



LAPORTE COUNTY BOARD OF ZONING APPEALS

Government Complex, 5th Level
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Michael Polan
Building Commissioner

June 17th, 2025

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **June 17th, 2025, at 6:00 p.m.** in the Assembly Room of the County Complex.

MEMBERS PRESENT: Melissa Mischke Vern Schafer
 Ernie Schmidt Eric Pointon
 Jeff Baltes

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 May 20th, 2025.

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

Ernie Schmidt seconded.

All Approved. Motion carries 5-0.

Melissa Mischke thanked Vern for taking over last month. She would like to remind everybody that they do not have public comment at Board of Zoning Appeals. Their public comment is in the form of remonstrance so if there is a petition they are for or against, that is their chance to speak, and that is all there is. Having said that, let's move onto Petition 1 which was tabled from the May Meeting.

Petitions:

1. 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 from May Meeting)**

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

Jeff Baltes seconded.

All Approved. Motion carries 5-0.

Attorney Biege stated notice is adequate.

Diane Espar Haddad stated her address is 6853 W. Magnolia Ave., Michigan City, IN.

Jeremiah Haddad stated his address is 1801 S. Wozniak Rd., LaPorte, IN.

Melissa Mischke stated she wasn't here last month. Tell her about the fifteen (15) chickens. What is the plan for those? Meat birds? Egg birds? What are they talking about?

Diane Espar Haddad stated just for eggs.

Melissa Mischke asked if they are going to get them at Tractor Supply so they don't know if they will have male or females?

Diane Espar Haddad stated she doesn't know if they would be male or female. They just wanted chickens.

Jeremiah Haddad stated he would be getting them off a friend of his who breeds chickens so they will be getting females.

Melissa Mischke stated females. No roosters?

Jeremiah Haddad stated no.

Melissa Mischke asked if they have a spot for them already.

Diane Espar Haddad stated yes.

Melissa Mischke stated okay.

No remonstrators present.

Vern Schafer asked what kind of containment will they have for these chickens?

Jeremiah Haddad stated right now there is an eight by eight (8' x 8') shed and then there will be a fenced in run if it is approved. The fenced in run will be approximately eight-foot by eight-foot (8' x 8') with a top on as well.

Vern Schafer asked if that will be towards the back of the property? Where is it going to be located?

Jeremiah Haddad stated yes, towards the back of the property.

Vern Schafer stated thank you.

Eric Pointon made a motion to approve the Petition for Variance of Developmental Standards for Diane M Espar Haddad for the keeping of no more than 15 female 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.

Jeff Baltes seconded.

All Approved. Motion carries 5-0.

Melissa Mischke stated good luck. She is glad they are putting a top on it; hawks are awful.

2. 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.
(Tabled from May Meeting)

Attorney Biege stated notice is adequate.

Eric Pointon made a motion to remove the Petition from the table.

Jeff Baltes seconded.

All Approved. Motion carries 5-0.

John Ellis stated his address is 411 S. Waiola Ave., La Grange, IL.

Melissa Mischke stated they are not going to remonstrance tonight because she understands they did that last month.

John Ellis stated he understands that too. He also was not here.

Melissa Mischke stated okay. Very good. So, explain to her the nuances of this property that he is asking for theses setbacks.

John Ellis stated they are going to build a two-story home. His wife and four (4) children are going to live there. He doesn't think they are actually getting any closer to the street or the lake than the previous structure. It was his uncle's house who passed away last year. His family and he were initially going to see if they could fit in it, but they couldn't so they have demolished the house and are going to build. It is going to be a little closer than the zoning allows to the street and a little closer to the lake, but he believes there was an issue raised about parking. Across the street is a garage that he owns one-fourth ($\frac{1}{4}$) of so his plan is to park in that garage. They have also sent in and submitted a diagram that shows where they could park if they weren't to use the garage, but they do plan to use that garage.

Melissa Mischke asked what kind of questions do they have as a Board other than parking.

Eric Pointon stated he doesn't believe last month that it was stated he owned a fourth ($\frac{1}{4}$) of that garage. It sounded like it was just a family member or his uncle's garage or something.

John Ellis stated so his uncle passed away and he has three (3) brothers so one-fourth ($\frac{1}{4}$) of that garage is his. It's about an eight (8) car garage and there are the two (2) ends of it that go up. His brother Nick knows what to do with cars, so he is going to take those ends that have the lifts in them and then the middle portion will be his and his family's.

Vern Schafer stated it's all good that they get along if they have four (4) people sharing the same space.

John Ellis stated very good. So far, so good, but it's only been about fifty (50) years.

Vern Schafer stated as he recalls last month, they were talking about the space in front of the house obviously. From his diagram here, he wanted a setback of thirteen feet (13'), is that from the edge of the street?

John Ellis stated he believes it is from the edge of the property line.

Dave Streeter stated he is with Jade Construction. His address is 6381 W. 250 S., Hebron, IN. It is thirteen feet (13') off the property line, but it is about twenty-three feet (23') off the street.

Vern Schafer stated so it is from the edge of the street property.

Dave Streeter stated right. He thinks that was a little bit of the confusion last time. There was a boat parked at the neighbors. So, on the east and the west side of this house, both of them are closer to the street than this and closer to the water than this is going to be. When they did the zoning on this, they made sure that they were less to the water and less to the street than both houses are.

Eric Pointon stated last month they had a neighbor that came to remonstrate against it or for whatever and then they were going to talk something out with the neighbor and that is why they tabled it and how they got here.

Dave Streeter stated right. He thinks she was off trying to sell the land to them.

Eric Pointon stated yes.

Dave Streeter stated correct.

Vern Schafer asked if there was some kind of an agreement that was made with her to do anything else since that time.

John Ellis stated no. He has reached out to her, but they haven't talked.

Eric Pointon stated twenty-four (24') feet sounds better than thirteen feet (13') that they were talking last time as well.

Ernie Schmidt made a motion to approve 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. This property is located at 18 Elm Dr., LaPorte, IN., Center Twp., zoned R1B.

Eric Pointon seconded.

All Approved. Motion carries 4-1.

3. Petition for Variance of Developmental Standards for Dallas and Megan Uphold for construction of a 2nd accessory structure (24' x 40') and 5' from the property instead of the minimum required 10'. In line with the existing shed. This property is located at 7635 E. Bell Ave., New Carlisle, IN., Hudson Twp., zoned R1B on .71 acres. Parcel 46-04-29-451-039.000-050.

Attorney Biege stated notice is adequate.

Dallas and Megan Uphold stated their address is 7635 E. Bell Ave., New Carlisle, IN.

Melissa Mischke asked them what they are going to do with the second structure.

Dallas Uphold stated it is going to be a garage.

Megan Uphold stated for parking and storage.

Melissa Mischke stated they are going to keep the existing barn and add another pole building.

Dallas Uphold stated yes. It is a pole barn style garage.

Melissa Mischke stated only a garage, no living space.

Dallas Uphold stated no.

Melissa Mischke stated just storage.

Dallas Uphold stated and cars.

Melissa Mischke stated lots of cars, lawn mowers. She wants all that stuff in there.

Dallas Uphold stated yes.

No remonstrators present.

Vern Schafer stated he was curious when he looked here. There is a five-foot (5') jog in the South Shore right-of-way that is documented. They are asking to be five-foot (5') off the South Shore right-of-way, which is what? A hundred feet (100')? How much is their right-of way? Fifty feet (50') from the center of the tracks? What is it?

Melissa Mischke stated generally seventy-five (75').

Dallas Uphold stated the buildings in that area are a lot closer to the South Shore than that.

Melissa Mishke stated they're not worried about that. They're worried about his buildings.

Dallas Uphold stated right. The existing barn is about five feet (5') from that and the fence that is there and the property line that is there was done by the South Shore.

Vern Schafer stated so there is a fence on their line.

Megan Uphold stated yes. It is all fenced.

Vern Schafer stated so South Shore has a fence and it's a document right-of-way.

Megan Uphold stated yes.

Vern Schafer stated he wouldn't want them to put their building on their right-of-way because that could be ugly.

Dallas Uphold stated right.

Megan Uphold stated they installed that fence maybe ten to fifteen (10 – 15) years ago and it has that weird little jog part in there.

Ver Schafer stated okay.

Jeff Baltes stated there is a note that says the railroad signed off on this. Is there documentation?

Megan Uphold stated they received their certified letter.

Dallas Uphold stated they also spoke to them on the phone.

Megan Uphold stated yes, she spoke to the right-of-way guy and she explained what they were doing and he just kind of chuckled and said as long as they weren't digging underneath the tracks and dealing with the integrity that they are pretty good neighbors. She told him they would probably be adding some dirt there to level things off so they would be adding to the integrity of it.

Melissa Mischke stated okay. Are they going to be taking out a couple of those little sheds?

Dallas Uphold stated there is only one (1) shed, but if they look at Beacon, the line is off.

Melissa Mischke stated of course.

Megan Uphold stated that is her dad's property.

Dallas Uphold stated they had it surveyed. There is a gazebo and another barn, but that is on his side of the property line.

Melissa Mischke stated okay. Good job.

Ernie Schmidt made a motion to approve the Petition for Variance of Developmental Standards for Dallas and Megan Uphold for construction of a 2nd accessory structure (24' x 40') and 5' from the property instead of the minimum required 10'. In line with the existing shed. This property is located at 7635 E. Bell Ave., New Carlisle, IN., Hudson Twp., zoned R1B on .71 acres.

Eric Pointon seconded.

All Approved. Motion carries 5-0.

4. Petition for Variance of Developmental Standards for Jason and Tammy Bundy for keeping and using 3 shipping containers for storage and equipment storage. This property is located at 1373 E. St Rd 4, LaPorte, IN., Pleasant Twp., zoned R1B on 6.268 total acres. Parcels 46-11-05-326-005.000-057 & 46-11-05-326-004.000-057.

Attorney Biege stated notice is adequate.

Tammy Bundy stated her address is 1373 E. State Road 4, LaPorte, IN.

Melissa Mischke asked what is unique about her property that she needs storage containers to meet their storage needs?

Tammy Bundy stated they just sold a home from Westville and they have lots of lawn mowers, welders, tillers, and equipment that needs to be put into these besides being out in the rain with tarps on them. Right now, some of them are still being stored in a dump trailer. Her tool boxes and things like that because there is no room in their garage because there are motorcycles and other things in there. They moved into a house that was left to her by her parents with all their stuff there so it's really congested. The reason they need them is for storage.

Melissa Mischke stated and they need three (3) of them.

Tammy Bundy stated no. They already have one (1) on there that was grandfathered in.

Melissa Mischke stated so they need three (3) total so two (2) additional.

Tammy Bundy stated yes. One (1) is a twenty-foot (20') and the other is a forty-foot (40').

Eric Pointon stated there is a forty (40') there now.

Tammy Bundy stated no, a twenty (20').

Eric Pointon stated they are going to add two forties' (40').

Tammy Bundy stated no. A twenty (20') and a forty (40').

Eric Pointon stated okay.

Tammy Bundy stated where they will be going is backed up to a corn field and to farmland where there are cows on the back side of their property. If they look at the Beacon, the section where the pond is, they will be back behind there.

No remonstrators present.

Vern Schafer asked if they have considered building a building.

Tammy Bundy stated yes. Temporarily, they will, but right now they have taken down four (4) huge cottonwood trees off the back side of the property. They have them piled up right now to burn and to log off. They are cleaning up a hill side so they are just trying to improve the land before they can do any construction. Eventually, they will put up a barn; they can't afford one (1) right now. Like she said, they just sold a home and moved into her parents.

Melissa Mishke asked at which time they build a structure, what will happen to the storage containers.

Tammy Bundy stated she does not know. At this moment, she doesn't know. Does she mean like if they are going to sell them eventually?

Melissa Mishcke stated no, if they will be removed when she builds a structure.

Tammy Bundy stated that she can't answer at this time because she doesn't know how soon they would even be able to afford to build a barn. She doesn't have a hundred thousand dollars (\$100,000) to throw at a barn, but she had five thousand dollars (\$5,000) to buy a storage trailer.

Melissa Mischke stated okay.

Vern Schafer stated he is not a real big fan of storage containers because they don't have very good accessibility. Once they put stuff in, they close the door and they can't get at it. That is why he suggest buildings then they can actually organize things and have access to them. The other thing is, if they do have a storage container, they have to be on a foundation and have to be anchored.

Tammy Bundy stated she understands that. She has paperwork for that. A picture of that from the office. She had wondered why such a permanent thing because they are going to be moving them as they are developing the land and cleaning the land up because where they are going to put them now is still by some trees and they will still have to take out the stumps because the stumps are huge and there are three (3) of them back there.

Melissa Mischke stated if they approve it, their approval will be based on following the instructions from the Building Commissioner and that means. . .

Tammy Bundy stated how they said, the paperwork, had to be built on to.

Melissa Mischke stated yes.

Tammy Bundy stated but it isn't going to be a permanent structure because like she said they are temporary.

Melissa Mischke stated she is going to move them multiple times.

Tammy Bundy stated they probably will have to.

Melissa Mischke stated she is probably going to have to speak with the Building Department. They may want to come out and inspect multiple times.

Tammy Bundy stated they have seen the hill that they are going to take down.

Michael Polan stated they will handle that part directly with them.

Melissa Mischke stated okay. That is assuming they approve it.

Tammy Bundy stated very good.

Vern Schafer stated the problem with it is, if they have to put a foundation in and then they have to move it, then they have to put another foundation in. Pretty soon they will have foundations all over the place.

Tammy Bundy stated they were told it's not necessarily foundations. They are barrels that have concrete in them with metal sticking out.

Vern Schafer asked if that is an approved foundation, just out of curiosity.

Michael Polan stated he missed what was said.

Vern Schafer stated they were talking about how they are basically putting these on pillars.

Tammy Bundy stated barrels under the ground.

Michael Polan stated yes, that would work.

Vern Schafer stated okay.

Tammy Bundy approached the Board to show them the picture of an anchored shipping container.

Melissa Mischke asked Tammy Bundy to move back to the podium.

Tammy Bundy stated that is what they are approving as of right now to lock the structure down to the ground.

Melissa Mischke stated she will entertain a motion if there are not further questions.

Ernie Schmidt made a motion to deny the Petition for Variance of Developmental Standards for Jason and Tammy Bundy for keeping and using 3 shipping containers for storage and equipment storage. This property is located at 1373 E. St Rd 4, LaPorte, IN., Pleasant Twp., zoned R1B on 6.268 total acres.

Vern Scahfer seconded.

Approved. Motion carries 3-2.

Melissa Mischke stated petition was denied. She will have to work with the Building Department and figure out another method for their storage.

5. Petition for Variance of Developmental Standards for Angelica Camarillo, Celestino Caballos and Lucino Balbuena for personal use of weekend camping from May to October having 4 campers. This property is located next to 8056 N. 500 W., Michigan City, IN., Springfield Twp., zoned R1B on 9.522 acres. Parcel 46-02-19-

400-015.000-062.

Attorney Biege stated notice is adequate.

Artemio Nevarez stated his address is 2945 W 59th St., Chicago, IL.

Lucino Balbuena stated his address is 5017 S. Wood St., Chicago, IL.

Melissa Mischke stated let's talk about this campground. They want to go from May to October.

Artemio Nevarez stated they just wrote it down for May to October, but they use it for camping in the summer time.

Melissa Mischke stated okay. When do they normally start?

Artemio Nevarez stated maybe around May.

Melissa Mischke stated okay. Like Memorial Day?

Artemio Nevarez stated Memorial Day, yes. That weekend.

Melissa Mischke stated okay. They already have campers there?

Artemio Nevarez stated yes.

Melissa Mischke stated are there four (4) or?

Artemio Nevarez stated there are four (4) of them right now.

Melissa Michke stated okay. Are they planning on putting any additional campers? Just the four (4)?

Artemio Nevarez stated no.

Melissa Mischke asked if it is all family that comes out and gets together.

Artemio Nevarez stated all family and friends.

Remonstrators:

Peggy Ward stated her address is 8451 N. 500 W., Michigan City, IN. She is about an eighth ($\frac{1}{8}$) of a mile away from this property. Her brother is right next door, he has property, and her son has property right next to that on the same side. They couldn't be here as they had to work. Her brother just got the letter maybe a week ago. He did not get the post card to send. They don't want it there. It's been there for a few years already; the campers and the partying on weekends and holidays. It's loud late at night. There has been shooting at times. Police have been called.

They are all fairly old in that neighborhood. Her son works nights and so does her daughter-in-law on weekends. She has talked to several neighbors that feel the same. She doesn't know what else she can say. It's a neighborhood; it's not a campground.

Melissa Mischke stated okay. Gentlemen, if they would like to come back up. They're not out there shooting weapons are they and having fun?

Artemio Nevarez stated they have done it a couple of times. They have licenses to use guns, but they don't do it at night or stuff like that.

Melissa Mischke stated now that they have heard that some of their neighbors do work nights and they are trying to sleep during the day, does that give them any kind of indication on how they want to proceed with the campers out there? Are they going to cut it off at a normal time in the evening, say ten o'clock (10 p.m.). What do they think?

Artemio Nevarez stated yes, but what are the legal loud hours? What is the cut off? Like ten o'clock (10 p.m.), they could do that.

Melissa Mischke stated okay. They want to be good neighbors, right?

Artemio Nevarez stated yes. They don't want any problems.

Melissa Mischke stated absolutely. How many years have they been coming out there.

Artemio Nevarez stated they bought the land in 2018.

Melissa Mischke asked if they have had the police come out.

Artemio Nevarez stated only once.

Melissa Mischke asked if it was shooting related or noise.

Artemio Nevarez stated he wasn't there that time; Lucino was. They complained about the music so loud music.

Melissa Mischke stated okay.

Vern Schafer asked if there are any utilities on this property.

Artemio Nevarez stated no utilities.

Vern Schafer stated so there's no sewer, no electricity.

Artemio Nevarez stated no electricity, nothing.

Eric Pointon stated he sees a port-a-pot in the one (1) picture.

Artemio Nevarez stated yes, there is a port-a-potty.

Eric Pointon asked how they drain their campers for grey water.

Artemio Nevarez stated they don't use the campers for that.

Eric Pointon stated no showers.

Artemio Nevarez stated no. They are only out there for one (1) day or one (1) night at the most.

Ernie Schmidt asked if the property is fenced.

Artemio Nevarez stated no.

Eric Pointon asked if there is any structure there?

Artemio Nevarez stated no, besides the campers there are no structures.

Eric Pointon stated just that one (1) big concrete pad.

Artemio Nevarez stated yes.

Eric Pointon stated from something previous.

Artemio Nevarez stated right.

Eric Pointon asked if they are out there every weekend.

Artemio Nevarez stated no. In the summer months, probably once or twice a month.

Vern Schafer asked if there are any plans in the future of building on this property.

Artemio Nevarez stated they don't have any plans to build right now.

Melissa Mischke stated out of curiosity, have they ever spoken with any of the neighbors out there? There is a structure right in the middle of their parcel. There is a house it looks like.

Artemio Nevarez stated no. They haven't.

Ernie Schmidt asked if they intend to enlarge this campground or fence this campground.

Artemio Nevarez stated no. They just want to keep it the way it is; no more than four (4) campers.

Ernie Schmidt asked if they ride four-wheelers or dirt bikes and stuff out there.

Artemio Nevarez stated sometimes they bring small four-wheelers for the kids.

Ernie Schmidt asked how do the kids know where their ground stops and the other guys' starts.

Artemio Nevarez stated they made a little track for the four-wheelers.

Ernie Schmidt stated okay.

Ernie Schmidt made a motion to deny the Petition for Variance of Developmental Standards for Angelica Camarillo, Celestino Caballos and Lucino Balbuena for personal use of weekend camping from May to October having 4 campers. This property is located next to 8056 N. 500 W., Michigan City, IN., Springfield Twp., zoned R1B on 9.522 acres.

Jeff Baltes seconded.

Melissa Mischke stated she has to agree. She is concerned about safety out there and now that she heard four-wheelers and youngsters, she is even more concerned. She thinks this is the right thing to do.

Approved. Motion carries 4-1.

Melissa Mischke stated they are going to deny their petition for the camping and as part of their motion should they have determined a time in order for them to remove them.

Attorney Biege stated that would be good. They can do an amendment to the motion.

Melissa Mischke stated okay. If that would please the Board, a time frame to remove the campers as part of their amended motion if that's good with them.

Artemio Nevarez asked if they have to remove all four (4) of them.

Melissa Mischke stated they will have to remove all four (4) of them. What kind of time frame do they think?

Vern Schafer stated he would say a month. By the middle of July.

Eric Pointon stated they own property.

Artemio Nevarez asked if they can give them a little longer. They don't have any other place to put them yet. He can get rid of two (2) them within a month.

Melissa Mischke stated she thinks they can safely leave one (1).

Vern Schafer stated they could leave it, but they don't want to hear somebody come back and say there has been activity going on because obviously this is a residential neighborhood and that's the problem. A campground in a residential area is not a very good idea.

Melissa Mischke stated she agrees.

Jeff Baltes stated they have campgrounds to go camping at. That's what they are there for.

Melissa Mischke asked if Attorney Biege has any legal advice for them on this issue.

Attorney Biege stated he just needs a time frame. They have wheels and like Jeff said, there are campgrounds.

Melissa Mischke stated right.

Ernie Schmidt stated August 1st.

Melissa Mischke stated August 1st. So, they can leave one (1) and then the rest need to be out by August 1st.

Artemio Nevarez stated just one (1) and remove the others by August 1st.

Melissa Mischke stated correct. So, they are making an amendment to the motion. Is everybody in favor of that?

Ernie Schmidt amended his motion to deny the Petition for Variance of Developmental Standards for Angelica Camarillo, Celestino Caballos and Lucino Balbuena for personal use of weekend camping from May to October having 4 campers. Campers must be removed by August 1st. This property is located next to 8056 N. 500 W., Michigan City, IN., Springfield Twp., zoned R1B on 9.522 acres.

All Approved. Motion carries 5-0.

Melissa Mischke stated very good. Alright gentlemen, good luck.

Melissa Mischke asked if there is any further business in front of the Board this evening.

Michael Polan stated just to clarify, what does the Board mean by leave one (1).

Melissa Mischke stated there will be one (1) camper on the site.

Michael Polan stated that can remain indefinitely.

Jeff Baltes stated that's a tough one (1).

Attorney Biege stated that's not what they voted. They voted to have them removed.

Melissa Mischke stated they just said one (1) and they needed to remove the other ones. That's why she asked for legal advice.

Attorney Biege asked if it is granted in part then.

Vern Schafer stated this not worded well because he agrees with that if they are going to have them remove the campers, otherwise they will be using it as a camper. Obviously, they don't want that kind of activity going on there.

Melissa Mischke asked if they want them all removed.

Attorney Biege stated he thinks that is what they voted for.

Melissa Mischke stated okay. The motion is that no campers can stay and they have until August 1st to remove them.

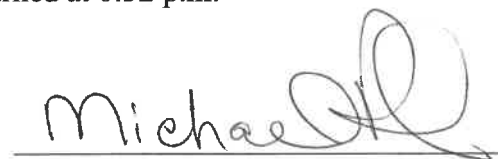
Artemio Nevarez asked if they can appeal the decision?

Melissa Mischke stated they can contact the Building Department and they can give them instructions on how to proceed.

Melissa Mischke asked if there is any further business before the Board.

There being no further business, meeting adjourned at 6:32 p.m.


Melissa Mullins Mischke, President


Michael Polan, Recording Secretary