



**LAPORTE COUNTY  
BOARD OF ZONING APPEALS**

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**Michael Polan  
Building Commissioner**

October 15<sup>th</sup>, 2024

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **October 15<sup>th</sup>, 2024, at 6:00 p.m.** in the Assembly Room of the County Complex.

**MEMBERS PRESENT:**      Melissa Mullins Mischke      Ernie Schmidt  
   Vern Schafer                                      Deb Vance

**PRESENT:**                      Michael Polan, Recording Secretary; Ashley Kazmucha, Administrative Coordinator; Attorney Doug Biege

The Pledge of Allegiance.

**APPROVAL OF MINUTES:**

Melissa Mullins Mischke asked for approval of the meeting minutes of September 17<sup>th</sup>, 2024

Vern Schafer made a motion to approve the meeting minutes as presented.

Ernie Schmidt seconded.

All Approved. Motion carries 4-0.

Melissa Mullins Mischke stated let's get into the petitions this evening and before they do that, she wants to remind everybody to turn their cell phones off and that there is not traditional public comment for the Board of Zoning Appeals. Public comment is in the form of remonstrance. So, if they are for or against a petition when that petition comes up that is their time to speak.

**Petitions:**

- 1. Petition for Special Exception for KINGSBURY INVESTMENTS LLC & NEXUS IN RNG – LaPorte, LLC & by counsel Andrew D. Voeltz of David Ambers & Associates, P.C.** for a facility that will provide for the production of natural gas from organic material. This property is located at 3500 E. Central Rd., LaPorte, IN., Washington Twp., zoned M2 on 28.766 acres. Parcel 46-15-10-200-003.000-066.

Attorney Biege stated notice is adequate.

Andrew Voeltz stated he is an attorney with David Ambers & Associates at 601 State St. Ste B, LaPorte, IN. They are here on a petition for a combined Variance and Special Exception. Now, as for some of the background here, there were findings of fact and conclusions of law for a Special Exception that came through back in 2018. That is attached to the packet as Petitioner's Exhibit 5. They're dovetailing on that. The issue here is, well, number one (1), there is no definition for what Nexus intends to do. When they look at permitted uses for M2 under manufacturing, there are a number of issues that actually are permitted, with the only exception being food processing. That's where they get into a little bit of an issue here. He's going to go back to this now. What Nexus intends to do is they're going to construct a facility of which they have the drawings, they have plans, they have all that, which is going to wind up, okay, let's boil it all the way down, recycling organic waste. What that means is they are sourcing biological waste, and he's not talking about trash, he's talking about biological waste, and they're bringing it here to LaPorte County and then they're going to turn it into natural gas, and it's going to get dumped into NIPSCO's line. They have a capital investment upwards of seventy million dollars (\$70,000,000), including five-point-four to six-point three (\$5,400,000 – \$6,300,000) to NIPSCO because NIPSCO doesn't know what they're doing. He knows that's shocking to them. NIPSCO has a meeting today, at some point today, where they were going to consolidate all of their requirements with this influx of, I don't know how else to describe it except for gas. It's methane, but it is molecularly the same as anything else in the pipeline. So, Nexus and their partners, chose LaPorte County because, and he is going to quote here, "LaPorte is a great place", number one (1). Number two (2), this is going to be a flagship location. They're going to use this to develop these facilities across the country. Again, what they're talking about here is a facility that is taking organic food waste. It's not trash. It's organic food waste, whether it's coming from a chicken processing plant or a meat plant or whatever, it's food waste. And then it winds up getting stuck in a container, stuck in a tank and then it decomposes and creates gas. That gas, boom, it's pumped. Then, and they're going to call it the digestate, which is what's remaining, winds up being recycled as fertilizer or anything else. He has two (2) representatives from this company here right now that can come up and speak about any of this if they would like that to happen.

Melissa Mullins Mischke asked if Andrew could give her an idea. They previously granted this in 2018.

Andrew Voeltz stated yes, ma'am.

Melissa Mullins Mischke stated they're here tonight because it's expired.

Andrew Voeltz stated it expired, correct.

Melissa Mullins Mischke asked if there are any changes from that time?

Andrew Voeltz stated not that he is aware of.

Melissa Mullins Mischke stated she didn't really see anything when she went through the packet.

Andrew Voeltz stated he just wanted to make sure that he was covering all the bases with this with regards to both the Variance and Special Exception, which is why he included all of those items that don't necessarily apply to the Variance. Again, just to go ahead and look forward with this, the facility is enclosed. Meaning where the trucks come in, enclosed. So, if there are any concerns with odor issues or anything else like that, it's not going to be a problem. They're talking about one-point-four million pounds (1,400,000 lbs.) a year of food waste that's going to come in there. What that's going to do then is produce methane, and that methane is going to be pumped into the pipeline. This is going to supply upwards of thirty-five (35) full-time jobs, let alone one hundred and eighty-five (185) to begin with. This is in KIP. It is a marvelous location for something like this. Again, he wants to run back to that this would be a flagship location for this Country. Country! La Porte, Indiana. Whether or not a Variance or a Special Exception is needed, he doesn't know, especially looking at...

Melissa Mullins Mischke stated her comment here is that they're not the final say on the plant going in per se. She knows there still is permits they need to get from Kingsbury Utilities that have not been completed. So, there are going to be other requirements that they still have to meet.

Andrew Voeltz stated certainly.

Melissa Mullins Mischke stated she just wants to make that clear.

Andrew Voeltz stated the biggest one is NIPSCO. That's the biggest one. OK. Because if they get the gas, which they're going to get, they've got to have a place to put it. But they have to have the opportunity to get the gas in order to figure out a place to put it.

**Remonstrators:**

Melissa Mullins Mischke stated they do have a letter of remonstrance from Senator Mike Bohacek that is in favor of the facility. Do they have any other remonstrators tonight that are either for or against this facility?

Earl Miller stated he works at Kingsbury Castings on 3<sup>rd</sup> Road. What he has to say is more of a question. They don't know what road they're going to use to access this facility and it's not only just the thirty-five (35) employees, but the trucks coming in and out. 3<sup>rd</sup> Road is a private road. All the roads out there are private roads. They've had to maintain their own roads and put hundreds of thousands of dollars in, them along with others of their neighbors along 3<sup>rd</sup> and Central and they just want to make sure that if they're going to use their road, that they need to participate in that.

Melissa Mullins Mischke stated thank you. She thinks the proposed location is actually closer to 5<sup>th</sup> Road and Central. All right, Earl, come on.

Earl Miller stated that is the case.

Melissa Mullins Mischke stated they're all gravel. Is she correct? Central, 5<sup>th</sup>, 3<sup>rd</sup>.

Earl Miller stated no. They have put hundred of thousands of dollars into paving.

Melissa Mullins Mischke stated 5<sup>th</sup> and Central are both gravel.

Earl Miller stated part of Central. There is part of Central that has been repaired this year; all of the access in the back. Folks even on 4<sup>th</sup> Road have helped. There is a consortium of owners out there that have gotten together recently and pooled their money to repair and maintain the roads and even folks on 4<sup>th</sup> Road are using their road. Folks on Central Road are using their road. Some folks on 5<sup>th</sup> have come across on Central so it's an area.

Andrew Voeltz stated to respond to that, these individuals with Nexus, and again, he has three (3) gentlemen here that are representatives of the company in one (1) way, shape, or form, including one (1) that used to be an attorney. There would be no issue in any way, shape, or form with collaboration with any of these other entities that are out there to maintain the roadways. The biggest part of this is, and again he's going to go back to it, this is the opportunity for LaPorte to be great and to be a flagship for an operation that is cutting edge. This is cutting edge. This is using organic materials to create methane and then taking the refuse, for lack of a better term, or the digestate, and turning it into fertilizer. End goal, end use is gone.

Attorney Biege stated this section is only response to their remonstrance.

Andrew Voeltz stated he is just responding for the remonstrance he supposes.

Attorney Biege stated he wants to make sure the Board is aware; this was granted October 8th in 2018. They didn't get the project started. It was granted. They didn't get the project started in time. The reason we called this a Special Exception to begin with was there was nothing in the zoning code because it's so new. So, typically what they'll do is if we have a new technology come, like they did with the battery facility a couple of years ago, they'll call it a Special Exception so the Board can take a look at it. He just wanted to make sure they were clear on the history with this. He doesn't see any significant change from the last petition.

Melissa Mullins Mischke stated she didn't either. She does have a couple of questions regarding the roads, which was on her list already. So, how many trucks are they talking about per day? What are their weights? Are there plans to improve the roads since they are gravel in that section.

Edward Niblock stated he is Vice President of Development for Nexus W2V. They are headquartered in Greenville, South Carolina. Their address is 22 S. Main St. in Greenville. Don't tell his boss he forgot the zip code. With him is Ryan Patterson, who is the Senior Project Manager on this particular project, and his business address is the same. They figured they could answer questions. Andrew knows everything, they've been working together, but they can probably answer more quickly. The first answer, well, actually, please, if they could entertain their questions.

Melissa Mullins Mischke stated her first question is, how many trucks are going to be coming in and out of the facility?

Edward Niblock stated ten to fifteen (10 – 15) a day.

Melissa Mullins Mischke asked how much do they weigh approximately?

Ryan Patterson stated roughly twenty-thousand pounds (20,000 lbs.) a piece.

Melissa Mullins Mischke stated okay, so they're gravel roads right there at the site itself, getting to and from the site. Are there plans to improve the roads, not only for their own equipment, but like Mr. Miller is concerned about the area that the neighbors and other business owners have contributed?

Ryan Patterson stated absolutely. So, it's a very fair question. At this point in time, there's no direct plans to make any improvements. Now, they do have plans to maintain the roads as they are privately owned in that industrial park. They've actually started working with the actual property owners in that area that will be affected off of 5<sup>th</sup> Road, to work with them as we develop this project to see what they can come to an agreement on.

Edward Niblock stated when they say there's no immediate plan, all that means is that they hadn't really gotten to the point of getting in touch with other folks in the park. They were actually very happy to hear...

Melissa Mullins Mischke stated Earl, when this is over, they're going to exchange numbers.

Edward Niblock stated yes, exactly. They have been asking the seller of the parcel how to begin trying to cooperate with other parcel owners to make sure that the roads do everything they need to do safely for all of their projects. So, they will be doing that. They just didn't want to represent to them that we had a whole plan all laid out. They don't have that yet.

Melissa Mullins Mischke stated okay. What kind of questions does the Board have?

Vern Schafer stated his questions were similar. Obviously, they're going to want to get together with their neighbors and talk about maintaining the area. What happens to the... This is kind of a composting thing, isn't it?

Melissa Mullins Mischke stated yes, it's anaerobic digestion.

Vern Schafer stated is that what they say?

Edward Niblock stated it is similar, yes. It's a different process, but it's easier.

Vern Schafer asked if it is done in tanks or done in windrows.

Edward Niblock stated it's different from composting in that it is anaerobic and not aerobic. So, composting is aerobic; they use windrows and things like that. This is an enclosed oxygen deprived. So, it is a gigantic, how big is the tank?

Ryan Patterson stated they have two (2) tanks that are one-point-one million gallons (1,100,000 gal.)

Vern Schafer stated so it's a digester.

Edward Niblock state it's a digester, yes.

Vern Schafer stated okay.

Melissa Mullins Mischke stated it's a big stomach.

Edward Niblock stated yes, exactly.

Vern Schafer stated this is very similar to what they do on some of the large dairy farms.

Edward Niblock stated indeed, very similar.

Vern Schafer stated that was his only question.

Andrew Voeltz stated he has one (1) thought. Can they please make sure you exchange phone numbers?

Melissa Mullins Mischke stated they are way ahead of him. Let them entertain a motion.

Andrew Voeltz stated that doesn't surprise him.

Vern Schafer made a motion to approve the Petition for Special Exception for KINGSBURY INVESTMENTS LLC & NEXUS IN RNG – LaPorte, LLC by counsel Andrew D. Voeltz of David Ambers & Associates, P.C. for a facility that will provide for the production of natural gas from organic material. This property is located at 3500 E. Central Rd., LaPorte, IN., Washington Twp., zoned M2 on 28.766 acres.

Ernie Schmidt seconded.

All Approved. Motion carries 4-0.

**2. Petition for Variance of Developmental Standards for James W & Lois S Seymour (seller) & Jenna Francesconi (buyer) for construction of a primary residence on a lot with 80' of frontage instead of the minimum required 200'. This property is located North of 101 S. Forrester Rd., LaPorte, IN., New Durham Twp., zoned A on 12.994 total acres. Parcels 46-09-01-200-020.000-027 & 46-10-06-100-030.000-060.**

Attorney Biege stated notice is adequate.

Jenna Francesconi stated her address is 515 Closser Ave., LaPorte, IN.

Zach Kiger stated his address is 515 Closser Ave., LaPorte, IN.

Melissa Mullins Mischke stated to tell them about the road frontage.

Jenna Francesconi stated they are in the process of purchasing a twelve (12) acre parcel. The front part, there are two (2) parcels and the front parcel that is on the road has eighty feet (80') of frontage and then it goes back and opens up wide. She's not exactly sure the footage back there, but it's much wider and over twelve (12) acres back there. So, they do only have eighty feet (80') of road frontage right now, so that's what the variance would be for since they don't have two hundred feet (200').

Melissa Mullins Mischke stated it looks like they're going to build significantly east of that road frontage.

Jenna Francesconi stated correct.

No remonstrators present.

Vern Schafer stated they're just planning a single-family dwelling there and a pole barn.

Jenna Francesconi stated correct.

Vern Schafer stated obviously if they grant this, it's only for that. They can't add more homes later on or anything else. It's not for a subdivision.

Jenna Francesconi stated correct. It would be just for the barn and the house.

Ernie Schmidt asked if there is a possibility of more frontage from Seymour.

Jenna Francesconi stated no. The property next to them who we are actually purchasing from, James and Lois Seymour, that's where their residential home and their business is. So, that property they couldn't acquire any more of that and then the other side is farmland and she doesn't believe they are interested in selling any portion of that.

Vern Schafer made a motion to approve the **Petition for Variance of Developmental Standards for James W & Lois S Seymour (seller) & Jenna Francesconi (buyer)** for construction of a primary residence on a lot with 80' of frontage instead of the minimum required 200'. This property is located North of 101 S. Forrester Rd., LaPorte, IN., New Durham Twp., zoned A on 12.994 total acres.

Deb Vance seconded.

All Approved. Motion carries 4-0.

Melissa Mullins Mischke stated good luck and please be sure to contact your local fire department and get their address posted and let them know that they are going to be back there for safety purposes.

Jenna Francesconi stated okay. Thank you.

**3. Petition for Variance of Developmental Standards for Dale G & Debra J Elliott** for placement of a mobile home to care for the elderly parents. This property is located at 5382 S. Wozniak Rd., Westville, IN., New Durham Twp., zoned A on 7.2 acres. Parcel 46-09-35-326-005.000-027.

Attorney Biege stated notice is adequate.

Debbie and Dale Elliott stated their address is 5382 S. Wozniak Rd., Westville, IN.

Melissa Mullins Mischke stated they want to put a mobile home on their property.

Debbie Elliott stated not a mobile home. A manufactured home. She does have pictures and other information she can give them.

Vern Schafer stated they have them he believes.

Debbie Elliott stated she means about the house that is going to go in there.

Melissa Mullins Mischke stated okay. Would she approach? Thank you. Whose parent is coming to stay?

Dale Elliott states his son is coming in for them.

Melissa Mullins Mischke stated their son is coming to take care of them? Outstanding.

Debbie Elliott stated Dale has been out of work for almost two (2) years. Last year he ended up, his back went out, so he was out of work from February until November. He went back to work for six (6) months and then fractured his ankle on both sides and he's been out of work since then and he's still out of work.

Melissa Mullins Mischke stated okay.

Debbie Elliott stated so they've relied on her son a lot for just mowing the lawn and weeding and doing a lot of other things. And even before that, because of his back even back in 2022, his back didn't allow them to get as much stuff done as what they wanted to do.

Melissa Mullins Mischke stated so they're looking at manufactured homes similar to those that are in New Durham Estates?



Debbie Elliott stated no., not even close. It's one (1) of the better houses in there. If they take a look at house, it has a 5/12 pitch roof it's completely drywalled. If they look through all the pictures. It's nothing like the majority of the houses in there. It's a Rochester home and the lady that bought it, she paid cash for that when she first bought that house and at that time it was like twenty thousand dollars (\$20,000) more than the majority of the houses.

Melissa Mullins Mischke stated they're going to pick it up if they approve this, they're going to pick this up from New Durham Estates and move it to your property?

Debbie Elliot stated yes. They already have their blessing. They've had both two (2) sets of companies go in and look at the house and give them an estimate. They've said that there would be no problem in moving the house onto either a crawl space or a basement.

Melissa Mullins Mischke stated which are their plans.

Debbie Elliott stated they're not real sure yet. They're not sure. It will be whatever they can afford. They have estimates and he has submitted those from both partners, so More & More Homes. . .

Melissa Mullins Mischke stated they are actually trying to put a second residence, a second home if they are talking about putting in a basement. Generally, a mobile home to take care of someone else.

Debbie Elliott stated it's not a mobile home. It's manufactured.

Melissa Mullins Mischke stated she is speaking.

Debbie Elliott stated she is sorry.

Melissa Mullins Mischke stated if it is a mobile home to take care of elderly parents, in this case being yourselves, they would expect that the home would be removed at some point. That's what moving in a mobile home in to take care of somebody is as opposed to a second home located on the same lot that is going to stay there.

Debbie Elliott stated that is what they want to do. See, they have a manufactured home too and theirs was put on a basement. They have a full walk-out basement. This house is nicer than theirs.

Melissa Mullins Mischke asked if she is finished.

Debbie Elliott stated yes.

Melissa Mullins Mischke stated okay. Do they need to readvertise this? That isn't what they advertised is Doug or Ashley want to speak to this.

Ashley Kazmucha stated she believes there were wheels on this at one point. Ray from More & More Homes called her, and she had to explain the difference between mobile home and manufactured. There's slight difference with R-values. That's why it's worded this way. Also, they're supposed to be splitting this off so it will be on its own parcel.

Vern Schafer asked how large the parcel will be.

Ashley Kazmucha stated it will be buildable.

Melissa Mullins Mischke stated it's seven (7) acres right now.

Ashley Kazmucha stated it will have at least an acre and two hundred feet (200') of road frontage.

Vern Schafer stated so it will be separate eventually. They haven't done that yet.

Ashley Kazmucha stated they wanted to get the approval first and then split it.

Melissa Mullins Mischke stated if what was advertised is what's in their agenda, it does not match what they're going to do right now or what the Board is listening to.

Attorney Biege stated if they are going to split it, why are they here? Why don't they just split it?

Melissa Mullins Mischke stated well, it's a manufactured home.

Debbie Elliott stated it's a manufactured home. They haven't called her...

Melissa Mullins Mischke stated ma'am.

Attorney Biege stated he thinks they need to re-advertise.

Melissa Mullins Mischke stated she thinks they need to re-advertise it because it is not considered a mobile home, if it is a manufactured home. So, now the petition is they are going to put two (2) residences on one (1) parcel or, what probably should happen is if their intent is to split this acreage, they should probably do that first. Then they are building a house on a piece of land that meets the criteria. They won't need a variance.

Debbie and Dale Elliott stated okay.

Attorney Biege stated he agrees. It would be better just to split it.

Melissa Mullins Mischke stated she agrees.

Attorney Biege stated they can talk about manufactured and mobile afterwards, but if they split it then they don't need a variance.

Debbie Elliott stated that's good to know.

Attorney Biege stated they'll have to talk about the specifics on the house whether it will need a variance on a mobile home, but split it first.

Debbie Elliott stated okay.

Attorney Biege stated it makes their decision a lot easier.

Debbie Elliott stated then what do they do. What is the process afterwards?

Attorney Biege stated they can talk to Mike about that afterwards.

Melissa Mullins Mischke stated so basically, they're going to, she doesn't even want to say table this because they're not necessarily going to table this, but if you get in touch with the Building Commissioner's office, they can direct them on splitting the acreage. Then they're basically just putting a residence on a piece of property that is buildable and then they don't need a variance at all.

Dale Elliott stated okay.

Melissa Mullins Mischke stated she's going to return this file to them and she's going to ask them to get in touch with the Building Department and go from there. If they need to re-advertise and do something else, then they can do that too.

Attorney Biege asked if they are going to show this as dismissed.

Melissa Mullins Mischke stated she is. Does everybody agree on that? All right. They are going to dismiss Petition 3.

**4. Petition for Variance of Developmental Standards for Larry Hausen (seller) & Christopher Thor Martin (buyer) for construction of a pole barn with loft living quarters on a lot without a primary home and with a height of 20' instead of the max 18' allowed. This property is located at 8027 E. Emery Rd., New Carlisle, IN., Hudson Twp., zoned R1B. Parcel 46-04-21-353-014.000-050.**

Attorney Biege stated notice is adequate.

Deb Vance stated she wants to put it out there to the public that she has a vested interest in this petition, so she is going to abstain from the vote.

Christopher Thor Martin stated he owns a residence with his family at 7685 N. Orchard Ln., New Carlisle, IN.

Melissa Mullins Mischke stated he is trying to buy this property?

Christopher Thor Martin stated yes.

Melissa Mullins Mischke asked if his intent is to put a barndominium, which is not her favorite term, but that's the colloquial term. So, why doesn't he tell them about that; the reason that they need to do the barn and loft and go from there.

Christopher Thor Martin stated sure. They're looking for storage space. Their property is not very far from that, less than a quarter (1/4) mile, but it's too far to be building a garage without a residence. There is a residence there right now, but it's obviously going to be removed; it's falling apart. Then they wanted to have overflow space thus, the barndominium, which was a term new to him too in this process.

Melissa Mullins Mischke asked if he can tell her the reason for the height change?

Christopher Thor Martin stated sure. He thinks it's that the residence would be above it. The loft space would be above the garage space. So, he thinks twenty feet (20'), it's not going to be any more than that. He doesn't even know if it's going to be above the eighteen feet (18'), but it would just be one (1) floor of garage space and then into a loft space above it.

No remonstrators present.

Ernie Schmidt asked if all the buildings will be removed.

Christopher Thor Martin stated that's the plan. They're engaging with the contractor now to give them a quote on removing all of it, both the house and there's also a shed that's also falling apart there. That would all be removed in addition to the minimal foundation that it has, no full basement or anything.

Ernie Schmidt stated so they'll clean up everything.

Christopher Thor Martin stated yes.

Ernie Schmidt stated okay. Thank you.

Vern Schafer asked if he is planning on this being a full-time residence then? Is that the case?

Christopher Thor Martin stated it could be down the road, but not really. He knows his mother has an interest in having a little space there. She enjoys the house that we're at, too, but it's nice to have a little more space.

Vern Schafer stated living quarters upstairs, what's the access to the living quarters?

Christopher Thor Martin stated yes. The plan would be that there's a stairwell up into that second floor. It'd be, he thinks they call it a Gabriel-style roof.

Vern Schafer stated gambrel.

Christopher Thor Martin stated gambrel, excuse him.

Vern Schafer stated he sees the drawing. That's what triggered his question obviously. He doesn't really have a really good design here, but they don't really have any control of this, but if they're going to have a residence there, obviously they have to meet certain codes for escape and everything else, because it's upstairs only.

Melissa Mullins Mischke asked if Ernie has any questions.

Ernie Schmidt stated they'll have to work with the Building Department, so they get the proper egress and stuff out of there.

Christopher Thor Martin stated absolutely.

Ernie Schmidt stated all their windows and all their stairways.

Melissa Mullins Mischke asked who will be staying there?

Christopher Thor Martin stated right now, nobody. It's intended for a garage space but, they wanted to have flexibility. There's a sewer plan to be coming to that area. So, they want to build in anticipation of that.

Melissa Mullins Mischke stated he understands that if they were to approve this, there would be no renting of it?

Christopher Thor Martin stated no. It's only for overflow of family.

Ernie Schmidt made a motion to approve the Petition for Variance of Developmental Standards for Larry Hausen (seller) & Christopher Thor Martin (buyer) for construction of a pole barn with loft living quarters on a lot without a primary home and with a height of 20' instead of the max 18' allowed. This property is located at 8027 E. Emery Rd., New Carlisle, IN., Hudson Twp., zoned R1B.

Vern Schafer seconded.

All Approved. Motion carries 3-0.

**5. Petition Variance of Developmental Standards for Steven A Olson Rev Trust (seller) & Michael Wozniak (buyer)** for construction of a primary residence on a lot with 150' of frontage instead of the 200' minimum required. This property is located North of 2004 N. 1000 E., Mill Creek, IN., Wills Twp., zoned A on 8 acres. Parcel 46-08-22-400-004.000-068.

Attorney Biege stated notice is adequate.

Michael Wozniak stated his address is 8951 Chicago Rd., New Carlisle, IN.

Rhonda Ashcraft stated her address is 105 Caroline Dr., Walkerton, IN.

Melissa Mullins Mischke asked her relationship to this petition.

Rhonda Ashcraft stated she is his girlfriend.

Melissa Mullins Mischke stated okay, very good. Explain to her the situation with the lack of two hundred feet (200') of road frontage.

Rhonda Ashcraft stated currently, they're trying to purchase the land. They want the variance because right now there's only one hundred and fifty (150') and they don't have the two hundred feet (200') of frontage. The property does go straight back and then it opens up into a larger kind of L-shaped area and it is all wooded.

**Remonstrators:**

Melissa Mullins Mischke stated they did receive some written remonstrance regarding this.

Caity and Brandyn Grillo stated their address is 2004 N. 1000 E., Mill Creek, IN.

Melissa Mullins Mischke asked what their concern is.

Caity Grillo stated sorry, she is a little nervous.

Melissa Mulling Mischke stated that's alright. Take a deep breath.

Caity Grillo stated she and her husband are here today because they are opposed to the petition of the variance exception for the construction of primary residence on the lot that they are attached to. She and her aunt Shirley Doms divided off the two (2) acre parcel from the original ten (10) acre parcel specifically making sure that the remainder road frontage was less than two hundred feet (200') so that no one could build to the side of them or behind them. Zoning laws such as requirements for two hundred feet (200') of frontage exists for a reason. Allowing exceptions could set a precedent that undermines the integrity of the county zoning standards. Zoning regulations help protect their home as well as our community by ensuring residents aren't exposed to loud noises or high traffic. A new building would lead to increased traffic, noise, and disruption which would impact the quality of life in their homes. They also have environmental concerns. Construction would affect the natural resources such as trees and wildlife. Disrupting animal movement and plant dispersal could lead to biodiversity loss. Their small community is dedicated to preventing the spread of development into undeveloped areas. Along with these important reasons, the biggest is property value impact. New construction would negatively affect the value of our property due to the proximity of a permanent residence. She and her husband would have never built their house on the lot if they thought that the remaining lot would be buildable. They were not planning on ever having anyone live behind them or beside

them. She and her aunt split the parcel this way based off of the county rules and regulations so that their house could never be built behind. For these reasons, they are opposed to the petition of the variance exception.

Melissa Mullins Mischke asked who her aunt is.

Caity Grillo stated her aunt is Shirley Doms. She has since passed away.

Melissa Mullins Mischke stated she is not in the trust?

Caity Grillo stated unfortunately, she was ill. She did have a will. She was ill at the time. She had to go into the nursing home. So, her cousin, Steve Olson, had her sign up a trust that gave everything to him. Unfortunately, things did not work out the way they thought they would.

Melissa Mullins Mischke stated so probably, they should have purchased this property when they had the chance.

Caity Grillo stated they tried. It's kind of been a circle with Steve. They are still trying, but unfortunately, they saw this pop up. She's here to fight it.

Melissa Mullins Mischke stated she can certainly understand her concerns. Thank you.

Eric Boklund stated his address is 2061 N. 1000 E., Mill Creek, IN.

Joyce Ward stated her address is 2041 N. 1000 E., Mill Creek, IN.

Eric Boklund stated he basically prepared a statement. A letter perhaps. He is Eric Boklund III and he has lived at 2061 N. 1000 E. for twenty-two (22) years now. His late father Eric Boklund Jr. built the house that he currently resides in back in 1996. The property where he resides is across the street from the property that is trying to be bought. His argument against buying is mainly just considering nature and wildlife. His father used to hunt deer on the land that is within the proximity of what is trying to be bought. He explained a lot of information to him about the wildlife in the area, which now that he has passed, he has kept an eye on. When he was very young, the deer population used to be through the roof. He could look out at the window at night, see twenty to thirty (20 – 30) deer. Now, he's lucky to see one (1) every few weeks. As he grew older, his father explained to him that there was a disease affecting the deer called the blue tongue disease. This brought the deer population down greatly. While that happened, the coyote saw an opportunity. They ran in packs of twenty (20) or more howling every single night and they preyed on the deer. So, the deer had to relocate. As the packs grew, they continued on to eating more than just deer. It sounds like a natural thing that happens. However, he rarely hears howling at night from the dominant predators anymore. The wildlife population, such as deer, coyotes, pheasants, turtle doves, and turkeys have diminished to almost nothing out there. This is not even including the waning of possum, raccoons, and squirrels. He believes buying this property would have a significant impact on the complete downfall of the wildlife that is near. There's already been a large amount of agricultural land that has been bought and sold just a few

miles north of them and it's being replaced with concrete and huge buildings so his question is, is where will tearing down the wildlife habitat stop? Thank you.

Melissa Mullins Mischke state thank you. Does she have further comments ma'am.

Joyce Ward stated she has just been there for twenty-three (23) years, and she agrees with everything he said because it's open land. Its wildlife land is what it is, and they don't want to see any more homes go up in that area and everything for that reason.

Melissa Mullins Mischke asked for the petitioners to come back up. She has a question. Are they under contract right now?

Rhonda Ashcraft stated it is all varying depending on this variance.

Melissa Mullins Mischke stated so basically, if anybody else wanted to purchase that land, they should have gotten in before you.

Michael Wozniak stated correct.

Melissa Mullins Mischke stated if they wanted to preserve their wildlife, then maybe they should have purchased the land. If they didn't want to see homes next to them, they should have probably tried to purchase that land. Because they are in a situation where should we approve this variance, they're going to, the purchase goes through, they're going to build a home.

Rhonda Ashcraft stated correct. And they're not going to disrupt any more than they need to just build the home.

Melissa Mullins Mischke stated very good. She thinks everybody here tonight has witnessed that they, the whole point of this board is to make exceptions to our zoning rules and regulations. And earlier tonight, they approved a petition for someone who was building without two hundred feet (200') of road frontage. So, that is something that they do when they feel it's appropriate. So, if there are any other questions from the board. Vern?

Vern Schafer stated he doesn't really have any questions. He agrees with what Melissa said that this property is available. If they wanted to watch wildlife, I guess they buy the property and watch the wildlife, but if they don't want to buy the property, then it's up to the purchaser to decide what they want to do with it. Obviously, I agree that he likes to look at wildlife also, but he also knows that if he owns a piece of property, he wants to be able to use it. That's just his opinion.

Ernie Schmidt made a motion to approve the Petition for Variance of Developmental Standards for Steven A Olson Rev Trust (seller) & Michael Wozniak (buyer) for construction of a primary residence on a lot with 150' of frontage instead of the 200' minimum required. This property is located North of 2004 N. 1000 E., Mill Creek, IN., Wills Twp., zoned A on 8 acres.

Vern Schafer seconded.



All Approved. Motion carries 4-0.

**6. Petition for Special Exception for Jacob and Kerbi Daurer** for the keeping of 12 chickens (maximum). This property is located at 5587 N. 600 W., Michigan City, IN., Springfield Twp., zoned R1B on 2.21 total acres. Parcels 46-06-06-151-008.000-062 & 46-06-06-151-013.000-062.

Attorney Biege stated notice is adequate.

Kerbi and Jacob Daurer stated their address is 5587 N. 600 W., Michigan City, IN.

Melissa Mullins Mischke stated okay. Let's talk chickens. They want twelve (12) chickens?

Kerbie Daurer stated maximum.

Melissa Mullins Mischke stated how many hens are they talking out of twelve (12).

Kerbi Daurer stated twelve (12).

Melissa Mullins Mischke stated that's outstanding.

Kerbie Daurer stated they are chicken math-ing it. They are assuming less than that.

Melissa Mullins Mischke stated they should probably consider six (6). Chicken math goes the other direction. Six (6) and then they work their way up to twelve (12).

No remonstrators present.

Kerbi Daurer stated they had three (3) neighbors sign and then there were three (3) others. One (1) was the railroad, one (1) was Zorn, and one (1) was a vacant house. We sent it out to them, but they're not here so.

Melissa Mullins Mischke asked if they have children they're going to try and teach.

Kerbi Daurer stated yes, they have two (2) children, a three (3) year old and a seven (7) month old. Yes. They will teach chicken-ing and they garden.

Melissa Mullins Mischke stated very good.

Vern Schafer stated these are confined, right.

Kerbi Daurer stated yes.

Vern Schafer stated they can't run free.

Kerbi Daurer stated no.

Melissa Mullins Mischke stated as they know, they come home and go to bed.

Vern Schafer stated or they get eaten.

Melissa Mullins Mischke asked what kind of containment are they considering?

Kerbi Daurer stated they have an existing building that they have already started to build a run for because they didn't realize they needed to do this yet.

Melissa Mullins Mischke stated she knows they are pretty wooded, but they might want to consider netting or something for hawks.

Ernie Schmidt asked if she saw the pictures.

Melissa Mullins Mischke stated no.

Ernie Schmidt stated they have it already. Got the chickens and got the top on.

Melissa Mullins Mischke stated beautiful. She has chickens. That's why their attorney is making faces.

Attorney Biege stated he doesn't like chickens. His sister made him hold one (1) once and it was horrible.

Kerbi Daurer stated okay.

Melissa Mullins Mischke stated they have coined the term urban chickens. All right, if there are no further questions from this board, she'd like to entertain a motion.

Vern Schafer made a motion to approve the Petition for Special Exception for Jacob and Kerbi Daurer for the keeping of 12 chickens (maximum). This property is located at 5587 N. 600 W., Michigan City, IN., Springfield Twp., zoned R1B on 2.21 total acres.

Ernie Schmidt seconded.

Melissa Mullins Mischke stated she wants to be clear that there are no roosters.

Kerbi Daurer stated no.

All Approved. Motion carries 4-0.

**6. Petition for Special Exception for Craig O'Donnell** for raising of no more than 12 chickens. This property is located at 2566 N. Pinebrook Dr., LaPorte, IN., Coolspring Twp., zoned R1A. Parcel 46-05-24-151-035.000-046.

Attorney Biege stated notice is adequate.

Craig O'Donnell stated his address is 2566 N. Pinebrook Dr., LaPorte, IN.

Kayla Cadwell stated her address is 2566 N. Pinebrook Dr., LaPorte, IN.

*Their son stated his name is Odin.*

Melissa Mullins Mischke asked if he wanted chickens.

Odin stated yes.

Melissa Mullins Mischke stated very good. All right. So, they're looking for twelve (12) maximum?

Craig O'Donnell stated yes.

Melissa Mullins Mischke asked if they are going to be hens.

Craig O'Donnell stated yes, all hens. They had two (2) roosters, but they got rid of them once they found out they couldn't have them.

Melissa Mullins Mischke stated they are kind of noisy.

**Remonstrators:**

Kathy Callan stated her address is 2565 N. Pinebrook Dr., LaPorte, IN. The O'Donnell's and her are on the end of a cul-de-sac. She is their next-door neighbor. She has no problem with them having chickens. She didn't have a problem with them having that rooster, but it's gone now. She has no problem with chickens.

Melissa Mullins Mischke stated okay. Very good. Thank you.

Ernie Schmidt stated not going to have roosters, correct?

Kayla Cadwell stated no. They are not going to do that again. They learned their lesson. She also wants to say that their chicken that they have now, Odin had incubated them, and he learned all about it and he raised the chickens from eggs with Craig's help. He'll be at the fair with them soon.

Melissa Mullins Mischke stated very good.

Ernie Schmidt made a motion to approve the Petition for Special Exception for Craig O'Donnell for raising of no more than 12 chickens. This property is located at 2566 N. Pinebrook Dr., LaPorte, IN., Coolspring Twp., zoned R1A.

Deb Vance seconded

All Approved. Motion carries 4-0.

Melissa Mullins Mischke asked for any new business.

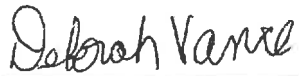
Attorney Biege stated he has a concern about the extreme chicken bias on this Board right now.

Ernie Schmidt and Vern Schafer stated as long as they're not roosters.

Deb Vance stated she has to live vicariously through everyone else because she can't have chickens.

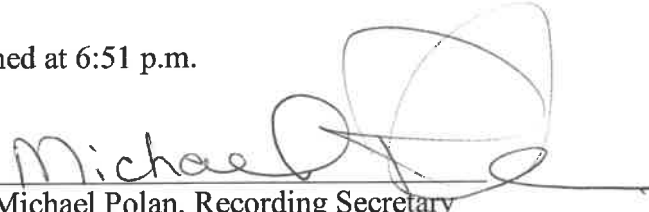
Melissa Mullins Mischke stated no roosters ever.

There being no further business, meeting adjourned at 6:51 p.m.



~~Melissa Mullins Mischke, President~~

Deborah Vance, vice president

  
Michael Polan, Recording Secretary