



# LAPORTE COUNTY BOARD OF ZONING APPEALS

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**Michael Polan**  
Building Commissioner

May 20<sup>th</sup>, 2025

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday,  
**May 20<sup>th</sup>, 2025, at 6:00 p.m.** in the Assembly Room of the County Complex.

MEMBERS PRESENT:      Vern Schafer                      Ernie Schmidt  
   Jeff Baltes                              Eric Pointon

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

The Pledge of Allegiance.

## **APPROVAL OF MINUTES:**

Vern Schafer asked for approval of the meeting minutes of April 15<sup>th</sup>, 2025.

Eric Pointon made a motion to approve the meeting minutes as presented.

Jeff Baltes seconded.

All Approved. Motion carries 4-0.

## **Petitions:**

**6. Petition for Variance of Developmental Standards for Diane M Espar Haddad** for the keeping of no more than 15 chickens on a parcel with less than the required 3 acre minimum. This property is located at 6853 W. Magnolia Ave., Michigan City, IN., Coolspring Twp., zoned R1B. Parcel 46-05-12-301-024.000-046.

Eric Pointon made a motion to table Petition for Variance of Developmental Standards for Diane M Espar Haddad to the June Meeting.

Jeff Baltes seconded.

All Approved. Motion carries 4-0.

Vern Schafer stated before they start, for those that are new to this procedure, he would like to say that they will call the Petitioner as they have them in order, they will be called to the stand where they state their name and address and speak briefly about their petition. Then, at that time, they will ask for any questions and then after that they will ask for remonstrance either for or against. During that time, they can come up and speak either for or against that particular petition. He wants to remind everybody, Melissa does this too, that public comment is in the form of remonstrance here. They don't get to talk after the petition so if they have something to say, do it during the time of remonstrance either for or against. That is a reminder for the order of things this evening.

**1. Petition for Variance of Use for LaPorte Expo Investments LLC represented by counsel Anthony Novak of Newby, Lewis, Kaminski, & Jones, LLP to operate a "Convenience Store with Gasoline Sales" in an area of La Porte County zoned B1. This property is located at 7089 W. 400 N., Michigan City, IN., Coolspring Twp., zoned B1 on 1.45 acres. Parcel 46-05-11-477-013.000-046.**

Attorney Biege stated notice is adequate.

Anthony Novak stated he is an attorney at Newby, Lewis, Kaminski, & Jones in LaPorte located at 916 Lincolnway. He is here tonight on behalf of Petitioner LaPorte Expo Investments LLC. Here with him tonight from LaPorte Expo is one (1) of their owners, Mandeep Singh, who goes by Lucky. Their controller Krishna Subramanyan is also present. Tonight, as Mr. Schafer indicated, they are seeking a Use Variance to operate a convenient store with gasoline sales in an area of LaPorte County zoned B1 which is the zoning classification for Neighborhood Commercial District. As indicated in the petition, the property is located at 7089 W. 400 N. Technically, that is a Michigan City address and it is probably an address they have drove by many times. It used to be the old Coolspring branch of the LaPorte County Public Library which has set vacant for a number of years following the Library selling it to what was a LaPorte Hospital entity back in 2017. That's changed; the property has changed hands a number of times and now it is owned by Development Alliance LLC who is the current owner subject to the purchase agreement to sell the property to LaPorte Expo Investments. Development Alliance has consented to them filing this petition as shown on Exhibit 2. LaPorte Expo is not unfamiliar with convenience stores with gasoline sales. Whether it be LaPorte Expo or Lucky, they have at least a few in the County that they would be familiar with. The Phillips 66 at 613 Pine Lake Ave.; if they are heading into LaPorte and they go passed Tsunami Car Wash on the left, it would be the next gas station that they run in to. Mae's Mart at 3204 Monroe Street, which is a Marathon gas station. Then the Amoco gas station at 1031 E. Lincolnway. As indicated, this would be at the intersection of Johnson and 400, which while the zoning classification of B1 indicates that it is a neighborhood district in which there is a neighborhood around that area, that intersection has become a little bit more commercialized over the years. In that immediate area is the location of the new Coolspring Library, some medical office buildings, a Horizon bank location, and then just behind the property at issue here is the Coolspring Volunteer Fire Department. As indicated in their petition, details of the proposed use are as follows. It's looking like it would be either a BP, Amoco, or Marathon. It would have four (4) pumps of fueling stations covered by a square canopy giving ample room to drive around those fuel pumps. Hours of operations currently would be projected to be 5 a.m. to 10 p.m. The plan is to preserve the current building as much

as possible architecturally, widening the building entrance, putting in some more glass so that there is more visibility in and out of that structure. The convenience store itself would then have food sales. Attached to their petition as Exhibit 3 is the conceptual site plan that has been prepared. The reason this is a conceptual site plan versus a more detailed site plan like they may see in a Special Exception, first of all with a Use Variance it is not technically required, but second of all, the Petitioner is just trying to see here ultimately if the use itself would be approved prior to spending additional resources on construction drawings and other things of the like. As they can see on this conceptual site plan, there is going to be parking spaces that would be added to the east and north side of the building while preserving the current access points off of Johnson and 400. No new curb cuts are proposed; those existing access points that were used for a number years for the public to enter and exit the library would exist. The retention area pond on the northwest side of the building would be added; that is along Johnson Road. The underground fuel tanks would be proposed to be located on the east side of the real estate closer to Johnson and 400. The underground septic system will be on the south-southwest side along 400 and the existing well which is on the north side of the real estate is either going to be retained or potentially a new well would be placed there. Ultimately, those are the details of the proposed use and what they are seeking tonight is that Use Variance for convenience store with gasoline sales. That will conclude his presentation, but he is certainly available for questions as is Lucky and Krishna.

Vern Schafer stated he will entertain any questions from the Board.

#### **Remonstrators:**

Edward Lake stated his address is 7241 W. 400 N., Michigan City, IN. Thank you for letting him speak on this issue today. Today, he is standing in opposition to this zoning variance in which he has three (3) main contentions. Contention number one (#1), having a gas station at this location presents serious health risks to the residents in this area. This site is located in close proximity to a number of residential properties that use well water. Gasoline stations will certainly have spill and leakage from tanks which will contaminate their water table and will result in serious health issues which could potentially cause cancer. Even small amounts of spillage and leakage can be detrimental on health. That is especially important since the residents in this area do drink from well water. One (1) John Hopkins University study found that on average forty (40) gallons of gasoline is spilled at a typical gas station at the pumps per year. There is a number of scientific studies that he can pass along that indicate that it should be at least from any water systems in order to ensure proper health. Contention two (2) is that it will increase congestion accidents and hindrance of emergency vehicles in that location. The intersection at 400 N. and Johnson Road already has a number of highly trafficked establishments including the Coolspring Library, Northwest Medical Center, Horizon Bank, the Kamran Medical Center, and of course the Coolspring Fire Department and Swanson Center. Adding this additional establishment to these six (6) major establishments will certainly increase the congestion in that area. In addition, the Coolspring Fire Department is located next to this proposed site and he thinks the increases in congestion may restrict the road access to these emergency vehicles. Besides, that, of course the entrances and exits on that busy intersection he thinks could cause a hindrance and safety concern as well. There are a number of turns as the intersection is not a perpendicular intersection and there a number of cars that will be potentially exiting and entering the gas

station potentially posing a danger to travelers. His third contention is that there is no additional need for this gas station. There is a Marathon gas station less than point-seven (.7) miles away on the same road and another gas station two (2) miles further down on Johnson Road. There is no particular need for this additional gas station. He also has a point, LaPorte has more gas stations per mile, than any other County in the US as far as he has researched. Those are his three (3) contentions. Thank you very much.

Vern Schafer stated thank you.

Vern Schafer stated he will now entertain any comments or questions from the Board on this issue. He will say that every one of those things brought up in Mr. Lake's remonstrance he considered as he read the petition. The traffic flow is probably greater than it was when they built the Library there. There is spillage at gas stations and considering that there is a lot of well water taken from that area, that is a good point. He agrees with him on some of those aspects. The drawing that they were given is very nice which he appreciated as they put a lot of planning into this, but he also knows that there are probably some questions from the residents in this area.

Ernie Schmidt stated a couple years ago, they were considering putting a roundabout in there. He doesn't know if that figures in to this or that roundabout got cancelled, but that might change the configuration of where they would want to put their tanks.

Vern Schafer stated he hasn't heard anything about that.

Attorney Biege stated he can make a comment on that as he was the County Council Attorney at the time. They were discussing it and Mr. Decker put that to an end. He doesn't think they are looking to do a roundabout there.

Ernie Schmidt stated okay. Thank you.

Vern Schafer asked for any other comments from the Board. He will entertain a motion from the Board then.

Eric Pointon stated there are more people that want to talk.

Vern Schafer asked for any other remonstrance.

Alan Kolodiej stated he lives across the street from the Swanson Center at 7255 W. 400 N., Michigan City, IN. He wanted to add to the fact that they were talking about food sales. That will produce a certain amount of paper. He can speak for that because he is outside with a rake quite a bit. He is also concerned about people walking in the neighborhoods and there really is no place out there for people to navigate to try to cross the street if they want food. He is always worried about noise pollution and he is concerned about light pollution too since there is a commercial thing where they will have more light and more noise pollution and more paper and more people on the sidewalks which don't exist. Believe it or not, they do exist. People do walk in the area; he has no idea where they come or where they go, he has no idea, but it is a concern too. Thank you.

Vern Schafer asked for any more remonstrators. He wants to remind them to state their name and address when they come up and to pull the mic down so they can hear him.

Rick Bradford stated thanks. First time he has heard that.

Vern Schafer stated well your stature.

Rick Bradford stated wow.

Vern Schafer stated they can hear him very good now, thank you.

Rick Bradford stated it helps, doesn't it?

Vern Schafer stated yes, it does.

Rick Bradford stated very good. He lives at 3647 N. Wozniak Road about a half (½) a mile away. He owns property that is just a few hundred feet away from there. He is remonstrating against the variance to let them put this in there. First of all, it is a neighborhood. It is zoned neighborhood. A business that is open from five in the morning (5 a.m.) until ten at night (10 p.m.) is going to be very unfriendly to a neighborhood. He knows they are not looking to put up a home, but he has to have two acres to put up a home in the County.

*County Zoning regulations require that unplatted lots require 200' of frontage and an acre to build.*

Rick Bradford stated they have less than one and a half (1½) acres out there. The runoff also, because they are going to have a lot more concrete that they are going to have to cover, so as they cover up all the grass and trees that are going to have to come out, that runoff will have to go someplace. A septic can't handle it. He is also concerned about the septic system that they are going to have especially if they are preparing food. They are also going to have to have an area that they hold their waste. Somebody already mentioned that they are going to have to keep that caged as well as it can be done. There still will be some stuff running around, but that runoff is one (1) of his major concerns. He owns property within feet of the place. There is a big ditch now that the run off goes into off of the road and it will have to come out of their parking lot as well. It is going to go through that ditch behind a lot of residents in the area and eventually that will end up in Trail Creek. People, and he is sure the Board as well, drive the area and know what it's like and how busy it is there. As far as traffic, he noticed that the Library didn't even have access from Johnson Road to the new Library; that access is on 400 for safety reasons, he is sure. Right now, a lot of traffic that comes through there when the traffic light is busy or certain times of day, the traffic cuts through the Fire Department parking lot. He has been nearly hit three (3) times by traffic coming through there. They don't even slow down. Not their fault; that's just the way it is. That is going to increase the traffic patterns that are there especially if they're not going to do any new curbing or have anything more than the simple egress and ingress that is there. If it goes in both directions then he doesn't see how it can even work. There are a lot of accidents there now. He thinks somebody already mentioned that it is not a ninety degree (90°); it is kind of odd and runs at an angle when the road used to come down Johnson

and cut over to 700 right there. He is asking that they consider all these other issues before they make a decision. Thank you for your time and letting them all come up and speak.

Vern Schafer stated yes. That was the timer by the way. He didn't mention that, but that's his fault as he is kind of new at this, but they try to limit their comments to three (3) minutes.

Rick Bradford stated understood.

Vern Scahfer stated thank you very much.

Rick Bradford stated he'll put the mic back.

Vern Schafer stated the next person might be short too.

Eric Pointon stated he would like to touch on the retention. The runoff they do have a proposed retention area on the drawing. It was a concern of his as well. It's not his place to make sure that is adequate, but it is on the drawing so as far as runoff that shouldn't be a major concern.

Rory Bunce stated his address is 374 Timber Ridge Road. He owns Development Alliance. He is the owner of the building currently. He certainly understands everyone's concerns when change comes. There are a few things he would like to keep in mind. Anything that goes in there, they talk about the well and the septic and the things that are happening and quite frankly, that is what the codes are for in the County. Anything that goes in there has to meet code. If the code is unsafe it has to be changed to the code level. The other thing that is important is that he has been doing development in LaPorte for twenty-five (25) years now and every change scares people in the neighborhood and he understands it, but there are a certain set of circumstance that go with the property. Once, it is considered commercial, anything can go in there. It is not designated to something they like or they don't like. This particular property, what he would like to point out, is that it was owned by LaPorte Hospital. In order for LaPorte Hospital to sell it, they put deed restriction that are extreme. Nothing can compete with the Hospital that owned it for the next ninety-nine (99) years. So, there are already limits on this on what can go in there. It can be nothing medical. They can't have a salon that does acupuncture. There can't be a dentist office or eye doctor. It is an extensive term that they are saying can't be there. He just wants to point out that everyone has an idea of what would be the perfect thing to put in there, but there are already limits. They found someone who wants to invest in the neighborhood and invest in their community and do it by the codes and the standards that the County has established as safe. Thank you for your time.

Vern Schafer asked for any other comments for or against. He will say there have been a lot of good point brought up here so there is a lot for them to consider. He will entertain a motion.

Anthony Novak stated if he may, just to kind of rebut and put a bow on it. So, ultimately whatever would end up going in there when it comes to the concerns about environmental and traffic and safety, they will of course comply with whatever existing ordinances are, State statutes, Federal regulations. Lucky has shown by the various other establishment that he has that he is going to make sure that this is done right. To Eric's point when it comes to retention and

things like that, when they go through the planning phase, they are going to make sure everything is adequate and will be able to house what needs to ultimately be done there. He doesn't disagree with some of the sentiment here that it is a residential area, but what he does want to point out is that it is not residentially zoned. It is commercial zoned as Business. Although it is in Business classification that requires a use variance, it is not dissimilar to what is going on point-seven (.7) miles up the road with the other gas station that is also in a residential area with likely some wells to. He certainly always understands and is concerned with the sentiment expressed, but this is something that they will make sure is done right and to code.

Vern Schafer stated thank you. Obviously, they wouldn't need a variance if it was just a convenience store, but because of the gas situation it becomes a bit of an issue that way. He understands everybody's concern about that. Are they ready to make a motion now? Are they done?

Jeff Baltes made a motion to deny the Petition for Variance of Use for LaPorte Expo Investments LLC represented by counsel Anthony Novak of Newby, Lewis, Kaminski, & Jones, LLP to operate a "Convenience Store with Gasoline Sales" in an area of La Porte County zoned B1. This property is located at 7089 W. 400 N., Michigan City, IN., Coolspring Twp., zoned B1 on 1.45 acres.

Ernie Schmidt seconded.

All Approved. Motion carries 4-0.

**2. Petition for Variance of Developmental Standards for Richard & Toni Riehm** for construction of a 3<sup>rd</sup> accessory structure (12' x 16'). This property is located at 7894 E. Hudson Ave, New Carlisle, IN., Hudson Twp., zoned R1B. Parcels 46-04-28-351-006.000-050 & 46-04-28-351-007.000-050.

Attorney Biege stated notice is adequate.

Rich and Toni Riehm stated their address is 7894 E. South Hudson Ave., New Carlisle. They have been there since 1981. They are the last property on the south side of the existing road. They would like to put in this accessory structure which is twelve by sixteen (12' x 16'). It would be basically a storage shed.

Eric Pointon stated in the picture; it looks like it is staked out next to an existing shed.

Rich Riehm stated yes.

Eric Pointon asked if that shed will be removed?

Rich Riehm stated no. That is why it's for the third accessory structure. It would be in addition to.

Toni Riehm stated that one (1) is small.

Eric Pointon stated so the detached garage, this shed, and then a new shed, correct?

Rich Riehm stated yes.

Toni Riehm stated correct.

Rich Riehm stated that one (1) is only ten by twelve (10' x 12').

Vern Schafer stated the location that they are looking to put this on the property is not real defined on his picture unless they can tell him where it will be located. Where exactly will it be located?

Toni Riehm asked if she may approach.

Vern Schafer stated sure, she may approach.

*Toni Riehm indicates on the map where it will be located.*

Ernie Schmidt stated he was there today.

Vern Schafer stated thank you very much.

**Remonstrators:**

Mike Gleissner stated his address is 7882 E. South Hudson Ave, New Carlisle. He has property adjoining their property. He does have a question. Is this going to raise his property taxes with that addition of their shed?

Vern Schafer stated he is not the assessor, but he should think not

Eric Pointon stated he can give him Mike Schultz's phone number.

Vern Schafer stated he would have to ask the Assessor's Office.

Mike Gleissner stated the Assessor just raised his property taxes sixty thousand dollar (\$60,000) this next coming year and he has a little concern about it continuing to go up.

Vern Schafer stated he has the same problem. He appreciates his comments, but he's doesn't know if one (1) has anything to do with the other. Like he said, he's not an assessor.

Mike Gleissner stated okay. He was just wondering. He doesn't have a problem with it then.

Ernie Schmidt made a motion to approve the Petition for Variance of Developmental Standards for Richard & Toni Riehm for construction of a 3<sup>rd</sup> accessory structure (12' x 16'). This property is located at 7894 E. Hudson Ave, New Carlisle, IN., Hudson Twp., zoned R1B.



Eric Pointon seconded.

All Approved. Motion carries 4-0.

**3. Petition for Variance of Developmental Standards for Ricardo Desantiago** for construction of a detached garage with a height of 20' instead of the maximum 18' allowed. This property is located at 2575 N. Tiffany Rd., LaPorte, IN., Coolspring Twp., zoned R1A. Parcel 46-05-23-200-054.000-046.

Attorney Biege stated notice is adequate.

Yesenia Cazares stated her address is 326 Holliday St., Michigan City. They are here on behalf of Ricardo Desantiago for a detached garage of twenty feet (20') high.

Vern Schafer stated he was looking at the Beacon map and it didn't look like there was a home there, but then he was informed that they just constructed a home.

Yesenia Cazares stated correct.

Vern Schafer stated this is an addition to it and it is in their pictures.

No remonstrators present.

Eric Pointon made a motion to approve the Petition for Variance of Developmental Standards for Ricardo Desantiago for construction of a detached garage with a height of 20' instead of the maximum 18' allowed. This property is located at 2575 N. Tiffany Rd., LaPorte, IN., Coolspring Twp., zoned R1A.

Jeff Baltes seconded.

All Approved. Motion carries 4-0.

**4. Petition for Variance of Developmental Standards for Deke Sherwood and Britne Johnson Jtwros** for construction of a 2<sup>nd</sup> home. This property is located at 4156 N 900 E., New Carlisle, IN., Wills Twp., zoned A on 11.77 acres. Parcel 46-08-09-400-009.000-068.

Attorney Biege stated notice is adequate.

Deke Sherwood and Britne Johnson stated their address is 4156 N. 900 E., New Carlisle.

Vern Schafer asked them to tell the Board a little bit about what they have going on there.

Deke Sherwood stated they purchased the property about a year ago with the hopes of being able to build behind the current house. They have almost twelve (12) acres. There's the house in the

front that they would like to have their kids live in. They have five (5) kids between the two (2) of them and they would like to build their house back behind the current house. There is a tree line there and there is plenty of room to do it.

Eric Pointon stated this is just for their family, not renting the other house after they build the new one.

Deke Sherwood stated not at this current time.

Vern Schafer asked what the plan for the current house is.

Deke Sherwood stated to have the kids live in it.

Vern Schafer stated they would be moving into the new house. He's not going to give the kids the new house?

Deke Sherwood stated think about it.

No remonstrators present.

Ernie Schmidt asked if there will be separate drives for the property.

Britne Johnson stated the driveway would be. . .

Deke Sherwood stated it would be like shared in the beginning and then go straight back. So where the driveway comes in, it would come in go to the existing house and then continue back and go around to the back house.

Britne Johnson stated if she can approach, she can show them.

Eric Pointon stated the driveway goes to the existing house so they would be driving around to the back. Is that what he is saying?

Deke Sherwood asked if they have the drawing.

Vern Schafer stated yes, they have it.

Britney Johnson stated basically, where it comes in, the driveway goes to the house and they will be driving past it.

Jeff Baltes stated they will be sharing a driveway.

Britne Johnson stated yes,

Vern Schafer stated thank you. His concern about things like this, personally, is the fact that if something happens, there is a future involved here and they're not all going to be here forever.

They will have two (2) houses on the same property sharing a driveway. If they wanted to sell a house eventually, or if they tore the one (1) down it wouldn't be a problem, they would just have one (1) house left, but with two (2) houses on the property now, how do they sell a property with no access? They almost have to create some kind of an easement to get to that house. His personal feeling is that they should have a recorded easement to that facility because the future is going to be there.

Eric Pointon stated part of that is for their own protection.

Vern Schafer stated it is for their own protection. He doesn't even know how they get financing for some kind of an easement to get to that house.

Eric Pointon stated they own the property though.

Vern Schafer stated they own the property, but eventually, if they wanted to sell the house, no one would be able to buy it without a recorded easement. Do they understand what he is saying?

Deke Sherwood stated yes.

Jeff Baltes stated there is enough frontage there that if they ever had to do something.

Vern Schafer stated yes.

Eric Pointon stated like put a secondary driveway in.

Britne Johnson stated they thought about doing two driveways there or however. There is room.

Vern Schafer stated there is a future involved here, but they're being asked to grant them a variance so he will ask again if there is any remonstrance for or against this from the gallery. If not, he will entertain any other questions or a motion.

Jeff Baltes made a motion to approve the Petition for Variance of Developmental Standards for Deke Sherwood and Britne Johnson Jtwros for construction of a 2<sup>nd</sup> home. This property is located at 4156 N 900 E., New Carlisle, IN., Wills Twp., zoned A on 11.77 acres.

Ernie Schmidt seconded.

All Approved. Motion carries 4-0.

Vern Schafer stated it passed. Good luck.

**5. Petition for Special Exception for Marilyn J Jones & Kimberly M Orourke JTWROS for the keeping of goats on a parcel zoned R1A with less than 3 acres and for construction of a second accessory structure with a height of 23' instead of the 18' maximum allowed. This property is located at 11656 W. 300 S., Westville, IN.,**

New Durham Twp., zoned R1A on 2 acres. Parcel 46-09-18-300-010.000-027.

Attorney Biege stated notice is adequate.

Jimmy O'Rourke stated his address is 11656 W. 300 N., Westville, IN. He is here on behalf of his wife sitting in the audience. Keeping goats on the property. As they can see, they have a pretty decent shelter and a pen set up for them. If they have any questions, he can answer whatever questions they have on the goats. They are 4-H use. They will be setting up a second shelter within ninety (90) days. Water and electric lines will be underground. Hopefully, after they let them build a barn. The goats are leased out already. He knows there are people around them that had some concerns about how loud they are. The breed of goat are Lamancha's. His daughter can talk more about that. She does more with the goats than he does, but they are the quietest breed as he was told by his daughter. He knows there were some concerns about stench and some other stuff back there during the summer and it is minimal.

Vern Schafer asked how many goats at this time does he have on the premises?

Hailey O'Rourke stated her address is 11656 W. 300 N., Westville, IN. She is Jimmy's daughter. Currently, they have ten (10) goats. She has five (5) up for sale currently. Two (2) of them have already been sold. They are trying to drop it down to three (3) or four (4). Year round she is hoping to have only six (6), but they are Lamancha's. No, she did not cut their ears off; she promises. Just with evolution over time, their ears have gotten smaller. The breed the Lamancha is known to be quite. Their smell with their manure is not bad. She walks back there every morning and every night and feeds. The only time she ever smells them is when she is in the pen. So, she doesn't know.

Eric Pointon asked if they are 4-H goats.

Hailey O'Rourke stated yes. She was a ten (10) year "4-H'er. She showed goats for ten (10) plus years. She did three (3) years of minis so she has kind of owned her own goats for the last few years now, but they ran into a situation where the last barn they were at, they weren't able to house them anymore. It was kind of a last-minute transfer so it was a last-minute building thing.

Jimmy O'Rourke stated these were the goats that were at 187 Country Club Drive that he is sure they all heard about a few times.

Vern Schafer stated his question is what do they do with the waste.

Jimmy O'Rourke stated they till monthly. He has a rake that goes behind a tractor and they just till it into the ground.

Vern Schafer stated so it is used for fertilizer on his property.

Jimmy O'Rourke stated yes. Goat manure is as big as their thumbnail.

Vern Schafer stated he is familiar with goats, believe him. His grandkids have them too.

Jimmy O'Rourke stated he's sure. They till it up and it just goes in the ground.

Vern Schafer stated his grandkids aren't Lamancha's, but they're in the Boer goats which is something they can actually eat. He doesn't know what Lamancha's are good for.

Hailey O'Rourke stated they are good for milk producing.

Vern Schafer stated he gets called an old goat and he's not good for much of anything. So, do they have any remonstrance in the gallery?

No remonstrators present.

Vern Schafer stated they do have a couple of letters of remonstrance that the Board is aware of. There are two (2) against and one (1) for. Are there any questions from the Board?

Eric Pointon asked if these are separate petitions or is it the same for the goats variance and the building variance.

Michael Polan stated it is the same petition, but they can vote on them separately if they wish to.

Eric Pointon made a motion to approve the Special Exception for Marilyn J Jones & Kimberly M O'Rourke JTWROS for the keeping of goats on a parcel zoned R1A with less than 3 acres so long as they don't exceed some massive goat farm.

Jimmy O'Rourke stated believe him, he doesn't want a massive goat farm.

Eric Pointon stated he understands.

Jimmy O'Rourke stated his daughter only feeds them half the time; the other half it is his butt going out there and doing it.

Eric Pointon stated he is a ten (10) year 4-H member. The reason he is on these Boards is to represent Purdue Extension so he is fully in favor.

Attorney Biege stated they should agree on a number. He needs a number.

Eric Pointon stated they are breeding, correct?

Hailey O'Rourke stated yes.

Eric Pointon stated they will have, say, six (6) goats.

Hailey O'Rourke stated yes, year-round.

Eric Pointon stated which would have then potentially twelve (12) kids and which would be eighteen (18) and then she will sell the kids?

Hailey O'Rourke stated yes.

Jimmy O'Rourke stated twenty a good number? Can they agree on that?

Attorney Biege stated just so they have a number.

Eric Pointon stated they are going to sell off so twenty (20) at any given time throughout the year if they are safe with that.

Jimmy O'Rourke stated they really don't want to have twenty (20) back there.

Eric Pointon stated he doesn't blame him.

Eric Pointon made a motion to approve the Special Exception for Marilyn J Jones & Kimberly M O'Rourke JTWR0S for the keeping of goats on a parcel zoned R1A with less than 3 acres with a maximum amount annually of no more than twenty (20) goats.

Jeff Baltes seconded.

Vern Schafer stated for discussion, he would like to say that these goats will be housed where? They haven't approved a building. Do they have a building at the moment?

Jimmy O'Rourke stated they are in a shelter right now. There should be pictures of it.

Vern Schafer stated yes. They are in the back lot.

Jimmy O'Rourke stated yes, they are all the way in the back lot. Their shelters will stay in the pen. They would like to put up another mobile shelter back there and possible break that into two (2) separate pens, they just haven't had time to do it yet. It was kind of a hurry up deal.

Eric Pointon stated for like when they are weaning and stuff?

Jimmy O'Rourke stated yes, so they have a separate pen set up for them. Any separate pen would have its own shelter so they always do have shelter. Any separate pen would have its own water in it and stuff like that.

Vern Schafer stated if he is hearing this correctly, the motion is that they want to approve the goats, but not more than twenty (20) goats. Is that the motion?

Eric Pointon stated yes.

Vern Schafer stated and there is a second. They have a motion on the floor and a second to allow goats on this premise, but not to exceed twenty (20).

Motion dies 2-2.

Vern Schafer stated they have two (2) for and two (2) against. What do they do? He is not the tie breaker. They have two (2) for and one (1) against? Is he a tie breaker?

Jimmy O'Rourke asked if he can answer any questions that the opposed have?

Vern Schafer stated they have two (2) for and two (2) against on the goats now with him voting. Is he to abstain?

Attorney Biege stated no, he can vote. They need a majority pass so it fails.

Vern Schafer asked if they would modify that number.

Eric Pointon stated he fully well knows how breeding livestock goes.

Vern Schafer stated he knows.

Eric Pointon stated goats have one to two (1 – 2) kids.

Vern Schafer stated he doesn't know how many females she is going to have.

Eric Pointon stated she said she will have six (6) females.

Vern Schafer stated maybe she doesn't want to have six (6) females.

Eric Pointon stated that's what she said. She wants to have six (6) females.

Vern Schafer stated unless he changes his motion, she's not going to have any.

Eric Pointon asked Ernie what he thinks.

Ernie Schmidt stated his question is that he is in between two (2) other properties. Are the buildings and the manure going to be stored in the center of his property so it doesn't infringe on the neighbors with runoff.

Jimmy O'Rourke stated the manure will be tilled monthly or he can do it bi-weekly if they would like. He has a tractor with a till on it that he can run out there. They have done it twice already.

Vern Schafer stated it doesn't work well in the winter months though.

Jimmy O'Rourke stated he is correct. He can haul off if they have to.

Hailey O'Rourke stated what about the neighbors; they are putting a garden in.

Jimmy O'Rourke stated the neighbors to the west of them that are for it would not be opposed to using it as fertilizer. That is Mathews; he believes the wrote a letter for them on this.

Vern Schafer stated yes, there is a remonstrance for and two (2) against.

Jimmy O'Rourke asked if he can ask what the issues are with the against and they can address them.

Ernie Schmidt stated the issue is since all four (4) of them have been on farms, they are entering the fly season. So, just doing what they want to do once a month isn't going to solve that. He is going to have to come up with a better plan so that the neighbors that are opposed to this doesn't get all the flies all summer. So, tell them what he is going to do to address the fly situation.

Jimmy O'Rourke stated he can haul off once a month.

Eric Pointon stated that would also help the run off situation that the neighbor is concerned of if he is not tilling the ground all the time.

Jeff Baltes stated very true.

Ernie Schmidt stated share what he is going to do because then that might break this tie.

Jimmy O'Rourke stated he can till every other week and haul off in the summer months if they have to. If tilling doesn't work, he will haul off it he has to. There's not much else he can do with manure. They have cows down the road. They have other livestock in the area that create the flies and create the stench and create everything else. He's just trying to do the best they can for goats that are already leased out. He doesn't know what else he can tell them he can do other than hauling off.

Eric Pointon stated they are leasing to help other "4-H"ers?

Jimmy O'Rourke stated yes. They have signed leases right here that he can show them from 4-H youth that will be showing these goats at the County fair. That's what these goats are for. They are show animals. His daughter breeds them to sell them then they have kids that show the babies and stuff like that so everyone of those goats that's out there right now is leased out. His middle son included will.

Ernie Schmidt stated the more he talks, the better the rest of them are understanding what they are going to do.

Eric Pointon stated isn't that what 4-H is all about Vern.

Vern Schafer stated there's no question about this.

Jimmy O'Rourke stated he understands their concerns because he doesn't want his property to stink either.



Vern Schafer stated he knows that as a citizen board that they are, they try to make sure that it doesn't infringe on the rights of the neighbors.

Jimmy O'Rourke stated right.

Vern Schafer stated they're trying to come up with a solution here to a potential problem.

Jimmy O'Rourke stated he is a nice guy and if they came over and told them they had an issue with the stench here, then he would be addressing it every which way he could. He is not in this to make his neighbors unhappy. He knows he and his east side neighbor have a tiff, but it is what it is there. If that is the same concerns, they can look into hauling off every other week if they have to.

Vern Schafer stated he is open for an amended motion that is a little more specific about waste disposal.

Ernie Schmidt asked if he can provide a buffer zone for the pasture side that the neighbor and he have a difference on.

Jimmy O'Rourke stated there is a twenty-foot (20') buffer zone there now.

Ernie Schmidt asked if they can talk and see if another ten-feet (10') would solve the problem?

Jimmy O'Rourke stated the neighbor absolutely will not speak to him. He will try that. They moved the fence once already because they had an issue with it. He believes Ashley was the one (1) that came out there. They can see that, which he believes that he was the one (1) calling every day saying the he was on their property, but then when Ashley came out there, he was mowing ten feet (10') away from the fence still so he is nowhere near his property.

Ernie Schmidt stated okay.

Jimmy O'Rourke stated they moved the fence back another twenty feet (20') so he is the better part of what he believes is twenty-five-foot (25') off the property line now.

Ernie Schmidt stated okay.

Jimmy O'Rourke stated if he would like it moved more to help it. . . He is going to be honest, they have been on farms; ten feet (10') isn't going to change the scent they are going to get in the summer if there is any scent.

Ernie Schmidt stated he is thinking about the runoff.

Jimmy O'Rourke stated it shouldn't.

Eric Pointon stated if they have a buffer strip there, is it woods right now? Or could he plant a heavy grass that would help like a filter strip?

Jimmy O'Rourke stated yes, he can plant grass there. Well, they already planted it.

Hailey O'Rourke stated she just put grass seed down three (3) days ago.

Eric Pointon stated okay and then where would they pile the waste, the manure? It looks like in the pictures like they have adequate straw or bedding or hay that is wafted so that will get pushed up into a pile and hauled off monthly.

Jimmy O'Rourke stated yes.

Eric Pointon stated okay.

Jeff Baltes stated the buffer strip planted the grass should solve any runoff problem whatsoever.

Eric Pointon stated yes, he would say that is going to filter anything.

Jimmy O'Rourke stated they are inside the property lines by ten feet (10) on one (1) side and twenty (20') on the other for that reason. He will make sure it stays mowed to stay nice, but that is the buffer. There is not going to be runoff. When they put this in, it has elevation changes in the ground back there so it's not just flat so it does hold waste and whatnot in a certain area so it's not running off.

Ernie Schmidt stated okay.

Vern Schafer stated he has a pointed question. He talked to Ashley about this this afternoon. Is there, according to Article 14, they are allowed to have goats without a variance. Is that correct or is that not correct?

Michael Polan stated that would be if there is more than three (3) acres.

Vern Schafer stated if there is less than three (3) acres?

Ernie Schmidt stated no.

Vern Schafer stated there shall be the following acreage for each animal. That's what it says in the ordinance.

Michael Polan stated he has been out to the site. The pen has been moved and it is a hundred plus feet (100'+) away from any other residence.

Vern Schafer stated right, but the fact that the goats are actually there is not illegal. Is that correct?

Attorney Biege asked how big the parcel is.

Jimmy O'Rourke stated two (2) acres.

Attorney Biege stated two (2) acres? It's not allowed under three (3) acres. This is residential, right?

Ashley Kazmucha stated that is why they're here because they are under three (3) acres so they have to get the approval from the Board to have them. If they had three (3) acres, we wouldn't be here.

Vern Schafer stated so with two (2) acres they are allowed how many? They can't allow twenty (20) goats.

Ashley Kazmucha stated twenty (20). That's the max they are allowed to have per the zoning regulations.

Eric Pointon asked how long the kids would be on their property. When would they start kidding and then roughly once they are weaned and sold and they will be leaving?

Hailey O'Rourke stated typically, she is having babies around anywhere from March until May. She does require that the babies go to the fairs with the dams, so with the moms. Fair is typically July so they would only be there for a few months and then as soon as fair is over, they are gone.

Eric Pointon stated so then they would be back down to six (6).

Hailey O'Rourke stated yes.

Vern Schafer stated they are on the farm until after the fairs. They stay on their property?

Hailey O'Rourke stated yes.

Vern Schafer stated then their goat population goes down until the next kidding season.

Jimmy O'Rourke stated that is correct.

Ernie Schmidt stated okay.

Eric Pointon asked if they can re-vote on the motion?

Vern Schafer asked if they would like to revote on the last motion?

Ernie Schmidt stated yes.

Vern Schafer stated they will have a re-vote on the original motion that stated they are allowed a maximum of twenty (20) goats at any one (1) time during the season.

*Eric Pointon made a motion to approve the Special Exception for Marilyn J Jones & Kimberly M Orourke JTWR0S for the keeping of goats on a parcel zoned R1A with less than 3 acres with a maximum amount annually of no more than twenty (20) goats.*

*Jeff Baltes seconded.*

All Approved. Motion carries 4-0.

Vern Schafer stated now they are going to talk about the building.

Jimmy O'Rourke stated they are looking at putting up a pole barn, forty by sixty (40' x 60'). The original drawing was showing forty by eighty (40' x 80'); they have since drawn it back a little bit. It will have sixteen-foot (16') walls with a four-twelve (4/12) pitch puts him at twenty-two-six (22'6") on his peak height. So, he is here for a variance to build to the peak at twenty-two and a half-foot (22.5') building. The existing structure that is at the edge of his driveway right now will be removed within a couple months. He would say ninety (90) days of when the new building is put up. The existing one (1) is an eye sore that he would like to tear down anyways, but he knows his one (1) neighbor is not happy with his stuff in the yard; this is to put his stuff in a building and not the yard.

Eric Pointon asked Mike if he has pictures of that proposed building site.

Jeff Baltes stated here.

Michael Polan stated the picture is in the pack.

Eric Pointon stated it's on the second page, he sees it.

Jimmy O'Rourke stated he can approach and answer any questions they have if they would like him to. The existing structure would be north of the pole barn by about sixty feet (60') right now.

Ernie Schimdt stated okay.

Jimmy O'Rourke stated where they see his driveway come out of his garage on his house, the existing structure is ten feet (10') to the south of that driveway.

Vern Schafer stated so forty by eighty by sixteen feet (40' x 80' x 16') with a twenty-three-foot (23') peak.

Jimmy O'Rourke stated twenty-two-six (22'6"), yes sir.

Vern Schafer stated and that is because of the camper.

Jimmy O'Rourke stated yes. He is going sixteen-foot (16') walls. He works on stuff. He is putting fourteen-foot (14') doors in and obviously he is not going to fit in a just a foot (1') of room on top of a trailer or something like that if he has a fourteen-foot (14') wall so he would

like at least three-foot (3') to be able to try and get up there. A dump truck, if he has to raise the bed up a little bit, he can get it up in the air a little bit.

Vern Schafer stated a personal comment after he has read the remonstrances, he thinks that if he would clean up the area by building that building, it would go a long way towards neighborly relations.

Jimmy O'Rourke stated he one-hundred percent (100%) agrees.

Ernie Schmidt made a motion to pass the Petition for Developmental Standards for Marilyn J Jones & Kimberly M Orourke JTWROS for construction of a second accessory structure with a height of 23' instead of the 18' maximum allowed.

Jeff Baltes seconded.

All Approved. Motion carries 4-0.

Petition for Special Exception for Marilyn J Jones & Kimberly M Orourke JTWROS for the keeping of goats on a parcel zoned R1A with less than 3 acres and for construction of a second accessory structure with a height of 23' instead of the 18' maximum allowed.

Vern Schafer stated good luck.

Jimmy O'Rourke stated he appreciates their time. Thank you very much.

Vern Scahfer stated he hopes he and his neighbors get along.

Jimmy O'Rourke stated me too.

**6. Petition for Variance of Developmental Standards for Diane M Espar Haddad** for the keeping of no more than 15 chickens on a parcel with less than the required 3 acre minimum. This property is located at 6853 W. Magnolia Ave., Michigan City, IN., Coolspring Twp., zoned R1B. Parcel 46-05-12-301-024.000-046.

*Tabled to the June Meeting.*

**7. Petition for Variance of Developmental Standards for Jerome (deceased) and Linda Beatty** for placement of a shipping container for storage and the keeping of goats and chickens on less than 3 acres. This property is located at 13471 S. 600 W., Hanna, IN., Hanna Twp., zoned A on 2 acres. Parcel 46-18-07-300-034.000-049.

Attorney Biege stated notice is adequate.

Jerome F Beatty III stated his address is 13471 S. 600 W., Hanna, IN. He only had a handful of chickens and four (4) goats. Currently, he gave them away because he was told he had to. If they do get them, he would like to get chickens again in the future. He may or may not get goats

again if approved. The shipping container is for storage. It is behind the garage. It's really not even visible from the road really. They are just hoping to keep what they have.

Vern Schafer asked if they have any livestock on the premises at the moment.

Jerome F Beatty III stated not at the moment.

Vern Schafer stated but he did have goats and chickens in the past.

Jerome F Beatty III stated yes, he had seven (7) goats and then about twelve (12) chickens before.

Vern Schafer stated and the shipping container that he is asking for is what size?

Jerome F Beatty III stated it is forty feet (40') long, eight feet (8') wide, eight feet (8') tall.

Vern Schafer stated it is for storing what?

Jerome F Beatty III stated he stores his lawn mower, his motorcycle, and parts for cars that he owns in there.

Vern Schafer stated he knows they have other buildings on the property; he has been passed. He doesn't have adequate storage without the shipping container? Is that what he is telling him?

Jerome F Beatty III stated it is for extra stuff like his motorcycle, his lawn mower and such. Car parts. He has a few cars that he is restoring. Inside the garage they are working on a car currently.

Vern Schafer stated so the shipping container is already in place? It's already there?

Jerome F Beatty III stated yes. They didn't know about the zoning issues beforehand.

Vern Schafer stated they're not planning on another one (1) at this time?

Jerome F Beatty III stated no. Just currently one (1), that's it.

Vern Schafer stated that was just his question. Any other questions from the Board at the moment.

#### **Remonstrators:**

John Spoljaric stated his address is 13453 S. 600 W., Hanna, IN. It is the house just north of the Beatty's house. Yes, they cannot see the container or anything like that from the road, but they can definitely see it from his back yard. This is a huge container. There are also a bunch of junk vehicles back there. He doesn't know what stage of repair or disrepair they are, but there is a huge pole barn there and he doesn't know why anybody with a barn that big needs an extra

container to keep car parts in unless they have a car part business or something going on which he doesn't think they would be zoned for in that area anyways. As far as the goats and everything that they had. Yes, they had them, until they just ate everything in the yard including the stuff off of his fence which is there. When he first moved out there, he was the only one on that property. It was just a total bean field. He put his place up after they found out what the zonings and everything were for it. They put the house up. Put a light duty fence to keep his dogs and pets. Well, that light duty fence is now twenty-six (26) years old. It's being used as part of their livestock fence on his side of the property. It is a thin fence. It is not meant for that. The goats climb on it. They eat the branches off of the shade trees that he had growing along side the fence there plus all the grapevines and his blackberry bushes he had growing there also. He is not real pleased with the goats thing. As far as the shipping container, it looks like a lot of clutter. It looks like the start of a junkyard back there. He didn't move out to the country from Porter County to LaPorte County to live next to that. Everybody else in that whole area is copacetic with what is supposed to be in that neighborhood. Okay, it's single-family housing. Light agriculture. It wasn't meant for that; for businesses. He was told he couldn't have a business out of his property when he first built out there because he inquired into it. He raised some animals out there too. He had a couple of sheep that he raised out there way before these people even moved to the place. Okay. They were there for one (1) season and then they were butchered. They are not there all year long like the other animals were. The smell; they know what goats smell like especially male goats. In the summertime with those guys right next to him, it'll gag you. He has nothing personal against the people. Nothing there. That's great. He didn't move out there to live next to that and it wasn't like that until they turned it into that.

Vern Schafer stated thank you very much.

Michael Polan stated just real quick, Mr. President. This and other cases like it, many times, are complaint induced meaning that his office will get a complaint, they will investigate it, and if they find that it is against the zoning regs they contact them and let them know it either needs to be corrected or they have the opportunity to file a petition for a variance. That is the case on this matter as well as many of the other ones that come before the Board.

Vern Schafer stated thank you.

Linda Beatty stated her address is 13471 S. 600 W., Hanna, IN where they were referring to. As far as the pole barn goes, about half of that whole pole barn is a wood working shop. There is nothing being sold out of their pole barn. Yes, they have parts and the reason they have parts is because her husband was working on antique mustangs for their other kids. Not to sell to anybody. Anyway, she thinks they have done everything that they should have done. As far as the fence, they had no idea he had a problem with that fence. He told her that yesterday or two (2) days ago, whatever it was. She told him point blank if he had told her they could have put a fence up. She had no idea.

Vern Schafer asked if the Board has any questions. Remonstrators have had their opportunity to speak.

Eric Pointon stated as far as, if they did have any chickens or goats in the future, they would put their own fence up or made an adequate pen if that is something.

Jerome F Beatty III stated yes. He was actually planning to reinforce the fence, but he also plans to put up a privacy fence as soon as he can. He just hasn't had the money yet. He is in between to a new job recently so he just started and he is about a month in.

Ernie Schmidt asked if he is going to reinforce his neighbor's fence. Is that what he just said?

Jerome F Beatty III stated no, he was going to build a fence on the inside where his fence would be so it would just add a fence in front of it.

Ernie Schmidt stated okay. Thank you.

Jeff Baltes stated they are back to the same thing of separating this out and voting on it separately.

Vern Scahfer stated yes, this is about two (2) actual issues here.

Jeff Baltes stated technically three (3).

Ernie Schmidt stated he would like to start with the storage container and say no to the storage container.

Eric Pointon asked if it is already full.

Jerome F Beatty III stated it is full, but like he said it is behind his garage in his back yard. It is not visible at all from the road. If he puts up a privacy fence, they won't even be able to see it from the neighbor's yard.

Ernie Schmidt made a motion to deny the Petition for Variance of Developmental Standards for Jerome (deceased) and Linda Beatty for placement of a shipping container for storage and be removed.

Eric Pointon stated his problem is that they are over a barrel. Once he removes it, all the stuff is in the yard and then that is a bigger eye sore than a storage container.

Ernie Schmidt stated that is a different issue.

Eric Pointon stated that's what he is saying. They're not code enforcement so anything in the yard is a different issue.

Vern Schafer stated the folks don't make this very easy for them.

Attorney Biege stated if he may, let him be clear, they don't have code enforcement.



Eric Pointon stated right. That's not them or like Mr. Biege says, anyone for that matter so. Plus, it would be Mike's office that would make sure that it would be installed correctly in the first place. That would be a second. If they did say yes, that would be another thing that they make sure that there is a foundation and a tie down and all of those points.

Vern Schafer stated if they don't have a second on Ernie's motion, do they have any other motion on the shipping container?

Jeff Baltes stated they have approved so many of them.

Eric Pointon stated they have.

Vern Schafer stated he can't make the motion for them.

Eric Pointon stated he will make a motion to approve the shipping container. Mike's office is going to go back out there and tell them it has to be within the specs of the County and it may have to get moved, there may be expense involved with that as far as a foundation of stone or anything.

Vern Schafer stated it will have a foundation and tie downs?

Eric Pointon stated yes, tie downs.

Jeff Baltes stated a concrete foundation, correct?

Ernie Schmidt stated correct.

Eric Pointon stated yes.

Michael Polan stated footings and anchor.

Vern Schafer stated footings and anchor.

Jeff Baltes stated time frame. They have to put a time frame on it of some sort.

Eric Pointon stated they don't have to put a time frame on it. Once Mike goes back out there and tells them what they have to do, then. . .

Michael Polan stated right. They will take care of the rest.

Eric Pointon stated yea, that's on him, right? So, yes.

Jeff Baltes stated okay.

Vern Schafer stated the motion currently is that he is making a motion to allow the shipping container if it is installed correctly.

Eric Pointon stated yes.

Vern Schafer asked second?

Attorney Biege asked if he may add something, Mr. President.

Vern Schafer stated sure.

Attorney Biege stated maybe this is a better motion to make in the reverse. Order the shipping container removed within a certain period of time, unless it is brought up to building standards. If he doesn't do it, then it makes it a lot easier for him to enforce it that way.

Eric Pointon stated right. If he removes it within six (6) months if it is not brought up to building standards.

Attorney Biege stated yes, they get the same place that way.

Eric Pointon stated perfect. Thank you.

Vern Schafer stated the motion of the shipping container will be removed within six (6) months unless it is brought up to code.

Eric Pointon made a motion to approve the Petition for Variance of Developmental Standards for Jerome (deceased) and Linda Beatty for placement of a shipping container for storage. Container must be removed within six (6) months unless it is brought up to code.

Jeff Baltes seconded.

Motion dies 2-2.

Vern Schafer stated they need five (5) people here tonight. They should call Melissa.

Vern Schafer stated he doesn't know how to make this better, but he thinks that a tie vote goes to a nay. So that means the shipping container be removed. He suggests a better storage of his parts. Either a building with a permit rather than a shipping container and to move his parts storage inside where it is more acceptable to the neighborhood.

Michael Polan stated he would like the Petition and the Board to direct his office with a time frame for removal of this. If he can give them what is adequate for him and they can confirm it, it will help him.

Vern Schafer stated six (6) months? Want to give him six (6) months?

Jeff Baltes stated he is fine with six (6) months.

Vern Schafer stated the shipping container is to be removed by December 1<sup>st</sup>.

Jeff Baltes stated the works.

Vern Schafer stated his petition for the shipping container has been denied and it has to be removed by December 1<sup>st</sup>. If they come up with another plan for storage that is more suitable to the neighborhood, come back to them.

Jerome F Beatty III stated so even with the privacy fence though, it wouldn't matter or make a difference?

Attorney Biege stated there is no further discussion. They have voted on it.

Jerome F Beatty III stated okay.

Eric Pointon stated they're back to livestock on a two (2) acre plot. So, what is his proposal for number of birds and/or goats.

Jerome F Beatty III stated he only has a handful of chickens, less than twenty (20) at most ever. Goats he doesn't really plan to get again. Like he said, he was getting rid of them. He had four (4) though at the time. So, four (4) or less goats. Up to twenty (20) chickens.

Vern Schafer stated motion for chickens.

Jaff Baltes made a motion to approve the Petition for Variance of Special Exception for Jerome (deceased) and Linda Beatty for the keeping of goats and chickens on less than 3 acres.

Eric Pointon asked if he can amend that.

Jeff Baltes stated on the number, yes.

Eric Pointon amended the motion to approve the Petition for Variance of Special Exception for Jerome (deceased) and Linda Beatty for the keeping of no more than four (4) goats and no more than twenty (20) chickens on less than 3 acres. Proper enclosure must be provided for the goats so as to not disturb the neighbor.

Vern Schafer asked second?

Jeff Baltes stated he made the initial motion.

Vern Schafer stated he made the motion without goats.

Jeff Baltes stated yes. No, but it was supposed to be altogether, but Eric amended it.

Eric Pointon asked if he can second his own amendment.

Vern Schafer stated no.

Jeff Baltes stated that is what he is getting at.

Attorney Biege stated they are fine to vote. They can go for a vote.

Vern Schafer stated the motion is to allow up to twenty (20) chickens, no rooster.

Jerome F Beatty III stated no rooster?

Vern Schafer stated no roosters and no more than four (4) goats.

Eric Pointon stated with proper fencing that doesn't affect the neighbor.

Vern Schafer stated proper fencing. The fencing should not be using the neighbor's fencing. Use his own fence.

Jerome F Beatty III stated okay.

All Approved. Motion carries 4-0.

Vern Schafer stated passed. He gets his livestock, but be careful.

Jerome F Beatty III stated alright, thank you sir.

Vern Schafer stated thank you. Good luck.

**8. Petition for Variance of Developmental Standards for Gerard & Rosemary Bonilla** for construction of a 3<sup>rd</sup> accessory structure garage and placed to the side of the home instead of the rear. This property is located at 125 Elder Dr., Walkerton, IN., Lincoln Twp., zoned R1B. Parcel 46-12-20-132-044.000-055.

Attorney Biege stated notice is adequate.

Gerard and Rosemary Bonilla stated their address is 125 Elder Dr., Walkerton, IN. It's in Fish Lake. He owns nine (9) lots. He is building a pole barn within those nine (9) lots. Ten (10) lots.

Rosemary Bonilla stated where their house sits, on the west side they have empty lots. The want to put a pole barn there. It will be ten feet (10') off their property line and ten feet (10') from their house. That is what the regulation is for the fire department.

Vern Schafer stated okay. Does everybody understand?

Eric Pointon stated yes.

Vern Schafer stated they do have a remonstrance for.

**Remonstrators:**

Mike and Corinne Fitzgerald stated their address is 119 Elder Dr., Walkerton, IN. They own the property at 119 Elder Drive. Their main concern is that it is put up according to the ordinance with the ten feet (10') over. They have an issue with a property line because they believe their property line goes to the green utility box in the center of that which is where they believe it is, but they would like to request a boundary survey to make sure that it is measured correctly.

Vern Schafer stated this is a question for legal here.

Attorney Biege stated they have to go hire a surveyor. The County doesn't do those for the citizens. If they need a reference call their office.

Corinne Fitzgerald asked who pays for that.

Attorney Biege stated you do. Or they can split it. A lot of times when there is a dispute on the property line, the parties will split the costs.

Corinne Fitzgerald asked how they go about splitting it or what?

Attorney Biege stated agree with their neighbors that they will each pay their half. Then they can call a surveyor and find out how much it is. Okay?

Corinne Fitzgerald stated yes.

Attorney Biege stated just call the Building Commissioner's office and they will give her a couple names.

Corinne Fitzgerald stated okay, alright. Thank you.

Vern Schafer stated if they are going to talk about a boundary survey are they going to have to put this off until the survey is completed.

Eric Pointon stated if it's not adequate spacing.

Attorney Biege stated it is at their discretion. He doesn't know how much room they have there.

Eric Pointon stated it looks like it's pretty tight on the map.

Vern Schafer stated it's pretty tight so if the boundary moves, they won't be able to get ten-foot (10') of clearance between.

Eric Pointon asked how far do they think the boundary is off.

Rosemary Bonilla stated they are actually a foot (1') off their property. They know it because they showed them where it was when Mr. Peterson lived there. He put that boundary in and he said that's where it was. They are a foot (1') off their fence line.

Attorney Biege stated if the ten feet (10'), that's what they are asking for, whatever amount they say, they can grant it on those terms if they choose to and put down what the requirements are for the spacing and the line is where it is. If it's closer they will have to come back.

Eric Pointon stated then say the size of the building would have to be twenty-six feet (26').

Attorney Biege stated yes. Specify the size of the building and what they want the setback to be.

Eric Pointon stated depending on the survey. Okay.

Vern Schafer stated that is how the motion would have to read. Okay. Be seated for a minute. Is there any other comments or remonstrance for or against.

Michael Polan stated he has a comment, Mr. President.

Vern Schafer stated sure.

Michael Polan stated in the legal description it indicates a subdivision so there should be a survey plat already recording. If it doesn't provide enough information to determine the property boundary and there is not an agreement there, they do have a list of registered land surveyors in LaPorte County that they can provide.

Vern Schafer stated that would be between the two (2) landowners then to consult with the Building Commissioner and come to an agreement on the boundary.

Attorney Biege stated he wouldn't recommend him giving any advice on that. They're going into his job and he's not going to tell them.

Vern Schafer stated yes, he doesn't want to be a lawyer anyway.

Eric Pointon asked what the height of this building going to be.

Gerard Bonilla stated from the ground to the top maybe twelve feet (12').

*ALCO could not catch his voice on the mic.*

Ashley Kazmucha stated twelve feet (12').

Eric Pointon stated okay. He was just making sure they wouldn't have to come back because they wanted to build a twenty-foot (20') tall building.

Vern Schafer stated there are limits to how tall they can go with a building.

Eric Pointon made a motion to approve the Petition for Variance of Developmental Standards for Gerard & Rosemary Bonilla for construction of a 3<sup>rd</sup> accessory structure garage and placed to the side of the home instead of the rear so long as the property line dispute is resolved and the ten-foot (10') setback met.

Attorney Biege asked may he interject? He thinks they can approve it, but not make it contingent on a property line resolution. They can say the building would be twenty-eight by thirty-two (28' x 32') with the required ten-foot (10') setback. That way they have a max. If the line is somewhere else, they can always reduce their building on their own because they got the variance for at least this part of it. Okay?

Eric Pointon amended his motion to approve the Petition for Variance of Developmental Standards for Gerard & Rosemary Bonilla for construction of a 3<sup>rd</sup> accessory structure garage and placed to the side of the home with ten-foot setbacks on each side.

Jeff Baltes seconded.

All Approved. Motion carries 4-0.

Vern Schafer stated good luck. Get together and get their stuff done.

**9. Petition for Variance of Developmental Standards for Tracy L & John D Ortiz JTWROS** for construction of a primary home on a landlocked parcel. Access will be through an existing easement. This property is located at 1631 S. 875 E., Mill Creek, IN., Lincoln Twp., zoned R1B on 3.036 acres. Parcel 46-12-09-402-004.000-055.

Attorney Biege stated notice is adequate.

John and Tracy Ortiz stated their address is 1627 S. 875 E., Mill Creek, IN. They are putting in this petition for variance to build a home on the lot that would initially be 1631. It is about three (3) acres. It is family-owned property. Eventually, the 1627 and 1639 the easement runs through will be theirs. It will be willed to them. Up at 1631 was the original farmhouse so there is existing power. There's sewage; there's no problem with any of that. It's all been there at one (1) time before. The house will be about two-thousand square feet (2,000<sup>2</sup>) sitting right in the middle of the lot.

Vern Schafer stated he was looking at this before off the Beacon map and he noticed that this easement crosses several properties.

John Ortiz stated yes.

Vern Schafer stated this is a recorded easement.

John Ortiz stated yes.

Vern Schafer stated it is a driveway to get to this property.

Tracy Ortiz stated yes. Her uncle owns 1639 and her mom owns 1627 property. The easement goes right through both of those properties.

Vern Schafer stated okay. Is the easement recorded? It doesn't have a stamp on it.

Tracy Ortiz stated she isn't sure.

Vern Schafer stated but it is an easement to get to that property.

Tracy Ortiz stated yes.

Vern Schafer asked the Board if they would like to see the easement.

John Ortiz stated they actually bought the property from her uncle with everything existing there. They just chose to build up there. It's going to be their retirement home. They chose to build up there to keep it away from 875 with the road noise and whatnot. It is up in the wood a little further.

Jeff Baltes stated the easement is legit; it's already there.

Ernie Schmidt stated he was there today.

Vern Schafer stated okay.

John Ortiz stated the easement actually goes all the way through the property up in to more. He owns like thirty (30) more acres up in the woods. It actually goes clear up into there.

Vern Schafer stated okay.

No remonstrators present.

Ernie Schmidt asked how they plan to mark this driveway so he knows and the EMS and stuff know that the house is back there.

John Ortiz stated of course it will have the one (1) that is the street that the County requires or whatever, the little green tab. Then her uncle's is marked well; there is a big log. Her mom's is marked. Then theirs, there are two (2) poles that sit in the beginning of the property and it will have the address.

Ernie Schmidt asked if that is there now.

John Ortiz stated one (1) pole is there now, but they won't let him actually make it an address until there is a house on it.



Vern Schafer stated currently, it is just wooded.

John Ortiz stated yea, they are clearing land property and marking things out where things are going to sit. It is still under construction.

Jeff Baltes made a motion to approve the Petition for Variance of Developmental Standards for Tracy L & John D Ortiz JTWROS for construction of a primary home on a landlocked parcel. Access will be through an existing easement.

Eric Pointon seconded.

All Approved. Motion carries 4-0.

Vern Schafer stated good luck.

Ernie Schmidt stated he hopes they mark it better than they did today.

**10. Petition for Variance of Developmental Standards for Ellis Island LLC** for construction of a primary home with a front setback of 13' instead of the 25' minimum and a waterway setback of 65' instead of the 75' minimum. This property is located at 18 Elm Dr., LaPorte, IN., Center Twp., zoned R1B. Parcel 46-06-27-252-004.000-042.

Attorney Biege stated notice is adequate.

Dave Streeter stated his address is 638 W. 250 S., Hebron, IN. He is from Jade Construction. He has been asked by the Ellis' to build this home. They say primary. It's not their primary. This was the uncle's home. They own the garages across the way. In December, they took down the old house that was there. This was a summer home for family. One (1) of the four (4) nephews that owns the property has purchased it. They are out of LaGrange, Illinois. This will be a summer home for their family. He has three (3) or four (4) kids.

Ashley Kazmucha stated it will be the primary home on the lot.

Dave Streeter stated yes, primary home on the lot. Correct.

Vern Schafer stated the house that was previously there has been demolished.

Dave Streeter stated yes, it has.

Vern Schafer stated okay. Any questions from the Board at the moment?

Ernie Schmidt asked if the existing home was the same floor plan as what the proposed is.

Dave Streeter stated no. The existing home was very weird. It was a garage that was three and a half-foot (3½') thick of concrete underneath of it. They tried to keep it, but it was just a block home that three (3) additions and didn't even have a bedroom. It had open rooms; it was a very weird setup.

Ernie Schmidt asked how it fit in there with the setbacks that are required.

Dave Streeter stated they were closer actually. They were under ten feet (10') to the road. He told them when he asked about it earlier when they demoed it that that they would have to go to the new updates, but yes. It was a block building and there was no way they could make it work. They tried to make it work. Like he said before, they own the buildings across the way; the garages across the way. The family does.

Vern Schafer asked where the current septic field is.

Dave Streeter stated there is no septic there. This is sewer.

Vern Schafer stated okay. Got no issues there then.

Dave Streeter stated yes, the sewer comes out to the road. There was a well. The well is going to have to be on the back side of the house.

Vern Schafer stated so it is well water, but City sewer.

Dave Streeter stated yes sir. The current structure is still on there. They didn't do anything with the deck or whatever was on the lake. That is still there. They never touched that.

Vern Schafer stated they want a thirteen-foot (13') setback from the street rather than twenty-five (25').

Dave Streeter stated yes sir because there is no garage on the house. The garages are across the way.

Ernie Schmidt asked if there is any reason that they can't shove the house closer to the lake.

Jeff Baltes stated it already is ten feet (10') too close.

Vern Schafer stated what would the Building Commissioner like. Would he like it closer to the lake or closer to the street.

Michael Polan stated it's up to them.

Eric Pointon asked how many square-feet is the proposed house.

Dave Streeter stated he thinks it is three thousand (3,000<sup>2</sup>'), just under. It is two (2) stories.

Vern Schafer stated he doesn't know. Of course, they don't seem to have any remonstrance here from the neighbors, but obviously it is pretty close to the street, but then again it looks like the house next door isn't too far either. Some of the houses didn't fall under that ordinance either.

Dave Streeter stated right. They went out when they put the sign up there. They had it all surveyed. He is actually further back than the house next door. Almost all the houses there.

Ernie Schmidt asked if he is going to park his pontoon in front of it like the neighbors and have it out in the roadway like theirs.

Dave Streeter stated no. No. There's a garage and everything there.

Ernie Schmidt stated that is what's there today. Pontoon boat out in the drive across the road.

Dave Streeter stated he doesn't have a pontoon boat.

Ernie Schmidt stated no, but the neighbor does.

Dave Streeter stated yes, he knows.

Ernie Schmidt stated they are asking about the same distance.

Dave Streeter stated yes, but he doesn't.

Ernie Schmidt stated well, it's a question that has to be asked.

Dave Streeter stated yes sir. He appreciates it, but no. The idea with this is that they have young kids. The idea with this was to be there all during the summer so their primary residence for the summer.

Vern Schafer stated most of the activity that takes place at these lake homes is in the back yard not in the front.

Jeff Baltes stated right.

Dave Streeter stated yes.

Vern Schafer stated he will entertain a motion at this time.

Eric Pointon asked if there would be adequate parking to Ernie's concern that there are not vehicles and things in the road.

Dave Streeter stated yes. So, right now they have a trailer in front of their garage. The uncle, he didn't know him that well, in fact, he didn't know him at all. There are probably six (6) cars in there from the 1930's. He had some old cars there in the garage. So, he has a six (6) car garage across the way plus all the parking in front of that.

Eric Pointon stated so all the parking would be across the road.

Dave Streeter stated yes.

Eric Pointon stated okay. Perfect. They have to ask for remonstrance.

**Remonstrators:**

Laura Ostergren stated her address is 15 Elm Dr., LaPorte, IN. She is the neighbor to the north she guesses.

*Laura Ostergren is the neighbor to the east.*

Laura Ostergren stated she is not against it. She has only met them once with the young kids during last summer. Her concern is parking and the narrowness of the road and being a dead-end road. If they are having visitors and what not throughout the summer, it does get pretty chaotic. Yes, out there the front of the house is the lakeside so they do want to have more room on the lakeside, but her concern would just be parking. From what she understands, the one (1) nephew owns the house. The other nephew has the garage, but that doesn't mean the nephew that owns the house can utilize the garage. So, again the parking is kind of what she questions and the safety of other vehicles going in and out on the road. She would also like to know if he is going to get rid of the tower, but that is not the discussion today.

Vern Schafer stated he agrees with her that thirteen feet (13') doesn't have adequate parking in front of the house if they have a yard. He doesn't know, what is there now? Is it all concrete or what is in front of the old existing house. Was that a yard?

Laura Ostergren stated the road.

Vern Schafer stated just the road.

Laura Ostergren stated yes.

Vern Schafer stated they will be thirteen feet (13') from the road. That is what they are talking about now putting the house in.

Laura Ostergren stated when John's house was there, it had the garage and the home and he basically has one (1) kind of parallel parking space for their vehicle because usually there was just one (1) car and the garage was part of the home. The attached garage was part of the home, the living space. So, out in front there was really just one (1) space to park a car. Then his garage which is across the street was all of his collection so they didn't really use that. Again, she's not against it, she just doesn't understand the parking situation.

Vern Schafer stated he's going to ask her a personal question. Does she think that if the house was back a little farther, it would ease some of that.

Laura Ostergren stated yes, she would think so because she would think him owning the house would have to have his own parking space not relying on the garage across the street because he doesn't own that. That is his brother's from what she understands.

Vern Schafer stated Ernie and he are on that page too. He doesn't know if that is a question for the builder. Would it be possible to move the house back six feet (6'), ten feet (10') farther back?

Dave Streeter stated anything is possible. Anything is. That is what they are here for today. Two (2) brothers own the garage and he has more parking. He doesn't know the whole specifications.

Vern Schafer stated if they were going to pass an ordinance, they would have to set that distance, and if they set the distance at a point farther back and taking away some of the front yard from the lake so to speak, is a possibility. He is just thinking out loud here then they would have a place to park in front of the house.

Laura Ostergren stated there is a possibility of purchasing some of her side to at least have a drive or some kind of a parking space there. Possibly.

Vern Schafer stated they can't do that negotiation here, obviously. They will have to set some kind. . .

Attorney Biege stated hold on. He would suggest they table it and see if they can work out a deal. Otherwise, they are just guessing.

Vern Schafer stated right.

Laura Ostergren stated right. Her concern is the parking. She doesn't want to take away from their home. Yes, the lakeside is what they want to have more living space and enjoy their yard, but the road side is very tight.

Vern Schafer stated okay. Thank you for your comments. He appreciates it.

Dave Streeter stated in looking at that, when they start pushing back on the lake side, they are really pushing the place. They are talking a two (2) story building.

Attorney Biege stated again, he suggests they table it because Laura is willing to talk to them and they are just rambling on here at this point.

Dave Streeter stated yes.

Vern Schafer stated okay. That would mean that he would have to come back next month. Do a little negotiating with the neighbor here and maybe they can make this work next month.

Dave Streeter stated he thinks that's great. That's on them. That sounds good. He appreciates it. Thank you.

Jeff Baltes made a motion to table the Petition for Variance of Developmental Standards for Ellis Island LLC for construction of a primary home with a front setback of 13' instead of the 25' minimum and a waterway setback of 65' instead of the 75' minimum.

Ernie Schmidt seconded.

All Approved. Motion carries 4-0.

Vern Schafer stated they are going to table this motion and they will expect him back next month with a plan that works.

**11. Petition for Special Exception for Kingsbury Investments LLC (seller) & Enviro Recycling LLC (buyer) for operation of a recycling facility.** This property is located East of 3500 E. Central Rd., LaPorte, IN., Washington Twp., zoned M2 on 20.07 acres. Parcel 46-15-10-200-004.000-066.

Attorney Biege stated notice is adequate.

Jim Ventura stated he is with Enviro Recycling. About five (5) years ago, he came before this Board with a recycling project. The Board approved it and a few months ago they broke ground on a seventy-five-million-dollar (\$75,000,000) project that is creating a lot of jobs and taxes for the County. Today, he is coming here to present another recycling project and hopefully the Board can approve it. Again, his name is Jim Ventura and he is with Enviro Recycling Center. Christian Ruiz, with him, is a part of their team. He does have a packet in front of them that is just a basic overview. What they are doing is they are proposing to build a recycling center across from 3500 E. Central Ave. on twenty-point-zero-seven (20.07) acres. It is right across the street where they broke ground currently to build the recycling food waste project that is currently being built. This project will be a twenty-five-million-dollar (\$25,000,000) investment. They have an award-winning architectural firm, Ware Malcomb, as part of their team. They have the support of the Solid Waste District Plan to reduce, recycle, and reuse. The facility will process a combination of paper, plastic, wood, cardboard, and tires into valuable materials and commodities. There would be no hazardous or medical waste processed on the site itself. The facility will create about seventy (70) full time jobs with sustainable wages. Also, they will produce about thirty (30) jobs from construction and about another twelve to thirteen (12 – 13) ancillary jobs for a total of probably over a hundred (100) jobs. They are also focused as part of their development on providing housing for the workers. They are looking at open lots or any houses that need to be demolished that they could rehab. They get employed at their facility, they go through a program, and they will provide them affordable housing. They are also doing a second chance program where if they have a felony, they can still be hired if they go through their program. They believe everybody messes up one (1) time or another and they deserve a second chance. They are asking the Board again to consider it and approve it tonight. They appreciate it. It's going to create a lot of jobs, a lot of taxes, economic development. They are excited to be in LaPorte. Matter of fact, he will probably be moving to LaPorte soon and build a house here. Again, he appreciates LaPorte. They have been very good and supportive of what they've done. Their project will obviously prevent these products or trash from going to the

landfill which prevents over two hundred (200) tons per day of food waste going to the landfill. That has a lot of economic and environmental benefits that this project proposes. Tonight, again, he appreciates it. Take their time in consideration.

Vern Schafer stated thank you. He has a question. Where will the material for recycling be sourced from.

Jim Ventura stated he is asking about the one (1) tonight, correct? Okay.

Vern Schafer stated yes, like the paper, plastic, whatever. Where is it coming from?

Jim Ventura stated sure, no problem. They have letters of intent coming in from a twenty (20) mile radius including the LaPorte County area. That is the target.

Jeff Baltes asked if they are talking about LaPorte County recycling that is picked up now would end up there. Is that what he is saying?

Jim Ventura stated they are bringing in municipal solid waste and tires in a twenty to twenty-five (20 – 25) mile square area radius. They are looking to the companies that they are working with. He thinks they are looking at getting the contract for LaPorte County hopefully for the waste disposal and it does not compete unless they are the Solid Waste District, but it actually enhances because it keeps everything out of landfills and that is what the Solid Waste District's mission is; to recycle.

Vern Schafer stated as citizens of LaPorte County. They have recycling picked up every Wednesday. Waste Management or whatever picks that up. Does he have a contract with them?

Jim Ventura stated no, they don't have a contract with them, but Waste Management has already contacted them and they definitely want to bring some of the waste there.

Attorney Biege stated Mr. President, maybe he can add a little. He is the attorney for Solid Waste District and he has been for a long time. Solid Waste District has collection days, but they contract. He can't remember the name of the company now, but they will contract with a company to pick up everything in the containers. It goes to their centralized facility. Maybe it will go to theirs now, but they contract for the hauling. They don't have a lot of control what happens to it after that.

Vern Schafer asked if this material that they get in will have to be separated and some has to go to landfill and the rest of it goes to recycling.

Jim Ventura stated yes, they will separate it at their facility. They will separate the paper, cardboard, and plastics; anything that has a value. The rest will be shredded. They will shrink it and dry it so that less goes to the landfill.

Vern Schafer stated okay, so that happens at this facility that they are talking about building.

Jim Ventura stated exactly.

Vern Schafer stated okay. He is getting educated here.

Jim Ventura stated it will be a total recycling facility. The whole goal is to avoid this going to the landfill.

Eric Pointon stated there will be construction waste and everything.

Jim Ventura stated yes. They will have some C & D, but the majority will be MSW.

Eric Pointon stated so then that will be like wood chips. He thinks he read that in the packet.

Jim Ventura stated yes. If they look at their packet, the products that they are actually making will be wood chips.

Eric Pointon asked how tall those piles would be. That would be his only question.

Jim Ventura stated it is all enclosed.

Eric Pointon stated it's all enclosed. There's not going to be piles of wood chips outside that are thirty feet (30') tall like they see around in other places.

Jim Ventura stated no. Everything is going to be enclosed and he was going to ask another thing before he forgets. It will be in a sixty-thousand-square-foot (60,000<sup>2</sup>) building totally enclosed, negative draft, no smell. They are also going to be baling plastic and cardboard and selling it on the recycle market. They will be making activated carbon which is used in the medical field out of the wood chips. The tires will be baled and they might be doing some shredding.

#### **Remonstrators:**

Earl Miller stated he works at Kingsbury Castings at 3232 3<sup>rd</sup> Line Rd, Kingsbury, IN. He would like to remonstrate in favor of heavy manufacturing, heavy industry. This is the place to put it in Kingsbury Industrial Park. He would like to remonstrate against the way that this Board has handled the situation of the roads out there. It is a mess. He has gotten up in front of this Board a couple time. He's gotten up in front of the Redevelopment Commission a couple times and talked. In fact, he was here during the Nexus one (1) back in October or whenever that was. You know, seventy-million-dollar (\$70,000,000) investment and none of it were demanded by them that it be put towards the roads. These are private roads. It's a mess of a situation and they are kind of stuck. He has been working with Matt Reardon on trying to come up with a solution and trying to work together. They have worked with their neighbors in the past. In fact, he said he predicted that they would be driving on 3<sup>rd</sup> Road to get to the 5<sup>th</sup> Road site. The young lady here that was leading the Commission second guessed him on that, but it was correct. They brought in hundreds of trucks a couple weeks ago and they were all using their road. They have paid for and maintained that road in the past and they are continuing to do it and they had thought that they would be continuing to do that in the future. There is now this idea that the County is going to



take over the roads. That wasn't addressed during this, but it has been talked about for a long period of time and it is frustrating because once that comes out, then it will be tough for his company to decide to put money into the road and their neighbors as well. They need the roads maintained now. In fact, they have put in several thousand dollars. Sims to the south of them has put in several thousand dollars here just this week. They did it earlier this year. Some of the neighbors are helpful; other haven't been. It's a mess. So, what his ask is, is that they mandate when new businesses come in that they participate in the past infrastructure, the present infrastructure, and the future infrastructure unless the County is going to take over the roads. If that's the plan, that's okay too as long as the grants that they get cover the amount and they get reimbursed for what has already been spent because they have put a ton of money in. He knows Jeff Johnson has put a ton of money in. It's a situation and the Board needs to handle this in a better way. He has a lot of other things to say, but he will leave it at that.

Vern Schafer stated he has a question for Earl from him. Obviously, any business that comes into that area, he would like that to contribute, but there are no teeth in this. It has to be a voluntary thing.

Earl Miller stated it has been a voluntary thing thus far.

Vern Schafer stated yes and it's not a good way to go. He is involved with drainage projects on his farm the same way. A lot of times, guys want the drainage, but they don't want to pay for it. Of course, they need infrastructure there, but he doesn't know if in the past when they went with the other situation with the recycling of the animal waste, did they contribute to the roads. Can he ask that question?

Jim Ventura stated when they were doing that project, they had meetings, which Michael knows, that said that if they got all their neighbors together to try either to, which he doesn't want to speak out on record or anything, but they think they were going to have the County or something take it over. There were a lot of talks. Also, he understands he is not speaking for Nexus and that development, but from what he hears is by them investing this type of money brings in TIF money and that is a TIF. They can use some of the TIF money. Again, he is not part of the development.

Attorney Biege stated Mr. President; can he interrupt for a minute. They are way out of their jurisdiction.

Vern Schafer stated he understands that, but he's going to tell him that if they are going to approve these things, they have to have an infrastructure and they can't get their County to provide an infrastructure, he doesn't understand what is going on here.

Attorney Biege stated he is part of the problem they have out there. He has worked on this as County attorney okay.

Vern Schafer stated okay.

Attorney Biege stated there are no easements so the County can't put a road in without an easement, but not all the neighbors want to cooperate and some of the neighbors want paid. There's not money there to pave the roads. The County has literally been working on this, that he knows of, for at least fifteen (15) years with not a lot of progress. He understands the complaints, but this is not the forum for it.

Vern Schafer stated if they are going to approve an ordinance to allow this kind of infrastructure or development in their County, it has to have an infrastructure to go along with it.

Attorney Biege stated he understands that, but that is one inherent problem with KIP. Redevelopment Commission and Matt Reardon have been working on it; they really have. He worked on it himself years ago.

Vern Schafer asked if that is working for him. Are they working on it very good there? How's it working?

Earl Miller stated look at the amount of taxes that they have paid in real estate and property taxes. It is close to a hundred thousand dollars (\$100,000) a year. If they would just take that money and earmark it. . .

Attorney Biege stated again, he is going to interrupt because this is a zoning board. They don't finance anything. They don't have any authority to do that. He is screwing up his record.

Earl Miller stated but they are approving things without. . . They are using their land. They own the land.

Attorney Biege stated the Redevelopment Commission is the correct forum for his complaints. He is not disputing his complaints, but this is simply a review.

Earl Miller stated Matt is stuck on it and there is no guarantee of any future money on this with DOGE, with the feds, and the two billion (2,000,000,000) in. . .

Attorney Biege stated they don't have the authority to do any of that. None.

Earl Miller stated that is what he is saying. It's a problem

Attorney Biege stated it's like talking to a wall here. They can't fix it here. That's Redevelopment Commission. This is Zoning.

Michael Polan stated let him jump in here. For this petition, Nexus has agreed to pave this road.

Jim Ventura stated that is what he was getting at, but he didn't want to say that because he is not representing Nexus here.

Vern Schafer stated right.

Jim Ventura stated like the attorney said, this is a Zoning meeting, not a Plan Commission hearing. Which he did economic development in Chicago for twenty-five (25) years. He's not trying get out of what they are doing; this is a zoning meeting, but he didn't want to say that about Nexus.

Michael Polan stated for purposes of this petition, the company Nexus has conveyed to them that they plan on paving this road privately. That does not solve the other problems that the other gentleman alluded to. Commissioner Holifield is here and he talked about it on the radio. The County is working on road use agreements, but for purposes of this specific petition, Nexus conveyed to them that they will pave the road.

Vern Schafer asked if they can make this contingent.

Attorney Biege stated no. That's the problem. Not all the same people own the roads and not all the same people are on the same page.

Eric Pointon stated he knows this probably isn't any of their business again, but is he going to pitch in because the businesses out there do their own snow removal and all those things. He will pitch in with that as well?

Jim Ventura stated yes.

Eric Pointon stated that is a gentleman's agreement.

Jim Ventura stated yes. He wanted to make a comment. On the sixty-thousand-square-foot (60,000<sup>2</sup>) building, is it possible that they could put a smaller building, maybe seven to ten-thousand-square-foot (7,000<sup>2</sup> – 10,000<sup>2</sup>) so that they could do the tires specifically in that building. Is that okay?

Vern Schafer stated that would have to be another. . .

Ashley Kazmucha stated no. He is permitted for the use. As long as the building fits the zoning regulations and he gets the State Releases, she will give him a permit for it.

Jim Ventura stated for like a small building next to it.

Ashley Kazmucha stated that is fine.

Attorney Biege stated he wants to remind the Board that this is a Special Exception so it is already allowed in the M2 zoning. The reason they have Special Exceptions is something like this. A junkyard or something that is out of the ordinary that they want to run by the Zoning Board to make sure that everything is on the up and up.

Eric Pointon stated that would be for safety purposes he takes it, the second building would be for.

Jim Ventura stated they want to separate it really for safety.

Jeff Baltes stated that is very, very smart.

Eric Pointon stated yes, he would say so.

Jim Ventura stated yes and it is all indoors not outdoors. All enclosed.

Eric Pointon stated that was his big concern tonight. He knows this is an industrial area they are trying develop, but they want to make it look decent and nice.

Jim Ventura stated they want to do a nice, clean, safe facility not a junkyard.

Vern Schafer stated thank you for his comments.

Eric Pointon stated he has one (1) more question. All this will be coming in by truck or rail? Any rail utilized or all truck?

Jim Ventura stated they are next to rail which is great.

Eric Pointon stated is it all in and out via truck.

Jim Ventura stated rail they are going to use, but it will be mainly trucks coming in.

Eric Pointon stated okay.

Ernie Schmidt made a motion to approve the Petition for Special Exception for Kingsbury Investments LLC (seller) & Enviro Recycling LLC (buyer) for operation of a recycling facility.

Eric Pointon seconded.

All Approved. Motion carries 4-0.

Vern Schafer stated good luck.

Jim Ventura stated thank you.

Vern Schafer stated they are looking forward to the extra income. He hopes they can get this transportation solved, but it is not up to the Board of Zoning Appeals to do it. He is sorry.

Eric Pointon stated there is no money to do it.

Attorney Biege stated he does have to say that he tried to do it many years ago. They need to get the neighbors together so they are all on the same page.

**12. Petition for Variance of Use for Jemiah and Krzysztof Piesyk for running a salon in a detached structure. This property is located at 6995 E. 150 N., Rolling Prairie, IN., Wills Twp., zoned A on 3.025 acres. Parcel 46-08-29-100-017.000-068.**

Vern Schafer stated he is sorry for the wait.

Jemiah Piesyk stated she is sure they are all ready to go home.

Vern Schafer stated he needs his nails done.

Jemiah stated sorry; she is not doing nails.

Attorney Biege stated notice is adequate.

Jemiah Piesyk stated her address is 6995 E. 150 N., Mill Creek, IN. She just went through some significant changes in her life. She's had a cosmetology license for twenty-two (22) years however, that was her first profession and it was her side profession. She was an educator for sixteen (16) years and recently early retired from being a teacher. Two (2) years ago they adopted their daughter out of foster care and so a lifestyle change was needed so now she is a stay-at-home mom homeschooling her daughter. So, now she is wanting to go back into doing hair, however, since she has been doing it for twenty-two (22) years this is a case where it is family, friends, and people she knows only. She doesn't want any advertisement. She doesn't want any strangers. About one to two (1 – 2) days a week with one to three (1 – 3) of her current clients and friends only. She is not wanting a big business advertised at all. They have a current detached garage; it will need some construction to facilitate the business and have it up to code.

Vern Schafer stated so the structure is already in place or is she going to build.

Jemiah Piesyk stated the garage is already currently in place. It will need to be remodeled. She would like a bathroom added to be up to standard and a little bit of remodeling is all that they would need.

Vern Schafer stated so she is out in the country.

Jemiah Piesyk stated yes.

Vern Schafer stated she stated she isn't going to advertise. Is she going to have a sign?

Jemiah Piesyk stated no. She doesn't even want a sign. She doesn't want strangers showing up.

Jeff Baltes stated there aren't going to be normal business hours, they would call her for an appointment.

Vern Schafer stated appointment only.

Jemiah Piesyk stated that is correct. Appointment only. Absolutely. Yes.

Ernie Schmidt asked how many days of week would she like it.

Jemiah Piesky stated one (1) or two (2) and maybe two to three (2 – 3) customers during those times.

Vern Schafer stated to open herself up so that she doesn't get restricted.

Jemiah Piesky stated okay.

Vern Schafer stated weekdays. Does she want to do weekends too?

Jemiah Piesyk stated yes.

Vern Schafer stated she doesn't have to have set hours, but she should have it so she doesn't have to come back to them and ask for more.

Jemiah Piesky stated okay. Can he explain what he means by that.

Vern Schafer stated would she do this seven (7) days a week.

Jemiah Piesky stated sure, yes.

Jeff Baltes stated twenty (20) hours a day.

Jemiah Piesky stated sure, yes.

Jeff Baltes stated kidding. He is kidding.

Vern Schafer stated they can put some hours into this that would work for her like daytime or whatever. Eight to five (8 a.m. – 5 p.m.) or something like that.

Jemiah Piesyk stated she is sure there will be some evening time in there. When people get off of work is usually when people want to come.

No remonstrators present.

Eric Pointon asked if she is sure that she will never want a sign so she won't have to come back and ask for a sign variance.

Jemiah Piesky stated that is a great question. If there were a sign on the front of the garage, not at the road, would that be permitted ever or no.

Michael Polan stated if they approve the petition, she can have a two by three (2' x 3') sign and they will coordinate with her.

Jeff Baltes stated it's already in there.

Jemiah Piesyk stated that would be totally fine.

Eric Pointon made a motion to approve the Petition for Variance of Use for Jemiah and Krysztof Piesyk for running a salon in a detached structure. Hours of operation are seven (7) days a week by appointment only.

Jeff Baltes seconded.

All Approved. Motion carries 4-0.

Vern Schafer stated good luck. Thanks for waiting.

Jemiah Piesyk stated thank you very much.

Vern Schafer stated he hopes it was worth the wait.

Jemiah Piesyk stated she is sorry to keep them.

Vern Schafer stated she didn't keep them. Believe him, that was quick. They have a lot of apologies to make to their cohorts here.

Eric Pointon stated in this situation, could they have moved her up to the beginning since they knew that recycling would take so long on the agenda.

Michael Polan stated they are always able to make a motion to move them around the agenda.

Attorney Biege stated he wants to touch on that after the meeting is over.

Vern Schafer asked for any new business.

Michael Polan stated he just wanted to thank their honorable Commissioner and Council Member for attending tonight. It is always great to see their faces here and be involved in the process and everything they do.

Vern Schafer stated he would like to encourage their Councilman to work on this road thing.

Michael Polan stated Steve is waist deep in it. For members of the public who haven't heard him on the radio. He was on the radio and they've talked about this. All of them have been involved in the road situation in one (1) way, shape, or form. It's ongoing.

Vern Schafer stated if they're going to do economic development in this County they are going to have infrastructure.

Steve Holifield stated they have to have an easement with the property owners.

Eric Pointon stated it's like an HOA with no rules.

Steve Holifeild stated exactly.

Attorney Biege stated they don't have anything on the agenda on this. They are a statutory board. They can't just shoot the shit.

Ashley Kazmucha stated and they are still on the record.

Michael Polan stated one (1) last statement. For the public, don't put shipping containers on their property and then have him or his staff come out there and file for a variance after the fact. The majority of them don't get approved. They are conditional. It's not allowed in the JZO. It's true that they don't have code enforcement, but they will enforce zoning code violations; that's one (1) of them. The other one (1) is junk cars. If they are in a residential area, don't start a junk yard. They have to have it plated, licensed, and insured and parked in a driveway. Not in the grass. Not behind the house. Not leaking fluids into the ground.

Vern Schafer asked if they can make them clean it up.

Jeff Baltes stated that's not their field.

Eric Pointon stated and apparently nobody else in the County can.

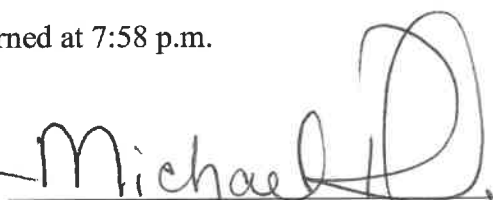
Vern Schafer stated it's not in their scope?

Eric Pointon stated who enforces that?

Michael Polan stated he will talk about that off the record.

There being no further business, meeting adjourned at 7:58 p.m.

  
Melissa Mullins Mischke, President

  
Michael Polan, Recording Secretary