

Melissa Mullins Mischke stated thank you gentlemen. She will entertain motions for nominations for Vice President.

Eric Pointon nominated Vern Schafer for Vice President.

Jeff Baltes seconded.

Melissa Mullins Mischke called the vote for Vern Schafer as Vice President.

All Approved. Motion carries 5-0.

Melissa Mullins Mischke stated congratulations Vern.

Vern Schafer stated thank you. He thought they were going to get more nominations.

Melissa Mullins Mischke stated oh, she probably should have allowed more.

Vern Schafer stated Melissa has to come to all the meetings.

APPROVAL OF MINUTES:

Melissa Mullins Mischke asked for approval of the meeting minutes of December 17th, 2024.

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

Vern Schafer seconded.

All Approved. Motion carries 5-0.

Melissa Mullins Mischke stated she just wants to remind everybody tonight that remonstrance is the only form of public comment at these meetings. That includes in favor or against a certain petition. Individuals get three (3) minutes and that's the remonstrance. There is no additional public comment. So, if they have no other issues, they're going to get started with petition number one (1).

Petitions:

1. Petition for Variances of Developmental Standards for Neil S. Kosco to build as a second accessory structure a 40' x 40' pole barn within 10' of the side lot line on a property which is zoned Agriculture. This property is located at 4912 W. State Road 2, LaPorte, IN., Scipio Twp., zoned A on 2 acres. Parcel 46-10-08-100-054.000-060.

Attorney Biege stated notice is adequate.

David Ambers stated he is here on behalf of Scott Kosco concerning the variance for the second accessory structure on property out on Highway 2 in Pinola. There's an existing house there that

Mr. Kosco and his wife just purchased. There is a small accessory structure in the back yard, but it is bigger than twelve by twelve (12' x 12'). He would like to build a forty by forty (40' x 40') pole barn behind the front line of the house, but on the ten feet (10') from the side lot line rather than plunk it in the middle of his backyard and take up his whole back yard. It is going to be a quality-built pole barn by a professional builder. The area is zoned agricultural so it allows for this and he would ask that they approve the variance. If they have any questions, they can answer them.

Melissa Mullins Mischke asked where the septic and well are located, if that lends itself to the need to move this.

Scott Kosco stated his address is 4912 W. State Road 2, LaPorte, IN. The well is located to the side of the house, actually on the same side where the structure will be erected. The septic is located behind the house and with the building that's already there, that would force this second building to be placed farther back on the property than he would prefer. It would cause the need for a much longer drive for access to the building. So, that's why he would like to go into the side part of the yard to put it up.

Melissa Mullins Mischke stated thank you.

Vern Schafer stated he has a question while he is still there. The small building that is still there, is that going to stay.

Scott Kosco stated that depends on what they have to say. He would like to keep it, but with the additional structure going up, it wouldn't be absolutely necessary. His preference would be to keep this smaller building as well, but it wouldn't be absolutely necessary.

Vern Schafer stated what he would like to do is make the back, he guesses would be the side next to the line in-line with the back of the building, right?

Scott Kosco stated correct.

Vern Schafer asked how far that is right now?

Scott Kosco stated that is ten feet (10') from the property line right now.

Eric Pointon stated think about it, his wife has to have a she-shed if he's getting a forty by forty (40' x 40') pole barn.

Vern Schafer stated it's probably going to end up his small shed.

Scott Kosco stated that's why he didn't bring her to this meeting.

Melissa Mullins Mischke stated it wants to make her say, "Is he sure it's big enough?"

No remonstrators present.

Vern Schafer made a motion to approve the Petition for Variances of Developmental Standards for Neil S. Kosco to build as a second accessory structure a 40' x 40' pole barn within 10' of the side lot line on a property which is zoned Agriculture. This property is located at 4912 W. State Road 2, LaPorte, IN., Scipio Twp., zoned A on 2 acres.

Eric Pointon seconded.

All Approved. Motion carries 5-0.

2. Petition for Variances of Developmental Standards for Eikelberg Family Trust for construction of a home on a landlocked parcel with easement access. Lot will be newly split, but is already landlocked. This property is located at 10439 N. 150 E., LaPorte, IN., Galena Twp., zoned A on 43.24 total acres. Parcels 46-03-08-400-023.000-048 & 46-03-08-400-022.000-048.

Attorney Biege stated notice is adequate.

James and Carla Eikelberg stated their address 10439 N. 150 E., LaPorte, IN.

Melissa Mullins Mischke asked what is unique to their property that they are asking for this variance.

James Eikelberg stated they've owned it for twenty-eight (28) years. It's a total of fifty-five and a half (55½) acres between a couple parcels. They'd like to build a place for himself to live in the back. They're both ADA. They're both on disability. She has Huntington's Disease and he has a fused spine and they want to be able to be apart but yet be together to take care of each other and so that's the purpose.

Remonstrators:

David G. Brown stated his address is 10400 N. 200 E., LaPorte, IN. He is the neighbor from behind. He is in favor. He was just hearing what the explanation was and he is happy to hear what is going on. Saw the property being cleared and was worried he was going to raise a hog farm or something. He wants to move in? Have a nice time.

James Eikelberg stated thank you, sir.

David G. Brown stated anything he can do to help; he is right across the way.

James Eikelberg stated thank you, sir.

Melissa Mullins Mischke stated to make a note in the record that this is like the first time this has happened in a while. Thank you. Thank you very much.

Vern Schafer stated he is looking at the Beacon map here and he is curious to where the easement for getting to this property is going to be on which side of the property?

James Eikelberg stated it would be a straight shot along the State Line.

Melissa Mullins Mischke asked if this is an existing easement?

Carla Eikelberg stated it's a driveway now.

Melissa Mullins Mischke stated she is talking from a legal standpoint. Is it something that is recorded?

James Eikelberg stated no, it's their property. It's not a recorded easement. It would have to be an easement from the road about total of nine hundred feet (900').

Melissa Mullins Mischke stated okay.

Vern Schafer stated it would be wise to get that recorded as part of the deed from the property behind so that the easement is there. When he leaves that property, there will be a recorded deed to get to it.

James Eikelberg stated absolutely, that was their plan.

Attorney Biege stated they could make that a condition of their grant.

Vern Schafer stated okay.

Melissa Mullins Mischke stated she one hundred percent (100%) agrees with that. It protects them now and protects the property later.

Jeff Baltes stated the only other thing he would suggest is that easement be potentially a separate driveway from the original house. If those properties ever change hands, he's seen it create issues in the past where the property behind that owner doesn't get along with one (1) in front and now they're sharing a driveway. It's the same easement and it gets messy.

James Eikelberg stated there is plenty of room for the house up front to put up driveways. The thing of it is, it was from a cost standpoint. That driveway is already there up to several hundred feet that he wouldn't have to build a driveway and pay for it. If that situation arose, the rest of that frontage is deeded to the front house. So, if there was ever a problem, it would be very easy to make an additional driveway to that first house. It isn't a problem; there is plenty of room.

Vern Schafer stated in that case, the easement would have to be along the side of the property and it has to be designated as a certain width. Can they approach? He wants to show them on the map and get an idea.

The Eikelbergs approach Vern Schafer.

Vern Schafer stated this is a map of your property and which direction are they facing.

James Eikelberg indicated where north was.

Vern Schafer stated this is the road and they are talking about using the existing driveway to get to the rear and build a home.

James Eikelberg stated it is a straight shot. The driveway is in almost all the way into the rear.

Vern Schafer stated if they have to designate an easement, where would they like to make it, along which side of the property?

James Eikelberg stated along the north.

Vern Schafer stated okay. So, what they would have to do is actually record a deed with a forty-foot (40') easement going all the way back to this property.

James Eikelberg stated okay.

Vern Schafer stated they wouldn't have to necessarily create a driveway there right now.

James Eikelberg stated he understands.

Vern Schafer stated eventually they're not going to be there. That's the reality.

James Eikelberg stated right.

Vern Schafer stated his suggestion which will probably go with the variance if they grant it, would be an easement along the edge of the property to get to the rear.

James Eikelberg stated that is what they were planning.

Vern Schafer stated but it would have to be a recorded easement.

Ernie Schmidt asked if this structure will be ADA accessible? No steps and all that? Just flat floor, flat garage, flat in the house, ramped up on the exterior to the doors.

James Eikelberg stated yes, sir.

Ernie Schmidt stated perfect.

Ernie Schmidt made a motion to approve the Petition for Variances of Developmental Standards for Eikelberg Family Trust for construction of a home on a landlocked parcel with easement access. Lot will be newly split, but is already landlocked. This property is located at 10439 N. 150 E., LaPorte, IN., Galena Twp., zoned A on 43.24 total acres.

Eric Pointon seconded.

Vern Schafer amended the motion to include a forty-foot (40') easement created along the north side of the property.

Melissa Mullins Mischke asked if Ernie is okay with the modification to his motion.

Ernie Schmidt stated yes.

Eric Pointon seconded the amended motion.

All Approved. Motion carries 5-0.

3. Petition for Variance of Use for **Lou Abbett Farms LLC** for operation of an events center. This property is located at 11701 W. 1800 S., LaCrosse, IN., Cass Twp., zoned A on 73.572 acres. Parcel 46-17-31-300-003.000-001.

Attorney Biege stated notice is adequate.

Allie Abbett stated her address is 11701 W. 1800 S., LaCrosse, IN.

Melissa Mullins Mischke asked her to tell them what they want to do out there.

Allie Abbett stated they would like to use their existing barn that they'll also utilize for storage, but when not using, utilize for an events center to host all sorts of events. They haven't done anything different so the drainage is all the same. That is essentially the overview.

Melissa Mullins Mischke stated they are talking about the barn in the east side.

Allie Abbett stated it should be the center. Are they looking at the Beacon map? It's in the center portion. The one (1) on the side also has a smaller space. There is a main hall and then there is an alternate hall that is smaller.

No remonstrators present.

Melissa Mullins Mischke asked how many people could fit inside.

Allie Abbett stated the capacity of the main hall is six hundred and fifty-nine (659) and then the alternate hall is one hundred and eighty-two (182).

Melissa Mullins Mischke asked if the parking for that would be similar in car numbers or less.

Allie Abbett stated it would depend on the amount of people. Some will be more; some will be less. They have a two and a quarter (2¼) acre lot that's south of there that they will utilize for parking.

Melissa Mullins Mischke asked if that is just a farm area or is it paved or graveled?

Allie Abbett stated it is grass.

Melissa Mullins Mischke asked if there is any lighting there.

Allie Abbett stated yes. They have thirteen (13) outdoor lights around the building.

Melissa Mullins Mischke asked if there is light for parking.

Allie Abbett stated yes.

Melissa Mullins Mischke stated so there are lots in the parking or they can provide lights?

Allie Abbett stated they have lights that they can provide and there are some that already exist that face there.

Melissa Mullins Mischke stated if they were to grant the variance, what would their hours of operation be?

Allie Abbett stated depending on the type of event it would be starting in the morning with the events center opening at like eight (8) a.m. and then wrapping up by eleven (11) p.m. It would be most likely their hours of operation.

Melissa Mullins Mischke asked for what days.

Allie Abbett state weekends. More days of the week.

Melissa Mullins Mischke stated Friday, Saturday, Sunday? Friday, Saturday?

Allie Abbett stated as needed as people are looking to book, but most likely the weekends.

Melissa Mullins Mischke stated Friday, Saturday, Sunday?

Allie Abbett stated yes. Friday, Saturday, Sunday.

Eric Pointon stated if they hold like a business event there, they would have something during the week, during the middle of the day as well.

Allie Abbett stated right.

Vern Schafer asked if they want to put that somewhere in the variance about operating hours? Would she like to enter something in there? Make it as wide as they want.

Eric Pointon stated he wouldn't want them to limit themselves.

Vern Schafer stated don't limit themselves, but they can put it into the variance. They could grant it for operating hours of a certain time if they'd like to put that in there.

Melissa Mullins Mischke stated now is the time to ask for it. If they are going to ask for seven (7) days a week, that's fine. They just need to know what their plan is.

Allie Abbett stated then sure. Yes. They will go ahead and do that seven (7) days a week.

Vern Schafer stated the availability would be eight (8) a.m. to eleven (11) p.m.?

Allie Abbett stated she would say seven (7). Seven (7) a.m. to eleven (11) p.m.

Vern Schafer stated okay.

Melissa Mullins Mischke stated what about signs. Are they going to have a lit sign or a large sign advertising their space.

Allie Abbett stated they don't have anything planned as of now for a sign outside.

Melissa Mullins Mischke stated this is also the time to ask for it.

Allie Abbett stated sorry, she didn't think of that. Yes, they will get a sign. They will potentially get a sign.

Melissa Mullins Mischke asked how big. She has to ask all the hard questions. Do they want it lit or not?

Allie Abbett stated yes.

Melissa Mullins Mischke stated not to exceed five by seven (5' x 7'). What does she think about that or does she think they need something else?

Allie Abbett stated she would say larger than that. Five by seven (5' x 7') is quite small.

Eric Pointon stated there is somebody shaking his head. Please come on up if you need.

Allie Abbett stated sorry; that's her husband.

Casey Abbett stated his address is 11701 W. 1800 S., LaCrosse, IN. They are not going to have a sign. They won't put a sign up.

Melissa Mullins Mischke asked Casey if he wants to weigh in on the hours or the days of the week.

Casey Abbett stated no. He thinks she's on top of it.

Melissa Mullins Mischke stated all right. Very Good. Thank you.

Jeff Baltes asked is this something like all the food is catered in or are they going to prepare on site?

Allie Abbett stated no, they won't. It will be catered.

Jeff Baltes stated okay.

Vern Schafer stated they do have restroom facilities as they stated.

Allie Abbett stated yes.

Vern Schafer stated he has been there. It is not an average barn. Let's put it that way.

Jeff Baltes stated that's what the pictures look like. It looks nice.

Vern Schafer stated it is much, much, much nicer.

Allie Abbett stated thank you.

Ernie Schmidt made a motion to approve the Petition for Variance of Use for **Lou Abbett Farms LLC** for operation of an events center. Hours of operation are 7 a.m. to 11 p.m. Sunday-Saturday. This property is located at 11701 W. 1800 S., LaCrosse, IN., Cass Twp., zoned A on 73.572 acres.

Eric Pointon seconded.

All Approved. Motion carries 5-0.

4. Petition for Variance of Developmental Standards for Eric R & Mary F Jackson to split a property in two. Parent parcel will have 200' of frontage and 2 acres. New parcel will have 147' of frontage and 1.553 acres and for construction on the new parcel with 147' of frontage instead of the 200' minimum required. This property is located at 902 W. 500 S., LaPorte, IN., Washington Twp., zoned A on 3.553 acres. Parcel 46-10-36-100-012.000-066.

Attorney Biege stated notice is adequate.

Eric and Mary Jackson stated their address is 902 W. 500 S., LaPorte, IN.

Melissa Mullins Mischke stated she read what they want to do, but please tell the Board.

Eric Jackson stated initially when they bought the property, it was split down the same line. They're putting it back. Their intention is to build a smaller house on that property. The house

will be used initially for his in-laws. They are getting to the age where they are going to have to look after them. That's kind of the initial plan.

Melissa Mullins Mischke asked if they are splitting it into two (2) is because of the two (2) homes?

Eric Jackson stated yes.

Melissa Mullins Mischke asked if he is going to put his in-laws in a tiny home.

Eric Jackson stated it is not going to be that tiny.

Remonstrators:

Lance and Anderina Tucker stated their address is 838 W. 500 S., LaPorte. They are neighbors.

Melissa Mullins Mischke asked them to tell the Board why they are remonstrating.

Lance Tucker stated they bought the land next to it which was the corner to where they are building. He looked for land for two (2) years that had two (2) sides that were more or less undevelopable. The reason this property was unlikely was because it was short and not deep enough to have two (2) residents on that home. They decided it was the perfect spot. It's not five feet (5'). It's not twenty-five feet (25'). It's fifty-three feet (53') plus the back end. He's wanting it on both sides. Now, he's going to get two (2) residences. So, the County's enriching him for one thing. Then there's been ten (10) or eleven (11) houses built on the same road.

Anderina Tucker stated they had to have two hundred feet (200') minimum.

Lance Tucker stated anybody that's built a house knows the rule.

Anderina Tucker stated they weren't allowed to. They tried to get a smaller parcel and they said that was the law.

Lance Tucker stated if he can buy three and a half (3½) acres and split it up to one hundred and fifty feet (150') a spot, they would.

Anderina Tucker stated they moved out of town so they could have room on both sides and lots of room for their animals and stuff. They didn't want to be close to their neighbors.

Lance Tucker stated there's been three people since 1999 that have lived in that house and they all knew. Anybody with any sense would know they have to tear the other house down. Is he right?

Melissa Mullins Mischke stated the whole purpose of this Board is to make exceptions to things just like that.

Lance Tucker asked what the special circumstance is.

Anderina Tucker stated they have a four (4) bedroom home with nobody living there. It's a huge home. Why can't they add on or something. That's her whole thing.

Lance Tucker stated if he couldn't have been here, he probably would've written a letter. It's ten degrees (10°) out.

Anderina Tucker stated they were just told nobody would be able to ever build because it was only a hundred and forty feet (140'). Their neighbors and Bob Coulter, who sold them the land, told them it wasn't enough land, they'll never be able to build one.

Lance Tucker stated their house is all the way across the property so it was a perfect spot, but now they're going to make another residence that's on top of their property. That's not even close to meeting the higher requirements.

Anderina Tucker stated they're the only ones on the road that would have that. Then it would set precedence for the rest of the road that is going to be sold as parcels that say hey. . .

Lance Tucker stated he could have bought that home.

Melissa Mullins Mischke stated okay. Do they have anything further or anything new?

Lance Tucker stated no. Just the law.

Vern Schafer asked what kind of structure are they proposing.

Mary Jackson stated it will be a roughly eleven hundred square-foot (1,100²) home, two (2) bedroom, two (2) bath, ADA compliant for her parents.

Vern Schafer stated crawl space? Pad mount? What?

Eric Jackson stated crawl space single story.

Melissa Mullins Mischke asked if they have any examples of what the exterior might look like, if that would blend in with the neighborhood?

Mary Jackson stated she is sorry. She didn't come prepared with that.

Eric Jackson stated he could probably grab that.

Mary Jackson stated she has a floor plan, but she does not have a front view.

Eric Jackson stated he does. This is roughly what it will look like.

Eric Jackson approached the Board to show them the visual.

Melissa Mullins Mischke asked if they are going to share a septic and well?

Eric Jackson stated no. It's going to be all new and separate.

Vern Schafer stated the concrete that is on the property, is that from an old existing building or something.

Eric Jackson stated he is going to guess that was just a pad since they bought the place. He is going to guess that it could have been a milking shed at one (1) point.

Vern Schafer stated it was a circular pad.

Eric Jackson stated that was an old grain silo. That's been there since before they bought the property.

Vern Schafer stated a grain bin.

Eric Jackson stated it was a grain bin, yes.

Mary Jackson stated it was, but now it's a gazebo that will remain on the property. There's a square concrete pad that will be removed when or if they do proceed with this land. She would like to address Tucker's concern about the house and why they can't just add on or what not. On paper, the house was built in 1891. They found evidence in the house that suggests it's maybe a little bit older than that. Adding on is not a structurally possible idea.

Eric Jackson stated no.

Vern Schafer made a motion to approve the Petition for Variance of Developmental Standards for Eric R & Mary F Jackson to split a property in two. Parent parcel will have 200' of frontage and 2 acres. New parcel will have 147' of frontage and 1.553 acres and for construction on the new parcel with 147' of frontage instead of the 200' minimum required. This property is located at 902 W. 500 S., LaPorte, IN., Washington Twp., zoned A on 3.553 acres.

Eric Pointon seconded.

All Approved. Motion carries 5-0.

5. Petition for Variance of Developmental Standards for Steven P & Cindy L Malone for placement of a mobile home to care for the elderly parents. This property is located at 4551 W. 900 N., Michigan City, IN., Springfield Twp., zoned R1B on 4.596 acres. Parcel 46-02-17-300-029.000-062.

Attorney Biege stated notice is adequate.

Steven Malone stated his address is 4551 W. 900 N., Michigan City, IN. His father-in-law is with him.

David Powless stated his address is 4656 W. 900 N., Michigan City, IN.

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

Steven Malone stated yes, for his father-in-law and his wife to live in. They have property that they want to sell and starting to have trouble maintaining it.

Melissa Mullins Mischke asked if they already own the mobile home?

Steven Malon stated no, not yet. They haven't acquired one yet.

Melissa Mullins Mischke asked if they have looked at any. Do they have any idea what kind of year they're looking at. No?

Steven Malone stated the only one (1) he is aware of that he looked at was a 2005, but they haven't really earnestly.

Melissa Mullins Mischke stated they haven't gone that far?

Steven Malone stated they wanted to get the variance before they did that.

Melissa Mullins Mischke stated okay. So, the in-laws are going to live in the mobile home?

Steven Malone stated yes.

Melissa Mullins Mischke stated and then at such time that they don't need to live in the mobile home anymore, the mobile home would be removed.

Steven Malon stated if that's necessary, yes.

Melissa Mullins Mischke stated that was a statement on her part. Okay. So, they would require him to remove the mobile home when the hardship is no longer there for it.

Steven Malone stated okay.

No remonstrators present.

Vern Schafer stated he assumes that they are planning on having a separate septic field and separate well for the house.

Steven Malone stated they'll share the same well. It will have a separate septic.

Vern Schafer stated they are going to share the same well for the house, but they're going to have a separate septic.

Steven Malone stated yes.

Jeff Baltes asked if there will be a separate electric service also.

Steven Malone stated yes. The only thing that will be shared will be the well. They will run a line to it.

Vern Schafer stated on this particular piece there is an existing home, so this is the second.

Steven Malone stated yes, he lives there.

Vern Schafer stated plans for the mobile home when they've moved out. Are there any plans for the future or the mobile home?

Steven Malone stated apparently, they have to remove it.

Melissa Mullins Mischke stated she told them when they don't need the mobile home, it needs to be removed.

Vern Schafer stated yes. They don't allow them to be sold or rented out.

Steven Malone stated well, it could be sold though, right?

Melissa Mullins Mischke stated yes. He's not going to rent it.

Ernie Schmidt asked if this is for elderly people.

Steven Malone stated yes. It's for his father-in-law and his wife.

Ernie Schmidt stated so they're going to put a mobile home in there and they're going to have all handicap accessible entrances.

Steven Malone stated they could put a ramp if that would suffice.

Ernie Schmidt stated as long as it is built to spec.

Steven Malone stated to the specifications required. Right.

Ernie Schmidt stated to what the Building Department requires.

Steven Malone stated he would have no issue with that. They could do that.

Jeff Baltes made a motion to approve the Petition for Variance of Developmental Standards for Steven P & Cindy L Malone for placement of a mobile home to care for the elderly parents. The mobile home must be removed when no longer in use. This property is located at 4551 W. 900 N., Michigan City, IN., Springfield Twp., zoned R1B on 4.596 acres.

Vern Schafer seconded.

All Approved. Motion carries 5-0.

6. Petition for Variance of Use for Clay W Marshall & Chris W Marshall JTWROS for operation of a trucking business and to park related equipment on site while not in use. This property is located at 4849 N. 400 W., LaPorte, IN., Center Twp., zoned R1B on 12 acres. Parcel 46-06-09-100-006.000-042.

Attorney Biege stated notice is adequate.

Clay Marshall stated his address is 4849 N. 400 W., LaPorte, IN.

Melissa Mullins Mischke stated she understands that he already resides at this location and they've been operating some trucks in and out.

Clay Marshall stated yes, since he moved in in 2020.

Melissa Mullins Mischke asked how many he would say per day?

Clay Marshall stated right now, one (1) per day in and out. He owns four (4) total. Three (3) get parked there.

Melissa Mullins Mischke stated four (4) trucks total.

Clay Marshall stated yes. Three (3) get parked there.

Eric Pointon stated the trucks come empty and he's not loaded when he comes and goes.

Clay Marshall stated no. There's no material coming in or out of the property.

Eric Pointon stated that's what he thought.

Clay Marshall stated he's just parking trucks there. He's basically an owner operator just parking equipment on his property when it's not in use.

Remonstrators:

Jim Surgeon stated his address is 213 Fir St., Walkerton, IN. He is actually one (1) of Clay's drivers. He has a truck that doesn't stay there. It actually stays back at his shop in Fish Lake. Currently, it is just him and Clay that are driving. Clay is the only one (1) going in and out.

Atlee Price stated his mailing address is P.O. Box 277, Michigan City, IN. He owns and lives on the property immediately south of Mr. Marshall. The only thing that separates them is the South Shore Freight Line. He's here basically to support Mr. Marshall. He has no remonstrance against it. His main reason for coming in support of him is, as he said, he has nothing against what he's been doing and has been doing for probably the last seven (7) or eight (8) months. As some of them may have seen, there was quite the outcry on social media and a lot of henny pennies thinking this is going to be a sand operation and even accusing him of having run that. He can assure them living there he's not been mining any sand. If anything, he probably has to bring some in to improve the bed upon which he'll be parking his vehicles. The most he can tell them that he sees him doing is two (2) or three (3) trucks a day at most, usually only one (1). He gets up far earlier than he does at five (5) o'clock, usually four (4) o'clock, to start his diesels to warm them up. He can barely hear it and he's probably the closest of any surrounding neighbors. This is a gentleman trying to make a living, no different than somebody immediately a quarter of a mile south of him who drives two (2) repair vehicles home every day and parks them in his driveway, or a guy who drives a school bus less than a quarter of a mile north of him and parks it in his driveway as well. He would be a little more concerned if some of those remonstrators are here, which he is glad to see that they're not, with the ongoing junkyard operation that used to be termed Pike Auto that continues to contaminate the groundwater, or even property immediately north of Mr. Marshall's, where there's fifty (50) abandoned vehicles that have been there for almost seventy (70) years. Nobody seems to have any care about that. But this is a guy trying to make a living, so he hopes they support him in that regard. Thank you.

Vern Schafer asked if he shares a driveway with him on this property.

Atlee Price stated no, there's a giant railroad track with a freight train that goes down it every day so they'd probably be in some danger.

Vern Schafer state okay. That was the only question he had.

Melissa Mullins Mischke stated that makes it difficult, doesn't it.

Atlee Price stated it does.

Alexander Kelsey stated his address is 7253 N. Wilhelm Rd., LaPorte, IN. He doesn't live anywhere near this. He just saw the outcry on social media. Farmers have always been allowed to drive their semi's up and down and park at their place. So, as anyone who has worked for a large carrier, he held his CDL for about five (5) years. When they run over the road, they are allowed to park their truck at home. The only difference is, this man's trying to live the American dream and work for himself. That's all he has to say.

Melissa Mullins Mischke stated they do have some written remonstrance. If anybody's interested in taking a look at that, they can contact the Building Department and it is available there.

Vern Schafer stated it was his question before. Apparently, he shares a drive with Mr. Legner. Is that correct?

Clay Marshall stated correct.

Vern Schafer stated he doesn't have a problem with that.

Clay Marshall stated no. He doesn't live on that property. He lives at 112 Grand in LaPorte.

Vern Schafer stated okay, but it's basically a shared driveway, correct?

Clay Marshall stated yes. It's split down the middle.

Vern Schafer stated he is looking at the drawing here.

Clay Marshall stated yea, he just did that so he was always covered so he never had to put a new one (1) in if they do part ways or whatever.

Vern Schafer asked if he is planning on, in the future, maybe constructing a building to store his trucks in.

Clay Marshall stated as of right now, no, but it's always a possibility so he's just leaving that open.

Vern Schafer stated okay, so this is outdoor parking.

Clay Marshall stated yes. Just outdoor parking for now.

Vern Schafer stated okay. Thank you.

Ernie Schmidt stated he was out to his site and he thinks he's doing a real fine job trying to clean up that area along the railroad there.

Clay Marshall stated thank you.

Ernie Schmidt stated his efforts are appreciated.

Ernie Schmidt made a motion to approve the Variance of Use for Clay W Marshall & Chris W Marshall JTWR0S for operation of a trucking business and to park related equipment on site while not in use. This property is located at 4849 N. 400 W., LaPorte, IN., Center Twp., zoned R1B on 12 acres.

Eric Pointon seconded.

All Approved. Motion carries 5-0.

7. Petition for Variance of Developmental Standards for Ronald G Beach & Brianna N Parmley for construction on a lot with 45' of frontage instead of the

minimum required 200' and to build the pole barn before the primary home. This property is located West of 8818 E Chicago Rd., New Carlisle, IN., Hudson Twp., zoned R1B on 7.176 acres. Parcel 46-04-28-476-024.000-050.

Attorney Biege stated notice is adequate.

Ron Beach and Brianna Nicole Parmley stated their address is 25693 Shorewood Ct., South Bend, IN.

Melissa Mullins Mischke asked what they are trying to do there.

Ron Beach stated they're requesting a variance for the frontage. They have a forty-five-foot (45') wide driveway.

Melissa Mullins Mischke stated it opens up into a giant one (1).

Ron Beach stated exactly. It's a hundred and fifty- foot (150') driveway and they just don't have enough frontage.

Melissa Mullins Mischke stated okay.

No remonstrators present.

Melissa Mullins Mischke she is just going to get it out of the way right now. She is generally not in favor of these types of situations because like they were discussing earlier, it's all fine right now. Then one (1) day they're going to come in and try to split that parcel and it seems that the flag parcel issues always seem to turn into a confrontation later in life, not today.

Ernie Schmidt asked if they intend to split this in the future.

Ron Beach stated no, he doesn't.

Brianna Parmley stated they don't intend to. Hopefully their kids will take it over. They plan to live there for a very long time.

Ernie Schmidt asked one dwelling.

Ron Beach stated yes. One dwelling. One barn.

Vern Schafer asked if it is currently a field.

Ron Beach stated yes. It's a blank seven (7) acre empty field with grass.

Melissa Mullins Mischke stated should they grant their variance, she wants to make sure they contact the fire department in this area and make sure they get a sign up with the address. Make sure it's well posted so that nobody misses them in the case of an emergency situation. Because

it is coming off that highway, they want to make sure that, or not a highway, but a pretty busy road, they want to make sure that people can see where they're at.

Ron Beach said absolutely.

Melissa Mullins Mischke stated their local fire department will be really happy to sell them a sign and give some additional suggestions if it's necessary.

Ron Beach stated they'd be happy to buy one.

Jeff Baltes made a motion to approve the Petition for Variance of Developmental Standards for Ronald G Beach & Brianna N Parmley for construction on a lot with 45' of frontage instead of the minimum required 200' and to build the pole barn before the primary home. This property is located West of 8818 E Chicago Rd., New Carlisle, IN., Hudson Twp., zoned R1B on 7.176 acres.

Ernie Schmidt seconded.

Approved. Motion carries 4-1.

8. Petition for Variance of Developmental Standards for Bruce W & Sheri L Baske for construction of a pole barn with a height of 23' instead of the maximum 18' allowed. This property is located at 4334 S. Morgan Rd., LaPorte, IN., Washington Twp., zoned R1A on 2.72 acres. Parcel 46-10-25-276-009.000-066.

Attorney Biege stated notice is adequate.

Tom Truty stated his address is 2555 E. State Road 10, Knox, IN. He is here to assist Mr. Bauske.

Bruce Baske stated his address is 4678 W. Schultz Rd, LaPorte, IN.

Melissa Mullins Mischke asked what are they trying to do with the barn.

Tom Truty stated he just wants to build a barn behind a brand-new house that he built. They didn't realize it was residential zoned. So, the height is going to be twenty-two-foot (22') if they approve it with a four-twelve (4/12). They could lower it to a three-twelve (3/12) and make it twenty-foot (20'), but it still needs a variance because it's eighteen feet (18'), right?

Melissa Mullins Mischke stated yes.

Jeff Baltes asked what's the reason for the height?

Tom Truty stated he has a car lift.

Bruce Baske stated that's for his personal use.

Melissa Mullins Mischke stated she thought he was going to say like a giant boat.

Bruce Baske stated no. Not a boat

Melissa Mullins Mischke stated okay. Well, that would have been more exciting that a car lift, but she gets him.

No remonstrators present.

Vern Schafer stated he was wondering about a couple of things. One (1) is, there is a home on there, correct?

Tom Truty stated yes.

Vern Schafer stated he is just now getting the information here. He didn't get it earlier. He thought it was a bare lot.

Bruce Baske stated no. The house is almost finished.

Vern Schafer stated so he is wanting to add a building along with a house. How high is the home roof?

Bruce Baske stated he is not sure, sir.

Vern Schafer stated it's a single-story house. He sees a picture of the house now. He didn't have that prior to this. How far is, what is the distance from the south property line?

Tom Truty stated that the barn is going to be placed?

Vern Schafer stated yes. He's looking at the drawing here that they left him, but it doesn't really have a distance on there. It's a forty-eight by fifty-six (48' x 56') building, correct?

Tom Truty stated correct. He thinks it was roughly forty to fifty feet (40' – 50') from the property line.

Vern Schafer stated so that's not an issue.

Tom Truty stated no.

Vern Schafer stated it's the height of the building.

Tom Truty stated yes.

Ernie Schmidt asked if this is going to be a business or personal.

Bruce Baske stated no. This is going to be strictly personal. He has a business to clean out along with all his tools and things. He might need a place to put them. Besides the stuff he has in the house they are living in now. He's got two (2) tractors, a snow plow, an extra truck.

Ernie Schmidt stated okay.

Eric Pointon made a motion to approve the Petition for Variance of Developmental Standards for Bruce W & Sheri L Baske for construction of a pole barn with a height of 23' instead of the maximum 18' allowed. This property is located at 4334 S. Morgan Rd., LaPorte, IN., Washington Twp., zoned R1A on 2.72 acres.

Ernie Schmidt seconded.

All Approved. Motion carries 5-0.

9. Petition for Variance of Developmental Standards for Michigan City Black Bull LLC (Lessor) and Trap Stars (Lessee) for placement of a mobile off-premise sign digitally lit on 3 sides of a box truck. This property is located at 10507 E. Hwy 12, Michigan City, IN., Springfield Twp., zoned B2. Parcel 46-02-07-405-005.000-062.

Attorney Biege stated notice is adequate.

Carter Madigan stated his address is 10507 US 12, Michigan City, IN.

Melissa Mullins Mischke stated let's talk about this mobile digital sign.

Carter Madigan stated it's just one (1) of the dispensaries across the border wants to advertise. It's a box truck, like an LCD box truck. He knows there's legislation up in Indianapolis right now, but it's a firework store. They're very seasonal, so instead of just letting it sit.

Melissa Mullins Mischke stated they're going to give it a try.

Carter Madigan stated they came and they asked and they said why not instead of letting it sit. Make a little extra cash.

Melissa Mullins Mischke stated it's been there already.

Carter Madigan stated it was, yes. He was unaware that they needed a variance. They have three (3) firework stores total, two (2) in Hammond and then this one (1) up here. This one (1), he just started at this location during this last fourth of July season. He was completely unaware of a variance requirement and things like that. When they reached out to him, they did stop having them there. He thinks there was a couple of instances where they were, but the lady from the Building Department immediately reached out to him. He knows at first, he said he wasn't receiving his texts and then after that there weren't any issues. He knows like the address of the

business, they all changed during all of this because they had the same address as the gas station next door, so at least they got other things accomplished.

Melissa Mullins Mischke asked what is his main job at the store then?

Carter Madigan stated he runs it. He is in charge of it.

Melissa Mullins Mischke stated he has been there since last year.

Carter Madigan stated he has been with them for years. They have three (3) total stores. This was his first time running this location and then he is taking it over full time.

Melissa Mullins Mischke stated all right. So, he is the store manager?

Carter Madigan stated yes.

Melissa Mullins Mischke stated okay. She has a lot of questions, but do they have any remonstrators tonight? Let's start with that. She knows they have had a number of written remonstrance. Again, that will be at the Building Department if they would like to review those, they can do that there but if they'd like to step forward and let's hear what they have.

Remonstrators:

Attorney Thomas Levine stated he represents businesses in the area on US 12 there who have spent a lot of money on billboards along that way that are legally compliant billboards. They're developers, Indiana developer, who would like to develop along that stretch in Indiana, but they also own dispensaries across the border in New Buffalo. He thinks it is a dangerous precedence to set. These mobile billboards driving around obstructing traffic. They're supposed to be a thousand feet (1,000') from other billboards as he understands. It's on a State Highway so he believes the State Code 9-21-4-6 prohibits advertising signs or for devices closer than one hundred feet (100') of a highway where it's obstructing intersections. Janet Cole had told them to cease and desist, and despite that, they persisted to park their truck there every single weekend since she asked that. He thinks that makes it especially dangerous to reward their defiance of the County order to cease. They'll have dozens of them driving around thinking they can get away with it, without an ordinance, and parking them on the side of the road. So, he thinks for those reasons, these developers are opposed to this variance. He thinks especially with marijuana being illegal in the state of Indiana, to give special treatment, doesn't seem to make sense.

Derek Thompson stated his address is 11 Grand Beach Road. His home is directly across the street from where this guy has parked his sign. He's glad that he acknowledged that he has had it there for a few weeks. This sign is extremely bright. It ruins their night within their home, as in the lights are shining in, blinds are shut. This is an LED sign that is extremely bright. It's only there to drive foot traffic to the marijuana shops that are across the state line. He strongly objects to this and ask that it be removed.

Carter Madigan stated he is more than happy to address his concerns across the street. He is more than happy to tell them that it is not allowed after dark or something like that. He is more than happy to work with the neighbors. He is not trying to step on toes or ruin family nights or anything like that.

Melissa Mullins Mischke stated thank you.

Carter Madigan stated the other thing is, it's not blocking traffic. It's in their parking lot.

Melissa Mullins Mischke stated she understands.

Carter Madigan stated he just wanted to clarify because he mentioned it.

Melissa Mullins Mischke stated it is within a hundred feet (100') of the road.

Carter Madigan stated yes. He also mentioned to them about moving it much closer to the front of the store because also unaware to him was that the gravel area, anything from the power lines up, he thinks they considered the State right-of-way.

Melissa Mullins Mischke stated yes.

Carter Madigan stated they have spent thousands of dollars every year getting that gravel replaced in that parking lot because they were fully unaware that that was State responsibility. So, now, what's done is done. He is not willing to argue it, but they have a location where they can pull that truck up right underneath their canopy there that would put it pretty much off of all of that State property there.

Melissa Mullins Mischke stated okay.

Carter Madigan stated it would definitely give more room. He doesn't know if that's a hundred feet (100') or not. He doubts it.

Melissa Mullins Mischke stated okay. Thank you.

Ernie Schmidt stated when he was out there and they took pictures, they have nothing that is legal, as far as he is concerned. He is parking on the State highway. He has been asked numerous times to move it, not put it back, and he had to drive a little out of his way to see about traffic. On his part, he would recommend they don't pass this and turn this one (1) down. He is done with his comments.

Melissa Mullins Mischke stated compliance issues as well.

Ernie Schmidt stated everything here is not right. They're on State property. They're continually on State property.

Carter Madigan stated he doesn't have keys to the truck, so he doesn't park it or move it, to be completely fair with them.

Ernie Schmidt stated they can get it moved for him.

Carter Madigan stated yes, no he is not arguing with him.

Ernie Schmidt stated he's not either. He is just sharing information.

Carter Madigan stated he just wants to be clear that they are not parking it there.

Melissa Mullins Mischke stated this is usually the part where they ask questions.

Carter Madigan stated sorry. He will shut up.

Vern Schafer stated he is very much aware of the controversy that's gone on about this sign and then how they've blatantly disregarded their warnings about not doing this before the variance is granted. So, as far as he is concerned, the variance isn't going to get granted in this end. The other thing about it is they've had issues with these signs before. They're distracting. They're bright. They're a danger because they distract the drivers also. So, they don't allow these signs. There's a strict rule here in the Bible about that. So, he is opposed to granting any variance that way.

Melissa Mullins Mischke stated she tends to agree with that as well, especially when those LED lights are down at a lower level. When they're up on a billboard, they're not as in their face as when they're driving. She feels like it's a safety concern and she too, as a Hoosier, is just generally offended by Michigan's pot advertisement in her face. So that's the other thing that she could definitely and hopes that that legislation is changed. So, if there are no further questions from the board, she will entertain a motion.

Vern Schafer made a motion to deny the Petition for Variance of Developmental Standards for Michigan City Black Bull LLC (Lessor) and Trap Stars (Lessee) for placement of a mobile off-premise sign digitally lit on 3 sides of a box truck. This property is located at 10507 E. Hwy 12, Michigan City, IN., Springfield Twp., zoned B2.

Eric Pointon seconded.

Melissa Mullins Mischke called for a roll call vote.

Ashley Kazmucha read the roll.

Melissa Mullins Mischke stated nay. She is denying the petition.

Eric Pointon stated nay.

Vern Schafer stated nay.

Jeff Baltes stated nay.

Ernie Schmidt stated nay.

All Approved. Motion carries 5-0.

Melissa Mullins Mischke asked for any old business.

Melissa Mullins Mischke asked for any new business.

Attorney Biege stated after they close, he would like to say a few words to the members since they have some new members on the Board.

There being no further business, meeting adjourned at 7:03 p.m.



Melissa Mullins Mischke, President



Michael Polan, Recording Secretary