



**LAPORTE COUNTY
BOARD OF ZONING APPEALS**

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Michael Polan
Building Commissioner

November 19th, 2024

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **November 19th, 2024, at 6:00 p.m.** in the Assembly Room of the County Complex.

MEMBERS PRESENT: Deb Vance Ernie Schmidt
 Vern Schafer John Carr

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

The Pledge of Allegiance.

APPROVAL OF MINUTES:

Deb Vance asked for approval of the meeting minutes of October 15th, 2024

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

Vern Schafer seconded.

All Approved. Motion carries 4-0.

Deb Vance 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 Variance of Use for Matthew Mueller for construction and operation of an outdoor storage facility. This property is located east of 5502 E. SR 4, LaPorte, IN., Pleasant Twp., zoned A on 2.63 acres. Parcel 46-11-13-400-009.000-057.

Attorney Biege stated notice is adequate.

Matthew Mueller stated his address is 5652 E. State Road 4, Mill Creek, IN.

Deb Vance asked if he wanted to give them some information. She knows he had some updates.

Matthew Mueller stated okay. Yeah, so after the last meeting, they took in consideration what the Board suggested and then they reached out to an engineering firm to address some of the concerns that they posed. One (1) of the main ones being collection of rainfall water. He believes each of them have an engineer's drawing. So, what they did was we had them maximize the potential use of buildings, if built, to collect the most amount of rainfall using the natural runoff of the water. They'll all go back towards the back part of the property with a four-foot (4') wide by four-foot (4') long retaining ditch on in the back that will run the entire length of the property, roughly four hundred and ninety feet (490'), which would be more than adequate to collect all of the rainwater that would come off of the buildings. Then there was another concern about the access point off of the highway. So, the current property meets INDOT approval for driveway residence. When speaking with INDOT, depending on how everything goes tonight, they will assign a special person to come out and assess the property to make adequate changes to the access point off of the highway.

Deb Vance stated they will open it up for remonstrators only for the updates.

Remonstrators:

Ken Rosentreter stated his address is 5502 E. State Road 4, Mill Creek, IN. This property is adjacent to his property. Some of the stuff that they are concerned about would be the people that come out to the storage places. Thievery and drawing crowds out to the storage facilities. As far as the runoff goes, in the summertime, when the farmers are crop dusting their fields, their property gets coated with the same stuff they spray the fields with. They've had it on their shoes and in their yard, and they're concerned about having all that area over there not able to consume the poisons in their spring as runoff. Also, the lighting out there that these storage containers would bring. They bought that property out there in the middle of a cornfield so it would be dark and secluded and they like their dark property. From what they could come up with, there's all sorts of storage containers or storage facilities that are within ten (10) miles of their house. They're in Rolling Prairie all over the place. They're in Fish Lake down there. They can go down there and take a look at the condition that those are in. He's not saying that he would not take care of his stuff, but they have seen over the years stuff just diminishing by them. Like he said, they bought the property out in the middle of a cornfield. They really never had any problems with the greenhouses next door. They had a thriving business there. They were not happy about the greenhouses put across the street. Of course, that's not their property or by their property, but still, it's intruding on everybody in the neighborhood. Unless his wife has something to say, he'd appreciate not letting this zone go through.

Anita Rosentreter stated her address is 5502 E. State Road 4, Mill Creek, IN. This is their home and it's not a business. If she wanted to live next to businesses, she probably would have chosen a home in LaPorte or in a city. It's all homes within this area. It's labeled Agriculture. It's not labeled Business. She doesn't understand why he's wanting to put it in the middle of nowhere. Down in Fish Lake, they have one down there. They haven't taken care of it. It hardly has any business. It's been up for sale forever. So, why would they want one next to them? Like he even

mentioned earlier before, people coming in and out on that property there is inviting trouble for their property because they're going to see what's on their property. They have children in the neighborhood. Just down the street there was a child that was almost kidnapped on the end of the bridge so it's not that far-fetched for a child to be picked up. With the unwanted lighting, they've already got a lighting there that already bombards them. If they go adding more lighting in there it's going to be impossible. They're going to have to put newspapers on their windows to keep the light out? Then like he said, with the runoff, she did hear him say something about the runoff. Does he mean all the way through the whole length of the property behind our house? She didn't see any plans, so she doesn't know. But when it rains, it rains hard. She just wouldn't want to see her property getting bombarded by a bunch of water and, like he said, the poisons.

Deb Vance asked if she has anything else different from what her husband has shared with them.

Anita Rosentreter stated she guesses maybe not. She was trying to go through everything, but he skipped over back and forth, so she was trying to go through her list.

Deb Vance stated okay. All right. So, if they have anything different, then they'll hear from the next one then. Thank you.

Anita Rosentreter stated she does have one more thing to say. She did call bunch of realtors and tried to get an appraisal and half of them didn't return her call, the ones that did she talk to said that they could not give an appraisal of their house except for what's currently going on. They couldn't give her any projections or anything like that; they said they'd have to come back a year later after it was already done with. She doesn't know what else to do to say that it would devalue their property. She doesn't know how else to prove that. So, that was the only other thing.

Deb Vance stated thank you.

Andrew Solomon stated his address is 5551 E. State Road 4, Mill Creek, IN. He lives across the street. His only real thing is he just wants to know about the lighting situation, because all his windows on his house face directly across. So, if it's going to be like a bunch of floodlights and stuff like that, it's kind of a concern for him, because he like to keep his blinds and everything open. Other than that, he really doesn't have too much of an issue.

Deb Vance stated thank you.

Matt Garritano stated his is from Charles Hendricks & Associates Surveying and Engineering. They developed that desktop review of the plan. A lot of things were said, but he can't really comment on much of any of it other than the drainage and the lighting. LaPorte County has a lighting plan for site plans, so at this stage of it, they wouldn't necessarily have a lighting plan yet because they don't have approval to do the site, but he can attest that they would follow LaPorte County guidelines for the site design. As far as the drainage, no drainage for the proposed site is going to be headed west onto the adjacent neighbor's property. They're not allowed to dump water on anybody else's property. The property naturally flows to the south and that pond is going to be on the opposite side of the buildings from the adjacent parcel. So, it

won't even abut the adjacent parcel. So, for them to be worried about water, he understands that, but it's just not the case on here. The other items he can't really speak to.

Deb Vance asked if Matt Mueller wanted to add anything to that.

Matthew Mueller stated no. If they have any questions, they'll try to answer the best they can.

Vern Schafer stated he noticed that the property adjacent to them to the west there shows a lot of trees there. Would he consider putting a row of arborvitaes or something gallon that property?

Matthew Mueller stated for their property, all the existing trees will remain. The plan was to originally was to put arborvitaes along it so that there's even more protection so that they have less issues.

Vern Schafer stated the original plan, they're going to start with which buildings?

Matthew Mueller stated the ones running north and south. It all depends on money and everything.

Vern Schafer stated okay, but obviously what they're talking about is future expansion if it becomes necessary, but obviously he probably wants to test the water and find out the occupancy rate.

Matthew Mueller stated correct.

Vern Schafer stated they're going to start with the buildings north and south.

Matthew Mueller stated correct.

Vern Schafer stated he suggests that he try to, if they approve this, that he maintains some kind of a buffer between them and the neighbor so they don't have to look at his buildings. Obviously, it takes a while for trees to grow, but he understands that.

John Carr asked how long during the day will this facility be open.

Matthew Mueller stated he remembers them asking that last time. The plan is to have an automatic gate with a password so that way, it's going to limit the amount of people that can access the storage units. Should also answer some of the neighbor's questions as far as unwanted people showing up at unwanted times. Does that answer it? I know it's kind of a broad answer, but. . .

John Carr stated yes. He is kind of curious on what would prevent maybe somebody with who has a shed out there from coming at two o'clock (2 a.m.) and opening it up for all their friends to hang out.

Matthew Mueller stated the perk is once the security system is on the premises, then if it's a password-encoded gate, if they only did say eight (8) a.m. to six (6) p.m., the gate would only be open from eight (8) a.m. to six (6) p.m. to where that would limit to basically answer that question right there.

Vern Schafer stated he thinks limited hours is kind of important because of the fact that there are neighbors. It's in the middle of nowhere.

Matthew Mueller stated correct. He believes with the password gate that would limit basically anything, especially if it has an automatic lock at a certain time.

Deb Vance stated that was her question, if they weren't going to have a 24-hour access to it, right?

Matthew Mueller stated no. In a perfect world it would only be "x" a.m. to "x" p.m.

Michael Polan stated Madam President, he would just like to add for public information, for those concerned in the audience or at home, that the lighting regulations that would apply to this, if approved, can be found in section 17.04 in our LaPorte County Joint Zoning Ordinance, and that is available online for anyone to peruse.

Vern Schafer made a motion to approve the Petition for Variance of Use for Matthew Mueller for construction and operation of an outdoor storage facility. Hours of Operation: Monday – Saturday 8 a.m. – 6 p.m. No Sunday. Attempt to establish a better tree buffer on the west side. This property is located east of 5502 E. SR 4, LaPorte, IN., Pleasant Twp., zoned A on 2.63 acres.

Ernie Schmidt seconded.

All Approved. Motion carries 4-0.

2. Petition for Variance of Developmental Standards for Donald L Hodgkinson & Adelyn R Polsgrove for addition of water for a mudroom/bathroom in a pole barn. This property is located at 8495 W. 350 S., LaPorte, IN., New Durham Twp., zoned A on 1.06 acres. Parcel 46-09-22-200-028.000-027.

Attorney Biege stated notice is adequate.

Keith Polsgrove stated his address is 8495 W. 350 S., LaPorte, IN.

Deb Vance asked for some information about it.

Keith Polsgrove stated they're putting a pull barn up and he'd like to have a bathroom with a hose for like a wash bay and it's on the back side of the property so running back inside to use the bathroom is a minimal.

No remonstrators present.

Vern Schafer asked if there is a residence on the property right now?

Keith Parcel stated on the front parcel, yes.

Vern Schafer stated so it is an additional building that he wants water in.

Keith Polsgrove stated yes.

Ernie Schmidt made a motion to approve the Petition for Variance of Developmental Standards for Donald L Hodgkinson & Adelyn R Polsgrove for addition of water for a mudroom/bathroom in a pole barn. This property is located at 8495 W. 350 S., LaPorte, IN., New Durham Twp., zoned A on 1.06 acres.

Vern Schafer seconded.

All Approved. Motion carries 4-0.

3. Petition for Variance of Use for George E & Susan M Neal (seller) and Robert Bom (buyer) to operate an ice cream parlor. This property is located West of 7701 E. State Road 4, Walkerton, IN., Lincoln Twp., zoned R1B. Parcels 46-12-17-408-004.000-055, 46-12-17-408-003.000-055 & 46-12-17-408-001.000-055.

Attorney Biege stated notice is adequate.

Emily Howard stated her address is 2401 S. 500 E., Mill Creek, IN. She is representing BB Enterprises and Robert and Ashley Bom for Petitions 3 and 4.

Deb Vance asked her to give them some information about this petition.

Emily Howard stated this is proposing to purchase the property and put an ice cream shop there. They are planning to be open six (6) days a week. That would be Sunday through Friday ten (10) a.m. to nine (9) p.m. They plan to have outdoor covered and uncovered seating and parking as well.

Remonstrators:

Phyllis Schoof stated her address is 7701 E State Road 4, Walkerton, IN. She lives next door to where the ice cream parlor wants to go in. She has lived there for sixty-two (62) years. She doesn't think it belongs there. There is not enough room for cars to park. There's not enough room for cars to turn in there. The semis from the farmers going towards South Bend with their grain in there, they do not check the speed limit. They just zoom through there. Last week, there was a young fellow riding a bike. The semi had to pull over into the other lane. Luckily, there was no one else coming. Cars going down there, it worries her about the children walking because the cars going down that highway, see how close they can come to you. There was one

young man killed by a car while he was walking by the Catholic Church. About two (2) years ago, a woman was walking; they clipped her and she broke her elbow. She would like to know, who's going to keep that cleaned up? That has not been cleaned in years. It has cost her, in the last two (2) years, three hundred and seventy-five dollars (\$375) for the exterminator to come to her house because of mice. It just worries her, the speed and everything that goes through there. If there's somebody wanting to turn in to get an ice cream cone, and there's a semi behind them, there's no way they're going to be able to stop. They've had a pizza place and an ice cream parlor across the street already from them. It had to close up because of the business, they couldn't make it. Will she be having lights all night long or whatever? Is this going to be a drive-through? Is this going to be an ice cream parlor where you can go in and have ice cream? That one (1) side there, that's nothing but swampland. She just can't see it and her taxes she's sure will go up. It's just not a right corner for an ice cream parlor or any business. She just can't see it. Will they put up a privacy fence? She doesn't know. Does the Board of Health check on that?

Deb Vance stated yes.

Terry Schoof stated he is her son. He just happened to be in town. He no longer lives in this area; he lives in Delaware. One of his big concerns would be, if it's a business with a parking lot, where's the rainwater runoff going to go to? Like his mother said, to the north side of the property is nothing but swamp, and the swamp eventually goes into actual Fish Lake. It'll actually dump into there. The other thing is, he doesn't know if anybody's done a traffic study on this piece of property. There's no stop. There's stop on Longshore Drive that borders State Road 4 right there; there's stop signs, but on the actual highway, there's no type of stopping. Like she said, when people come through there, of course, nobody does the speed limit. They're well above the speed limit. All the commercial business in that area is east of that area. It's basically on the other side of the channel of Fish Lake on State Road 4. Down by the library, there's the store, the firehouse, and so forth. This here, as far as he knows, is, from what his mother says, is all residential zoned. He doesn't know that this is zoned for commercial use at all. Like she said, what effects is it going to have on her property? Are they going to have lights on twenty-four (24) hours a day? Or not twenty-four (24) hours a day, but at nighttime for security purposes and so forth? There are no sidewalks in this area whatsoever. There's not even a shoulder on the road on the highway.

Phyllis Schoof stated she has already had two (2) cars in her yard that had to be towed out. She would sure would hate to see a semi or another car come in there. Or a child get hit just because they're walking down for an ice cream cone. It just scares her. That's what she has to say.

Deb Vance stated alright. Thank you.

Vern Schafer stated they submitted a drawing, and what he counted was sixteen (16) parking spaces.

Emily Howard stated okay.

Vern Schafer stated there's no dimensions in any of this. It's just a nice drawing, obviously, but he doesn't know if it really works as far as the dimensions are concerned. Plus, there was some

talking, if they put a parking facility in that large, they're going to have to have a place to store the water.

Emily Howard stated okay.

Vern Schafer stated he doesn't think this is an adequate enough area to allow that kind of pavement or parking because there's no storm sewers here.

Emily Howard stated okay.

Vern Schafer stated there's no retention area. His thinking is the plan is inadequate.

Emily Howard asked if she could address the neighbors' concerns.

Deb Vance stated sure.

Emily Howard stated just as far as the entrance, it is currently from the highway, but given permission, his plan would be to put the entrance off the side road so that traffic wouldn't be stopped. They would only be stopping to turn as usual traffic would be. Also, in efforts to want to be able to clean up the property, because as she stated, it's just been kind of an overgrown lot for many, many years now; his intention was to be able to clean it up to make it look nicer as an entrance from that end of the town.

John Carr stated he assumes they're going to build a new building there.

Emily Howard stated it is already there. It's one (1) of those prebuilt shed Amish type style buildings and so all the equipment everything would be contained in there and so then it would only be serving from inside of that building. Seating would only be outside.

John Carr asked is there running? Is there water and electricity ran to there already?

Emily Howard stated she does not know those details. She was told that they said that she could call him if they had more detailed questions they needed to ask.

John Carr stated a public place would have to have a restroom too.

Vern Schafer stated personally, he doesn't think there's enough space there for water retention for what they're planning there as far as parking. So, he can't see how this could possibly work in that particular spot because of that restraint. It's not large enough to also have water retention.

John Carr asked if there is a plan to put up a fence.

Emily Howard stated yes, an arborvitae row as well as a fence if required.

Ernie Schmidt made a motion to deny the Petition for Variance of Use for George E & Susan M Neal (seller) and Robert Bom (buyer) to operate an ice cream parlor. This property is located West of 7701 E. State Road 4, Walkerton, IN., Lincoln Twp., zoned R1B.

Vern Schafer seconded.

All Approved. Motion carries 4-0.

4. Petition for Variance of Use for BB Enterprise Inc to operate a boat, car, and RV storage business. This property is located at 2606 E. State Road 2, Rolling Prairie, IN., Kankakee Twp., zoned B2 and A on 38.994 total acres. Parcels 46-07-21-377-006.000-052 & 46-07-21-400-007.000-052.

Attorney Biege stated notice is adequate.

Emily Howard stated her address is 2401 S. 500 E., Mill Creek, IN. The plan is to put in a boat, RV, and vehicle storage. Their plan is to have a twenty-four (24) hour remote gated access with lights on a gravel lot. Each unit would be fourteen feet by forty-five feet (14' x 45') long and the Phase 1 building will have eleven (11) units available.

Deb Vance asked if she had anything else to add.

Emily Howard stated he said this would be beneficial to the City and the County Ordinances in reference to storage of such RVs and boats.

No remonstrators present.

Vern Schafer stated this is zoned Ag again. It's quite a bit of acreage. He sees they have plans showing for the buildings and stuff here that they sent in with quite a bit of detail on how they build them. As far as the layout of this whole thing, he doesn't know how they're planning on laying it out. Again, he is concerned with water retention. Obviously, they've got to hold their water. So, if there's going to be a lot of area that's gravel, then there has to be a place to store water. He sees a drawing here of Phase 1, 2, 3, 4 et cetera, but he doesn't really see any water retention areas.

Emily Howard Okay. Just on that note, she doesn't know what the laws are about water retention and storage, but she does know that as they see, they have a very large property with she's sure room to make a retention pond there. It is different than the other property that was much smaller.

Vern Schafer stated the other the other question he has for her is this going to be for indoor and outdoor like storing RVs outside?

Emily Howard stated yes, on gravel lots.

Vern Schafer stated they can we can add that to their motion that you come up with a plan for water retention obviously.

Emily Howard stated okay.

Vern Schafer made a motion to approve the Petition for Variance of Use for BB Enterprise Inc to operate a boat, car, and RV storage business. A drainage and retention plan must be submitted and subject to approval by the Building Commissioner. This property is located at 2606 E. State Road 2, Rolling Prairie, IN., Kankakee Twp., zoned B2 and A on 38.994 total acres.

Ernie Schmidt seconded.

All Approved. Motion carries 4-0.

5. Petition for Variance of Use for INTRA LOCK 3 LLC for flex warehousing. See Exhibit 1. This property is located at 1402 W. Hwy 20, Michigan City, IN., Coolspring Twp., zoned A on 3.2 acres. Parcel 46-05-07-100-019.000-046.

Attorney Biege stated notice is adequate.

Arnold Hernandez stated his address is 1402 US Hwy 20, Michigan City, IN.

Deb Vance asked for some information on it.

Arnold Hernandez stated they we purchased this property last year, June 2023. There are already some storage buildings on there and there's some additional land to build on and they want to build some flex warehousing units. What that is, it's units a little bit bigger for about fifteen hundred square feet (1,500²) -ish each unit and about six (6) units in each building. That'll serve its purpose for contractors who just want to store their vehicle and tools. It's called flex warehousing for the same reason. There's a lot of use cases for it. It could be someone who maybe wants to detail cars or run a small business out of there. It can be used even storage for someone who has antique cars or some nice cars that just wants to simply store them there. It can serve that purpose as well. He laid out some of those examples in the business plan subject but not limited to some of those.

No remonstrators present.

Vern Schafer asked if they are building this in phases.

Arnold Hernandez stated he thinks so. They haven't really decided that since it is only three (3) buildings so it's not too much, but if they did, they would start on the west end and work their way east.

Vern Schafer stated three-point-two (3.2) acres again. They have to make sure that they keep their water on site.

Arnold Hernandez stated yes.

Vern Schafer stated there's no sewer here. This is Ag, right? There's no sewer.

Arnold Hernandez stated right. Originally, they told him if they developed under an acre, if they tore down less than an acre, they wouldn't have to worry about the stormwater or drainage. Under this plan, obviously they would, but he was going to take care of that if they got approved.

Deb Vance stated he said this can be so they can run little detail shops and stuff out of that warehouse?

Arnold Hernandez stated yes, exactly. Maybe someone who owns like a party rental business. Maybe they just have like tables and chairs there. There's a lot of different use cases for it.

Deb Vance stated he mentioned car detailing. Is that going to be a lot of people coming in and out of there?

Arnold Hernandez stated no, he doesn't expect it to be highly trafficked at all.

John Carr asked what kind of buildings are there.

Arnold Hernandez stated steel.

John Carr stated so they are steel-framed. They don't sit on a foundation?

Arnold Hernandez stated yes, we would probably do steel.

Vern Schafer stated but are they on a foundation.

Arnold Hernandez stated yes, correct. Exactly.

Vern Schafer made a motion to approve the Petition for Variance of Use for INTRA LOCK 3 LLC for flex warehousing. See Exhibit 1. A drainage and retention plan must be submitted and subject to approval by the Building Commissioner. This property is located at 1402 W. Hwy 20, Michigan City, IN., Coolspring Twp., zoned A on 3.2 acres.

Ernie Schmidt seconded.

All Approved. Motion carries 4-0.

6. Petition for Variance of Developmental Standards for Frank and Rebecca Nevills for construction of a 3rd accessory and to the front of the house and the side of the driveway. This property is located at 4577 S. Wozniak Rd., LaPorte, IN., New Durham Twp., zoned A on 2 acres. Parcel 46-09-26-300-033.000-027.

Attorney Biege stated notice is adequate.

Rebecca Nevills stated her address is 4577 S. Wozniak Rd., LaPorte, IN. She is just here because they have a petition for a variance so they can put a garage up on the front side off to the side of their house.

No remonstrators present.

Vern Schafer made a motion to approve the Petition for Variance of Developmental Standards for Frank and Rebecca Nevills for construction of a 3rd accessory and to the front of the house and the side of the driveway. This property is located at 4577 S. Wozniak Rd., LaPorte, IN., New Durham Twp., zoned A on 2 acres.

John Carr seconded.

All Approved. Motion carries 4-0.

7. Petition for Variance of Developmental Standards for Eric & Kellie Stule (owner) and Alayna & Joseph Novak Jr (buyer) to split a parcel in two. Parent parcel will have easement access and 6.41 acres. New parcel will have 2.5 acres and 155' of frontage instead of the 200' minimum required and to build a home on the new parcel. This property is located at 3923 N. Meritage Trl., LaPorte, IN., Center Twp., zoned R1B on 8.91 acres. Parcel 46-06-07-476-009.000-042.

Attorney Biege stated notice is adequate.

Joseph Novak Jr. stated his address is 4747 W. US Hwy 20, LaPorte, IN.

Deb Vance asked him to give them some information about it.

Joseph Novak Jr. stated yes. Currently they reside at 4747 W. US Hwy 20 in a loft above Novak's Auto Repair. He owns a company called All Pro Buildings. They specialize in new home construction. Through a business exchange, he had the opportunity to obtain this split parcel and lay some roots down a build a house of his own. They would like to request a variance so they can put a house up for themselves.

Remonstrators:

Jim Staples stated his address is 4101 N. 525 W., LaPorte, IN. This piece of land he's talking about is a piece of pie. He has one (1) acre on this corner. He moved in there in 1957. He hates to see what's happening. He's buying up land that belonged to him, but he never did pay for it. Now, this is a comical, but he has no objections of him building. He's building in his backyard, and he has talked to neighbors and the neighbors don't have no complaint. So, he wants to welcome as a neighbor.

Jeff Nosich stated he owns the property at 3925 N. Meritage Trl., LaPorte, IN. One (1) question he had was access to this parcel. Right now, it's landlocked and there's a parcel directly south of

it that adjoins his property to which he has been granted an easement to that specific property. He'd like to know where the access to this new parcel is.

Ashley Kazmucha stated she could speak to that if they would like.

Deb Vance stated yes, please.

Ashley Kazmucha stated they will have one hundred and fifty-five feet (155') of road frontage off of 525 and they will be using that as their entrance.

Vern Schafer stated that is that question he had. Where is exactly the one hundred and fifty-five feet (155') of road frontage? It's on County Road 525 West is what they are saying.

Joseph Novak Jr. stated yes, sir.

Vern Schafer asked him to approach and indicate on the map where the entrance and house will be.

Joseph Novak Jr. approached and draws on the map.

Joseph Novak Jr. stated just off of Jim's property at the 4101, there is already a trail that people have used for their entrance.

Vern Schafer stated so that is their access and his house is going to be in the area he indicated.

Joseph Novak Jr. stated yes.

Vern Schafer stated he will show his Board members. Thank you. The house will be in this area and this will be the access off 525.

Ernie Schmidt stated that's through the woods.

Joseph Novak Jr. stated yes. It's on 525 through the woods. There's already probably a twenty-foot (20') wide driveway that people have used for their ATVs or morning walks or like that. There was no driveway created for this. There's always been the trails that they would transform the trails into their access into there.

Vern Schafer states as that lot narrows to the back, they have to be careful about when they build a house there that they maintain their offsets from their neighboring property.

Joseph Novak Jr. stated yes, sir. He has gone back there and kind of laid stuff out. They will be forty feet (40') from the south and then at least sixty feet (60') from the north. They're pretty deep in there.

Vern Schafer stated okay.

Deb Vance stated there is one (1) more person that wanted to come up and speak. She apologizes for that.

Dan Adams stated his address is 5252 N. Fail Road, LaPorte, IN. He is in Kankakee Township. He's not near them, but he's here to speak on Joe as an individual. He's worked with his father for twenty-five (25) years. They've turned wrenches for him and everything else. The property that he's looking at is within five (5) miles from where he grew up. He went in the military when he got out of school. He's been places. He's come back here to put his roots down. If they look at the beacon picture there, within a thousand feet (1,000') of the property line in each direction on 525, there's eleven (11) homes with less than two hundred feet (200') of frontage. And three (3) of those homes have fifty feet (50') or less with a drive layout consistent with what he's trying to do there as well. There are five (5) homes with two (2) acres or less. Three (3) of those homes are one (1) acre or less. That's all within less than a half (½) of a mile where he's building his home. That doesn't include the subdivision or anything like that. That's all he had to say. As a person, he's a stand-up guy. He's going to build a house, and he's not building it to flip it to make money or anything else. He's building it to raise a family. That's what his intention is. He knows he does good work because he's contracted him to build a house for him.

Deb Vance stated thank you.

John Carr made a motion to approve the Petition for Variance of Developmental Standards for Eric & Kellie Stulc (owner) and Alayna & Joseph Novak Jr (buyer) to split a parcel in two. Parent parcel will have easement access and 6.41 acres. New parcel will have 2.5 acres and 155' of frontage instead of the 200' minimum required and to build a home on the new parcel. This property is located at 3923 N. Meritage Trl., LaPorte, IN., Center Twp., zoned R1B on 8.91 acres.

Vern Schafer seconded.

All Approved. Motion carries 4-0.

8. Petition for Variance of Developmental Standards for Christopher Michael Klein for construction of a residential use pole barn with a bathroom located to the side of the home instead of the rear. This property is located at 9522 N. 125 E., LaPorte, IN., Galena Twp., zoned A on 22.469 acres. Parcel 46-03-17-100-004.000-048.

Attorney Biege stated notice is adequate.

Christopher and Marina Klein stated their address is 9522 N. 125 E., LaPorte, IN. They own a total of forty-one (41) acres on two (2) parcels. That parcel is roughly almost twenty-three (23) acres. They're proposing to build a wood shop with a bathroom on the southeast corner of their property that's closest to their residence, which is about one hundred and twenty-five yards (125 yds) from their residence which is why they're putting in a bathroom.

Deb Vance stated that is what the drawing is showing.

Christopher Klein stated yes. That's about roughly a hundred and thirty to a hundred and forty feet (130' – 140') off the road. It's a little bit bigger than it looks on that picture. There's a little over about one-point-two-five to two (1.25 – 2) acres in that small area green there. They're within all their distances per the Commissioner from the neighbors and any wetlands and they've already had a soil sample done. They've already sent it to the Health Department and they are waiting to see if they get the variance to move on with surveys. They've already got a plan for the building and he believes that they have that in front of them. Their neighbor that they're closest to is on board; he's going to probably utilize some of that space in that wood shop too.

No remonstrators present.

Vern Schafer stated this is not going to be a rental property or anything like that, it's just a man cave, right?

Christopher Klein stated that's correct. Well, his wife said he may have to stay in there from time to time.

Vern Schafer stated he has a feeling his going to get kicked out.

Marina Klein stated she has a small bladder. She doesn't like to walk that far.

Christopher Klein stated it's a little bit of a walk from the house, but over the course of forty-one (41) acres. Some people have a lot, they got a little. They're happy with it, but they don't have anywhere to put the tractor and they don't have anywhere to put his tools and stuff like that.

Deb Vance stated and you. She said you.

Marina Klein stated and him.

Ernie Schmidt made a motion to approve the Petition for Variance of Developmental Standards for Christopher Michael Klein for construction of a residential use pole barn with a bathroom located to the side of the home instead of the rear. This property is located at 9522 N. 125 E., LaPorte, IN., Galena Twp., zoned A on 22.469 acres.

John Carr seconded

All Approved. Motion carries 4-0.

9. Petition for Variance of Developmental Standards for Consuelo Fonesca Montano (seller) & Michael O'Hern (buyer) for construction of a garage before the primary home to the side of the future home with side setbacks of 6' and 7' instead of the minimum 10' required, a front setback of 23' instead of the minimum 25' required, a rear setback of 19' instead of the minimum 25' required, and a 10' waterway setback instead of the minimum 50' required. This property is located West of 321 Island Dr., LaPorte, IN., Center Twp., zoned R1B. Parcel 46-06-27-326-021.000-042.

Attorney Biege stated notice is adequate.

Michael O'Hern stated his address is 106 Island Dr., LaPorte, IN.

Deb Vance asked him to tell them about it.

Michael O'Hern stated obviously the property has, he doesn't know if they have the plan up, but the property has some configuration issues due to the pond in the back and then there was a seawall that was put in several owners ago. So, they kind of limited their depth so, they have width. Looking at the property in terms of putting the garage with the house on it and everything, he unfortunately needs to go through some setbacks.

No remonstrators present.

Michael O'Hern stated he is for.

Vern Schafer stated he is going to build a house eventually. Is that what he's saying?

Michael O'Hern stated yes, sir.

Vern Schafer stated he's just curious. They're showing this garage going up first and they're not going to attach it to the house.

Michael O'Hern stated correct.

Vern Schafer stated they're leaving a space between. Any particular reason?

Michael O'Hern stated that's what they're showing right now. It may ultimately attach. One of the issues is they have to get some variances in order to move forward with design and all the other stuff before he puts all that money into it. If he can't get the variances, then he's not going to move forward all that stuff. So, that was one of their plans, but the side setbacks are pretty much going to be what they need, the side and front and back. Ultimately, it very well could be attached.

Vern Schafer stated that one (1) drawing, now that he mentioned it, now he knows why he asked that question because the one (1) picture shows that the garage is not attached to the house. The next one (1) shows that it's attached. The drawing toward the back shows that the garage is attached to the house. He just wondered which one (1) was correct.

Michael O'Hern stated he sees what he is saying. They've done a couple of different plans, obviously it's planning phase. So, they've done a couple of different plans. One (1) of them is the attached, one (1) is detached.

Vern Schafer stated obviously, they will have to run the roof design correctly.

Michael O'Hern stated that would be the builder before they would do everything. Obviously, the architect, he hasn't hired the architect yet because the property has to be brought into the conservancy. So, he has to petition the court for that. It's a long process and to spend the money on the architect before he knows where they're at on variances. He can't do anything front and back. He has to go width. If he doesn't get the width, then he can't do anything and he knows he can't buy the property. That's why he's even here in front of them with a generic type of plan.

Vern Schafer stated as he flipped through his notes, he just noticed it.

Michael O'Hern stated thank you for looking at everything he proposed.

John Carr made a motion to approve the Petition for Variance of Developmental Standards for Consuelo Fonesca Montano (seller) & Michael O'Hern (buyer) for construction of a garage before the primary home to the side of the future home with side setbacks of 6' and 7' instead of the minimum 10' required, a front setback of 23' instead of the minimum 25' required, a rear setback of 19' instead of the minimum 25' required, and a 10' waterway setback instead of the minimum 50' required. This property is located West of 321 Island Dr., LaPorte, IN., Center Twp., zoned R1B.

Ernie Schmidt seconded.

All Approved. Motion carries 4-0.

10. Petition for Special Exception for Linda Bush (seller) & Luke Land, LLC (buyers) for a convenience store with gasoline sales. This property is located at west of 9932 W. 300 N., Michigan City, IN., Coolspring Twp., zoned B3 on 4.089 acres. Parcel 46-05-21-100-002.000-046

Attorney Biege stated notice is adequate.

Dan Tursman stated his address is 3592 N. Hobart Rd., Hobart, IN. He is here on behalf of Luke Land, LLC, Luke Family of Brands. He is the Director of Development. They're a local convenience store gas station operator out of Hobart, Indiana. They are proposing to, or have an offer to purchase the property. It's at the southeast corner of US Highway 421 and West 300 North. It's approximately a four (4) acre parcel. They would be developing the northern acre and a half (1½) to two (2) acres of it. So, approximately, the northern third (⅓) of the property with a gasoline station, convenience store is what they're proposing with their approval of the use. So, the property is zoned B3 – Highway Commercial. In that zoning, the use is an approved use as a Special Exception. So, they do have adequate space for detention. They haven't designed the detention pond, but there would be a surface detention pond designed on the south of the parking lot area. There's a regulated ditch at the very south end of the parcel that the stormwater would eventually be directed to with a permit from the DNR. They also would be working with INDOT on all the requirements for access to the property. They have no imminent plans, but potentially, it's a four (4) acre parcel of which we would be using an acre and a half (1½) plus whatever is necessary for detention. So, there would be some potential of future development and parceling

off the remaining area for future commercial development at a later date. So, they're essentially asking for approval of the special use at this time.

Remonstrators:

Patrick Hegedus stated his address is 9932 W. 300 N., Michigan City, IN. He lives right next door to that property. So basically, he doesn't have a problem with the gas station. He knew something was going to be developed. Unless they want to buy his lot too. It's for sale with the right price. Just some type of fence because it's going to be what, a twenty-four (24) hour gas station? Probably. He just wants some type of divider because they live there and his grandkids come there. He doesn't know how they're going to access 300 or if they're going to access 421 because the stoplight is right there. So, they only have like two hundred foot (200') before his property. He knows there's City water and City sewers because Love's just went across the street. D&M just put all that in. So, that's the only concern he has is some type of fence or boundary between him and them. He doesn't want people coming there at night drunk or whatever getting cops and cross over into his property. That's the only concern.

Deb Vance stated thank you.

Dan Tursman stated to address Patrick's concerns, it won't be a twenty-four (24) hour operation. He doesn't know exactly what the hours that this location would be. Typically for this type of a site, it would be five (5) a.m. to ten (10) p.m. So, this would not be a twenty-four (24) hour operation. Concerning a fence, they would have no issues with doing some kind of a privacy fence, as well as landscaping to shield that off. He believes there are requirements in the ordinance for buffers areas to that. So, they would be following those guidelines. And again, certainly would not have any issues with addressing those concerns and making sure that they are a good neighbor.

Deb Vance stated he did mention access. Would they have access it from both 300 and 421?

Dan Tursman stated up on the Board now is the preliminary proposed site plan. There is access off of 300, as well as off of 421. So, it's a little difficult to see there, but kind of on the east end there, it's really kind of a secondary access point off of 300. It's really mainly for ease of circulation for fuel deliveries and trucks like that. He also should mention this is not a commercial gas site, so there's no semis or anything like that. They would have diesel for work trucks and stuff like that, but it's not intended to be a semi-truck stop or anything like that.

John Carr asked is this your first gas station in LaPorte County or is there another?

Dan Tursman stated yes. This is their first in LaPorte County.

Michael Polan stated he has a question. Madam President, the ditch that he was referring to and said that they would check with DNR, if it is a regulated drain, the County Drainage Board may also have jurisdiction with an easement. So, he just wants to make sure that they check with them and DNR when it comes to that drainage ditch.

Dan Tursman stated yes, he appreciates that. They will certainly go through all those avenues, the appropriate avenues. Again, this was kind of step one (1) which is the approval of the use and from there they would contact the agencies to go through the permitting as necessary because there may also be an easement that will be necessary from the neighboring property for that access to that for the storm water so there are some other steps that they're going to need to take but that's this was step one (1) of the process.

Michael Polan stated great. Thank you.

Ernie Schmidt made a motion to approve the Petition for Special Exception for Linda Bush (seller) & Luke Land, LLC (buyers) for a convenience store with gasoline sales. This property is located at west of 9932 W. 300 N., Michigan City, IN., Coolspring Twp., zoned B3 on 4.089 acres.

John Carr seconded.

All Approved. Motion carries 4-0.

11. Petition for Variance of Developmental Standards for Darryl and Judith Smith for moving lot lines between the 2 lots to the East, leaving lot 2 with 160' of road frontage instead of the minimum 200' and .65 acres. This property is located at 5995 & 5995 ½ N Sherwood Ln., LaPorte, IN., Springfield Twp., zoned R1B on 3.315 total acres. Parcels 46-06-05-201-012.000-062 & 46-06-05-203-001.000-062.

Attorney Biege stated notice is adequate.

Judy and Darryl Smith stated her address is 5995 N. Sherwood Dr., LaPorte, IN.

Deb Vance asked them to tell the Board about it.

Judy Smith stated they own both pieces of property and they built a garage on the one (1) property that was two hundred (200) and some feet, two hundred and fifty feet (250') long, but they want the garage included with their house because her son is already in the house there and that's going to go to him, but they don't want him to have their garage.

Deb Vance stated state he won't get their garage.

Judy Smith stated right. They want to move the property line so it's with their property.

Deb Vance asked if he is here to remonstrate against that.

Judy Smith stated no.

No remonstrators present.

Vern Schafer stated he was going to ask them why they want to move the lot line just. It's so that the garage is included with the house that is currently there.

Judy Smith stated with their house.

Vern Schafer stated that leaves the lot that remains relatively small.

Judy Smith stated yes, but it's still plenty of grass to cut and leaves to pick up.

Vern Schafer stated he is thinking about the future as far as selling the property and stuff. He doesn't know if they've given that any careful thought, but because of that garage that makes that one (1) lot very small.

Darryl Smith stated they're going to have that come with their property, with their house.

Vern Schafer stated so in other words, it's attached to another lot?

Darryl Smith stated no, no other lot.

Deb Vance stated he already has a house on that lot, is that right?

Judy Smith stated yes. Two (2) houses and the garage in between. They want that with their property.

Deb Vance stated so he can't come and get their garage.

Judy Smith stated right.

Ernie Schmidt made a motion to approve the Petition for Variance of Developmental Standards for Darryl and Judith Smith for moving lot lines between the 2 lots to the East, leaving lot 2 with 160' of road frontage instead of the minimum 200' and .65 acres. This property is located at 5995 & 5995 ½ N Sherwood Ln., LaPorte, IN., Springfield Twp., zoned R1B on 3.315 total acres.

John Carr seconded.

All Approved. Motion carries 4-0.

12. Petition for Variance of Developmental Standards for Shirley North for construction of a 2nd accessory structure in front of and to the side of the home instead of the rear. This property is located at 8254 W. 1500 S., Wanatah, IN., Cass Twp., zoned A on 1.243 acres. Parcel 46-17-22-200.008.000-001.

Attorney Biege stated notice is adequate.

Shirley North stated her address is 8254 W. 1500 S., Wanatah, IN.

Deb Vance asked her to tell them about it.

Shirley North stated she just want a variance so she can put the structure beside and up front instead of in the rear.

No remonstrators present.

Vern Schafer made a motion to approve the Petition for Variance of Developmental Standards for Shirley North for construction of a 2nd accessory structure in front of and to the side of the home instead of the rear. This property is located at 8254 W. 1500 S., Wanatah, IN., Cass Twp., zoned A on 1.243 acres.

Ernie Schmidt seconded.

All Approved. Motion carries 4-0.

13. Petition for Special Exception for LaPorte Expo Investments LLC for a convenience store with gasoline sales. This property is located at 5636 E. Hwy 20, Rolling Prairie, IN., Wills Twp., zoned B2 on 6.62 total acres. Parcels 46-07-12-300-007.000-068 & 46-07-12-300-016.000-068.

Attorney Biege stated notice is adequate.

Matthew Kirkwood stated his address is 8598 E. 50 N., Mill Creek, IN. He works with Danch, Harner & Associates and Engineering Firm and he represents the owners. They prepared the preliminary site plan. They are proposing the gas station. It is a sixty-four hundred square foot (6,400²) gas station convenience store. It will have two (2) food counters there and be cause of the gasoline sales, they need the variance. He can tell them more about it if they want. He doesn't know if they have the site plans there in front of them or not.

Deb Vance stated they do.

Vern Schafer asked what was there previously.

Matthew Kirkwood stated it is cattycorner to Jennie Rae's. It's the Junction.

Deb Vance stated okay.

Matthew Kirkwood stated he has the site plan and unlike and he's not saying this to brag, but he was a college professor for thirty (30) years so he always feel like it's show and tell here, but their proposed plan does show a retention basin, a place for septic, which would be required, and then shows the gas station itself. There are eight (8) pumps vehicles and there'll be three (3) pumps for semi-trucks. Now, the curb cuts are already there on the highway and they've been recently added. There's a decel lane if they're westbound as separated and they can only exit eastbound only. That's already been established. The Highway Department fortunately put all

that infrastructure in. So, it's all set up for that. The plan, again, they're showing septic and they're showing detention, retention, but there's also an opportunity of connecting to City or public utilities possibility. So, once they get a little bit further in, they can kind of cost that out. They do have plenty of room for the water. He just got the soils report back and they look good. So, they're adequately sized at this point for that development.

No remonstrators present.

Matthew Kirkwood stated he would be happy to answer questions. He has done his homework.

Vern Schafer stated it looks like it.

Ernie Schmidt made a motion to approve the Petition for Special Exception for LaPorte Expo Investments LLC for a convenience store with gasoline sales. This property is located at 5636 E. Hwy 20, Rolling Prairie, IN., Wills Twp., zoned B2 on 6.62 total acres.

Vern Schafer seconded.

All Approved. Motion carries 4-0.

14. Petition for Variance of Developmental Standards for Gammonley Terrence Und 1/5 & William Gammonley (deceased) Und 1/5 & Marilyn Gammonley Bergstrom Und 1/5 & Lisa A Kobel & Julie P Jedrzejak & William J Jasmont & Michael S Jasmont Und 1/5 & Michael McCahill (deceased) & James McCahill & Carolyn McAlpin Und 1/5 Gamonley etal for construction of an addition with a rear setback of 10' instead of the minimum required 25'. This property is located at 7617 N. Cherokee Trl., Rolling Prairie, IN., Galena Twp., zoned R1B. Parcel 46-03-25-265-021.000-048.

Deb Vance stated Petition 14 has requested to table.

Vern Schafer made a motion to table the Petition for Variance of Developmental Standards for Gammonley Terrence Und 1/5 & William Gammonley (deceased) Und 1/5 & Marilyn Gammonley Bergstrom Und 1/5 & Lisa A Kobel & Julie P Jedrzejak & William J Jasmont & Michael S Jasmont Und 1/5 & Michael McCahill (deceased) & James McCahill & Carolyn McAlpin Und 1/5 Gamonley etal for construction of an addition with a rear setback of 10' instead of the minimum required 25'. This property is located at 7617 N. Cherokee Trl., Rolling Prairie, IN., Galena Twp., zoned R1B.

John Carr seconded.

All Approved. Motion carries 4-0.

Deb Vance asked for any new business.

There being no further business, meeting adjourned at 7:17 p.m.

Melissa Mullins Mischke

Melissa Mullins Mischke, President

Michael Polan

Michael Polan, Recording Secretary