

Deb Vance stated yes.

Vern Schafer stated yes.

Ernie Schmidt stated yes.

John Carr stated yes.

Melissa Mullins Mischke stated yes.

Ashley Kazmucha stated all give (5).

All Approve. Motion carries 5-0.

Michael Polan stated now they need a nomination for vice-chair.

Vern Schafer nominated Deb Vance for Vice-Chair.

Melissa Mullin Mischke seconded.

Michael Polan asked for any other nominations for Vice-Chair. Hearing none call the roll.

Ashley Kazmucha read the roll.

Deb Vance stated yes.

Vern Schafer stated yes.

Ernie Schmidt stated yes.

John Carr stated yes.

Melissa Mullins Mischke stated yes.

Ashley Kazmucha stated that is five (5). Congratulations.

All Approved. Motion carries 5-0.

Deb Vance stated thanks.

Michael Polan stated since they now have a vice-chair and a presiding officer, he will now turn the meeting to Deb Vance.

Deb Vance stated oh boy.

Melissa Mullins Mischke stated Deb will be great.

Deb Vance stated she is not shy at all.

APPROVAL OF MINUTES:

Deb Vance asked for approval of the meeting minutes of January 16th, 2024

Melissa Mullins Mischke made a motion to approve the meeting minutes as presented.

Ernie Schmidt seconded.

All Approved. Motion carries 5-0

Petitions:

- 1. Petition for Variance of Use for J & S Land Development Co, LLC, by its Member, Ryan J. Miller (Seller) and New Tech Corporation, by its President Shane Osborne (Buyer) represented by counsel Andrew Voeltz of Howes & Howes, LLP to construct a structure on a one (1) acre parcel in the form of a construction office. This property is located east of 9854 W. 300 N., Michigan City, IN., Coolspring Twp., zoned B3 on 1 acre. Parcel 46-05-21-100-017.000-046.**

Attorney Biege stated notice is adequate.

Andrew Voeltz stated first of all he would like to say good evening to the members of the Board: Madam Chair here at this point, Madam President on Zoom, members of the Board, Ashley, Mike, and Doug. They are here tonight for a Petition for Use Variance under Section 28.11 (a) of the LaPorte County Joint Zoning Ordinance with regards to a petition for J & S Land Development Co, LLC, by its member Ryan Miller as the seller and New Tech Corporation by its president Shane Osborne who is the buyer. Both gentlemen are present in the audience if they need to entertain any question or anything else like that. This is kind of a different petition in that the property has not yet been sold because the issue is that the underlying property, well he should ask, do they all have drawings of this or do they need them?

Vern Schafer stated yes.

Andrew Voeltz stated this is a one (1) acre parcel off of W. 200 N. in Coolspring Township.

Ashley Kazmucha stated 300 N.

Andrew Voeltz stated sorry, excuse me, W. 300 N. Coolspring Township, County of LaPorte consisting of one (1) acre and is currently zoned B3. Pursuant to the specific indications with regards to the JZO, it was his understanding that it went the other way around and that B3 was the highest use. Now he understands that B1 is the highest use. So, what they are seeking to do, meaning the buyer and at some point, the seller is to put up a construction office. There is not going to be equipment there or anything like that. As they can see, the setbacks are appropriate,

but because it is under B3, B2 doesn't apply and if B2 applied then they wouldn't even have to be there. Pursuant to the specific terms of the JZO and those five (5) requirements meaning a, b, c, d, e which can read for the record if they would like to, if not it is there, but the granting of the variance will not be injurious to the public health, safety, morals or general welfare of the community; the use and the value of the area adjacent to the property involved will not be affected in a substantially adverse manner; that the need for the variance arises from a condition particular to the property which is that it is zoned B3 instead of B2 and is not due to the general conditions of the neighborhood; the strict applications of the terms of the zoning ordinance would constitute an undue hardship if applied to the property for which the variance is sought; the granting of the variance does not interfere substantially with the Master Comprehensive Plan. They have provided notice to all adjacent landowners. He does not know if anybody is there to remonstrate. They would ask that the petition be granted. He understands that it could be a situation where they could grant it pursuant to sale of the property. He doesn't know. Mr. Biege, is that something that the BZA can do?

Attorney Biege stated normally, if it is a purchase, the Board doesn't make it contingent on the sale because the grant presumes that the property transfer will occur by virtue of how the application is made.

Andrew Voeltz stated to dovetail on that, the survey has already been taken. They have a plat for it. If they have any questions, his clients are able to answer them if so, if not he can answer whatever they need to otherwise, he will step down for a minute.

No remonstrators present.

Vern Schafer stated currently that property is being used for what? And he sees there are a lot of RVs or something there currently.

Andrew Voeltz stated currently the property is actually owned by J & S Land Development Company and yes, it is a "RV storage area" where obviously they know that they are in an area where RV stuff is prevalent. They see accidents all the time on 20, etc. So, it is being used as storage currently meaning that one (1) carve out, but it will not be used as such going forward.

Vern Schafer stated the seller of the property, is there any relation between them and the current owners, the current purchasing?

Ryan Miller stated the current owners of the property are J & S and D & M Excavating rents from J & S and J & S and D & M are related, yes.

Vern Schafer stated so obviously there is no conflict of interest as far as continuing to store RVs next to this business. They have a guy out of Elkhart that through Covid started renting from him to store RVs coming out of Elkhart that got shipped across the country. It has slowed down drastically in the last twelve (12) months.

Vern Schafer stated okay. That answered his question.

Melissa Mullins Mischke stated she sees bays on the side, is that storage of vehicles and a construction office? How is the rest of the building going to be used?

Shane Osborne stated the smaller building in the front will be the office space and all of the bays behind will be storage for any vehicles and tools that they have or materials that is left over from jobs or storage of materials for jobs coming up.

Melissa Mullins Mischke stated there is going to be no living quarters or renting of space out of it.

Shane Osborne stated no. Not at all.

Melissa Mullins Mischke stated thank you.

Andrew Voeltz stated he needs to clarify. There will be equipment stored there, but it will be indoors. It will not be outdoors; it will be enclosed. It is a fluctuating thing that will happen depending upon what equipment New Tech is using, where they are using it, what material they are using, etc., but it will not be stored outside.

Vern Schafer made a motion to approve the Petition for Variance of Use for J & S Land Development Co, LLC, by its Member, Ryan J. Miller (Seller) and New Tech Corporation, by its President Shane Osborne (Buyer) represented by counsel Andrew Voeltz of Howes & Howes, LLP to construct a structure on a one (1) acre parcel in the form of a construction office. This property is located east of 9854 W. 300 N., Michigan City, IN., Coolspring Twp., zoned B3 on 1 acre.

John Carr seconded.

All Approved. Motion carries 5-0.

2. Petition for Variance of Developmental Standards for Sergio Cardenas for placement of 2 shipping containers for personal storage. This property is located at 4266 W. Hwy 20, LaPorte, IN., Springfield Twp., zoned B2 on 10.596 acres. Parcel 46-06-05-251-008.000-062.

Attorney Biege stated notice is adequate.

Saturnino Cardenas stated he is from St. Joe, but he is here representing his cousin Sergio.

Deb Vance asked him to explain the project.

Saturnino Cardenas stated they would like to have two (2) shipping containers for storage purposes of left over materials from jobs that they do like snow plows or pallets of salt that they have and fertilizer. Stuff like that.

No remonstrators present.

Vern Schafer stated from the drawing he sent, are the shipping containers going to be back-to-back and set back four hundred and seventy-five feet (475') from the Highway US 20.

Saturnino Cardenas stated it would be more likely a hundred and seventy-five feet (175') from the highway into the property. They will be side-by-side.

Vern Schafer asked what the approximate size of the shipping containers will be.

Saturnino Cardenas stated the normal size is probably eight by forty (8' x 40').

Deb Vance stated they would be looking at sixteen by forty (16' x 40').

Vern Schafer stated sixteen (16') or probably more like twenty (20') so they can get the doors open and et cetera.

Saturnino Cardenas stated yes.

Vern Schafer asked if the doors would be facing the Highway or in the back.

Saturnino Cardenas stated they would be facing the back.

Vern Schafer stated these have to be anchored and, on a foundation, not just dumped off on the ground.

Saturnino Cardenas stated if they need to be, they will anchor them, yes.

John Carr stated he said they were going to use these to store materials left over from jobs that they do. He mentioned fertilizer; what kind of work do they do?

Saturnino Cardenas stated they do a lot of landscaping, grass mowing, snow plowing in the wintertime. It is hard to tell how much salt they are going to use. They have two (2), three (3), four (4), five (5) pallets left over from the winter time year-to-year so they would like to store that inside. They would like to keep the snow plows out of the weather and stuff like that.

Melissa Mullins Mischke asked that they get in contact with the LaPorte County MS4 Coordinator and make sure that they are storing them in compliance with their MS4 regulations.

Saturnino Cardenas stated okay.

Ernie Schmidt asked how close the storage containers will be to the house next door.

Saturnino Cardenas stated it will be at least two-hundred and fifty feet (250') away.

Deb Vance stated there is a house.

Saturnino Cardenas stated it is far away. He knows his drawing is not the best.

John Carr stated he doesn't think it is to scale.

Saturnino Cardenas stated no, it's not. Sorry. It's not to scale at all.

Vern Schafer asked if he could approach and clarify where they will be sitting on the Beacon aerial. The map shows 20, and the shipping containers will be setting where?

Saturnino Cardenas draws on the Beacon aerial where the shipping containers would be located and discussed placement with the Board.

Vern Schafer stated the doors are on the end of them not the side. They are basically semi-trailers so they will be forty-feet (40') parallel to the highway and twenty-foot (20') wide side-by-side sitting there.

Saturnino Cardenas stated the door will be facing inwards east side-by-side.

Vern Schafer stated the doors are actually going to be facing the east and facing towards the building in the rear.

Saturnino Cardenas stated yes. It will be easier for them to transport whatever through the drive when placed there.

Vern Schafer stated he will have two side-by-side and the entrance will be on the east towards the driveway. He is going to show the drawing to the other members. That is a little different than what he explained earlier and what the drawing showed. It is directly across from the neighbor's house.

Saturnino stated yes, but it is at least two hundred and fifty feet (250') away. It is far away.

Vern Schafer asked if Melissa would like to see the drawing.

Melissa Mullins Mischke stated no. She understands what he described. They are basically going to be rotated.

Deb Vance stated if it's located there then, it's not super close.

Vern Schafer stated thank you.

Ernie Schmidt made a motion to deny the Petition for Variance of Developmental Standards for Sergio Cardenas for placement of 2 shipping containers for personal storage and instead build a pole barn. This property is located at 4266 W. Hwy 20, LaPorte, IN., Springfield Twp., zoned B2 on 10.596 acres.

John Carr seconded.

Vern Schafer stated the motion is to not allow the shipping containers, but rather request the construction of a pole facility.

Ernie Schmidt stated he has the beautiful red pole barns and those shipping containers are right out the window of the neighbor's house that is right adjacent there. He doesn't feel they should have to get up in the morning to look at the sunrise and look at shipping containers when they could look at a new pole barn.

Vern Schafer asked if there is a problem with granting a permit for another building on that lot.

Attorney Biege stated he thinks they are better off just denying it.

Vern Schafer stated they can't tell him what to build.

Attorney Biege stated right. So, he will need to come back and show them what he is going to build. He would recommend just a motion to deny. They can leave a reservation if they want that he can come back in less than a year for approval of another structure before the BZA that way he is not prejudiced in any way.

Ernie Schmidt stated okay.

Ernie Schmidt amended the motion to deny the Petition for Variance of Developmental Standards for Sergio Cardenas for placement of 2 shipping containers for personal storage. The 12-month waiting period to re-apply is to be waived. This property is located at 4266 W. Hwy 20, LaPorte, IN., Springfield Twp., zoned B2 on 10.596 acres.

John Carr seconded.

Vern Schafer stated for clarification, the motion states that they are to deny the containers and basically, he can come back with another plan at a later date. Is that what they are looking at here?

Attorney Biege stated yes, in less than twelve (1) months because there is a restriction in the code where they have to wait to come back if they are denied.

Vern Schafer stated okay. He is clear on the motion.

All Approved. Motion carries 5-0.

Deb Vance stated he will have up to a year to come back with plans for another type of structure.

Deb Vance asked for any old business.

Deb Vance asked for any new business.

Attorney Biege stated no, not outside of the Executive Session.

There being no further business, meeting adjourned at 6:26 p.m.

Melissa Mullins Mischke *Michael Polan*

Melissa Mullins Mischke, President

Michael Polan, Recording Secretary