



LAPORTE COUNTY BOARD OF ZONING APPEALS

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Michael Polan
Building Commissioner

August 19th, 2025

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **August 19th, 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 July 15th, 2025.

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

Ernie Schmidt seconded.

All Approved. Motion carries 5-0.

Melissa Mischke stated she is making an amendment to the agenda tonight by moving Petition 6 up to number 1 because they do have some attorneys present and they'd like to get that moving along for them. She will entertain a motion to amend the agenda.

Ernie Schmidt made a motion to move Petition 6 to Petition 1.

Jeff Baltes seconded.

All Approved. Motion carries 5-0.

Melissa Mischke stated she wants to remind everybody tonight that they have a three minute time limit on remonstrance and remonstrance is the only form of public comment that they have for this Board so if they have something to say, when their three (3) minutes come up, that's the

time to say it. They don't entertain other comments after the petition's been voted on or after the meeting as well. So, with that let's go on to Petition 1.

Petitions:

1. Petition for Variance of Use for Premier Real Estate Development LLC (lessor) & RJ's Boosted Performance LLC & Tk's Repair's LLC (lessees) for operating a small mechanic business. Business hours will be Monday to Friday 9 am to 5 pm and Saturday 9 am to 4 pm. This property is located at 305 W. Johnson Rd., LaPorte, IN., Center Twp., zoned R1B on 1.068 total acres. Parcels 46-06-21-277-012.000-042 & 46-06-21-277-021.000-042.

Attorney Biege stated notice is adequate.

Aubrey Gierke stated her address is 343 Chateau Dr., LaPorte. She lives in Center Township. She is here on behalf of RJ Boosted Performance and TK's Repairs which is Rafael Jiminez and Tate Miller. They are present in the audience.

Melissa Mischke asked her to tell her a little bit about what the plan is for this property and why they want a mechanic shop in there.

Aubrey Gierke stated definitely. So, this property is ideal for this location. At RJ's Boosted, he specializes in routine vehicle maintenance. He does a lot of high-end vehicles such as Volkswagen lineup, Audi, Porsche, Lexus, a lot of the higher-end vehicles. The German engineering that a lot of the mechanics in town here do not specialize in. A lot of those repair facilities for those vehicles, they have to go to the Chicagoland area; Schererville, Merrillville, East Chicago, or into Chicago. So, that's where he's a huge asset to this community to allow that to have it right at their doorstep. He does a lot of basic mechanical stuff as well when it comes to cars, but the high-end stuff is his specialty. Then at TK's Repairs, Tate does a lot of the mobile service for heavy equipment. He's went to college for that out in Wyoming at WyoTech. So, he is certified with all of that and a lot of his stuff is mobile service work. He did that prior for a company and decided he could do it on his own, so he is doing his own business. Rafael at RJ's Boosted has been in business for four (4) years so far now. Tate has been in business for two (2). They both are standing businesses here in town currently. This location would be perfect. It has five (5) garage bays. It's fifty-eight-hundred square foot (5,800²). The two (2) garage bays to the far left on the West side would be designated for Tate's. A lot of that would be storage for his service truck overnight and his tools and equipment, and then the other two (2) bays being two (2) and three (3) in the middle would be for Rafael to go through, have cars in and out of there. Most of their work is all appointment based, so it's not like people are coming through, dropping off, loitering around kind of like a Jiffy Lube would be where people sit there and wait. They are not that way. With that stuff, a lot of the times. it's a little bit more time consuming with that stuff in terms of diagnostic, electrical, this, that; it's time consuming. They don't want to have customers waiting. Having to worry about customers at the shop. What are they doing? Watching their tools. Appointment based. There's a waiting room. There are two (2) bathrooms in there from the Center Township Fire Department, a small kitchenette in there, and then there's a smaller building a thousand square foot (1,000²) behind the building where they would try to do

a lot of their tire stuff they're thinking, but obviously once they get in the building, they're going to know more on how to lay stuff out and organize, whether that be tires in the front, just kind of figuring out the floor plan a little bit more. This allows them to expand, though, because where they are at now, they're kind of landlocked. In the automotive business, they can't get anything fast anymore, especially when it comes to ordering parts. Stuff takes a long time and now with the tariffs and everything, it might take even a little bit more time. So, that is something to consider where they would have room to store the vehicles inside. Or the next plan would be to put a small fence to connect the two (2) buildings, which is the large building and the small building. She wasn't sure if they have a copy of my report as well to where it shows where the fence would be connecting the two (2) buildings. She believes that was on Page 2 of the business plan. She has highlighted in red where that fence lineup would be just to show so that way stuff's out of the way. If they were to put a dumpster in there to dispose of their garbage and stuff, it's out of the public view, but this location would be ideal. She knows it gets a lot of traffic. She pulled the Indiana DOT road counters and there's approximately ten-thousand five hundred and twenty-one (10,521) cars a day that go past there based upon the road counting. That was as of 2024. Obviously, now there's even more. They're adding more and more people through Center Township every single day. That gives them much more exposure to people seeing where they're at. The properties next door are already zone commercial. They have doctor's offices in there. There are some Edward Jones' offices. The building is honestly just ideal for what they're using it for. It has great bones and they're looking to serve the community in a different way other than it being the Fire Station. The building has sat vacant since 2017 after the Fire Department moved and they want to better the community and give them another resource to get their cars worked on.

Melissa Mischke stated okay.

Aubrey Gierke stated they have everything on there of what their plans and stuff are. They do have an attorney with them today and Mr. Ake. So, if there are any questions, they have that legality wise as well.

Melissa Mischke stated she has a feeling they're going to see some remonstrators. She knows that they have some written remonstrance for this petition. A couple of them are going to be available in the Building Commissioner's Office if they want to look at them. Then this evening, she received a petition as well that is not in favor of.

Aubrey Gierke stated okay. She does have a petition as well. She is waiting on one (1) more form, but she does have over one hundred and fifty (150) signatures of people with a report and they do have quite a few from the Center Township area as well. So, she does have, at this point, probably almost one hundred and seventy-five (175) signatures of people in favor for this.

Melissa Mischke asked if she can look at it. She will share it with the Board. They will have her take a seat and hear from the remonstrator's attorney.

Remonstrators:

Anthony Novak stated he is an attorney with Newby, Lewis, Kaminski, & Jones at 916 Lincolnway, LaPorte. To clarify, he is only representing two (2) specific property owners so there may be other owners that want to speak that he doesn't actually represent.

Melissa Mischke stated correct.

Anthony Novak stated specifically, he is here tonight on behalf of the Legacy Corporation which owns the golf course that surrounds this property as well as the Legacy Lane, LLC which is the owner of the land immediately adjacent which is that Legacy Lane Business Park where there are some businesses. They're opposing the request with the main objection centering around the fact that this is an industrial or manufacturing use in a predominantly residential area and that by granting this request they believe it would negatively impact each of the neighboring properties that relied on the fact that they believed that the zoning code would be enforced. While the previous use of the building as the Coolspring (*Center*) Volunteer Fire Department was permitted by right since it was a government building, this use is not permitted by right. This use is not permitted by right in any residential district and they would think potentially it'd be permitted in a business district but it's not. Even if this property was zoned B1 like the adjoining Legacy Business Park, that's not permitted. B2, B3 permit this but only via a Special Exception. In those situations, as they are aware, that requires a site plan, certain use requirements that have to be followed, and other specific things that need to be complied with in order for it to be granted. The only classification where this use is actually permitted by right is an M1 or M2 so that's light industrial or manufacturing which is a far cry from residential. As they all are well aware, to get a use variance there are five (5) elements that need to be complied with. First and foremost, it is the petitioner's burden to meet those elements, not theirs to prove why they haven't, but they do just want to go through some of those elements as to why they believe that those elements are not met. First, his clients do believe that this approval would be injurious to public health and safety. Specifically, there are environmental and noise impacts that are concerns of. His clients do believe that the value of their properties could be negatively impacted. Specifically, there's about fifteen to twenty (15 – 20) property owners in the immediate area whose collective investment in their property is roughly eight million dollars (\$8,000,000). It's believed that this industrial activity would negatively impact those values and potentially deter future owners and tenants of occupying the properties in the area. Also, to get a use variance, they have to show that there's some peculiarity with the property and the strict application of the zoning code results in practical difficulties. The only uniqueness about this property that he sees in relation to the petition, is the fact that it's zoned residential instead of industrial. Finally, a use variance would have to not substantially interfere with the Comprehensive Land Development Plan. Now, he's not going to go into that verbatim, but the main objectives of the Comprehensive Plan are that there are established land use patterns that make sense, that are attractive, that protect private investment, the environment, public resources. They believe that this use satisfies none of them. Specifically, having an industrial use in a residential district is certainly not logical, orderly, or attractive. They believe it'll risk the private investment in the area, could harm the environment, and could negatively impact those and their quality of life. So, in conclusion, they're opposed to this request and would respectfully request that they would deny it.

Melissa Mischke stated okay. Who else do they have for remonstrators. She will mention that she'd like to hear something different than what they've already heard, so they don't have the same information forty (40) times. So, if they want to come forward and they'll start the clock after their name and address for the record.

Robert Bloom stated his address is 309 Legacy Lane, Unit 1B, LaPorte. He is the president of the Homeowners Association of the Condominium Complex that is only fifty feet (50') away from the subject property. First of all, he wants take some time for the people who live in their complex to raise their hand. Generally speaking, of the fifteen (15) people who live at their complex, ten (10) of them are retired. So, the business hours that are mentioned do impact them because they are usually at home. He'd like to be more specific about the noise pollution that the property in question will be presenting. Impact wrenches that are pneumatically or electronically operated create a very piercing, loud sound that can easily travel the fifty feet (50') to their complex. The other issue he wants to point out is that the attorney for the people who expressed the desire to put in the mechanic shop spent a lot of time stressing the features of the property and how adaptable they were to their use. He'd like to point out this is not an issue of the structure. This is a land use issue and the compatibility of the use that is proposed. The subject property is located in an isolated site that is adjacent to a residential complex, a golf course, and professional offices. There's a huge difference between the noise that is operating in a mechanic shop and people in a professional office who are sitting at computers. So, it is not only impacting them but it's impacting the professional offices. One other thing... is he out of time?

Melissa Mischke stated he is.

Robert Bloom stated he is done.

Melissa Mischke stated thank you. Ma'am, if she would like to come forward. For everybody, when they come up, please state their name and address for their record.

Susan Bloom stated her address is 309 Legacy Lane, Unit 1B, LaPorte. The reason she has come up is because she is worried about traffic on Johnson Road. Right now, as the other attorney mentioned, there's over ten thousand (10,000) cars right now that drive on their road. What she is concerned about is, for example, this morning at 8:45, she watched the school buses leave the school. Those buses use Johnson Road exclusively from Pine Lake to the school and then back out. Her concern is that the automobile repair shop with people turning left in from the elementary school.

Melissa Mischke stated Critchfield.

Susan Bloom stated right. So, if they're turning left, going towards Pine Lake Road, they have the buses that are impacted each way. This morning at 8:45, she saw eight (8) buses pass her by. It's a real concern for the safety of the children. They already have accidents on Johnson Road, up by the two (2) mansions where they turn in on Holton Road. That happens all the time because of how the hill is. The other concern that she has is today she drove to the property; she lives behind it. She drove to the property and a car, if it's sitting outside the building, cannot back up and clear unless it backs up into the street. There's no possible way if the bays are being used

because it was never the intended use of that. Even fire trucks obviously had to back into the road. So, there's a real safety concern about the traffic in her view. Also, the other thing is they are residential. They chose to live there because it was residential, because they had a wonderful opportunity to live by a golf course. Right now, they have no noise. The good noise that they have is the pinging of the golf ball when a person hits. So, the noise pollution is real for her. To hear even that they're going to put the tires in the back closest to them; well, there's no way to block the sound. They deserve to be able to live in peace. Also, the people that live across the golf course on Clark Road, they're affected too by the noise because its open space. Thank you.

Melissa Mischke stated thank you Mrs. Bloom.

Jim Wade stated his address is 301 W. Johnson Rd., LaPorte. When he bought the property next door, it was a fire station. It was an asset to his property. Mechanic shop will not be an asset to his property and the sign, when the Fire Department had it, the sign does shine in all over the area back in there. He would not really care for that. He would not really care to have tires, tow trucks coming in at different times. He understands they're trying to do a fenced in area and everything, but he knows how business works and there'll be stuff seven (7) days a week. Thank you.

Melissa Mischke stated thank you.

Kathleen Kelly stated her address is 309 Legacy Lane, Unit 2A, LaPorte. When she purchased her home in 2021, she chose Legacy Lane Condominiums due to the peaceful setting with professional offices and the lovely golf course behind with no loud commercial businesses to disturb the quiet nature of their neighborhood. To change the zoning of the building and allow a business operating six (6) days a week that will repair cars, diesel trucks, small motors, and perform other maintenance work will completely uproot the family-friendly atmosphere that she and her other neighbors enjoy. The prospective renters stated that noise wouldn't be an issue, but she knows that isn't true. Air impact wrenches are very loud along with other equipment that they'll have to be using. She's been in many garages with having her own vehicles repaired and all of the mechanics are wearing ear protection to protect their own hearing. The residents of Legacy Lane do not want or need that kind of noise in their lives. She is also concerned about the negative impact on their environment due to all of the used oil, antifreeze, tires, scrap metal, and other things that go along with automotive repair. She purchased this condominium to live out her retirement in her senior years, and she's very concerned that RJ's Boosted Performance and TK's Repairs will destroy that serenity. Surely there's other places in LaPorte that are more appropriate for businesses of this nature. She implores them to reject this variance request and let the Legacy Hills Business Park North and Legacy Lane Condominium owners continue to live in peace and quiet.

Melissa Mischke stated thank you.

Gerry Fedorchak stated his address is 2965 W. Palmer Ave., LaPorte. He lives on the other side of the golf course. As an architect, they work on zoning all the time and they know that putting industrial activities in the middle of residential areas make absolutely no sense. Just thought he would bring up one (1) little point. As one (1) of the owners of the business park next door, they

have a neurologist moving into the building immediately adjacent to this property next week. Their procedure room is literally at the property line. They have a 3D x-ray machine thing that they use in there. While they're working on that, they are actually sticking needles in people's spines in real time, injecting things and working on them. He can't imagine an impact wrench or dropping a wheel or car falling off a jack is going to do any good for somebody sticking a needle in somebody's spine. Thought that would just be a nice little point to bring up. Thank you.

Melissa Mischke stated thank you. Can anybody top that one?

Jim Magnuson stated his address is 2908 N. Palmer Ave., LaPorte. He lives in the golf course and he is the principal owner of the golf course. It was built there because there were not things of this nature around it. If they look at any other golf course in this City or County, they won't find anything like that. It butts right up to the back of their golf course. So, they would not entertain it.

Joan O'Sullivan stated her address is 10 Clark Dr., LaPorte, IN. She's on the other side of the golf course. Most of their neighbors filled out a petition and they submitted it tonight. Their concerns were safety, the increased traffic, and mainly the safety for the children and increased traffic. And the effect on their properties. Okay.

Melissa Mischke stated great. Anybody else? That'll still be the last one (1). Ma'am if you would like to come back up.

Aubrey Gierke stated they have people there in favor. Can they speak?

Melissa Mischke stated that is totally allowed. Absolutely, so if they have someone that wants to raise their hand in favor and come on up to the microphone, they need to do it now.

James Jones stated his address is 3636 N. Wozniak Road, Michigan City. They actually rent a building right now that's next to them so they're neighbors. He has to say they are stand-up people. They take care of their customers. They take care of their area. They keep things clean. They are not rude. They're not noisy. Most of the time and anytime that he has ever needed help, they've always been there to help. He can't see them being an issue to be honest with them. This isn't his thing, but he definitely thinks they deserved a chance to better themselves and actually have a place that they can work on their stuff and don't have to be crowded so much.

Melissa Mischke stated thank you.

Patrick Cicero stated his address is 849 E. Remington Sq., LaPorte is his home address. He is with the LaPorte County Sheriff's Office as a Major. He is empathetic to the citizens who have remonstrated and understands their concerns, but he really thinks that this is something, respectfully, is a little bit over exaggerated as far as when they talk about noise issues when there are ten thousand plus (10,000+) cars going through there. So, there's already noise. He questions the definition of the word industrial. When he thinks of industrial, he thinks of a Howmet. When he thinks of industrial, he thinks of New York Blower. This is a business, just like businesses that are across the street that are active. It's just a different type of business. So, the traffic's

already abundant. As far as visitors, it's been addressed that visitors to this business would be by appointment. He's sure there will be people dropping in, but again, there's a lot of other businesses there. They have visitors and traffic as a result of their business. Environment. Environment is highly regulated by IDEM in Indiana. So, they would have to abide by IDEM. When it comes to the storage, removal, disposal of volatile chemicals, they just can't assume that they won't abide by that. Have to give them a chance here. This is America. Give them a chance to show how they will be good citizens and good neighbors. This is a fairly unique business. It is a service center, but there is some uniqueness to it by what was explained by the nice lady. It's his belief that Mr. Ake, who owns the building, is going to continue to be a good citizen and neighbor to LaPorte County. He's going to ensure that the people who he's leasing this to are going to abide by IDEM in trying to be good neighbors. Yes. Will there be extra sound? Yes, of course, but is it to the extent as to what's been remonstrated? That's unknown. They don't have a crystal ball here. If there are complaints, they will be addressed. He doesn't know the occupations of the citizens who are remonstrating, but he'd like to think that at some point in their lives, including Mr. Magnuson, who had a dealership across the street. He opened a business. He's a very successful businessman, a great neighbor to LaPorte County, and has done well. Probably back then they remonstrated against him. This is an opportunity for two (2) young men. That's something that he is passionate about because he does know these two (2) young men. He has collaborated and worked with them. Had his own vehicles put there. They're respectful. It's something that's kind of refreshing these days to see two (2) young men trying to make something for themselves. They've done excellent work for at least for his own experiences with them. So, much respect to the remonstrators. He understands. Thank you for your time.

Melissa Mischke asked for any other remonstrators. Hearing and seeing none she is going to close remonstrance, if she would come back up or Mr. Willoughby.

Christopher Willoughby stated they will tag team it, but it will be tough to top her; she has done a great job.

Christopher Willoughby stated he is an attorney with Braje, Nelson, & Janes. He is here on behalf of the owner, Mr. Ake, who is a principal in the LLC that is listed on the petition. He is certainly empathetic with remonstrators who have spoken and have made some good points and he would like to echo the sentiments of Mr. Cicero in that some of these things are emotional and absolutely, they live there, it's a significant investment and nobody is taking that lightly. He thinks it's important for them to consider some misinformation and he doesn't think anything was intentional, but discussion of industrial. Nobody's mentioned industrial. They've mentioned automotive repair and that is permitted in various districts, not just in Industrial or Manufactured zoning. What is being proposed is automotive repair, but minor automobile service and repair. Those would be permitted, not in this residential as zoned, but in other business designations. The problem and the uniqueness they have with this property is there isn't a zoning classification for what was there. Was it a governmental building? He doesn't know; it was a fire station. Beacon isn't instructive or controlling of what their zoning code says, but it's being taxed as commercial, considered commercial, just like the golf course, just like the other business condominiums or complex that are right there. So, this has been a commercial use. He would make the argument that no variance is necessary and he would point them to, and please be prepared, they're arguing in the alternative here, but under Article 29 Non-Conforming Section

29.01 B says a non-conforming use may be changed to another non-conforming use of the same or greater restrictions provided no structural changes are made in the building. Whenever non-conforming use has been changed to a conforming use or to permitted use, then it can't be changed back. Their argument is this has been a commercial use historically. They've run into this with this Joint Zoning Ordinance. So, when in, approximately 2008, (*actually 2016*) when this was passed, there were some properties that seem to be missed or misclassified or what the ultimate intention was, but that Fire Station existed as a commercial use. There's always been maintenance that's going on there. It simply isn't true. He's not saying anybody misrepresented intentionally, but vehicles can easily come in and out of those spaces. Fire trucks did it. Sure, they might've pulled in and had sirens, but vehicles can come in and out. There's plenty of space there, but they would argue that this is a non-conforming use that has more restrictions on it that could be allowed without the need of a variance at all. Back to the variance that is. This isn't permitted. It's not manufacturing. It isn't something that has all of those heightened environmental concerns, but as Mr. Cicero said, there are restrictions. In their industry, they have to comply. As long as they take those provisions and they take those steps to properly dispose of oil or tires or other things that might be involved. There is no reason and nothing that has been presented. They've represented to them. They've heard testimony tonight that they comply. They conduct their business as they should. There's no reason and there's nothing before them to suggest that they're going to do otherwise. He thinks it's important and so unique that this property has been rezoned sometime during the process and a Fire Station moved and they still have this structure, but they have structures up and down that area that are vacant and they're faced with having another vacant commercial building. It's being taxed as commercial, it looks commercial, but they don't always have somebody such as the owner, Mr. Ake. who is committed to investing in that property to make it look, to make it fit better than what was already required. Some of these residents who have spoken up tonight bought with that condition as it is, and would be more content to have it sit there. This isn't a threat, he just wants to point out some of the uses that could be there and it's kind of a 'be careful what you wish for'. Again, not all of them know him. This isn't a threat. He just wants to point out some of the things that could be there versus what could with some restrictions. They could have a group home that has traffic. There are employees that are there. There could be a daycare. It could be horses and livestock. What if that turned into a pig farm? What if it did? It can, and there's no variance that's necessary. Talk about odor. This isn't being vindictive. He wants to point out how the uniqueness and how the zoning is and what these uses have been, and then what's allowed don't match what's there. That happens from time to time. It happens up and down Pine Lake, which all of it's not in their jurisdiction. He's just pointing out some of the practical effects that have happened with this Joint Zoning Ordinance and that's why they're here, right? To see if they can continue to operate and fit into this community. There could be museums there, there could be other government buildings, there could be transmission lines, there can be wireless communication facilities on an institutional site. These are all things that nobody wants to look at. They're all things that have to be serviced. They're all things that have traffic. He'd like to point out, and he doesn't know if any of them are familiar, there's a speed limit change right there. It points out the school district. There's traffic actually going to be mindful of being slowed. There are signs that indicate bus stops or that the buses are stopping there. So, there are all the traffic concerns, the safety, those have all been addressed. And that is, and Mr. Novak appropriately pointed out, it is their burden to prove, but they've shown that they're going to invest in the property. The owner of the property is going to invest and fix the facade, do what is necessary for that property to not

only thrive, but to make sure they're in compliance. They've represented to you that they're not the normal automotive business, right? Repair; it's more of a boutique, a specialty thing that's going to be self-contained. Certainly, the Comprehensive Plan allows for these things, allows for variances, and allows for use of facilities as they are, and including non-conforming uses like this building, right? They want it productive. They want it to be, but also fit, which leads him to the last point. In most zoning, if this were otherwise allowed, it is subject to conditions and they're allowed to put conditions, which is another thing that addresses each of the concerns that they heard tonight. There is a way for them to control that, and everybody can be a little bit happy. Make sure that this fits the community, fits what's there, making use of it, but also making sure they comply. If they do not, they can revoke that variance if they were inclined to grant it. Under 14.05 A. Just a second, he's sorry, because he thought the computer would be faster. Under Section 14.05, normally if they allow this minor automotive, minor repairs, and other zoning districts where it's allowed, they would be, in addition, there's some additional restrictions or conditions that must be met. His point in saying this is, they are all things that fit this situation, which address some concerns. Making sure that all repair work is conducted completely within an enclosed building. Making sure there isn't outside storage; no tires, no parts. Making sure that there is proper buffering. And other conditions that they might be open to so his whole point is that all of these concerns are capable of being addressed while also being mindful of this non-conforming building, these non-conforming uses of which they believe they've established their requirements, met the obligations, and respectfully request. He is going to yield so that she can make her final points.

Melissa Mischke stated she thinks they've probably heard enough. She does have one question before they get into the entire board's questions and that is how long has it been vacant?

Christopher Willoughby stated well, he thinks that's a nuance. It hasn't been vacant. It's been sold and one (1) of the things for non-conforming uses is, is it abandoned? Has it not been used? It was marketed as a commercial property. It was purchased as a commercial property.

Melissa Mischke asked if it has been used as a commercial property.

Christopher Willoughby stated yes.

Melissa Mischke stated in continuous use since it was. . .

Christopher Willoughby stated well, continuous, it doesn't have to be, it has to be vacant for more than a year. Mr. Ake has had commercial property stored there; it has been used. Has it been this business? No. But their representation to them is that it has not been abandoned and it has been stored and he has used it for his business purposes, but then again, like he said, looking to expand and allow them to move there.

Melissa Mischke stated Thank you. They are going to have her come up and answer questions, but it's not a time for her to recap again. So, if she'd like to come up, the Board's going to start asking questions.

Eric Pointon asked how many total technicians will be in there at the nine to five (9 am – 5 pm)?

Aubrey Gierke stated as of now, Rafael is his only sole employee. There is Tate and then Tate does have two (2) employees that do come in. They have full-time jobs doing other stuff, but they would come in and fill in when needed.

Melissa Mischke asked what number is that. Full-time and part-time.

Aubrey Gierke stated part-time would be two (2) and full-time would be two (2) with hopes in obviously gaining more employees over time with expanding.

Eric Pointon asked if they will all be gone by five (5 pm), the part-time.

Aubrey Gierke stated yes.

Vern Schafer stated he doesn't have any particular questions, he guesses. They all have cars. They all have to have them worked on. His dilemma, personally, is the fact that this is zoned residential. He doesn't care what the... The building when it was built was a fire station. It wasn't really commercial. It was just built as a fire station. Now, it becomes a building that perhaps can be used for auto repair shop, but it's in a residential district. He sympathizes with the people that don't want the noise of an auto repair shop. He does know there is some noise involved, but they all have cars. He's going over it in his head, if this building was in a different spot, it'd be perfect, but it's in the wrong spot, in his mind, to conduct that kind of business. That's all he has to say.

Melissa Mischke stated she does have a question about the proposed sign that is in their application. The size of it?

Aubrey Gierke stated that would be smaller and they would go within the zoning laws.

Melissa Mischke stated so what size?

Aubrey Gierke stated enough to where it would be seen on the road. She believes what is there now is a little under two-foot (2') and it's a little bit more length-wise. Obviously, enough to be a sign or they would work with someone to fit what is already in there with the Center Township sign. Their understanding and the LED, that they know of, is not working. She knows Mr. Wade did mention that it did shine in and stuff and if that is something where they need to shut it off at a certain time at night, they are more than willing to do that as well too. There are lights that stay on throughout that parking lot all night long as well as next to Legacy. So, those lights are on every night as well.

Melissa Mischke stated if they were to approve this, they would say nothing larger than the existing sign.

Aubrey Gierke stated yes, definitely. They would like to keep what is there sign-wise. If they have to get rid of the LED portion so that wouldn't shine and that would allow them to move them down size-wise, they are more than willing to do that as well too.

Eric Pointon stated he would prefer if you did. He knows the one (1) gentleman spoke to that sign being bright. He remembers driving down that road at night and that sign was kind of obnoxious.

Melissa Mischke stated she agrees. She has to agree with Vern on this. She is back and forth. She often wonders when she sees certain cars in town, where do they get their service performed. She agrees that it's not the perfect place, but she disagrees that it's been in use commercially for the entire time. She thinks that we definitely need to be aware of the safety component of this. Fire trucks came out of there, screaming out of there, lights went off, there's a lighter above the street. Everybody knew that they were coming and it was not as frequent as somebody coming in to have a repair done.

Aubrey Gierke stated that was the one (1) think she actually inquired on how busy Center. . .

Attorney Biege stated point of order Ms. President. This isn't a discussion. It's Board comments.

Melissa Mischke stated thank you.

Attorney Biege stated he's going to keep the record clear.

Melissa Mischke stated she is definitely understanding of the concerns as well. She doesn't know how noisy it is given the location of the facility itself to the actual residents. She doesn't have any time; she doesn't have any distance. Certainly, she doesn't know what kind of noise cancelling barriers are involved with either location. If noise is such a concern though, she would maybe encourage them, should this be approved, to look at some additional soundproofing inside since the activities remain inside. She would also suggest that tires on the outside maybe get relooked at.

Aubrey Gierke stated those would not be on the outside.

Melissa Mischke stated again, this is not a discussion as our attorney has pointed out. So, she will entertain a motion for this petition.

Jeff Baltes made a motion to approve the Petition for Variance of Use for Premier Real Estate Development LLC (lessor) & RJ's Boosted Performance LLC & Tk's Repair's LLC (lessees) for operating a small mechanic business. Business hours will be Monday to Friday 9 am to 5 pm and Saturday 9 am to 4 pm. This property is located at 305 W. Johnson Rd., LaPorte, IN., Center Twp., zoned R1B on 1.068 total acres.

Ernie Schmidt seconded.

Melissa Mischke asked if they need to add in days of operation or size of the sign in the motion.

Attorney Biege stated they can certainly make those conditions.

Jeff Baltes stated Hours of Operation are already laid out.

Eric Pointon stated yes, it's as presented. Just take out the LED sign.

Attorney Biege stated he didn't hear the last part.

Melissa Mischke stated it is all presented in their packet and they would like to stick with those hours of operation. She would like them to be stated for the motion and for the room and that they are removing the LED portion of the sign.

Ernie Schmidt asked if they are the correct hours.

Aubrey Gierke stated yes.

Jeff Baltes amended his motion to approve the Petition for Variance of Use for Premier Real Estate Development LLC (lessor) & RJ's Boosted Performance LLC & Tk's Repair's LLC (lessees) for operating a small mechanic business. Business hours will be Monday to Friday 9 am to 5 pm and Saturday 9 am to 4 pm. The LED will be removed from the existing sign. This property is located at 305 W. Johnson Rd., LaPorte, IN., Center Twp., zoned R1B on 1.068 total acres.

Ernie Schmidt seconded.

Approved. Motion carries 3-2.

Melissa Mischke stated they're going to pause for a brief moment. If anybody wants to leave that was here for that petition, they still have further business to conduct. Again, if they can move out to the hallway quickly, they do have further business in front of the Board.

2. Petition for Variance of Developmental Standards for PDS Michigan City Inc for placement of a shipping container for hotel storage. This property is located at 3934 N. Frontage Rd., Michigan City, IN., Coolspring Twp., zoned B3 on 1.59 total acres. Parcels 46-05-17-200-055.000-073, 46-05-17-200-038.000-073 & 46-05-17-200-039.000-073.

Attorney Biege stated notice is adequate.

Kalpesh Kumar Patel stated his address is 3934 N. Frontage Rd., Michigan City.

Melissa Mischke stated okay, so the first thing is she is not very clear on where he wants to place the storage unit.

Kalpesh Kumar Patel stated all the way far from the building. In the picture it is twenty feet (20'). It's all the way away from the building.

Melissa Mischke stated so on the south side of the property towards the hospital.

Kalpesh Kumar Patel stated yes, towards the hospital.

Melissa Mischke stated so it's not behind the hotel at all.

Kalpesh Kumar Patel stated no, not at all.

Melissa Mischke stated okay. What kind of storage needs does he have that he needs to have a storage unit outside?

Kalpesh Kumar Patel stated actually, he has a very small storage, but because of the fire code, he cannot use it. It's eight by five-feet (8' x 5') and that was sufficient for him, but when he went to buy a shed, that was costing him more than five thousand dollars (\$5,000) that much and shipping and all included. When he called the metal container, they cost like two thousand dollars (\$2,000) about or less. So, he just wanted to spend less money and he doesn't use that much supply for the motel so he was just needing in a small container.

Melissa Mischke asked where the storage is currently.

Kalpesh Kumar Patel stated under the stairs, but to the fire code he cannot use under there so he can't do that.

Remonstrators:

John Richmond stated he is the President of Board of Directors of Orak Shrine, located at 3848 N. Frontage Rd. They oppose this Connex. Having been in the construction trade for over thirty-two (32) years, Connex's bring trouble and they're usually not maintained. It's more of a temporary storage, not a permanent type of storage. He's concerned with one (1) may become two (2), two (2) may become three (3). He has some other concerns. They pride themselves in their facility. They have thirty-five (35) acres there. They've recently just upgraded their roof system and their parking lot. They have landscaping and lawn control. They have a lot of venues; use for their venue. They have catering service there. When they make that turn off of 400, they're dodging shopping carts and refuse and garbage. He doesn't want to bring any more of that to their area. Unfortunately, that's the only access to Orak Shrine is on that Frontage Road. So, he thinks he speaks for not only their Board members, but their nobility. They oppose storage Connex there. If he wants to make something more appealing, okay, but Connex's are definitely out for them.

Robert Guthrie stated he is the Vice President of Orak Shrine located at 3848 N. Frontage Rd. His concerns mirror much of what John said. They depend on the events they hold there and on rentals for a great deal of their income that keeps them open. The concern is that the storage facilities would again come in, multiply, one (1) leads to another, and they do bring trouble. They already have issues with homeless people who are coming over and camping out in their pavilion and so on, and they're running them out. Those things seem to him to be just a containerized version of a place for those folks to hang out. He's also concerned because Frontage Road was never designed to have large trucks and that sort of weight come through.

There's already an enormous pothole at the intersection of Frontage and 400. If they're going to be bringing trucks in and out, is that going to destroy their road and their only access. Thank you very much.

Vern Schafer stated this isn't really a question, more of a comment, but he thinks that there's probably a better way to store their stuff than in a Connex container, especially in this environment, because they are unsightly, as far as he is concerned. They serve a purpose, but not in this particular environment, in his estimation. So, he would suggest that he look for a different way to store his products that he needs to store there.

Melissa Mischke stated she too would like to see something different, A shed or something closer that he has an eye on. He's putting it out of sight, out of mind. She thinks part of that is he doesn't want to deal with it; he doesn't want to look at it. Other people coming by definitely don't want to look at a storage container either and she does think that it is because of the distance. It is increasing the possibility of damage, loitering, and things of that nature.

Ernie Schmidt stated this is the main entrance into the City of Michigan City. They've got state-of-the-art hospital buildings, medical buildings, hotels. They've got a new bank right at the intersection. When he came in from the South and he sat at the stoplight and he looked over there, that was one (1) thing that he did not want to see is a storage container. If he can dress something up, put another building in there, he is all for it, but he cannot support a storage container setting there as one (1) of the first impressions that they get at the stoplight when they look to the left. And so therefore, he is going to make a motion that they do not approve the storage container.

Ernie Schmidt made a motion to deny the Petition for Variance of Developmental Standards for PDS Michigan City Inc for placement of a shipping container for hotel storage. This property is located at 3934 N. Frontage Rd., Michigan City, IN., Coolspring Twp., zoned B3 on 1.59 total acres

Vern Shafer seconded.

All Denied. Motion carries 5-0.

Melissa Mischke stated good luck.

3. Petition for Variance of Developmental Standards for Michael J & Christine K Fogarty for construction of a 3rd accessory structure shed for storage. This property is located at 6982 NE Suburban Dr., Michigan City, IN., Springfield Twp., zoned R4. Parcel 46-02-33-202-010.000-062.

Attorney Biege stated notice is adequate.

Mike Fogarty stated his address is 6892 NE. Suburban Dr., Michigan City, IN.

Melissa Mischke stated go ahead and explain why he needs the extra storage.

Mike Fogarty stated he is looking for a variance for a twelve by twenty (12' x 20') shed on the property.

No remonstrators present.

Ernie Schmidt stated that he already has a storage shed out there and he understands that it is getting in a condition where in the near future it will be removed.

Mike Fogarty stated at some point in time, yes.

Ernie Schmidt stated if this is approved.

Mike Fogarty stated right.

Ernie Schmidt stated okay. Thank you.

Jeff Baltes made a motion to approve the Petition for Variance of Developmental Standards for Michael J & Christine K Fogarty for construction of a 3rd accessory structure shed for storage. This property is located at 6982 NE Suburban Dr., Michigan City, IN., Springfield Twp., zoned R4.

Ernie Schmidt seconded.

Approved. Motion carries 4-1.

4. Petition for Variance of Developmental Standards for Branden and Tara Nimt
to convert part of a pole barn to guest quarters to be initially used by elderly
parents. This property is located at 10851 W. 300 S., Westville, IN., New Durham.,
zoned A on 2.35 acres. Parcel 46-09-17-300-011.000-027.

Attorney Biege stated notice is adequate.

Tara Nimt stated her address is 10851 W. 300 S., Westville, IN.

Melissa Mischke asked who is actually going to be residing in this should it get approved.

Tara Nimt stated her mom and her husband.

Melissa Mischke stated okay. Are they aging?

Tara Nimt stated her mom is sixty-five (65), but her husband was recently diagnosed with Alzheimer's. They have quite a bit of land and they just can't take care of it. She will be having to take care of him as he is declining so it would just be easier for them as they get older.

Melissa Mischke stated the living space is going to be down on the first floor of the barn,

Tara Nimtz stated it's in the back third. The barn is really big so it's like inside of the barn. It's not like an extra building. It would be a third of the back.

Melissa Mischke stated they only have one (1) story in the barn.

Tara Nimtz stated yes. A flat ranch. No basement or upper level.

No remonstrators present.

Eric Pointon made a motion to approve the Petition for Variance of Developmental Standards for Branden and Tara Nimtz to convert part of a pole barn to guest quarters to be initially used by elderly parents. This property is located at 10851 W. 300 S., Westville, IN., New Durham., zoned A on 2.35 acres.

Jeff Baltes seconded.

Attorney Biege stated if he might intercede, normally when they doing living space in a barn, a lot of times they put a condition that it cannot be rented in the future. He is not suggesting that they do that.

Tara Nimtz stated they would never rent it anyway.

Melissa Mischke stated she is suggesting they add the no rental and in fact, she is only comfortable with the elderly parents.

Eric Pointon asked how soon will the construction start.

Tara Nimtz stated she doesn't really know for sure. That would be up to them and their finances and stuff. They just kind of started getting the ball rolling since his diagnosis so she put in a permit for the septic and the well which were approved. She is just waiting on this. She didn't pay for those yet because she was waiting on this part. If they have the pictures, it says two-point-three-five (2.35) acres, but they own the land and then it opens up into twenty (20) acres of their property. The farmer is Mark Parkman that owns all around them. He and their neighbors are all okay with it. It's not an extra building; it's just in the current barn.

Melissa Mischke stated she thinks they are good. They have a motion and a second on the table.

Eric Pointon stated is this like a living lease or how does he say it.

Attorney Biege stated he usually just drafts no future rentals should be allowed. That's as far as they need to go with it.

Tara Nimtz stated they wouldn't rent it anyway. Her husband would never do that.

Eric Pointon amended his motion to approve the Petition for Variance of Developmental Standards for Branden and Tara Nimtz to convert part of a pole barn to guest quarters to be initially used by elderly parents. No future rentals shall be allowed. This property is located at 10851 W. 300 S., Westville, IN., New Durham., zoned A on 2.35 acres.

Vern Schafer seconded.

Approved. Motion carries 4-1.

5. Petition for Variance of Developmental Standards for Sunset Companies LLC for construction of a second home. This property is located at 9409 N. 500 W., Michigan City, IN., Springfield Twp., zoned R1B on 4 acres. Parcel 46-02-17-300-002.000-062.

Attorney Biege stated notice is adequate.

Sonia Terec stated her address is 9357 N. 500 W., Michigan City, IN.

Melissa Mischke asked about the need for a second home.

Sonia Terec stated right now on the property, there is a mobile home, a really old one from 1976. In order to remove that one (1) or rehab that one (1) it's going to cost forty to fifty thousand (\$40,000 - \$50,000) so she was thinking to have that as a down payment for a newer house until she decides what to do with the mobile home on the property.

Melissa Mischke asked what kind of structure is she looking at.

Sonia Terec stated she has a brochure here.

Sonia Terec gives the brochure to the Board.

Melissa Miske stated it's a modular that they might see at a campground frequently.

Sonia Terec stated it's a nineteen hundred square feet (1,900²) modular home.

Melissa Mischke asked if there is someone living in the mobile home currently.

Sonia Terec stated no, it's not livable.

Melissa Mischke stated if this was allowed to go on to the property, then who would be living in it.

Sonia Terec stated she will be.

Melissa Mischke stated there is not an additional home on the property.

Sonia Terec stated no.

Melissa Mischke asked what is the other structure that she can see.

Sonia Terec stated she doesn't have a picture.

Eric Pointon stated garage.

Melissa Mischke stated so a garage storage.

Sonia Terec stated oh, yea, there is a garage.

Melissa Mischke stated so basically, she is replacing a mobile home on her property with a better structure. It's not really considered a second home. That's what this petition says. So, they're really just replacing that mobile home.

Vern Schafer asked if her intention is to destroy or take down the home that is there now. The mobile home that is there at this time, will she be dismantling it and getting rid of it.

Sonia Terec stated either dismantle or use is like a storage space if can she rehab that one. She's not sure if she can do that.

Vern Schafer stated so this isn't being occupied right now.

Sonija Terec stated no. It's not livable.

Vern Schafer stated so it's not really a second home. It's to put a mobile home in this place. Or a modular.

Sonia Terec stated mobile home is not allowed.

Melissa Mischke stated just to clarify for the Board, if they make a motion on this, they need to include that the mobile home needs to be removed or if it can stay and be allowed to be used as storage.

Michael Polan stated Madam President. The house has actually been converted to a permanent structure. It doesn't have the wheels underneath. It has a foundation under it.

Sonia Terec stated it doesn't have a foundation.

Melissa Mischke stated it's okay.

Michael Polan stated it's on piers.

Melissa Mischke stated thank you.

Vern Schafer stated so in other words, it could remain there and used as storage, but not living quarters.

Michael Polan stated correct.

Vern Schafer stated okay.

Eric Pointon stated there is already a well and septic that she will be using.

Sonia Terec stated no, it's not. The well and septic collapsed. It's not usable anymore.

Vern Schafer stated so that's up to the Building Department.

Melissa Mischke stated that would be part of the application process with the new building.

Vern Schafer stated he doesn't know if they need to really approve this as a variance then, do they?

Sonia Terec asked if she could say something.

Vern Schafer stated sure.

Ashley Kazmucha stated they can have it since it is a permanent structure. That is why they asked for a second home because that one (1) might remain.

Vern Schafer stated but not as a home.

Ashley Kazmucha stated it could. That's why she asked for a second home.

Vern Schafer stated okay. That is different that what he is hearing.

Melissa Mischke stated she would like to table this until which time she decides if they're going to keep the mobile home there and rehab it or if she is going to remove it and replace it with this structure.

Eric Pointon asked would she rehab it for a different use, not living?

Sonia Terec stated no, she doesn't think so.

Eric Pointon stated okay. So, then he guesses the options would be to make a motion to remove it and replace it with a new home or table it like Melissa said and come back when she decides what she wants to do with it. That's the two (2) options.

Melissa Mischke stated right. They as a Board have been trying to remove mobile homes from the County. They need to go into mobile home parks. So, rehabbing a mobile home is not something that they have historically done.

Sonia Terec stated okay

Melissa Mischke stated they can make a motion tonight if she'd like or if she'd like to come back and let them know that she is able to rehab it and live in it to the Building Department, then that would remove her from their agenda. Or that she are going to rehab it and use it as storage and she needs to place the structure to the Building Department.

Sonia Terec stated okay.

Attorney Biege stated he thinks they should table it because it sounds like to him the result, she won't be coming back anyway.

Vern Schafer made a motion to table the Petition for Variance of Developmental Standards for Sunset Companies LLC for construction of a second home. This property is located at 9409 N. 500 W., Michigan City, IN., Springfield Twp., zoned R1B on 4 acres.

Eric Pointon seconded.

Vern Schafer stated it has to be considered at the next meeting then if it's going to be reconsidered, correct?

Melissa Mischke stated they can extend the time.

Vern Schafer stated they can't table it indefinitely.

Attorney Biege stated no, but they can put it on the table and then at some point take it off, but he doesn't think they have to do it for a period of time.

Vern Schafer stated she needs to discuss this and see what her intentions are and then they'll see if they need to reconsider it.

Sonia Terec stated okay.

Melissa Mischke stated if she contacts the Building Department, she's sure they can work with her on this and come up with something.

All Approved. Motion carries 5-0.

6. Petition for Variance of Developmental Standards for Sean Patrick & Stephanie J Kalsow for construction of a second accessory structure for RV storage with a height of 23' instead of the maximum allowed 18'. This property is located at 148 Grand Ave., LaPorte, IN., Scipio Twp., zoned R1B. Parcel 46-10-03-476-016.000-060.

Attorney Biege stated notice is adequate.

Stephanie and Sean Kalsow stated their address is 148 Grand Ave., LaPorte, IN.

Melissa Mischke stated they have a camper.

Stephanie Kalsow stated they as a family are looking into getting an RV so they're looking to build the pole barn to store the RV. It's roughly twelve and a half feet (12½') tall up to the AC units on the top of the RV so the next size doors would be fourteen feet (14'). That's why it makes the building so tall. The garage door to enable it to be out of weather and sun to protect it is the height that they needed. The length of the building completely covers the RV and then their lawnmower, kid's toys like power wheels and such will also be able to be stored in this building. Right now, it's on their gravel patio out back behind their existing garage. Then Sean has some stuff.

No remonstrators present.

Melissa Mischke stated her only question is are they going to keep the detached garage.

Stephanie Kalsow stated yes. That will stay. It's directly behind that detached garage that they currently have.

Sean Kalsow stated it is essentially the same width as that garage. It is double the length, but from the road they would see the top because it's taller, but it's the same width. To add to what Stephanie said about the RV, they also just want additional storage. They have a neighbor who tends to store stuff outside and they prefer to not have that.

Melissa Mischke stated they like it.

Vern Schafer stated wise choice.

Sean Kalsow stated that is also part of their intent. As a family, they are accumulating more stuff. This is the first house that they have bought and hopefully their last house. All of their plans and things that they're doing are for their entire life. It's not like they're planning on flipping it or improving the property value or anything like that. They just want to live there forever.

Vern Schafer stated he does have a question as he is looking at the drawing. The door for the RV to go in will have to be on the back side of the buildings. They can't get into it because of the detached garage.

Sean Kalsow stated there are two (2) doors on the building. One (1) that would face the East and the one (1) that would face the Norther so East would be facing the road which is the closest to the existing garage. This new building is quite a bit of distance from the existing building.

Melissa Mischke stated the drawing is misleading.

Stephanie Kalsow stated it's probably her drawing.

Vern Schafer stated the drawing doesn't show too much distance there because there is no way they could get an RV backed into there with it being that close to the detached garage.

Sean Kalsow stated it is roughly fifty feet (50') from the existing building.

Vern Schafer stated okay so the drawing is a little out of scale here, folks. He does appreciate the fact that they want to store it inside because they've invested a lot in one (1) of those RVs.

Eric Pointon made a motion to approve the Petition for Variance of Developmental Standards for Sean Patrick & Stephanie J Kalsow for construction of a second accessory structure for RV storage with a height of 23' instead of the maximum allowed 18'. This property is located at 148 Grand Ave., LaPorte, IN., Scipio Twp., zoned R1B.

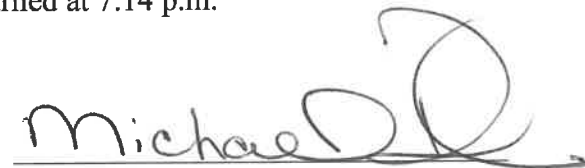
Jeff Baltes seconded.

All Approved. Motion carries 5-0

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

There being no further business, meeting adjourned at 7:14 p.m.


Melissa Mullins Mischke, President


Michael Polan, Recording Secretary