLC and the Marks family which is the adjacent landowner to the property subject to the petition.

Melissa Mullins Mischke stated thank you. Does he have something to hand out to them?

George Carberry stated he doesn't, but he would like to express verbally what their position is. With him tonight is Denise Marks, Tyler Marks, Justin Marks, Lisa, and Logan; they are members of the family. They are also members of the limited liability company which owns the property next door. It is their position that approval of the petition would be injurious to both public health and safety for reasons he will explain. It will adversely affect the use and value of his client's property. The need for the variance doesn't arise from some condition peculiar to Mr. Jakich's property. The strict application of the terms of the ordinance will not constitute an unnecessary hardship to the petitioner. With regard to public health and safety, what they need to understand is that in order for Mr. Jakich to get the boats onto his property, he has to cross his client's frontage and that is on the east side. If he didn't use his client's frontage to get the boats across, he would have to use the west side of his property which is going to involve trees and a steep hill and is located within a deer zone off State Road 2. They think this is a safety issue. The storage of commercial boats, which is his understanding, and maybe Mr. Jakich could confirm, that there are over thirteen (13) boats on the property at this point. It is their understanding that it will be commercial boat storage, but that will include cleaning and prepping the boats for storage which will involve detergents on the ground and other cleaning solvents that are going to run into the soil and there will be some ground water runoff. That will potentially be a health issue. The storage is in plain view. He has photographs if the Board would like them. It is outdoor storage like automobile storage yards. These properties can quickly deteriorate into junkyards. With automobile yards properties, vehicles are disassembled and repaired and the same is true for boats. It could gradually deteriorate into something that would be very unsightly to the community. Now, it is his understanding and maybe the petitioner could explain, but they think he is storing boats from a Chicago Boat Rental which is an enterprise in Chicago that rents pontoon boats onto Lake Michigan. It looks like a fun enterprise if they ever go to the website. To them, it appears that it is commercial storage rather than storing boats for a friend or two (2). As such, there are plenty of places in LaPorte and LaPorte County that he could rent or acquire properly zoned where he could carry on this business. They wish him the best of luck in doing that, just not next to them where it is extremely unsightly. He only filed the petition after the County red tagged him so rather than ask for permission it was a question of begging for forgiveness. That is the gist of their remonstrance Board. With that, he will entertain any questions and his clients can answer questions too.

Vern Schafer stated he noticed the other day coming out of LaPorte that he does already have boats stored there. It is kind of asking permission after the fact. He understands that now that it has been explained to him, if he has to go onto the neighbor's property in order to get the boats back there behind his then if it isn't okay with them then it certainly isn't okay with the Board.

Adam Jakich stated he did do that last year. This year he does have a pathway on the west side of the property that goes straight into the back on his property. As far as Chicago Boat Rentals, it's a family friend. Like he said, there is eighteen (18) pontoons and two (2) boats now and sixteen (16) of the pontoons are his. He doesn't charge him. It is a business that his friend runs.

Melissa Mullins Mischke told Mr. Carberry that he had his chance to remonstrate.

George Carberry stated from the audience that they are having trouble hearing Mr. Jakich.

Melissa Mullins Mischke asked Mr. Jakich to make sure he is talking into the microphone. His green light is on?

Adam Jakich stated yes.

Melissa Mullins Mischke stated okay. Very good. He indicated that the Chicago Boat organization is a family friend of his.

Adam Jakich stated it is a family friend, yea.

Melissa Mullins Mischke stated sixteen (16) of those boats are his.

Adam Jakich stated yes.

Deb Vance stated when he takes them in, is he cleaning them on the property.

Adam Jakich stated they wash the interior and power it off. He does do that.

Melissa Mullins Mischke stated as it pertains to detergents, runoff, and other water quality issues has he been working with their MS4 office here in the County.

Adam Jakich stated he uses Simple Green. No, he has not.

Melissa Mullins Mischke stated that is the body that governs water runoff and water quality.

Adam Jakich stated okay.

Melissa Mullins Mischke stated that is something that if they approve his petition, he will need to work with them to make sure that he is meeting those criteria.

Vern Schafer stated this is a bit of a sticky wicket. He looked at some of the ordinance codes here and obviously looking at Article 14 Section 9 (b) talks about boat clubs, marinas, and boat

storage. It says that all areas used for dry dock boat storage shall be screen from adjacent residential districts or public road with landscape buffer zone in accordance with Section 17.02. The problem that he sees here is that obviously he is buffered from the road, but he is adjacent to his neighbor's property which happens to be agriculture, but he doesn't know where that leaves them. Obviously, on the landscaping requirement in Article 17 it talks about minimum standards for design and installation and they have to have setbacks. These boats are being stored within feet of the neighbor's property so he doesn't know if there is a particular setback requirement that he is unaware of. Do they have any comment on that?

Glen Minich stated the standard setback on Ag is thirty feet (30').

Michael Polan stated that would be for structures, but it could apply to this and this Board. Any decision made could be conditional.

Vern Schafer stated obviously, if it's zoned agriculture and they are storing agricultural equipment it's not an issue, but he is storing something that is a little out of the ordinary with boats.

Melissa Mullins Mischke asked how many boats would be his maximum.

Adam Jakich stated probably twenty (20) or twenty-five (25) maybe.

Melissa Mullins Mischke stated she agrees that it looks like there are a lot of items in his yard to start with so it does tend to start looking like a junkyard and she feels like twenty (20) or more would probably be more than she is willing to be comfortable with.

Glen Minich made a motion to deny the Petition for Variance of Use for Adam Jakich for outdoor boat storage. This property is located at 7353 W. State Road 2, LaPorte, IN., New Durham Twp., zoned A on 4 acres.

Vern Schafer seconded.

All Approved. Motion carries 4-0.

Melissa Mullins Mischke asked if they want to include how long to remove the existing boats.

Michael Polan asked if they should give him until boat season starts and then they don't replenish or come back? What is the pleasure of the Board?

Glen Minich stated he isn't sure how many are on the property or where they are at. Their picture is showing in the corner of the property.

Vern Schafer stated he can see them lined up in the back. He could see them from the road the other day.

Glen Minich stated it would be best to be moved while it's frozen so they don't do any damage to the property he would think.

Vern Schafer stated if it would be agreeable to the neighbors, he would suggest that they let it go for this season until spring, but in the future, he needs to be looking for a different site to store boats. Those are his feelings.

Attorney Biege stated being a boater, there may not be anywhere else to put them at this time of the season.

Vern Schafer stated that is true. He doesn't want to put him in a bind and if it was agreeable to his neighbors for this time frame until spring, but he will suggest the he does not cross his neighbor's property line to get the boats in or out of there. That's not proper.

Melissa Mullins Mischke asked if they want to include that in the motion that they are going to leave them until spring.

Ashley Kazmucha asked how many months.

Michael Polan asked six months.

Glen Minich stated January, February, March, April, May so five (5) months.

Melissa Mullins Mischke asked if they all agree on the five (5) months.

Vern Schafer stated he agrees on the amendment and seconds that amendment.

Melissa Mullins Mischke asked if they are all in favor.

All Approved. Motion carries 4-0.

Melissa Mullins Mischke asked if he is clear on that.

Adam Jakich stated yes. He appreciated that as well.

Melissa Mullins Mischke asked for any old business.

Melissa Mullins Mischke asked for any new business.

Melissa Mullins Mischke stated if there is nothing else, she wants to wish everyone a Happy Holidays and New Year.

Glen Minich stated Merry Christmas.

There being no further business, meeting adjourned at 6:22 p.m.

Melissa Mullins Mischke
Melissa Mullins Mischke, President

Michael Polan
Michael Polan, Recording Secretary