



LAPORTE COUNTY BOARD OF ZONING APPEALS

Government Complex, 5th Level
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Michael Polan
Building Commissioner

September 16th, 2025

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **September 16th, 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:

Melissa Mischke asked for approval of the meeting minutes of August 19th, 2025.

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

Ernie Schmidt seconded.

All Approved. Motion carries 5-0.

Petitions:

1. Petition to Extend Approval Period Deadline for Previously Approved Special Exception Use for Monroe Power, LLC and Leeward Renewable Energy, LLC represented by counsel Anthony Novak of Newby, Lewis, Kaminski, and Jones, LLP. Initial approval was granted August 16, 2022. This property is located south of State Road 104, Walkerton, IN., Lincoln Twp., zoned A on 32.72 acres. Parcel 46-12-30-100-016.000-055. **REMONSTRANCE WILL BE RESTRICTED TO THE EXTENSION AND NOT THE USE ITSELF AS IT IS ALREADY GRANTED.**

Melissa Mischke stated they are going to get started with petitions this evening and for everyone that is here for Petition 1, which is a Petition to Extend Approval Period Deadline for Previously Approved Special Exception Use for Monroe Power, LLC and Leeward Renewable Energy, LLC

represented by counsel Anthony Novak of Newby, Lewis, Kaminski, and Jones, LLP. Initial approval was granted August 16, 2022. This property is located south of State Road 104, Walkerton, IN., Lincoln Twp., zoned A on 32.72 acres. This petition was already voted on by the Board in 2022 as she just said. The time for appeals for that Petition has passed. What they are here for tonight is just to approve or not approve the continuation of the already approved Petition so there is no public remonstrance on this Petition. What they have done as a Board is give their Building Commissioner the opportunity to make some decisions for them as a Board with regards to time extensions specifically. This Petition has been granted a time extension on the project more than once they are going to here, she is sure. This time, the Building Commissioner just wanted to make sure that the public was all aware of what the extension was for, any questions from new members of the Board so there is not going to be a vote per se. They will say yes, they are either going to extend the time frame or not. There is also not going to be a formal presentation again by the Petitioner because their Board might have additional questions and they thought that would be advantageous for the public as well and they just want to be more transparent with them. With that, public comment is in the form of remonstrance for their Board. They get a three-minute time limit that goes up on the clock so if they are here for a petition that they have multiple remonstrators and they can consolidate some of their thoughts and then the next person can have different thoughts or concerns that would be beneficial. So, with that, Petition 1 please come up to the mic. Don't be shy Anthony.

Attorney Biege stated notice is adequate.

Anthony Novak stated he is an attorney with Newby, Lewis, Kaminski & Jones in LaPorte. Here with him is Harry Marlow who is the Project Lead for this project. Certainly, Madam President he can present or ...

Melissa Mischke stated no. So, her first question which she thinks is on everybody's mind is what is taking so long with this project and why the delay.

Harry Marlow stated he is happy to answer that. In order to put a project online they have to go through something called MISO Interconnection Queue. MISO operates between Minnesota and Arkansas. It controls that entire grid. So, things like Ameren and NIPSCO operate underneath MISO level. When a project wants to come online, they have to get MISO approval. That approval works around getting all these studies and allocations of cost. So, when a project wants to come online, they submit an application to MISO. They take in all those applications and come up with an infrastructure cost to upgrade the system so that a project can come online. As part of that, there are a couple studies they have to do. There are three (3) studies in total with the goal of pretty much coming up with more dialed cost as it goes down the line. So, in recent years, there was an influx of projects and the MISO schedule has just gone completely out of whack. It is completely out of their control and as this schedule slips, so too does their construction schedule. They can't come online until MISO tells them we can. They've tried to work with MISO. They've essentially proven ineffective in that realm and thus just the entire schedule has come like almost three (3) years delayed at this point.

Melissa Mischke asked when the application was submitted to MISO?

Harry Marlow stated 2019. As they can see, there is quite a bit of time. This is probably the most projects ever submitted in that time frame so the MISO schedule is just overwhelmed and they are dealing with the effects of that.

Melissa Mischke stated she knows they have some new Board members. What kind of questions do the gentlemen have.

Ernie Schmidt asked what phase they are on now.

Harry Marlow stated there are three (3) phases. At the end of Phase 3 is called the Generator Interconnection Agreement. They have received that agreement. They have actually received two (2) iterations of that agreement. They received the first in April of 2023 and they amended it again in September of 2023. The amendment pushed that timeline out another two (2) years. So, while they are confident that this is the final document that they'll receive, there is another chance that they come back and amend it again. However, he thinks at this point they're pretty certain on their timeline. So, with the two (2) year extension request, that falls in line as they've maintained consistency throughout this entire process. With that MISO schedule this continues to stay in line with that schedule.

Jeff Baltes asked if there's a chance that this project could never ever happen?

Harry Marlow stated there's a chance that anything. He doesn't want to. . .

Jeff Baltes stated well, what kind of percentage would he say.

Harry Marlow stated at this point, as long as they can maintain alignment with the MISO schedule, they're going to be fine. The highest chance they don't go through is if this gets denied, essentially. So, as long as they can build it to stay in line with the MISO schedule, they definitely intend on building it.

Jeff Baltes stated the reason he asks that question is the length of time they're already. . .

Harry Marlow stated he gets it. It's not up to them. They would like to have built this project two (2) years ago. At first, the permit expired in January 2025. So, they would have liked to already been in construction for this project and getting ready at this moment to put it online but, they have no control over the matter.

Vern Schafer stated his understanding is that this project is for battery storage for...

Harry Marlow stated that's right.

Vern Schafer asked for energy?

Harry Marlow stated yes.

Melissa Mischke stated be careful.

Vern Schafer stated he understands this is not part of what they're talking about, but this is just for an understanding. The battery storage is to store power from where? From the grid?

Harry Marlow stated from the grid, yes. It just takes it in and then discharges it when it's needed most.

Vern Schafer stated he sees they're right next to a NIPSCO substation.

Harry Marlow stated that's right.

Vern Schafer stated so they're going to put storage in there for storing power that comes from the grid and then put it back on the grid when it's necessary.

Harry Marlow stated yes. That's right.

Vern Schafer stated that's all he needed to know.

Eric Pointon stated in 2023, he said something got approved in 2023. Can he explain that a little bit?

Harry Marlow stated the first permit extension was approved in 2023. Essentially, they realized the MISO schedule was slipping so far out of date that they could not align with that January 2025 timeline. So, they submitted an administrative request to Mike and he granted that understanding the same conditions they're talking about today.

Eric Pointon stated okay, so that was an extension through them and then again in January of 2025, they got another extension?

Harry Marlow stated no. The January 2025 was the date where the initial permit was set to expire. So, at that point when they got the extension from Mike, they extended that one (1) year out to January 2026 where it is today.

Anthony Novak asked if he was potentially asking about the GIA agreement he was talking about.

Eric Point stated he thinks so. He thought he said something about the MISO.

Harry Marlow stated so that GIA, he doesn't know if they have visual on the presentation, but essentially that date just kept on slipping. That date allows them to see when they can power the project onto the grid. So, when they received it in September of 2024, that's when they realized that they were not going to be able to hit that date to start construction to stay in line with the expiration of the extended permit of January 1st, 2026.

Eric Pointon stated they basically have approval from MISO for construction, they just are waiting on some kind of final approval.

Harry Marlow stated they have that approval. They just can't start construction until pretty much the start of 2028 because they can't have an idle project without it being powered onto the grid and the power delivery date is in like mid-2028. So, that's the date that drives the construction schedule. That was discovered from that latest iteration of the GIA, which was received in September of 2023.

Eric Pointon stated they can't start any construction?

Harry Marlow stated they could start construction. If they get this extension they can start construction before January 1st, 2028. They just can't start construction today.

Eric Pointon stated they can't start construction of the battery storage facility. His question is they could start construction like putting in a driveway, get an address, if there were restrictions on the original permit that they had to plant arbor vitae or something, could they start that so the trees start growing before the 2028 time frame.

Harry Marlow stated he is not an engineer. He can't speak specifically to their construction abilities on that. He will say that the power delivery date is what drives the construction timeline. That has just been pushed out so far that they do need that extension to keep in line with that. They could start a tree planting thing, but he doesn't think that is quite relevant for this.

Anthony Novak stated he thinks maybe also too and a lot of these development projects have multiple facets of various teams. He is obviously leading the development team. They have pre-construction. They have the engineering team and everything like that. He understands where he is coming from. He doesn't know going back if they can actually pull the permit and start putting up buffers or things like that. It's certainly something he can talk to his team about. He thinks an issue that they would potentially worry about it starting too early on too is then the time frame in which the construction is technically supposed to be done. He believes in working with Mike's Office, once that first inspection technically happens, construction is supposed to be done within about a year thereafter and it's just going to be a very elongated thing. He thinks when he was talking to them previously, they were saying whatever that power on date is when they backpedal to when the actual construction would start.

Harry Marlow stated that's right.

Eric Pointon stated he gets that. He's just saying, they started in 2019. They've already got two (2) extensions. They're working on a third extension. The point of putting up a fence and or arbor vitae is to block the view of this. So, if they start in November of 2028 and put up arbor vitae and plant two-foot (2') trees. If they would have planted trees in 2019, they would have twelve-foot (12') arbor vitae and there would be no view from the public at all to even see this project.

Anthony Novak stated sure. Understood.

Eric Pointon stated he's just saying, if they're serious about the project, he was curious as to if there could be an investment started in the project so they know they're serious and all of that as well.

Anthony Novak stated sure. Certainly.

Eric Pointon stated he understands the timeline of when the project needs to be started and completed, which also could be part of the extension wrote in there, as he would imagine. Maybe a phase of the project could be that fencing or whatever.

Melissa Mischke stated they want to be considerate of construction itself. They might need more room than full grown vegetation can handle. They might have to rip it out in order to perform some construction. So, she can see both sides. She thinks he makes an excellent point, but it's something she would encourage they go back and look into and give their Building Department some information on that.

Harry Marlow stated sure.

Melissa Mischke stated sure.

Vern Schafer stated both of these parcels, Number 8 and Number 10, they were both in the original petition. Is that correct?

Anthony Novak stated correct.

Vern Schafer stated they both have been purchased and they are in their name or is Parcel Number 10 still in the name of the landowner.

Harry Marlow stated he believes they are both in their name and they just rent out one (1) of the parcels to a local farmer.

Vern Schafer stated okay.

Anthony Novak stated to be clear, he is trying to get a map of the original one.

Vern Schafer stated according to Beacon, Number 10 is still in the Koehn family name.

Anthony Novak stated he believes that is part of going back to 2022, essentially what happened was there is this entirety of the land that, he doesn't know if it was all under Koehn's name at that time, but he knows at least part of it was. When the original applicant was moving this forward, they knew most certainly they were going to have it on essentially that flag shaped lot, which he knows they love.

Melissa Mischke stated it's okay.

Anthony Novak stated it was going to come down all the way to where the substation was and there is where the layout is going to be. That has never been changed. He believes that it actually occurred during their presentation time frame in 2022, where Monroe Power purchased the actual land where it will be. At least at that time, Koehn Farms had the property, but their client had the option to purchase it, if need be, but he believes the plan still, all along, is that it's going to be exactly where it was said and because there was a lot line adjustment at that time, that's why the parcel IDs kind of got changed. That's why he made the notation of it in the petition.

Vern Schafer stated okay. His question to you folks over there in legal land, if they grant an extension here, they're talking like nothing's going to happen before 2028. Can they grant an extension to 2029 to keep them from having to keep coming back and asking for more time or what?

Attorney Biege stated sure. They can. Absolutely.

Michael Polan stated let him just add to that it's his fault that they're back here in front of them. He could have granted this behind closed doors without public view and without these questions. He opted not to go that route because he knows that there's public interest in these types of projects. The composition of the Board has changed since this was originally approved and he felt like the questions that he could have come up with behind closed doors are not as good as what a five (5) member Board with legal counsel in front of all the folks here and the home gamers viewing. He feels it's better to be more transparent and to do it out in public. So, the extra time that they are spending here tonight and the extra work that all these folks have to do, that's on him. He thinks that that is what the public expects of their public servants; to be transparent and have discussions out in the open and that's why he required this.

Melissa Mischke stated she wants to mention to anybody in the public that if they are watching from home, or they're in the audience, and they have additional questions, they can go to the Building Department and request this information. They'd be happy to provide them with the conditions that were set forth in the original approval and all those items as well. So, if they have further questions, please get in touch with their Building Department.

Vern Schafer made a motion to approve the Petition to Extend Approval Period Deadline for Previously Approved Special Exception Use for Monroe Power, LLC and Leeward Renewable Energy, LLC represented by counsel Anthony Novak of Newby, Lewis, Kaminski, and Jones, LLP. Initial approval was granted August 16, 2022. Extension is granted through September 2029. This property is located south of State Road 104, Walkerton, IN., Lincoln Twp., zoned A on 32.72 acres. Parcel 46-12-30-100-016.000-055.

Eric Pointon stated they are saying November of 2028.

Harry Marlow stated they are confident they can start construction earlier in 2028. He does think that is a good approach just to be absolutely safe. As he said, MISO is famous for continuing to extend their timelines, but with that timeline they would absolutely be in the clear.

Melissa Mischke stated point of order, they have a motion on the floor so they need to wrap up with that. There are no questions in between a motion and a second so if they could move to either a second or lack of.

Ernice Schmidt seconded.

Eric Pointon asked if he can. . .

Melissa Mischke asked if he is adjusting the motion.

Eric Pointon stated yes.

Melissa Mischke stated okay.

Eric Pointon stated he thinks that timeline is a little long. He would like to see them come back to keep them updated on what is going on and stick with their thought of the 2028.

Harry Marlow asked if he can comment on that.

Melissa Mischke stated well, apparently it is going to be a free for all. So no, he may not. They either need to approve; they need to vote on the motion that is on the floor or they need to deny the motion that is on the floor and get a new motion. Do they understand? So, they are going to vote on extending until September of 2029

Approved. Motion carries 3-2.

Melissa Mischke stated they are going to give them until September of 2029. She suggests they get in touch with the Building Commissioner's Office more frequently.

Harry Marlow stated understood.

Attorney Biege stated if he may Madam President. Eric, was he talking about a follow up or status update?

Eric Pointon stated yes.

Attorney Biege asked Mr. Novak if he would be willing to give an annual status update to the Building Commissioner.

Anthony Novak stated yes. Not like a public hearing, but to the Building Commissioner?

Attorney Biege stated absolutely.

Anthony Novak stated yes.

Melissa Mischke stated perfect.

2. Petition for Variance of Use for The Nowak's Farm, LLC represented by counsel Andrew Voeltz of David Ambers & Associates, P.C. for running three (3) small businesses (ATFE transfers, light machining work, and auditing and consulting) in an existing building on the property. This property is located at 4711 N. 100 W., LaPorte, IN., Center Twp., zoned R1A on 8.196 acres. Parcel 46-06-12-100-003.000-042.

Attorney Biege stated notice is adequate.

Andrew Voeltz. Stated he is an attorney currently with David Ambers & Associates here in LaPorte and representing the petitioners in this matter, which is the Nowak's Farm, LLC, with a location at 4711 N. 100 W., LaPorte, IN 46350. As the petition indicates, the property is currently zoned R1A and it sits on approximately eight-point-two (8.2) acres, eight-point-one-nine-six (8.196) acres to be exact and the petitioner is requesting a use variance for running three (3) small businesses which includes ATFE which is alcohol, tobacco, firearms, and explosives transfers, light machining work, and auditing and consulting in an existing building that is on the property. So, his understanding is that they do have an aerial view of the property in question here, and it should be noted that what's on Beacon, the building that's located towards the west of the property near the property line, that building does not exist anymore. It was a previous residence. So, they have the outbuildings in the back, meaning the greenhouse that's all the way on the right-hand side and then that smaller building that is pretty much dead set in the center of the northern half of the parcel. This is a use variance that is already in place for the small businesses that intend to use it at a property that is located down the road that was subject to a petition that was ultimately granted for the same type of variance. That property was located at 6036 N. Nowak Rd., LaPorte, IN 46350. Again, that property is zoned the same. He apologizes for misstating, R1B is the way that the property is zoned. He does have the property owners here if there are any questions. He knows there may be some concerns with regards to vehicle traffic, heavy equipment, et cetera, et cetera. That is not happening here. What it will wind up being is, in fact, they won't even have actual employees. They're going to have approximately a half dozen contractors or subcontractors on an "as needed" basis. Any hours of operation would be between the hours of 7 a.m. and 3 p.m. It would be Nowak Precision LLC, which is currently located at the other address. ROC LLC which is currently located at the other address, and then Shoot to Thrill Customs LLC, which is currently located at the other address. Just for transparency, there is a familial connection here as obviously he is sure they can figure out with the last names being the same. With that being said, Nathan is here, MJ is here, and then Mr. Nowak, the senior Nowak, is here if there are any questions regarding the current variance that is in place that is non-transferrable. That is the reason they are before the Board because the variance runs with the land. So, in this situation because Nathan and MJ want to move their operation to a different area, they have to reapply for a variance. Are there any questions?

No remonstrators present.

Vern Schafer stated he would like to know if they have any plans. Obviously, these buildings are already there and they're going to use existing buildings. Are there any plans for further construction they might want to include in their petition?

Andrew Voeltz stated he is glad that he asked that. He did provide to the Building Commissioner's Office some sketches that were given to him by his clients that show the proposed additions to the structure currently existing in question. Again, these are not living quarters.

Melissa Mischke asked if he has a copy of those that they could pass around.

Andrew Voeltz stated yes, he is sorry.

Melissa Mischke stated no problem. Thank you.

Vern Schafer stated from what he can see, the greenhouse is in the northwest corner, is that correct?

Andrew Voeltz stated that would be the northeast corner.

Vern Schafer stated northeast corner.

Andrew Voeltz stated yes sir.

Vern Schafer stated and both of them they are planning on doing some remodeling.

Andrew Voeltz stated yes.

Vern Schafer stated they're not tearing them down and starting over.

Andrew Voeltz stated no. It would need additions work that would need to receive a proper building permit from the Building Commissioner's Office.

Vern Schafer stated okay.

Melissa Mischke stated just to be clear, they are talking about the two structures on the south end.

Andrew Voeltz stated north end.

Melissa Mischke stated the greenhouse and the other shed. Right, okay.

Vern Schafer stated the other two (2) structures to the south, are those still there and are there any plans for those?

Andrew Voeltz stated he does have an aerial shot that may be helpful if he may approach.

Nathan Nowak stated he is the property owner at 4711 N. 100 W. There is one structure to the southeast corner that they will be eventually fixing up. He doesn't think they are going to add on to that. It just needs fixed up.

Vern Schafer asked what activities are going to be happening in these structures, like the greenhouse in the northeast corner.

Nathan Nowak stated the greenhouse is not built yet. That will be directly south of where the house was.

Vern Schafer stated okay.

Nathan Nowak stated in the northeast corner, that forty by sixty (40' x 60') pole barn is where the shops will be. That's where the businesses will be located. Then their eventual plan is to put a house in the next twelve to twenty-four (12 – 24) months on the same property. The building to the east on the northeast side will be kind of a library and a little office. Those are the two (2) structures that they would like to add on to.

Vern Schafer asked if they are going to be required to come back for more variances as they do things. He doesn't know what they have to include in their motion.

Ashley Kazmucha stated he doesn't need a variance to add on to an existing building and he is allowed to have a residence per right.

Vern Schafer stated okay.

Eric Pointon asked if they have to go with a sign or anything and approve any of that right now. Are they going to have a sign out front.

Nathan Nowak stated no.

Eric Pointon stated okay.

Nathan Nowak stated ideally, no one should ever know that they're there. There is no advertising. Not open to the general public. For the transfers it would be by appointment only, but there is no sign.

Eric Pointon stated no parking lot? No lighting?

Nathan Nowak stated no.

Eric Pointon made a motion to approve the Petition for Variance of Use for The Nowak's Farm, LLC represented by counsel Andrew Voeltz of David Ambers & Associates, P.C. for running three (3) small businesses (ATFE transfers, light machining work, and auditing and consulting) in an existing building on the property. This property is located at 4711 N. 100 W., LaPorte, IN., Center Twp., zoned R1A on 8.196 acres.

Jeff Baltes seconded.

All Approved. Motion carries 5-0.

Melissa Mischke stated make sure they get the additional building permits.

3. 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. **TABLED FROM AUGUST**

Melissa Mischke stated they did table this petition from last month. Petition 3, she doesn't see here so they will move her down to the end of the agenda and if they get to the end and she is here, they will go from there.

4. Petition for Variance of Developmental Standards for Emma & Andrew Lindemann for construction of a home on a landlocked parcel. Access will be through an easement. This property is located behind 1962 S. Village Rd., LaPorte, IN., Scipio Twp., zoned A on 5.21 acres. Parcel 46-10-09-300-007.000-060.

Attorney Biege stated notice is adequate.

Emma Lindemann stated her address is 337 W. Johnson Rd, LaPorte, IN 46350.

Paul Lindemann stated his address is 1962 S. Village Rd., LaPorte, IN 46350.

Emma Lindemann stated the land came up for sale and her and her husband thought it was a great opportunity to build behind their in-laws so they are just looking to build a house, maybe a barndominium in the next two to three (2 – 3) years. That time frame would be better once they know if they can build or not.

Melissa Mischke asked if they are going to leave the property until they can afford to build.

Emma Lindemann stated they can afford to build, they were going through the process of doing all of this stuff and getting the variance and easements.

Melissa Mischke stated if they were approved, they would start right away and get their permit.

Emma Lindemann stated yes. They are looking into builders, permits, and all that stuff. Once that is all going, then she would think it would go fast. They have never built a house before.

Melissa Mischke stated okay. Sir, is he granting an easement for this.

Paul Lindemann stated yes.

Melissa Mischke asked if he can describe the easement along which property line or however it will be.

Paul Lindemann stated the easement would be along the northwest property line.

Melissa Mischke stated okay.

Vern Schafer stated so it would be like on an angle.

Paul Lindemann stated it is on an angle. Exactly.

Vern Schafer stated a suggestion, not necessarily a requirement, but in these cases, he has always asked that they get the easement recorded so it has dimensions and if they ever want to sell the property that it is a recorded easement and they wouldn't have to go through adverse possession to get to it.

Paul Lindemann stated they have already been advised to do that so that would definitely be in the plan.

Remonstrators:

John Pappas stated his address is 3545 W. Village Road, LaPorte, IN. He lives right next door to them. They know their son very well. He grew up next to them and they also know his wife who they went to church with and they think it would be a really good use of that land to be able to have them move back there.

Melissa Mischke stated wonderful. Thank you so much. She always likes to hear some positive remonstrance.

Vern Schafer made a motion to approve the **Petition for Variance of Developmental Standards for Emma & Andrew Lindemann** for construction of a home on a landlocked parcel. Access will be through a recorded easement. This property is located behind 1962 S. Village Rd., LaPorte, IN., Scipio Twp., zoned A on 5.21 acres.

Eric Pointon seconded.

Attorney Biege asked if he may clarify the motion. Is he requiring a recorded easement?

Vern Schafer stated yes.

All Approved. Motion carries 5-0.

5. Petition for Variance of Developmental Standards for Catherine Yagelski to convert an existing garage to living space to care for an elderly parent. This property is located at 10755 W. 100 N., Michigan City, IN., Coolspring Twp., zoned A on 4 acres. Parcel 46-05-29-300-006.000-046.

Attorney Biege stated notice is adequate.

Catherine Yagelski stated her address is 10755 W. 100 N., Michigan City, IN.

Melissa Mischke asked if they are going to be speaking as well? If they can step up to the mic and state their name and address.

Charles Hendricks stated he is a general contractor. They are doing the work. He lives at 7528 US 12, Three Oaks, MI.

Allison Laizure stated she is the daughter. Her address is 121 W. Barker Ave., Michigan City, IN.

Melissa Mischke stated thank you. So, Catherine owns the property.

Catherine Yagelski stated yes.

Melissa Mischke asked if she is the individual who is going to stay in the garage after it is converted or is someone else going to stay in the garage.

Catherine Yagelski stated she is going to stay in the garage. Her daughter and her husband are going to move into the house.

Melissa Mischke stated okay.

No demonstrators present.

Vern Schafer stated he sees that the garage probably needs some updating and obviously if they're going to be warm in there it has to be insulated well. Is it on a proper foundation right now and will it need to be changed.

Charles Hendricks stated it's on a slab. It is a monolithic slab and they're not going to change any of the load on the roof or anything like that.

Vern Schafer asked if there is existing electricity there and is it going to be a separate service.

Charles Hendricks stated yes. It's going to be a separate service. It's going to be a new septic system. They checked on the one (1) for the house and it is maxed out so it will have a separate system for that. It will have a new water line off the house.

Vern Schafer stated so they are going to use the houses well?

Charles Hendricks stated yes.

Vern Schafer stated but they're going to put a separate septic in.

Charles Hendricks stated it will share the house's well, electric will be separate and the septic will be on its own.

Vern Schafer stated and it will be a separate electric service.

Charles Hendricks stated yes.

Vern Schafer stated okay. As long as they Building Commissioner likes it, it's okay with him.

Charles Hendricks stated it is a total gut. There will be all new electrical. They have to break up some of the floor to set up the kitchen and the bathroom and everything like that. They will insulate.

Vern Schafer stated for plumbing and stuff they will have to do all that.

Charles Hendricks stated yes. HVAC obviously.

Ernie Schmidt asked if he said this was a slab?

Charles Hendricks stated yes.

Ernie Schmidt stated they will have to get with the Building Commissioner and get that updated.

Melissa Mischke stated they have to apply for a permit.

Charles Hendricks stated yes, they still have to apply for the permits. They were told to hold and wait for this hearing before the go forward.

Ernie Schmidt stated they will guide them through that, but the slab is not acceptable. It will have to be updated.

Charles Hendricks stated okay.

Melissa Mischke stated just work with the Building Commissioner's Office when they do their permit application.

Ernie Schmidt stated Mike will help him with it.

Charles Hendricks stated yes, absolutely.

Jeff Baltes made a motion to approve the Petition for Variance of Developmental Standards for Catherine Yagelski to convert an existing garage to living space to care for an elderly parent. This property is located at 10755 W. 100 N., Michigan City, IN., Coolspring Twp., zoned A on 4 acres.

Vern Schafer seconded.

All Approved. Motion carries 5-0.

6. Petition for Variance of Developmental Standards for Ronald J Yagelski & Lisa Stantz JTWROS for construction of an addition with a 4' side setback instead of the 10' minimum, wetland setback of 37' instead of the 50' minimum and waterway setback of 25' instead of 50' minimum. This property is located at 294 Grayson Rd., LaPorte, IN., Center Twp., zoned R1B. Parcel 46-06-27-303-003.000-042.

Attorney Biege stated notice is adequate.

Ronald Yagelski stated his address is 294 Grayson Rd., LaPorte, IN.

Mike Freese stated he is with Freese Builders at 10068 N. Halstead Dr., LaPorte, IN.

Melissa Mischke stated let's talk about the wetlands. Have they had a chance to have any wetland delineation actually performed.

Ronald Yagelski stated not yet. They do have the elevation survey and everything from Hendricks, but they haven't met to go to that step. This was their first step.

Melissa Mischke stated okay.

No remonstrators present.

Michael Polan stated they did receive written remonstrance on this and it will be on file at the Building Department.

Melissa Mischke stated thank you for reminding her. She does remember that.

Vern Schafer stated on that particular remonstrance that came to them, they weren't necessarily opposed to this, but they want to make sure that their water stays on their property, obviously. Apparently, they are at the bottom of the hill.

Ronald Yagelski stated he spoke to the neighbor about it and they are not going on that side at all. It was the other side where they were looking for the variance so nothing is really going to change. They're going towards out a little bit, but they're not going towards his property at all.

Vern Schafer stated but it's really important to him that he gets along with his neighbors and do everything that he can to mitigate those kinds of issues in the future.

Ronald Yagelski stated he talked to Paul. Actually, he came and spoke to him about it.

Vern Schafer stated he does have a nice plan presented.

Melissa Mischke stated they're going to have to deal with the MS4 person for the County. That's where you're going to keep all of your runoff, water runoff and drainage on their property and not send it down the road. So, that's something that will also be addressed, she's sure, at the time he gets his permits. She doesn't know about this wetlands and waterway setback. What's getting them so close?

Ronald Yagelski stated well, they're going to put a seawall in, which isn't in there right now. Then they're going to be going out towards the water with the house. Maybe Mike could explain that.

Mike Freese stated they're just going to take an addition off the main house there and redo the whole thing and make it match in to, as they can see, the addition that they had. Do they have the addition?

Ronald Yagelski stated he thinks they have the plans.

Mike Freese stated okay, the plans.

Ronald Yagelski stated he believes they have them.

Mike Freese stated so that's what they want to build. They want to try to get over to the far right as they can to try to use their whole driveway that has already been poured. They know it's invading in where they really want ten feet (10') apiece, but the other house next door is like six feet (6') off property line itself.

Melissa Mischke stated the house next door is not here for a variance.

Mike Freese stated oh no, all right. He understands but he's just using that as a guiding point a little bit. So, they just want to go as far to the right to that property line as what they can possibly go.

Ronald Yagelski stated he just wants to say this isn't a VRB or anything. This is their personal home that they're going to live in. Just for anybody that wants to know that.

Melissa Mischke stated thank you. what kind of questions do we have as a Board. Well, there are no remonstrators and no further questions from the Board, she'll entertain a motion.

Ernie Schmidt made a motion to approve the Petition for Variance of Developmental Standards for Ronald J Yagelski & Lisa Stantz JTWROS for construction of an addition with a 4' side setback instead of the 10' minimum, wetland setback of 37' instead of the 50' minimum and waterway setback of 25' instead of 50' minimum. This property is located at 294 Grayson Rd., LaPorte, IN., Center Twp., zoned R1B.

Eric Pointon seconded.

Approved. Motion carries 4-1.

10. Petition for Variance of Use for Kay F Collins, Deborah S Van Wanzeele, Cindy L Wolavka, Alfred W Vollmer & Joyce Vansickle C/O Deborah Van Wanzeele (seller) and Jason Vermilyer (buyer) for operation of a jiu-jitsu club.

This property is located behind 3466 N. 700 E., along E. 350 N., Rolling Prairie, IN., Wills Twp., zoned A on 2 acres. Parcel 46-08-18-400-028.000-068.

Attorney Biege stated Madam President, if he might be so bold as to ask the Chair to move up Petition 10 to be next because those are really well managed children, but they're still children.

Melissa Mischke stated yes, absolutely. Petition 10 please come forward. She's not even going to try to pronounce any names.

Attorney Biege stated notice is adequate.

Jason Vermilyer stated his address is 7202 E. 250 N, Rolling Prairie, IN.

Megan Vermilyer stated her address is 7202 E. 250 N, Rolling Prairie, IN.

Melissa Mischke asked them to talk to them a little bit about their plans for the jiu-jitsu club.

Jason Vermilyer stated yes. They currently have a jujitsu club in New Carlisle, Indiana with the wrestling group there. They have kind of outgrown that facility. Their kids' class is getting pretty big, so they would like to expand for that.

Jeff Baltes asked if it is a different one (1)?

Jason Vermilyer stated yes. They talked to the wrestling guy last month or something like that.

Melissa Mischke stated very good. Continue.

Jason Vermilyer stated this property came for sale. It would work out pretty good. It's down the road from them and there's really not too many places that are for sale that would fit their needs so they thought this would be a good addition.

Melissa Mischke asked how many kids do they have currently enrolled.

Jason Vermilyer stated currently they have about anywhere between about twelve to eighteen (12 – 18) so it depends on obviously what sports are kind of going on, what day of the week, and how many of them get sick.

Melissa Mischke asked if they're going to build everything.

Jason Vermilyer stated he is going to have a builder do all this. He has built enough; between his dad and he they built both their homes, barns, and all that happy stuff. He is going to have V&M Construction build it.

Melissa Mischke stated okay.

No remonstrators present.

Vern Schafer stated that he noticed on the business plan that they are going to advertise with local flyers. Are they going to put a sign up?

Jason Vermilyer stated the only sign, which should have been on one of the papers he submitted, is a banner on the building.

Vern Schafer stated there won't be a sign by the road or anything.

Jason Vermilyer stated no. Absolutely not. The building is about sixty feet (60') off the road or seventy feet (70') off the road due to power lines and stuff like that. He thinks it will be a three by twelve (3' x 12') banner that will be attached to the building. He will have a dim dusk to dawn light above that.

Vern Schafer stated he is not proposing to put a house or anything on the property in the future, or is he?

Jason Vermilyer stated as future plan, he does have three (3) children so if they do decide at some point down the road in the next fifteen (15) or so years that could be a place to build a property if it was allowed there at that point in time.

Vern Schafer stated but not at this time.

Jason Vermilyer stated not at this time; no. Not anywhere in the near future.

Eric Pointon stated he is going to piggyback on Vern here, if he did want to put a sign by the road, now is the time to ask for it.

Jason Vermilyer stated he does not.

Eric Pointon asked what the class times are? Are they hour-long classes?

Jason Vermilyer stated the kids' classes are about an hour long; an hour and fifteen (15) minutes give or take. The adult classes right now are about an hour and a half because he is limited on time and availability sharing it, but he would like to give the adult class about two (2) hours. Classes would generally be in the evening time. His wife wants to do some of the Mommy and Me classes for little kids that would be offered in the late morning.

Ernie Schmidt stated now is the time to extend your hours out to the max so he doesn't have to come back.

Jason Vermilyer stated he thinks about nine o'clock (9 p.m.) is plenty long enough for him.

Ernie Schmidt stated if she wants to start at eight in the morning (8 a.m.) and he wants to go until nine at night (9 p.m.) then that are the hours they tell them.

Jason Vermilyer stated okay. Yes.

Ernie Schmidt stated then he doesn't have to come back here.

Jason Vermilyer stated okay. Yes.

Ernie Schmidt stated if he wants to be open on Saturday or Sunday, now is the time to tell them.

Jason Vermilyer stated he thinks in the business plan, he didn't grab a copy of that, he thinks he put that. . .

Melissa Mischke stated Monday through Friday four to eight-thirty (4 p.m. – 8:30 p.m.).

Jason Vermilyer stated okay. He didn't include his wife's morning classes. He is sorry about that. That was his mistake.

Melissa Mischke stated with everyone gone by nine (9) p.m. Saturday and Sunday ten to twelve (10 a.m. – 12 p.m.).

Jason Vermilyer stated yes. They run Saturday and Sunday's mornings only. During the week, he forgot to add her classes to it would be from eight in the morning (8 a.m.) until nine at night (9 p.m.). Sorry about that.

Ernie Schmidt stated no problem.

Eric Pointon stated he sees it is in the business plan. It is similar to the wrestling thing. They have light blocking and lighting for safety reasons.

Jason Vermilyer stated that there will be cameras all across the premises too.

Eric Pointon made a motion to approve the Petition for Variance of Use for Kay F Collins, Deborah S Van Wanzeele, Cindy L Wolavka, Alfred W Vollmer & Joyce Vansickle C/O Deborah Van Wanzeele (seller) and Jason Vermilyer (buyer) for operation of a jiu-jitsu club. Hours of operation at Monday - Friday 8 a.m. – 9 p.m. CST and Saturday – Sunday 8 a.m. – 12 p.m. This property is located behind 3466 N. 700 E., along E. 350 N., Rolling Prairie, IN., Wills Twp., zoned A on 2 acres.

Jeff Baltes seconded.

All Approved. Motion carries 5-0.

7. Petition for Variance of Developmental Standards for Larry Nickell & Suzanne M Davis Jtwros for placement of a second home to care for an elderly parent. Park model home with 408²' instead of 1,000²' minimum. This property is located at 3606 S. 925 E., Walkerton, IN., Lincoln Twp., zoned A on 7.327 acres. Parcel 46-12-22-300-013.000-055.

Attorney Biege stated notice is adequate.

Melissa Mischke stated thank you for your patience and letting them go ahead of them.

Larry Nickell stated his address is 3606 S. 925 E., Walkerton, IN.

Suzanne Davis stated her address is 3606 S. 925 E., Walkerton, IN.

Melissa Mischke stated she doesn't see a picture of what the structure might look like. Is it like one (1) of those prefabs?

Larry Nickell stated what it is, if they will, is a park model tiny home. They are looking at a handicapped model being built for her mother, she is ninety-two (92), for the end of her life. This is going to be temporary and it will be affixed to the ground. The model comes on axel and wheels and that is pulled out from underneath it as it is set on the foundation that they are going to have which is going to be packed gravel. The size is twelve by thirty-four (12' x 34'). Ernie was out there and saw where it will be set. It's going to set kind of at a forty-five-degree (45°) angle to the house, which they're going to then put walkways and so on to get to. It's very close proximity to their house.

Melissa Mischke stated so full bathroom, full kitchen.

Larry Nickell stated it is full everything. They're beautiful.

Suzanne Davis stated to answer her previous questions, they don't have a picture because they haven't ordered it yet. This was the first step.

Melissa Mischke stated okay. In her mind, when they drive by a campground, and they see those small modulars with the porch on the end, that is what she immediately went to.

Larry Nickell stated it is exactly kind of like that.

Melissa Mischke stated very good.

No remonstrators present.

Vern Schafer stated his questions is, like it is normally, is it going to have a separate electric service for this facility or will it go through the house?

Larry Nickell stated it is built as a plug-in. The electric is in when it gets there, like a plug-in and play kind of thing.

Vern Schafer stated so they're going to run off their house?

Larry Nickell stated they're going to run off a two-hundred (200) amp service to it, buried. The septic, they are alone now, all the kids are gone, so it is just the two (2) of them now so they have more than adequate septic and it's going to be roughly twenty-feet (20') from the septic tie-in.

Vern Schafer stated okay.

Eric Pointon stated he said it was temporary.

Larry Nickell stated it is. It's temporary.

Eric Pointon asked if he plans on selling it using it as shed or something.

Larry Nickell stated they're going to sell it after she's gone. That's the plan. Hopefully sell it.

Vern Schafer stated he might be moving in there if she gets mad at him.

Larry Nickell stated don't say that.

Melissa Mischke stated don't give her advice Vern.

Suzanne Davis stated it would be the pouting house.

Vern Schafer stated they always ask that these aren't rented properties after their use.

Larry Nickell stated absolutely not. No.

Eric Pointon made a motion to approve the **Petition for Variance of Developmental Standards for Larry Nickell & Suzanne M Davis Jtwros** for placement of a second home to care for an elderly parent. Park model home with 408²' instead of 1,000²' minimum. This property is located at 3606 S. 925 E., Walkerton, IN., Lincoln Twp., zoned A on 7.327 acres.

Jeff Baltes seconded.

All Approved. Motion carries 5-0.

8. Petition for Special Exception for William A & Brynda K Abercrombie for the keeping of four (4) hens. This property is located at 5095 W. Schultz Rd., LaPorte, IN., Center Twp., zoned R1B. Parcel 46-06-18-226-020.000-042.

Attorney Biege stated notice is adequate.

Will and Brynda Abercrombie stated their address is 5095 W. Schultz Rd., LaPorte, IN.

Melissa Mischke stated okay, so they want some hens?

Brynda Abercrombie stated yes.

Melissa Mischke asked what they are going to use the hens for?

Brynda Abercrombie stated hens. Currently, they already have the hens. They previously lived at 711 E. Jefferson in LaPorte City and then moved to Schultz Road and realized they were not allowed to have the hens.

Melissa Mischke stated okay. There's four (4)?

Brynda Abercrombie stated yes.

Melissa Mischke stated okay. No roosters?

Brynda Abercrombie stated they did have a rooster, but they got rid of him.

Will Abercrombie stated it was a surprise.

Melissa Mischke stated they must have gotten their chickens from Tractor Supply.

Brynda Abercrombie stated yes.

Will Abercrombie stated Rural King.

Vern Schafer stated they don't get too many eggs from the rooster anyway.

Melissa Mischke stated no. So, are their kids involved with 4-H at all?

Brynda Abercrombie stated they're foster kids. They took them to the fair for the first time in their lives this year. They really loved the animals. If that's something they would express interest in, they want to be able to invest in it.

Melissa Mischke stated she is curious, is their run covered.

Brynda Abercrombie stated yes. When Erie visited, there was a portion that was uncovered which she took pictures, but they're not the best.

Eric Pointon stated they have one (1).

Melissa Mischke stated they have one (1).

Brynda Abercrombie stated okay. There was a portion that was uncovered and they have covered that.

Melissa Mischke stated that is a tiny chicken coop and run.

Brynda Abercrombie stated she knows.

Jeff Baltes stated it's cute, isn't it?

Melissa Mischke stated it is cute. It smells better.

Remonstrators:

Nicci Hernandez stated she lives next door at 5111 W. Schultz Rd., LaPorte, IN. She is here in support of the chickens.

Melissa Mischke stated wonderful.

Nicci Hernandez stated she'd support the rooster too.

Melissa Mischke stated not all the neighbors do. It's ironic. Okay. Thank you very much. She loves positive remonstrance.

Michael Polan stated Madam President, they also have written remonstrance which was supplied to the Board and it will be on file in the Building Department.

Melissa Mischke asked if that is positive remonstrance or negative?

Eric Pointon stated it was negative.

Melissa Mischke stated it is negative. It was that they're noisy and things of that nature.

Michael Polan stated correct.

Melissa Mischke stated okay.

Ernie Schmidt asked if these birds will be used for 4-H?

Brynda Abercrombie stated yes. If their kids are interested, they want to be able to invest in them.

Eric Pointon asked how many children they have?

Brynda Abercrombie stated three (3).

Eric Pointon made a motion to approve the **Petition for Special Exception for William A & Brynda K Abercrombie** for the keeping of six (6) hens. This property is located at 5095 W. Schultz Rd., LaPorte, IN., Center Twp., zoned R1B.

Jeff Baltes seconded.

All Approved. Motion carries 5-0.

Melissa Mischke stated good luck.

Brynda Abercrombie stated thank you so much.

Vern Schafer stated if they get two (2) more though, make sure it's not a rooster. No roosters.

9. Petition for Variance of Developmental Standards for Richard and Brookes Rogers for construction of a 2nd accessory structure. This property is located at 6874 W. Bleck Rd., Michigan City, IN., Coolspring Twp., zoned R1B on .797 acres. Parcel 46-05-12-102-011.000-046.

Attorney Biege stated notice is adequate.

Melissa Mischke stated Doug isn't even listening now. She did say they'll wait for the legal work. . . He heard chickens and he zoned out; she just wants everyone to know that.

Rick and Brookes Rogers stated their address is 6874 W. Bleck Rd., Michigan City, IN.

Melissa Mischke asked what they are going to use the second accessory structure for?

Brookes Rogers stated storage for their cars and mowers. If they look at their property, they have a couple of those tent buildings up presently because they just don't have enough storage.

Melissa Mischke asked what size are they talking about here?

Brookes Rogers stated they would like to do thirty by forty (30' x 40') if possible.

Melissa Mischke asked if that is going to be enough.

Brookes Rogers stated probably not. The neighbors were saying the bigger the better, but she didn't want to get too crazy. The neighbors have a thirty by forty (30' x 40') so she looked at their building and she thought that would work because they do have a garage and they do put stuff in there, but they are always having to move it out to move the next thing out.

Melissa Mischke stated right, they want to use their garage for their cars.

Brookes Rogers stated right. He has a classic car that right now is sitting behind the garage. They would really like to have that second building for storage.

Vern Schafer stated he is too young for a mid-life crisis car.

Brookes Rogers stated yes.

No remonstrators present.

Vern Schafer stated one (1) thing that they've had people talk about in the past, when they didn't have any idea about a building, all of a sudden, they want to have something that an RV will go in and they need it to be taller and then that requires another variance. So, he wants them to be aware that there are restrictions to how high they can go with this building under the current code. So, if they're ever thinking about going taller than whatever the restrictions are for eave height, then they're going to have to come back to get another variance.

Brookes Rogers stated they do have a camper, but they really didn't consider putting that there because it takes up space for their building.

Eric Pointon stated they're probably only going to build it once.

Brookes Rogers stated she is sorry.

Eric Poinotn stated they're only going to build it once. So, what is the height they're looking at right now?

Brookes Rogers stated they don't know. She was thinking fourteen feet (14'), but if there are restrictions, what's the highest they can go?

Michael Polan stated it is much higher than that so she is fine at fourteen feet (14').

Brookes Rogers stated they talked about if they wanted to put the camper in there, but then they would be taking half of the building and they want it for storage.

Jeff Baltes stated bigger.

Eric Pointon stated or a car life in the future if they wanted a tall building.

Brookes Rogers stated now with that can of worms, he might think of it.

Michael Polan stated if you do want to ask to go with like twenty-three feet (23') height, now is the time.

Brookes Rogers asked if they were granted twenty-three feet (23'), but they decided not to really go that high, but it is just there in case they decided. Are they allowed to do that?

Melissa Mischke asked Attorney Biege if they need to re-advertise if it is exceeding the height?

Attorney Biege stated he thinks it is just an amendment. It's on the same structure. And ma'am now. If they grant twenty-three feet (23') she doesn't have to build to twenty-three feet (23').

Brookes Rogers asked if they can do that then.

Vern Schafer stated this is peak. This isn't eave height; this is peak height. So, obviously the wider the building the pitch of the roof goes up, but they can give them that maximum and they can go from there.

Ernie Schmidt made a motion to approve the Petition for Variance of Developmental Standards for Richard and Brookes Rogers for construction of a 2nd accessory structure with a max height of 23'. This property is located at 6874 W. Bleck Rd., Michigan City, IN., Coolspring Twp., zoned R1B on .797 acres.

Eric Pointon seconded.

All Approved. Motion carries 5-0.

3. 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. **TABLED FROM AUGUST**

Vern Schafer asked if she was notified.

Ashley Kazmucha stated she called twice and left voicemails.

Melissa Mischke stated let's just leave it on the table until the next meeting.

Vern Schafer asked if that requires a motion to table it again.

Melissa Mischke stated no, it is currently on the table. They didn't remove it from the table so it can stay there.

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

Attorney Biege stated he is sorry about the slow trigger on the publication. He doesn't know what his deal is.

Jeff Baltes stated obviously, he wasn't in a hurry to get out of here this evening.

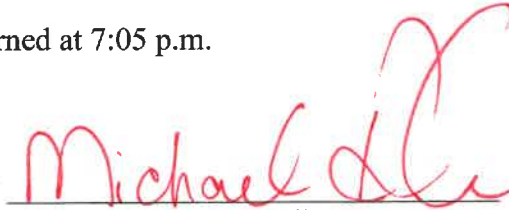
Attorney Biege stated actually, the Board moved at a nice pace tonight. Thank you very much.

Michael Polan stated in closing for people that appeared tonight for a couple other petitions that were prior approved, if anyone is interested in viewing those prior proceedings, they are on their YouTube channel, the county YouTube channel. So, anyone can go back to that and look at the question and answer, the deliberation and the approval, which would include the presentation. And also, any documents, including findings of fact relative to those decisions are on file in the Building Department and are public record. That's all he has. Thank you very much.

There being no further business, meeting adjourned at 7:05 p.m.



Melissa Mullins Mischke, President



Michael Polan, Recording Secretary