



# **LAPORTE COUNTY BOARD OF ZONING APPEALS**

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**Michael Polan**  
Building Commissioner

October 21<sup>st</sup>, 2025

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **October 21<sup>st</sup>, 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 September 16<sup>th</sup>, 2025.

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

Ernie Schmidt seconded.

Melissa Mischke stated thank you, Ashley; she did an outstanding job on them

All Approved. Motion carries 5-0.

Melissa Mischke stated they are going to start with Petitions this evening. She wants to remind everybody that Board of Zoning Appeals does not have a public comment portion. The time for public to speak is if they are going to remonstrate in favor or against a Petition. There will not be a segment at the end of Petitions for the public to just come up and speak. During the Petition that they want to speak about, they will come up and everybody gets three (3) minutes. Okay.

## **Petitions:**

**1. Petition to Extend Approval Period Deadline for Previously Approved Special Exception Use for Ridgeway Power, LLC and Orion Power Generation, LLC represented by counsel Anthony Novak of Newby, Lewis, Kaminski, and Jones,**

**LLP.** Initial approval was granted September 20, 2022. This property is located southwest of the intersection of I-94 and US 421, Michigan City, IN., Coolspring Twp., zoned B3 on 11.26 acres. Parcel 46-05-18-300-023.000-046.

**REMONSTRANCE WILL NOT BE ALLOWED AS THIS IS AN ADMINISTRATIVE DECISION ONLY.**

Attorney Biege stated notice is adequate.

Melissa Mischke stated this petition, for the edifice of the audience, is going to be kind of administrative. It was a previously granted petition so all they're going to do is vote on whether or not they will extend it or not. They are not going to hear any remonstrance or anything else. What is the pleasure of the Board?

Vern Schafer stated this is similar to what they did last month.

Attorney Biege stated it's almost exactly the same, just a different location.

Vern Schafer asked how long did they extend the one (1) for last month.

Eric Pointon asked what they are asking for.

Anthony Novak stated the approval period is currently January 1<sup>st</sup> of 2026. They are asking that the approval period be extended to the exact same deadline that was granted last month or the month before which was September 30, 2029.

Melissa Mischke stated she is going to interrupt him and ask him to state his name and address for the record.

Anthony Novak stated excuse him. He is Anthony Novak and is an attorney with Newby, Lewis, Kaminski, and Jones in LaPorte at 916 Lincolnway. He is representing Ridgeway Power and Orion Power Generation. With him tonight is Turner Hunt who is the permit lead for this project.

Vern Schafer stated the extended time that they approved last month was what?

Anthony Novak stated September 30, 2029.

Vern Schafer stated September 30, 2029. He got the feeling that to the Board that was a long time, but it seems like the wheels of bureaucracy turn very slowly.

Anthony Novak stated it was actually fortunate to them. They had requested to January 1, 2029 he believes, but he indicated with all the deadlines he would like to give them more time so they didn't have to come back again. That is the exact same request and as Doug indicated, when they did this three (3) years ago, there were two (2) locations. He was here the other time for the other location. Now this is the last request he would make.

Eric Pointon stated he believes they just stated to check in with Mike's office once a year and give an update as to how it is going.

Anthony Novak stated yes, absolutely. That would be no problem.

Vern Schafer made a motion to approve the **Petition to Extend Approval Period Deadline for Previously Approved Special Exception Use for Ridgeway Power, LLC and Orion Power Generation, LLC represented by counsel Anthony Novak of Newby, Lewis, Kaminski, and Jones, LLP.** Initial approval was granted September 20, 2022. Extension is granted through September 2029. Yearly updates must be given to the Building Commissioner's Office. This property is located southwest of the intersection of I-94 and US 421, Michigan City, IN., Coolspring Twp., zoned B3 on 11.26 acres.

Ernie Schmidt seconded.

All Approved. Motion carries 5-0.

**2. Petition for Variance of Developmental Standards for Aaron and Megan Johnson represented by counsel Ralph Howes of Howes & Howes, LLP** to construction a garage with living quarters on the second floor with a front lot setback of 15' from 25', side lot setback of 7' from 10', and rear lot deviation from waterway setback of 25'. This property is located approximately 100 yards east of the intersection of Oak Drive and Island Drive., LaPorte, IN., Center Twp., zoned R1B. Parcel 46-06-27-326-004.000-042.

Attorney Biege stated notice is adequate.

Ralph Howes stated he is an attorney with Howes & Howes, LLP here in LaPorte, IN.

Melissa Mischke asked Ralph to explain the situation that it needs all of these variances for setbacks and the plans for the living quarters.

Ralph Howes stated yes, certainly. He is pleased to be able to represent Aaron Johnson and his wife Megan. Aaron is sitting here in the front row. Aaron presently lives in Ann Arbor, Michigan, however he has a residence that he built several years ago at 339 Oak Dr. just down the street from this location. That property is such that there is no room for a garage at that location. Aaron purchased the property at 313 Oak Dr. which is directly across the street from the subject property a couple years ago and then also purchased the lot that is the subject of this zoning request. The property is presently zoned R1B. Mr. Johnson desires to construct a garage with living quarters on the second floor. He is requesting several variations from the Developmental Standards. He is requesting a deviation to fifteen feet (15') from twenty-five feet (25') from the front lot setback. Side lot setback from ten feet (10') to seven feet (7'). Rear lot deviation from the waterway setback of twenty-five feet (25'). If they were to examine this property and impose all of the restrictions for the twenty-five-foot (25') setback and the fifty-foot (50') waterway setback, it would leave Mr. Johnson with about five-feet (5') in the middle of this

lot that would not be subject to the controls of the variance. There are a number of projects that have gone on in the vicinity that required variances for all of them, particularly the front lot setback. He has some photos that he would be happy to share with the Board that shows the width of the roadway, the subject property, the fact that there are numerous NIPSCO utility poles that are almost at the edge of the pavement so if there are concerns about him having a building with fifteen feet (15') off the roadway, there are plenty of other obstructions there that are a lot closer to the roadway than this. May he approach?

Melissa Mischke stated they will take a look at the photos.

Ralph Howes stated he knows that there are concerns out on the island that there has been a proliferation of Airbnb's. He believes Mr. Johnson is willing to enter into some restrictions for a period of time that that would not be the case, that he would not use that. He has two (2) children and his long-range estate planning is that he would have two (2) homes or two (2) properties to eventually provide for his children who may want to come back and be close to their parents. Would they allow his client to also make some comments.

Melissa Mischke stated she would.

Ralph Howes stated thank you.

Melissa Mischke asked him to stated his name and address for the record.

Aaron Johnson stated he has a residence at 339 Oak Dr., LaPorte, IN. His permanent residence is at 4520 Songbird Springs, Ann Arbor, MI. He is a lifelong LaPortean. He grew up in LaPorte. Graduated in LaPorte. Thank you for the opportunity to the BZA for tonight. He has lived and owned homes on Pine Lake for thirty-seven (37) of his forty-four (44) years on this planet. This is the third home he is attempting to build on Pine Lake. He knows it is difficult. Not many people have probably spent more time on the water of Pine Lake. He's one (1) of those crazy guys that is out there skiing at five-thirty in the morning (5:30 am). Fish. Pontoon Boat. He respects everything about this lake. It has been home to him almost his entire life. He would never do anything to harm the quality of life on the lake. In about 2010, he built a home on Lakeside Street which is in the City limits of LaPorte in front of where the condos are. He had to get variances back then. Because of a career opportunity, he had to relocate to Toronto, Canada where he lived for five (5) years so he sold that home and immediately regretted not having a home in LaPorte and two (2) months later he bought a lot at 339 Oak Drive in LaPorte. It's in the County on the island. Within a year, they had torn it down and rebuilt a four (4) bedroom, four (4) bath single-family home that they used as a cottage. They would come back from Toronto maybe five to six (5 – 6) weeks a year, whenever possible, to stay there. Because that lot was also fifty-feet (50') wide they had to have setbacks and variances. They are also fifteen feet (15') off the road at that location; it has provided zero problems in the eight (8) years he has lived there. Actually, because they paved the apron, their driveway is what is used for a lot of vehicles to pass and they would be building a very similar setup at this new location. Because the lot was small, they chose to build the four (4) bedrooms and four (4) baths because they have multiple children. They had to do away with plans for a garage. There wasn't enough space for a house and a garage. Over that period of time, he has saved his money, he bought another lot. That lot is

the same or similar size as the original lot. Now the plan is to build a three (3) car garage with a living quarters up above it. Some place to store cars. He has two (2) boats; it is a place to store the boats. All the rafts. They have a golf cart; it is kind of like a golf cart community in that area which is very common. They have no place to store any of those types of items. He is also in the position where he can work from home a lot. He will be building the upstairs out as livable quarters with two (2) bedrooms, one (1) bath, but mostly it will serve as his office quarters. It is where he will work from home.

Melissa Mischke asked what it will serve as when he is not using it as his office?

Aaron Johnson stated it will be vacant just like his current cottage. Any concerns about short-term rentals, he has owned the current cottage he is in for eight (8) years. Five (5) of those years he lived in Toronto and would use this residence maybe six (6) or seven (7) weeks a year and he never rented it one (1) single time. If he wanted to rent it, he would have started a long time ago. It sits there vacant. He makes zero (0) income. He has made zero dollars (\$0) the entire time he has ever owned that residence. Never rented it one (1) single time and he has zero (0) plans to. His wife is against other people sleeping in their beds so she is the boss. If there is a problem with a fifteen-foot (15') setback, he has enough space, the whole structure could move back two to three feet (2' - 3'). It would encroach on the water than much closer, but he needs to maintain the forty-two feet (42') of depth to accommodate the length of a pontoon boat on a trailer. That measures at thirty-eight feet (38') so that is the reason for the depth behind it. He would have to get a variance for anything he builds as Mr. Howes said, he only has five feet (5') of buildable space that doesn't require a variance. He went out yesterday with a laser tape so he didn't encroach on anybody's property; there are one hundred and eight (108) homes on the island. Thirty-two (32) of them have setbacks of fifteen feet (15') or less. Multiple of those are ten feet (10') or less and some as minimum, which he knows one (1) of the remonstrators on there, Norm, his house is four-feet-five-inches (4'5") from the edge of the road. This is very common in that area. It is consistent with the rest of the neighborhood. About one (1) out of every three (3) homes has a setback of fifteen feet (15') or less and to his knowledge it hasn't provided a problem. He has hired Brian Ford to be the general contractor. He thinks he is one (1) of the finest craftsmen in LaPorte County. He has built three (3) other homes for him and his wife. He has built some of the other beautiful homes for Dr. Kesling. He built the most beautiful home on Pine Lake, he thinks, is Tom and Marti Swanson; he built their home. He does excellent work. They will use excellent building materials. It will be natural cedar shake siding with a chalet-style roof with exposed cedar beams. If anything, it will improve the look of the neighborhood and clean up the area. That's what they intend to do.

Melissa Mischke stated thank you. She is going to say this, if she hasn't said it once on her tenure on this Board, she is going to say it again; she is not in favor of building right up to the property lines whether it's the island or it's Saugany Lake or anywhere else there are water features. Just because they have always done it, doesn't mean it's a practice that they want to continue. That's all she has to say. They do have some written remonstrance that will be on file at the Building Commissioner's Office if they would like to read it.

**Remonstrators:**

Attorney Adam Sworden stated he is with Sworden Law, P.C. at 337 W. 806 N., Valparaiso, IN. He is here on behalf of multiple persons remonstrating against this, first of which is Denny Follis at 314 Oak Drive. He is also here on behalf of Lisa Massey, the representative for Pine Lake Conservancy District. The application in front of them is for a garage with living quarters. In a R1B zone per their chart, a garage is determined by Section 16 of their code as an accessory structure. That would make this an accessory dwelling unit with the living unit in R1B which is a Special Exception. They didn't apply for that. He knows that the attorney stated that maybe sometime down the road they may rent it. The owner said he wouldn't. If they consider approving it, they need to put that restriction in place as a condition. If not, also is a Special Exception in that district is Bed and Breakfasts and rentals. That is one (1) of the big issues which he is sure a lot of people are going to have tonight. In addition to that, this is a legal non-conforming lot. Minimum width requirement is seventy feet (70'). The drawing they have from the Petitioner in their packet shows fifty feet (50'). The other issue is when they look at the net buildable area, it is like point-zero-seven (.07) acres. Square footage wise it is a little bit over three thousand square feet (3,000<sup>2</sup>). That is what he has to build on. When they look at the ratio area of the density, they do the math, it is less than one (1) unit per acre. They round that down, he is sure their staff and planning will confirm this, they can't build on the lot. At least not a building. In addition to the three (3) variances that he has before you, there are nine (9) others. They all come from things that he has already stated; one (1) that minimum lot width that is a variance under 4.03 of their code. There is a lot under 16.02 which is their Accessory Structure which one (1) is that there has to be a residence. If this is a garage, it is not a residence; that is one (1) variance. The next is an accessory structure can't be in the front yard; well, it is in the front yard because it's the only place to put it. That is another. He has to meet per Section 16 as an accessory structure all of the setbacks. That is yet another variance. The height for an accessory structure is limited to one (1) story or eighteen feet (18'); he hasn't asked for that. The other thing is that the use cannot be for residential, so there is yet another variance related to potential residential use both as he intends to use it and also potentially from the attorney's comment that in the future, he may rent it. They already covered the lot coverage. The other issues are the Special Exceptions which he identified earlier which piggybacks into Article 24. He has here an email from Lisa from the Pine Lake Conservancy. Their technicians looked at this, his client is on the same connection. Without any full detailed drawings, their concern is, and they are already at capacity where he would potentially connect to, he will give them a copy of it, they used his client's address because he is immediately east because there is no address for this location. They have to do everything by address. He hopes that they strongly consider denying this tonight because the hardship isn't there and that is also a statutory element codified in their zoning ordinance. With that, he will distribute the email.

Brandon Jones stated his address 1 Elm Place, LaPorte, IN on the island. He doesn't know the details. He learned a lot by sitting here, but he has come to show his support. Aaron has been a friend and a neighbor. He knows what he builds is going to be nice for the neighborhood if he gets that opportunity. He is certain it would never become a rental if that is a factor whatsoever. He just wanted to show up and show his support.

Doug Stephani stated his address is 108 N. 400 W., LaPorte, IN. He owns a piece of property probably within a hundred feet (100') of the proposed lot that Aaron has. He would not be against what he wants to do. He thinks it would be an improvement.

Stan Lanski stated his address is 337 Oak Dr., LaPorte. Aaron Johnson is his neighbor. He knows for a fact he would not do anything to harm the lake or anything. He has done fabulous work next door to them and improving the neighborhood and the whole area. He would recommend, whatever he is asking, he has good intentions for everybody there for an improvement. Thank you.

Eric Pointon stated his question is, did he state that there would potentially in the future be a rental and he is saying no rental ever.

Aaron Johnson stated it will not be a rental.

Eric Pointon stated ever.

Aaron Johnson stated no. There are zero (0) intentions of any rental.

Eric Pointon stated he thought the way it seemed but Ralph mentioned it.

Aaron Johnson stated he was referencing that this is a home. They are building a home.

Vern Schafer stated it just has the garage beneath.

Aaron Johnson stated yes. The dwelling is on the second level, but they are building a residential unit.

Vern Schafer stated he understands how small these lots are and how difficult it is to build on them. The question that he has is that they have this letter from the Conservancy District about the fact that the pit that they would need to hook into is full. What are they talking about in this letter?

Aaron Johnson stated the island has City sewer, but well water so they would dig their own water so they would be pulling resources off the City because it would be a well and they would tie into the City sewer. Last he checked, there was capacity in the City sewer system to add one (1) more home unless the City sewer system is at total complete capacity and no more homes can be built in LaPorte.

Vern Schafer stated but these homes all have wells.

Aaron Johnson stated every home on the island has a well.

Vern Schafer stated but they have City sewer.

Aaron Johnson stated City sewer was just installed a few years ago.

Ralph Howes stated it is in the Pine Lake Conservancy District.

Aaron Johnson stated yes and they pay their own separate taxes into it, but it is tied into the City sewer system.

Ashley Kazmucha asked may I.

Melissa Mischke stated yes, please.

Ashley Kazmucha stated even if this is granted, she is not giving him a permit unless he gets a sign-off from the Conservancy District.

Melissa Mischke stated she agrees and the LaPorte Wastewater Plant as well.

Vern Schafer stated this is beyond their control.

Aaron Johnson stated yes.

Eric Pointon stated they allow people to do the same thing. They had this conversation before that they have a difference of opinion on this matter.

Eric Pointon made a motion to approve the Petition for Variance of Developmental Standards for Aaron and Megan Johnson represented by counsel Ralph Howes of Howes & Howes, LLP to construction a garage with living quarters on the second floor with a front lot setback of 15' from 25', side lot setback of 7' from 10', and rear lot deviation from waterway setback of 25'. This property is located approximately 100 yards east of the intersection of Oak Drive and Island Drive., LaPorte, IN., Center Twp., zoned R1B.

Jeff Baltes seconded.

Melissa Mischke stated she has a question on the motion. Does he want to include no renting.

Eric Pointon stated he feels that it would appease his neighbors.

Aaron Johnson stated he doesn't know from ten (10) years from now if his kids are going to want to live there.

Eric Pointon amended his motion to approve the Petition for Variance of Developmental Standards for Aaron and Megan Johnson represented by counsel Ralph Howes of Howes & Howes, LLP to construction a garage with living quarters on the second floor with a front lot setback of 15' from 25', side lot setback of 7' from 10', and rear lot deviation from waterway setback of 25'. No short-term rentals for ten (10) years. This property is located approximately 100 yards east of the intersection of Oak Drive and Island Drive., LaPorte, IN., Center Twp., zoned R1B.

Approved. Motion carries 3-2.



**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 this petition was tabled from last month and tabled from the month before that. She understands they have not been able to get in touch with the Petitioner.

Michael Polan stated correct.

Melissa Mischke stated she will suggest they remove them from the Agenda and they will need to come back to the Board.

Eric Pointon asked if they need to untable it.

Melissa Mischke stated yes.

Eric Pointon made a motion to untable 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.

Ernie Schmidt seconded.

All Approved. Motion carries 5-0.

Melissa Mischke stated they have not been able to get ahold of the lady that had applied and she thinks that they have given her ample opportunity to come back in front of them so she would like to remove it from the Agenda.

Vern Schafer made a motion to remove from the Agenda 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.

All Approved. Motion carries 5-0.

**4. Petition for Variance of Developmental Standards for Alfred & Adrienne Laskoske** for placement of a shipping container for storage. This property is located at 2778 N. 725 W., LaPorte, IN., Coolspring Twp., zoned R1A on 2.66 acres. Parcel 46-05-23-200-087.000-046.

Attorney Biege stated notice is adequate.

Alfred Laskoske stated his address is 2778 N. 725 W., LaPorte, IN. He is here speaking on behalf of his wife Adrienne Laskoske and himself.

Melissa Mischke stated let's talk about the shipping container.

Alfred Laskoske stated yes.

Melissa Mischke asked if he has already purchased a shipping container.

Alfred Laskoske stated no, ma'am.

Melissa Mischke stated that's good.

Eric Pointon stated thank you for that.

Alfred Laskoske stated the seven (7) P's of the Marine Corps: Prior Proper Preparation Prevents Piss Poor Production.

Melissa Mischke stated she would like to hire him at her job.

Alfred Laskoske stated he follows the proper procedures, ma'am.

Attorney Biege stated he has to say, he was in the Marine Corps for six (6) years and he doesn't think he was in the infantry like he was.

Alfred Laskoske stated Rule 311, sir. *Woof!* Semper Fi.

Attorney Biege stated there you go.

Melissa Mishke stated she just wants to know how she is going to put the dog sounds in their meeting minutes for next month.

Alfred Laskoske stated he apologizes for that.

Melissa Mischke stated no, not at all.

Alfred Laskoske stated they always bark. They are the only service that does.

Melissa Mischek stated so he has not purchased a storage container. Is there a lot of stuff in the yard?

Alfred Laskoske stated some.

Melissa Mischke asked what they are going to do.

Alfred Laskoske stated that is what he is going to do, ma'am.

Melissa Mischke asked if he is going to make his wife happy?

Alfred Laskoske stated she has no concept. He raises beef for both sides of their family. He doesn't make a profit off of it. He just makes sure both sides of his family are fed. In doing so, he purchased a tractor from Rural King. He has a quad. He has four (4) lawnmowers because they also own the house next door.

Melissa Mischke stated it has a lot of stuff.

Alfred Laskoske stated yes. He turns around and makes sure that the grass is mowed too. He has had them outside for a minute and they are starting to get a little bit messed up so he would like a shelter for the mechanical things that he has to save them; they will last longer. If they need him to do something with the container as in paint it or siding, he will make it happen.

No remonstrators present.

Melissa Mischke stated her first question is why not build a garage.

Alfred Laskoske stated he checked into that, ma'am. Typically, they are looking at ten to fifteen grand (\$10,000 - \$15,000) for about the same thing and it is made of wood and a little bit of concrete. This thing is made of steel with a life expectancy of forty to fifty (40 – 50) years.

Melissa Mischke stated he is going to buy a first-run.

Alfred Laskoske stated yes, ma'am. Brand new. He is not buying seconds. He is not going to do that to the neighborhood. Across the street from him, the guy has known him literally since the day he was born. He is a retired County Seargent Marvel. They have Sheriff Arnold at the other end. He has an MCPD Captain living across the street and over two (2) doors. Everybody has given him their blessing.

Vern Schafer stated his problem with storage containers is this and then he might even agree with him, they are narrow and long so they are a hallway. They are not like a building where they can actually move things around. Once they get it in the back, they can't get at it so it's a matter of moving stuff around. What kind of stuff is he talking about putting in there? Lawnmowers and things?

Alfred Laskoske stated yes. The container is eight feet (8') wide and ten feet (10') tall. The mowers are four feet (4') wide.

Vern Schafer stated they have a storage container that they use for 4H stuff and usually the stuff they need is in the back so they have to move all the stuff out of the front to get to it.

Alfred Laskoske stated on the Corps, there is not going to be boxes or knick-knacks. It will have a quad, four (4) lawn tractors, a garden tractor, and a small jeep, the wife's.

Vern Schafer stated so it has movable things on wheels.

Alfred Laskoske stated right. All of them, sir.

Vern Schafer stated he thinks he may want to reconsider as far as using that rather than a garage.

Melissa Mischke asked if he thinks it might be more hassle than it's worth.

Vern Schafer stated he thinks it would be better to have a building that has more of volume or width along with the length.

Alfred Laskoske stated as he stated a minute ago, he owns the home next door that has a two (2) car garage to it that is his. That is why he said he already made sure that he covered all his bases before he came here with them. He did not under any circumstances want to waste their time. He wanted to make sure everything was factual and get everything correct for them first.

Jeff Baltes made a motion to approve the Petition for Variance of Developmental Standards for Alfred & Adrienne Laskoske for placement of a shipping container for storage. This property is located at 2778 N. 725 W., LaPorte, IN., Coolspring Twp., zoned R1A on 2.66 acres.

Alfred Laskoske asked if he can describe the foundation, sir?

Melissa Mischke stated he can get in touch with the Building Department.

Alfred Laskoske stated okay. Outstanding. He appreciates it.

Eric Pointon seconded.

Denied. Motion carries 2-3.

Melissa Mischke stated his Petition failed.

Alfred Laskoske stated because.

Melissa Mischke stated because three (3) of them voted no.

Alfred Laskoske stated oh. He didn't hear that.

Melissa Mischke stated he can reapply in a year. Or if he was to come back to the Building Department with other options, that is something they could explore with him. Unfortunately, the storage container is not going to work.

Alfred Laskoske stated okay. All right; he appreciates their time.

Melissa Mischke stated thank you.

Eric Pointon stated thank you.

**5. Petition for Variance of Developmental Standards for G Larsen & Jaunda L Kneller** for construction of a home with a front setback of 2.4' instead of the minimum required 25' and a waterway and wetland setback of 25' instead of the minimum required 50'. This property is located at 110 Nilewood Dr., LaPorte, IN., Center Twp., zoned R1B. Parcel 46-06-28-426-009.000-042.

Attorney Biege stated notice is adequate.

G Larsen Kneller stated his address is 3018 W. Small Rd., LaPorte, IN.

Melissa Mischke asked what is unique about his property that they need these setbacks?

G Larsen Kneller stated it is mainly the size due to the fact that it is on the lake.

Melissa Mischke stated he is going to have a residence in this small space.

G Larsen Kneller stated correct; thirteen-hundred square feet (1,300").

Melissa Mischke asked is the proposed home, thirteen-hundred (1,300)?

G Larsen Kneller stated yes, on the first level.

No remonstrators present.

Vern Schafer stated he needs a little clarification. Is he currently living there.

G Larsen Kneller stated no. Currently, there is a garage there that does have a bathroom.

Vern Schafer stated he wants to tear that garage down.

G Larsen Kneller stated correct.

Vern Schafer stated then build a house.

G Larsen Kneller stated correct.

Vern Schafer asked if he has plans for this house?

G Larsen Kneller asked stated yes, he does. He can provide those.

Melissa Mischke stated if he would, please.

*G Larsen Kneller approaches with a site plan for the Board.*

Ernie Schmidt asked if he is reading this correctly. He wants to be twenty-eight inches (28") from the edge of the road.

G Larsen Kneller stated no. They are actually nine feet (9') to the edge of the road.

Ernie Schmidt stated two-point-four inches (2.4").

Jeff Baltes stated two-point-four feet (2.4').

G Larsen Kneller stated they did measure to the edge of the road and it's nine feet (9'). He thinks the neighbors house is eleven feet (11') from the edge of the road.

Melissa Mischke asked if this is going to be a full-time home for them.

G Larsen Kneller stated yes. Well, it's for his mother actually and a lake cottage for them and his children.

Jeff Baltes stated the two-point-four feet (2.4') is the only thing; he wouldn't mind seeing that a little bit bigger.

Vern Schafer stated they will have to make that clarification that it is nine feet (9') from the road right-of-way or the actual street.

G Larsen Kneller stated the road.

Melissa Michke stated the edge of pavement.

G Larsen Kneller stated right.

Jeff Baltes stated the two-point-four (2.4) goes from. . . it's not the road, it's the easement, correct? From the property line.

Ernie Schmidt asked if he will have room there to park a vehicle when it is built.

G Larsen Kneller stated yes. If they can see, he has the driveway on the drawing and it's actually similar to where the driveway is now; it will just curve to the right rather than go straight into the garage.

Vern Schafer asked him to come forward and give him a bit of clarification.

G Larsen Kneller stated sure.

Vern Schafer stated this garage is going to disappear.

G Larsen Kneller stated right.

Vern Schafer asked how close will the house come to the line.

*G Larsen Kneller indicated where on the aerial.*

Vern Schafer stated a little closer than his neighbor's house.

G Larsen Kneller stated yes, right.

Vern Schafer asked if there is any way they could get that back to about fifteen feet (15') rather than nine (9')?

Eric Point stated he is asking for twenty-five (25') from the waterfront instead of fifty (50') so then he will be closer to there.

G Larsen Kneller stated they could move the house back or they could make the garage smaller.

Vern Schafer stated they obviously don't want to cramp their vehicles, but he is wondering if it is better to encroach on the lake rather than the street. That is what he is saying for the front of the house.

G Larsen Kneller stated they are not opposed to that at all.

Vern Schafer stated if they could modify that variance to say that they are fifteen feet (15') from the pavement and extend it back whatever it would take. It would be an additional six feet (6').

G Larsen Kneller stated it would be about six feet (6'). As it's written, they are nine (9') from the pavement, so if they move the whole structure back six feet (6') they would be fifteen feet (15').

Vern Schafer stated exactly, but then they would have to change the setback in the back by six feet (6').

G Larsen Kneller stated right, by six feet (6').

Vern Schafer asked if they are agreeable to that?

Jeff Baltes stated he is fine with that.

Eric Pointon stated he is fine with that.

Ernie Schmidt stated he is agreeable with that.

Vern Schafer stated he thinks that would be a little better from the front.

Eric Pointon asked if he wants to make a motion?

Vern Schafer stated yes, if they are ready to entertain one (1).

Melissa Mischke asked Attorney Biege if that is clear if they make that as a motion.

Attorney Biege stated yes. So, in the front, what are they going to end up with?

Vern Schafer stated in the front, instead of nine (9') it would be fifteen feet (15') from the pavement.

Attorney Biege stated okay, so they don't need a variance there, right?

Vern Schafer stated they would just be pushing it back.

Melissa Mischke stated correct, but the back.

Eric Pointon stated they would need a variance from the water.

Vern Schafer stated from the waters' edge.

Attorney Biege asked how close are they to the water?

Melissa Mischke stated she is not convinced that setback is correct.

Jeff Baltes stated it has to be listed as a property line setback. So, from the two-point-four (2.4) it would end up going to. . .

Vern Schafer stated so the two-point-four (2.4) is the actual property line so they are talking about going back an additional six feet (6') from that two-point-four (2.4) so it would be eight-point-four (8.4) from the property line. Is that correct?

Melissa Mischke stated that is not fifteen (15').

Vern Schafer stated it's not, but it would be fifteen feet (15') from the pavement. He is told that it is so far from the pavement, so they could make it an extra six feet (6') back from where it is. Yes, it would be eight-foot-four (8'4") and encroach another six feet (6') on the waters' edge. He's going to be living there so he thinks he would appreciate the fact that they don't want to dump up the community obviously, but he thinks having it too close to the street ruins the appearance of things.

Eric Pointon asked if that is an actual motion or does he need to make a motion?

Attorney Biege stated he wants to hear the work motion.

Vern Schafer stated he wanted to get clarification before he actually stated a motion.

Ernie Schmidt stated if they make a motion to move this structure back six feet (6') from the two-point-four (2.4) property line, would that work?



G Larsen Kneller stated yes.

Ernie Schmidt made a motion to approve the Petition for Variance of Developmental Standards for G Larsen & Jaunda L Kneller for construction of a home with a front setback of 8.4' instead of the minimum required 25' and a waterway and wetland setback of 19' instead of the minimum required 50'. This property is located at 110 Nilewood Dr., LaPorte, IN., Center Twp., zoned R1B.

Eric Pointon seconded.

Approved. Motion carries 4-1.

Melissa Mischke stated good luck.

G Larsen Kneller stated thank you.

Melissa Mischke stated that was clear as mud.

Vern Schafer stated she is having a bad day, isn't she?

Melissa Mischke stated she is on the struggle bus tonight.

**6. Petition for Variance of Developmental Standards for Leon and Patricia Clark** for placement of 3 semi-trailers for storage. This property is located at 1206 W. 850 S., Union Mills. IN., Noble Twp., zoned A on 2.44 acres. Parcel 46-14-14-400-018.000-056.

Attorney Biege stated notice is adequate.

Leon Clark stated his address is 1206 W. 850 S., Union Mills, IN.

Melissa Mischke asked if there are already semi-trailers out there for storage?

Leon Clark stated yes.

Melissa Mischke asked if they are the ones he is asking them for?

Leon Clark stated yes.

Melissa Mischke asked how long have they been there.

Leon Clark stated for a long time. When he moved in, in 2000, he owned a trucking company and there has been semi-trucks and trailers in and off of that property ever since. The three (3) he has now have been there since 2013 and he has been using them for storage of vehicle parts, building products such as OSB board and stuff he has to keep clean and dry.

Melissa Mischke asked if he got a notice that he needed to get a variance?

Leon Clark stated until his neighbors started whining, nobody said nothing.

Melissa Mischke stated okay.

Leon Clark stated like he said, there have been semi-trucks and trailers in and off this property ever since 2000.

Melissa Mischke stated he sure does have a lot of stuff out there.

Leon Clark stated thank you.

Melissa Mischke asked if there are any thoughts of building a garage or a larger structure?

Leon Clark stated he is only allowed one (1) outside building. He has that. So, these are not containers. They are semi-trailers; they are still on wheels. They can still be moved at any day.

Eric Pointon stated he feels the problem is they're not being moved though.

Melissa Mischke stated right.

Eric Pointon stated he asked when they got this email. . .

Leon Clark stated if they're not being needed to use to go down the road then why should I move them? Just to play musical parking spots?

Eric Pointon stated he's not mad at him about that.

Leon Clark stated he is just saying. What's the reason?

Eric Pointon stated he is just stating the law. Doug, can he paraphrase what he sent him? Actually, it was Ashley or Mike, sorry.

Michael Polan stated it is actually that semi-trailers are not allowed in the residential zoning applied to that parcel.

*Semi-trailers are not permitted in any zoning other than Industrial.*

Eric Pointon stated they need to be moved so often, correct?

Ernie Schmidt stated they can only be there thirty (30) days out of the year. Period. So, for eleven (11) months, he has to get rid of them.

Leon Clark stated he can try.

Ernie Schmidt stated whatever he wants to do with them, but they are only allowed to be on your property in a twelve-month period, for thirty (30) days.

Leon Clark stated this has never been brought up before.

Melissa Mischke stated there have been some complaints also just about the amount of things that are out that it looks trashy and that containment would be desirable, but semi-trailers wouldn't be the first thing that would be appropriate in that neighborhood.

Leon Clark stated okay.

Melissa Mischke stated she knows that they have received a lot of remonstrance about the trailers. A lot of people out there are concerned about the stuff in the yard, rodents, other kinds of varmint.

Leon Clark stated the rodents thing is there are piney squirrels and stuff that chewed up a wiring harness on a car. Nothing to do with him or anything that he has and nothing that he can control. So, that's where this argument came from and he doesn't know what they can do about that, but it's not something he created and not a problem he caused. There are other people in the neighborhood, including some are farmers, but some are not, that have trailers and containers sitting on the ground.

Melissa Mischke stated well, they are speaking about his property tonight. Not what other people in the neighborhood are doing.

Leon Clark stated right.

Melissa Mischke asked if he has vehicles out there that are sitting in the yard?

Leon Clark stated yes.

Melissa Mischke asked if they are registered and current?

Leon Clark stated there are some that are and some that aren't. Yes.

Melissa Mischke stated that's the kind of stuff that they're kind of talking about. There are a lot of items that probably are in violation of County ordinances. If they're chewing up a wiring harness somewhere else, they're probably living in the vehicles that are on your property as well, is the thought.

Leon Clark stated maybe some.

Melissa Mischke stated he is here in front of them for a variance, but a variance for a garage isn't something that he wants to pursue in lieu of the trailers?

Leon Clark stated not at this time.

**Remonstrators:**

Dwight Ames stated his address is 1152 W. 850 S., Union Mills, IN. He is two (2) doors down from Mr. Clark. First of all, he has pictures.

Melissa Mischke asked what he has photos of.

Dwight Ames stated he has photos of the property, air views from Google Earth and from Apple photos. He has some from the ground and they have pictures of the damage and the cost of it to repair two (2) of the vehicles that are parked on his property. His daughter, who came up from Bloomington for a weekend, and also had damage in the three (3) days that she was here.

Melissa Mischke stated he is alleging vehicle damage due to the stuff that's in there?

Dwight Ames stated yes, ma'am.

Melissa Mischke asked if he has any proof that that's where they came from?

Dwight Ames asked how can he prove that it came from his property? That he cannot prove. He can only prove the evidence that was photographed in his vehicles.

Melissa Mischke stated he is speculating that the damage to his vehicles came from rodents from Mr. Clark's property?

Dwight Ames stated yes, ma'am.

Melissa Mischke stated if he'd like to share those photos with them. Great, thank you. Does he have any further concerns while they're looking through his photos?

Dwight Ames stated the concerns that they have in addition to the rodents are the amount of cars and vehicles around the property that are there that also provide housing to rodents and other things throughout that live in them and under them. They have a problem with that. They also are concerned with the possibility of the spread of disease from the rodents that may be there. And the cost to their property and the potential costs if they were to sell their home, that it would cost them money in selling their home.

Melissa Mischke asked if he minds if they hold on to his photos for a few minutes while they continue to look?

Dwight Ames stated certainly.

Melissa Mischke stated okay. Anything further?

Dwight Ames stated that is all that comes to mind right now.

Melissa Mischke stated they can hear from the next remonstrator, if he wouldn't mind having a seat.

Dwight Ames stated not a problem.

Meliss Mischke stated they'll make sure he gets these back.

Dwight Ames stated that's his wife. He will be glad to pause for her.

Jody Ames stated her address is 1152 W. 850 S., Union Mills, IN.

Melissa Mischke stated she has additional concerns.

Jody Ames stated she does.

Melissa Mischke stated go ahead.

Jody Ames stated as he mentioned, they experienced several thousand dollars' worth of damage to their vehicles that were parked in their driveway although they cannot prove they came from the Clark residence. They had pest control come out. They have pictures. There are rat feces. They are not mice. They're not moles. They're not squirrels. They contacted a second pest control to verify that that's what they had and what our problem was. They initially thought the problem was their area because they had been doing some building so that's why they called the pest control to begin with. When it was suggested that it was coming from the junk cars and trailers on that property, her husband, the Dudleys, and Mr. Clark met at the Dudley's home to talk about the issue. He admitted to having rats for over a year, and that he had since gotten rid of a chicken coop, which she is sure helped attract it, but they had contacted their neighbors to explain the problem because at the time they thought it was them. So, to find out that he had had them for over a year and didn't tell the neighbors was very disconcerting. They've contacted the Health Department, IDEM, the Sheriff's Office, the Building Commissioner, other Commissioners. The Sheriff's Office told him to build a fence to keep it from public view. That's not going keep the rodents in place, and it's not going to contain any corrosion from those vehicles that are laying there, sitting there for years. They've been there for years; haven't moved in years. That's contaminating their soil. It's contaminating their water. Their daughter lives with them and has three (3) young children. They open up their car doors and they see rat feces all over their vehicles. Could they imagine putting their children in those cars? She understands that he's no longer cooperating with IDEM or the Health Department.

Melissa Mischke asked if she has any communication copies or anything that she has had with IDEM or?

Jody Ames stated only phone. She thinks she let the Building Commissioner know, but she's only had phone contact with them. The Health Department also has only been phoned. The health risk will continue to grow if that's continued to be allowed. She knows their neighbors, and they will speak too, because they're here. They have respiratory diseases in their home and

hers is a very rare respiratory disease that was just diagnosed a couple of years ago. One of the causes is parasites. She just found that out. She intends to investigate that further because she's never before had a respiratory issue.

Melissa Mischke stated thank you very much. Would she like to take their binder back if she doesn't mind? Thank you.

Melody Dudley stated her address is 1168 W. 850 S., Union Mills, IN. She lives next to the Clark's. As they were told, last winter the Ames let them know that they had a problem and they asked to come over and talk to us about it. They told us about finding rat poop in their cars. So, her husband asked Mr. Clark to come over with Mr. Ames and they talked and she was there and she witnessed Mr. Clark said that he knew about the rats and that he had known about it for about a year. He said that he was putting things around his house to make sure rats did not go into his house, and he was putting poison out to try to kill them. Obviously, that was upsetting, knowing that they live right next door.

Melissa Mischke stated Melody, she is going to stop here. So tonight, the petition is, and she's not trying to diminish the issue with the yard or health concerns, certainly not, but his petition is for three (3) trailers for storage. So, does she have something specific to this storage that she is against and why?

Melody Dudley stated well, it doesn't look pretty and it's obviously an eyesore and is not good for their property value. In fact, when they initially bought their house, they went to the house and they were shocked at how much money they wanted for the house, so they walked away and it was because they couldn't find a house elsewhere that they ended up coming back to it and they figured they'd make the best of it. They haven't solved the rat situation, so they've just tried to ignore it the best they could, but it has gotten worse over the years. She has pictures as well that they can see from her yard.

Eric Pointon stated they were time stamped from 2011 to now.

Melissa Mischke stated she thinks they all got an email with them.

Melody Dudley stated oh, those weren't hers because she has other pictures. They are from her yard. Do they want to see them?

Melissa Mischke stated sure. Thank you.

Melody Dudley stated she also had in mind that he was throwing food outside for the animals as well.

Kip Sensow stated his address is 1218 W. 850 S., Union Mills, IN. He just wanted to say he is opposed to this variance due to aesthetics and it has been getting worse throughout the years. He does currently have a special needs son who lives at home who is immune compromised so it is concerning to him of everything that's been taking place throughout the years.

Catherine Flannery stated she lives with her husband James at 8709 S. 100 W., Union Mills, IN. Mr. Clark's property butts up against theirs. Just this past October 12<sup>th</sup> of this year, they took pictures from a drone from their property line, showing that he already has the trailers. They have been there quite a while. They've been there since 2006. They are against this variance. When they bought their house, they were informed it's a residential property. They were not informed that it's a trucking company, a trucking storage company, an auto sales place. So, they would like to have this variance denied. They do feel that it devalues the property value. Everything that Mr. Clark has in his yard, they do not think will be able to fit in the current three (3) trailers, as they can see from the pictures. She is willing to show them the pictures that they just took last week. If he wanted storage, he could build a pole barn or other garages. He has over two (2) acres of property in order to do so and could apply for a variance to do a separate structure. Thank you and have a nice evening.

Melissa Mischke stated thank you.

Catherine Flannery asked if they would like to see the pictures?

Melissa Mischke stated she thinks they've probably seen it. It's very similar to the ones they have already seen.

Catherine Flannery stated she just wanted to make sure that they have updated ones that it was just this past week.

Melissa Mischke stated thank you. Leon, come back up. She is going to say her concern is she agrees with the lady that was just up. She doesn't think the three (3) trailers are going to hold all that stuff.

Eric Pointon stated he is guessing the three (3) trailers are already full.

Leon Clark stated they're not going to hold everything. No, they were not intended to hold everything. He has been taking like two (2) or three (3) vehicles and making one (1) good one (1) and then scrapping the rest just kind of a side thing that makes money. As far as the rat thing, when he was approached with this and they were blaming him, he never said that he had seen rats or had rats. He said He had put d-CON and stuff out for mice. He can see the little piney squirrels rolling across the yard every day.

Melissa Mischke stated sure. He lives out in the country; it's farm area.

Leon Clark stated right. There are groundhogs, but as far as having rats. . .

Melissa Mischke stated let her ask him this, would he consider a pole building? Is that something he would consider in lieu of these three (3) trailers?

Leon Clark stated possibly, but he means the three (3) trailers. . . He doesn't understand exactly.

Melissa Mischke stated she is hoping that with a pole building, he can get more things inside and out of the yard. It does, it looks like a junkyard. Those things, they can send the Sheriff's Department out to start citing for vehicles that aren't registered or plated and insured. There are all kinds of things that he is violating, but she would like to see if they can't get some more things inside a physical structure.

Leon Clark stated he has been working on that.

Melissa Mischke stated if it would be agreeable to the rest of the Board and someone wants to include it, she would waive the application fee if he wanted to do a pole building.

Attorney Biege stated she can't do that.

Melissa Mischke stated she can. They have in the past.

Michael Polan stated he'll do it for her.

Melissa Mischke stated thank you.

Eric Pounton stated thanks a lot Mike.

Melissa Mischke stated she appreciates it. What kind of questions do they have?

Vern Schafer stated this is a larger problem than the petition that's in front of them. They've been asked for a variance to let him keep those semi-trailers there. He doubts very seriously whether that's going to pass. So, let them just get to the crux of the problem here is that he has to clean up his act a little bit, and he has to get along with his neighbors. So, he strongly suggests that. He can't tell him to do it, but they all have to get along with people around them. If they're going to make a motion and vote on this particular variance, but if he wants to come before the Zoning Board again and try to get a building permit, he thinks that would be, if they have to give him a variance for that, they can probably work that out, but he wants to make these suggestions to him that they need to get this area cleaned up a little bit.

Ernie Schmidt asked if he has contacted his trustee to see what they can do for him to help him clean up this area? The trustees have. . .

Melissa Mischke stated the township trustee.

Leon Clark asked as far as what does he mean? As far as moving the vehicles and stuff?

Melissa Mischke stated yes.

Ernie Schmidt stated yes. They have all kinds of guidance that they can help him with and that would be a better person to talk to than the Sheriff's Department because that's their job to keep the township clean. They have funds. His particular thing with the semi-trailers. . .



Melissa Mischke stated thank you. They need to bring it back to the trailers.

Ernie Schmidt made a motion to deny the Petition for Variance of Developmental Standards for Leon and Patricia Clark for placement of 3 semi-trailers for storage. The trailers must be removed by January 1, 2026. This property is located at 1206 W. 850 S., Union Mills. IN., Noble Twp., zoned A on 2.44 acres.

Jeff Baltes seconded.

All Approved. Motion carries 5-0.

Melissa Mischke stated okay, so no trailers and he has until the beginning of the year to have them removed from him property.

Leon Clark stated okay.

Melissa Mischke stated if he decides he wants to go the other route, contact the Building Department. If he wants to do a structure.

Ernie Schmidt stated if he wanted to build a pole barn and get this stuff under roof, that would make a lot of people happy.

Melissa Mischke stated okay. Thank you very much.

Leon Clark stated thank you.

**7. Petition for Variance of Developmental Standards for Kevin Bluhm** for construction of an attached garage with a side setback of five (5) feet instead of the minimum ten (10) feet required. This property is located at 3377 S. St Rd 104, LaPorte, IN., Pleasant Twp., zoned B1 on .81 acres. Parcel 46-11-23-280-004.000-057.

Attorney Biege stated notice is adequate.

Kevin Bluhm stated his address is 3377 S. State Road 104, LaPorte, IN. He is looking for a variance to build an attached garage off the house that he has. He would like to have a five foot (5') setback instead of the ten (10') because the garage size with the three-foot (3') walkway coming out of the house to have a comfortable two (2) car garage. That's the basic gist of it. It will be sided the same as the house. Aesthetically, it'll look the same. It will be attached to the house. It'll have the full foundation and it's approximately twenty-eight by thirty-four (28' x 34').

Melissa Mischke stated so kind of where that sidewalk is at on the west side, that's the side they are talking about?

Kevin Bluhm stated yes, it would be towards the Main Street side or the north side.

Melissa Mischke stated okay. Yes, that is the same side she is looking at.

Ernie Schmidt asked if that is going by the fence.

Kevin Bluhm stated yes. It will be five-foot (5') off the fence. The fence is exactly on the property line.

Ernie Schmidt stated one (1) of the main problems with that is he has to have some kind of way to provide for the Fire Department to get from the front of the house to the back of the house.

Kevin Bluhm stated he has an "L" shaped property. The Fire Department can drive straight out of the doors into his back yard.

Melissa Mischke stated it looks like access is not an issue.

Kavin Bluhm stated he actually has an "L" shaped property. He has a pole barn building out back on his property so he doesn't really need. . . He has access off of Main Street to his property and 104.

Ernie Schmidt stated okay.

Kevin Bluhm stated he thinks that would clarify what he needed here.

No remonstrators present.

Vern Schafer stated Keep in mind that if he runs closer to his property line than ten feet (10'), that is mostly so he keeps his water on site.

Kevin Bluhm stated he understands.

Vern Schafer stated if they grant him this variance, he would say to make sure that the water from the roof doesn't go on his neighbor's property.

Kevin Bluhm stated he can make sure of that.

Vern Schafer made a motion to approve the Petition for Variance of Developmental Standards for Kevin Bluhm for construction of an attached garage with a side setback of five (5) feet instead of the minimum ten (10) feet required. The water runoff must be kept on site. This property is located at 3377 S. St Rd 104, LaPorte, IN., Pleasant Twp., zoned B1 on .81 acres.

Eric Pointon seconded.

Approved. Motion carries 4-1.

**8. Petition for Variance of Use for Bats Inc C/O Stephen F Cooper** for operation of a small events; wedding venues, dinners. This property is located at 11341 W.

Snyder Rd., Westville, IN., New Durham Twp., zoned A. Parcel 46-09-06-200-004.000-027.

Attorney Biege stated notice is adequate.

Natalie Cooper stated she is one of the owners of 11341 Snyder Road in Westville, IN.

Melissa Mischke stated to tell them about her plans for The Woodlands. Cooper Farm.

Natalie Cooper states yes. The business plan is way too long, so she apologizes.

Melissa Mischke stated if she just wants to hit the highlights for them and if they have questions, they're going to get some questions.

Natalie Cooper stated yes. So, the request for a zoning variance stems from personal and practical need. This has been a property in her family since the early 1950s. It's a substantial amount of property, just about six hundred (600) acres in Otis. Due to the cost of having that much property, they need to generate some sort of revenue. There is a one hundred and forty-five (145) year old barn on the property that they don't want to dismantle. They want to preserve. They have a love for nature and conservation. In order to do that, they need to generate revenue. Weddings, small events, farm-to-table dinners is part of the agrotourism plan that she has for the farm to keep the property and the family and keep it going for generations. It is still a working farm, about fifteen percent (15%) of it is farmed, the rest is natural forestry. About ninety-two (92) acres are in the conservation reserve program and they keep it natural to this day. They're not building on it, they're not polluting it, and they'd like to keep that going. That is where The Woodlands come into play.

Melissa Mischke stated so they're looking at weddings, special events, things of that nature. She sees that they have a parking plan, which she really appreciates. How many are they talking about for capacity?

Natalie Cooper stated as far as guests, two hundred (200). She has space for more, but they don't want to get too big.

Melissa Mischke stated they did get one (1) letter of remonstrance which is going to be available at the Building Department if they would like to view that. If she could take a seat, they'll see if they have any remonstrators. It looks like they have at least one (1).

#### **Remonstrators:**

Nick Merkel stated his address is 11602 W. Snyder Rd., Westville, IN. They are pretty much landlocked around their six hundred (600) acres including an easement that goes to the property behind us. As far as the conservancy goes that they just listened to, the first thing that they did when the old man passed away was logged it. So, he has serious concerns about what's going on there for one (1). This has been an operational business for well over a year. He would urge the council to go on social media, to go to their websites and look at the multitude of events they've

already hosted. If they drive down the road they're going to see signs for event parking. All the buildings that are there, they're all new. He has serious reservation that they've even pulled any building permits for any of this stuff, let alone sought a variance prior to opening and operating a business, not just one (1) business, but two (2) businesses. They have a property located according to their website at 10606 W. 100 S. that operates as an Airbnb. They can find that on the Airbnb website. That is The Hideaway at Cooper Lake, along with this other one (1) that they're mentioning here, The Woodlands. So, if they look at their event venue, there's a Woodland Sanctuary, there's a Leo's Barn and Courtyard, there's an Arlene's Barn, there's the Landing, there's the Milk Barn, and there's the Bridal Suite. One hundred and sixty-two (162) Instagram posts, dating back to the first post on December of 2024. Multiple events. Multiple events serving alcohol.

Melissa Mischke stated before they get too far, can he come up and mark where his property is at, just so they have a better idea.

*Nick Merkel approaches the Board and indicates where he is located in relation to the Bats property map.*

Nick Markel stated it is off this map. That is why he couldn't find it.

Ernie Schmidt asked where they are at.

Melissa Mischke stated it is off the map, but to the south.

Nick Merkel stated where they're located, Reynolds Creek cuts right through the center of their property. They have four (4) acres there, just a hair under four (4) acres. They've had it for five (5) years. It's absolutely gorgeous. It's their sanctuary. That's where they spend their weekends. They don't live there. That's where they spend their weekends. There's no noise pollution. There's no light pollution. On Snyder Road itself, where this venue is already located and operating, it's a very dangerous road at the top of the hill with a blind s-curve, so they're just going to add. . . They said two hundred (200), website says three hundred (300), no doubt they've had three hundred (300) there. Alcohol is in all the photos. There's red wine and there's Stella. Do they have a liquor license? Has there been a traffic study? Did they pull any building permits to build any of this stuff? What about environmental impacts? They're big conservationists, right? They have one (1) labeled as the wetland sanctuary that holds three hundred (300) guests. Okay, what is that doing to the wildlife in their area that we enjoy so much? They have this place that they have because they like the solitude. They like that it is zoned residential. Right now, it's operating as commercial property and thumbing their nose at this Board.

Melissa Mischke stated okay. What kind of questions do they have for Natalie?

Ernie Schmidt stated when they go off of Snyder Road there, do they have a house right on the edge of the road.

Natalie Cooper stated that house is where her father used to live. He passed away. She believes what her neighbor was referred to as the old man, that is her father Terrance Cooper and he passed away.

Ernie Schmidt asked if they own that property.

Natalie Cooper stated no. That property has been in the farm until 2024, until it was. . . she actually has a copy of the settlement right here. They siphoned off two-point-four-one (2.41) acres for the woman who was married to her father, and that was separated from the farm, but she has since vacated that home. She no longer lives there and she no longer lives in LaPorte County. They, in the settlement agreement, the farm has first right of refusal to that home so hopefully someday it will be back with the farm, but it is currently vacant.

Ernie Schmidt stated he was just wondering if they were sharing the driveway or something.

Natalie Cooper stated yes, the driveway belongs to the farm and the person who lived in that home has an easement to use to get into the driveway.

Ernie Schmidt stated okay. Thank you.

Jeff Baltes stated the one (1) remonstrance letter they got was from the person that owned that house.

Melissa Mischke stated that is what she was pulling up right now.

Vern Schafer stated from what he is hearing it sounds like they are asking for forgiveness instead of permission.

Natalie Cooper asked if she can respond to the accusations.

Melissa Mischke stated sure.

Natalie Cooper stated if the website says three hundred (300) people they do have the capability to do that, but they have not had any even more than one hundred and fifty (150) people. The multitude of events which were mentioned, they have had a total of three (3) weddings and three (3) farm-to-table dinners. The three (3) weddings were friends, members of their church and not anything big. One (1) of the three (3) weddings was a dry wedding; there was no alcohol. As far as permits go, she is constantly in touch with the Building Department, the Health Department and ATC in Indianapolis. All of their permits have been submitted and approved. The two (2) weddings where alcohol was present, they had a Michigan City Police Officer and they also had a Sheriff's Deputy attending the other wedding. Sheriff Ron Heeg has signed off on their events that have alcohol. The Health Department has visited and approved their farm-to-table dinners. She checked with the Building Department before the weddings took place and since they were on private property and they were friends, they were allowed. They are trying to save this property. When they talk about when the old man dies and they began logging it was because the old man mismanaged the farm and they were completely broke. So yes, they hired a logging

company to come on the south side of the property so that they could harvest some timber as a means of last resort. She will also say that as far as the buildings on the property, the only new building is the fifteen hundred square-foot (1,500<sup>2</sup>) pole barn that was built in 2018. The home was built in 1995, but technically is not part of the farm any longer. The other buildings are circa 1880.

Melissa Mischke stated that's fine. The problem is that they've been advertising this as a commercial business since she's looking at their Facebook page right now, since at least 2024.

Natalie Cooper stated she can explain that.

Melissa Mischke asked if that is true? They've been operating it as a commercial business previous to 2024.

Natalie Cooper stated not commercial, just for private events.

Melissa Mischke stated so when it says come book your late summer party now, that's for their personal friends.

Natalie Cooper stated no, she's sorry. She would say that she is asking for forgiveness for that. That wasn't her intention.

Melissa Mischke stated okay. What other questions do they have?

Vern Schafer asked if they have facilities on this property for septic and do they have those kinds of facilities for a kitchen or preparing meals for. If they have a crowd of two hundred (200) people and they're eating, they're going to want to use the restroom. Do they have restroom facilities?

Natalie Cooper stated they currently have mobile restrooms for the guests. There are septic fields already installed, but they're not used for events because they can't handle two hundred (200) people. They do have a plan for the septic field, which is on the site plan. So, hopefully one (1) day I'll generate enough revenue to put the septic field in. All of the improvements that they have made have been permitted by the Building Commission. So anything that they have done, they have been inspected and approved by the Building Commission.

Vern Schafer asked if this is true?

Michael Polan stated yes. The newest building he believe was in 2018 which was permitted and the other ones are old.

Jeff Batles stated just out of curiosity, the event center that they're operating out of, is that the new pole barn from 2018? Or are they using some of the older facilities?

Natalie Cooper stated they're basically just from April through October, they have a three thousand square foot (3,000<sup>2</sup>) concrete courtyard. The goal is to be outdoor. The barn, they redid

the lower-level floor to use as kind of like an open-air sort of venue. They don't have the revenue now to fully remodel the barn.

Melissa Mischke asked who lives on the property full time?

Natalie Cooper stated full time, they do not live on the property full time.

Melissa Mischke stated okay.

Vern Schafer stated as far as the comment about the logging and stuff, it's their farm. They can do what they want with it. That's not an issue with him as far as having to log out and their family needing to do that. That's fine because that's their property. And as far as if somebody else wants to look at the wilderness venue or whatever, they don't own it, that's not their right to control her property.

Natalie Cooper stated she does apologize if what they have done has been a nuisance or interfered with her neighbor. She wasn't aware of that and she does apologize. They do have event signs up so that people use the new entrance to not cause interference with the old service entrance, which is at the top of a steep hill.

Eric Pointon stated a lot of times when they see something like this, they have kind of in the business plan possibly or whatever, but it kind of says exactly what they're asking for with hours, dates, time of year. They're going to want to sign because there's already a sign there. They need a variance for that as well. All those things, they kind of need a plan for that. A specific plan for them to be able to say, this is what they'll give them.

Natalie Cooper asked for the sign?

Melissa Mischke stated for all of it.

Eric Pointon stated the sign, the hours of operation that if it's going to be X date through X date and then 7 a.m. To 10 p.m., whatever.

Jeff Baltes stated as far as parking lot lighting. All of it.

Eric Pointon stated yes, parking lot lighting. He sees the plans and he sees the things, but parking lot lighting probably. Lighting through the driveway from the entrance to the parking lot. All those things.

Natalie Cooper stated yes. They did recently reach out to NIPSCO to have a street light installed so they are in the process of going through that.

Eric Pointon stated that's fine. Getting the job done is one (1) thing, but she needs to tell them exactly what she is asking for. They can't make her business plan for her. She has a business plan. He understands that, but to come to them, they have to have specifics like the sign, the sign size. She would say she is looking to put up a forty-eight by forty-eight (48" x 48") or whatever

their sign is. They say yes or no; it's already there so he would probably just measure it and say what they're looking for. Their hours of operation. Is it Monday through Saturday?

Natalie Cooper stated she is looking for. . .

Eric Pointon stated sorry.

Natalie Cooper stated no, no. Trust her, she needs all the help she can get.

Vern Schafer stated the problem that he has with any of it is that they are operating, but they don't have. . . What they're looking at here is their plan, but it's not already in place. So they are operating without having their plan in place.

Natalie Cooper stated she apologizes about that. That was something that she must have misunderstood. They are operating on a small scale. She has had a responsibility to her investor who has invested a substantial amount of money to prove that there is a market for this and that people would come to Otis for their weddings. She can't do the improvements that she needs to make without capital from her investor unless she can show him that there's interest and drive in the community. The few events that they have had in promoting is an effort to prove to their investor that this is worth it and it can work.

Vern Schafer stated that being said, they can't operate until they grant approval to this venue, then it has to be constructed properly before they can grant them the permission to operate it.

Natalie Cooper stated yes. As far as she understood through the inspections and site visits from the Building Commissioner, she thought that she was doing that correctly. And as Madam President stated at the beginning, she then is asking for forgiveness because she didn't properly execute the process.

Eric Pointon stated he can understand that and she has been working with the office. Owning and operating a small business is difficult. He understands that.

Natalie Cooper stated thank you.

Melissa Mischke asked if she has what days of the week they want to operate, hours of operation? Does she have that information or does she feel more comfortable revisiting it next month?

Natalie Cooper stated she would like to operate Thursday through Sunday from 10 a.m. until 11 p.m. and 11 p.m. is when they would want everyone to be gone by.

Eric Pointon stated sorry, they have gone through this with others. He's not going to tell her, but they don't necessarily want to limit themselves if they are trying to have like a sports team come on a Tuesday night or something of that nature. That's the point he was trying to make earlier was they really want to think about what they're asking for so they don't have to come here and ask for it again.



Natalie Cooper stated yes. So, hours of operation. . .

Melissa Mischke stated the size of their sign. If they would like to keep the sign, then they need the size of their sign. If she contacts the Building Department, she is sure they can walk her through other issues. That is why she is suggesting maybe they table it until next month. That would give her some more time to prepare a little bit better and not feel like they are rushing anything.

Natalie Cooper stated oh, no. She appreciates that.

Eric Pointon stated he likes the idea. He is not trying to put it down.

Natalie Cooper stated oh, no. Thank you.

Eric Pointon stated he just needs a clear motion to be able to do this, otherwise they're going to keep coming back.

Natalie Cooper stated she wants to do whatever she has to do to get this approved because her family's livelihood depends on it. So, if they want her to come back next month with hours of operation, sign size, a better lighting plan, she is happy to do that.

Eric Pointon stated he thinks they need that and maybe make up with their neighbors in the meantime.

Natalie Cooper stated yes, she is very sorry and she is happy to speak with them.

Melissa Mischke stated there we go. Focus her conversation to the Board.

Eric Pointon made a motion to table until November the Petition for Variance of Use for Bats Inc C/O Stephen F Cooper for operation of a small events; wedding venues, dinners. This property is located at 11341 W. Snyder Rd., Westville, IN., New Durham Twp., zoned A.

Vern Schafer seconded.

All Approved. Motion carries 5-0.

Melissa Mischke stated Natalie, they will see her next month.

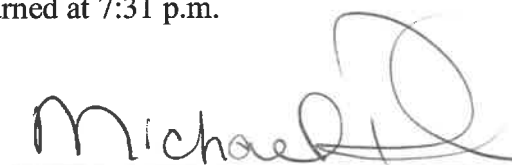
Vern Schafer stated talk with Ashley and make sure that she gets all of the stuff together that they need so that they don't have to hash this over so many times.

Natalie Cooper stated yes, sir.

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

There being no further business, meeting adjourned at 7:31 p.m.

  
Melissa Mullins Mischke, President

  
Michael Polan, Recording Secretary