



Vern Schafer stated aye.

All Approved. Motion carries 5-0

**Petitions:**

**1. Petition for Variance of Developmental Standards for Jason Atwood and Kristen A. Atwood represented by Anthony Novak of Newby, Lewis, Kaminski, and Jones, LLP to construct a single-family residence with road frontage approximately 72.07' which is less than the required amount. This property is located across from 1902 N. Whisper Crossing, LaPorte, IN., Kankakee Twp., zoned B2 on 17.13 acres. Parcel 46-07-29-200-046.000-052.**

Attorney Biege stated notice is adequate.

Anthony Novak stated he is an attorney with Newby, Lewis, Kaminski, and Jones at 916 Lincolnway, LaPorte, IN. He is here tonight on behalf of Petitioners Jason and Kristen Atwood. Here with him tonight, directly behind him, is Mr. Jason Atwood who can answer any substantive questions that anyone may have on this project. So, tonight they are requesting an approval for a development standards variance. Specifically, to construct a residence with roughly seventy-two feet (72') of frontage rather than the required one hundred feet (100'). They may be asking why a hundred feet (100') if they are in a B2 zoning district, but temporary with filing this petition for variance they have filed a petition for rezone asking that the property be rezoned from B2, its current classification, to R1B. There are a couple reasons for that, but ultimately that would be a lower classification of zoning meaning less intrusive uses in the area which they believe are generally accepted and welcomed by all the neighbors in the area. So, the property at issue in the petition which is shown on Exhibit A is roughly seventeen (17) acres. It is currently zoned B2, as he said. There is no common address, but it is off of North Whisper Crossing in LaPorte outlined in blue on the Exhibit A. If they also see Exhibit A, there is a little parcel that is adjacent and outlined in yellow, that is also owned by the Petitioner. So, while they are saying they don't have sufficient frontage, when they add it up, they do, but the petition does not concern that adjoining parcel, it is just the seventeen (17) acre parcel. So, this property while accessed by North Whisper Crossing and appearing to be in Whisper Isle Subdivision, it is not. It is not part of that subdivision legally. His understanding is that historically this was going to be Phase 2 of Whisper Isle Subdivision, but it didn't materialize for whatever reason. As they can see, it kind of looks like it would be a perfect road that would come in because that was the idea; this was going to be the road that was going into Phase 2. After the plans didn't materialize, his clients bought this from the developer in June of 2023 so a little less than a year ago. As part of the deed, there were some use restrictions placed on the property that his client is adhering to. Number one (1), the driveway would be hard surface for a minimum of two hundred and fifty feet (250') which they will comply with. Building setbacks will still match Phase 1 of the subdivision which they will comply with that. Land use restrictions, although B2, shall match those in R1B, hence one (1) of the reasons why they are just trying to petition for a rezone to make things consistent overall. No businesses would be permitted unless specifically permitted in R1B. So, although his client could use this property as it is currently zoned with B2 and he

could put in a subdivision or all that, he just wants to build one (1) house on seventeen (17) acres. So specifically, tonight, they are trying to construct one (1) single family residence. As he indicated, they are also filing a petition to rezone and they are asking tonight for a variance of the required one hundred feet (100') that would be required for a lot not part of a major or minor subdivision in R1B. The requirement is a hundred feet (100') and this would be seventy-two-point-zero-seven feet (72.07'). He did talk with Mike Polan and Mitch Bishop about the nuances here and they both agreed that the most logical route would be a variance and a rezone. As they know, there are three (3) things they need to show for a development standards variance; he will not go through those three (3) things, but the last one (1) doesn't always seem very relevant, but it seems very relevant here which is the strict applications of the terms of the zoning ordinance results in practical difficulties in the use of the property and without a variance this property owner will not enjoy the benefits of other property owners. As it stands, if this property is not granted a variance even though residences could be constructed back there, nothing could ever be constructed back there because it doesn't have the proper frontage as it was developed to be a roadway. So, in short, they are asking for that development standards variance contingent upon them getting this rezoned and if there are any substantive questions on the petition, Jason is there. One (1) final point he will give them, they didn't get all the neighbors consents, but he tells his clients if they can get consents to show some support go ahead and do it. He gave a copy for the record. He will give them a copy as well. He is there to answer any questions.

#### **Remonstrators:**

Harvey Adams stated his address is 1812 N. Whisper Crossing, LaPorte, IN. The one (1) question he has is the road that goes in that never got put in. It is approximately twenty-six feet (26') wide with curbs on either side that never got finished. He thinks the proposed was to do a twelve-foot (12') wide driveway. The only thing he would like to do is where it comes into those twenty-six feet (26'), if he would go back forty to fifty feet (40' – 50') and take it from twenty-six feet (26') to the twelve-foot (12') so it's not abrupt. At the front, there is grass twenty-six feet (26') across where the driveway would be in the middle and it doesn't look finished. So, if he would take it back forty to fifty feet (40' – 50') and take it into his twelve feet (12'). That was the only thing. Other than that, he is in favor of everything.

Melissa Mullins Mischke stated thank you so much.

Melissa Mullins Mischke stated they are going to go for the rezone and then presumable combine those two (2) parcels.

Anthony Novak stated no. There are no plans on combining. He doesn't know what the other use is, but that parcel would not be rezoned because it is part of the subdivision. He knows that would be a whole issue to go through that. This is just strictly as it relates to the seventeen (17) acre parcel which is B2. The other parcel is already zoned R1B.

Melissa Mullins Mischke stated right. She was trying to decide how much road frontage there would be if they were both combined.

Anthony Novak stated if they were combined, which he doesn't know if those would be his plans, he sketched it out and he is trying to find it.

Melissa Mullins Mischke stated John is telling her it is a little over a hundred feet (100')

John Carr stated well over a hundred feet (100').

Anthony Novak stated it is seventy-two feet (72') and then about ninety-feet (90') of the actual lot so combined it would be about one hundred and sixty feet (160') very roughly.

Melissa Mullins Mischke stated okay, perfect. They heard the comments about the drive. She knows they talked about the two hundred feet (200') of hard surface. Do they feel like the remonstrators concerns can be accommodated?

Jason Atwood stated his address is 4454 S. Morgan Rd., LaPorte, IN.

Melissa Mullins Mischke stated since there is a curb at the entrance and it is twenty-five feet (25').

Jason Atwood stated the curb is like twenty-six feet (26') back-to-back.

Melissa Mullins Mischke asked if that can be reduced down to the driveway.

Jason Atwood stated that won't be an issue at all. He has plans on doing that anyway because he agrees on the comment that it won't look right on just bringing it in and just starting a driveway.

Vern Schafer asked if sewer is currently provided there.

Jason Atwood stated no, it is all County services.

Vern Schafer stated okay, so this is septic.

Jason Atwood stated yes.

Vern Schafer asked if there are any future plans for more homes on this property.

Jason Atwood stated not while he owns it. He doesn't have any intentions.

Vern Schafer stated the request is for a single-family dwelling and that dwelling according to his drawing is relatively close to the front.

Jason Atwood stated it is three or four hundred feet (300' – 400') off the road.

Anthony Novak stated it is three hundred feet (300') from the road.

Vern Schafer stated okay. He has the drawing there. Those are his only questions.

John Carr stated he noticed that they have stakes on the side of the property. He didn't know if he was going to leave those in or if it would be a fence or what.

Jason Atwood stated probably not. He will probably take them out eventually.

Vern Schafer stated the other question that he just thought of, the other lot, is there a residence on that lot right now?

Jason Atwood stated no.

Vern Schafer stated that is not part of this petition, but there is a possibility of putting a home on that lot.

Jason Atwood stated somebody could. It is a part of the subdivision; it is a buildable lot.

John Carr made a motion to approve the Petition for Variance of Developmental Standards for Jason Atwood and Kristen A. Atwood represented by Anthony Novak of Newby, Lewis, Kaminski, and Jones, LLP to construct a single-family residence with road frontage approximately 72.07' which is less than the required amount. This property is located across from 1902 N. Whisper Crossing, LaPorte, IN., Kankakee Twp., zoned B2 on 17.13 acres.

Ernie Schmidt seconded.

Vern Schafer stated he would like to mention that this is for a single-family home and no further subdivision of the land be allowed.

John Carr amended his motion to approve the Petition for Variance of Developmental Standards for Jason Atwood and Kristen A. Atwood represented by Anthony Novak of Newby, Lewis, Kaminski, and Jones, LLP to construct a single-family residence with road frontage approximately 72.07' which is less than the required amount. No further subdivision. This property is located across from 1902 N. Whisper Crossing, LaPorte, IN., Kankakee Twp., zoned B2 on 17.13 acres.

Ernie Schmidt seconded.

Ashley Kazmucha read the roll.

Melissa Mullins Mischke stated nay.

Deb Vance stated aye.

Ernie Schmidt stated aye.

John Carr stated aye.

Vern Schafer stated aye.

Approved. Motion carries 4-1.

**2. Petition for Variance of Special Exception for D & T LLC (Owner) and Tyler Emigh (Renter)** for manufacturing and selling firearms. This property is located at 7385 N. Walker Rd., New Carlisle, IN., Hudson Twp., zoned M1 on 1.916 acres. Parcel 46-04-28-406-015.000-050.

Attorney Biege stated notice is adequate.

Tyler Emigh stated his address is 512 E. Michigan St., Rolling Prairie, IN.

Melissa Mullins Mischke stated she understands that he is not actually going to be manufacturing firearms there.

Tyler Emigh stated under the definition of ATF he will be, but it won't be like big manufacturers. By definition of what he does as a gunsmith it is manufacturing.

Melissa Mullins Mischke stated okay. Tell them a little bit about the operation that he would like to have.

Tyler Emigh stated he is a gunsmith. He is getting his gunsmith shop started. He had a meeting with ATF about three (3) weeks ago and this was the next thing to get was the approval of the variance. What he will be doing is gunsmith work. He will be buying and selling. He will not be a full retail shop where anybody can walk on it and buy whatever. It's kind of a workshop and then he will sell privately through the business entity of selling product and et cetera.

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

Tyler Emigh stated no.

**Remonstrators:**

Brett Emigh stated his address is 512 E. Michigan St., Rolling Prairie, IN. He is Tyler's father. This has been a passion of his since he was yea high. He was a gunsmith in the Marines. All it really is, is repairing and for duck hunters. Anybody that hunts, he does a Cerakoting which they dull the barrels of guns and that so they aren't seen. It's taken over a spot where really the Second Amendment was at three (3) blocks down the road, but with no firing range or anything. His hours are limited.

Melissa Mullins Mischke stated speaking of which, what kind of days and hours of operation is he looking at.

Tyler Emigh stated for right now it is going to be when he gets off of work of his first primary job so it is Monday to Wednesday, Friday, Saturday, Sunday. So, Monday, Tuesday, Thursday,

Friday will be from six to nine p.m. (6 p.m. – 9 p.m.) and then Saturday and Sunday will be from nine to four p.m. (9 a.m. – 4 p.m.).

Melissa Mullins Mischke stated okay so Monday through Friday.

Tyler Emigh stated yes with the exception of Wednesday and Friday of being off days.

Melissa Mullins Mischke stated he will be closed on Wednesday and Friday so Monday, Tuesday, Thursday. Then he said nine to four (9 a.m. – 4 p.m.) on Saturday and Sunday.

Tyler Emigh stated correct.

Melissa Mullins Mischke asked if he is going to have a sign.

Tyler Emigh stated if anything, it will probably be on the building itself if he does. He doesn't know if he is going that route yet.

Melissa Mullins Mischke asked how large does he think. This is the time to ask for it.

Tyler Emigh stated he doesn't even know. He won't go with a sign. He's okay.

Attorney Biege asked if he is sure because he has to come back if he wants one. If he gets permission to get one (1) he doesn't have to put it up.

Tyler Emigh stated no, but thank you though.

Attorney Biege asked if an eagle, globe, and anchor will be on the property?

Tyler Emigh stated yes.

Attorney Biege stated Semper Fi.

Tyler Emigh stated Semper Fi.

Ernie Schmidt made a motion to approve the Petition for Variance of Special Exception for D & T LLC (Owner) and Tyler Emigh (Renter) for manufacturing and selling firearms. This property is located at 7385 N. Walker Rd., New Carlisle, IN., Hudson Twp., zoned M1 on 1.916 acres.

John Carr seconded.

Melissa Mullins Mischke stated she will entertain this motion, but she wants to stipulate the business hours and the days of the week.

Attorney Biege stated for ease of drafting he's saying Monday through Friday six to nine (6 p.m. – 9 p.m.).

Melissa Mullins Mischke stated very good. And Saturday and Sunday nine to four (9 a.m. – 4 p.m.). Are they okay with those modifications to the motion and second?

Ernie Schmidt amended his motion to approve the Petition for Variance of Special Exception for D & T LLC (Owner) and Tyler Emigh (Renter) for manufacturing and selling firearms. Hours of Operation are Monday – Friday 6 p.m. – 9 p.m. and Saturday – Sunday 9 a.m. – 4 p.m. This property is located at 7385 N. Walker Rd., New Carlisle, IN., Hudson Twp., zoned M1 on 1.916 acres.

John Carr seconded.

Ashley Kazmucha read the roll.

Melissa Mullins Mischke stated aye.

Deb Vance stated aye.

Ernie Schmidt stated aye.

John Carr stated aye.

Vern Schafer stated aye.

All Approved. Motion carries 5-0.

**3. Petition for Variance of Developmental Standards for Nicholas Johnson & Alison Johnson** for construction of a second accessory pole barn for residential use and to be placed to the side of the home instead of the rear. This property is located at 6484 N. 500 E., Rolling Prairie, IN., Galena Twp., zoned A on 2 acres. Parcel 46-03-35-400-003.000-048.

Attorney Biege stated notice is adequate.

Nicholas Johnson stated his address is 6484 N. 500 E., Rolling Prairie, IN.

Melissa Mullins Mischke stated she sees his drawing. Can he give them a little explanation of his plans?

Nicholas Johnson stated it is going to be a twenty-four by forty (24' x 40') all steel structure. It is going to be on the south side of the property. It is for storage of vehicles and toys.

Melissa Mullins Mischke stated no living space in there.

Nicholas Johnson stated no.

No remonstrators present.



Ernie Schmidt asked what kind of building will it be.

Nicholas Johnson stated it is an all-steel structure. They kind of put it up like an erector set almost.

Melissa Mullins Mischke asked if it will blend in with the neighborhood.

Nicholas Johnson stated yes. His wife and he went with a color scheme that will closely match their house as possible.

Vern Schafer stated this is a steel frame structure that is on a foundation. It is not a pole building?

Nicholas Johnson stated no, not the typical four by four (4" x 4") posts in the ground. There is a bottom rail that goes on the ground and then it is mounted with mobile home anchors in the ground and then they bolt the anchors to the bottom rail.

Vern Schafer stated there will be a foundation under the building? A concrete foundation?

Nicholas Johnson stated no. It goes directly on the ground which is currently sand where it is at.

Vern Schafer stated that is a little different. More like a carport type of a construction.

Nicholas Johnson stated yes, essentially.

Ernie Schmidt stated he isn't going to have concrete floor.

Nicholas Johnson stated it will, but the building won't be on the concrete. The building is going to be built first and then the concrete will just be a pad.

Ernie Schmidt asked how deep the anchors are.

Nicholas Johnson stated they are at least three feet (3') or more.

Melissa Mullins Mischke stated remember, the Building Department will have inspections and things so that is not part of the variance.

Vern Schafer stated the building itself, is the setback the same as the home as far as from the road.

Nicholas Johnson stated yes. It's actually going to be a little bit farther back.

Vern Schafer stated a little farther back, but not behind, beside.

Nicholas Johnson stated yes.

Vern Schafer stated he saw the layout of the home and obviously the front of the home faces. . . What does he consider the front? It doesn't really face the street it more faces the driveway.

Nicholas Johnson stated yes, that is kind of up for debate. Essentially, it more faces the south than anything.

Vern Schafer made a motion to approve the Petition for Variance of Developmental Standards for Nicholas Johnson & Alison Johnson for construction of a second accessory pole barn for residential use and to be placed to the side of the home instead of the rear. This property is located at 6484 N. 500 E., Rolling Prairie, IN., Galena Twp., zoned A on 2 acres.

Ernie Schmidt seconded.

Ashley Kazmucha read the roll.

Melissa Mullins Mischke stated aye.

Deb Vance stated aye.

Ernie Schmidt stated aye.

John Carr stated aye.

Vern Schafer stated aye.

All Approved. Motion carries 5-0.

**4. Petition for Variance of Use for Blake A Miller** to operate a construction business and insurance office and construction of an accessory building for business use with water. This property is located at 5677 S. Hwy 421, Westville, IN., New Durham Twp., zoned A on 2 acres. Parcel 46-09-33-300-014.000-027.

Attorney Biege stated notice is adequate.

Blake Miller stated his address is 5677 S. Hwy 421, Westville, IN.

Melissa Mullins Mischke stated this is a mouthful for this petition. Break it down for them.

Blake Miller stated basically just a new additional building on the property. It will have an office for his wife and himself in the building as well as a larger shop to continue the operation of his construction business that is currently operating on that property. It is more space because the company keeps growing and they need more room for equipment. That is the main necessity. They are also getting more into design which is the need for the increase in office space.

No remonstrators present.

Vern Schafer stated it says for business use with water, he assumes that is for restroom facilities.

Blake Miller stated yes, that is correct.

Ernie Schmidt made a motion to approve the Petition for Variance of Use for Blake A Miller to operate a construction business and insurance office and construction of an accessory building for business use with water. This property is located at 5677 S. Hwy 421, Westville, IN., New Durham Twp., zoned A on 2 acres.

Vern Schafer seconded.

Ashley Kazmucha read the roll.

Melissa Mullins Mischke stated aye.

Deb Vance stated aye.

Ernie Schmidt stated aye.

John Carr stated aye.

Vern Schafer stated aye.

All Approved. Motion carries 5-0.

**5. Petition for Variance of Developmental Standards for Roger Bruce & Rebecca L Pettet** for construction of a second accessory structure with a side setback of 15' from the property line along a road instead of the 25' minimum required. This property is located at 2594 S. Nowak Dr., LaPorte, IN., Scipio Twp., zoned R1A. Parcel 46-10-13-300-065.000-060.

Attorney Biege stated notice is adequate.

Roger Pettet stated his address is 2594 S. Nowak Dr., LaPorte, IN.

Melissa Mullins Mischke asked what is unique to his property that he is requesting.

Roger Pettet stated he is on a corner lot so he is trying to put a second garage on and because of his septic he has to push it forward a little bit. That's basically it.

Melissa Mullins Mischke stated that is a very nice drawing he has attached. She appreciates that.

No remonstrators present.

Ernie Schmidt asked if the children in the neighborhood are happy with their basketball court leaving?

Roger Pettet stated they're not going to be happy. They have had it for twenty (20) years.

Melissa Mullins Mischke stated long enough.

Roger Pettet states yes.

Vern Schafer stated he is planning the entrance to this garage to be another driveway on his property.

Roger Pettet stated probably. Yes. It is for a boat so it's not going to be used daily.

Melissa Mullins Mischke asked what size it is.

Roger Pettet stated twenty-four by thirty-two (24' x 32').

Melissa Mullins Mischke stated it will blend in with the neighborhood.

Roger Pettet stated yes. It is going to match the house with siding and shingles.

John Carr made a motion to approve the Petition for Variance of Developmental Standards for Roger Bruce & Rebecca L Pettet for construction of a second accessory structure with a side setback of 15' from the property line along a road instead of the 25' minimum required. This property is located at 2594 S. Nowak Dr., LaPorte, IN., Scipio Twp., zoned R1A.

Ernie Schmidt seconded.

Ashley Kazmucha read the roll.

Melissa Mullins Mischke stated aye.

Deb Vance stated aye.

Ernie Schmidt stated aye.

John Carr stated aye.

Vern Schafer stated aye.

All Approved. Motion carries 5-0.

**6. Petition for Variance of Developmental Standards for Krystyna Adamczewski for construction of an accessory structure placed to the side of the home instead of the rear and a side setback of 1' instead of the 5' minimum required. This property is located at**

6846 NW Suburban Dr., Michigan City, IN., Springfield Twp., zoned R4. Parcel 46-02-33-201-008.000-062.

Attorney Biege stated notice is adequate.

Krystyna Adamczewski stated her address is 6846 NW Suburban Dr., Michigan City, IN.

Ted Ziarnek stated his address is 6846 NW Suburban Dr., Michigan City, IN.

Melissa Mullins Mischke asked what is unique to the property that they are requesting the variance.

Ted Ziarnek stated it will be placed on the driveway because they don't have a garage on that driveway. It is going to be fourteen by twenty-eight (14' x 28').

No remonstrators present.

Ernie Schmidt asked how the building will be anchored down.

Ted Ziarnek stated it will be anchored to the driveway asphalt. It's just a shed. There's a floor in it and everything.

Krystyna Adamczewski stated it is not a garage, just a shed.

Ernie Schmidt stated so the anchor will go into the ground about three feet (3').

Ted Ziarnek stated right.

Ernie Schmidt stated on all four (4) corners.

Vern Schafer asked if there is a specific reason why they are showing a ten-foot (10') space between the home, but only a one-foot (1') setback on the property line. He is curious why the ten feet (10') between the two (2).

Ted Ziarnek stated he didn't want it right up against the house.

Vern Schafer stated he understands, but then of course he is getting pretty close to the property line. Is that surveyed?

Ted Ziarnek stated yes, he thinks so.

Vern Schafer stated does he have a defined property line?

Melissa Mullins Mischke stated it is on the last page.

Vern Schafer asked where the pitch of the roof is? To both sides?

Ted Ziarnek stated it is going to be like a barn type roof on it.

Vern Schafer stated okay, but the water runs towards the house and toward the property line. It doesn't have gutters on it or anything?

Ted Ziarnek stated no.

Melissa Mullins Mischke stated what he is getting at with the gutters is that they have to keep their rain and water on their property and with a barn type structure they are going to send water to the neighbor's property instead of his own.

Ted Ziarnek stated he can put gutters on it if that's what it calls for. He hasn't had it built yet.

Vern Schafer stated considering the fact that it is a foot (1') from the property line, he doesn't want any future problems with his neighbors and nor should he, but obviously any extra water that runs off of this building, they don't want it to be running into his neighbor's property and causing problems that way. There are ways to keep that water from going onto their property so that will probably be part of the approval process.

Ted Ziarnek stated okay.

Melissa Mullins Mischke stated their Building Commissioner is very well versed on this issue so he should work with him and his office.

Vern Schafer made a motion to approve the Petition for Variance of Developmental Standards for Krystyna Adamezewski for construction of an accessory structure placed to the side of the home instead of the rear and a side setback of 1' instead of the 5' minimum required. Gutters must be installed. This property is located at 6846 NW Suburban Dr., Michigan City, IN., Springfield Twp., zoned R4.

Deb Vance seconded.

Ashley Kazmucha read the roll.

Melissa Mullins Mischke stated aye.

Deb Vance stated aye.

Ernie Schmidt stated aye.

John Carr stated aye.

Vern Schafer stated aye.

All Approved. Motion carries 5-0.

**7. Petition for Variance of Use for Marie Mareska (owner) & Michelle and James Florian Mareska (renters)** for operation of a repair business for off road (S x S) vehicles in the accessory structure. This property is located at 17633 S. 250 W., Hanna, IN., Prairie Twp., zoned A on 2 acres. Parcel 46-18-34-400-010.000-059.

Attorney Biege stated notice is adequate.

James Mareska stated his address is 17633 S. 250 W., Hanna, IN.

Melissa Mullins Mischke asked what his plans are.

James Mareska stated to make it short, his dad passed away and his mom's health is ailing. He is a truck driver and he is gone a lot of hours and this would allow him to be at home a little bit more to help take care of his mother.

Melissa Mullins Mischke asked if his mother lives near.

James Mareska stated on the property.

No remonstrators present.

Ernie Schmidt asked what they are going to repair.

James Mareska stated side by sides like gators, four-wheelers, and along those lines. Can-Am makes them. So does Polaris. Basically, just like what their gators would be. Vern knows what he is talking about.

Vern Schafer asked if he is going to advertise.

James Mareska stated he is going to put up a sign. It would be like a three by three (3' x 3') sign.

Melissa Mullins Mischke asked if it will have lights on it.

James Mareska stated no.

Vern Schafer asked where the sign will be located. On the building?

James Mareska stated yes, on the building.

Melissa Mullins Mischke asked what kind of hours of operation is he looking at.

James Mareska stated right now he will stay at his current job so it would be from like four to seven (4 p.m. – 7 p.m.) in the evening Monday through Friday.

Melissa Mullins Mischke stated this is the time to ask for the big guy. If he anticipates that he is going to go eight to four (8 a.m. – 4 p.m.) or eight to five (8 a.m. – 5 p.m.) then ask for it now so they don't have to come back.

James Mareska stated okay so then eight to five (8 a.m. – 5 p.m.) Monday through Friday.

Melissa Mullins Mischke asked if there are any hours on Saturday or Sunday. By appointment?

James Mareska stated probably every other Saturday from eight to noon (8 a.m. – 12 p.m.).

Melissa Mullins Mischke stated Saturday eight to noon (8 a.m. – 12 p.m.) and no Sunday.

James Mareska stated no.

Ernie Schmidt stated he is satisfied with eight to five (8 a.m. – 5 p.m.) and he asked for five to seven (5 p.m. – 7 p.m.) previously because of his original job.

James Mareska stated yes. He would like for it if it takes off to be able to quit driving and just do this so he was thinking that would work. He didn't know to ask for the big one (1) right off the bat so he went from four in the afternoon (4 p.m.) until seven (7 p.m.) when he was done with his regular job. Yes though, if it takes off then he will do this full time and it would be from eight in the morning (8 a.m.) until five at night (5 p.m.).

Attorney Biege stated can they just say eight until seven (8 a.m. – 7 p.m.) so that way until he gets rolling, he is still covered.

James Mareska stated oh okay.

Ernie Schmidt stated that is what they are trying to get to.

James Mareska stated he's sorry. He is new to all this. He knows how to fix them, but as far as the technical stuff goes that is where he needs some guidance.

Vern Schafer stated he would be coming back and asking again.

Ernie Schmidt stated they can't tell him what to say, but that's a good choice.

James Mareska stated okay. Thank you very much.

Vern Schafer made a motion to approve the Petition for Variance of Use for Marie Mareska (owner) & Michelle and James Florian Mareska (renters) for operation of a repair business for off road (S x S) vehicles only in the accessory structure. Hours of Operation are Monday-Friday 8 a.m. – 7 p.m. and Saturday 8 a.m. – 12 p.m. This property is located at 17633 S. 250 W., Hanna, IN., Prairie Twp., zoned A on 2 acres.

Deb Vance seconded.



Ashley Kazmucha read the roll.

Melissa Mullins Mischke stated aye.

Deb Vance stated aye.

Ernie Schmidt stated aye.

John Carr stated aye.

Vern Schafer stated aye.

All Approved. Motion carries 5-0.

**8. Petition for Variance of Developmental Standards for Ernie L & Lisa Melton** for construction of a second home with less than 1,000<sup>2</sup>' to care for the elderly father. This property is located at 5163 E. 50 N., LaPorte, IN., Wills Twp., zoned A on 2.97 acres. Parcel 46-07-36-100-007.000-068.

Attorney Biege stated notice is adequate.

Ernie Melton stated his address is 5163 E. 50 N., LaPorte, IN.

Melissa Mullins Mischke stated they are going to move dad in.

Ernie Melton stated well, he is the dad.

Melissa Mullins Mischke stated he's the dad.

Ernie Melton stated yes. His daughter is going to move with them.

Melissa Mullins Mischke stated they couldn't come up and get the variance for him?

Ernie Melton stated no.

Melissa Mullins Mischke stated oh dear. Alright. He wants to stay there?

Ernie Melton stated yes. He is disabled. He had a heart attack back in September of 2023 and he also has intermittent atrial fibrillation of the heart. He goes in and out all the time.

Melissa Mullins Mischke stated six hundred square feet (600<sup>2</sup>').

Ernie Melton stated they said he could build bigger when applied for this, but never smaller so he started at that figure there. It is going to be bigger than that.

Melissa Mullins Mischke stated okay. Phew. Very good. Are they here with him tonight?

Ernie Melton stated his family? No.

No remonstrators present.

Melissa Mullins Mischke stated she can't believe his family didn't even come.

Ernie Melton stated they love him, but they're not here.

Melissa Mullins Mischke stated they don't love him that much, right. It's brutal.

Ernie Melton stated he knows.

Ernie Schmidt asked if there will be a second drive.

Ernie Melton stated yes.

Ernie Schmidt stated it is a nice lot.

Ernie Schmidt made a motion to approve the Petition for Variance of Developmental Standards for Ernie L & Lisa Melton for construction of a second home with less than 1,000<sup>2</sup>' to care for the elderly father. This property is located at 5163 E. 50 N., LaPorte, IN., Wills Twp., zoned A on 2.97 acres.

John Carr seconded.

Ashley Kazmucha read the roll.

Melissa Mullins Mischke stated aye.

Deb Vance stated aye.

Ernie Schmidt stated aye.

John Carr stated aye.

Vern Schafer stated aye.

All Approved. Motion carries 5-0.

**9. Petition for Variance of Developmental Standards for Jason and Carissa Felger** for a 2nd accessory structure to be used as a pool house with a bathroom and a kitchenette and an inground pool. This property is located at 4203 E. 1000 N., LaPorte, IN., Galena Twp., zoned A on 5.45 acres. Parcel 46-03-11-300-014.000-048.

Attorney Biege stated notice is adequate.

Ashley Kazmucha stated she does not see them present.

Melissa Mullins Mischke stated they will move Petition #9 to the bottom of the agenda. Maybe they'll get here.

**10. Petition for Variance of Developmental Standards for J&B West Roofing LLC (Jeff Wesolowski)** to construct a home with 90' of road frontage instead of the minimum required 200'. This property is located north of 10516 S. 750 E., Walkerton, IN., Johnson Twp., zoned A on 23 acres. Parcel 46-16-29-300-003.000-051.

Attorney Biege stated notice is adequate.

Jeff and Katie Wesolowski stated their address is 5263 W. 400 S., LaPorte, IN.

Melissa Mullins Mischke stated let's see what they have here.

Jeff Wesolowski asked if they had a copy of the parcel map.

Melissa Mullins Mischke stated she does have a parcel map. That's all she has.

Katie Wesolowski asked if it is drawn on.

Melissa Mulling Mischke stated there is an X drawn in the middle.

Jeff Wesolowski stated if they look to the south of that twenty-three (23) acre parcel there is a small five (5) acre sliver that the neighbor owns. He owns the property to the north of it and the south. Technically, they have three thousand five hundred and sixty feet (3,560') of road frontage.

Melissa Mullins Mischke stated but it is not contiguous.

Jeff Wesolowski stated well because of the little five (5) acre sliver that the neighbor owns is in between the parcel that they want to build on and the main farm. With that being said, the entryway there to the northeast, there is only ninety feet (90') of frontage out of the thirty-six hundred-foot (3,600') of frontage that they have.

Melissa Mullins Mischke stated the house is going to go on the lower third ( $\frac{1}{3}$ ).

Jeff Wesolowski stated yes.

Melissa Mullins Mischke stated okay.

Jeff Wesolowski stated approximately where the X is. There is about a sixteen hundred foot (1,600') long driveway.

**Remonstrators:**

Judy Meadows stated her address is 10516 S. 750 E., Walkerton, IN. She is opposed to the petition proposal.

Melissa Mullins Mischke asked if she has any concerns.

Judy Meadows stated she was wondering if it will be just one (1) home or if they are trying to put the rest of a subdivision there. There are an awful lot of poles and stakes out there.

Melissa Mullins Mischke stated they can definitely put a requirement that there would be no further subdivision.

Judy Meadows stated also their footage was like ninety feet (90') is what their paper said and they had to have two hundred feet (200') so what is that.

Melissa Mullins Mischke stated that is what this Board does. They make exceptions. They will either grant it or not.

Judy Meadows stated okay.

Ernie Schmidt stated this will be the only dwelling on this property.

Jeff Wesolowski stated yes. One (1) house. There will be possible some out buildings like a pool house or barns; stuff like that. Single residence though.

Vern Schafer stated it's not a business or anything else going on back there, right?

Jeff Wesolowski stated nope.

Vern Schafer stated just a home with a possible out building or two (2).

Jeff Wesolowski stated yes.

Katie Wesolowski stated they currently live in a three (3) bedroom house. They are expecting their fourth child this year so they are outgrowing. They have had the farm property for several years now and it is their escape. It is where they love to go. They love the school district and it is where they want to build their forever home. They have a five (5) year old, a three (3) year old, a one (1) year old and a young one (1) due in October. So, they are just outgrowing and would like to build a bigger house for them.

Deb Vance stated they need some room.

Melissa Mullins Mischke stated that first accessory structure might need to be a she shed for mom to get away.

Deb Vance stated right.

Jeff Wesolowski stated currently they have plenty of commercial space for business. It would make no sense for them to put their business out there in the middle of nowhere in the middle of a corn field.

Katie Wesolowski stated this is where they run away to, to get away from the business and away from the busyness of town

Ernie Schmidt stated this will be on the south end toward the west side.

Jeff Wesolowski stated south and basically centered on the south third where that twenty-three (23) acre parcel approximately where the X is at on the map.

Ernie Schmidt stated where they found sand out there when they were digging.

Jeff Wesolowski stated yes.

Ernie Schmidt stated that is the general area.

Jeff Wesolowski stated no, that is probably a half mile south on a different parcel. He is referring to where they were digging a pond.

Ernie Schmidt stated they had some stakes out there and then they also had what looked like where they dug to see where the water table was.

Jeff Wesolowski stated right. They were just digging test holes with an excavator looking for the water table and the best soil and things of that nature.

Ernie Schmidt stated so they are going further south.

Jeff Wesolowski stated there were four (4) test holes and he doesn't know when they were out there.

Katie Wesolowski stated they were on this parcel though correct.

Ashley Kazmucha stated yes.

Katie Wesolowski stated there was only one (1) test hole on that property and that would be where in that general area.

Jeff Wesolowski stated it is kind of up on a ridge a little bit. It is the highest spot up in the field. There are four (4) yellow stakes in the ground there.

Ernie Schmidt stated okay.

Vern Schafer amended his motion to approve the Petition for Variance of Developmental Standards for J&B West Roofing LLC (Jeff Wesolowski) to construct a home with 90' of road frontage instead of the minimum required 200'. No further subdivision and no business operations allowed. This property is located north of 10516 S. 750 E., Walkerton, IN., Johnson Twp., zoned A on 23 acres.

John Carr seconded.

Ashley Kazmucha read the roll.

Melissa Mullins Mischke stated nay.

Deb Vance stated aye.

Ernie Schmidt stated aye.

John Carr stated aye.

Vern Schafer stated aye.

Approved. Motion carries 4-1.

**11. Petition for Variance of Developmental Standards for John & June Chestnut Rev Living Trust (Lessor) & Lamar Advertising (Lessee)** to change a pre-existing billboard sign to have an LED display, non-animated. This property is located behind 5765 W. Warnke Rd., Michigan City, IN., Springfield Twp., zoned M1 on 58.753 acres. Parcel 46-02-30-300-030.000-062.

Attorney Biege stated notice is adequate.

Shawn Pettit stated he is the Real Estate Manager for Lamar Advertising Offices at 9900 Georgia St., Merrillville, IN. They have been approached by several people to convert one (1) of John Chestnut's boards. They have three (3) billboards with John Chestnut and one (1) with David Spence on what amounts to the west side of I-94 going northbound into Michigan. There has been a high demand for changeable copy billboard on this property by their sales department. This would be approximately a three hundred-thousand-dollar (\$300,000) investment that Lamar would make. Currently, the four (4) signs out there are all legally non-conforming. When they were built, they were legally conforming and LaPorte County, as they know LaPorte County, Michigan City, and City of LaPorte passed a new UDO. What makes them legally non-conforming now is they only have five hundred feet (500') between signs. That was the standard back in the day and that is still currently the standard by the Indiana Department of Transportation. These are legally permitted signs by the State, however LaPorte County they now have the legal non-conforming status of a thousand feet (1,000). These are I-beam structures that were probably built approximately thirty (30) years ago when they were White Coe and then they went to Chancellor Media and now they are Lamar. They are the third largest outdoor

company in the United States. They have approximately a hundred and fifty-six (156) digital units in the three (3) counties here in Indiana of Lake, Porter, and LaPorte along with five (5) collar counties of Chicago such as DuPage, Cook, Lake, and Will County. Other than that, he gave Ashley a power point presentation that they can run through. He thinks they have all been provided with it. Again, this is something that they have done quite a bit. In fact, there are several in his hometown. Not only does he have so much fun doing real estate for Lamar Advertising, but he has been on the Town Council of Merrillville for twenty-one (21) years now. They have several digitals operating all over the region. The one (1) closest to the folks here and he doesn't know if they have had a chance to see it, but they did do a similar variance with Skyler York in the City of Michigan City on US 421 just south of US 20. They converted that to a back-to-back digital. These units do not scroll. They do not explode. They do not do anything but display a static panel that comes up every ten (10) seconds. They sell eight (8) slots in these. They can program them up to twenty-four (24) slots. They can have twenty-four (24) advertisers. What the advertisers like is they like the convenience where they can change ad copy in a moment's notice with their national operating center in Baton Rouge, Louisiana. As they see through some of the slides, they have done Amber Alerts, Silver Alerts, FEMA warnings. Ironically, when he was going through this presentation, his wife and he were watching on Netflix the Boston City Marathon bomber and he is seeing this kid and he is on the billboard in the presentation because they also have a fugitive program that they use. There he is right there. So, Lamar is extremely proud of that program giving public service announcements. They also offer to communities that when it is not fully sold out, and there have been occasions where it may take some time if they are granted, when they put the digital up and for the sales department to sell it, there may be space on there; they give what is called space available advertising to whichever jurisdiction grants them the variance. Again, his hometown of Merrillville, they use it constantly for their stormwater utility, their Clerk-Treasurer does passports, they promote their Fourth of July Parade, their Christmas Parade. The other communities around in Lake County have used this quite a bit. Right now, they are doing a hiring campaign for the Highland Police Department. Lamar is extremely community active. They would ask for their indulgence with granting this variance. He will make mention though, that the three hundred thousand dollar (\$300,000) investment he mentioned, because of the digital configuration, this will have to be a new steel monopole as opposed to the four (4) I-beams that are out there. So, they would take that second sign on John's property, dismantle it if approved, and then put a new foundation in and a new steel monopole and put in the digital. The digital is going to be oriented so that if they are going north into Michigan, it will be what they call a cross read. So, it will be the south face on his second sign in for traffic going into Michigan. He would be happy to answer any questions.

No remonstrators present.

John Carr stated there can be twenty-four (24) different slides on there.

Shawn Pettit stated it has the computer memory to hold twenty-four (24) different slides, but they only sell eight (8) slots at a time. That is a State standard as well. The eight (8) isn't a State standard, but the interval of ten (10) seconds is a State standard by INDOT requirements. He also wants to mention the State requirement, that if they are successful with the Board tonight and they get the building permit, then he applies for a State Addendum because it does have a legal

tag on it and they are going to look at as if they are within three hundred feet (300') of any residents. He measured today on Google Earth and they are eleven hundred feet (1,100') away from any resident on either side of I-94 and it actually falls back onto John's property. John's next-door neighbor off of Warnke Road touches the one thousand and eighty-one feet (1,081'). Light spillage and that sort of thing should be minimized. They do dim at night and in bright sunlight they will dim; there is an automatic photo cell on them that they will dim.

Vern Schafer stated obviously they have to be readable. He was under the impression that this was static so there is no scrolling, but they will change how often?

Shawn Pettit stated every ten (10) seconds. So, McDonalds is on there, Coca-Cola is on there, Buick is on there. What they like is and he always tells this story that the first digital they launched, he has been with Lamar eighteen (18) years and in this capacity about five (5) years always at the Real Estate Department, but the first digital they launched was actually in Merrillville. They probably know them because they have Michigan City Bosak, but when Bosak's ad came up, every time it was Bosak's turn on that slot there was a different ad, a different art copy, because they have a computer library so all of the clients, the AE sell to the clients and they can load up a digital library and have a different piece of artwork come up that they program so a different piece will come up when it is their turn on the slot. All due respect, some people will buy three or four (3 – 4) of these slots at a time. He is working on a project in Cedar Lake where they opened up a new Centier Bank and they came to him and said they could sell three (3) out of the eight (8) to Centier; they will buy them up so it will constantly roll. In fact, he is trying to work with Skyler in Michigan City; they have the one (1) by Blue Chip on the bridge that they would like to convert because the same AE says they can sell Blue Chip four (4) of the eight (8) turns. They will buy them and the advertisers love these things. They will absolutely eat up the digital.

John Carr stated he is sure all the dispensaries isn't driving any of that either.

Shawn Pettit stated no. He can ask his sale manager when he goes back, but he is absolutely right. That is one (1) of the driving forces to be honest with him. They came to him and asked if there is a chance if they can go, but he said he has never been in LaPorte County, but he will take his chance and hopefully they are a friendly bunch and they will grant it. He'll be honest, dealing with the BZA in his hometown, honestly, he doesn't have a hardship. Finances can't be a hardship to make money as they know by State statute which their attorney can tell them. This is somewhat of a community project where they would offer LaPorte County, when available, space available advertising in exchange for converting this to digital. This is what the industry is going to.

Melissa Mullins Mischke states she sees this type of structure all through 94 so she doesn't think it is uncommon.

Shawn Pettit stated the one they have, Madam President, a lower board in the City of Portage and what they call a right-hand read as they are going out of Portage eastbound.

Melissa Mullins Mischke stated that is exactly where she was when she saw it.



Deb Vance stated she drove by and said wait, I missed it.

Vern Schafer stated they are granting this petition for the property owner to do this for John and June Chestnut, but they lease the sign.

Shawn Pettit stated yes. They lease the property from them and pay them an annual land rental.

Vern Schafer stated he guesses if they have to have an interstate going through their property they might as well be getting something out of it.

Ernie Schmidt made a motion to approve the Petition for Variance of Developmental Standards for John & June Chestnut Rev Living Trust (Lessor) & Lamar Advertising (Lessee) to change a pre-existing billboard sign to have an LED display, non-animated. This property is located behind 5765 W. Warnke Rd., Michigan City, IN., Springfield Twp., zoned M1 on 58.753 acres.

John Carr seconded.

Ashley Kazmucha read the roll.

Melissa Mullins Mischke stated aye.

Deb Vance stated aye.

Ernie Schmidt stated aye.

John Carr stated aye.

Vern Schafer stated aye.

All Approved. Motion carries 5-0.

**9. Petition for Variance of Developmental Standards for Jason and Carissa Felger** for a 2nd accessory structure to be used as a pool house with a bathroom and a kitchenette and an inground pool. This property is located at 4203 E. 1000 N., LaPorte, IN., Galena Twp., zoned A on 5.45 acres. Parcel 46-03-11-300-014.000-048.

Vern Schafer made a motion to table the Petition until the May meeting.

John Carr seconded.

Ashley Kazmucha read the roll.

Melissa Mullins Mischke stated aye.

Deb Vance stated aye.

Ernie Schmidt stated aye.

John Carr stated aye.

Vern Schafer stated aye.

All Approved. Motion carries 5-0.

Melissa Mullins Mischke asked if Ashley Kazmucha would notify them.

Ashley Kazmucha stated yes.

Melissa Mullins Mischke asked for any old business.

Melissa Mullins Mischke asked for any new business.

There being no further business, meeting adjourned at 7:00 p.m.



Melissa Mullins Mischke, President



Michael Polan, Recording Secretary