

LAPORTE COUNTY BOARD OF ZONING APPEALS

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

Michael Polan Building Commissioner

June 18th, 2024

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, June 18th, 2024, at 6:00 p.m. in the Assembly Room of the County Complex.

MEMBERS PRESENT:

Melissa Mullins Mischke

Ernie Schmidt

Deb Vance

Vern Schafer

John Carr

PRESENT:

Michael Polan, Recording Secretary; Ashley Kazmucha, Administrative

Coordinator; Attorney Doug Biege

The Pledge of Allegiance.

Melissa Mullins Mischke stated she would like to remind everybody to turn their cell phone volume down or turn their phone off during the meeting, if they would, please.

APPROVAL OF MINUTES:

Melissa Mullins Mischke asked for approval of the meeting minutes of May 21st, 2024

Ernie Schmidt made a motion to approve the meeting minutes as presented.

Deb Vance seconded.

All Approved. Motion carries 5-0.

Melissa Mullins Mischke stated she wants to remind everybody tonight that they do not have a public comment section, but it is under remonstrance. If they have something on a particular petition when remonstrance is asked for, either for or against, that's their opportunity to speak. Everyone gets three (3) minutes. So, with that, let's go ahead and start with petition number one and she is going to need a motion to remove it from the table.

Petitions:

1. Petition for Special Exception for Bluestem Solar Farm, LLC represented by counsel Anthony Novak for a commercial large-scale ground-mounted solar energy system (SES). This property is generally located near roads N. 250 E. to N. 600 E. and E.

200 S. to E. 200 N., with a central address of 5253 E. 150 N., Rolling Prairie, IN., Kankakee, Wills, and Pleasant Twps., zoned A on approximately 3,352 acres. Parcels 46- $07-27-300-001.000-052;\ 46-07-27-400-004.000-052;\ 46-07-34-200-002.000-002.0000-002.000-002.000-002.000-002.000-002.000-002.000-002.000-002.0000-002.0000-002.0000-002.00$ 33-200-001.000-052; 46-07-28-400-003.000-052; 46-07-34-100-003.000-052; 46-07-34-400-001.000-052; 46-07-25-200-010.000-068; 46-07-25-200-012.000-068; 46-08-30-46-08-19-100-005.000-068; 46-08-30-300-002.000-068; 46-07-24-200-018.000-068; 46-08-19-100-005.000-068; 46-08-19-100-002.000-068; 46-08-19-200-001.000-068; 46-07-22-300-001.000-068; 46-07-26-200-009.000-052; 46-07-26-100-003.000-052; 46-07-24-400-031.000-052; 46-07-23-300-001.000-052; 46-07-24-300-001.000-068; 46-07-25-46-07-25-100-001.000-068; 400-001.000-068; 46-07-24-400-003.000-068; 300-001.000-068; 46-07-25-100-002.000-068; 46-07-25-200-014.000-068; 46-07-25-46-08-30-46-07-25-400-001.000-068; 300-003.000-068; 46-07-25-300-004.000-068; 46-07-26-300-006.000-052; 46-07-26-100-001.000-068; 46-07-26-400-004.000-052; 300-001.000-052; 46-07-26-300-002.000-052; 46-07-35-100-007.000-052; 46-07-35-200-001.000-052; 46-07-35-200-004.000-052; 46-07-35-100-009.000-052; 46-07-26-300-003.000-052; 46-11-11-100-008.000-057; 78-07-36-100-002; 78-07-36-300-001; 46- $11-10-426-001.000-057;\ 46-11-11-300-001.000-057;\ 46-11-11-100-003.000-057$ $11 - 100 - 002.000 - 057;\ 46 - 11 - 03 - 200 - 001.000 - 057;\ 46 - 07 - 33 - 200 - 015.000 - 052.$

Vern Schafer made a motion to remove the Petition from the table.

John Carr seconded.

All Approved. Motion carries 5-0.

Melissa Mullins Mischke stated they tabled this from last month and tonight they're here to make a vote. Since they have already heard evidence on the petition and they've heard remonstrance, they're going to go straight into a vote.

John Carr made a motion to approve the Petition for Special Exception for Bluestem Solar Farm, LLC represented by counsel Anthony Novak for a commercial large-scale ground-mounted solar energy system (SES) with the conditions set forth by the BZA and RWE Attorneys. This property is generally located near roads N. 250 E. to N. 600 E. and E. 200 S. to E. 200 N., with a central address of 5253 E. 150 N., Rolling Prairie, IN., Kankakee, Wills, and Pleasant Twps., zoned A on approximately 3,352 acres.

Deb Vance seconded.

Approved. Motion carried 3-2.

Attorney Biege stated the conditions will be put on the website so the public can review all of those conditions. It won't be immediately; probably tomorrow he is guessing.

Ashley Kazmucha stated she will have them up Thursday morning because they are closed tomorrow.

Melissa Mullins Mischke stated great. Thank you.

2. Petition for Variance of Developmental Standards for Madeline Clifton c/o Timmy Hamlin for construction of a second accessory structure with a height of 23' instead of the maximum 18' allowed. This property is located at 425 Lakeside Dr., Walkerton, IN., Lincoln Twp., zoned R1B. Parcel 46-12-16-305-020.000-055.

Attorney Biege stated notice is adequate.

Ashley Kazmucha stated he was here; she spoke with him before the meeting.

Melissa Mullins Mischke stated they will move Petition 2 down.

3. Petition for Variance of Developmental Standards for James Bazemore for construction of an attached garage with a side setback of 3' instead of the minimum required 10'. This property is located at 11587 W. Earl Rd., Michigan City, IN., Coolspring Twp., zoned R1B. Parcel 46-05-06-300-022.000-046.

Attorney Biege stated notice is adequate.

James Bazemore stated his address is 11587 W. Earl Rd., Michigan City, IN.

Melissa Mullins Mischke stated he already has a structure there.

James Bazemore stated there is not a structure there where he is going to put the garage. There's a shed in front of his house that's going to go behind his house. Where he wants to build the garage, it's probably actually about five to seven feet (5' - 7') from the property line, but they didn't have an actual measurement, so they just called it three feet (3'). There's more than enough room. He knows they've been out to take pictures of it and his neighbors are all okay with it.

No remonstrators present.

Vern Schafer stated he noticed that his current lot width is ninety feet (90'), right?

James Bazemore stated that is correct.

Vern Schafer stated he sees that he is kind of tight because of that.

James Bazemore stated it is tight.

Vern Schafer stated he wants to put an attached garage on the house.

James Bazemore stated yes.

Vern Schafer stated he can only work with what he has.

James Bazemore stated absolutely. There is no way he can put it behind the house because behind the house the ground just drops and goes down. He can't put it in front of the house.

Vern Schafer stated they always suggest, obviously, if he is going to be pretty close to the property line to make sure that the water that comes off of this facility stays on his property.

James Bazemore stated absolutely.

Ernie Schmidt asked if he knows that he can build it closer to the road.

James Bazemore stated actually, he was told he could not put it in front of the house.

Ernie Schmidt stated no. Where he wants to put the garage, the front can extend more towards the road if he needs more space in his garage.

James Bazemore stated yes. He was told he couldn't build in front of the house.

Ernie Schmidt stated yes, but attaching it to the house it can come closer.

James Bazemore stated right.

Ernie Schmidt stated he can make the garage longer.

James Bazemore stated once it is attached to the house, he can make it out past the front of the house because he was told he couldn't build in front of the house.

Ernie Schmidt stated yes.

James Bazemore stated he just wants to make sure he understands.

Ernie Schmidt stated yes. He will need more room because he has a lot of toys.

James Bazemore stated he does, but he has every intention clearing the back of the property and after he clears the trees and stuff, he will build a pole barn back there for stuff. The garage attached to the house is just so he doesn't have to park outside in the winter time.

Ernie Schmidt stated but he can come closer to the street if he would like to, for length.

Ernie Schmidt made a motion to approve the Petition for Variance of Developmental Standards for James Bazemore for construction of an attached garage with a side setback of 3' instead of the minimum required 10'. This property is located at 11587 W. Earl Rd., Michigan City, IN., Coolspring Twp., zoned R1B.

Deb Vance seconded.

All Approved. Motion carries 5-0.

4. Petition for Variance of Developmental Standards for Kevin L Murphy for construction of a second accessory structure garage (18' x 35'). This property is located at 324 W. Johnson Rd., LaPorte, IN., Center Twp., zoned R1B on 1.02 acres. Parcel 46-06-21-401-014.000-042.

Attorney Biege stated notice is adequate.

Kevin Murphy stated his address is 324 W. Johnson Rd., LaPorte, IN.

Melissa Mullins Mischke asked if the garage is going to be big enough.

Kevin Murphy stated it should be. His plan is to take down that brick block one (1) that is falling down, but he wants to get this one (1) up so he can put all his stuff in there so he can get rid of that other monstrosity later.

Melissa Mullins Mischke stated eighteen by thirty-five (18' x 35') seems small.

Kevin Murphy stated if he has two (2).

Melissa Mullins Mischke stated even Ernie is saying to make it larger.

No remonstrators present.

Melissa Mullins Mischke stated she has a question about the location back in the corner by the school parking lot. Is there any way he can maybe move it up?

Kevin Murphy stated he kind of wanted it back out of the way as far as he could just to be not an eye sore to the other neighbors. That's kind of why he put it there.

Melissa Mullins Mischke stated sure.

Ernie Schmidt asked how his property line is in relationship to the blacktop of the school.

Kevin Murphy stated the property line itself is right along the blacktop in that corner.

Ernie Schmidt stated it is the blacktop.

Kevin Murphy stated yes. He has a survey done by Acre Surveying. He turned it in at the County Assessors building so they have it on file.

Vern Schafer stated they have a copy of it.

Board deliberates amongst themselves.

Vern Schafer stated he is assuming that the access to that is going to not be, it's going to be there. He is assuming the access to this structure is going to be through his lot.

Kevin Murphy stated yes, just the grass. It's mostly for trailers and tractors.

Vern Schafer stated okay, but there is no real driveway to it.

Kevin Murphy stated no. He doesn't plan on putting a driveway to it either.

Vern Schafer stated so it'll just be grass.

Kevin Murphy stated yes.

Vern Schafer made a motion to approve the Petition for Variance of Developmental Standards for Kevin L Murphy for construction of a second accessory structure garage (18' x 35'). This property is located at 324 W. Johnson Rd., LaPorte, IN., Center Twp., zoned R1B on 1.02 acres.

Ernie Schmidt seconded.

All Approved. Motion carries 5-0.

2. Petition for Variance of Developmental Standards for Madeline Clifton c/o Timmy Hamlin for construction of a second accessory structure with a height of 23' instead of the maximum 18' allowed. This property is located at 425 Lakeside Dr., Walkerton, IN., Lincoln Twp., zoned R1B. Parcel 46-12-16-305-020.000-055.

Ashley Kazmucha stated she did speak to him before the meeting and I told him there was a good chance he could go first and now he's not here and not answering his phone.

John Carr made a motion to table to the July meeting the Petition for Variance of Developmental Standards for Madeline Clifton c/o Timmy Hamlin for construction of a second accessory structure with a height of 23' instead of the maximum 18' allowed. This property is located at 425 Lakeside Dr., Walkerton, IN., Lincoln Twp., zoned R1B.

Vern Schafer seconded.

All Approved. Motion carries 5-0.

Melissa Mullins Mischke asked to please notify him that he is moved to the July meeting.

Ashley Kazmucha stated she will.

Melissa Mullins Mischke asked for any old business.

Melissa Mullins Mischke asked for any new business.

There being no further business, meeting adjourned at 6:12 p.m.

Melissa Mullins Mischke, President

Deb Vance, Vice President